



## **SPECIAL TRANSMITTAL**

**SUBJECT:** Family Finding Act 118 of 2022 Guidance

**TO:** County Children and Youth Social Service Agencies  
Private Children and Youth Social Service Agencies  
County Children and Youth Solicitors

**FROM:** Natalie Bates *Natalie Bates*  
Acting Deputy Secretary for Children, Youth, and Families

**DATE:** March 6, 2023

### **PURPOSE**

The purpose of this special transmittal is to provide guidance on the family finding components of Act 118 of 2022 (previously Act 55 of 2013 and Act 14 of 2019) to county and private children and youth agencies and solicitors as they relate to agency operations and practice

### **BACKGROUND**

On July 9, 2013, Governor Tom Corbett signed House Bill (HB) 1075 Printer's Number (PN) 2203 into law creating Act 55 of 2013, amending the Human Services Code to add requirements around family finding. These changes were effective September 7, 2013, and identified the intent of the legislation, codified a definition of family finding, and established requirements for family finding. Act 55 was briefly interrupted after the Supreme Court of Pennsylvania ruled on July 18, 2018, that certain provisions enacted within the Human Service Code violated Article III, Section 4 of the Pennsylvania Constitution therefore were stricken in their entirety. Pennsylvania enacted Act 14 of 2019 to reinstate provisions previously included under Act 55. These provisions were reflected in Chapter 31, Family Finding and Kinship Care, of Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes. On November 3, 2022, Governor Tom Wolf signed HB 1866, PN 3064 into law creating Act 118 of 2022. While Act 118 amended several sections of Title 67, this transmittal provides guidance as it relates to Chapter 75, the new chapter on Family Finding and Kinship Care.

## **DISCUSSION**

Act 118 of 2022 amended Title 67 by repealing Chapter 31 and creating Chapter 75, the new chapter on Family Finding and Kinship Care. Act 118 also amended some of the provisions previously required under Chapter 31 and added new family finding requirements. Act 118 of 2022 reflects added definitions regarding family finding and guidance related to necessary documentation.

Pennsylvania has long valued the critical role that relatives and kin play in the lives of children and families. County children and youth agencies (CCYA), solicitors and private children and youth social service agencies recognize improved child and family outcomes when positive support is available to a child and/or family from relatives and kin. Successful family search and engagement efforts can lead to increased safety for children and a decreased need for court intervention and placement with guardian(s) unknown to the child. While the commitment to such a philosophy and the existence of practices designed to locate and engage relatives and kin is not new, the codification of the intent of such efforts, a definition for family finding that captures the ongoing nature of this work, and the specifics related to when family finding must occur are explained within Act 118.

The stated statutory intent of family finding is to ensure that family finding occurs on an ongoing basis for all children entering the child welfare system, to promote the use of kinship care when it is necessary to remove a child from the child's home and to ensure that each child leaving foster care at 18 years of age or older is prepared for the transition to successful adulthood. Family finding helps to identify and build positive connections between a child and their relatives and kin, support the engagement of relatives and kin in the development and delivery of child welfare services, and create a support system of extended relatives and kin that can assist a child and their family with overcoming the concerns that led to the child and their family's involvement in the child welfare system. Family finding often results in the identification of relatives or kin who are both willing and able to care for the child, thus alleviating the need for a child to be placed in a traditional non-relative foster home or a more restrictive placement. When kin resources cannot provide placement for the child or youth, family finding is still critical in maintaining vital family connections as well as developing and maintaining long term supports for the child or youth.

### **Definition of Family Finding**

Chapter 75, Section 7502 (relating to definitions) of Title 67 defines family finding as:

“The ongoing process of identifying and engaging extended family members and adults who have or could have significant, positive connections with a child or family that has been accepted for services in order to:

- 1) Build a network of support for the child and the child's family.
- 2) Promote positive, long-term connections for the child.
- 3) Include relatives and kin in social service planning and delivery.
- 4) When necessary, identify a safe and familiar placement for the child.

This statutory definition of family finding should be understood as an enhanced collaborative family approach, to include identification and engagement strategies that must be conducted when the child or family is accepted for services provided by the CCYA. Family finding needs to be completed on an ongoing basis until the child or family have completed services or until family finding is discontinued for one of the reasons set forth in the statute. This statutory definition should not be confused to mean the "Family Finding" model developed by Kevin Campbell and his colleagues at Catholic Community Services in Tacoma, Washington. Exclusive use of this "Family Finding" model is not required by this statute.

The Statewide Adoption and Permanency Network (SWAN) Legal Services Initiative (LSI) Diligent Search and SWAN direct services, including Child Specific Recruitment and Child Preparation, are helpful services to identify and locate relatives and kin however while these services enhance family finding they alone do not meet the family finding requirements under Act 118.

### Family Engagement and Full Disclosure

Existing agency efforts to promote the use of both family engagement and full disclosure aid in family finding efforts. The Office of Children, Youth and Families (OCYF) Bulletin #3130-18-02 entitled "Concurrent Planning Policy and Implementation", issued on July 20, 2018, defined family engagement. Family engagement is "a family-centered, strengths-based approach to partnering with families in making decisions, setting goals, and achieving desired outcomes". It is founded on the principle of communicating openly and honestly with families in a way that supports disclosure of culture, family dynamics, and personal experiences to meet the individual needs of every family and every child. For the purposes of family finding, full disclosure is defined as "the process of providing clear, objective information regarding the rights, responsibilities, and expectations of all members of the team beginning when a child or family is accepted for services by the CCYA". Act 118 of 2022 helps to reinforce full disclosure and family engagement beginning at the first contact with a child and family and continuing throughout the life of the case. Once a child or family is accepted for services, ongoing, respectful, and transparent discussions with the child and their family, relatives, kin, and service providers about the search, identification, and engagement of relatives and kin must occur. Full disclosure requires a discussion about what information is being provided, to whom, and for what purpose depending on the situation.

Family search and engagement efforts are already conducted by CCYA teams in partnership with a child, youth, their parents, relatives, and kin as part of the focus on

safety, permanency, and well-being. Examples of family search and engagement efforts include: the safety assessment and management process; diligent searches for parents/relatives/kin; partnership with children, youth, and families in the casework and planning process; identification and maintenance of life-long connections between children and youth and those who are important to them (including conversations with the child or youth wherein the child or youth identifies persons with whom they feel connected and loved); utilization of relatives and kin as resources; and concurrent planning by working towards one legal permanency goal (typically reunification) while at the same time establishing an implementing an alternative permanency goal. CCYA teams are encouraged to continue their use of these strategies and resources to assist with the ongoing diligent efforts to identify, engage, and gain commitment from relatives and kin to support a child, youth, or parent receiving services as required by Act 118 of 2022. These strategies and resources include:

- SWAN LSI Program
- [LSI Diligent Search Packet](#)
- Family Group Decision Making/Family Group Conferencing (FGDM/FGC)
- Family Team Meetings
- Family Finding
- Pennsylvania Dependency Benchbook Chapter 2

### When Must Family Finding Be Conducted

Section 7503 of Chapter 75 identifies specific points in time when family finding must occur. However, family finding should not be interpreted as an activity or set of activities (e.g. a diligent search, or a single FGDM/FGC meeting to engage relatives and kin) that once conducted equate to family finding being “completed.” The statutory definition of family finding requires **ongoing** diligent efforts to search for, identify, engage, and gain commitment from relatives and kin.

The law requires that family finding first be conducted when a child or youth is accepted for services. The definition of “accept for service” used in the statute is identical to that which exists in the Child Protective Services law (23 Pa. C.S. Ch. 63 (relating to child protective services)), Title 55 Pa. Code, Chapter 3490 (relating to protective services) Section 3490.4 (relating to definitions), and Title 55 Pa. Code, Chapter 3130 (relating to administration of county children and youth social service programs) Section 3130.5 (relating to definitions). A child is accepted for services when the CCYA staff “decides on the basis of the needs and problems of an individual to admit or receive the individual as a client of the CCYA or as required by a court order entered under the Juvenile Act, 42 Pa. C.S. Ch. 63 (relating to juvenile matters).” While the statute specifies that family finding must be initiated when the child is accepted for services, in accordance with prior policy direction, Bulletin #00-03-03, entitled “Kinship Care Policy,” issued on July 28, 2003, CCYAs staff are still responsible for identifying adults who are potential kinship caregivers as part of their intake investigation/assessment, referral process, and ongoing service provision.

Once a child or youth is accepted for services, family finding must be conducted at least annually under Act 118 until the child or family have completed services or the family finding is discontinued for one of the following reasons:

- The child is adjudicated dependent, and the court determines that the efforts no longer serve the best interests of the child or is a threat to the child's safety.
- The CCYA team, for a child not under the court's jurisdiction, determines, based on credible information about a specific safety threat, that continued efforts create a threat to the child's safety. Reasons for this determination must be documented by the CCYA team.
- The child is in a pre-adoptive placement and court proceedings to adopt the child have begun.

It should be noted that connecting children and youth with family and kin will be in the child or youth's best interest in most cases and that discontinuing family finding should be rare and based on very specific facts and circumstances. While the family finding and engagement process may be challenging at times for the child or youth, supporting the child or youth is a critical element of the process.

Family finding and engagement should continue until a child or youth achieves permanency and this should include when a youth is in extended foster care between ages 18-21. Family connections and permanency are a critical part of a successful transition to adulthood. A youth's age is not a valid reason for terminating family finding and engagement. In fact, as a youth ages, the urgency for robust family finding and engagement is critical.

When family finding has been discontinued, there are situations in which family finding must be resumed. These situations include:

- When the child is under the court's jurisdiction and the court finds that the resumption of family finding efforts is best suited to the child's safety, protection, and physical, mental and moral welfare and does not pose a threat to the child's safety.
- When the child is not under the court's jurisdiction and the CCYA team determines that resuming family finding serves the best interest of the child and does not pose a threat to the child's safety.

### Consent in Family Finding

The definition of family finding in Section 7502 (relating to definitions) does not specifically mention obtaining consent; however, it is the responsibility of the CCYA

staff to follow all other laws and regulations related to confidentiality and information sharing when notifying extended family or kin that a family has been accepted for services in the course of family finding activities.

While it is expected that CCYA staff will conduct family finding at the time a family has been accepted for services, there may be times when the CCYA staff determines that contact and information sharing with extended family and kin, beyond initial search and identification efforts, would be detrimental to the case. In this instance, when the family is not yet court involved, it is permissible for the CCYA staff not to make contact or share case information with identified extended family and kin, provided the agency justifies their decision and maintains the documentation within the family's record. In situations where the court is involved, the CCYA must share this information with the court.

At the time of a family being accepted for voluntary services, where no safety concerns exist for the child, agency staff should allow the parent to be the primary driver and decision-maker for the family finding process, for the purpose of building a supportive network to stabilize and sustain the family's efforts. This includes identification of relatives or kin and respecting the parents' wishes regarding those the parent does not agree would be a supportive connection. Consistent with casework practice that values full disclosure and building trustworthy relationships, agency staff should rely on the rapport built with parents to engage those who are not amenable to the family finding process when they are not court ordered to participate in services. Communication will be key for these families as caseworkers attempt to convey the benefits of family finding alongside the statutory requirements, without unintentionally discouraging the family's receipt of voluntary supportive services. Initial allegation information is not necessary to share with family or kin. Rather, information critical to share should relate to the needs of the family and how the identified supports can assist.

For families who are court ordered to participate in services and are reluctant or unwilling to partner in the family finding process, the CCYA staff should have thoughtful policies in place that assist caseworkers in strategizing ways to help the parents/caregiver overcome this reluctance, while communicating that the practice must be done according to statute. OCYF Bulletin #3130-18-02, entitled "Concurrent Planning Policy and Implementation", contains additional details of each of the strategies and resources discussed in this special transmittal. The bulletin also contains additional definitions, practice considerations, and resources that agencies might find helpful in regard to family finding.

It is understood that involvement with a child welfare agency can create a range of feelings for a child and their family. While many children and families embrace the opportunity to identify and engage relatives and kin who can support them, some children and families may hesitate, or outright refuse, to identify relatives and kin, have their extended family and kin gain knowledge of their involvement in the child welfare system, or have their extended family and kin become involved in case planning. CCYA teams and service providers are tasked with establishing rapport, building

trustworthy relationships, and engaging the children and families with whom they work. CCYA teams are encouraged to explain how the steps of family finding can be beneficial to the child or youth, why it is important to locate family and kin, and how building long term connections can be beneficial. Applying these skills to the process of family finding, and ensuring full disclosure occurs at every stage of the casework and planning process, should assist agencies in their attempts to help reluctant families overcome the concerns they may have. Consistent with FGDM/FGC efforts, case planning should be driven by the family whenever possible in an effort to empower the parents/caregivers and the child or youth to identify supportive family and kin.

In accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008, the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) of 2014 and Act 118 of 2022, it remains the case that, except in situations of family or domestic violence, CCYA teams must exercise due diligence in identifying and notifying 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 a child's removal** from their home when legal and physical custody has been transferred to the county agency. This diligent search and notification process, while more formalized, does not negate the need to fully disclose what information is being shared, with who, and for what purpose. Engagement efforts are still critical for the success of the child and family. This notification alone, fulfills the relative notification requirements but **does not satisfy** the family finding requirements outlined in Act 118 of 2022.

CCYA teams should discuss this transmittal with their courts and develop a coordinated policy regarding expectations of family finding for families involved in the dependency court process, including a process to ensure that during emergency, dependency, and permanency review hearings a discussion of family finding efforts, those kin that have been contacted/located, status of inclusion in case planning, and reason for lack of connection have been reviewed. Family finding and county coordination will allow for more engaged and empowered families, reducing the reliance on out of home placement while strengthening families in Pennsylvania.

### Documentation

CCYA teams must continue to document their ongoing family search and engagement efforts in the family's record as required by Act 118 of 2022. Specifically, CCYA staff must document:

- 1) The technology and processes used to identify and engage relatives and kin.
- 2) The names of relatives and kin that were identified.
- 3) The names of relatives and kin that were contacted.
- 4) The child's input and involvement in family finding efforts.
- 5) The manner and extent to which identified relatives or kin were included in the child's case plan.
- 6) If applicable, the reasons for discontinuation of family finding.

Some examples of documentation that would be appropriate to maintain include dictation which reflects conversations with the child/parent/caregiver/relatives/kin and the results; structured case notes; safety assessment worksheets; petitions, court summaries, and court orders reflecting family finding efforts and outcomes; goals and objectives on the family service plan/child permanency plan; and FGDM/FGC plans.

If family finding was not conducted at the time a family was accepted for services due to an existing threat to the child's safety as outlined in Act 118, the CCYA staff person must clearly document their justification for doing so in the family's record and demonstrate why contacting and/or sharing case information with extended family or kin would have proved detrimental to the family. When there is court involvement, this documentation must be presented to the court at the next hearing for court approval.

When family finding is discontinued for a child not under the court's jurisdiction, the statute requires that the CCYA staff person(s) document the reasons for this determination. Documentation available shall include the information the agency staff received regarding a specific safety threat, the decision-making/actions taken to determine the information to be credible, as well as the decision-making/actions taken to conclude that continued family finding efforts in its entirety, or with a specific individual, pose a threat to the child's safety. When family finding is resumed by the CCYA team for a child not under the court's jurisdiction, the CCYA staff shall have documentation available that illustrates the decision-making/actions taken to determine that resuming family finding serves the best interest of the child and does not pose a threat to the child's safety.

When family finding is discontinued by the court for a child adjudicated dependent, the court order should reflect that family finding efforts in their entirety, or in relation to a specific individual, no longer serve the best interests of the child or create a threat to the child's safety. When family finding is resumed for a child under the jurisdiction of the court, the court order should reflect that the resumption of family finding is best suited to the child's safety; protection; and physical, mental, and moral welfare; and does not pose a threat to the child's safety.

Any questions regarding this transmittal should be directed to the appropriate Office of Children, Youth and Families Regional Office.

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