



**SPECIAL TRANSMITTAL**

**SUBJECT:** Relative Notification

**TO:** County Children and Youth Social Service Agencies  
Private Children and Youth Social Service Agencies  
Pennsylvania Children and Youth Administrators  
Pennsylvania Council of Children, Youth and Family Services

**FROM:** Cathy A. Utz *Cathy A. Utz*  
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**DATE:** September 5, 2018

**REISSUED:** September 13, 2018

**PURPOSE**

The purpose of this transmittal is to inform county and private children and youth social service agencies about the impact of Pennsylvania Act 92 of 2015 related to relative notification and the clarification of the definition of sibling.

**BACKGROUND**

The federal Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L.) 113-183, was signed into law on September 29, 2014. This law amended Title IV-E of the Social Security Act by expanding relative notification requirements and requiring states to establish a definition of sibling. Act 92 of 2015, which became effective December 28, 2015, brought Pennsylvania into statutory compliance with P.L. 113-183 by amending Article XIII (Family Finding and Kinship Care) of the Human Services Code to include the expansion of relative notification and the definition of the sibling.

**DISCUSSION**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 established relative notification to the fifth degree within 30 days of a child's removal from the home to identify relatives as a resource for children and youth entering out-of-home care. Act 92 of 2015 expanded the current requirements to

ensure that the county children and youth agency exercises due diligence to identify and notify all grandparents and other adult relatives to the fifth degree of consanguinity or affinity to the parent or stepparent of a dependent child and each parent who has legal custody of a sibling of a dependent child within 30 days of the children's removal from the child's home when temporary legal and physical custody has been transferred to the county agency, except in situations of family or domestic violence. The written notice must explain all of the following:

- (1) Any options under federal and state law available to the relative to participate in the care and placement of the child, including any options that would be lost by failing to respond to the notice.
- (2) The requirements to become a foster parent, permanent legal custodian, or adoptive parent.
- (3) The additional supports that are available for children removed from the child's home.

This provision to notify relatives does not alter or supersede in any way the notice provisions of the Indian Child Welfare Act (25 U.S.C. 1912).

At a minimum due diligence on behalf of the county children and youth agency must involve interviews with all household members, including school-age children, preferably prior to any placement, to identify, by order of the family's preference, any relatives with whom the child has an ongoing relationship, any relatives in the child's community, and other relatives outside of the child's community, as well as any parents who have legal custody of a sibling of the dependent child. Names and contact information must be collected. If the family is unable to provide contact information, the agency must perform a diligent search to locate family and relatives within 30 days of the child's removal from their home.

Act 92 of 2015 supports Section 1302.1 (relating to family finding) of the Human Services Code which requires that family finding be conducted for a child when the child is accepted for services and at least annually thereafter, until the child's involvement with the county agency is terminated or the family finding is discontinued in accordance with section 1302.2 (relating to discontinuance of family finding).

Family finding is defined as the ongoing diligent efforts between a county agency, or its contracted providers, and relatives and kin to:

- (1) Search for and identify adult relatives and kin and engage them in children and youth social service planning and delivery.
- (2) Gain commitment from relatives and kin to support a child or parent receiving children and youth social services.

County children and youth agencies are encouraged to exceed this mandate by developing protocols to identify and engage relatives when the agency first becomes involved with a child at risk of removal. The agency's efforts to identify relatives who are willing and able to be a resource for the child must be ongoing throughout the life of the case.

Act 92 of 2015 defines sibling as "An individual who has at least one parent in common with another individual, whether by blood, marriage or adoption,

regardless of whether or not there is a termination of parental rights and parental death. The term includes biological, adoptive, step and half siblings." This definition of sibling only applies to relative notification. Notification letters must be sent to any parent with a child meeting this definition of sibling, including but not limited to, adoptive, step, half, and putative parents. If a sibling is in the custody of a county children and youth agency when the child is placed, counties are strongly encouraged to reach out to the foster family as a potential placement resource for the child, even if the children have never met each other.

This law encourages the practice of keeping siblings together in out-of-home placement which has been linked to positive outcomes, such as greater placement stability and greater likelihood of reunification, adoption, or guardianship. Because sibling connections are significant to the emotional and social development of a child who is in out-of-home care, the definition of sibling seeks to increase the likelihood that a child who is being removed from home can be placed with a sibling or have a sibling's family as a placement or permanency resource.

Lastly, Act 92 of 2015, aligns with the previously established Kinship Care Program, which requires county agencies to give first consideration of placement with a relative whenever a child cannot safely remain in his or her own home. If this is not possible, the reason must be documented. Agencies must continue to follow all requirements set forth in OCYF Bulletin #3140-04-05/3490-04-01 entitled Child Placements with Emergency Caregivers and Bulletin #00-03-03 entitled Kinship Care Policy.

