

PENNSYLVANIA CATHOLIC CONFERENCE

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MEMO

TO: Pennsylvania House of Representatives

FROM: Dr. Robert J. O'Hara, Jr.
Francis J. Viglietta

DATE: June 7, 2007

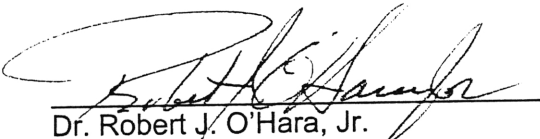
SUBJECT: Support for the Harper Amendment to House Bill 302 (PN 1837)

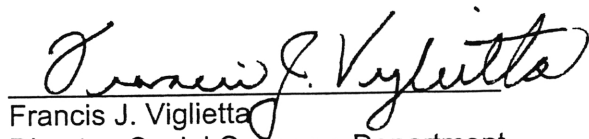
When House Bill 302 (PN 1837) is considered on the floor, Representative Kate Harper will introduce an amendment to clarify and strengthen the bill. Among other things, the Harper Amendment enumerates certain principles, not duties, relating to foster care to ensure that every child in care is treated with compassion, dignity and respect. Establishing principles of care is consistent with the recommendation of a recent Joint State Government Advisory Committee on Services to Children and Youth. In addition, the amendment cites existing protections for foster children under current federal and state civil rights laws which prohibit discrimination on the basis of a variety of protected classes.

Further, the Harper Amendment emphasizes that the entire foster care system must work together to protect the basic rights of children. In so doing it does not establish an adversarial situation where various parties are in conflict with each other – a situation which can only harm children in foster care at a time when they need strong direction and loving “parenting”.

The Pennsylvania Catholic Conference urges you to support the Harper Amendment to House Bill 302 as a responsible way to effectively serve the true needs of foster children.

Thank you for your consideration.


Dr. Robert J. O'Hara, Jr.
Executive Director


Francis J. Viglietta
Director, Social Concerns Department

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Proposed Amendments to H.B. 302 (P.N. 1837)

- These amendments recognize the importance of providing a comprehensive list of protections for these vulnerable children. This responds to testimony about the bill which emphasized that foster children in the child welfare system need to know that they are protected and have a way to have their grievances aired.
- The focus is shifted from duties imposed on agencies and foster parents, and instead is characterized as enumerating principles relating to children in foster care. In that respect, it is somewhat similar to a patient's bill of rights in the health care setting. By eliminating the imposition of duties upon agencies and foster parents, the bill still recognizes that foster children should not be dealt with as if they have no reasonable expectation of protection.
- Section 4 sets out the protections for foster children. The very first "protection" is the most important for the children and provides "treatment with fairness, dignity and respect." That is the focus of our amendments. The second provision protects foster children under Federal and state civil rights laws which prohibit discrimination on the basis of a variety of protected classes. The amendment refers to current statutorily protected classes.
- "Treatment with fairness, dignity and respect" encompasses an array of issues without providing an enumeration . A more expansive list of circumstances, characteristics or traits diverts the attention from the basic, clear message. No foster parent or foster care agency wants a child in substitute care treated with anything less than fairness, dignity and respect. That standard is clear and surely understood by all who are rightly motivated.
- The "freedom from unreasonable searches" provision of the current version of H.B. 302 is deleted. This section makes it difficult, if not impossible, to understand what a foster family is allowed to do in order to "parent" the foster child. Removing this provision prevents a readily apparent conflict which would arise when a foster parent would have to guess if it is reasonable to search a foster child's belongings or computer access. Foster children, in fact any children, are vulnerable and, without the opportunity to monitor, a foster parent would be hampered in safeguarding the child. The potential harm to a child is so great and so real, that the provision needs to be deleted, or, later, when harm has occurred, the public would rightly want to know why the system did not allow a monitoring opportunity to remain in place.

- Since a goal of the foster care system is to place the foster child in the most family like setting, a provision which second guesses and restricts the foster parent's parenting decisions, serves to undermine that "family like setting."
- The matter about a foster child being able to parent his or her own child required greater flexibility than originally proposed. In a situation where safety is a concern, the foster parent should be able to "veto" the foster child's parenting decision without going to court for permission. In such a situation there might not be time to review the issue through the judicial process, or even time to discuss it with the county children and youth worker. In those situations, there must be flexibility and reliance on the good judgment of the foster parent. The amendment to Section 4, number 19, makes this clear.
- The enforcement provisions, as changed by Representative Frankel's amendment, require a small revision to make clear that the Act is enforceable *only* in under the Juvenile Act. This focuses the juvenile court, the children and youth agencies, the foster care agencies and the foster parents upon what is needed to protect the foster children.
- The amendments to Section 5 are to clarify that a copy of the list of protections be given to the foster child and the foster family and be reviewed with them at the same time to make sure that they know what the protections entail.
- The proposed amendments to H.B. 302 as set forth clearly focus on the protection of foster children. However, the amendments also emphasize that the entire foster care system must work together in ensuring that these basic rights and protections are provided to the children. These amendments do not put the various parties to the child welfare system in conflict with each other which, if that occurred, would cause the focus to shift from the children.

What's the goal?
 Presumptive foster parent are dangerous?
 what kind of vetting process?

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