



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 1271 Printer's No. 1837

Prime Sponsor: Senator Browne
Committee: Judiciary

SYNOPSIS:

This bill amends Title 42 (Judiciary and Judicial Procedure) to address the school attendance of a child placed in detention or shelter care.

SUMMARY:

Informal Hearing

Current law requires a court to conduct an informal hearing promptly and not later than 72 hours after a child is placed in detention or shelter care to determine (1) whether detention or shelter care is required to protect the child or others, (2) whether allowing the child to remain in the home would be contrary to the welfare of the child, and (3) if the child is alleged to be delinquent, whether probable cause exists that the child has committed a delinquent act.

In the event that a child is placed in shelter care that would result in the child attending a new school, this bill requires the court to ensure that the child remains in the school the child attended immediately prior to placement, unless the court determines that remaining in the same school would be contrary to the child's safety or well-being. In making this decision, the bill requires the court to consider the wishes of the parent or other legally authorized decision maker and, where appropriate, the wishes of the child.

Disposition of Dependent Child

If a child is found to be dependent, current law grants certain options and imposes certain requirements on the court. The court may permit the child to remain with parents or guardians or transfer legal custody to another individual or agency. Before removing a dependent child from his or her home, the court must enter certain findings on the record to reflect the harm posed by continued presence of the child in the home, efforts made to avoid removal from the home, efforts underway to return the child to the home, and efforts to place the child together with siblings. The court must enter an order allowing visitation with siblings in the event that they are placed in different homes.

This bill would require the court to make findings regarding whether "school stability" is in the child's best interests. The bill establishes a presumption in favor of providing the child with school stability unless the court determines that remaining in a prior school is contrary to the safety or best interests of the child.

Definitions

This bill adds definitions of "child in foster care" and "school stability." "School stability" is defined as the right of a child in foster care to attend either the school the child currently attends or the school the child attended when initially placed by the county agency.

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

None.

Prepared by: Cawley 6/3/2016