

OFFICE OF CHILDREN, YOUTH AND FAMILIES BULLETIN

COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE

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EFFECTIVE DATE:
Immediately

SUBJECT:
Implementation of Act 160 of 2004
Amending the Child Protective Services Law

BY:
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SCOPE:

COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES
COUNTY CHILDREN AND YOUTH ADVISORY COMMITTEES
PRIVATE CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES
COUNTY CHIEF JUVENILE PROBATION OFFICERS
COUNTY CHILDREN AND YOUTH SOLICITORS
COUNTY CHILDREN AND YOUTH FISCAL OFFICERS

PURPOSE:

The purpose of this bulletin is to transmit to public and private children and youth agencies that approve foster and adoptive parent applicants in Pennsylvania, the requirements and policies relating to Act 160 of 2004, that amended 23 Pa. C.S. Chapter 63 (relating to The Child Protective Services Law).

BACKGROUND:

On November 30, 2004, Pennsylvania Governor Edward G. Rendell signed House Bill 2308, Printers Number 4745 into law. This amendment to The Child Protective Services Law (CPSL) known as Act 160 of 2004 went into effect on January 29, 2005. Act 160 of 2004 establishes a resource family registry in which all foster and adoptive parent applicants must be registered. Act 160 of 2004 also establishes additional requirements relating to the approval of foster and adoptive parent applicants. A letter was sent to public and private children and youth social service agencies on February 22, 2005, explaining the requirements set forth in Act 160 of 2004.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Regional Directors

ORIGIN: Kerin J. Kohler 717-346-0445

DEFINITIONS:

Act 160 of 2004, added the following definitions to the CPSL:

Private agency. A children and youth social service agency subject to the requirements of 55 Pa. Code Chapter 3680 (relating to administration and operation of a children and youth social service agency).

Resource family. A family which provides temporary foster or kinship care for children who need out-of-home placement and may eventually provide permanency for those children, including an adoptive family.

The following definition is included to assure a common understanding of the policies and requirements set forth in this bulletin relating to resource families:

Residing in the home. Living in the home for a minimum of 30 days within a calendar year.

DISCUSSION:

Act 160 amends The Child Protective Services Law to require more extensive criminal and child abuse checks on adult individuals in a resource parent applicant's home and for more detailed information to be obtained about applicants during the approval process. These amendments focus on safety of our children placed in foster and adoptive care.

As we progress toward the concept of resource family in Pennsylvania we continue to see that foster parents continue to adopt the children placed in their homes who need a permanent family. More than 60 percent of children in foster care with the goal of adoption in Pennsylvania are adopted by their foster parents. The statutory requirement for agencies to report information to a resource family registry only intensifies the Department's focus on safely achieving and maintaining permanency for our children placed in foster care.

In an attempt to provide as much clarity as possible for agencies licensed to approve resource parents, the Office of Children, Youth and Families requested comments relating to this bulletin. As a result a frequently asked questions list was developed and will be posted on the Department of Public Welfare's website at www.dpw.state.pa.us, under forms and publications.

POLICY AND PROCEDURES

Resource Family Registry

The resource family registry established by Act 160 of 2004 will be maintained by the Department and will include all resource parent applicants. Foster family care agencies and adoption agencies are required to register resource parent applicants approved prior to January 29, 2005 who continue to be approved resource parents, by July 29, 2005. Resource parent applicants assessed on or after January 29, 2005 must be registered upon approval/disapproval but no later than within 30 calendar days of such a determination. Resource parents and families voluntarily registered on the foster parent registry and those registered on the Pennsylvania Adoption Exchange's family registry, will be transferred to the resource family registry. Agencies must complete resource family registration updates to supplement the information not contained in the foster parent and family registries. Agencies must submit updates of registration forms for registered families within 30 calendar days of learning of a change of information to the registration form.

The Department has modified the CY 131 form which is to be used to register resource family applicants. Old versions of the CY 131 should be destroyed and will not be accepted for registering families. Old forms received will be returned to the referring agency accompanied by information about downloading the form from the internet. The downloadable form and instructions for completing the form are available on the Department's website at www.dpw.state.pa.us, under forms and publications and on the Pennsylvania Adoption Exchange, website at www.adoptpakids.org. Paper submissions of the registration form will be accepted.

Information from the Resource Family Registry may be released by the Department to individuals authorized to receive this information only after positive identification. Pursuant to Act 160, a court of competent jurisdiction may request and receive any information from the registry in a criminal matter involving a charge of child abuse. A court of competent jurisdiction may request and receive any registry files that the court considers relevant in a matter involving the custody of a child. Any requesting individual, as part of their official job duties must submit a notarized and signed letter on official letterhead confirming the reasons for the request and include their address, title and a copy of photo identification to the Department at Office of Children, Youth and Families, P.O. Box 2675, Harrisburg, Pennsylvania 17105-2675, Attention: Resource Family Registry. After positive identification and a decision that the information requested is within the scope of the individual's duties, the information will be provided to the requesting individual.

When families are entered into the registry, information will be cross referenced with existing registry information. The Department will notify registering agencies of information on the registry that may conflict with information provided by the agency. An approving agency may request information from the registry as part of the approval process. If an agency requests information from the registry that will be used when considering the appropriateness of an applicant, the agency has the responsibility to

make a timely request to allow for the registry response so that applicable regulatory time frames are met. This is especially important when approving kinship caregivers with whom a child has already been placed on an emergency basis. The Department will respond to individuals or agencies that request information from the Resource Family Registry within 14 days from receipt of the request. Information provided regarding families not previously registered must be verified with other sources and may require a second notice from the Department relating to a request for information from the Resource Family Registry.

Resubmission of Clearances by Resource Families

All resource parents, regardless of the length of time they have been approved to provide care to children, must resubmit requests for clearances every 24 months in accordance with Act 160 of 2004. Resource parents approved on or after January 29, 2003, who continue to be approved resource parents and anyone 18 years of age and older residing in the home, must submit requests for clearances within 24 months of the date of their initial approval and every 24 months thereafter. Resource parents approved prior to January 29, 2003 who continue to be approved as resource parents, and anyone 18 years of age and older residing in the home must submit requests for clearances by January 29, 2007 and every 24 months after receipt of this clearance. Resubmissions may occur as part of the annual reapproval process. The resubmission of requests for clearance for individuals approved solely as adoptive parents must occur prior to the finalization of the adoption of any child.

The CY 113, Pennsylvania Child Abuse History Clearance form has been printed on pink paper to be used for resubmission purposes only. The Department must give priority to initial submissions when processing requests for child abuse history clearance; however, resubmissions will be verified within the required time frame. The pink CY 113 forms were sent to public and private children and youth social service agencies on April 18, 2005. The CY 113 is available on the Department's website at www.dpw.state.pa.us, under forms and publications. When downloading the form from the website, remember to print onto pink paper for resubmissions.

Required Information for Consideration of Applicants

In addition to criminal history record information (CHRI) and Child Abuse History Clearances, Act 160 of 2004 adds requirements for resource parent applicants, adults who reside in their homes and the agencies that approve applicants. All information that is required to be obtained must be taken into consideration when making a decision to approve or disapprove a resource parent applicant. The purpose of this information is to help assure complete information is provided to determine the appropriateness of approving or re-approving resource parents.

Each agency that approves resource parent applicants is now required to consider additional information when assessing the appropriateness of a resource parent applicant. As such, each public and private agency must develop policies and procedures to approve and re-approve resource parent applicants based on the information the

agency is now required to obtain by the amendments to the CPSL relating to Act 160 and the requirements established in 55 Pa. Code Chapter 3700 (relating to foster family care agency). Policies and procedures to document the information obtained and how it is used in consideration for approval/disapproval must be included in the agency's policy and procedure manual. The regional office of Children, Youth and Families will review the agency's policies and procedures relating to Act 160 and the application of these policies and procedures during annual licensing inspections.

The Kinship Care Program (62 P.S. Article XIII) requires county agencies to give first consideration to placement with a relative whenever a child cannot safely remain in his own home. Agencies must continue to follow the requirements set forth in OCYF Bulletins #3140-04-0513490-04-01 entitled Child Placements with Emergency Caregivers and #3130-03-03 entitled Kinship Care Policy. Kinship families approved as emergency caregivers must meet all approval requirements including those now in the Child Protective Services Law as a result of Act 160 of 2004 within 60 calendar days of the child's placement in the caregiver's home.

The information required by Act 160 of 2004 may be gathered directly by the agency or through a company that conducts searches. Companies can be located on the internet and are available to government, law enforcement and commercial customers. Many of the searches available are free or of minimal cost. Many internet resources are listed in the Diligent Search Packet (Attachment J) which can be located on the Diakon website at www.diakon-swan.org, click on Legal Services Initiative then click on Diligent Search.

The Department recommends that agencies have resource parent applicants sign a disclosure statement relating to the information that the agency must obtain when assessing and consider when determining approval status of an applicant. The disclosure statement signifies that the applicant has provided the agency with accurate information and understands their responsibility to the agency of changes in clearance information about themselves and individuals age 18 and older who reside in the home, as well as changes in household composition. A conversation about necessary information should occur with each applicant asked to sign a disclosure statement. A sample template is included as Appendix C. The Department recommends that agencies have a disclosure statement signed on an annual basis in conjunction with the annual re-approval process. Should information appear fraudulent regarding a resource parent, the agency should further investigate the concern.

Systems used to obtain the additional information vary from county to county making the collection of information difficult. The Department recommends that county agencies and private agencies that approve resource parents within a specific county, jointly develop guidelines for how information is collected within that county system. This will provide consistent guidelines for actual collection of information. Agencies must be familiar with how to collect information in each county in which it approves resource parents. The following are guidelines for approving agencies in the collection of the new information required by Act 160 of 2004:

- Agencies must obtain the applicant's previous addresses within the last ten years. This can be done by asking the applicant to report this information as well as contacting previous landlords or asking to see purchase or sales agreements. This information is also contained on the child abuse history clearance.
- Agencies must know the composition of the resident family unit. This information is also contained on the child abuse history clearance. Verification may include a detailed tour of the home and identifying where each individual sleeps.
- Agencies must obtain information relating to Protection from Abuse (PFA) orders filed by or against either resource parent applicant, provided such information is accessible to the agency. Applicants should be asked about a history of PFAs and asked to provide copies of any petitions and orders. This information is generally available through the county court system. Verification on how to obtain this information should be confirmed with the county court system.
- Agencies must obtain details of family court proceedings, provided such information is accessible to the agency. Applicants should be asked about previous or current divorce, custody or other family court proceedings to which they or any member of the household were party and asked to provide copies of any petitions and orders. This information may be available through the county court system. Verification on how to obtain this information should be confirmed with the county court system.
- Agencies must obtain information on drug or alcohol related arrests, whether criminal charges or judicial proceedings are pending, convictions exist or related hospitalizations have occurred within the last five years. Applicants should be asked about a history of drug and alcohol related arrests, criminal charges and convictions or judicial proceedings and hospitalizations and asked to provide copies of any court proceedings or hospital information. The applicant should be asked to sign a release of information in order to obtain information from any hospital in which the applicant received drug and alcohol treatment. If the applicant provides information about a conviction or hospitalization within that five-year period, information on the prior five years must be requested related to additional convictions or hospitalizations.
- Agencies must obtain evidence of financial stability from applicants. This must include current information (income verification and current liens), employment history, and bankruptcy findings within the last ten years. Applicants should be asked about financial stability and asked to provide copies of lease agreements, purchase or sales agreements, deeds, bankruptcies, liens, pay stubs and an employment history. Information relating to liens and bankruptcies may be available through the county court system. Verification on how to obtain this information should be confirmed with the county court system. The applicant's employer will be able to verify employment and length of employment.
- Agencies must obtain information relating to the number and age of foster children and other dependents currently placed in the home. Applicants should be asked about other children placed in their care whether through the child welfare system or through a private arrangement. As this information is maintained on the resource family registry, agencies may request in writing, information on the applicant from the registry.

- Agencies must obtain detailed information about children with special needs currently living in the applicant's home. Applicants should be asked about the special needs of any children living in their home. If the applicant does not have the authority to release such information, the agency should ask the person who has such authority to sign a release of information allowing the agency to confirm the child's special needs. Refusal to provide this information may result in disapproval of the applicant.
- Agencies must obtain information about the applicant's history as a foster parent, including number and types of children served. Applicants should be asked about their approval or application for approval with another agency.
- Agencies may request the applicant to sign a release of information to obtain information from another agency and from the county children and youth agencies in the counties where the applicant has resided. As this information is maintained on the resource family registry, agencies may request in writing, information on the applicant from the registry.
- Agencies must obtain information relating to an applicant's education, training or personal experience working with foster children or the child welfare system. Applicants should be asked about their education, training or personal experiences and asked to provide documentation or sign releases of information in order to confirm such education, training or personal experience. Applicants may provide transcripts of educational courses, certificates or other proof of education or training.

Agency Responsibilities Relating to Statutory Requirements

Act 160 of 2004 establishes further requirements of foster parents relating to reporting information changes. A foster parent has 48 hours to report a change in CHRI or child abuse history clearance information regarding themselves or anyone in their home age 18 and older to their approving agency. The approving private agency upon receiving such information must immediately notify any county agency with custody of a child placed in a home when updated CHRI or child abuse history information has been received. This timely reporting allows for the safety and protection of children placed in the home. The approving agency must within 30 days of learning of a change in CHRI or child abuse history clearance, submit an updated registration form to the Department.

Act 160 of 2004 requires foster parents to report any change in household composition to the approving agency within 30 days of such a change. The approving private agency must within 15 days of receiving such information, notify any county agency with custody of a child placed in a home when there has been a change in household composition. The approving agency has 30 days of learning of a change in household composition, to submit an updated registration form to the Department.

Within 30 days of any individual age 18 and older moving into an approved resource family home, the individual must submit CHRI and child abuse history clearance to the approving agency to ensure they are not a danger to children placed in the home. A plan to ensure that the individual will not assume child care responsibilities must be in place until all clearances have been submitted and the agency determines that the individual is not a threat to children. The approving agency should meet with the individual immediately upon learning of the change in household composition so that complete information can be reported to the county agency with custody of a child placed in the home.

When children residing in approved resource family homes turn 18 years of age, they must comply with the requirements set forth in Act 160 relating to individuals age 18 and older residing in the home. Clearances must be submitted within 30 days of an individual residing in the home turning 18 years of age. Children in the custody of a county children and youth agency placed in the home who turn 18 years of age and are expected to remain in the home for 30 days within the calendar year must be registered on an updated registration form. An approving agency has 30 days after the child turns 18 years of age to submit an updated registration form to the Department. Children in the custody of a county children and youth agency under the age of 18 should not be registered as household members on the registration form.

Licensing Measurement Instrument

Upon annual licensing inspection, the Department must review agency records to determine compliance with statutory, regulatory and policy requirements. The inspection will include a review to determine whether the requirements set forth in this bulletin have been met. Case records will be reviewed during the licensing inspection For the following items:

1. Documentation that each household member age 18 and older who has resided in the home for a minimum of 30 days within a calendar year has submitted ChildLine Clearances.
2. Documentation that each household member age 18 and older who has resided in the home for a minimum of 30 days within a calendar year has submitted a CHRI.
3. Documentation that any individual who resides in the home turns 18 years of age or an individual age 18 and older who moves into an already approved resource family home, has submitted CHRI and child abuse history clearances within 30 days of such event.
4. Documentation that each household member age 18 and older who submitted a ChildLine clearance and continues to reside in the home, has resubmitted ChildLine Clearances within 24 months of the most recent clearance.
5. Documentation that each household member age 18 and older who submitted a CHRI and continues to reside in this home, has resubmitted a CHRI within 24 months of the most recent clearance.

6. Documentation that a foster parent has reported any change in CHRI or ChildLine clearance relating to him/her or household members age 18 and older within 48 hours of learning of the information.
7. Documentation that a private agency immediately notified any county agency with custody of a child placed in the resource family home of a change in clearance information.
8. Documentation that the agency removed children placed in the home if the foster parent knowingly failed to report a change in clearance information that would result in disapproval.
9. Documentation that a foster parent has reported any change in household composition within 30 days of occurrence.
10. Documentation that a private agency has within 15 days notified any county agency with custody of a child placed in the resource family home of a change in household composition.
11. Documentation that the agency removed children placed in the home if the foster parent knowingly failed to report a change in household composition that would result in disapproval.
12. Documentation that the agency meets with any new individual age 18 and older immediately upon learning that the individual has moved into the home.
13. Documentation that the agency ensured that any individual age 18 years of age and older who moves into an approved resource family home, will not assume child care responsibilities until all clearances have been submitted and the agency determines that the individual is not a threat to children.
14. Documentation that the resource parent applicant was registered on the Resource Family Registry within 30 days of being approved/disapproved.
15. Copies of written and notarized requests for Resource Family Registry information if requested by the agency.
16. Information received related to the request for Resource Family Registry information.
17. Documentation that the agency submitted an updated Resource Family Registration form to the Department within 30 days of receiving change in clearance information.
18. Documentation that the agency submitted an updated Resource Family Registration form to the Department within 30 days of receiving change in household composition information.
19. Documentation that the agency submitted an updated Resource Family Registration form to the Department within 30 days of an individual residing in the household turning 18 years of age.
20. Documentation that the agency submitted an updated Resource Family Registration form to the Department within 30 days of learning that an individual 18 years of age and older has moved into the home.
21. Documentation that the agency has obtained the additional information required by statute for consideration when approving resource parent applicants including:
 - (a) Previous addresses within the last ten years.
 - (b) Composition of the resident family unit.

- (c) Protection from abuse orders filed by or against either parent, provided such information is accessible to the agency.
 - (d) Details of any proceedings in family court provided such information is accessible to the agency.
 - (e) Drug or alcohol related arrests, if criminal charges or judicial proceeding are pending, and convictions or hospitalizations within the last five years. If an applicant provides information about a conviction or hospitalization within that five-year period, information on the prior five years must be requested related to additional convictions or hospitalizations.
 - (f) Evidence of financial stability including income verification, employment history, current liens and bankruptcy findings within the last ten years.
 - (g) Number and age of foster children and other dependents currently placed in the home.
 - (h) Detailed information about children with special needs currently living in the home.
 - (i) Previous history as a foster parent, including number and types of children served.
 - (j) Related education, training or personal experience working with foster children or the child welfare system.
22. The agency has written policies and procedures relating to the approval/disapproval of resource parent applicants based on the information in number 21 above, the requirements established in 55 Pa. Code, Chapter 3700 (relating to foster family care agency) and the agency's approval requirements.
23. The agency applies its policies and procedures relating to the approval/disapproval of resource parent applicants based on the information in number 21 above.