

Explanatory Report July 2015

With the enactment of Act 55 of 2013 (P.L. 169, No. 25), the county agency is required to perform family finding on an ongoing basis in every case. These rule modifications and additions reflect these requirements and ensure the court is inquiring about family finding at each proceeding and making necessary orders to ensure compliance.

Rule 1120

Diligent Efforts, Family Finding, Kin, and Kinship Care have been defined to aid the practitioner in understanding their usage throughout the Rules.

The definition of “Family Finding,” is derived from 62 P.S. § 1302.

The *Comment* to the rule provides examples of resources that may be utilized when performing diligent family finding searches. Counties should be creative when performing searches. Basic computer searches and attempting to contact relatives at last known addresses are insufficient as diligent family finding searches.

Rule 1149

This new rule sets forth the basic requirements of family finding. The court must inquire at each hearing whether the county agency has complied with the family finding requirements and whether it has been reasonably engaged in family finding. See paragraph (A).

Efforts made by the county agency should include whether it has or is currently searching for and locating adult relatives and kin; identifying and building positive connections between the child and the child’s relatives and kin; when appropriate, supporting the engagement of relatives and kin in social service planning and delivery of services, and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the county agency; when possible, maintaining family connections; and when in the best interests of the child and when possible, keeping siblings together in care.

Paragraph (B) sets forth the requirements for discontinuing family finding and paragraph (C) provides when family finding should be resumed. See 62 P.S. § 1301 *et seq.*

Rule 1210

Prior to the initial removal of the child from the home, it is important to inquire whether the county agency has engaged in family finding. Reducing the initial trauma of removal from the home can be alleviated if there is an opportunity to place the child with family or kin when removal is necessary.

The county agency should be prepared to make a showing of its initial family findings efforts before the child is taken into protective custody.

The arrangement of the order of paragraphs (D) and (E) were changed. The contents of the order are now in paragraph (D) and the execution of the order is in paragraph (E).

Pursuant to paragraph (D), the court must place its findings and orders as to family finding in its court order for protective custody.

Rules 1240 & 1330

The shelter care application and the petition must include averments specifically detailing the efforts made by the county agency regarding family findings. Paragraphs (B)(6)(a) & (b) in both Rules 1240 and 1330 require averments addressing reasonable efforts made to prevent placement, including family finding efforts, and why there are no less restrictive alternatives available.

Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, 1610 & 1611

The county agency is required to report its diligent family findings efforts at each hearing. The court must make findings as to the county agency's reports to ensure family finding is occurring. A part of the reasonable efforts determination to prevent placement is that the county agency is engaging in family finding. If family finding efforts are not reasonable, the court must enter necessary orders to ensure compliance.

Rule 1512

When a child is placed outside of the home, the court is required to make specific findings. To prevent confusion of the duplicative requirements of Rule 1512(D)(2) and 1514(A), the requirements were deleted from 1512(D)(2) and replaced with a reference to Rule 1514(A), which lists the required finding of the court, including the new findings for Fostering Connections pursuant to paragraph (A)(3) and family findings under paragraph (A)(4).

Rule 1514 & 1608

With Act 115 of 2010 (P.L. 1140, No. 115), the court is required to make a determination that if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and the sibling of the child together or whether such joint placement is contrary to the safety and well-being of the child or sibling.

If the siblings are not placed together, the court is to order visitation no less than twice a month unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling.

Rule 1611

The references in the *Comment* were changed to align with the arrangement of the paragraph order in Rule 1609.

Rule 1635

The county agency is to engage in family finding in resumption of jurisdiction cases unless the case was previously discontinued pursuant to Rule 1149(B). Family finding can be resumed if the requirements of Rule 1149(C) are met.