

CHAPTER 2: RIGHTS WHEN YOU ARE PLACED IN FOSTER CARE

Introduction: When you come into the child welfare system, you should be provided a safe place to live where people take good care of you. There are a lot of different types of placements. This Chapter explains types of placements, how decisions are made about placements, and tips for how you can advocate for the placement you think is best for you and so you can get what you need while you are in a placement. This chapter also tells you about the rights you have when you are placed.

I. Placement Types

What is substitute care or foster care?

When we use the term substitute care or foster care in this guide we are talking about when you are placed by the child welfare agency after being found (adjudicated) dependent by the court. We will usually use the term “foster care” since that is a term most people use. But we are talking about a range of placements that could include living with foster families, living in group homes, living with relatives, or living in a Supervised Independent Living (SIL) placement.

What types of placements are in the child welfare system in Pennsylvania?

Here are some examples of the types of placements available:

- **Resource homes or foster homes**¹: A home where a youth lives with a resource parent or parents.
- **Kinship foster homes**²: A home where a youth lives with kin or a relative who is licensed as a foster parent.
- **Therapeutic foster homes**: A resource home that has resource parents that are specially trained to support youth with behavioral health needs.
- **CRR Host Homes**³: Small group setting that may resemble a resource home that are provided through the behavioral health system.
- **Group care or institutional care**⁴: A small or large group setting where youth are provided care by staff.
- **Residential treatment centers**⁵: Group or institutional settings where a youth is provided care and treatment.
- **Transitional living placements**⁶: Small group setting for youth ages 16 and older.
- **Supervised Independent Living Placement for youth 16-21**⁷: A variety of living settings for young adults that provides more freedom and responsibility.

What is required to become a resource parent?

- In Pennsylvania, foster parents are called resource parents.
- Requirements for resource parents are described in state regulations and law.⁸ To be a resource parent you must be at least age 21 and pass a medical exam and screening requirements related to child abuse and criminal history clearances.⁹
- A resource parent's home must also meet some basic safety requirements and requirements related to space, heating, and sleeping arrangements.¹⁰
- Resource parents are licensed and are re-evaluated each year. The re-evaluation includes a home inspection.
- Resource parents are required to attend at least six hours of training per year.

If resource parents get paid to take care of me, how come I do not get any of the money?

- Resource parents are paid to take care of children in their homes. How much they get paid depends on what part of the state you live in and your needs. For example, a resource family may receive more money if they are taking care of a child who is 18, has a lot of medical needs and needs more attention from the resource parent.
- The money that is paid to a resource family is to be used to take care of the youth in the home –it pays for your housing, food, clothes, and any activities you are involved in. Some of the money may also be used to pay allowance to you, but that is up to the county and the private provider who contracts with the resource parent.
- Having an allowance is a good way to learn to manage your money so ask your agency about its allowance policy.

Can a relative, Godparent, or family friend be my resource parent?

- Yes, family members and other adults you know can be licensed as resource parents.
- To receive financial assistance from the children and youth system, a relative or kin must be licensed the same way a resource parent is licensed.
- If you know a family member who may be interested in taking care of you, let your caseworker and lawyer know. Your caseworker should be looking for relatives right away, but you can help them get in touch if you have someone in mind.

II. Placement Decisions

What is considered in making placement decisions?

- All efforts should be made to help you return home.
- **If you cannot return home, you have the right to be placed in the least restrictive, most family-like setting that is right for you.** This means that you generally should be

placed with a family (your extended family, a foster family, or an adoptive family) or in a family-like home rather than a group home or institution.

- If you are placed in a group home or institution, the county child welfare agency should be looking for a placement for you that is more family-like for the future.
- The county child welfare agency should also be helping you to connect with adults who can provide support even if they cannot provide a home. This could include extended family, a favorite teacher, family friend, mentor, or former foster parent.

Do I get a say about where I am placed?

- You should always let your caseworker, lawyer and judge know what type of placement you think is best for you and why.
- You should tell your caseworker if there is anyone you can identify—family members, a family friend, a teacher, a pastor—who is important to you and with whom you want to maintain contact. These people may be able to become a placement resource or a supportive connection for you. Your caseworker can explain to them how to do that. (See Chapter 17: Getting Your Voice Heard)

What can I do if I want my placement to change?

- If you feel like the placement you are in is not right for you or that you are not being treated well, you should let your caseworker and lawyer know.
- It is important for you to explain why you think one placement is not good for you and why another would be better.
- You should always be in the least restrictive, most family-like placement possible. For example, if you are in a group home and feel that you are ready to be placed with a family, you should tell your caseworker and lawyer.

Will I be placed with my siblings?

See Chapter 1: Rights Related to Family and Permanency.

Will I be placed with my child if I am a parent?

See Chapter 15: Expectant and Parenting Youth.

Are there any placements for older youth that provide more freedom?

- As you get older, regardless of where you are placed, you should be provided the opportunity for increased responsibility and independence.
- Most teens and young adults do live with parents and family as they grow up and enter adulthood. That is because young people need and deserve the support of family as they work to complete their education, get a job, and figure out their future.

- Older youth should be in family settings like resource and kinship homes to the greatest extent possible.
- There are also some other options for placement settings for youth as they get older. The placements listed below provide young people support, but also allow them age-appropriate freedom and responsibility. This means there will be less direct supervision and that youth will have more responsibilities for caring for themselves and managing their time.
- Transitional Living Placements (TLPs) are one type of placement for youth ages 16-21. TLPs take the form of small group settings (no more than four youth to a placement). Youth in TLPs are given more freedom and responsibility than in foster and group homes, but they still have more assistance and supervision than in an SIL setting.¹¹
- Supervised Independent Living Placements (SILs) are placements for older youth and young adults who are ages 16-21.¹² There are a lot of types of SIL placements, and some focus on youth in extended foster care who are 18-21. Different types of SILs can provide different levels of supervision, but generally youth in SILs are able to live pretty independently, but still receive support and guidance depending on their individual needs.
 - Some SIL settings are apartments where youth live with a roommate or on their own and have a good deal of responsibility for their daily routines and meeting their own needs.
 - An SIL can also include living in a dorm on campus at college, in a host home, or even a living setting that the youth selects.
- If you are interested in one of these placements talk to your caseworker and lawyer, to see how you can have more independence while still having the support of a family.

If you are over 18, you should have your status as a legal adult respected when it comes to responsibilities and decision-making. This is true for young people who stay in foster care after age 18.

How do placement changes happen?

- You should be informed if your placement is going to change and given an opportunity to express your opinion on any changes.
- The judge in your case needs to approve any decision to change your placement.
- If your placement is being changed for a *non-emergency reason*, the agency must get the approval of the court before changing your placement.
 - In this situation, your lawyer will be given notice of the plan to change your placement. Your lawyer can agree or disagree with the plan. If your lawyer disagrees, the judge may schedule a hearing to talk about the placement change.¹³
 - When asking the court to approve a placement change, the agency must include your opinion about the placement change.¹⁴

- If your placement is being changed because of an *emergency*, the agency is still required to contact a judge to approve the placement change. If the agency cannot reach a judge, they can move you, but must quickly notify every one of the placement change and schedule a hearing with a judge to review the decision.¹⁵
- If you are being told that your placement will change and you do not agree, ask your lawyer to ask for a hearing and make sure you are able to attend and participate.

III. Rights in Placement

What are rights?

- Rights are things that are guaranteed to you by the law. Rights are things that can be enforced by a judge. Your rights are also tools to help you advocate for yourself.
- The rights of youth placed in foster care in Pennsylvania come from several sources of law. These include: The United State and Pennsylvania Constitutions, federal and state child welfare law, federal and state regulation, and state policy, often referred to as Bulletins.
- After a lot of advocacy from youth, a law was enacted in 2010 called the Children in Foster Care Act.¹⁶ This law put in one place many of the rights that youth have when they are placed in the foster care system. This guide provides you information about your rights as well as other benefits you should know about. See APPENDIX A for the full text of the law.
- Federal law also requires that youth in foster care receive a list of their rights beginning at age 14.¹⁷ Pennsylvania law goes further and requires that a list of rights is provided to youth at all ages.

Wherever you are placed, you should always be treated with respect and you should always feel safe. If you do not feel respected or safe, you must let someone know so that you can be safe and so that things can change for the better. (See Appendix A: Foster Care Bill of Rights and Chapter 17: Getting Your Voice Heard)

What is the Children in Foster Care Act?

- Following a lot of advocacy from youth, a law was enacted in 2010 called the Children in Foster Care Act.¹⁸ This law put in one place many of the rights that youth have when they are placed in the foster care system. Sometimes people call this a Foster Care Bill of Rights. This law covers many, many areas, and most of them are discussed throughout this guide. We will highlight a few key provisions in this chapter.
- The Act requires that all children and youth be given the list of rights that is in the Children in Foster Care Act and that it is explained to youth in an age-appropriate way. The child welfare agency should document in your case record that you have been given the list of rights.¹⁹

- The Children in Foster Care Act also requires that county child welfare agencies and private provider agencies have grievance policies that meet standards established by the Act and state guidance.²⁰ Children and youth should be told about the grievance policies when they are given the list of rights.²¹
(See the full text of the law in Appendix A)

Do I have a right to be in the most family like setting?

- Yes.
- You should be living in the least restrictive, most family-like setting that is safe, healthy and comfortable and meets your needs.²²

Do I have a right to clothing, food or other basic necessities?

- Yes.
- You have the right to clothing that is clean, seasonal and age and gender appropriate.²³

Do I have a right to communicate with family and friends?

- You have the right to visit and have contact with family members, including siblings, as frequently as possible.
- Communication should be consistent with the family service plan and your permanency plan, unless prohibited by court order.²⁴

Do I have the right to be free from discrimination?

- Yes. You have the right to be treated with fairness, dignity, and respect. Including the right to be free from discrimination based on race, sex, and/or religion.²⁵

Can I choose what if any religion I practice?

- Yes. You can go to the church or house of worship that you want to.
- **You have the right to practice—or not practice—a religion of your choice.**²⁶

Do I have to go to church or practice the religion of my resource family?

- No.
- You cannot be forced to practice the religion or go to the house of worship of your resource family parents or a caregiver.²⁷

Should I be allowed to participate in activities and do things that reflect the culture I identify with?

- Yes.
- In addition to being able to participate in activities in the community and in school, including cultural activities, you should be able to be an environment reflects your culture.²⁸

Should I be given the information about the people working on my case and my lawyer?

- Yes.
- You should be given the contact information of your lawyer, court-appointed special advocate and members of the integrated services planning team and the opportunity to contact those persons.²⁹

IV. Normalcy—Participating in Activities in School and the Community

What is Normalcy?

- “Normalcy” means having the same opportunity that youth who are not in foster care have to participate in activities and experiences in the community.
- For many years youth in foster care faced many barriers to doing activities that most kids get to do on daily basis. Things like playing sports, spending time with friends, or taking trips with a foster family did not always happen because a youth would need permission from a judge or the child welfare agency.
- Laws were passed that will remove barriers so youth in foster care can participate in activities and be part of the community like their peers who are not in foster care.
- The PA Youth Advisory Board developed a guide that highlights recommendations from young people about how to make sure all youth have the opportunity to participate in activities and be part of the community.³⁰

Are children and youth in foster care allowed to participate in extracurricular, enrichment, social, and cultural activities?

- Yes! Federal and state law make it clear that youth placed in the child welfare system should have an opportunity to participate in extracurricular, enrichment, social, and cultural activities to the same extent that youth who are not in foster care do.
- The child welfare agency is required to support youth in participating in activities in the community and eliminate barriers to participate.³¹

How do the normalcy laws make it easier for youth to participate in activities?

- The laws remove barriers to youth participating in activities by letting your resource family parents or caregivers in group settings make everyday decisions about your activities rather than getting the permission of the child welfare agency or the court.

This should make it easier to get permission so youth can take advantage of opportunities.

What are examples of extracurricular, enrichment, social, and cultural activities that youth can participate in?

Examples include:

- Community events and activities
- Family events
- Camping/hiking
- Sporting activities and teams
- Day/sleepover camps
- Field trips
- Hobbies
- School-related activities
- Participation in youth organizations
- Attending a movie/mall or other social outing with friends
- Spending the night away from the caregiver's home at the home of friends or as part of a planned activity
- Obtaining employment or internships
- Dating

These are just a few examples. There are many, many more.

How much money are resource family parents and group homes supposed to use on my activities?

- Resource family parents and group care providers are given money to care for you, but they are not told to spend a specific amount on activities.
- The money resource family parents are given is for many different things that go into your care, and it is hard to break that down into exact amounts. It includes providing for your living costs (housing, clothing, and food), and it also includes funds for entertainment, enrichment, and special events.
- Talk to your resource family parent and caseworker about the activities you want to do so you can all work together to make them possible. Talk to your lawyer and the judge in your case about this, too.

If you have a disability or special need, can you still participate in activities?

- YES! Youth with disabilities benefit from activities to the same degree as all youth and should have the same opportunities for participation.³²

- If you need extra support to participate because of your disability, reasonable supports are required under the law to be provided.
- Let your case planning team know about the activities you want to participate in so any needed plans or supports can be identified and arranged. (See Chapter 6: Youth With Disabilities)

I live in a resource family home. Who gets to decide if I get to participate in an activity?

- Under the law, your resource family parent gets to decide whether or not you participate in an activity.³³ They are supposed to use what is called the **reasonable and prudent parent standard** to make the decision.³⁴
- The law is supposed to make it easier and quicker for these decisions to be made so that you can take advantage of opportunities that come up.
- Your resource family parent or caregiver should talk to you about the activity, why you want to do it, and any concerns they may have.
- Your voice is important to the decision-making process! Make sure you let your resource family parent know what activities are important to you and why.

I live in congregate care (group home) or a supervised independent living placement (SIL). Who gets to decide if I can participate in an activity?

- All congregate care homes and supervised independent living placements have at least one designated person who is on site at all times to make decisions about participation in activities.
- This person is a designated caregiver.³⁵
- As you get older your voice should be given more weight so make sure it is heard. (See Chapter 17: Getting Your Voice Heard)

Now that resource family parents and caregivers can make decisions about whether youth participate in activities, what will they consider to make those decisions?

- Resource family parents and caregivers must use **the reasonable and prudent standard** to make these decisions. That means they should make a thoughtful and careful decision the way a parent would for their own child.
- To do this they must take many things into account. Here are some things that they should consider:
 - The appropriateness of the activity, child/youth's age, and developmental stage
 - Potential safety risks involved in the activity
 - Supports, planning, or accommodations that can help manage the potential risks of the activity
 - Determining if supervision will be provided or is needed
 - Encouraging the child/youth's formation of healthy age-appropriate social relationships and bonds
 - Allowing the child/youth to maintain an age-appropriate degree of personal privacy
 - Helping the child/youth develop skills and nurtures an interest or talent
 - Encouraging the emotional, developmental, or cultural growth of the child/youth
 - Helping connect the child/youth to the community
 - Helping the child/youth to use and develop age-appropriate autonomy and decision-making skills

Your voice and opinion about the activity should also be considered as well as the input of your parents and family.³⁶

Are there any limits to what my resource parent or caregiver can give permission to?

- Your resource parent or caregiver needs to follow the case plan and any court orders in your case. This means they cannot give you permission to participate in an activity if it would conflict with something in a case plan or court order, like visitation or therapy.³⁷
- If the activity you want to participate in conflicts with something like visitation, talk with your case planning team to see if things can be rescheduled so that you can have visitation and participate in the activity. Sometimes it is possible to do both, but you need to plan!

Is my preference considered in the decision about what activities I participate in?

- Yes! Resource family parents and caregivers should talk with you about the activities you are interested in and help you find activities that you like or want to learn more about and make it possible for you to participate.
- As you get older, you should be more involved in the decision making.

- Good communication with your resource family parent or caregiver will help with these discussions and learning good advocacy skills will help you get your points across.

What happens if I don't agree with my caregiver's decision about my participation in an activity? What happens when they say "no"?

- Resource family parents should talk to you about their reasons for denying permission for participation in an activity, so you understand their decision.
- Asking what it would take for a "yes" is a good question to ask.
- If you are dissatisfied with the decision after discussing with the caregiver, speak with your caseworker and their supervisor.
- You can also file a grievance and ask that the decision be reconsidered.
- You can also contact your lawyer and ask them to help or ask them to bring the issue to the judge's attention at your next court hearing.

Will the activities I participate in be discussed in court?

- The court must make findings on the record about your participation in age- and developmentally appropriate activities by determining whether:
 - The county agency took sufficient steps to ensure that your caregiver used the reasonable and prudent parent standard when deciding about your participation in an activity; and
 - You have been offered regular, ongoing opportunities to engage in age- or developmentally appropriate activities, including being actively engaged in identifying and addressing any barriers.³⁸
- If you have not been participating in activities or if you're facing barriers, the court can order the county child welfare agency to take actions so you can participate. Actions could include: helping you find an activity you like or providing transportation.
- The court should also ensure that you have been notified about your right to participate in activities and that you have been told about this right in a way you can understand.³⁹ Like the case planning meeting, your court review hearing is a great time for you to advocate for yourself!

Will the court step in if I am having trouble participating in activities?

- The role of the judge is to make sure the law is being followed. The judge can order that actions be taken to make sure you have an opportunity to participate in activities.⁴⁰
- If it makes sense for you to participate in an activity but there is a barrier, like transportation or funds, the judge may make an order that eliminates the barrier like making sure transportation or funds are provided. See Chapter 18: Lawyers, Court, and Case Planning.

V. FAQs REGARDING SPECIFIC ACTIVITIES THAT OLDER YOUTH ARE INTERESTED IN

Below are some activities that youth and young adults often have questions about. Some of these activities will be easier for youth to participate in because of the laws on normalcy that are described above. Others, like getting a driver's license or a tattoo, will follow other existing laws.

For many of these activities, your voice and advocacy can make a big difference. Make sure you are participating in your case planning meetings and talking with your caregivers and resource family parents about what is important to you.

Can I sleep over at a friend's house?

- This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard.
- Clearances or criminal background checks are not needed.

Can I get my driver's license?

- Pennsylvania law provides that a parent, guardian, or person acting in *loco parentis* (in place of a parent, which would be the county child welfare agency) can offer consent for a youth who is age 16 or older to obtain a learner's permit.⁴¹

Can I ride in my friend's car?

- This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard.
- Clearances or criminal background checks are not needed.

Can I date?

This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard.

Can I get a job?

- Youth should be encouraged and supported in getting work experiences and employment. The Children in Foster Care Act says that youth should be given "the

opportunity to work and develop job skills at an age-appropriate level, consistent with the laws of this Commonwealth and as may be reasonably accommodated.”⁴²

- But if the youth is under age 18, a parent or guardian has to provide permission for the youth to be employed.⁴³ The reasonable and prudent parent standard does not change this requirement. To find out more about work permits, visit the Pennsylvania Department of Labor and Industry’s website. [Employment of Minors Child Labor Act](#).⁴⁴
- Part-time, summer or full-time jobs are an important way to learn independent living skills, get a sense of career options, and make valuable connections with adults and peers. Caregivers and the youth’s team should support the youth in identifying and having work experiences, resolving any barriers to employment like transportation, and ensuring that all appropriate paperwork is signed and completed.

Can I go to community events and activities without adult supervision?

This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard.

Who decides if I can use the internet or social media?

- This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard.
- Learning how to use social media and the internet is important and can help you learn and connect with people and resources.
- Resource family parents and caregivers should help you learn how to use the internet and social media in ways that protect your privacy and keep you safe.

Who decides if I can have a cell phone?

- Resource family parents and caregivers should use the reasonable and prudent parent standard to make decisions about having and using a cell phone.
- The house rules or expectations that are set about whether you have a cell phone and how much you use it will be something you should discuss with your resource family parents and caregivers so you can express your needs and views and understand their expectations.

Who decides if I can get a haircut or dye my hair?

- In most cases, your resource family parent or caregiver can give you permission to get a routine haircut or trim.
- Some hair styles or cuts may have religious or cultural significance. In those cases, your parents should be consulted because decisions about religion and culture are usually made by your parents.

- As you get older, your choices about your style and identity, including your choices about religion, should be given more weight. It is always good to talk things out with your case planning team even if you find it frustrating. Sometimes they will think of things that may not be on your mind or help you start a conversation that you may find hard.

Who decides if I can get a tattoo or a piercing?

If you are under age 18, a parent or guardian’s consent is needed to get a tattoo or piercing.⁴⁵

¹ Resource homes, including homes of kin, are regulated by 55 PA. CODE §§ 3700 (2016) et seq.

² Kinship care homes that are licensed as resource homes are regulated by 55 PA. CODE § 3700 (2016) et seq.

³ Community Residential Rehabilitation Host Homes (CRRs) are provided through the behavioral health system and are meant to be short term to address treatment needs. Sometimes youth in the child welfare system can be placed in CRR host homes if they are eligible based on treatment needs.

⁴ There are a range of group and institutional settings in Pennsylvania. They are regulated by 55 PA. CODE § 3800 (2016) et. seq.

⁵ Residential treatment centers are regulated under 55 PA. CODE § 3800 (2016) et. seq.

⁶ Transitional Living Placements are regulated under 55 PA. CODE §§ 3800.291-93 (2016).

⁷ Certification as a Specialized Setting for Children and Youth,

https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20OCYF/OCYF%20Bulletin%203680-20-02_3800-20-03_Specialized%20Residential%20Settings%20for%20Children%20and%20Youth_issued021420.pdf.

⁸ The basic requirements for resource family homes are found at 55 PA. CODE §§ 3700.61-.73 (2016). While some county child welfare agencies enter into contracts with foster parents directly, most foster parents are selected by and affiliated with private providers. This means that in addition to state law and regulation, many provider agencies have requirements for foster parents that go above the regulations and law.

⁹ 55 PA. CODE § 3700.62

¹⁰ See PA. STATE RESOURCE FAMILY ASSOCIATION, <http://www.psrfa.org> (last visited June 6, 2020), to learn more about foster parenting.

¹¹ Transitional Living Placements are regulated under 55 PA. CODE §§ 3800.291-93 (2016).

¹² To learn the specifics of the different SIL settings see OFFICE OF CHILDREN, YOUTH, AND FAMILIES, PA. DEP’T OF PUB.

WELFARE, OCYF BULL. NO. 3130-14-01, YOUTH INDEPEND. LIVING SERVS. GUIDELINES (Dec. 8, 2014),

<https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20OCYF/OCYF%203130-14-01.pdf>.

¹³ PA.R.J.C.P. 1606(d)(1) (describing the court’s duties before Modification of Dependent Child’s Placement).

¹⁴ PA.R.J.C.P. 1606(b)(5).

¹⁵ PA.R.J.C.P. 1606(a)(1)(a)-(c).

¹⁶ 11 PA. STAT. § 2631 (2011).

¹⁷ 42 U.S.C.A. § 675a(b)(1)-(2) (2019) (Beginning at age 14, youth must be provided a list of their rights as part of the case-planning process. The list of rights must be part of the case plan and should address “education, health, visitation, and court participation,” the right to discharge documents, and to “stay safe and avoid exploitation.” The case plan must include a signed acknowledgement that the list of rights has been received and “explained to the child in an age-appropriate way.”)

¹⁸ 11 PA. STAT. § 2631.

¹⁹ 11 PA. STAT. § 2635(a)(1) (2011).

²⁰ 11 PA. STAT. §2634(b) (2011); OFFICE OF CHILDREN, YOUTH, AND FAMILIES, BULL. NO. 3130-12-02, CHILDREN IN FOSTER CARE ACT (July 30, 2012),

<https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20OCYF/OCYF%203130-12-02%203700-12-01%203680-12-01%203800-12-01.pdf>.

²¹ 11 PA. STAT. §2635(a).

²² 11 PA. STAT. § 2633(4) (2011).

²³ 11 PA. STAT. § 2633(6).

²⁴ 11 PA. STAT. § 2633(10).

²⁵ 11 PA. STAT. § 2633(1)-(3).

²⁶ 11 PA. STAT. § 2633(21).

²⁷ *Id.*

²⁸ 11 PA. STAT. § 2633(12).

²⁹ 11 PA. STAT. § 2633(11).

³⁰ PA YOUTH ADVISORY BD., DEV. APPROPRIATE FREEDOMS AND NORMALCY RECOMMENDATIONS (2016),

<http://www.payab.pitt.edu/files/2016DAFRecommendations.pdf>.

³¹ 11 PA. STAT. § 2645(2) (2015). This provision is part of a Pennsylvania state law called the “Activities and Experiences for Children in Out-of-Home Placement Act,” (“Act 75”). 11 PA. STAT. § 2641 (2015).

³² 11 PA. STAT. 2644(a) (2015)(“A child with a disability or special needs in an out-of-home placement shall have the same access to age-appropriate or developmentally appropriate activities and experiences as the child's nondisabled peers, even if reasonable accommodations are required.”).

³³ 11 PA. STAT. 2644(b).

³⁴ 11 PA. STAT. 2644(c).

³⁵ 11 PA. STAT. 2643 (2015) (defining “caregiver” to include “an individual designated by a county agency or private agency).

³⁶ 11 PA. STAT. 2644(c)(2).

³⁷ 11 PA. STAT. 2644 (b)(1).

³⁸ 42 PA.C.S.A. § 6351(f)(12) (2011).

³⁹ 42 PA.C.S.A. § 6351(f)(12)(ii).

⁴⁰ PA.R.J.C.P. 1608(d)(1)(p)(ii) (requiring that the court identify and address barriers to participation).

⁴¹ See PA. DEP’T OF TRANSP., A GUIDE TO OBTAINING A PA. JUNIOR LEARNER’S PERMIT AND JUNIOR DRIVER’S LICENSE, PUB. 178, 1 (2016), <https://www.dot.state.pa.us/Public/DVSPubsForms/BDL/BDL%20Publications/Pub%20178.pdf>.

⁴² 11 PA. STAT. § 2633(14).

⁴³ 43 PA. STAT. § 40.8 (2013).

⁴⁴ *Employment of Minors Child Labor Act*, DEP’T OF LABOR AND INDUS. (2020),

<http://www.dli.pa.gov/Individuals/Labor-Management-Relations/lmc/child-labor/Pages/default.aspx>.

⁴⁵ 18 PA. STAT. § 6311(a)-(b) (2004).