



# Report to the Pennsylvania State Roundtable



*“Closing the Gap:  
A Meaningful  
Transition into  
Independent Living  
for Youth Aging  
Out of the Foster  
Care System.”*

*Transitional Youth  
Workgroup*

May 2012

**Co-Chairs:**

**Honorable Charles Saylor**  
Court of Common Pleas of  
Northumberland County

**Vanessa Garrett Harley, Esq.,**  
**Deputy Commissioner**  
Children and Youth Division,  
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Services

# Transitional Youth Workgroup

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**CLOSING THE GAP: A MEANINGFUL TRANSITION INTO INDEPENDENT LIVING  
FOR YOUTH AGING OUT OF THE FOSTER CARE SYSTEM**

**A Preliminary Report to the Pennsylvania State Roundtable**

“So many of the children who age out of America’s foster care system are isolated and struggle to make it as adults...I can attest to the fact that the streets are not where we want our foster youth to end up...We deserve the right to have a voice in the matters that affect our lives...And we deserve the right to be prepared to be successful as adults.”

*- Raif Walter, 21, whose experiences were chronicled in the documentary From Place to Place. (Foster Focus, Vol. 1, Issue 4, p. 30).*

“As a judge, I was often times frustrated as to the teens transitioning out of foster care on their 18<sup>th</sup> birthday to likely poor prospects; surely, a safety net should have been available with further judicial oversight. Just recently, provision has been made for trial discharge agreements, which is a start, but there is a compelling need for Pennsylvania to fully extend federal Fostering Connections benefits up to age 21.

*- Honorable Charles H. Saylor, Court of Common Pleas of Northumberland County/Workgroup Co-Chairperson*

“It has become increasingly difficult for older youth to make that required transition into adulthood and more importantly, independent living. The cost of basic needs such as housing, food, and clothing is steadily increasing while the availability of jobs is decreasing. For those of us with children who are older youth or young adults, we are assisting and teaching them the necessary skills to make a meaningful transition into independent living. When things go wrong or some additional help is needed we are there to provide that safety net. Youth transitioning out of the foster care system in Pennsylvania have no safety net. Most of them have not been adequately prepared for that transition into independent living. Couple that with the extreme challenges already facing youth aging out of foster care and the dismal outcomes that we have seen for these youth are understandable. We now have an opportunity to effectuate change and develop that safety net to ensure that youth aging out of the foster care system have a meaningful transition into independent living and adulthood so that they can fully maximize their potential.”

*- Vanessa Garrett Harley, Esq., Deputy Commissioner Children and Youth Division  
Philadelphia Department of Human Services/Workgroup Co-Chairperson*

### **Workgroup Background & Charge:**

In May 2011, the Pennsylvania State Roundtable identified the unique needs and challenges of older youth as a priority issue thus creating the Transitional Youth Workgroup. The Honorable Charles Saylor, Court of Common Pleas of Northumberland County and Vanessa Garrett Harley, Esq., Deputy Commissioner of the Children and Youth Division at the Department of Human Services in Philadelphia became the Workgroup's co-chairpersons.

Workgroup membership is varied with representatives from legal and social service organizations. In addition, Workgroup membership includes two former foster care youth. The initial charge from the State Roundtable for the Workgroup was broad: to examine issues facing older youth in the Pennsylvania foster care system, with emphasis on the unique needs of youth transitioning to adult life.

Initial activity of the Workgroup focused on assessing recent federal and Pennsylvania specific changes that have the greatest potential of positively impacting outcomes for older foster care youth. This includes the federal Fostering Connections to Success and Increasing Adoption Act of 2008, amendments to the Pennsylvania Juvenile Court Procedural Rules, and the revised Independent Living Bulletin issued by the Department of Public Welfare, Office of Children, Youth, and Families (DPW/OCYF).

The Workgroup established the following goals for its initial work: gather information regarding systematic issues facing Pennsylvania's transitional youth (ages 16 to 21), identify best practices, and encourage the development of appropriate resources that will help this group of youth successfully transition to adulthood. To accomplish these goals, the Workgroup developed two subcommittees. The first subcommittee explored issues related to the identification of specific issues for this population of youth, potential best practices, and the impact of the recent changes. The second subcommittee examined issues specific to Independent Living Services and Voluntary Trial Discharge. The co-chairpersons and members of the workgroup have devoted much time and work addressing this charge. The workgroup met formally six times since August 2011. In addition, the subcommittees met individually several other times.

### **Issue Background:**

The challenges that a teenager faces at age 18 are daunting in the very best of circumstances, but even more so for a foster care youth. There is the ever present need for permanency that unfortunately, never became a reality. There is also the belief of many older youth that whatever their choices, everything will work out. This belief, whether "bravado" or "optimism", too often leads to dismal outcomes for these young adults.

The Workgroup believes every youth who must “age out” of the child welfare system, should have sufficient supports and resources to make a successful transition to adulthood. This belief is supported by significant research and many writings including the Pennsylvania Dependency Benchbook which includes an abbreviated section on Transitioning Youth (15.6).

**The Workgroup also believes any youth leaving the foster care system without the needed supports/resources is a failure of the system...not the youth.** The Workgroup applauds the decision of the State Roundtable to make this population of foster care children a priority and is honored to provide this preliminary report.

### **National Data/Outcomes:**

As of September 30, 2010, according to the Adoption and Foster Care Analysis and Reporting System (AFCARS), 408,425 children were in the foster care system nationally. Of these children, 16% (65,660) were youth ages 16 or 17 years. Of the 254,114 foster care youth who exited placement, 27,854 (11%) were emancipated. Sadly these youth left the foster care system simply due to their age, not because they obtained a permanent family. Furthermore, these emancipated youth left without the typical supports offered to the vast majority of young adults not involved in the foster care system. This unsupported “aging out” of foster youth in America, leaves these young people facing serious life challenges...alone.

Numerous studies have confirmed emancipated foster youth fare poorly. They are more likely than their peers to not complete high school, forego higher education, face joblessness, become homeless, have health problems including mental illness, abuse substances, experience early parenthood, and end up in the criminal justice system.

The poor outcomes for transitional youth are seen across the nation. A 2009 Sacramento County, California study examined outcomes for 273 emancipated foster care youth. At the time of emancipation, less than 50% had successfully completed high school, less than 20% were enrolled in college, and only 23% had employment. Although 82% of these youth had housing arrangements, 18% were discharged to essentially be homeless. Given the poor outcomes of these foster care youth at the time of emancipation, the study projected lifelong outcomes that would be dismal.<sup>1</sup>

Across the nation, in Massachusetts, a recent July 2011 evaluation of an outreach program further identified the bleak prospects of many transitioning foster youth: “Nearly two-fifths of the youth in the evaluation did not yet have a high school diploma or GED by the time they were 19. Fewer than half were employed at that time and their earnings were on average well below the poverty line. Additionally, about two-fifths of the young women had been pregnant between ages 17 and 19.” The study concluded

<sup>1</sup>[http://www.childrensreportcard.org/index.php?option=com\\_content&view=article&id=31&catid=11&Itemid=10](http://www.childrensreportcard.org/index.php?option=com_content&view=article&id=31&catid=11&Itemid=10) Accessed May 7, 2012.

that “efforts should be redoubled to identify and vigorously evaluate various approaches to improving outcomes for foster care youths making the transition to adulthood.”<sup>2</sup>

*The Midwest Evaluation of the Adult Functioning of Former Foster Youth* (Midwest Study) is a longitudinal study that has been following a sample of young people from Iowa, Wisconsin, and Illinois as they transition out of foster care into adulthood. It is a collaborative effort involving Chapin Hall at the University of Chicago; the University of Wisconsin Survey Center; and the public child welfare agencies in Illinois, Iowa, and Wisconsin. The Midwest Study presents a unique opportunity to compare the outcomes of young people from one state (i.e., Illinois) that allows foster care youth to remain in the custody of the child welfare agency until their 21st birthday to the outcomes of young people from two other states (i.e., Iowa and Wisconsin) in which foster care youth generally age out when they are 18 years old. The data is very sobering on how these young people were faring across a variety of domains, including living arrangements, relationships with family of origin, social support, education, employment, economic well-being, receipt of government benefits, physical and mental well-being, health and mental health service utilization, sexual behaviors, pregnancy, marriage and cohabitation, parenting, and criminal justice system involvement. The data does suggest that extending foster care until age 21 may be associated with better outcomes, at least in some domains.<sup>3</sup>

### **Pennsylvania Data/Outcomes:**

In Pennsylvania the number of children in the foster care system has been dramatically and safely reduced since 2006. Indeed the overall number of youth has declined by slightly more than 7,000. Strategies such as Family Group Decision Making (FGDM), Family Finding, increased use of kinship resources, increased community involvement, and increased collaboration have improved outcomes for children/families and improved the child welfare system. Still, while Pennsylvania has made great strides, further attention needs to be given to older foster care youth who are all too frequently placed in congregate care settings, have Another Planned Permanent Living Arrangement (APPLA) as a primary permanency goal, and eventually “age out” of care with few or no supports. According to DPW/OCYF as of September 30, 2011 there were 3,125 youth (ages 16 to 18) that were placed in the custody of the child welfare system in Pennsylvania. Of these older youth, 42% were placed in congregate care; 11% had a goal of APPLA.

Pennsylvania’s own Ben Franklin aptly observed, “An ounce of prevention is worth a pound of cure.” Transitioning to adulthood is a critical juncture in the lives of foster

<sup>2</sup> [http://www.acf.hhs.gov/programs/opre/abuse\\_neglect/chafee/index.html](http://www.acf.hhs.gov/programs/opre/abuse_neglect/chafee/index.html) Accessed April 12, 2012.

<sup>3</sup> <http://www.chapinhall.org/research/report/midwest-evaluation-adult-functioning-former-foster-youth> Accessed May 15, 2012.

care youth. This transition is best done in the context of a loving and supportive family. As such, the child welfare system, the courts, and the community should never “give up” on finding that permanent family and/or supportive adult connection for older youth. Additionally, while all youth need a chance to make some mistakes, there is a better prospect of them becoming productive citizens when provided the tools of a well-conceived transitional plan, court oversight, and the safety net of trial discharge.

## I. CURRENT CONCERNS FOR TRANSITIONAL YOUTH

### **Permanency Goal of Another Planned Permanent Living Arrangement (APPLA):**

The Adoption and Safe Families Act (ASFA) amended the Social Security Act requiring states to establish a hierarchy of permanency goals for children in the child welfare system, giving the highest preference to safe reunification. Subsequent amendments to the Pennsylvania Juvenile Act, governing determinations to be made at permanency review hearings, adopted the federally mandated order of preference. This basic hierarchy is as follows:

1. Return the child to the parent, whenever this course is “best suited to the safety, protection and physical, mental and moral welfare of the child.”
2. Place the child for adoption where reunification is not best suited to the safety and welfare of the child.
3. Place the child with a permanent legal custodian, where adoption is not best suited to the safety and welfare of the child.
4. Place the child permanently with a fit and willing relative, where legal custodianship is not suited to the safety and welfare of the child.
5. Place the child in some other court-approved and permanent living arrangement, in instances where the agency has shown a “compelling reason” for ruling out all of the above four options.

***“Another Planned Permanent Living Arrangement (APPLA) is the least preferred option for ensuring permanency for a child. ASFA and the Juvenile Act (42 Pa.C.S. 6351 (f.1) (5)) require the agency provide the court with a ‘compelling reason’ why one of the other permanency options is not available to the child. While the least preferred of all options, APPLA should not be viewed as a catchall or as long-term foster care. It must be both planned and permanent.”***

- ***Pennsylvania Dependency Benchbook, pg. 90***

This expectation to use APPLA as the last of all options is also highlighted in numerous Department of Public Welfare (DPW) regulations, bulletins, and correspondence. Still,

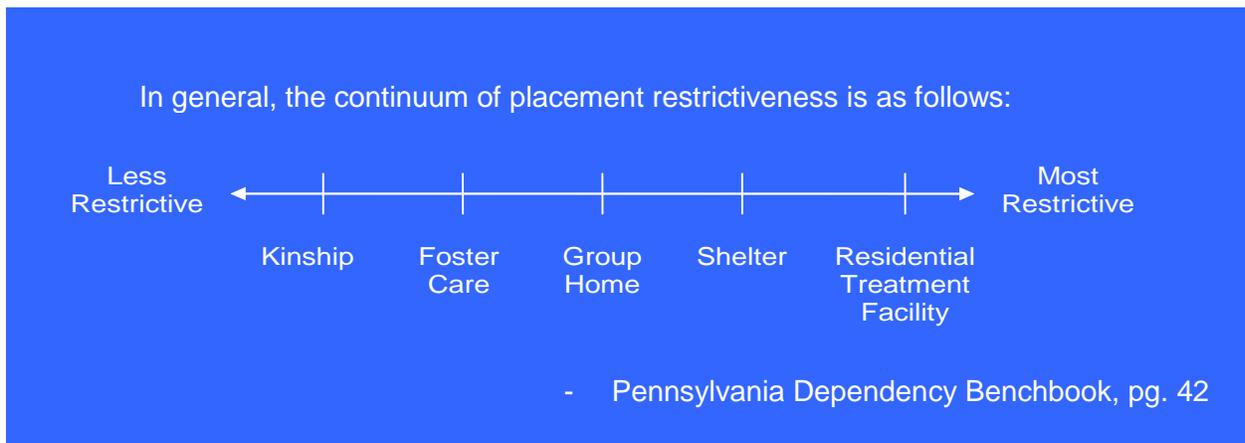
according to DPW/OCYF, as of September 30, 2011, 348 youth ages 16 to 18 have a goal off APPLA. Even more distressing is that there are 50 children under the age of 12 with a goal of APPLA as well. The permanency goal of APPLA should be scrutinized for all children as an assumption could be made that a young child with a goal of APPLA has a high likelihood of eventually becoming a transitional youth.

Indeed the goal of APPLA appears to be the “default” permanency goal for most transitioning youth. The Workgroup believes this significant statistic requires additional examination; would like to continue its analysis in the coming year; and would like to provide recommendations aimed at reducing the number of Pennsylvania foster care youth with the goal of APPLA to the 2013 State Roundtable.

**Placement in the Least-Restrictive Setting:**

Closely linked to the issue of APPLA permanency goals is the high use of congregate care for older foster care youth. In March 2010, nearly 50% of Pennsylvania’s dependent youth ages 13 and older were placed in group homes and/or institutions.<sup>4</sup> This Pennsylvania statistic is of great concern to the Workgroup; given national statistics identify only 17% of foster youth being placed in group homes and/or institutions (AFCARS, 18).

Pennsylvania requires the use of “least restrictive placement settings” for all youth entering out-of-home placement. In general, the continuum of placement restrictiveness is as follows:



Where a young person is placed has significant consequences, including whether she will be able to remain in her home school, remain connected to family, friends and adults with whom she has a relationship, remain involved in extra-curricular activities, and whether resources/services will be readily available to her, to mention a few.

<sup>4</sup> [http://porchlightproject.org/reports/fc2012/Maximizing\\_Fostering\\_Connections.pdf](http://porchlightproject.org/reports/fc2012/Maximizing_Fostering_Connections.pdf) Accessed online May 4, 2012.

Because placement is core to so much that happens in the life of a foster care youth, the issue is given considerable attention in statutes, regulations and court procedural rules.

Indeed, placement must be addressed at almost every hearing in dependency proceedings. Juvenile Court Procedural Rules require various findings and orders related to placement at various stages of the proceedings including reasonable efforts to prevent placement, reasonable efforts to place siblings together, efforts to keep youth in their school of residence if in the best interest of the child, and a requirement to rule out least restrictive placement before moving to more restrictive placement types.

With the clear mandate for the use of “least restrictive” placements, the fifty percent (50%) statistic is somewhat shocking. Indeed, the Workgroup believes the significant number of youth ages 13 and older residing in group homes and/or institutions is of concern and warrants further examination. The Workgroup would like to identify best practices that can increase the number of youth living in family-like settings and enhance positive community connections, providing recommendations to the 2013 State Roundtable.

#### **Lifelong Connection to a Caring Adult:**

In 2010 more than 2,300 children were adopted from foster care in Pennsylvania. Unfortunately only nine percent (9%) of those adopted were youth age 13 and older. Furthermore of the 900 children who found permanency through legal guardianship in 2010, less than 40% were age 13 and older.<sup>5</sup> These statistics again emphasize the reduced likelihood that older foster youth will find permanent, loving families.

Since 2006, Pennsylvania has been implementing the practice of Family Finding, developed by Kevin Campbell. Family Finding training has been provided to thirty-one (31) Permanency Practice Initiative (PPI) counties. In addition, a Pennsylvania training curriculum was developed, in concert with Mr. Campbell, and is available through the Child Welfare Resource Center. Finally, DPW/OCYF provided resources to all child welfare agencies in the form of Accurint, a computer program to conduct web-based searches in conjunction with the Family Finding strategies.

#### **Youth Engagement:**

Yet another issue discussed by the Workgroup was youth engagement. Having a voice in the decisions being made is critical to most youth. “Everyone has sides to their story,

<sup>5</sup> [http://porchlightproject.org/reports/fc2012/Maximizing\\_Fostering\\_Connections.pdf](http://porchlightproject.org/reports/fc2012/Maximizing_Fostering_Connections.pdf) Accessed online May 4, 2012.

but no one can tell their story the way the youth can.” - S.R., 21, Former Pennsylvania Foster Youth.

The Workgroup gave considerable attention and time to the issue of youth engagement. The Workgroup itself included youth as workgroup members. Even so, the Workgroup believes their discussions have merely touched the surface of what is needed to adequately understand the needs, concerns, and strategies youth may share. As such, the Workgroup plans to continue this discussion.

In the interim, Workgroup members had robust dialog regarding the types of questions that could be used to highlight the needs and voices of youth in the child welfare and court process. Workgroup members developed a series of potential questions professionals could use in their work with youth. These questions are provided in Appendix A. The Workgroup would like to develop an abbreviated list to assist judges, Guardian ad Litem, caseworkers and others as they work to understand the unique needs and hopes of transitioning youth. The Workgroup would like to present the documents to the 2013 State Roundtable.

## **II. RECENT CHANGES FOR TRANSITIONAL YOUTH IN PENNSYLVANIA**

Since the creation of the Workgroup there have been several changes that will more than likely positively impact the lives of transitioning youth. These include amendments to Juvenile Court Procedural Rules; development of the Pennsylvania Dependency Benchbook which highlights issues of transitional teens, permanency goals and placement options; and release of the revised Independent Living Bulletin, which includes a Voluntary Trial Discharge option.

**Amendments to Juvenile Court Procedural Rule 1608**, effective July 1, 2011, now articulate very specific findings which must be made at all permanency hearings for youth 16 years of age or older. These amendments recognize the unique needs of older youth, the additional efforts needed to assist these youth and the critical importance of services to support the successful transition of youth to adulthood.

**Juvenile Court Procedural Rule 1608** also provides very specific information regarding Transition Planning for Older Youth. This rule not only requires additional inquiry of the court, it necessitates an enhanced focus on teen issues by all those involved in the dependency system. The amendments necessitate a deeper and more comprehensive level of information be presented to the Court including very specific information related to Independent Living Services and Transition Planning. In addition, the Pennsylvania Dependency Benchbook provides information on Independent Living Services and Transition Planning as well as Trial Discharge as a best practice.

The Workgroup spent a significant amount of time examining each of the ten areas where the court must make findings in order to provide some guidance as to how to

address each of the points for transitional youth. As set forth in the recommendation section, the Committee would like to develop recommendations in this regard to the 2013 Roundtable, with a goal of incorporating key areas of inquiry into the Pennsylvania Dependency Court Benchbook and recommendations to the Juvenile Court Rules Committee.

The **Revised Independent Living Bulletin, 3130-11-04 (inclusion of Voluntary Trial Discharge)** released in July 2011 provides updated information for child welfare agencies regarding this service for older foster care youth. The bulletin emphasizes the systems responsibility to assist youth in making a successful transition to adulthood. It provides an excellent overview of services typically included in Independent Living (IL) Programs. The Bulletin provides detail regarding six main areas of IL including: life skills, employment, education, support/permanency, prevention and housing. All areas need to be covered in a youth's IL plan. The revised IL Bulletin can be accessed at <http://services.dpw.state.pa.us/olddpw/bulletinsearch.aspx?BulletinDetailId=4727>. The Workgroup has identified some innovative practices in Pennsylvania as they relate to Independent Living Services which can be found in Appendix B.

The revised IL Bulletin also highlights the voluntary option for counties to implement Trial Discharges for foster care youth. According to the bulletin, "trial discharge is a best practice intended to provide youth with a short-term opportunity to return to a placement setting, insuring health, safety and well-being." Re-entry allows for youth to experience life outside of the child welfare system while still retaining a safety net if needed. In the words of one youth, "Too often, a youth leaving care only has one chance to succeed. Expanding the eligibility for youth to remain in or re-enter care until age 21 grants that extra opportunity which will enable us to make a better future for ourselves."

The Workgroup spent significant time and energy examining the Voluntary Trial Discharge concept, seeing much potential in this option for transitional youth. While not legislatively required in Pennsylvania, the IL Bulletin provides the option of trial discharge to counties and provides general direction. The bulletin also outlines the level of court involvement needed for trial discharges, as well as, the specific court findings and orders needed. Finally, the bulletin encourages child welfare agencies to work closely with local courts in the development of trial discharge processes.

Unfortunately, while the bulletin provides general direction, counties must still develop local protocols and corresponding documents. As such, there is the potential to create very different processes from one county to another. Indeed, a number of counties are attempting to implement this trial discharge option and in so doing creating a variety of policies, court and other documents. To assist counties interested in implementing the trial discharge option, the Workgroup developed the following sample documents:

- *Sample Petition for Trial Discharge (Appendix C)* - pleading document petitioning court for trial discharge.
- *Sample Trial Discharge Notice for Youth (Appendix D)* - document explains trial discharge in youth-friendly language and provides contact information for key people that can help them return to care if necessary.
- *Sample Trial Discharge Agreement (Appendix E)* - document could be used for youth wishing to reenter care after agreeing to a trial discharge.
- *Sample Trial Discharge Court Order (Appendix F)* - possible order format for courts as youth enters trial discharge.
- *Sample Re-entry Court Order (Appendix G)* - possible order format for youth re-entry from trial discharge.
- *Sample Termination of Court Supervision Order (Appendix H)* - possible order format to end court jurisdiction after a youth has concluded trial discharge.

The Workgroup further thought that DPW/OCYF should consider revising the IL bulletin to broaden the trial discharge timeframes to provide a stronger safety net for youth, and greater court oversight. Current DPW/OCYF policy allows for trial discharges to occur within 45 days to 6 months of a youth leaving the care and custody of the child welfare agency. Youth are able to return to care during this time period or have their trial discharge extended another 6 months. In order to provide a more comprehensive safety net for youth, the timeframe for youth to re-enter care on a trial discharge should be extended until the youth's 21<sup>st</sup> birthday. In addition, to provide additional information to the counties and courts, youth on trial discharge agreements should return to court every 3 months. This court review would provide the youth, child welfare agency, and court the opportunity to discuss successes and challenges occurring during trial discharge. This would also help identify serious challenges and concerns earlier, which could help improve safety of the youth by encouraging them to return to the custody of the child welfare agency.

However, it must be noted that the Workgroup strongly believes that the most effective way to implement trial discharge would be for Pennsylvania to develop proposed legislative changes to the Juvenile Act so that trial discharge provisions may be effectively implemented uniformly on a statewide level and to allow Pennsylvania to receive federal funding if youth re-enter care. The Workgroup has developed proposed legislative language in this regard; see Appendix I.

Finally, because a number of counties expressed liability concerns related to the concept of trial discharge, a sub-set of the Workgroup reviewed current case laws regarding potential liability. A synopsis of that work which may assist counties in further examination of the issue is attached as Appendix J.

### III. RELATED ISSUE – CHILDREN OF DEPENDENT CHILDREN

A final issue discussed by Workgroup members was related to youth who are parenting while in the foster care system. While the exact number of these parenting youth is unknown, Workgroup members believe this is a significant issue worth further examination. The Workgroup spent considerable time discussing the special needs of parenting teens and the ways in which child welfare agencies, legal counsel, and courts might help these youth and their children. The Workgroup members agreed these youth and their children have unique needs and would like to develop potential recommendations specific to this group of young people for presentation at the 2013 State Roundtable.

### IV. RECOMMENDATIONS TO THE STATE ROUNDTABLE

***Members of the Transitional Youth Workgroup respectfully recommend the following:***

1. Gather data regarding the specific experience of older foster care youth and youth transitioning out of the Pennsylvania dependency system through survey and/or focus groups and further examine data related to Pennsylvania youth who transition from foster care to adulthood.
2. Work with the Office of Children, Youth and Families staff to gather information regarding the outcomes of Independent Living services.
3. Continue to examine national and state best practices related to transitioning youth, with a goal of incorporating key areas of inquiry into the Pennsylvania Dependency Benchbook and to submit recommendations to the Juvenile Court Rules Committee for the addition of comments to the Juvenile Procedural Rules.
4. Work with the Office of Children, Youth and Families staff to make recommendations for the revision of the IL Bulletin (3130-11-04) to broaden the trial discharge timeframes to provide a stronger safety net for youth, greater court oversight and to distribute draft forms/orders in an effort to assist counties that choose to implement the Voluntary Trial Discharge process.
5. Work with the Office of Children, Youth and Families staff and other key stakeholders to develop proposed legislative changes to the Juvenile Act so that trial discharge provisions may be effectively implemented uniformly on a statewide level and to allow Pennsylvania to receive federal funding if youth re-enter the custody of the child welfare agency.

6. Work with the Office of Children, Youth and Families and other key stakeholders to ascertain the need and propriety in Pennsylvania for expansion of eligibility for re-entry of youths up to age 21 utilizing the optional federal Fostering Connections legislation criteria.

These key questions should be used by any party involved with Transitional Youth in dependency matters:

**Key Questions for Establishing a Permanency Goal**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - What is the youth’s permanency plan goal?
  - What is the youth’s current type of placement and how long has he/she been there?
  - Is this a long-term placement planned beyond the age 18?
  - Is there a relative involved with the youth?
    - If yes, is the relative a placement resource for the youth? What services would enable this relative to become a permanent resource?
  - Is there any other supportive adult involved with the youth?
    - If yes, is this adult a placement resource? Etc...
  - Has adoption been explored/re-explored with the youth?
  - Have reasonable efforts – specifically the provision of all appropriate independent living services – been made to achieve the permanency goal?
- Questions for Youth and Family/Caregiver
  - Do you like where you are currently living?
  - If you were able to leave care today, who would you want to live with?
  - Is your plan to live with this person? What has your contact been with this person?

**Key Questions for the specific independent living services or instructions that are currently being provided by the child welfare agency or private provider. Rule 1608(D)(1)(i)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem

- Is this youth participating in Independent Living (IL) preparation?
- Has a needs assessment been completed? An IL Plan?
- What are the contents of the youth's IL Plan?
- What are the services being provided?
- Who provides these services?
- How are these services delivered?
- How frequent are services delivered?
  - Delivery? (Classroom, one on one support, etc)
- Questions for Youth and Family/Caregiver
  - Do you agree with your IL Plan? Did you help to develop it? Is there anything missing from your plan?
  - Do you feel your needs are being met by your services?
    - Have you had the opportunity to practice what you have learned?
    - What do you feel you need help with?
  - How do you (the youth) feel about the services you are receiving?
    - Have they been worthwhile?
    - Has the youth been referred for a Supervised Independent Living placement or placement where skills can be practiced? (further define)
      - If not, what is the reasoning behind not making a referral at this time?

**Key Questions for ensuring that all youth 16 years if age and older are receiving independent livings needs assessment to inform the development of the youth's independent living plan and guide the delivery of services. Rule 1608(D)(1)(ii)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Has the youth been assessed?
    - If no assessment has been completed, explain why.

- Who participated in the assessment process?
- What were the goals established as a result of the assessment?
- Has there been, or would there be benefit in a follow up assessment?
- Have the goals been updated or revised?
- Questions for Youth and Family/Caregiver
  - Has your worker spoken with you about the results of your assessment?
    - Are there areas of need not identified? If so, what are they?
    - Would you be interested in completing a follow-up assessment?

**Key Questions to assess the independent living services the youth should receive prior to the next permanency review hearing. Rule 1608(D)(1)(iii)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Has an IL plan been developed for the youth? When was it developed?
  - Who participated in developing the plan?
  - What are the specific goals of the plan?
  - What skills does this particular youth still need to develop in order to make a successful transition to independence?
  - What services is the youth currently receiving to help him/her acquire independent living skills?
  - What independent living goals have been achieved? What progress in being made toward the other goals?
  - What services have been completed?
- Questions for Youth and Family/Caregiver
  - Is there anything else you need?
  - Is there anyone else who could assist you in meeting the goals of your IL plan?
  - Are there any other services that you feel would assist you in meeting the goals of the plan?

**Key Questions to determine whether the child is in the least restrictive, most family-like setting that will enable him to develop independent living skills. Rule 1608(D)(1)(iv)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Where is the youth currently living?
  - Why is this setting the most appropriate for the youth at this time?
  - Was the youth consulted about selection of this setting?
  - Is the youth interested in moving to a less restrictive/more family like setting?
  - What are the reasons the youth cannot move to a less restrictive/more family like setting?
  - What is the plan to meet these needs so that they are able?
  - What would need to be accomplished for the youth to move to a less restrictive, more family like setting?
- Questions for Youth and Family/Caregivers
  - What is working well for you in this setting? What is not working?
  - What is the plan to move beyond this setting?
  - What living resources do you have once you leave care?

**Key Questions to address the efforts that have been made to develop and maintain connections with supportive adults regardless of placement type. Rule 1608(D)(1)(v)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - What efforts are being made to maintain the youth's existing meaningful relationships?
  - Who are the youth's permanent connections?
  - What efforts are being made to establish additional permanent connections for the youth?

- Who are the stable adults the youth is able to identify as resources that he or she can rely upon for advice and in emergencies?
- What is the plan for the youth to be connected to siblings and other relatives?
- Questions for Youth and Family/Caregiver
  - Are there people/relatives you have lost touch that you would like our help to reconnect with?
  - Are there people/relatives you have that you have not met that you would like our help to make contact with?
    - Is there anyone that has not been considered as a connection for you?
    - If you were to leave care today, who would you turn to for support?
    - If you were to leave care today, where would you go to live?

**Key Questions to determine whether the child is making adequate educational progress to graduate from high school or whether the child is enrolled in another specified educational program that will assist the child in achieving self-sufficiency. Rule 1608(D)(1)(vi)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - What is the youth's current educational program and status of achievement?
  - Does the youth require any supportive services to complete this program? Are they being provided?
  - Is an educational decision maker needed for the youth?
  - Have you explored educational options and goals with the youth?
  - Is the youth involved in any academic or training program? If yes, what are the goals?
  - What are the youth's plans for vocational or post-secondary educational goals?

- What actions are being taken to support these goals?
- What services has the youth received to prepare for and apply to post-secondary education or vocational training? What efforts to secure financial aid have been accomplished?
- Questions for Youth and Family/Caregiver
  - What are your current educational goals?
  - Do you have educational goals beyond a high school degree?
  - Have you received help in exploring options for college or a vocational training program after high school?
  - Would you like our help in identifying possible academic or vocational training programs to help you achieve future goals?

**Key Questions to determine the job readiness services that have been provided to the child and the employment/career goals that have been established. Rule 1608(D)(1)(vii)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Is the youth currently employed? If yes where. What are the youth's hours?
  - Is the youth saving a portion of earnings?
  - What will be the source of future income (job, training, educational program) after discharge?
  - Is there a juvenile record that would prevent the youth from securing employment that should be expunged or sealed? Is so, who is assisting the youth with this?
  - Is the youth involved in any employment training program? If yes, what are the goals of the program and what is the youth's progress?
- Questions for Youth and Family/Caregiver
  - Are you aware of community resources available to assist you in employment readiness?
  - Are you interested in following up on any of these?

- How is your job working out? Are you comfortable with the hours you work?
- Is there a particular type of job you'd like to experience at this time?
- Are there any barriers to employment that you would like our help to address?

**Key Questions to determine whether the child has physical health or behavioral health needs that will require continued services into adulthood. Rule 1608(D)(1)(viii)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Does the youth have any special physical health needs?
  - Does the youth have any special mental health needs?
  - Any need for substance abuse treatment?
    - If yes to any of the above, what services is the youth currently receiving to address these special needs?
  - Has the youth received information/training to self-treat routine illnesses, know how to consult with a pharmacist to obtain information about over the counter medications and know when to see a doctor or go a hospital emergency room?
  - Does the youth have access to family planning services and education?
  - If the youth has special mental health needs or disability, will the youth need supportive housing?
    - If yes, has a referral been made to the appropriate office of mental health?
  - If the youth has a physical health condition or disability, will the youth need supportive housing?
    - If yes, has a referral been made to the appropriate housing resources which can provide support or accommodations?
  - Are the youth's health care needs addressed adequately in the case plan?
- Questions for Youth and Family/Caregiver
  - Do you have any questions about your health or health needs that you would like to assist you with at this time?

- Is there information that you feel you should have about your health that has not been provided to you?

**Key Questions to determine the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care. Rule 1608(D)(1)(ix)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Where does the youth currently reside?
  - What is the youth's/young adult's plan for housing?
  - Does the youth have a general understanding of tenant and homeowner rights?
  - Does the youth have an understanding of the basic governmental, community and housing services available to them after discharge?
  - Is the youth a member of a special population (e.g. LGBTQ or parenting)? Are there special considerations to take into account so those youth are protected?
  - Does the plan include a guaranteed, stable, appropriate, quality housing arrangement that can be expected to last for not less than one year? Are there contingency plans?
- Questions for Youth and Family/Caregiver
  - If you were to leave care today where would you go?
  - Where would you like to live when you leave care?
  - Who would you like to live with when you leave care?

**Key Questions to determine the steps being taken to ensure that the youth will have any disability needs met in their plan. Rule 1608(D)(1)(k)**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Is the youth eligible for special education?
  - If yes, are the youth's parents able to participate in the special education planning process or does the school district need to appoint a surrogate parent?
  - Is an educational decision-maker needed?
  - If the youth has an Individual Education Plan (IEP) and the youth is age 16 or older, what transition services are listed in the youth's IEP?

- Has a referral for supportive vocational services been made?
- If yes, what vocational services are being provided?
- Has the youth been identified or assessed as developmentally/intellectually disabled?
  - If yes, has the youth been found eligible for MR/DD services ?
- What specialized services has the youth received? Eligible to receive services as an adult?
- Has transitional planning been initiated with the MR/DD system?
- Has the youth applied for SSI?
- Is the youth eligible for special education services? If the youth is eligible for special education services, what transition services have been included in the IEP?
- What IL services has the youth with disabilities received?

### **Key Questions for Parenting Youth**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - If the youth is pregnant or parenting, have her or his rights as a parent been explained?
  - Has the youth's child been found dependent, if so, why?
  - Is the parenting youth placed with her child? If not, what is the justification for splitting the family unit? Is the parenting youth placed with their child, if yes, do they have primary parenting responsibility? If not, what services are being offered to shift primary parenting responsibility back to the youth?
  - If the youth does not have custody of their baby, what services are in place to work towards reunification? What are the efforts that are currently in place to reunify the mother/father and their baby?
  - Does the Youth parent have primary custody of their child, if not why?
  - What IL or parenting services are being provided to address the youth's parenting needs?
- Questions for Youth and Family

- Do you understand that you have the right to raise your own child as any other parent would?
- How much responsibility are you taking for parenting your child?
  - Caregiver – do you agree with the Youth’s assessment of their parenting responsibilities?

**Key Questions for satisfactory discharge plan**

- Questions for the Child Welfare Agency and/or Providers, and Guardian ad Litem
  - Has a final transition plan been developed with the youth?
  - Does the plan address all the required areas?
  - Has a written agreement between the agency and young adult been prepared?
  - Has the youth received all documents he is entitled to receive?
  - If the youth has an intellectual or other disability that prevents him or her from making his or her health care and other legal decisions, have legal proceedings been initiated to ensure that a legal decision-maker is in place?
  - What is the plan for the youth to remain in touch with siblings and other relatives?
  - Can the youth identify a supportive adult to help with emancipation?
  - Has the youth been informed of entitlement to stay in care until age 21 by requesting an extension of care?
    - If yes, has the youth been informed of the requirements that must be met to stay in care?
  - If youth has opted for an extension of care, what is the youth’s course of treatment or instruction?
  - If the youth has not opted for a board extension, what is the youth’s reason for making this choice?
  - Has the youth been informed that he or she can receive services from the children and youth agency until age 21 after being discharged?
  - Has the youth been informed of the county’s stipend policy?
  - Has s the youth been informed of the county’s room and board policy?

- If the youth is about to be discharged from foster care, what plans for health insurance have been made?
- Has the youth been informed of the availability of state or federal scholarships or tuition waiver for youth aging out?
- Questions for Youth and Family
  - Where are you going to live when you leave foster care?
  - Where do you live now?
  - Do you understand landlord/tenant rights?
  - Do you know where to go to get that information if you need it?
  - What is your means of transportation?
  - Do you have adequate furniture, kitchen utensils, and other household supplies?
  - Does your residence have working utilities?
  - Do you know how to apply for public assistance?
  - Has your name ever been changed? If so do you have all personal and legal documents now in the same name?
  - What else do you need to help have a smooth transition from foster care to adulthood?
  - Did you help prepare the agreement to remain in care?
  - Does the agreement promote your successful transition to independent adult living and emotional and economic self sufficiency?

## Some of Pennsylvania's Innovative Practices for Independent Living Services

### **Adams County:**

Adams County Children and Youth Services partners with other entities to best serve the needs of the Independent Living (IL) youth. For example, the Adams County Housing Authority offers IL youth preference, placing them at the top of the wait list for Housing Choice Vouchers. Local funds have been identified to support a Transitional Housing Program to provide homeless youth with temporary housing while assisting the youth to locate safe, permanent housing. Trial discharge has been offered to youth who choose to leave care without a viable transition plan, as well as, board extension contracts and Supervised IL programs for those willing to remain connected with the child welfare program. A Woman's Purse, a partnership between the United Way and the Gettysburg College Phi Delta Theta fraternity chose the IL youth as a focus of their philanthropy. Through these donations, the IL Advisory Committee is able to help IL youth with expenses that cannot be covered under the IL grant such as household items including linens, cookware, cleaning supplies, small appliances, and personal hygiene items when youth move into their own housing.

### **Fayette County:**

Fayette County Children and Youth Services provides flexible programming tailored to meet the individual needs of each IL youth. As such, transition planning happens via a Family Group Decision Making Conference. IL youth also meet one Saturday per month during the school year to discuss topics of interest to the participants. IL youth determine the topics and plan social events over the summer. The program year ends with a weekend retreat.

### **Montgomery County:**

Montgomery County Children and Youth Services utilizes Valley Youth House to coordinate IL services for youth placed within Montgomery County. The program serves all youth, ages 16 – 21 who resided in foster care on or after their 16<sup>th</sup> birthday, as well as, aftercare services for youth discharged from CYS care up until their 21<sup>st</sup> birthday. After assessing each youth referred, an individualized goal plan is developed to focus on educational, employment/job training, housing, and life skills needs. Life Skills Groups are two-hour discussion groups, run in 8-week cycles on topics related to the 4 areas mentioned above. Professionals with various areas of expertise from the community will help IL staff to facilitate the meetings. College visits and social events are planned throughout the year for IL youth interested in attending. Stipends are used

to reward IL youth who attend the Life Skills Groups as well as to reward educational successes, career successes, and volunteer activities. Stipend savings accounts are set up for each IL youth and funds are withdrawn to pay for IL related expenses.

**Washington County:**

Washington County Children and Youth Services teams with private provider, Try Again Homes to best meet the needs of the older youth. CYS caseworkers provide Family Finding and Family Group Decision Making services as well as transition planning with the IL youth. Try Again Homes provides “hands on” IL skills training, working directly with the youth on resume preparation, job interview skills training, and provides transportation to job interviews. Try Again Homes staff shows flexibility in programming to address the diverse needs of the IL youth.

**Wayne County:**

Wayne County’s dependent and delinquent IL youth receive contracted services by Preventative Aftercare, Inc., an affiliate of George Junior Republic. A 3-tiered referral system is utilized to prioritize service delivery. Tier I referrals are youth currently in crisis, most likely to “age out” of the system, have few supports, and require intensive services in preparation for independent living. Tier I participants will receive intensive services. Tier II referrals are youth age 16 to 18 whose discharge from the system is less imminent and have community supports and resources. Case management services are provided while awaiting IL program openings. Tier III are youth placed at a distance from their home county or require a higher level of care in their placement setting. A caseworker will work with the placement provider to ensure the youth receives IL services that are appropriate to meet the youth’s needs. Aftercare youth can also access the IL services.

<p>Commonwealth of Pennsylvania</p> <p>In the Interest Of:</p> <p>_____, A Minor</p> <p>Date of Birth _____</p>	<p>: IN THE COURT OF COMMON PLEAS OF</p> <p>: _____, PENNSYLVANIA</p> <p>: JUVENILE DIVISION</p> <p>: DOCKET NO: CP-____-DP-____-20</p> <p>: FID: _____-FN-____-20</p>
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**PETITION TO RELINQUISH CUSTODY AND  
GRANT TRIAL DISCHARGE OF DEPENDENT JUVENILE**

NOW, the Petitioner, \_\_\_\_\_ (hereinafter, “the Agency”), through legal counsel, avers that it is in the best interests of the juvenile that the Court grants the requested relief and further avers the following in support of this petition;

1. The above-named juvenile is \_\_\_\_ years old, being born on \_\_\_\_\_.
2. The father of the juvenile, \_\_\_\_\_, is an adult individual who resides at \_\_\_\_\_. **OR** The father of the juvenile is \_\_\_\_\_. The whereabouts of the juvenile’s father are unknown to the Agency. **OR** The identity of the father of the juvenile is unknown to the Agency.
3. The mother of the juvenile, \_\_\_\_\_, is an adult individual who resides at \_\_\_\_\_. **OR** The mother of the juvenile is \_\_\_\_\_. The whereabouts of the juvenile’s mother are unknown to the Agency.
4. The identity and whereabouts of the biological parents are unknown, the identity of the juvenile’s nearest adult relative is \_\_\_\_\_, who resides at \_\_\_\_\_.
5. On \_\_\_\_ the juvenile was adjudicated dependent due to [reasons] and placed in the custody of the Agency for purposes of placement in [type of placement] **OR [if necessary]** the juvenile remained under the protective supervision of the Court until \_\_\_\_ when juvenile was removed from the home, placed in Agency custody with the current placement being \_\_\_\_\_. At this placement juvenile receives the following independent living services \_\_\_\_\_.
6. Subsequent permanency review hearings were held on \_\_\_\_\_, with juvenile remaining in the custody of the Agency to allow for the accomplishment of certain treatment and educational goals, specifically, [list treatment and educational goals accomplished while in placement] pursuant to the Court approved transition plan for the juvenile.

7. On \_\_\_\_ juvenile executed an affidavit to remain in care to complete his/her education or treatment, which was prior to the juvenile's 18<sup>th</sup> birthday. A copy of this affidavit is attached to this pleading and incorporated by reference as if fully stated herein.
8. Petitioner avers that the juvenile is requesting to leave placement but reaffirms his/her decision to remain in a course of instruction or treatment in order to accomplish the requirements of the transition plan.
9. Petitioner avers that the juvenile has had the opportunity to develop a transition plan which would ensure that the juvenile would continue in a course of education or treatment, as well as, to provide for suitable housing and income for the juvenile. A copy of the transition plan will be presented to the Court for review and approval.
10. Petitioner avers that this transition plan is in the best interest of this youth and will allow for the juvenile to exercise independence and decision making skills consistent with juvenile's age and maturity.
11. Petitioner avers that to accomplish this request, juvenile should be released from the custody of the Agency.

WHEREFORE, the Petitioner, \_\_\_\_ County Children and Youth Services, respectfully requests that the Court enter an Order:

- a) Relinquishing the juvenile from Agency custody,
- b) Approving the trial discharge plan for the juvenile,
- c) Scheduling a three month conference and six month permanency review hearing.

Respectfully Submitted:

\_\_\_\_\_  
, Esquire  
ID No.  
Attorney on behalf \_\_\_\_ County  
Children and Youth Services  
Street Address  
\_\_\_\_ PA \_\_\_\_  
\_\_\_\_\_

**What is Trial Discharge?**

Trial Discharge allows you to leave care on or after your 18th birthday with a transition plan in place. However, if your transition plan falls through or if you decide that you need the agency's help then you can re-enter care using a Trial Discharge. In order to re-enter, you will have to be enrolled in a course of treatment or instruction. Treatment could include seeing a counselor or being treated for a physical disease or injury. Instruction could include higher education like a community college or 4 year university, or trade schools, certificate programs, and other educational options. It is up to the Judge to determine what counts as treatment or instruction.

Trial discharge gives you a chance to try to live on your own while still having a safety net in case you have trouble. Transitioning to adulthood is difficult and no one does it completely independent from other adults or supports. A Trial Discharge allows you to still be supported by adults from the agency.

**How does it work?**

It is required by law that every youth leaving care has a transition plan 90 days prior to their exit. Your Independent Living Caseworker or someone else from the agency will work with you to develop a plan that focuses on the areas of education, support, prevention, housing, employment, and health and wellness.

Once on a trial discharge, your Caseworker and Guardian ad Litem will speak with you about your responsibilities to keep in contact with the agency. You will also learn how to come back into care if you need help.

**Who do I contact if I need help?****Independent Living Caseworker:**

Name -  
Phone -  
Email -

**Children and Youth Caseworker:**

Name -  
Phone -  
Email -

**Guardian ad Litem:**

Name -  
Phone -  
Email -

**Children and Youth Intake Hotline:**

Phone -

### TRIAL DISCHARGE AGREEMENT REQUIREMENTS

The youth has to agree to:

Follow transition plan

Remain in course of instruction of treatment

Have contact with the Agency (nature frequency and duration)

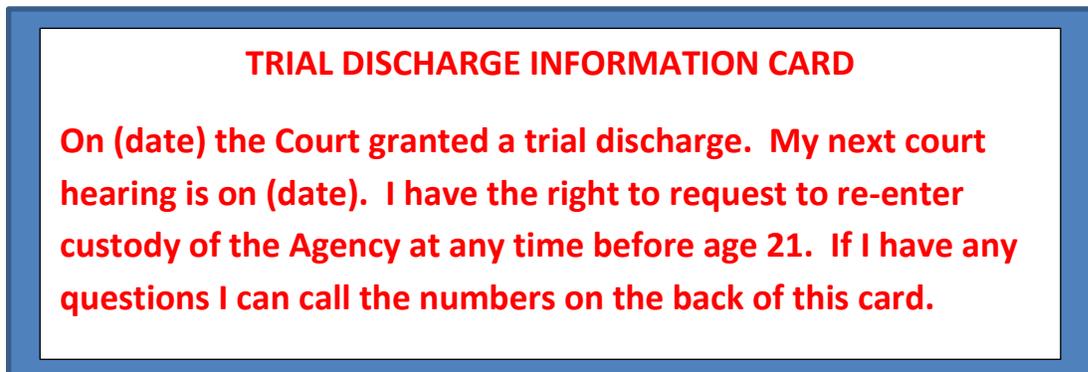
SIGNED by the Agency/Guardian/Counsel for the child, and approved by Court

### TRIAL DISCHARGE INFORMATION CARD TO BE ATTACHED TO TRIAL DISCHARGE AGREEMENT

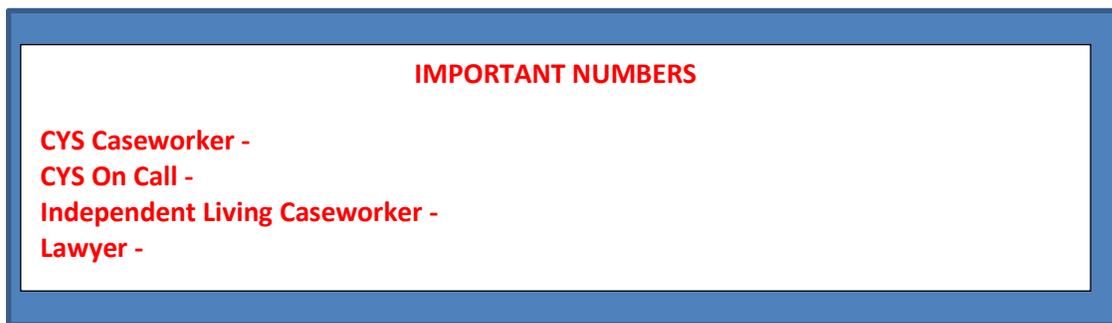
The Trial Discharge Card should be attached to the Trial Discharge Agreement and given to the youth at the conclusion of the hearing.

Sample Trial Discharge Card:

(front)



(back)



<p><b>Commonwealth of Pennsylvania</b></p> <p><b>In the Interest Of:</b></p> <p>____, A Minor</p> <p>Date of Birth ____</p>	<p>: : : : : : :</p>	<p><b>IN THE COURT OF COMMON PLEAS OF COUNTY, PENNSYLVANIA</b></p> <p><b>JUVENILE DIVISION</b></p> <p><b>DOCKET NO: CP-____-DP-____-20</b></p> <p><b>FID: _____-FN-____-20</b></p>
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**TRIAL DISCHARGE ORDER**

**PERSONS APPEARING AT THIS HEARING:**

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Juvenile<br>_____                    | <input type="checkbox"/> Legal Counsel for Juvenile<br>_____ | <input checked="" type="checkbox"/> Juvenile’s GAL<br>_____              | <input type="checkbox"/> CASA<br>_____                         |
| <input type="checkbox"/> Mother<br>_____                      | <input type="checkbox"/> Mother’s attorney<br>_____          | <input checked="" type="checkbox"/> Agency Worker<br>_____               | <input checked="" type="checkbox"/> Agency’s attorney<br>_____ |
| <input type="checkbox"/> Father<br>_____                      | <input type="checkbox"/> Father’s attorney<br>_____          | <input type="checkbox"/> Other<br>_____                                  |  |
| <input type="checkbox"/> Legal Guardian or Custodian<br>_____ |  | <input type="checkbox"/> Legal Guardian or Custodian’s attorney<br>_____ |  |

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, after a hearing held on this date, and it appearing that on \_\_\_\_\_, the above-captioned Juvenile

requested to leave placement, but remains in a course of instruction or treatment.

IT IS ORDERED THAT the Juvenile is released from the legal and physical custody of the Agency for purposes of a trial discharge. Juvenile shall remain dependent and under the supervision of the Court. The Agency is relieved from further placement responsibility regarding the above-captioned Juvenile. The Juvenile may request to re-enter placement at any time prior to the next scheduled hearing. In order to re-enter care, the Juvenile must meet eligibility requirements of the Juvenile Act.

**PERMANENCY PLAN – Consultation with Juvenile**

(a) The Juvenile is requesting the following trial discharge plan: \_\_\_\_\_

(b) CONSULTATION - The court has consulted with the Juvenile regarding the child’s permanency plan in a manner appropriate to the Juvenile’s age and maturity.

(c) CONSULTATION - The views of the Juvenile regarding the permanency plan have been ascertained to the fullest extent possible and communicated to the court by the

- (i) Guardian ad Litem
- (ii) Juvenile’s Counsel
- (iii) Court-Appointed Special Advocate
- (iv) Other person as designated by the court \_\_\_\_\_

(d) NO CONSULTATION

**PERMANENCY PLAN - Reasonable efforts to finalize**

(a) Reasonable efforts have been made by the County Children and Youth Services Agency to finalize this Juvenile's permanency plan.

(b) Reasonable efforts have NOT been made by the County Children and Youth Services Agency to finalize this Juvenile's permanency plan, in that \_\_\_\_

**ORDERS/FINDINGS**

The court has reviewed and approved the transition and trial discharge plan.

Additional Orders/Findings Attached

**RECOMMENDED:**

\_\_\_\_\_  
Master

The Recommended Order is not final until confirmed by the Court below. If objections are raised to the recommendations of the Master, a party may request a hearing before the Court within three (3) days of the date set forth on page 1.

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, after consideration this Court finds the recommendation by the Master is on the best interest of the Juvenile and is hereby adopted.

**BY THE COURT:**

\_\_\_\_\_  
Judge

<p>Commonwealth of Pennsylvania</p> <p>In the Interest Of:</p> <p>____, A Minor</p> <p>Date of Birth ____</p>	<p>: IN THE COURT OF COMMON PLEAS OF</p> <p>: COUNTY, PENNSYLVANIA</p> <p>: JUVENILE DIVISION</p> <p>: DOCKET NO: CP-____-DP-____-20</p> <p>: FID: ____-FN-____-20</p>
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**RE-ENTRY ORDER**

**PERSONS APPEARING AT THIS HEARING:**

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Juvenile<br>_____                    | <input type="checkbox"/> Legal Counsel for Juvenile<br>_____             | <input checked="" type="checkbox"/> Juvenile's GAL<br>_____ | <input type="checkbox"/> CASA<br>_____                         |
| <input type="checkbox"/> Mother<br>_____                      | <input type="checkbox"/> Mother's attorney<br>_____                      | <input checked="" type="checkbox"/> Agency Worker<br>_____  | <input checked="" type="checkbox"/> Agency's attorney<br>_____ |
| <input type="checkbox"/> Father<br>_____                      | <input type="checkbox"/> Father's attorney<br>_____                      | <input type="checkbox"/> Other<br>_____                     |  |
| <input type="checkbox"/> Legal Guardian or Custodian<br>_____ | <input type="checkbox"/> Legal Guardian or Custodian's attorney<br>_____ |   |  |

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, after a hearing held on this date, and it appearing that on \_\_\_\_\_, the above-captioned juvenile was released from the legal and physical custody of the Agency pursuant to a Trial Discharge order, but jurisdiction remained with this Court, and it further appearing that on \_\_\_\_\_ **(date)**, the juvenile:

requested to return to the legal and physical custody of the Agency for purposes of placement, which would allow the juvenile to complete the terms and conditions of his/her transition plan, with a copy of this request made part of the record in this matter; and it further appearing that continuation in the home of \_\_\_\_\_, [relationship] is not in this juvenile's best interests, with the Agency making reasonable efforts to prevent the placement of the juvenile;

and it further appearing that the juvenile remains in a course of instruction or treatment.

IT IS ORDERED THAT Juvenile is placed in the legal and physical custody of the Agency, and that the Agency is granted the rights and duties of a legal custodian under the Juvenile Act.

**PERMANENCY PLAN – Consultation with Juvenile**

(a) The views of the Juvenile are: \_\_\_\_\_

(b) CONSULTATION - The court has consulted with the Juvenile regarding the child’s permanency plan in a manner appropriate to the Juvenile’s age and maturity.

(c) CONSULTATION - The views of the Juvenile regarding the permanency plan have been ascertained to the fullest extent possible and communicated to the court by the

- (i) Guardian ad Litem
- (ii) Juvenile’s Counsel
- (iii) Court-Appointed Special Advocate
- (iv) Other person as designated by the court \_\_\_\_

(d) NO CONSULTATION

**PERMANENCY PLAN - Reasonable efforts to finalize**

(a) Reasonable efforts have been made by the County Children and Youth Services Agency to finalize this child’s permanency plan.

(b) Reasonable efforts have NOT been made by the County Children and Youth Services Agency to finalize this child’s permanency plan, in that \_\_\_\_

Additional Orders/Findings Attached

Such disposition having been determined to be best suited to the protection and physical, mental and moral welfare of the Juvenile.

**Next Scheduled Court Event:** \_\_\_\_ **DATE:** \_\_\_\_

**RECOMMENDED:**

\_\_\_\_\_  
Master

This Master’s recommendation is not final until confirmed by the Court below. A party may challenge the Master’s recommendation by filing a motion with the clerk of courts within three (3) days of receipt of the recommendation.

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this Court finds the Master’s recommendation is in the best interest of the Juvenile and is hereby adopted as an Order of Court.

**BY THE COURT:**

\_\_\_\_\_  
Judge

<p><b>Commonwealth of Pennsylvania</b></p> <p><b>In the Interest Of:</b></p> <p>____, A Minor</p> <p>Date of Birth ____</p>	<p><b>: IN THE COURT OF COMMON PLEAS OF</b></p> <p><b>: NORTHAMPTON COUNTY, PENNSYLVANIA</b></p> <p><b>:</b></p> <p><b>: JUVENILE DIVISION</b></p> <p><b>:</b></p> <p><b>: DOCKET NO: CP-__-DP-__-20</b></p> <p><b>: FID:            __-FN-__-20</b></p>
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**ORDER FOR TERMINATION OF COURT SUPERVISION**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is ORDERED that the Juvenile is found not to be Dependent pursuant to the Pennsylvania Juvenile Act. Any temporary legal and physical custody by County Children and Youth Services Agency of the aforementioned Juvenile shall be discharged.

**Reason for Termination**

- The Juvenile has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated.
- The Juvenile has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated.
- The Juvenile has been placed with a ready, willing, and able parent who was not previously identified by the county agency.
- The Juvenile has been adopted and services from the county agency are no longer needed.
- The Juvenile has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed.
  - Subsidized Permanent Legal Custodian/Relative.
  - Subsidized Permanent Legal Custodian/Third Party.
- The Juvenile has been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed.
- The Juvenile has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to Rule 1613 (E) for a Juvenile who is age eighteen or older.
- The Juvenile has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved.
- The Juvenile has been emancipated by the court.
- The Juvenile is eighteen years old and refusing further services from the county agency and a hearing has been held pursuant to Rule 1613 (E).
- The Juvenile is eighteen years old and has remained under court supervision pursuant to a trial discharge, but is requesting to end court supervision, and a hearing has been held pursuant to Rule 1613 (E).
- Death Due to Natural Causes
- Death Due to Negligence
- A court in another county of this Commonwealth has accepted jurisdiction.
- A court in another state has accepted jurisdiction.

**PERMANENCY PLAN – Consultation with Juvenile**

(a) The views of the Juvenile are: \_\_\_\_\_

(b) CONSULTATION - The court has consulted with the Juvenile regarding the child's permanency plan in a manner appropriate to the Juvenile's age and maturity.

(c) CONSULTATION - The views of the Juvenile regarding the permanency plan have been ascertained to the fullest extent possible and communicated to the court by the

- (i) Guardian ad Litem
- (ii) Juvenile's Counsel
- (iii) Court-Appointed Special Advocate
- (iv) Other person as designated by the court \_\_\_\_\_

(d) NO CONSULTATION

**PERMANENCY PLAN - Reasonable efforts to finalize**

(a) Reasonable efforts have been made by the County Children and Youth Services Agency to finalize this Juvenile's permanency plan.

(b) Reasonable efforts have NOT been made by the County Children and Youth Services Agency to finalize this Juvenile's permanency plan, in that \_\_\_\_\_

**ORDERS/FINDINGS**

THE COURT FURTHER FINDS: \_\_\_\_\_

THE COURT FURTHER ORDERS: \_\_\_\_\_

Additional Orders/Findings Attached

**BY THE COURT:**

\_\_\_\_\_  
Judge

## Proposed Legislative Language for Juvenile Act

### § 6302. Definitions

.....

**"Child."** An individual who:

.....

(3) was adjudicated dependent before the age of 18 years, ~~and who, while remains under the jurisdiction of the Court, is engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall a child remain in a course of instruction or treatment past the age of 21 years.~~ or employed for at least 80 hours per month, or incapable due to a diagnosed medical condition and is under the age of 21 years.

(4) was adjudicated dependent before age 18 and remains under court jurisdiction on trial discharge order.

**"Course of Instruction."** An approved or licensed or accredited educational program, which shall include post-secondary education for which the child has been registered, or admitted, or accepted for attendance.

**"Course of Treatment."** A level of care that has been provided as a result of the child being adjudicated dependent, which shall include services being funded through federal, state, and local allocations to a County Agency. It shall also include treatment made pursuant to a recognized mental health diagnosis, and/or educational assessment. It shall also include a child who is employed for at least 80 hours per month; or, incapable of doing any [of the above] due to a medical condition.

**"Dependent child."** A child who:

.....

(11) has been adjudicated dependent before reaching the age of 18, remains under the age of 21, and was released from the custody of the Agency on or after the child's 18<sup>th</sup> birthday, pursuant to a trial discharge Order, or at any time prior to the age of 21 requests re-entry.

**"Placement."** Where the child is housed following a removal from a parent or legal custodian, and after an Agency is granted legal custodianship status pursuant to 42 Pa.C.S.A. Section 6357.

**“Re-entry.”** Prior to age 21, request by former dependent youth to re-enter placement consistent with the juvenile’s age and development needs.

**§ 6351. Disposition of dependent child**

.....

**(e) Permanency hearings.--**

(1) The court shall conduct a permanency hearing for the purpose of determining or reviewing the permanency plan of the child, the date by which the goal of permanency for the child might be achieved and whether placement continues to be best suited to the safety, protection and physical, mental and moral welfare of the child. ~~In any permanency hearing held with respect to the child, the court shall consult with the child regarding the child’s permanency plan in a manner appropriate to the child’s age and maturity. If the court does not consult personally with the child, the court shall ensure that the views of the child regarding the permanency plan have been ascertained to the fullest extent possible and communicated to the court by the guardian ad litem under section 6311 (relating to guardian ad litem for child in court proceedings) or, as appropriate to the circumstances of the case by the child’s counsel, the court appointed special advocate or other person as designated by the court.~~

.....

(3) The court shall conduct permanency hearings as follows:

.....

(ii) Within 30 days of:

(iii.) Within 90 days prior to a child’s 18 birthday to review and approve the child’s transition plan and 90 days prior to the child’s discharge.

(iv.) Within 90 days after a dependent child under age 21 absconds or otherwise requests to leave placement.

**(f) Matters to be determined at permanency hearing.--** At each permanency hearing, a court shall determine all of the following:

.....

(8) The services needed to assist a child who is 16 years of age or older to make the

transition to independent living.

(8.1) Trial discharge---If a juvenile who remains in placement over age 18 and under age 21, absconds or otherwise requests to leave care, the Agency placement responsibility for the juvenile shall be relinquished, but juvenile may remain dependent and under the protective supervision of the Court.

(8.2) Whether a juvenile who is granted a trial discharge should be returned to the custody of the Agency for purposes of placement. If a juvenile who has absconded fails to attend this hearing, or continues to request that court jurisdiction ends, the court may terminate the dependency status.

### **Liability Concerns Related to Trial Discharge:**

Child welfare agencies and their employees are well insulated from liability through doctrines of immunity as well as the standards of proof required for a showing of liability on behalf of a state actor. In general, before liability will attach, a claimant must prove that the agency or its employees acted with “deliberate indifference,” i.e. in such a manner that “shocks the conscience.” There is nothing inherent in the trial discharge practice which would alter this heightened burden of proof.

In *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 197 (1989), the Supreme Court held that: “a State’s failure to protect an individual against private violence simply does not constitute a violation of the Due Process Clause.” However, state-sponsored foster care does create a special relationship between the child and the agency which implicates the Due Process Clause of the Fourteenth Amendment. In this special relationship, the government has an affirmative duty of care and protection respecting foster children. However, this relationship does not, in itself, subject the agency to liability for harm caused by or to foster children. For liability to attach, an individual must demonstrate that the state’s conduct “shocks the conscience.” *Nicini v. Morra*, 212 F.3d 798, 808 (3d Cir. 2000).

Liability may be attributed to the agency under the state-created danger exception to *DeShaney’s* general rule, which also requires an affirmative exercise of state authority. The Third Circuit recognizes the state-created danger theory, providing that a constitutional violation may occur when an affirmative exercise of governmental authority renders a citizen “more vulnerable to injury from another source than he or she would have been in the absence of state intervention.” *Bright v. Westmoreland*, 443 F.3d 276, 281 (3d Cir. 2006).

In a significant Third Circuit case, *Bennett v. City of Philadelphia*, 499 F.3d 281, 287 (2007), the Court re-affirmed the required “shocks the conscience” standard and held ...to establish a claim based on the state-created danger doctrine, a plaintiff must satisfy the following elements: (1) the harm caused was foreseeable and fairly direct; (2) a state actor acted with a degree of culpability that shocks the conscience; (3) some relationship existed between the state and the plaintiff that renders plaintiff a foreseeable victim; and (4) a state actor affirmatively used his or her authority in a way that created a danger to the citizen or that rendered the citizen more vulnerable to danger than had the state not acted at all.

Finally, state agencies are generally immune from liability pursuant to Pennsylvania's Tort Claim Act, 42 Pa.C.S.A. §8541, *et. seq.*, which provides no local agency or an employee thereof, will be liable for damages from an injury caused to a person or property, unless otherwise provided therein. The exceptions to this immunity involve the commission of a crime or fraud, or a showing of actual malice or willful misconduct. This immunity would apply to state agencies regardless of the age of the children involved.