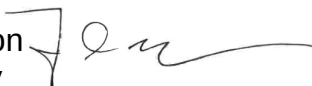




SPECIAL TRANSMITTAL

SUBJECT: Act 118 of 2022 Amendments to the Juvenile Act

TO: County Children and Youth Social Service Agencies
Private Children and Youth Social Service Agencies
Pennsylvania Children and Youth Administrators Association

FROM: Laval Miller-Wilson 
Deputy Secretary
Office of Children, Youth, and Families

DATE: June 28, 2023

PURPOSE

The purpose of this special transmittal is to inform county and private children and youth social service agencies (agencies) of updates to Title 42 (Judiciary and Judicial Procedure) and Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes. These changes have occurred due to the passage of Act 118 of 2022 (Act 118). This special transmittal also provides information regarding Act 118's impact on agency practice.

BACKGROUND

On November 3, 2022, Governor Tom Wolf signed Act 118 entitled "Helping Older Foster Youth Find Permanency", into law. The intent of Act 118 is to reduce the number of older youth aging out of the child welfare system without the support and guidance of a permanent family. Act 118 was effective on January 2, 2023. Act 118 amends § 6351 (relating to disposition of dependent child) of the Juvenile Act to require at the permanency hearing, the court to

- Determine the services needed to assist a child who is 14 years of age or older to make the transition to successful adulthood and whether the services are being provided under 67 Pa.C.S. § 7505 (relating to transition plan and services).
- Determine, if the child/youth is 18 year of age or older, whether a suitable transition plan has been presented in accordance with section 475 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 675(5)(H)) and 67 Pa.C.S. § 7505.

- If and when the child/youth will be placed in another planned permanent living arrangement (APPLA), determine the youth is 18 years of age or older;
- Make findings that the two significant connections with supportive adults are identified in the permanency plan or that efforts have been made to identify at least two significant connections with supportive adults, if no one is currently identified; and
- Identify the specific planned permanent living arrangement being approved.

Act 118 amends § 6351 of the Juvenile Act to require the County Children and Youth Agency (CCYA) to:

- Identify at least two (formerly one) significant connections with supportive adults willing to be involved in the older youth's life as the youth transitions to adulthood, or to document the efforts made to identify the supportive adults, when APPLA is considered as a permanency goal;

Act 118 amends Title 67, adding Chapter 75 to require the CCYA to:

- Develop a permanency plan, when a youth is subject to an order transferring legal custody;
- Provide services to support the successful achievements of the permanency plan on a continuous basis;
- Document the services provided in the child's/youth's case plan;
- Provide a child/youth 14 years of age or older the opportunity to participate in the development of the permanency plan;
- Provide ongoing permanency services to:
 - (1) Identify potential permanent placements for the child/youth, including primary and secondary placement options.
 - (2) Prepare the child/youth cognitively and emotionally for placement in accordance with the child's/youth's identified permanency goal.
 - (3) Maintain and strengthen sibling connections through joint placement or facilitation of visitation and other means of communication.
 - (4) Maintain and strengthen other identified supportive connections.
- Develop a transition plan at least six months (formerly 90 days) prior to a child/youth turning 18;
- Provide the child/youth with all relevant documents prior to termination of court jurisdiction for a child/youth 18 years of age or older;
- Provide the child/youth with a copy of the transition plan prior to termination of court jurisdiction for a child/youth 18 years of age or older;
- Provide age and developmentally appropriate services to help the child/youth plan and prepare for eventual adulthood, beginning when the child/youth is 14 years of age;
- Include specific elements in the transition plan and retain the transition plan and all relevant documents for no less than five years after termination of court jurisdiction; and
- Collect and submit data to the Pennsylvania Department of Human Services

(Department) for a child/youth 18 years of age or older at the time the court terminates jurisdiction over the child/youth.

Act 118 reestablished existing requirements in Section 7507 (relating to kinship care program), Section 7508 (relating to subsidized permanent legal custodianship program), and Section 7509 (relating to permanent legal custodianship subsidy and reimbursement) under Chapter 75 as well as created Chapter 77 (relating to Adoption Opportunities).

DISCUSSION

Pennsylvania and national data show that when children and youth in out-of-home placement age out of care without being legally connected to family or having significant connections with supportive adults, they face serious risks to their well-being including potential homelessness, joblessness, or imprisonment. Act 118 reinforces legal permanency for children and youth and recognizes that APPLA is the least preferred permanency goal. While APPLA is to be planned and permanent in nature, the actual arrangement is to be deliberate, enduring, lasting and stable. It is not just the physical placement of the child/youth but the quality of care, supervision and nurturing the child/youth will receive. It is imperative that if reunification is not an option, agencies must continue efforts for children and youth to achieve legal permanency, through adoption, placement with a permanent legal custodian or placement with a fit and willing relative before exiting the child welfare system. If these legal options are ruled out by the court and the goal of APPLA is court approved, the CCYA must identify two significant connections with supportive adults and provide the necessary services and supports to ensure a successful transition to adulthood. Act 118 practice implications for agencies are outlined below.

Permanency Planning and Services

Act 118 states that when a child/youth is adjudicated dependent as prescribed under 42 Pa.C.S. § 6351(a)(2) (relating to disposition of dependent child), CCYAs shall develop a permanency plan, provide continuous services to support the successful achievement of the permanency plan, and document the services provided in the child's/youth's case plan. Children and youth 14 years of age or older shall have the opportunity to participate in the development of the permanency plan.

CCYAs shall, provide ongoing services to:

- Identify potential permanent placements for the child/youth, including primary and secondary placement options.
- Prepare the child/youth cognitively and emotionally for placement in accordance with the child's/youth's identified permanency goal.
- Maintain and strengthen sibling connections through joint placement or facilitation of visitation and other means of communication.
- Maintain and strengthen other identified supportive connections.

Independent Living Planning and Transition Planning

Act 118 states that when a child/youth is adjudicated dependent as prescribed under 42 Pa.C.S. § 6351(a)(2) (relating to disposition of dependent child), CCYAs shall provide age and developmentally appropriate services to help the child/youth plan and prepare for eventual adulthood beginning at age 14 and begin transition planning at least six months prior to the youth turning 18. Children and youth should be engaged in the planning process and have the option of having two supportive adults of their choosing to be part of their transition planning. As the plan is updated, the child/youth will be provided a copy that reflects the changes so that the child/youth will have an opportunity to review on their own and ask additional questions. The agency shall provide the youth with a copy of the transition plan as soon as possible prior to termination of court jurisdiction, providing the youth time to ask questions relating to the transition plan well in advance of the termination of court jurisdiction. The agency must provide a youth, 18 years of age or older, with all relevant documents prior to termination of court jurisdiction. These documents may include, but are not limited to, the youth's birth certificate, Social Security card, driver's license or State identification card, health insurance card and diploma or general educational development certificate. For additional guidance on documents to be provided to the child/youth refer to Bulletin 3130-14-01. Agencies are also advised to provide detailed information and ongoing education about the available permanency goals to assist youth in better understanding their permanency options.

In addition to established transition planning requirements, Act 118 requires the transition plan to contain the following:

- Identification of or detailed options a suitable place of intended residence;
- A list with contact information of supportive adults and family members;
- Identification of local opportunities for mentorships and continuing social support;
- A plan or detailed options for employment, job training or continuing education; and
- Documentation of the child's/youth's possession of relevant documents or, if the child/youth does not have possession of the documents, an explanation of the reasons why the child/youth does not have the documents and detailed instructions on how the child/youth may obtain the documents.

The CCYA shall document the child's/youth's transition plan in the child's/youth's case plan and retain electronic copies of the transition plan and all relevant documents for no less than five years after termination of court jurisdiction.

APPLA Age and Connection Changes

Act 118 now requires that a child/youth must be 18 years of age or older for APPLA to be approved by the court, therefore children and youth under age 18, will no longer be eligible for APPLA as a permanency goal. For children and youth under 18 years of age with a current goal of APPLA, CCYAs have until the next permanency hearing or six months from the effective date of the law to change the youth's goal. Federal and state financial reimbursement is not available for any period of time when a child/youth under age 18 has a primary or secondary goal of APPLA.

Act 118 states that CCYAs shall identify at least two significant connections with supportive adults in the permanency plan when APPLA is listed as the permanency goal. Agencies are advised to utilize family finding activities to assist children and youth to identify adults. Agencies are encouraged to continue engagement strategies with children and youth to identify supportive adults.

APPLA remains the permanency goal of last choice. Agencies are advised to “unpack the no” with children, youth and staff. Older children and youth may have experienced multiple placements and relationships and say “no” to being adopted, placed with a permanent legal custodian, or placed with a fit and willing relative when reunification has been ruled out as a permanency goal. Agencies have a responsibility to help children and youth work through these issues and to assist them to identify and develop lifelong connections. Agency staff must believe that legal permanency is possible for all children and youth and be ready to identify permanent connections for every child/youth. Agencies are advised to routinely and consistently refer children and youth in out-of-home care to included but not limited to, Family Group Decision Making/Family Group Conferencing/Family Teaming meetings and models as well as Permanency Roundtables or similar case review models. In addition, children and youth, regardless of their permanency goal, should receive permanency services available through the Statewide Adoption and Permanency Network (SWAN). Children and youth benefit greatly from SWAN services as these services can lead to permanency and assist in identifying a permanency connection to assist children and youth as they prepare for transition to independence and permanency.

Data Collection to Improve Permanency Outcomes

Act 118 requires CCYAs to submit the following data to the Department at the time the court terminates jurisdiction of a child/youth, 18 years of age or older:

- Age
- Gender
- Race
- Permanency goal
- Whether the permanency goal was achieved
- Whether the child/youth requested resumption of jurisdiction
- Whether the court granted resumption of jurisdiction

- The number of placements in the prior year
- Whether the child/youth had an identified place of intended residence
- Whether the child/youth had income through employment
- Whether the child/youth had income through a public benefit
- Whether the child/youth had at least two identified supportive adult connections
- Whether the child/youth had contact with siblings
- Whether the child/youth had contact with biological parents
- Whether the child/youth graduated from high school
- Whether the child/youth received a general educational development certification
- Whether the child/youth was a parent or expectant parent
- Whether the child/youth was enrolled in a program of postsecondary education or training
- Whether the child/youth had completed at least two years in a program of postsecondary education or training
- Whether the child/youth was enrolled in Medicaid
- Whether the child/youth was given a physical copy of a transition plan
- Whether the child/youth had possession of a birth certificate, Social Security card, State identification card or driver's license, health insurance card and, if not born in the United States, proof of valid immigration status

It is important to note that the data elements listed above may need to be reported to the Department more than once if the child/ youth were to resume jurisdiction and later exits care following a previous reporting of termination of jurisdiction. CCYAs are required to submit this data at the time the court terminates jurisdiction. Data submission for Act 118 is an additional requirement and does not meet established reporting requirements for Adoption and Foster Care Analysis and Reporting System (AFCARS) submissions to the Department. All CCYAs must upload the Act 118 Data Collection Form to the Department's DocuShare website: <https://www.dpwds.state.pa.us> per instructions in this Special Transmittal. Refer to Attachment A for specific steps related to the required data submission. The Office of Children, Youth and Families (OCYF) will explore a potential long-term solution to equip CCYAs with an automated means to submit data to the Department.

Any questions regarding this transmittal should be directed to the appropriate OCYF Regional Office.

Attachment A

Instructions for Submission of Act 118 Data

The County Children and Youth Agency (CCYA) shall designate a person responsible for submitting the Act 118 data via DocuShare.

Act 118 requires CCYAs to submit data to the Department when the court terminates the jurisdiction of a child/youth, 18 years of age or older. Data for a child/youth who returns to care after terminating court jurisdiction, shall be reported to the Department again following termination of court jurisdiction. The Act 118 data collection form is available on the Department's DocuShare website. Each CCYA should save the form and rename it, using the naming conventions described below. Each original electronic copy of a data collection form should be saved as a new file and named with the naming convention mentioned below prior to electronic submission.

1. Complete Act 118 Data Collection Form at the time court terminated jurisdiction
<https://www.dpwds.state.pa.us/docushare/dsweb/View/Collection-329053>
2. Save file with the appropriate naming convention
Act118_(youth's initial)_(date of jurisdiction DDMMYY)
Example: Act118_RW_020323
3. Upload to county appropriate folder on DocuShare:
<https://www.dpwds.state.pa.us/docushare/dsweb/View/Collection-329053>

Date Court Terminated Jurisdiction	Use DD/MM/YYYY format for date court termination of jurisdiction for youth
Youth Last Name	Enter the Last Name of the youth
Youth First Name	Enter the first name of the youth
Date of Birth	Use format DD/MM/YYYY for the youth's date of birth
Gender	Select legal sex of youth from drop-down Male Female
Race	Select which race youth identifies as in drop-down American Indian or Alaska Native Asian Black or African American Native Hawaiian or other Pacific Islander Asian White Unknown/Unable to Determine

	Two or More Races
Is youth of Hispanic or Latino ethnicity?	Select whether youth is of Hispanic or Latino origin from drop-down Yes No
Court Ordered Primary Permanency Goal	Select youth's primary permanency goal from drop-down Reunification with their family Placement with an adoptive family Placement with a legal custodian / permanent legal custodian Placement with a fit and willing relative Placement in another planned permanent living arrangement
Court Ordered Concurrent Permanency Goal	Select youth's concurrent permanency goal from drop-down Reunification with their family Placement with an adoptive family Placement with a legal custodian / permanent legal custodian Placement with a fit and willing relative Placement in another planned permanent living arrangement
Was court ordered primary permanency goal achieved?	Did the youth achieve their primary permanency goal listed above, select from drop-down Yes No
Was concurrent permanency goal achieved? Answer N/A if primary permanency goal was achieved.	Did the youth achieve their concurrent permanency goal listed above, select from drop-down Yes No N/A
Youth requested resumption of jurisdiction?	Did the youth request a resumption of jurisdiction, select from the drop-down Yes No
Court granted resumption of jurisdiction?	Did the court grant the resumption of jurisdiction, select from drop-down Yes No

Number of placements in prior calendar year	Enter number of placements youth had in past year
Youth had an identified place of intended residence?	Did the youth identify a place of intended residence, select from the drop-down Yes No
Youth had income through employment?	Did the youth have income from employment, select from the drop-down Yes No
Youth had income through a public benefit?	Did the youth receive income through a public benefit, select from drop-down Yes No
Youth had at least two identified supportive adult connections?	Did the youth identify two supportive adult connections, select from drop-down Yes No
Youth had contact with siblings? -contact examples: phone call, face to face, letter, facetime	Did the youth have contact with siblings, select from drop-down Yes No
Youth had contact with biological mother?	Did the youth have contact with biological mother, select from drop-down Yes No
Youth had contact with biological father?	Did the youth have contact with biological father, select from drop-down. Yes No
Youth graduated from high school?	Did the youth graduate from high school, select from drop-down Yes No

Youth received a general educational development certification (GED)?	Did the youth receive a GED, select from drop-down Yes No
Youth was a parent or expectant parent at time of jurisdiction?	Was the youth a parent or expectant parent, select from drop-down Yes No
Youth was enrolled in a program of postsecondary education or training at time of jurisdiction?	Was youth enrolled in a program of postsecondary education or training, select from drop-down Yes No
Youth was enrolled in Medicaid at time of jurisdiction?	Was youth enrolled in Medicaid, select from drop-down Yes No
Was youth given a physical copy of a transition plan?	Was the youth given a copy of a transition plan, select from drop-down Yes No
Youth had possession of a birth certificate?	Was the youth in possession of a birth certificate, select from drop-down Yes No
Youth had possession of Social Security card?	Did the youth have possession of a Social Security card, select from the drop-down Yes No
Youth had possession of state identification card or driver's license?	Did the youth have possession of a state ID card or driver's license, select from the drop-down Yes No
Youth had possession of health insurance card?	Did the youth have possession of a health insurance card, select from the drop-down Yes No

If not born in the United States, youth had possession proof of valid immigration status?	Did the youth achieve their permanency goal listed above, select from drop-down Yes No Born in the United States
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