

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1112 Session of  
2018

---

INTRODUCED BY BROWNE, FONTANA, BREWSTER, SCHWANK, REGAN, MENSCH,  
FOLMER AND WARD, AUGUST 13, 2018

---

REFERRED TO JUDICIARY, AUGUST 13, 2018

---

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 further providing for definitions, for informal hearing and  
4 for disposition of dependent child.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 6302 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding definitions to read:  
9 § 6302. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have, unless the context clearly indicates otherwise, the  
12 meanings given to them in this section:

13 \* \* \*

14 "Child in foster care." Either of the following:

15 (1) A child who is the care and responsibility of the  
16 Commonwealth and placed in foster care, as defined in 45 CFR  
17 1355.20 (relating to definitions), pursuant to section 6351  
18 (relating to disposition of dependent child) or 6352  
19 (relating to disposition of delinquent child).

1           (2) A child placed pursuant to a voluntary placement  
2 agreement under 55 Pa. Code § 3130.65 (relating to voluntary  
3 placement agreement).

4           \* \* \*

5           "School stability." The right of a child in foster care to  
6 attend either of the following:

7           (1) the school the child currently attends; or

8           (2) the school the child attended when initially placed  
9 by the county agency.

10          \* \* \*

11          Section 2. Sections 6332 and 6351 of Title 42 are amended by  
12 adding subsections to read:

13 § 6332. Informal hearing.

14          \* \* \*

15          (c) School of child while in shelter care.--The following  
16 shall apply to situations in which a child is placed in shelter  
17 care that would otherwise result in the child attending a new  
18 school:

19           (1) The court shall ensure that the child shall remain  
20 in the school the child attended immediately prior to  
21 placement, unless the court determines that remaining in the  
22 same school would be contrary to the child's safety or well-  
23 being.

24           (2) In making a determination under paragraph (1), the  
25 court shall consider the wishes of the parent or other  
26 legally authorized education decision maker and, where  
27 appropriate, the wishes of the child.

28 § 6351. Disposition of dependent child.

29          \* \* \*

30          (b.2) Required preplacement findings regarding school

1 stability for children placed in temporary legal custody.--The  
2 following shall apply to situations in which a child is placed  
3 in temporary legal custody that would otherwise result in the  
4 child attending a new school:

5 (1) Upon any proposed or actual change in placement or  
6 upon request of any party, the court shall determine and make  
7 findings on the record regarding whether school stability is  
8 in the child's best interests. The following apply:

9 (i) The court's determination may be made during the  
10 initial disposition hearing. The issue of the child's  
11 best interests may also be brought before the court at  
12 any time.

13 (ii) In making a determination, the presumption  
14 shall be in favor of providing the child school stability  
15 unless the court determines that remaining in a prior  
16 school is contrary to the safety or best interests of the  
17 child.

18 (2) Transportation to maintain school stability shall be  
19 provided in accordance with all requirements set forth in the  
20 act of March 10, 1949 (P.L.30, No.14), known as the Public  
21 School Code of 1949, and any applicable contractual  
22 agreement.

23 \* \* \*

24 (k) Applicability.--The provisions of subsection (b.2) shall  
25 apply to any child in foster care.

26 Section 3. This act shall take effect in 60 days.