

CHAPTER 1: RIGHTS RELATED TO FAMILY & PERMANENCY

Introduction: Foster care is meant to be temporary; all efforts should be made so you can safely go home with your family. If you cannot go home, all efforts should be made to place you with other family members, a permanent guardian, or an adoptive family, who is able to provide you support as you become an adult and whom you can rely on. You deserve permanency and family and the support of family is so important as you make the transition to adulthood. This Chapter gives you information on the rights you have to be with and in contact with your family and the rights you have and services you should receive to help you be with family.

I. Understanding Permanency and Permanency Goals

What is permanency?

- Put simply, “permanency” means family. It refers to family relationships that are supportive, legally recognized, and meant to last a lifetime.
- The term “permanency” is often used to refer to the final outcome of a dependency case, such as reunification, adoption, or legal guardianship.
- The concept of permanency, however, is much broader. It includes both “legal permanency” (a permanent family relationship recognized by the law) and “relational permanency” (lifelong and permanent connections with people you care about and can count on).

Do I have a permanency goal?

- Yes. Federal law requires that every youth in foster care have a permanency goal and plan within one year of being removed from their family and Pennsylvania law requires that a permanency plan be developed within six months of entering foster care.¹
- Every six months, the court must review the permanency goal and plan until permanency is achieved.²

What are the different permanency goals?³

Permanency goals include:

- Returning to the family you were removed from (reunification);
- Adoption;
- Guardianship, often called in Pennsylvania Permanent Legal Custodianship (PLC);
- Placement with a relative; or
- Another Planned Permanency Living Arrangement (APPLA).

What is reunification or return to parents?

- Reunification is when a youth returns to their family. Generally, reunification is the first goal. **You and your family have the right to services and supports from the child welfare agency to help you return home, permanently and safely.**
- If your permanency goal is reunification, family visits should be occurring frequently, usually every week.
- The supports and services provided depend on the individual needs of a family. Some examples of supports and services available to help with reunification are:
 - Education and training,
 - Employment,
 - Help getting housing,
 - Mental health services,
 - Budgeting/financial planning,
 - Parenting classes, and
 - Drug and alcohol services.

You should be told why you are in care and what it will take so that you can return to your family. Ask your caseworker or lawyer if you do not know.

If there are services or supports that you think would help with reunification, you should share your views.

What is termination of parental rights (TPR)?⁴

- TPR is when the court legally ends a parent's rights and privileges to their child. Some examples of parental rights are custody, contact, and decision making.
- Both federal and state law require that the child welfare agency file for termination of parental rights when a child has been in foster care 15 of the most recent 22 months.⁵ But there are some exceptions to this requirement, like if you are being cared for by a relative or if your family has not been provided the services they need to reunify.
- **TPR is a complicated process, so you should ask as many questions as you have to your caseworker and lawyer to make sure you understand what is happening and what it means for your future.**
- When parental rights are terminated, the agency has legal custody of you and the responsibility to find you people who can become your family.
- Ideally, an adoptive family will be identified before TPR, but it's not required.

What is adoption?

- Adoption is a way of providing the security, permanency and a family when it is not possible to return home.

- When you are adopted, the people who adopt you are your parents under the law as if you were born to them.
- Adoption is a legal process which transfers parental rights and responsibility from either the child's birth parents or the agency to the adoptive parents.
- Adoption is the next most permanent, and preferred option to reunification.
- Before you can be adopted, the rights of your biological parents must be terminated.
- If you are adopted your birth certificate will be updated. The people who adopt you will have their names included as the names of your parents. You can decide if you want to change your last name, but you do not have to change it.⁶

Does what I think about adoption and my permanency plan matter?

- **Yes.**
- The court must consult with you and hear what you think about the permanency plan that you have, including the permanency plan of adoption.⁷
- In addition, youth age 12 and older must consent to being adopted.⁸
- Even if you are under 12, the court will listen to your wishes to determine whether being adopted will be in your best interest.⁹

Can I be adopted at any age?

- Yes! You can be adopted at any age.¹⁰
- **You are never too old to be adopted.** Ever. Everybody needs a committed, supportive and loving family.
- If you want to be adopted or just want to learn more, let your caseworker, lawyer, and the judge know so that efforts can be made to find the right adoptive family for you. What adoption can look like is as different as what families look like.

Are there any special procedures for adoption if I am age 18 or older? Is it easier?

- You can be adopted after you turn age 18 and the process is a little easier.
- When you are age 18, only your consent and the agreement of the people adopting you are needed.
- You do not have to go through a TPR process when you are adopted as an adult, but the adoption will result in your adoptive parents being your legal parents. Your biological parents will not keep any legal rights.

If I'm adopted and am under age 18, can I still have a relationship with my family?

- Sometimes. After an adoption, your adoptive parents have the right to decide whom you have contact with.¹¹

- Pennsylvania law allows a legally enforceable contract (called post-adoption contact agreement or PACA) that can protect your right to contact and communication with your family.¹² See below for more information on what a PACA is.

What is a post-adoption contact agreement (PACA)?

- A PACA is an agreement that the court approves that allows a youth who is adopted to have continued contact with members of his or her birth family after adoption if the terms described below are met.¹³ Once a PACA is agreed to and is approved by the court, the court can enforce it.¹⁴ That means the court can hold all people who made the agreement to the terms of the agreement.¹⁵

Who must agree to the PACA?

- The youth if they are age 12 or older.¹⁶
- Your adoptive parents.¹⁷
- Your birth relatives.¹⁸

If you are 12 or older you, your adoptive parents and your birth relatives who you want to have contact with must consent to the voluntary post-adoption agreement. Afterwards, the court will review the agreement, and once “entered” by the court, it can be enforced legally.¹⁹

What types of contact can be in a PACA?

- There are different types of contact that can be included, such as:
 - Mail/letters,
 - Photos/videos,
 - Phone calls,
 - Emails, and
 - Visits, etc.
- In addition to the types of contact, the location, manner, length, and frequency can also be included.²⁰

Who are birth relatives under a PACA?

- Birth relatives are immediate relatives.²¹ Examples include:
 - Parents,
 - Grandparents,
 - Stepparents,
 - Siblings, and
 - Aunts or uncles.
- You can enter one agreement that covers all the relatives you want to have contact with or you can have separate agreements with each family member.

- Family, in this context, does not include extended family such as cousins or “fictive kin” (this term is used to refer to friends who are so close you consider them family). You should ask your adoptive family about having contact with these people as well even if they are not part of the PACA.

How long does a PACA last?

- A PACA lasts until you turn 18 and become a legal adult, but the court can decide to extend until you are age 21 if you are in agreement.
- Once you turn 18, you can make all decisions about who you wish to contact, including members of your biological family.

Can I change the terms of my PACA?

- After adoption, you or your adoptive parents can choose to change any of the terms of the PACA. However, you need to get those changes approved by the court.²²
- **If you are over 12 and you want to change the terms of the agreement, you have the right to ask (called “petition”) the court to change the agreement.²³**

Are there any materials for youth that describe the PACA?

- Yes. This brochure²⁴ has been developed for youth.

If I’m adopted and am over age 18, can I still have a relationship and contact with my birth family?

- Yes. After you turn 18 however, you get to make the decisions about who you have contact with.

What are adoption subsidies?

- A subsidy is financial assistance—money your adoptive family can receive to help take care of you.²⁵
- An adoption subsidy can last until age 18 if you were adopted before turning age 13, and can last until you are 21 years old if you were adopted at age 13 or older.²⁶

What is permanent legal guardianship?

- Permanent legal guardianship (PLG) is another way of providing the security, permanency and love of a family when it is not possible to return home.²⁷
- Similar to adoption, PLG transfers custody from the agency to a safe and permanent home and guardian(s) for you.

- After a PLC, your permanent legal guardian has the right to make decisions on your behalf.
- Unlike adoptions, your parents' rights do not need to be terminated for PLC.
- If your parents' rights have not been terminated, they can still visit, as long as it's in your best interest and safe. The court can approve a plan for visitation.
- If your parent is later able to take care of you, he or she can petition the court for custody.

Who can be a permanent legal custodian?

- A PLC should be someone who is committed to caring for you as you grow up and providing the love, care, support, and resources that a parent would. The court needs to approve the PLC. Some (but not all) examples include:
 - Current or former foster parent,
 - Grandparent,
 - Sibling,
 - Aunt/uncle,
 - Family friend,
 - Teacher,
 - Mentor, and
 - Godparent.

What is a subsidized legal custodianship?

- Sometimes your PLC can receive financial help to help take care of you. This called subsidized permanent legal custodianship or SPLC (often pronounced "spluck").
- If you were age 13 or older when the agreement for the subsidy was finalized, it may last until you are 21 as long as the established requirements are met.²⁸

What is placement with a relative?

- This is a permanency plan for when you are placed with relatives. But for this permanency plan, you would stay in the system, have a caseworker, and still go to court.
- If returning to your family, adoption, or PLC are not possible, this would be a permanency plan to consider.²⁹
- "Relatives" for this permanency plan includes people who are related to you by blood³⁰ and people who are defined as "kin." In Pennsylvania, kin means a Godparent or someone who has a significant, positive relationship with you or your family.³¹ If you are Native American, it also includes a member of your tribe. They must be at least 21 years old and be able to keep you safe and meet your needs.³²

Important Rights You and Your Relatives Have

- ✓ When you first come into care, the agency is obligated to notify your relatives that you have come into care and explain to them how they can help you and your family, including options to become a foster parent or a permanency resource for you.³³
- ✓ The child welfare agency should be looking for family and kin for you as soon as you come into care, and should continue to do family finding at least once each year.³⁴
- ✓ If you are removed from your family, the child welfare agency must give first consideration to your relatives or kin for your placement.³⁵
- ✓ If your relative meets all the same licensing requirements as a foster care provider, your relative can receive financial help to take care of you as a “kinship care provider.”

Let your caseworker, attorney and judge know if there is someone that YOU consider family and would want to live with or spend time with.

What is another planned permanent living arrangement (APPLA)?

- APPLA stands for Another Planned Permanent Living Arrangement and can only be used after all other plans (reunification, adoption, permanent legal custody, and placement with a relative) have been tried and not achieved.
- If your plan is APPLA, there must be a description of the plan in place to provide you a stable place to live, the services you need to meet your needs and goals, and the relationships that you have with people, including caring adults and people you consider family and kin. If all these pieces are not in place for you, the agency must do work to make these things possible.
- APPLA is the least referred plan for youth because it relies on relationship stability.
- APPLA can only be your permanency plan if you are age 16 or older.³⁶
- At every court hearing, the agency must explain at least two things to the judge: the compelling reasons why other permanency options are not right for you,³⁷ and the intensive, ongoing efforts to find a more permanent option. (See Chapter 1, Section II: Getting to Permanency—Services and Supports to Achieve Family and Supportive Connections)
- If APPLA is being considered as your goal, the county agency must identify at least one significant connection with a supportive adult who will be involved in your life as you get older and leave the child welfare system.³⁸ This should be someone who is not a caseworker or is paid to be part of your care.
- If your permanency plan is APPLA, it can change over time. If reunification, adoption, PLC, or placement with relative become a good fit for you, your permanency plan should change.
- **You have the right to services to help you achieve permanency and help you find and maintain life-long connections.**³⁹

The Permanency Pact has ideas for the different types of supportive relationships you may want and need as you transition out of care. The Pact provides a place where you and the person you choose to have this relationship with can record the commitment you are making to each other to remain in each other's lives.

How are my permanency goals determined?

- State and federal law describe an order of legal preference for permanency goals. Generally, the first, most preferred goal is for you to return to your family.
- Permanency hearings are an important part of determining permanency goals. The court will hold a permanency hearing every six months after you enter foster care and have these hearings until you leave care to permanency or age out.
- The purpose of permanency hearings is to decide your permanency goal as well as other goals related to caring for you and meeting your needs as you grow up.
- The court will also ask what services are being provided to help achieve permanency.⁴⁰

Why do I have multiple permanency goals?

- Pennsylvania requires “concurrent planning” which means the agency is working towards two permanency goals at the same time.⁴¹
- One goal is often identified as the “primary” goal, but services to achieve multiple goals will happen at the same time.

What's the purpose of having more than one goal?

- The ultimate goal is that every child exits foster care to permanency.
- If one plan isn't working out or is taking too long, then there is already another option that provides a safe, stable home with lifelong supportive connections. For example, reunification and placement with a fit and willing relative might both be your permanency goal.

Do I get to provide input on what my permanency plan is?⁴²

- Yes. This is your life and your voice matters!
- The judge in your case is required to “consult” with you about your views on the permanency plan and what you want the goal to be.⁴³
- Decisions about your permanency plan and the supports you need to achieve it also are made at your case planning meeting, which occurs at least one every six months. You have a right to participate in case planning meetings, and they are a great time for you to express your views.⁴⁴ If you are age 14 or older, you should be given the opportunity to sign off on the case plan.⁴⁵

No matter what age you are, you deserve family and permanency. Everyone needs the love and support of family. Always let your caseworker, your lawyer, and the judge know where you want to live, who you consider family, and what it would take to be part of the family you choose!

Can my permanency goal change?

Yes. Things change, and what’s best for you or even what you want can change. That’s why the court is required to review your permanency plan every six months.

II. Getting to Permanency: Services and Supports to Achieve Family and Supportive Connections

Foster care is meant to be temporary and is supposed to provide care for youth until they can go safely home. It should provide services to help youth return home safely or help them find people who they can create a family with safely. Permanency services is a name for the types of services that should be provided to youth and families so that youth can return home or find family through adoption, PLC, or placement with a relative. Below is a chart with what services are available based on your permanency plan. Below the chart is a summary of what the services provide and how it can help you achieve permanency.

Permanency Services

Permanency Services	Services Available Based on your Permanency Goal				
	Return to Parents (Reunification)	Adoption	Permanent Legal Custodianship	Placement with a Relative (Kinship Care)	Another Planned Permanent Living Arrangement (APPLA)
Child/Family Visitation	x	x	x	x	x
Child Profile	x	x	x	x	x
Child Preparation	x	x	x	x	x
Child Placement		x	x		
Child-Specific Recruitment		x	x	x	x
Family Finding	x	x	x	x	x
Family Profile		x	x	x	x
Adoption Finalization		x			
Post-Permanency Services		x	x	x	
Transition to Adulthood Services (Independent Living Services)*	x	x	x	x	x

See Below for details and examples on how each service can be used .

What is the Statewide Adoption and Permanency Network (SWAN) and what does it have to do with permanency services?

- SWAN (Statewide Adoption and Permanency Network) is a Pennsylvania network of agencies, organizations, judges, advocates, and others that is meant to help youth in foster care achieve permanency.
- The SWAN program helps county child welfare agencies provide certain permanency services to youth in the child welfare system. While these are not the only permanency services youth can receive, these services are very helpful and are important for youth to understand.

What is family finding and engagement?

- Family finding is a **legal requirement** that the child welfare agency take steps to identify, locate, and engage your family.
- Family finding aims to help identify, begin, and rebuild important family relationships.
- Family finding is important because it recognizes that meaningful, supportive, permanent relationships with loving adults is essential and that being removed from your family often means losing or forgetting these connections.
- The agency is legally required to do this at least once every year, regardless of your permanency goal.⁴⁶
- Family finding starts when you first enter care and continues throughout the entirety of your time in the child welfare system, unless you are in a pre-adoptive placement or the court finds family finding is no longer in your best interest or harmful to your wellbeing.
 - Even if you can't live with your family members, the agency should provide you with services to help build and strengthen your connection to them if those relationships would be safe and stable for you.
- Your voice matters. If you know of any family or kin (people with whom you or your family have significant, positive relationships like Godparents or tribal members), share their information with your caseworker, lawyer, or judge. Even if you do not know their address or phone number, share their names and whatever information you do know about them.

How does family finding and engagement help with permanency?

- Family finding recognizes permanency as a permanent belonging, which includes knowledge of personal history, understanding your identity, and relationships with a range of involved and supportive adults rather than just one legal resource.
- Every youth in foster care has a family, and when they are removed, it can be extremely lonely to lose those connections.
- Family finding can help you reconnect with family members or other significant people you lost contact with or never had the chance to meet.

- Specially trained social workers work to connect you with caring adult family members. These connections can help you feel less alone and discover your history and place in the world.

What is a child profile?

- A child profile⁴⁷ is a summary of your life history, including where you have lived and your placements while in care.
- This is a service available for any youth in foster care regardless of your permanency goal.

How does a child profile help youth find permanency?

- It can feel strange and isolating when you don't know your own history and have no one to ask; a child profile can help you know and understand your history.
- The profile can also help find existing or past connections and supports or help find and introduce you to families and relatives that can be supports and connections.

What is child preparation?

- Child preparation⁴⁸ is a six-month service that YOU lead.
- It helps you process your life history.
- It is not therapy. It just gives you time and support to work through issues and feelings that are important and can get you ready for finding or being placed with family. For example, some of the activities in the written plan can include videos, shadowboxes, or selfies.
- This is a service available for any youth in foster care regardless of your permanency goal and can be done multiple times through SWAN.

What is Child-Specific Recruitment and the Pennsylvania Older Child Matching Initiative?⁴⁹

- This service helps you find and build permanent supportive adult connections.
- The search begins by identifying people and relationships that are important to you. YOU are engaged in the whole process.
- This service can help you find people you can live with and find legal permanency with, but it can also be used to build your network of supportive adults who will be involved in your life.
- This service is available for any youth in care up to age 21.

How can child-specific recruitment help youth achieve permanency?

- Child-Specific Recruitment is designed to help find you a “forever family” however that is defined by you. It can be used to recruit an adoptive resource or PLC. It can also be

used to find family members for kinship care or caring adults who can be life-long supportive connections.

What is a family profile?

- This service is primarily used to help prepare families for adoption, PLC, or kinship care.
- It can also be used to help identify and build lifelong supportive connections for older youth.

How does a family profile help with permanency?

- Family profile services help families be better prepared to make permanency successful.
- All relationships have strengths and challenges. This service helps identify family strengths and challenges and resources to overcome these challenges.

What are post-permanency services?

- Post-permanency services are available for youth and families who have achieved permanency.
- These services are available for families who have achieved permanency through adoption, permanent legal custody, or kinship care.
- Creating a new “family” is a major change and can come with challenges. Post-permanency services are designed to help families identify their strengths, establish goals, and locate community resources for ongoing supports.
- **The services are family-driven, and families can access them by calling the SWAN Helpline at 1-800-585-7926 or by email at SWANHelpline@diakon-swan.org.**

What are transition to adulthood services (independent living services)?

- Transition services help you gain the skills everyone needs to be a successful adult. These skills can include budgeting, planning for your career and education, and finding and managing housing.
- These services should be provided to you along with permanency services.
- You are eligible for these services until age 23 in Pennsylvania.

If you exited care at age 16 or older, you are eligible for transition services – even if you are no longer in care. (See Chapter 9: Planning for the Future Transition to Adulthood and Discharge Planning)

III. Visitation and Contact with Family

Why are visits with family important?

Visitation helps you keep your connection with your family and community. They can help you and your family overcome the issues that brought you into foster care or just help you build healthier relationships with your family.

What is visitation?

- Visitation is in-person contact with your family or kin.
- Visitation with your family helps you stay connected. Visits are important, because connection with family is important!
- Visits should occur in the most family-like setting appropriate and available.
- When appropriate, parents should also be invited to participate in your extracurricular activities like school; sports; education; and medical events, meetings, or appointments.
- The law guarantees visitation with parents and siblings if you are in foster care, but visits with other people you consider family or kin are also a great idea and should be supported.

Make sure that there is a visitation schedule. Even when you are placed out of state, you still have the right to visit your parents. Scheduling these visits can be difficult, but they should still occur.

Can I refuse visitation?

- Visits are usually court ordered.
- Tell your caseworker and your lawyer if visiting with your family upsets you or if you are being hurt during visits.
- The visitation order can be changed, or conditions can be added to make you feel safe, like supervision or a change in location or time.
- Your lawyer can request a hearing at any time and ask the judge to change the visitation order. (See Chapter 17: Getting Your Voice Heard—Self-Advocacy/Grievance)

What do I do if I have concerns about how my visits are going?

- See Chapter 17: Getting Your Voice Heard—Self-Advocacy/Grievance

Where will visitation be?

Visits should be as family-friendly and private as possible.⁵⁰ Examples of possible places a visit could occur include: your parent's home, your foster home, parks, restaurants, or a family visitation center.

What is supervised visitation?

Supervised visitation is an in-person visitation that is monitored by a caseworker, foster parent, biological family member, family friend, or another adult who is approved to make sure everyone is safe. The court is normally the one to order supervised visitation.

What's unsupervised visitation?

Unsupervised visitation is in-person contact that isn't monitored by anyone.

Is visitation the same as a "Home Pass" or weekend visit home?

- Not necessarily. Visitation just means that you get to see your family.
- Visitation can occur at your placement, at the agency, or in the community (like a restaurant or park).
- Going to your parents' or relatives' home and sleeping overnight is often called a "home pass" or an overnight visit.

Can visitation be taken away as punishment?

- NO. It is against the law to have your visits taken away from you as a punishment or given to you as a reward for your behavior.⁵¹
- In some cases, your placement can restrict where your visits occur.
- You may have to have your visits at your placement rather than being permitted to go home on a "home pass."
- If there are restrictions placed on your visits, you should be told the reason why.

Call your lawyer if you think your visits have been taken away as punishment or if you are not getting to see your family and do not understand why. Raise any questions or concerns you have about visitation in court, because judges get to make most of the decisions about visitation. **YOUR VISITS CAN ONLY BE RESTRICTED BY A JUDGE'S COURT ORDER.** (See Chapter 17, Getting Your Voice Heard—Self-Advocacy/Grievance)

How often can I visit with my parents?

- **You have a right to visit with your parents at least once every two weeks, unless the judge restricts visits by a court order.**
- Every two weeks is a minimum; more visitations can be provided.
- Your county child welfare agency must help you and your parents get to the location where the visit can occur and should help make visits convenient for you and your parents. This should include things like having visits in places close to where your parents live or providing your parents money for transportation.

- When you create a Child Permanency Plan (CPP) and Individualized Service Plan (ISP), make sure that you include your visitation schedule along with any support needed to make visitation possible, such as transportation or supervision.
- **Even when you are placed out of county or state, you still have the right to visit your parents.**

When and why can a judge limit visits?

- A judge can limit visitation if you are being greatly harmed by the visits and there are no alternatives or changes that can be made that will make you safe, such as having someone supervise the visits.
- Visitation with your parents may decrease if you plan to become adopted. Once your parents' rights are terminated, they no longer have any legal right to visit you. While you are in placement, the agency may allow you to have visits, but they are not required to. (See Chapter 1, Section I: Understanding Permanency and Permanency Goals—Post-Adoption Contact Agreement).

Can I visit my parents if my permanency goal is not reunification (returning to your family)?

- Visitation with family should occur regardless of your permanency goal, but visiting with your parents generally decreases if your permanency goal is no longer reunification.
- **If your parents' rights have not been terminated** (see Chapter 1, Section I: Understanding Permanency and Permanency Goals—Termination of Parental Rights), the judge will decide whether you have a right to visitation and support from the agency.⁵² The judge looks at several factors to determine whether visitation continues to be in your “best interests.” Some of the factors⁵³ the judge might consider include:
 - Length of separation from natural parents;
 - Effect of visitation on the child;
 - The age, sex, and health of the child;
 - The emotional relationship between child and parents;
 - The special needs of the child; and
 - The effect on the child's relationship with the current caregiver, usually the foster parents.
- YOUR wishes matter! Stating whether you want visits and any supports you need to make visits best for YOU is important.

Can I visit my parent(s) in jail/prison?

- **If reunification is your goal**, the agency **must** provide visits every two weeks⁵⁴ unless the court ordered no visitation or your parents refused visitation in writing.⁵⁵
- However, there are times where visitation with a parent who is incarcerated will be restricted by the court,⁵⁶ such as:⁵⁷

- The child is the victim of the crime for which the parent is incarcerated AND there is a grave threat of harm to the child;
- The child is scheduled to testify as a witness at trial against the incarcerated parent;
- A qualified mental health professional trained in grief and loss has stated that it would be emotionally harmful for the child to visit with the incarcerated parent and the Judge or Hearing Master feels this is an appropriate recommendation;
- The child does not wish to visit with the incarcerated parent and the Judge or Hearing Master feels it is an appropriate request; or
- The child is medically fragile, and a qualified physician indicates visits in a prison should not occur due to the child's health condition.
- Many counties have worked with their local jails so that visits can occur in a setting that is comfortable for the family. Some examples include Adams, Allegheny, Blair, Crawford, and Westmoreland counties.

If you want to visit with an incarcerated parent but are not being provided that opportunity, speak with your caseworker, lawyer, and judge. (See Chapter 17, Getting Your Voice Heard—Self-Advocacy/Grievance)

Other than visitation, how else will I be able to have contact with my parents?

- Unless there are safety concerns, your parents should attend your extracurricular activities, school activities, sporting events, and doctor’s appointments.
- Talk to your caseworker or lawyer if there’s something you’d like to invite your parent to attend. (See Chapter 17, Getting Your Voice Heard—Self-Advocacy/Grievance)
- You should also be able to maintain contact through phone, mail, email, social networking, and/or video conferencing. This should be in addition to, not instead of, regularly scheduled visits.⁵⁸

What is in a visitation plan?

- A visitation plan helps to make sure everyone knows when, where, and how often visits are happening and how everyone will get to them.

IV. Placement, Visiting, and Contact with Siblings

Who is considered a sibling who I have a right to visit with?

- Pennsylvania policy defines siblings broadly and includes full siblings, half-siblings, stepsiblings, or other kinship bonds that model the brother-sister relationship.
- The policy recognizes that siblings share life experiences that create and solidify the “sibling bond.”

Do I have the right to be placed with my sibling?

- Federal and Pennsylvania state laws recognize the importance of sibling relationships.
- Federal law requires reasonable efforts to place siblings together and to provide for frequent visitation when siblings are not placed together.⁵⁹
- Pennsylvania law goes even further by requiring that siblings be placed together unless it is contrary to the safety or well-being of either sibling.⁶⁰
- If siblings cannot be placed together, Pennsylvania law requires visitation be provided at least two times per month.⁶¹ If it is not possible, the agency must try to keep you and your sibling as close to one another as possible.⁶²
- If you aren't placed with your sibling, the agency must actively and continuously try to find a place where you and your sibling(s) can be placed together.⁶³

Do I have the right to visit my sibling(s) if I am in foster care?

- If your siblings are still living with your parents, it is generally up to your parents to decide when and if you can see them.
- **If both you and a sibling are in foster care, but are not placed together, you have a right to visit with your siblings at least twice a month, unless the court finds such visitations are not safe.**⁶⁴
- If that is the case, the agency should be providing services to help make the situation safer so that you can visit your sibling safely and regularly.

What is a safety or well-being concern and why would it prevent a sibling visit?

- Generally, this means that there is something that makes visitation between you and your sibling/s unsafe (for example, if one sibling is hurting the other).
- If the agency has concerns about your relationship with your sibling, they are required to make efforts to address any concerns they have.

What should the agency do to help address a safety or well-being concern?

- If the agency has a safety or well-being concern, they must provide you with services that help overcome any safety or well-being concerns. Examples of things that could help with safety concerns include providing supervision and having a support person available.
- The court should make sure that you are having visitation or explain why it's not safe. So, make sure to tell your lawyer and judge if you aren't having visitation with your sibling. (See Chapter 17, Getting Your Voice Heard—Self-Advocacy/Grievance)

V. Contact and Visitation with People I Care About

Why is visitation with people other than my parents and siblings important?

- Finding family, maintaining family connections, and building a support system are important as you get older and help you transition out of care.
- Talk about the connections you already have and want to make through visits and other contact at all your case planning meetings and in court.
- If you need help making connections with people, such as reaching out to people in your past or arranging visits, let your team know.

Can I have contact and visits with extended family, mentors, or community members?

- Sometimes. Even when you are separated, you are still a part of communities and have relationships that are important to you.
- Extended family members, mentors, and strong supportive connections can be an important part of your permanency plan.
- You should be supported in having contact and visits with these supportive connections. Let your caseworker know who the important people in your life are, including extended family, mentors, and community members you want to visit. (See Chapter 17, Getting Your Voice Heard—Self-Advocacy/Grievance)

How do I request visitation with other extended family, mentors, or community members?

- Let your caregiver, resource parent, and caseworker know about people you care about and want to contact. They should work with you to make this contact possible. They will want to make sure you are safe, but having a support system and network is really important as you grow up. (See Glossary: Reasonable and Prudent Standard—Parental Decision-Making)
- Overnight or more long-term visits are also possible, but some processes will need to be followed to make sure you are safe.
- Be persistent and tell your lawyer or judge if you are having problems getting these visits or connecting with people you care about. The court **can** order the agency to provide visitation with extended family members or people who are important to you.

Can I spend time with friends or a boyfriend/girlfriend?

- Your foster/resource parent (or designated caregiver in a group home) can give you permission to participate in social, cultural, extracurricular, and enrichment activities.⁶⁵ This includes dating and visiting with friends. (See Glossary: Reasonable and Prudent Standard—Parental Decision-Making)
- If you are in a group care setting, someone should be designated to make these decisions.

- Just like other families, resource parents, caregivers, and their children do not always agree. If you disagree, voice your opinion. Explain why you disagree and find out why they made their decision. (See Chapter 17, Getting Your Voice Heard—Self-Advocacy/Grievance)

¹ 42 U.S.C.A. § 675(5)(C) (A permanency plan must be developed no later than 12 months after a youth enters care.); 42 Pa.C.S.A. § 6351(e)(3)(i) & (f) (Permanency hearings are generally held 6 months after a youth comes into care, and the appropriateness of the permanency plan must be determined at each permanency hearing.).

² 42 Pa.C.S.A. § 6351(e)(3).

³ 42 Pa.C.S.A. § 6351(f.1)(1)–(5).

⁴ 23 Pa.C.S.A. § 2521.

⁵ 42 Pa.C.S.A. § 6351(f)(9); 42 U.S.C.A. § 675(5)(E).

⁶ 23 Pa.C.S.A. § 2904 (“If requested by the petitioners, the decree may provide that the adoptee shall assume the name of the adopting parent or parents and any given first or middle names that may be chosen.”).

⁷ 42 Pa.C.S.A. § 6351 (e)(1).

⁸ See 23 Pa.C.S.A. § 2711(a)(1).

⁹ 42 Pa.C.S.A. § 6351 (e)(1) (“In any permanency hearing held with respect to the child, the court shall consult with the child regarding the child’s permanency plan, including the child’s desired permanency goal, in a manner appropriate to the child’s age and maturity.”).

¹⁰ 23 Pa.C.S.A. § 2311.

¹¹ 23 Pa.C.S.A. § 2902(a).

¹² 23 Pa.C.S.A. §§ 2731–42.

¹³ 23 Pa.C.S.A. § 2738; OFFICE OF CHILD., YOUTH, & FAM., PA DEPT. OF PUB. WELFARE, OCYF BULL. NO. 3350-11-01, IMPLEMENTATION OF ACT 101 OF 2010 (2011),

<https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20OCYF/OCYF%203350-11-01.pdf>.

¹⁴ 23 Pa.C.S.A. § 2735.

¹⁵ 23 Pa.C.S.A. § 2738.

¹⁶ 23 Pa.C.S.A. § 2734.

¹⁷ 23 Pa.C.S.A. § 2733.

¹⁸ 23 Pa.C.S.A. § 2733.

¹⁹ 23 Pa.C.S.A. § 2738.

²⁰ See, e.g., PENNSYLVANIA STATEWIDE ADOPTION & PERMANENCY NETWORK, VOLUNTARY POST-ADOPTION CONTACT AGREEMENTS: AN EXPLANATION FOR YOUTH, http://swantoolkit.org/wp-content/uploads/PACAs_for_Youth_FINAL.pdf.

²¹ 23 Pa.C.S.A. § 2732.

²² 23 Pa.C.S.A. § 2737.

²³ 23 Pa.C.S.A. § 2737.

²⁴ PENNSYLVANIA STATEWIDE ADOPTION & PERMANENCY NETWORK, VOLUNTARY POST-ADOPTION CONTACT AGREEMENTS: AN EXPLANATION FOR YOUTH, http://swantoolkit.org/wp-content/uploads/PACAs_for_Youth_FINAL.pdf.

²⁵ *Pennsylvania State Adoption Assistance Program*, NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN (updated Sept. 2019), <https://www.nacac.org/help/adoption-assistance/adoption-assistance-us/state-programs/pennsylvania-adoption-assistance-program/>.

²⁶ 67 Pa.C.S.A. § 2102.

²⁷ OFFICE OF CHILD., YOUTH, & FAM., PA DEPT. OF PUB. WELFARE, OCYF BULL. NOS. 3130-10-02, 3140-10-03, PERMANENT LEGAL CUSTODIAN POLICY 4 (2010), <https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20OCYF/OCYF%203130-10-02%203140-10-03.pdf>.

²⁸ 67 Pa.C.S.A. § 2102.

²⁹ 42 Pa.C.S.A. § 6351(f.1)(4).

⁶² OFFICE OF CHILD., YOUTH, & FAM., PA DEPT. OF PUB. WELFARE, OCYF BULL. No. 3130-12-01, Act 115 of 2010 Regarding Placement and Visitation with Siblings (2012), <https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20OCYF/OCYF%203490-12-01%203.pdf>.

⁶³ OFFICE OF CHILD., YOUTH, & FAM., PA DEPT. OF PUB. WELFARE, OCYF BULL. No. 3130-12-01, Act 115 of 2010 Regarding Placement and Visitation with Siblings (2012), <https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20OCYF/OCYF%203490-12-01%203.pdf>.

⁶⁴ 42 Pa.C.S.A. § 6351(f)(11) (“If the child has a sibling, whether visitation of the child with that sibling is occurring 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.”); 11 P.S. § 2633.

⁶⁵ Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 111, 128 Stat. 1919, 1923-24 (2014); Activities and Experiences for Children in Out-of-Home Placement Act, 11 P.S. § 2644.