

Juvenile Act Amended by Act 91--Foster Care Extensions and Re-Entry

A. Expanded Criteria for Remaining in Care Past Age 18

The following is the now-amended provision of the Juvenile Act that is the basis for youth remaining in care past age 18. The terms “treatment and instruction” have been removed and replaced with four categories of activities and an exception based on disability or impairment. The sections which have been added to the law are highlighted in yellow below.

42 Pa. C.S.A. § 6302. Definitions. The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section: * * *

"Child." An individual who: * * *

(3) **is under the age of 21 years and** was adjudicated dependent before reaching the age of 18 years and who, while 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 **who has requested the court to retain jurisdiction and who remains under the jurisdiction of the court as a dependent child because the court has determined that the child is:**

(i) completing secondary education or an equivalent credential;

(ii) enrolled in an institution which provides postsecondary or vocational education;

(iii) participating in a program actively designed to promote or remove barriers to employment;

(iv) employed for at least 80 hours per month; or

(v) incapable of doing any of the activities described in subparagraphs (i), (ii), (iii) or (iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child.

B. Re-entry to Care and Transition Plans

The following is the now amended provisions of the Juvenile Act that allow youth who aged out of care to re-enter before turning age 21. The provisions below also place in the Juvenile Act the requirement from Fostering Connections that an acceptable transition plan be presented to the court before a youth who is between the ages of 18 and 21 can be discharged from care. For more detail on the transition plan requirement see Juvenile

Court Rule 1613. The sections that have been added to the law are highlighted in yellow below.

42 Pa. C.S.A. § 6351. Disposition of dependent child. * * *

(e) Permanency hearings.-- * * *

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

(iii) If the court resumes jurisdiction of the child pursuant to subsection (j), permanency hearings shall be scheduled in accordance with applicable law until court jurisdiction is terminated, but no later than when the child attains 21 years of age.

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

(8.1) Whether the child continues to meet the definition of “child” and has requested that the court continue jurisdiction pursuant to section 6302 if the child is between 18 and 21 years of age.

(8.2) That a 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)).

(j) Resumption of jurisdiction.—At any time prior to a child reaching 21 years of age, a child may request the court to resume dependency jurisdiction if:

(1) the child continues to meet the definition of “child” pursuant to section 6302; and

(2) dependency jurisdiction was terminated:

(i) within 90 days prior to the child’s 18 birthday; or

(ii) on or after the child’s 18th birthday, but before the child turns 21 years of age.