
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 805 Session of
2023

INTRODUCED BY BAKER, SCHWANK, HAYWOOD, COSTA, TARTAGLIONE,
CAPPELLETTI, BROWN AND KANE, JUNE 23, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 23, 2023

AN ACT

1 Establishing a joint legislative, executive and judicial
2 commission on the child welfare system; and conferring powers
3 and imposing duties on the commission.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Interbranch
8 Commission on the Child Welfare System Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) Events, including those surrounding the abusive
12 treatment and ultimate death of children who were in foster
13 care or adopted after having been placed in foster care
14 through the Commonwealth's child welfare system, require a
15 noncriminal investigation and review of the operations of the
16 child welfare system in this Commonwealth.

17 (2) These events have eroded the trust and confidence in
18 the Commonwealth's child welfare system.

1 (3) The Auditor General identified numerous deficiencies
2 in the child welfare system in a special report entitled
3 "State of the Child," dated September 2017. In that report,
4 the Auditor General stated that the "child-welfare system is
5 broken" and listed a total of seven report observations on
6 the state of the system.

7 (4) It is not clear what progress has been made
8 regarding addressing the report's observations or whether
9 additional or different steps need to be taken.

10 (5) It is not clear if the funding of child welfare
11 services in this Commonwealth is consistent with the purpose
12 and mission of the child welfare system.

13 (6) The legislative, judicial and executive branches of
14 State government should undertake a joint noncriminal
15 investigation and review of the child welfare system. The
16 review should:

17 (i) Focus on the strengths and challenges of the
18 child welfare system.

19 (ii) Restore public confidence in the protection of
20 children who have been placed in foster care or have been
21 adopted after having been under the care of the child
22 welfare system.

23 (iii) Ensure that children in the Commonwealth's
24 child welfare system are adequately protected.

25 Section 3. Definitions.

26 The following words and phrases when used in this act shall
27 have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Commission." The Interbranch Commission on the Child
30 Welfare System established under section 4.

1 "Department." The Department of Human Services of the
2 Commonwealth.
3 Section 4. Commission.

4 (a) Establishment.--The Interbranch Commission on the Child
5 Welfare System is established within the department.

6 (b) Membership.--The commission shall consist of the
7 following members, who shall be appointed within 25 days of the
8 effective date of this section:

9 (1) The Auditor General.

10 (2) The Deputy Secretary for Children, Youth and
11 Families in the department.

12 (3) Seven members appointed by the Governor as follows:

13 (i) Two foster parents.

14 (ii) One member of a private sector organization
15 providing foster or residential care.

16 (iii) One member of a child welfare or advocacy
17 group.

18 (iv) Two representatives of a county children and
19 youth agency.

20 (v) One child or adolescent psychologist or
21 psychiatrist.

22 (4) Eight members appointed by the Chief Justice of the
23 Supreme Court of Pennsylvania as follows:

24 (i) Two juvenile court judges.

25 (ii) Two guardians ad litem with experience as such
26 over at least a five-year period.

27 (iii) One member of the Juvenile Court Procedural
28 Rules Committee.

29 (iv) Two attorneys who have experience representing
30 parents in dependency hearings.

1 (v) The director of the Office of Children and
2 Families in the Courts.

3 (5) Eight members who must not be members of the General
4 Assembly but who must be knowledgeable and experienced in
5 either foster care or adoption or providing foster care or
6 adoption services to juveniles. The persons shall include at
7 least one person who was previously a foster child, at least
8 one person who was adopted and at least one county children
9 and youth caseworker. The members shall be appointed as
10 follows:

11 (i) The President pro tempore of the Senate shall
12 appoint two members.

13 (ii) The Speaker of the House of Representatives
14 shall appoint two members.

15 (iii) The Minority Leader of the Senate shall
16 appoint two members.

17 (iv) The Minority Leader of the House of
18 Representatives shall appoint two members.

19 (c) Geographic diversity.--

20 (1) Of the seven members appointed under subsection (b)
21 (4) (i), (ii), (iii) and (iv), at least one shall be from each
22 of the areas represented by the four regional offices under
23 the Office of Children, Youth and Families and the remaining
24 three appointments may be from any part of this Commonwealth.

25 (2) Of the members appointed under subsection (b) (3), at
26 least one shall be from each of the areas represented by the
27 four regional offices under the Office of Children, Youth and
28 Families and the remaining three appointments may be from any
29 part of this Commonwealth.

30 (d) Chairperson.--A majority of the members shall select the

1 chairperson of the commission. The chairperson may not be an
2 elected official or an employee of the department.

3 (e) Quorum and voting.--

4 (1) A majority of the members constitutes a quorum.

5 (2) Action of the commission shall be authorized or
6 ratified by majority vote of the members of the commission.

7 (f) Participation.--A member not physically present may
8 participate by teleconference or video conference.

9 (g) Meetings.--

10 (1) The commission shall meet as determined by the
11 chairperson but at least once a month. Additional meetings
12 may be called by the chairperson as necessary. The
13 chairperson shall schedule a meeting upon written request of
14 four members of the commission.

15 (2) The first meeting shall be convened within 45 days
16 of the effective date of this section.

17 (3) The commission shall hold public hearings as
18 necessary to obtain the information required to conduct the
19 investigation and review under section 5.

20 (h) Expenses.--Members may not receive compensation but
21 shall be reimbursed for expenses incurred in service of the
22 commission.

23 (i) Support.--The department shall provide administrative
24 services to the commission.

25 (j) Collaboration.--The Administrative Office of
26 Pennsylvania Courts and the Juvenile Court Judges' Commission
27 shall collaborate with the commission.

28 Section 5. Powers and duties of commission.

29 (a) Powers.--The commission shall have the power to:

30 (1) Investigate and analyze the events, practices,

1 processes, procedures and other activities surrounding the
2 treatment of children in foster care, including children who
3 were adopted and later died from abuse.

4 (2) Evaluate the processes used by the department and
5 county children and youth agencies.

6 (3) Review the procedures, services and supports made
7 available to foster parents and potential adoptive parents.

8 (4) Review the recruitment, assessment, training and
9 approval processes, including residence and safety
10 requirements, for foster and adoptive parents.

11 (5) Review procedures used in responding to the conduct
12 of foster and adoptive parents and to make recommendations as
13 necessary.

14 (6) Review the oversight and licensing of county and
15 private children and youth agencies, foster care agencies and
16 adoption agencies.

17 (7) Hold public hearings for the taking of testimony and
18 the requesting of documents.

19 (8) Issue subpoenas under the hand and seal of the
20 chairperson of the commission commanding any person to appear
21 before the commission and answer questions concerning matters
22 properly under inquiry by the commission and to produce any
23 books, papers, records, documents, data and information
24 produced and stored by an electronic data processing system
25 as the commission deems necessary. The following apply:

26 (i) A subpoena may be served upon a person and shall
27 have the force and effect of a subpoena issued by a court
28 of this Commonwealth.

29 (ii) A person who willfully neglects or refuses to
30 testify before the commission or produce for the

1 commission a book, paper, record, document or data or
2 information produced and stored by an electronic data
3 processing system shall be subject to the penalties
4 provided by the laws of this Commonwealth.

5 (9) Through the chairperson of the commission,
6 administer oaths and affirmations to witnesses appearing
7 before the commission.

8 (10) Cause the deposition of witnesses in this
9 Commonwealth to be taken in the manner prescribed by law for
10 taking depositions in civil actions.

11 (b) Duties.--The commission shall have the duty to:

12 (1) Accept and review written comments from an
13 individual or organization.

14 (2) Keep all individually identifiable information
15 confidential.

16 (3) Make, within 18 months of the effective date of this
17 section, recommendations to the Governor, the Supreme Court,
18 the Senate, the House of Representatives and the department
19 based on the investigation of issues under subsection (a).

20 This paragraph includes recommendations to:

21 (i) Improve the child welfare systems specifically
22 related to current successful safety practices.

23 (ii) Prevent the reoccurrence of abuse and neglect
24 of children in the child welfare system.

25 (iii) Change State statutes and State and local
26 practices, rules, policies and procedures related to
27 foster care and adoption that ensure the safety of
28 children.

29 (4) Make reports as follows:

30 (i) The commission may file status reports and

1 updates with the Governor, the Supreme Court, the Senate,
2 the House of Representatives and the department as the
3 commission deems appropriate.

4 (ii) The commission shall issue a final report
5 within 24 months of the effective date of this section.

6 (iii) A report under this paragraph shall be adopted
7 at a public meeting.

8 (iv) A report under this paragraph shall be
9 available under the act of February 14, 2008 (P.L.6,
10 No.3), known as the Right-to-Know Law.

11 Section 6. Expiration.

12 This act shall expire two years from the effective date of
13 this section.

14 Section 7. Effective date.

15 This act shall take effect immediately.