



OFFICE OF CHILDREN, YOUTH AND FAMILIES BULLETIN

COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE

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SUBJECT:

Implementation of Act 68 of 2005, (The Resource Family and Adoption Process Act), Act 73 of 2005, (The Resource Family Care Act), and Act 76 of 2007

BY:

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SCOPE:

County Children and Youth Social Service Agencies
Private Children and Youth Social Service Agencies

PURPOSE:

The purpose of this bulletin is to provide clarification and direction to both public and private children and youth agencies (agencies) regarding the implementation of their legal responsibilities to the resource families with whom they work to provide resource family care for children in the custody of the county children and youth agency.

BACKGROUND:

On November 16, 2005, Governor Edward G. Rendell signed Act 68 of 2005, known as the Resource Family and Adoption Process Act, into law. The intent of this Act is to insure that resource families, interested in becoming an adoptive resource for a child in their care, received fair consideration as a permanent resource. This Act became effective on January 15, 2006, and the Department subsequently issued a letter to Children and Youth Agency Administrators regarding this provision on May 11, 2006.

Also referenced in this bulletin is Act 73 of 2005, known as the Resource Family Care Act, signed into law by Governor Edward G. Rendell on November 22, 2005. This Act was intended to acknowledge the value of resource families by establishing specific mandated responsibilities for agencies in how they collaborate with resource families, thereby insuring productive and respectful treatment. Anticipated benefits of improving the working relationship between agencies and resource families are an increased retention rate of resource families, and an enhanced quality of care to the children they both serve. The Act took effect on January 21, 2006, and the Department issued a letter to Children and Youth Agency Administrators on February 16, 2006.

Lastly, through President George W. Bush's signing into law the Safe and Timely Interstate Placement of Foster Children Act of 2006 on July 3, 2006, which was effective October 1, 2006,

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

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resource parents were given the right to be notified of court proceedings relating to the child(ren) in their care, as well as the right, rather than the opportunity, to be heard in court proceedings.

To insure that this important change was reflected in State statute, Governor Edward G. Rendell signed Act 76 of 2007 into law on December 18, 2007, amending §6336.1 (relating to Notice and hearing) of Title 42 of the Pennsylvania Consolidated Statutes, known as 'The Juvenile Act'. The statute now requires that resource parents be provided the right, rather than the opportunity, to be heard. On May 12, 2008, the Department issued OCYF Bulletin 99-08-01, entitled Implementation of the Safe and Timely Interstate Placement of Children Act of 2006, which addresses many of the new requirements under this Federal statute.

DISCUSSION:

For some county and private agencies, most of the provisions of these Acts were already incorporated into their own best practice, if not actually codified in an agency manual or foster parent handbook. For other agencies, the required practice points were assumed to occur, but there were no clear agency protocols in operation. To begin to address this lack of consistency, representatives from the Pennsylvania State Foster Parent Association (PSFPA), now known as the Pennsylvania State Resource Family Association (PSRFA); the Pennsylvania Council of Children, Youth and Family Services; and the Pennsylvania Children and Youth Administrators convened for roundtable discussions. Their initial meetings produced a comprehensive document that recommended guidelines for implementation of best practice measures that would include the legislative mandates. Most of those guidelines were then incorporated at later meetings into a "Model Agreement of Mutual Rights and Responsibilities". A copy of this agreement, approved by the Department, appears as Attachment A.

POLICY AND PROCEDURES:

The Office of Children, Youth and Families (OCYF) expects all public and private social service agencies that approve resource families to have in place written protocols that document how the agencies insure that the following provisions of Act 68 of 2005, Act 73 of 2005 and Act 76 are standardized as part of the agency's best practice:

- Notification of scheduled meetings to allow resource families to actively participate in the service and permanency planning for the child(ren) in their care;
- Provision of support services consistent with the child(ren)'s permanency plan to assist the resource parents in caring for the child(ren);
- Timely, open and complete responsiveness from the agency when contacted by a resource family regarding their role and their care of the child(ren) placed in their home;
- Provision of information about the child(ren)'s medical, behavioral and familial history as soon as obtained by the agency/provision of information about education, experiential and placement history of the child(ren) within a reasonable amount of time;
- Consultation with the resource family in developing the child(ren)'s permanency plan;
- Consultation with the resource family in the decision to release their address to the child(ren)'s parent, and notification prior to any such release;
- Assistance with the coordination of services to the family, as needed, to help in dealing with the loss of, or separation from, (a) child(ren) in their care, as long as the removal

- was not due to an immediate threat to the health or safety of the child(ren) by the resource family;
- Provision of all written agency policies or procedures related to resource family roles;
 - Provision of appropriate training to enhance the skills and performance of the resource family;
 - Provision of information on how to receive services and reach agency personnel 24 hours a day, 7 days a week;
 - Assurance of confidentiality regarding any abuse allegations made about a resource family household member, as long as such assurance does not compromise the safety of the child;
 - Provision of the opportunity for resource parents to be heard regarding agency decisions and practices involving the child(ren) in their care/assurance that the agency will in no way discriminate or retaliate if resource parents make appropriate inquiry about such decisions or practices;
 - Inclusion of a resource family, if interested, as an adoption interview candidate for (a) child(ren) whose goal has been changed to adoption, and who has/have resided in the resource family home for at least six months, as well as an explanation of the criteria for selection, if another family is chosen by the decision-making agency;
 - Assurance that the resource family's right to be notified of any court proceedings related to the child(ren) in their care happens as soon as the agency receives the information; agencies should consider assisting resource parents in how to prepare for court, and in becoming more comfortable with court appearances;
 - Assurance that the right of the resource family to be heard during any court proceeding related to the child(ren) in their care is preserved and encouraged in a proactive manner; and
 - Assurance that no resource parent shall be denied consideration as an adoptive resource solely because the resource parent cannot be accessed as a resource parent in the future.

Agencies are required to amend their policy and procedures to comply with these Acts, and must have a standard document that lists out all of these provisions, and that can be provided to prospective resource family applicants for thorough review prior to approval. A signed copy of the document must be part of the approval process. Agencies may choose to use an adapted version of the attached model agreement with its signature page. Having a signed copy of the model agreement in the resource family record assures that agencies are fulfilling the legislative mandate to provide a copy to the resource family, and provides agencies with a signed agreement by the resource families that agency expectations are understood.

Attachment A

**Model Agreement of
Mutual Rights and Responsibilities**

The following is suggested model language which can be added to the agreement between an agency and resource parents, including foster, kinship and adoptive parents, to address the requirements of Act 68 of 2005, Act 73 of 2005 and Act 76 of 2007.

1. Both [the Agency] and resource parent(s) will interact with each other with consideration, respect and fairness and mutually work to develop and maintain a positive working relationship.
2. [The Agency] will treat resource parents as part of the team in caring for the child(ren) served and agree to work collaboratively to ensure their safety, permanency, and well-being.
3. [The Agency] will respond in an open, complete and timely fashion when contacted by the resource parents regarding questions, issues or concerns about their role and/or the care of the child(ren) in their home.
4. [The Agency] will inform the resource parents regarding the child's medical history, mental health diagnosis, general behaviors, relationships between the child and his/her parents, educational history, life experiences, and previous and prospective placement circumstances to facilitate the resource parents' care for the child. The availability and timeliness of this information being available to [The Agency] will affect how quickly it can be shared with the resource parents. [The Agency] will continue to update the resource parents as appropriate when additional information is received.
5. Resource parents have the **right** to be notified of any court proceedings related to the child(ren) in their care as soon as [The Agency] knows when such proceedings will occur. Additionally, (The Agency) will provide resource parents as much notice as possible of scheduled meetings regarding the child(ren) in their care, to facilitate their participation in all case planning and decision-making processes, including Individual Service Plan (ISP) meetings.
6. Resource parents are expected and encouraged to attend meetings and to actively participate and offer input into the service and permanency planning process regarding the child(ren) in their care. Resource parents agree to implement and/or facilitate the actions stated in the ISP to the best of their ability, and to notify (The Agency) of any need for technical assistance and/or support services.
7. [The Agency] will work with the resource parents to identify, facilitate, arrange and/or provide support services to assist in the care of the child consistent with the child's ISP. Such support services include, but are not limited to, medical and dental care, mental health and/or substance abuse evaluation and/or treatment, and social work services. Individualized educational planning and services will be determined and implemented in mutual cooperation with the child's legal parent(s), school staff, [Agency] staff and resource parents.
8. The resource parents agree to provide transportation for the child to and from any appointments, including for medical and dental care, therapy, evaluation, counseling, education and/or any other care, treatment, or service appointment. Resource parents also agree to provide transportation to and from meetings regarding the child in their home, including ISP and court reviews. [The Agency] will work with the resource parents to arrange transportation, as needed.

9. [The Agency] will provide orientation information, including a review of Agency policies and procedures, applicable state regulations or statutes, emergency and non-emergency Agency contact information and protocols, and instructions on how to receive services. In addition, [the Agency] will provide on-going direction, supervision, and in-service training for resource parents to maintain continued understanding of mutual expectations, roles, and needs.
10. The resource parents agree to ensure the confidentiality of all information provided to them about the child and his/her parents and/or extended family, and to only share information received from the child and his/her parents and/or extended family with Agency staff or other professionals (i.e. physician, therapist, etc.) as appropriate. The resource parents also agree to be supportive of a child's relationship with his/her birth family and treat and/or speak of them with consideration and respect.
11. In accordance with state regulations, [the Agency] will provide the name, address and phone number of the resource parents to the parents of the child in their home, unless doing so (a) is restricted by court order, (b) threatens the health and well-being of the child or resource family, or (c) if [the Agency] is able to document a plausible basis for refusing such disclosure. [The Agency] will advise the resource parent as to the timing of the release of this information and will be available to address any concerns the resource family may have regarding this process.
12. Upon request, [The Agency] will work with the resource parents to assist with the coordination of services needed to address family loss and separation issues stemming from a child leaving the resource family's home, when such relocation is not the result of an immediate threat to the health and safety of the child caused by the resource family.
13. In the event that the goal for a child who has resided with the resource parents for at least six (6) months is changed to adoption and the resource parents are interested in being an adoptive resource for the child, [the Agency] will ensure that the resource parents are interviewed and considered by the appropriate county or private agency. When more than one adoptive resource is available, the Agency shall document the basis for selection of the adoptive family resource for the child in the child's case record. The agency shall share information regarding the criteria used in the selection of the adoptive family with the resource parents within the limitations of confidentiality provisions.
14. Resource parents agree to complete a minimum of [six (6)] hours of training annually as required by state regulations or in compliance with [The Agency] policies to enhance their skills and abilities in areas requested and/or deemed necessary. Resource parents are encouraged to seek additional training above the minimum requirements in order to further enhance their performance and abilities in fulfilling their roles and responsibilities.
15. According to state law, [The Agency] staff are mandated to report child abuse. In the event that an allegation of abuse is made regarding a resource parent or member of their household, [the Agency] will follow protocols in reporting the allegation and ensuring the safety of the child. [The Agency] will ensure that information pertaining to the report is kept confidential and released only in accordance with state regulation. The Agency policies will be shared with the resource parents.
16. Resource parents have the **right** to be heard in any court proceedings related to the child(ren) in their care, and should be provided the opportunity to be heard regarding Agency decisions or practices involving a child(ren) residing in with their home. [The Agency] will not discharge, threaten or otherwise discriminate or retaliate against the resource parents for an appropriate inquiry regarding such decisions or practices.
17. [The Agency] will provide a copy of this Agreement to the resource parents upon their approval as a resource family, along with a copy of the responsibilities enumerated in Act 73, the Resource Family Care Act and Act 68, the Resource Family and Adoption Process Act.

