

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1866 Session of 2021

INTRODUCED BY BOBACK, HILL-EVANS, GUENST, McNEILL, HELM, MOUL AND WHEELAND, SEPTEMBER 15, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 27, 2022

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 67
2 (Public Welfare) of the Pennsylvania Consolidated Statutes,
3 in juvenile matters, further providing for disposition of
4 dependent child; and, in family finding and kinship care, <--
5 further providing for legislative intent, for definitions,
6 for family finding required and for discontinuance of family
7 finding and providing for permanency plan, for transition-
8 plan and services and for data collection to improve
9 permanency outcomes. IN HUMAN SERVICES GENERALLY, <--
10 REORGANIZING PROVISIONS RELATING TO ADOPTION OPPORTUNITIES
11 AND TO FAMILY FINDING AND KINSHIP CARE; AND MAKING EDITORIAL
12 CHANGES.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 6351(f) (8) and (8.2) and (f.1) (5) (i),
16 (ii) and (iv) of Title 42 of the Pennsylvania Consolidated
17 Statutes are amended to read:

18 § 6351. Disposition of dependent child.

19 * * *

20 (f) Matters to be determined at permanency hearing.--At each
21 permanency hearing, a court shall determine all of the
22 following:

1 * * *

2 (8) The services needed to assist a child who is 14
3 years of age or older to make the transition to successful
4 adulthood[.] and whether the services are being provided as
5 required under 67 Pa.C.S. § 3104.2 7505 (relating to <--
6 transition plan and services).

7 * * *

8 (8.2) [That a] If the child is 18 years of age or older,
9 whether a suitable transition plan has been presented in
10 accordance with section 475 of the Social Security Act (49
11 Stat. 620, 42 U.S.C. § 675(5)(H)) and 67 Pa.C.S. § 3104.2 <--
12 7505. <--

13 * * *

14 (f.1) Additional determination.--Based upon the
15 determinations made under subsection (f) and all relevant
16 evidence presented at the hearing, the court shall determine one
17 of the following:

18 * * *

19 (5) If and when the child will be placed in another
20 planned permanent living arrangement which is approved by the
21 court, the following shall apply:

22 (i) The child must be [16] 18 years of age or older.

23 (ii) The county agency shall identify at least [one
24 significant connection with a supportive adult] two
25 significant connections with supportive adults willing to
26 be involved in the child's life as the child transitions
27 to adulthood, or document that efforts have been made to
28 identify [a supportive adult] supportive adults.

29 * * *

30 (iv) The court shall:

1 (A) Ask the child about the desired permanency
2 goal for the child.

3 (B) Make a judicial determination explaining
4 why, as of the date of the hearing, another planned
5 permanent living arrangement is the best permanency
6 plan for the child.

7 (C) Provide compelling reasons why it continues
8 not to be in the best interests of the child to
9 return to the child's parent, guardian or custodian,
10 be placed for adoption, be placed with a legal
11 custodian or be placed with a fit and willing
12 relative.

13 (D) Make findings that the significant
14 ~~[connection is]~~ connections are identified in the
15 permanency plan or that efforts have been made to
16 identify ~~[a supportive adult]~~ at least two
17 connections with supportive adults, if no one is
18 currently identified.

19 (E) Identify the specific planned permanent
20 living arrangement that the court is approving.

21 * * *

22 ~~Section 2. Section 3101 of Title 67 is amended to read:~~ <--

23 ~~§ 3101. Legislative intent.~~

24 ~~This chapter is intended to ensure that family finding occurs~~
25 ~~on an ongoing basis for all children entering the child welfare~~
26 ~~system[. This chapter is also intended], to promote the use of~~
27 ~~kinship care when it is necessary to remove a child from the~~
28 ~~child's home [in an effort to:~~

29 ~~(1) Identify and build positive connections between the~~
30 ~~child and the child's relatives and kin.~~

1 ~~(2) Support the engagement of relatives and kin in~~
2 ~~children and youth social service planning and delivery.~~

3 ~~(3) Create a network of extended family support to~~
4 ~~assist in remedying the concerns that led the child to be~~
5 ~~involved with the county agency.] and to ensure that each~~
6 ~~child leaving foster care at 18 years of age or older is~~
7 ~~prepared for the transition to successful adulthood.~~

8 Section 3. ~~The definition of "family finding" in section~~
9 ~~3102 of Title 67 is amended and the section is amended by adding~~
10 ~~definitions to read:~~

11 ~~§ 3102. Definitions.~~

12 ~~The following words and phrases when used in this chapter~~
13 ~~shall have the meanings given to them in this section unless the~~
14 ~~context clearly indicates otherwise:~~

15 ~~* * *~~

16 ~~"Family finding." [Ongoing diligent efforts between a county~~
17 ~~agency, or its contracted providers, and relatives and kin to:~~

18 ~~(1) Search for and identify adult relatives and kin and~~
19 ~~engage them in children and youth social service planning and~~
20 ~~delivery.~~

21 ~~(2) Gain commitment from relatives and kin to support a~~
22 ~~child or parent receiving children and youth social~~
23 ~~services.] The ongoing process of identifying and engaging~~
24 ~~extended family members and adults who have or could have~~
25 ~~significant, positive connections with a child or family that~~
26 ~~has been accepted for services in order to:~~

27 ~~(1) Build a network of support for the child and the~~
28 ~~child's family.~~

29 ~~(2) Promote positive, long term connections for the~~
30 ~~child.~~

1 ~~(3) Include relatives and kin in social service planning~~
2 ~~and delivery.~~

3 ~~(4) When necessary, identify a safe and familiar~~
4 ~~placement for the child.~~

5 * * *

6 ~~"Permanency plan." A comprehensive plan for a child in out-~~
7 ~~of home placement that is intended to result in a permanent home~~
8 ~~and family relationships for the child.~~

9 * * *

10 ~~"Transition plan." A comprehensive plan for leaving foster~~
11 ~~care or another out of home placement and successfully~~
12 ~~transitioning to independent adulthood.~~

13 Section 4. Sections 3103 and 3104 of Title 67 are amended to
14 read:

15 § 3103. Family finding required.

16 ~~(a) General rule. Family finding shall be conducted for a~~
17 ~~child when the child is accepted for service and at least~~
18 ~~annually thereafter until the child's involvement with the~~
19 ~~county agency is terminated or the family finding is~~
20 ~~discontinued in accordance with [section 3104 (relating to~~
21 ~~discontinuance of family finding)] subsection (b).~~

22 ~~(b) Discontinuation of family finding. A county agency may~~
23 ~~discontinue family finding for a child only under the following~~
24 ~~circumstances:~~

25 ~~(1) The child has been adjudicated dependent pursuant to~~
26 ~~42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court~~
27 ~~has made a specific determination that continued family~~
28 ~~finding no longer serves the best interests of the child or~~
29 ~~is a threat to the child's safety.~~

30 ~~(2) The child is not under the jurisdiction of a court~~

1 ~~and the county agency has determined that continued family~~
2 ~~finding is a threat to the child's safety. A determination~~
3 ~~that continued family finding is a threat to the child's~~
4 ~~safety must be based on credible information about a specific~~
5 ~~safety threat, and the county agency shall document the~~
6 ~~reasons for the county agency's determination.~~

7 ~~(3) The child is in a preadoptive placement, and court~~
8 ~~proceedings to adopt the child have been commenced pursuant~~
9 ~~to 23 Pa.C.S. Pt. III (relating to adoption).~~

10 ~~(c) Resumption of family finding. Notwithstanding the~~
11 ~~provisions of subsection (b), a county agency shall resume~~
12 ~~family finding for a child if:~~

13 ~~(1) the child is under the jurisdiction of a court and~~
14 ~~the court determines that resuming family finding is best~~
15 ~~suited to the safety, protection and physical, mental and~~
16 ~~moral welfare of the child and does not pose a threat to the~~
17 ~~child's safety; or~~

18 ~~(2) the child is not under the jurisdiction of a court~~
19 ~~and the county agency determines that resuming family finding~~
20 ~~serves the best interests of the child and does not pose a~~
21 ~~threat to the child's safety.~~

22 ~~(d) Documentation. The following family finding information~~
23 ~~shall be documented in the child's case plan:~~

24 ~~(1) The technology and processes used to identify and~~
25 ~~engage relatives and kin.~~

26 ~~(2) The names of relatives and kin that were identified.~~

27 ~~(3) The names of relatives and kin that were contacted.~~

28 ~~(4) The child's input and involvement in family finding~~
29 ~~efforts.~~

30 ~~(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.~~

~~§ 3104. Discontinuance of family finding.~~

~~(a) General rule. A county agency may discontinue family finding for a child under the following circumstances:~~

~~(1) The child has been adjudicated dependent pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court has made a specific determination that continued family finding no longer serves the best interests of the child or is a threat to the child's safety.~~

~~(2) The child is not under the jurisdiction of a court and the county agency has determined that continued family finding is a threat to the child's safety. A determination that continued family finding is a threat to the child's safety must be based on credible information about a specific safety threat, and the county agency shall document the reasons for the county agency's determination.~~

~~(3) The child is in a preadoptive placement, and court proceedings to adopt the child have been commenced pursuant to 23 Pa.C.S. Pt. III (relating to adoption).~~

~~(b) Resuming family finding. Notwithstanding the provisions of subsection (a), a county agency shall resume family finding for a child if:~~

~~(1) the child is under the jurisdiction of a court and the court determines that resuming family finding is best suited to the safety, protection and physical, mental and moral welfare of the child and does not pose a threat to the child's safety; or~~

~~(2) the child is not under the jurisdiction of a court and~~

~~the county agency determines that resuming family finding serves the best interests of the child and does not pose a threat to the child's safety.]~~

~~Section 5. Title 67 is amended by adding sections to read:~~

~~§ 3104.1. Permanency plan.~~

~~(a) Permanency plan. When a child is subject to an order transferring legal custody under 42 Pa.C.S. § 6351(a)(2) (relating to disposition of dependent child), the county shall develop a permanency plan, provide, on a continuous basis, services to support the successful effectuation of the permanency plan and document in the child's case plan the services provided. A child 14 years of age or older shall have the opportunity to participate in the development of the permanency plan.~~

~~(b) Permanency services. The county agency shall, on an ongoing basis, provide services to:~~

~~(1) Identify potential permanent placements for the child, including primary and secondary placement options.~~

~~(2) Prepare the child cognitively and emotionally for placement in accordance with the child's identified permanency goal.~~

~~(3) Maintain and strengthen sibling connections through joint placement or facilitation of visitation and other means of communication.~~

~~(4) Maintain and strengthen other identified supportive connections.~~

~~§ 3104.2. Transition plan and services.~~

~~(a) Transition services required. If a child is subject to an order transferring legal custody under 42 Pa.C.S. § 6351(a)(2) (relating to disposition of dependent child), the county~~

1 ~~shall:~~

2 ~~(1) Beginning when the child is 14 years of age, provide~~
3 ~~age and developmentally appropriate services to help the~~
4 ~~child plan and prepare for eventual adulthood.~~

5 ~~(2) Beginning no less than six months before the child~~
6 ~~will become 18 years of age, develop a transition plan in~~
7 ~~collaboration with the child and, at the child's election,~~
8 ~~other supportive adults.~~

9 ~~(3) Prior to termination of court jurisdiction of a~~
10 ~~child 18 years of age or older, provide the child with all~~
11 ~~relevant documents, which may include, but are not limited~~
12 ~~to, the child's birth certificate, Social Security card,~~
13 ~~driver's license or State identification card, health~~
14 ~~insurance card and diploma or general educational development~~
15 ~~certificate.~~

16 ~~(4) Prior to termination of court jurisdiction, provide~~
17 ~~the child with a copy of the transition plan.~~

18 ~~(b) Transition plan. A transition plan shall include:~~

19 ~~(1) Identification of or detailed options for a suitable~~
20 ~~place of intended residence.~~

21 ~~(2) A list, with contact information, of supportive~~
22 ~~adults and family members.~~

23 ~~(3) Identification of local opportunities for~~
24 ~~mentorships and continuing social support.~~

25 ~~(4) A plan or detailed options for employment, job~~
26 ~~training or continuing education.~~

27 ~~(5) Documentation of the child's possession of relevant~~
28 ~~documents or, if the child does not have possession of the~~
29 ~~documents, an explanation of the reasons why the child does~~
30 ~~not have the documents and detailed instructions on how the~~

1 ~~child may obtain the documents.~~

2 ~~(c) Transition document retention. The county shall~~
3 ~~document the child's transition plan in the child's case plan~~
4 ~~and shall retain electronic copies of the transition plan and~~
5 ~~all relevant documents for no less than five years after~~
6 ~~termination of court jurisdiction.~~

7 ~~§ 3108. Data collection to improve permanency outcomes.~~

8 ~~The county agency shall submit to the department the~~
9 ~~following data for a child 18 years of age or older at the time~~
10 ~~the court terminates jurisdiction over the child:~~

11 ~~(1) Age.~~

12 ~~(2) Gender.~~

13 ~~(3) Race.~~

14 ~~(4) Permanency goal.~~

15 ~~(5) Whether permanency goal was achieved.~~

16 ~~(6) Whether the child requested resumption of~~
17 ~~jurisdiction.~~

18 ~~(7) Whether the court granted resumption of~~
19 ~~jurisdiction.~~

20 ~~(8) The number of placements in the prior year.~~

21 ~~(9) Whether the child had an identified place of~~
22 ~~intended residence.~~

23 ~~(10) Whether the child had income through employment.~~

24 ~~(11) Whether the child had income through a public~~
25 ~~benefit.~~

26 ~~(12) Whether the child had at least two identified~~
27 ~~supportive adult connections.~~

28 ~~(13) Whether the child had contact with siblings.~~

29 ~~(14) Whether the child had contact with biological~~
30 ~~parents.~~

1 ~~(15) Whether the child graduated from high school.~~

2 ~~(16) Whether the child received a general educational~~
3 ~~development certification.~~

4 ~~(17) Whether the child was a parent or expectant parent.~~

5 ~~(18) Whether the child was enrolled in a program of~~
6 ~~postsecondary education or training.~~

7 ~~(19) Whether the child had completed at least two years~~
8 ~~in a program of postsecondary education or training.~~

9 ~~(20) Whether the child was enrolled in Medicaid.~~

10 ~~(21) Whether the child was given a physical copy of a~~
11 ~~transition plan.~~

12 ~~(22) Whether the child had possession of a birth~~
13 ~~certificate, Social Security card, State identification card~~
14 ~~or driver's license, health insurance card and, if not born~~
15 ~~in the United States, proof of valid immigration status.~~

16 Section 6. This act shall take effect in 60 days.

17 SECTION 2. CHAPTER 1 HEADING OF TITLE 67 IS AMENDED TO READ: <--

18 CHAPTER 1

19 [PRELIMINARY] GENERAL PROVISIONS

20 SECTION 3. TITLE 67 IS AMENDED BY ADDING A CHAPTER TO READ:

21 CHAPTER 3

22 ADMINISTRATION

23 SEC.

24 301. (RESERVED).

25 § 301. (RESERVED).

26 SECTION 4. PART II HEADING OF TITLE 67 IS AMENDED TO READ:

27 PART II

28 [HUMAN SERVICES GENERALLY] MEDICAL ASSISTANCE

29 SECTION 5. TITLE 67 IS AMENDED BY ADDING A CHAPTER

30 IMMEDIATELY FOLLOWING PART II HEADING TO READ:

1 (II) ENROLLED IN AN INSTITUTION THAT PROVIDES
2 POSTSECONDARY OR VOCATIONAL EDUCATION;
3 (III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED
4 TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;
5 (IV) EMPLOYED FOR AT LEAST 80 HOURS PER MONTH; OR
6 (V) INCAPABLE OF DOING ANY OF THE ACTIVITIES
7 DESCRIBED IN SUBPARAGRAPH (I), (II), (III) OR (IV) DUE TO
8 A MEDICAL OR BEHAVIORAL HEALTH CONDITION THAT IS
9 SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE
10 PERMANENCY PLAN OF THE CHILD.

11 "COUNTY AGENCY." THE COUNTY CHILDREN AND YOUTH SOCIAL
12 SERVICE AGENCY EXERCISING THE POWER AND DUTIES PROVIDED FOR IN
13 SECTION 405 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396),
14 KNOWN AS THE COUNTY INSTITUTION DISTRICT LAW, OR ITS SUCCESSOR,
15 AND SUPERVISED BY THE DEPARTMENT UNDER ARTICLE IX OF THE ACT OF
16 JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE.

17 "ELIGIBLE CHILD." A CHILD IN THE LEGAL CUSTODY OF THE COUNTY
18 AGENCY WHERE PARENTAL RIGHTS HAVE BEEN TERMINATED PURSUANT TO
19 THE PROCEDURE SET FORTH IN 23 PA.C.S. PT. III (RELATING TO
20 ADOPTION) AND WHO HAS BEEN IN FOSTER PLACEMENT FOR A PERIOD OF
21 NOT LESS THAN SIX MONTHS AND SHOWN TO BE DIFFICULT TO ADOPT
22 BECAUSE OF A DISABILITY OR BY VIRTUE OF AGE, SIBLING
23 RELATIONSHIP OR ETHNICITY. A CHILD IN THE LEGAL CUSTODY OF AN
24 AGENCY APPROVED BY THE DEPARTMENT SHALL BE AN ELIGIBLE CHILD IF
25 THE CHILD IS CERTIFIED AS ELIGIBLE BY THE COUNTY AGENCY.

26 § 2103. REGULATIONS.

27 (A) DUTY OF DEPARTMENT.--THE DEPARTMENT MAY ESTABLISH AND
28 DEVELOP CRITERIA AND PROMULGATE NECESSARY REGULATIONS FOR COUNTY
29 AGENCIES TO IMPLEMENT AN ADOPTION OPPORTUNITY IN ACCORDANCE WITH
30 THE PROVISIONS OF THIS CHAPTER.

1 (B) CONTENT.--THE REGULATIONS SHALL INCLUDE, BUT ARE NOT
2 LIMITED TO, THE FOLLOWING:

3 (1) CRITERIA FOR IDENTIFYING ELIGIBLE CHILDREN AND
4 ADOPTIVE HOMES.

5 (2) PROCEDURES FOR IMPLEMENTING THE ADOPTION OPPORTUNITY
6 PAYMENT.

7 (3) REPORTING REQUIREMENTS BY COUNTY AGENCIES.

8 § 2104. ADOPTION OPPORTUNITY PAYMENTS AND REIMBURSEMENT.

9 (A) AMOUNT.--THE AMOUNT OF ADOPTION OPPORTUNITY PAYMENT FOR
10 MAINTENANCE COSTS TO AN ADOPTIVE FAMILY SHALL NOT EXCEED THE
11 MONTHLY PAYMENT RATE FOR FOSTER FAMILY CARE IN THE COUNTY IN
12 WHICH THE CHILD RESIDES.

13 (B) COUNTY REIMBURSEMENT.--THE DEPARTMENT SHALL REIMBURSE
14 COUNTY AGENCIES FOR AT LEAST 80% OF THE COST OF AN ADOPTION
15 OPPORTUNITY PROVIDED BY THE COUNTY AGENCY UNDER THIS CHAPTER IF
16 THE COUNTY AGENCY COMPLIES WITH THE REPORTING REQUIREMENTS
17 ESTABLISHED BY THE DEPARTMENT UNDER SECTION 2103 (RELATING TO
18 REGULATIONS).

19 (C) LIMITATION.--NO PUBLIC MONEY SHALL BE EXPENDED UNDER
20 THIS CHAPTER ON BEHALF OF AN ELIGIBLE CHILD UNTIL ALL AVAILABLE
21 BENEFITS UNDER EXISTING OR FUTURE PRIVATE, PUBLIC, LOCAL, STATE
22 OR FEDERAL PROGRAMS HAVE BEEN EXHAUSTED. NOTWITHSTANDING ANY
23 OTHER PROVISION OF LAW, ADOPTIVE FAMILIES SUBSIDIZED UNDER THE
24 PROVISIONS OF THIS CHAPTER SHALL NOT BE LIABLE UNDER THE
25 PROVISIONS OF THE ACT OF OCTOBER 20, 1966 (3RD SP.SESS., P.L.96,
26 NO.6), KNOWN AS THE MENTAL HEALTH AND INTELLECTUAL DISABILITY
27 ACT OF 1966, OR 23 PA.C.S. CH. 46 (RELATING TO SUPPORT OF THE
28 INDIGENT) IN THE EVENT THAT THE ADOPTED CHILD NEEDS SERVICES OR
29 ASSISTANCE UNDER THE PROVISIONS OF ARTICLE IV OF THE ACT OF JUNE
30 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE, OR

1 UNDER THE PROVISIONS OF THE MENTAL HEALTH AND INTELLECTUAL
2 DISABILITY ACT OF 1966.

3 CHAPTER 31

4 FAMILY FINDING AND KINSHIP CARE

5 SEC.

6 3101. LEGISLATIVE INTENT.

7 3102. DEFINITIONS.

8 3103. FAMILY FINDING REQUIRED.

9 3104. DISCONTINUANCE OF FAMILY FINDING.

10 3105. KINSHIP CARE PROGRAM.

11 3106. SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM.

12 3107. PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND REIMBURSEMENT.

13 § 3101. LEGISLATIVE INTENT.

14 THIS CHAPTER IS INTENDED TO ENSURE THAT FAMILY FINDING OCCURS
15 ON AN ONGOING BASIS FOR ALL CHILDREN ENTERING THE CHILD WELFARE
16 SYSTEM. THIS CHAPTER IS ALSO INTENDED TO PROMOTE THE USE OF
17 KINSHIP CARE WHEN IT IS NECESSARY TO REMOVE A CHILD FROM THE
18 CHILD'S HOME IN AN EFFORT TO:

19 (1) IDENTIFY AND BUILD POSITIVE CONNECTIONS BETWEEN THE
20 CHILD AND THE CHILD'S RELATIVES AND KIN.

21 (2) SUPPORT THE ENGAGEMENT OF RELATIVES AND KIN IN
22 CHILDREN AND YOUTH SOCIAL SERVICE PLANNING AND DELIVERY.

23 (3) CREATE A NETWORK OF EXTENDED FAMILY SUPPORT TO
24 ASSIST IN REMEDYING THE CONCERNS THAT LED THE CHILD TO BE
25 INVOLVED WITH THE COUNTY AGENCY.

26 § 3102. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "ACCEPT FOR SERVICE." DECIDE ON THE BASIS OF THE NEEDS AND

1 PROBLEMS OF AN INDIVIDUAL TO ADMIT OR RECEIVE THE INDIVIDUAL AS
2 A CLIENT OF THE COUNTY AGENCY OR AS REQUIRED BY A COURT ORDER
3 ENTERED UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS).

4 "CHILD." AN INDIVIDUAL WHO:

5 (1) IS UNDER 18 YEARS OF AGE; OR

6 (2) IS UNDER 21 YEARS OF AGE AND ATTAINED 13 YEARS OF
7 AGE BEFORE THE SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP
8 AGREEMENT BECAME EFFECTIVE AND IS:

9 (I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT
10 CREDENTIAL;

11 (II) ENROLLED IN AN INSTITUTION THAT PROVIDES
12 POSTSECONDARY OR VOCATIONAL EDUCATION;

13 (III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED
14 TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

15 (IV) EMPLOYED FOR AT LEAST 80 HOURS PER MONTH; OR

16 (V) INCAPABLE OF DOING ANY OF THE ACTIVITIES
17 DESCRIBED IN SUBPARAGRAPH (I), (II), (III) OR (IV) DUE TO
18 A MEDICAL OR BEHAVIORAL HEALTH CONDITION, WHICH IS
19 SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE
20 PERMANENCY PLAN OF THE CHILD.

21 "COUNTY AGENCY." THE COUNTY CHILDREN AND YOUTH SOCIAL
22 SERVICE AGENCY EXERCISING THE POWER AND DUTIES PROVIDED FOR IN
23 SECTION 405 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396),
24 KNOWN AS THE COUNTY INSTITUTION DISTRICT LAW, OR ITS SUCCESSOR,
25 AND SUPERVISED BY THE DEPARTMENT UNDER ARTICLE IX OF THE ACT OF
26 JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE.

27 "ELIGIBLE CHILD." A CHILD WHO MEETS ALL OF THE FOLLOWING:

28 (1) HAS A COURT-ORDERED DISPOSITION OF PLACEMENT WITH A
29 PERMANENT LEGAL CUSTODIAN PURSUANT TO 42 PA.C.S. § 6351(A)

30 (2.1) (RELATING TO DISPOSITION OF DEPENDENT CHILD).

1 (2) HAS LIVED WITH AN ELIGIBLE PERMANENT LEGAL CUSTODIAN
2 FOR AT LEAST SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE.

3 (3) IS A CITIZEN OR AN ALIEN LAWFULLY RESIDING IN THIS
4 COMMONWEALTH.

5 "ELIGIBLE PERMANENT LEGAL CUSTODIAN." A RELATIVE OR KIN WHO
6 MEETS ALL OF THE FOLLOWING:

7 (1) WHOSE HOME IS APPROVED PURSUANT TO APPLICABLE
8 REGULATIONS FOR PLACEMENT OF FOSTER CHILDREN.

9 (2) WITH WHOM AN ELIGIBLE CHILD HAS RESIDED FOR AT LEAST
10 SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE.

11 (3) WHO MEETS THE REQUIREMENTS TO BE APPROVED AS A
12 FOSTER PARENT UNDER 23 PA.C.S. § 6344 (RELATING TO EMPLOYEES
13 HAVING CONTACT WITH CHILDREN; ADOPTIVE AND FOSTER PARENTS).
14 "FAMILY FINDING." ONGOING DILIGENT EFFORTS BETWEEN A COUNTY
15 AGENCY, OR ITS CONTRACTED PROVIDERS, AND RELATIVES AND KIN TO:

16 (1) SEARCH FOR AND IDENTIFY ADULT RELATIVES AND KIN AND
17 ENGAGE THEM IN CHILDREN AND YOUTH SOCIAL SERVICE PLANNING AND
18 DELIVERY.

19 (2) GAIN COMMITMENT FROM RELATIVES AND KIN TO SUPPORT A
20 CHILD OR PARENT RECEIVING CHILDREN AND YOUTH SOCIAL SERVICES.

21 "FOSTER PARENT." AN INDIVIDUAL APPROVED BY A PUBLIC OR
22 PRIVATE FOSTER FAMILY CARE AGENCY TO PROVIDE FOSTER FAMILY CARE
23 SERVICES TO A CHILD WHO IS TEMPORARILY SEPARATED FROM THE
24 CHILD'S LEGAL FAMILY AND PLACED IN THE LEGAL CUSTODY OF AN
25 AGENCY.

26 "KIN." AN INDIVIDUAL 21 YEARS OF AGE OR OLDER WHO IS ONE OF
27 THE FOLLOWING:

28 (1) A GODPARENT OF THE CHILD AS RECOGNIZED BY AN
29 ORGANIZED CHURCH.

30 (2) A MEMBER OF THE CHILD'S TRIBE, NATION OR TRIBAL

1 ORGANIZATION.

2 (3) AN INDIVIDUAL WITH A SIGNIFICANT, POSITIVE
3 RELATIONSHIP WITH THE CHILD OR FAMILY.

4 "PERMANENT LEGAL CUSTODIAN." A PERSON TO WHOM LEGAL CUSTODY
5 OF THE CHILD HAS BEEN GIVEN BY ORDER OF A COURT PURSUANT TO 42
6 PA.C.S. § 6351(A)(2.1).

7 "RELATIVE." AN INDIVIDUAL WHO IS:

8 (1) RELATED WITHIN THE FIFTH DEGREE OF CONSANGUINITY OR
9 AFFINITY TO THE PARENT OR STEPPARENT OF A CHILD.

10 (2) AT LEAST 21 YEARS OF AGE.

11 "SIBLING." AN INDIVIDUAL WHO HAS AT LEAST ONE PARENT IN
12 COMMON WITH ANOTHER INDIVIDUAL, WHETHER BY BLOOD, MARRIAGE OR
13 ADOPTION, REGARDLESS OF WHETHER OR NOT THERE IS A TERMINATION OF
14 PARENTAL RIGHTS OR PARENTAL DEATH. THE TERM INCLUDES BIOLOGICAL,
15 ADOPTIVE, STEPSIBLINGS AND HALF-SIBLINGS.

16 "SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP." A COURT-ORDERED
17 DISPOSITION OF A DEPENDENT CHILD PURSUANT TO 42 PA.C.S. §
18 6351(A)(2.1) FOR WHICH THE CHILD'S PERMANENT LEGAL CUSTODIAN
19 RECEIVES A MONETARY PAYMENT FROM THE COUNTY AGENCY PURSUANT TO A
20 SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT.

21 "SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT." A
22 WRITTEN AGREEMENT SIGNED BY THE DIRECTOR OF THE COUNTY AGENCY,
23 OR A DESIGNEE, AND A PERMANENT LEGAL CUSTODIAN THAT SETS FORTH
24 THE TERMS AND SUBSIDY PAYMENTS FOR A SUBSIDIZED PERMANENT LEGAL
25 CUSTODIANSHIP.

26 "SUCCESSOR PERMANENT LEGAL CUSTODIAN." A RELATIVE OR KIN WHO
27 MEETS ALL OF THE FOLLOWING:

28 (1) WITH WHOM AN ELIGIBLE CHILD RESIDES FOR ANY PERIOD
29 OF TIME.

30 (2) WHO HAS BEEN NAMED AS A SUCCESSOR IN A PERMANENT

1 LEGAL CUSTODIANSHIP AGREEMENT EXECUTED BY AN ELIGIBLE CHILD'S
2 PREVIOUS ELIGIBLE PERMANENT LEGAL CUSTODIAN.

3 (3) WHO MEETS THE REQUIREMENTS FOR EMPLOYMENT IN CHILD-
4 CARE SERVICES AND APPROVAL AS A FOSTER OR ADOPTIVE PARENT
5 UNDER 23 PA.C.S. § 6344.

6 § 3103. FAMILY FINDING REQUIRED.

7 FAMILY FINDING SHALL BE CONDUCTED FOR A CHILD WHEN THE CHILD
8 IS ACCEPTED FOR SERVICE AND AT LEAST ANNUALLY THEREAFTER UNTIL
9 THE CHILD'S INVOLVEMENT WITH THE COUNTY AGENCY IS TERMINATED OR
10 THE FAMILY FINDING IS DISCONTINUED IN ACCORDANCE WITH SECTION
11 3104 (RELATING TO DISCONTINUANCE OF FAMILY FINDING).

12 § 3104. DISCONTINUANCE OF FAMILY FINDING.

13 (A) GENERAL RULE.--A COUNTY AGENCY MAY DISCONTINUE FAMILY
14 FINDING FOR A CHILD UNDER THE FOLLOWING CIRCUMSTANCES:

15 (1) THE CHILD HAS BEEN ADJUDICATED DEPENDENT PURSUANT TO
16 42 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS) AND A COURT
17 HAS MADE A SPECIFIC DETERMINATION THAT CONTINUED FAMILY
18 FINDING NO LONGER SERVES THE BEST INTERESTS OF THE CHILD OR
19 IS A THREAT TO THE CHILD'S SAFETY.

20 (2) THE CHILD IS NOT UNDER THE JURISDICTION OF A COURT
21 AND THE COUNTY AGENCY HAS DETERMINED THAT CONTINUED FAMILY
22 FINDING IS A THREAT TO THE CHILD'S SAFETY. A DETERMINATION
23 THAT CONTINUED FAMILY FINDING IS A THREAT TO THE CHILD'S
24 SAFETY MUST BE BASED ON CREDIBLE INFORMATION ABOUT A SPECIFIC
25 SAFETY THREAT, AND THE COUNTY AGENCY SHALL DOCUMENT THE
26 REASONS FOR THE COUNTY AGENCY'S DETERMINATION.

27 (3) THE CHILD IS IN A PREADOPTIVE PLACEMENT, AND COURT
28 PROCEEDINGS TO ADOPT THE CHILD HAVE BEEN COMMENCED PURSUANT
29 TO 23 PA.C.S. PT. III (RELATING TO ADOPTION).

30 (B) RESUMING FAMILY FINDING.--NOTWITHSTANDING THE PROVISIONS

1 OF SUBSECTION (A), A COUNTY AGENCY SHALL RESUME FAMILY FINDING
2 FOR A CHILD IF:

3 (1) THE CHILD IS UNDER THE JURISDICTION OF A COURT AND
4 THE COURT DETERMINES THAT RESUMING FAMILY FINDING IS BEST
5 SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL AND
6 MORAL WELFARE OF THE CHILD AND DOES NOT POSE A THREAT TO THE
7 CHILD'S SAFETY; OR

8 (2) THE CHILD IS NOT UNDER THE JURISDICTION OF A COURT
9 AND THE COUNTY AGENCY DETERMINES THAT RESUMING FAMILY FINDING
10 SERVES THE BEST INTERESTS OF THE CHILD AND DOES NOT POSE A
11 THREAT TO THE CHILD'S SAFETY.

12 § 3105. KINSHIP CARE PROGRAM.

13 (A) ESTABLISHMENT OF PROGRAM.--THE KINSHIP CARE PROGRAM IS
14 ESTABLISHED IN THE DEPARTMENT.

15 (B) RELATIVE NOTIFICATION.--EXCEPT IN SITUATIONS OF FAMILY
16 OR DOMESTIC VIOLENCE, THE COUNTY AGENCY SHALL EXERCISE DUE
17 DILIGENCE TO IDENTIFY AND NOTIFY ALL GRANDPARENTS AND OTHER
18 ADULT RELATIVES TO THE FIFTH DEGREE OF CONSANGUINITY OR AFFINITY
19 TO THE PARENT OR STEPPARENT OF A DEPENDENT CHILD AND EACH PARENT
20 WHO HAS LEGAL CUSTODY OF A SIBLING OF A DEPENDENT CHILD WITHIN
21 30 DAYS OF THE CHILD'S REMOVAL FROM THE CHILD'S HOME IF
22 TEMPORARY LEGAL AND PHYSICAL CUSTODY HAS BEEN TRANSFERRED TO THE
23 COUNTY AGENCY. THE NOTICE MUST EXPLAIN ALL OF THE FOLLOWING:

24 (1) ANY OPTIONS UNDER FEDERAL AND STATE LAW AVAILABLE TO
25 THE RELATIVE TO PARTICIPATE IN THE CARE AND PLACEMENT OF THE
26 CHILD, INCLUDING ANY OPTIONS THAT WOULD BE LOST BY FAILING TO
27 RESPOND TO THE NOTICE.

28 (2) THE REQUIREMENTS TO BECOME A FOSTER PARENT,
29 PERMANENT LEGAL CUSTODIAN OR ADOPTIVE PARENT.

30 (3) THE ADDITIONAL SUPPORTS THAT ARE AVAILABLE FOR

1 CHILDREN REMOVED FROM THE CHILD'S HOME.

2 (C) PLACEMENT OF CHILDREN.--IF A CHILD HAS BEEN REMOVED FROM
3 THE CHILD'S HOME UNDER A VOLUNTARY PLACEMENT AGREEMENT OR IS IN
4 THE LEGAL CUSTODY OF THE COUNTY AGENCY, THE COUNTY AGENCY SHALL
5 GIVE FIRST CONSIDERATION TO PLACEMENT WITH RELATIVES OR KIN. THE
6 COUNTY AGENCY SHALL DOCUMENT THAT AN ATTEMPT WAS MADE TO PLACE
7 THE CHILD WITH A RELATIVE OR KIN. IF THE CHILD IS NOT PLACED
8 WITH A RELATIVE OR KIN, THE AGENCY SHALL DOCUMENT THE REASON WHY
9 THE PLACEMENT WAS NOT POSSIBLE.

10 (D) REGULATIONS.--THE DEPARTMENT IS AUTHORIZED TO PROMULGATE
11 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
12 CHAPTER. THE REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO,
13 THE FOLLOWING:

14 (1) RELATIVES AND KIN SHALL RECEIVE THE SAME FOSTER CARE
15 RATE AS OTHER FOSTER PARENTS IF THEY COMPLY WITH THE
16 REGULATIONS GOVERNING FOSTER PARENTS.

17 (2) FOSTER CARE PAYMENTS RECEIVED BY A RELATIVE OR KIN
18 WHO IS A FOSTER PARENT SHALL BE EXCLUDED FROM CONSIDERATION
19 WHEN CALCULATING ELIGIBILITY FOR PUBLIC ASSISTANCE.

20 § 3106. SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM.

21 (A) ESTABLISHMENT OF PROGRAM.--THE SUBSIDIZED PERMANENT
22 LEGAL CUSTODIANSHIP PROGRAM IS ESTABLISHED IN THE DEPARTMENT.

23 (B) IMPLEMENTATION.--THE DEPARTMENT SHALL ESTABLISH AND
24 DEVELOP CRITERIA AND IS AUTHORIZED TO PROMULGATE NECESSARY
25 REGULATIONS FOR COUNTY AGENCIES TO IMPLEMENT THE SUBSIDIZED
26 PERMANENT LEGAL CUSTODIANSHIP PROGRAM IN ACCORDANCE WITH THE
27 PROVISIONS OF THIS CHAPTER. THE CRITERIA AND REGULATIONS SHALL
28 INCLUDE, BUT NOT BE LIMITED TO, IDENTIFICATION OF ELIGIBLE
29 CHILDREN AND ELIGIBLE PERMANENT LEGAL CUSTODIANS, PROCEDURES FOR
30 IMPLEMENTING THE PROGRAM AND REPORTING REQUIREMENTS BY COUNTY

1 AGENCIES.

2 § 3107. PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND
3 REIMBURSEMENT.

4 (A) AMOUNT.--THE AMOUNT OF PERMANENT LEGAL CUSTODIANSHIP
5 SUBSIDY FOR MAINTENANCE COSTS TO A PERMANENT LEGAL CUSTODIAN OR
6 A SUCCESSOR PERMANENT LEGAL CUSTODIAN SHALL NOT EXCEED THE
7 MONTHLY PAYMENT RATE FOR FOSTER FAMILY CARE IN THE COUNTY IN
8 WHICH THE CHILD RESIDES.

9 (B) COUNTY REIMBURSEMENT.--THE DEPARTMENT SHALL REIMBURSE
10 THE COUNTY AGENCY FOR AT LEAST 80% OF THE COST OF A PERMANENT
11 LEGAL CUSTODIANSHIP SUBSIDY PAYMENT PROVIDED BY A COUNTY AGENCY
12 IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, PROVIDED THAT
13 THE COUNTY AGENCY COMPLIES WITH THE REQUIREMENTS ESTABLISHED BY
14 THE DEPARTMENT.]

15 SECTION 7. PART III HEADING OF TITLE 67 IS AMENDED TO READ:

16 PART III

17 [INSTITUTION DISTRICTS (RESERVED)]

18 MENTAL HEALTH AND INTELLECTUAL DISABILITIES

19 SECTION 8. TITLE 67 IS AMENDED BY ADDING A CHAPTER
20 IMMEDIATELY FOLLOWING PART III HEADING TO READ:

21 CHAPTER 51

22 (RESERVED)

23 SECTION 9. PART IV HEADING OF TITLE 67 IS AMENDED TO READ:

24 PART IV

25 [MISCELLANEOUS PROVISIONS] CHILDREN, YOUTH AND FAMILIES

26 SECTION 10. TITLE 67 IS AMENDED BY ADDING CHAPTERS
27 IMMEDIATELY FOLLOWING PART IV HEADING TO READ:

28 CHAPTER 71

29 (RESERVED)

30 CHAPTER 73

1 (RESERVED)

2 CHAPTER 75

3 FAMILY FINDING AND KINSHIP CARE

4 SEC.

5 7501. LEGISLATIVE INTENT.

6 7502. DEFINITIONS.

7 7503. FAMILY FINDING REQUIRED.

8 7504. PERMANENCY PLAN.

9 7505. TRANSITION PLAN AND SERVICES.

10 7506. DATA COLLECTION TO IMPROVE PERMANENCY OUTCOMES.

11 7507. KINSHIP CARE PROGRAM.

12 7508. SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM.

13 7509. PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND REIMBURSEMENT.

14 § 7501. LEGISLATIVE INTENT.

15 THIS CHAPTER IS INTENDED TO ENSURE THAT FAMILY FINDING OCCURS
16 ON AN ONGOING BASIS FOR ALL CHILDREN ENTERING THE CHILD WELFARE
17 SYSTEM, TO PROMOTE THE USE OF KINSHIP CARE WHEN IT IS NECESSARY
18 TO REMOVE A CHILD FROM THE CHILD'S HOME AND TO ENSURE THAT EACH
19 CHILD LEAVING FOSTER CARE AT 18 YEARS OF AGE OR OLDER IS
20 PREPARED FOR THE TRANSITION TO SUCCESSFUL ADULTHOOD.

21 § 7502. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 "ACCEPT FOR SERVICE." DECIDE ON THE BASIS OF THE NEEDS AND
26 PROBLEMS OF AN INDIVIDUAL TO ADMIT OR RECEIVE THE INDIVIDUAL AS
27 A CLIENT OF THE COUNTY AGENCY OR AS REQUIRED BY A COURT ORDER
28 ENTERED UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS).

29 "CHILD." AN INDIVIDUAL WHO:

30 (1) IS UNDER 18 YEARS OF AGE; OR

1 (2) IS UNDER 21 YEARS OF AGE AND ATTAINED 13 YEARS OF
2 AGE BEFORE THE SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP
3 AGREEMENT BECAME EFFECTIVE AND IS:

4 (I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT
5 CREDENTIAL;

6 (II) ENROLLED IN AN INSTITUTION THAT PROVIDES
7 POSTSECONDARY OR VOCATIONAL EDUCATION;

8 (III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED
9 TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

10 (IV) EMPLOYED FOR AT LEAST 80 HOURS PER MONTH; OR

11 (V) INCAPABLE OF DOING ANY OF THE ACTIVITIES
12 DESCRIBED IN SUBPARAGRAPH (I), (II), (III) OR (IV) DUE TO
13 A MEDICAL OR BEHAVIORAL HEALTH CONDITION, WHICH IS
14 SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE
15 PERMANENCY PLAN OF THE CHILD.

16 "COUNTY AGENCY." THE COUNTY CHILDREN AND YOUTH SOCIAL
17 SERVICE AGENCY EXERCISING THE POWER AND DUTIES PROVIDED FOR IN
18 SECTION 405 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396),
19 KNOWN AS THE COUNTY INSTITUTION DISTRICT LAW, OR ITS SUCCESSOR,
20 AND SUPERVISED BY THE DEPARTMENT UNDER ARTICLE IX OF THE ACT OF
21 JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE.

22 "ELIGIBLE CHILD." A CHILD WHO MEETS ALL OF THE FOLLOWING:

23 (1) HAS A COURT-ORDERED DISPOSITION OF PLACEMENT WITH A
24 PERMANENT LEGAL CUSTODIAN UNDER 42 PA.C.S. § 6351(A)(2.1)
25 (RELATING TO DISPOSITION OF DEPENDENT CHILD).

26 (2) HAS LIVED WITH AN ELIGIBLE PERMANENT LEGAL CUSTODIAN
27 FOR AT LEAST SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE.

28 (3) IS A CITIZEN OR AN ALIEN LAWFULLY RESIDING IN THIS
29 COMMONWEALTH.

30 "ELIGIBLE PERMANENT LEGAL CUSTODIAN." A RELATIVE OR KIN WHO

1 MEETS ALL OF THE FOLLOWING:

2 (1) WHOSE HOME IS APPROVED PURSUANT TO APPLICABLE
3 REGULATIONS FOR PLACEMENT OF FOSTER CHILDREN.

4 (2) WITH WHOM AN ELIGIBLE CHILD HAS RESIDED FOR AT LEAST
5 SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE.

6 (3) THE REQUIREMENTS TO BE APPROVED AS A FOSTER PARENT
7 UNDER 23 PA.C.S. § 6344 (RELATING TO EMPLOYEES HAVING CONTACT
8 WITH CHILDREN; ADOPTIVE AND FOSTER PARENTS).

9 "FAMILY FINDING." THE ONGOING PROCESS OF IDENTIFYING AND
10 ENGAGING EXTENDED FAMILY MEMBERS AND ADULTS WHO HAVE OR COULD
11 HAVE SIGNIFICANT, POSITIVE CONNECTIONS WITH A CHILD OR FAMILY
12 THAT HAS BEEN ACCEPTED FOR SERVICES IN ORDER TO:

13 (1) BUILD A NETWORK OF SUPPORT FOR THE CHILD AND THE
14 CHILD'S FAMILY.

15 (2) PROMOTE POSITIVE, LONG-TERM CONNECTIONS FOR THE
16 CHILD.

17 (3) INCLUDE RELATIVES AND KIN IN SOCIAL SERVICE PLANNING
18 AND DELIVERY.

19 (4) WHEN NECESSARY, IDENTIFY A SAFE AND FAMILIAR
20 PLACEMENT FOR THE CHILD.

21 "FOSTER PARENT." AN INDIVIDUAL APPROVED BY A PUBLIC OR
22 PRIVATE FOSTER FAMILY CARE AGENCY TO PROVIDE FOSTER FAMILY CARE
23 SERVICES TO A CHILD WHO IS TEMPORARILY SEPARATED FROM THE
24 CHILD'S LEGAL FAMILY AND PLACED IN THE LEGAL CUSTODY OF AN
25 AGENCY.

26 "KIN." AN INDIVIDUAL 21 YEARS OF AGE OR OLDER WHO IS ONE OF
27 THE FOLLOWING:

28 (1) A GODPARENT OF THE CHILD AS RECOGNIZED BY AN
29 ORGANIZED CHURCH.

30 (2) A MEMBER OF THE CHILD'S TRIBE, NATION OR TRIBAL

1 ORGANIZATION.

2 (3) AN INDIVIDUAL WITH A SIGNIFICANT, POSITIVE
3 RELATIONSHIP WITH THE CHILD OR FAMILY.

4 "PERMANENCY PLAN." A COMPREHENSIVE PLAN FOR A CHILD IN OUT-
5 OF-HOME PLACEMENT THAT IS INTENDED TO RESULT IN A PERMANENT HOME
6 AND FAMILY RELATIONSHIPS FOR THE CHILD.

7 "PERMANENT LEGAL CUSTODIAN." A PERSON TO WHOM LEGAL CUSTODY
8 OF THE CHILD HAS BEEN GIVEN BY ORDER OF A COURT UNDER 42 PA.C.S.
9 § 6351(A)(2.1).

10 "RELATIVE." AN INDIVIDUAL WHO IS:

11 (1) RELATED WITHIN THE FIFTH DEGREE OF CONSANGUINITY OR
12 AFFINITY TO THE PARENT OR STEPPARENT OF A CHILD.

13 (2) AT LEAST 21 YEARS OF AGE.

14 "SIBLING." AN INDIVIDUAL WHO HAS AT LEAST ONE PARENT IN
15 COMMON WITH ANOTHER INDIVIDUAL, WHETHER BY BLOOD, MARRIAGE OR
16 ADOPTION, REGARDLESS OF WHETHER OR NOT THERE IS A TERMINATION OF
17 PARENTAL RIGHTS OR PARENTAL DEATH. THE TERM INCLUDES BIOLOGICAL,
18 ADOPTIVE, STEPSIBLINGS AND HALF-SIBLINGS.

19 "SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP." A COURT-ORDERED
20 DISPOSITION OF A DEPENDENT CHILD UNDER 42 PA.C.S. § 6351(A)(2.1)
21 FOR WHICH THE CHILD'S PERMANENT LEGAL CUSTODIAN RECEIVES A
22 MONETARY PAYMENT FROM THE COUNTY AGENCY PURSUANT TO A SUBSIDIZED
23 PERMANENT LEGAL CUSTODIANSHIP AGREEMENT.

24 "SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT." A
25 WRITTEN AGREEMENT SIGNED BY THE DIRECTOR OF THE COUNTY AGENCY,
26 OR A DESIGNEE, AND A PERMANENT LEGAL CUSTODIAN THAT SETS FORTH
27 THE TERMS AND SUBSIDY PAYMENTS FOR A SUBSIDIZED PERMANENT LEGAL
28 CUSTODIANSHIP.

29 "SUCCESSOR PERMANENT LEGAL CUSTODIAN." A RELATIVE OR KIN WHO
30 MEETS ALL OF THE FOLLOWING:

1 (1) WITH WHOM AN ELIGIBLE CHILD RESIDES FOR ANY PERIOD
2 OF TIME.

3 (2) WHO HAS BEEN NAMED AS A SUCCESSOR IN A PERMANENT
4 LEGAL CUSTODIANSHIP AGREEMENT EXECUTED BY AN ELIGIBLE CHILD'S
5 PREVIOUS ELIGIBLE PERMANENT LEGAL CUSTODIAN.

6 (3) THE REQUIREMENTS FOR EMPLOYMENT IN CHILD-CARE
7 SERVICES AND APPROVAL AS A FOSTER OR ADOPTIVE PARENT UNDER 23
8 PA.C.S. § 6344.

9 "TRANSITION PLAN." A COMPREHENSIVE PLAN FOR LEAVING FOSTER
10 CARE OR ANOTHER OUT-OF-HOME PLACEMENT AND SUCCESSFULLY
11 TRANSITIONING TO INDEPENDENT ADULTHOOD.
12 § 7503. FAMILY FINDING REQUIRED.

13 (A) GENERAL RULE.--FAMILY FINDING SHALL BE CONDUCTED FOR A
14 CHILD WHEN THE CHILD IS ACCEPTED FOR SERVICE AND AT LEAST
15 ANNUALLY THEREAFTER UNTIL THE CHILD'S INVOLVEMENT WITH THE
16 COUNTY AGENCY IS TERMINATED OR THE FAMILY FINDING IS
17 DISCONTINUED IN ACCORDANCE WITH SUBSECTION (B).

18 (B) DISCONTINUATION OF FAMILY FINDING.--A COUNTY AGENCY MAY
19 DISCONTINUE FAMILY FINDING FOR A CHILD UNDER THE FOLLOWING
20 CIRCUMSTANCES:

21 (1) THE CHILD HAS BEEN ADJUDICATED DEPENDENT UNDER 42
22 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS) AND A COURT HAS
23 MADE A SPECIFIC DETERMINATION THAT CONTINUED FAMILY FINDING
24 NO LONGER SERVES THE BEST INTERESTS OF THE CHILD OR IS A
25 THREAT TO THE CHILD'S SAFETY.

26 (2) THE CHILD IS NOT UNDER THE JURISDICTION OF A COURT,
27 AND THE COUNTY AGENCY HAS DETERMINED THAT CONTINUED FAMILY
28 FINDING IS A THREAT TO THE CHILD'S SAFETY. A DETERMINATION
29 THAT CONTINUED FAMILY FINDING IS A THREAT TO THE CHILD'S
30 SAFETY MUST BE BASED ON CREDIBLE INFORMATION ABOUT A SPECIFIC

1 SAFETY THREAT, AND THE COUNTY AGENCY SHALL DOCUMENT THE
2 REASONS FOR THE COUNTY AGENCY'S DETERMINATION.

3 (3) THE CHILD IS IN A PREADOPTIVE PLACEMENT, AND COURT
4 PROCEEDINGS TO ADOPT THE CHILD HAVE BEEN COMMENCED UNDER 23
5 PA.C.S. PT. III (RELATING TO ADOPTION).

6 (C) RESUMPTION OF FAMILY FINDING.--NOTWITHSTANDING THE
7 PROVISIONS OF SUBSECTION (B), A COUNTY AGENCY SHALL RESUME
8 FAMILY FINDING FOR A CHILD IF:

9 (1) THE CHILD IS UNDER THE JURISDICTION OF A COURT AND
10 THE COURT DETERMINES THAT RESUMING FAMILY FINDING IS BEST
11 SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL AND
12 MORAL WELFARE OF THE CHILD AND DOES NOT POSE A THREAT TO THE
13 CHILD'S SAFETY; OR

14 (2) THE CHILD IS NOT UNDER THE JURISDICTION OF A COURT
15 AND THE COUNTY AGENCY DETERMINES THAT RESUMING FAMILY FINDING
16 SERVES THE BEST INTERESTS OF THE CHILD AND DOES NOT POSE A
17 THREAT TO THE CHILD'S SAFETY.

18 (D) DOCUMENTATION.--THE FOLLOWING FAMILY FINDING INFORMATION
19 SHALL BE DOCUMENTED IN THE CHILD'S CASE PLAN:

20 (1) THE TECHNOLOGY AND PROCESSES USED TO IDENTIFY AND
21 ENGAGE RELATIVES AND KIN.

22 (2) THE NAMES OF RELATIVES AND KIN THAT WERE IDENTIFIED.

23 (3) THE NAMES OF RELATIVES AND KIND THAT WERE CONTACTED.

24 (4) THE CHILD'S INPUT AND INVOLVEMENT IN FAMILY FINDING
25 EFFORTS.

26 (5) THE MANNER AND EXTENT TO WHICH IDENTIFIED RELATIVES
27 OR KIN WERE INCLUDED IN THE CHILD'S CASE PLAN.

28 (6) IF APPLICABLE, THE REASONS FOR DISCONTINUATION OF
29 FAMILY FINDING.

30 § 7504. PERMANENCY PLAN.

1 (A) PERMANENCY PLAN.--WHEN A CHILD IS SUBJECT TO AN ORDER
2 TRANSFERRING LEGAL CUSTODY UNDER 42 PA.C.S. § 6351(A)(2)
3 (RELATING TO DISPOSITION OF DEPENDENT CHILD), THE COUNTY SHALL
4 DEVELOP A PERMANENCY PLAN, PROVIDE, ON A CONTINUOUS BASIS,
5 SERVICES TO SUPPORT THE SUCCESSFUL EFFECTUATION OF THE
6 PERMANENCY PLAN AND DOCUMENT IN THE CHILD'S CASE PLAN THE
7 SERVICES PROVIDED. A CHILD 14 YEARS OF AGE OR OLDER SHALL HAVE
8 THE OPPORTUNITY TO PARTICIPATE IN THE DEVELOPMENT OF THE
9 PERMANENCY PLAN.

10 (B) PERMANENCY SERVICES.--THE COUNTY AGENCY SHALL, ON AN
11 ONGOING BASIS, PROVIDE SERVICES TO:

12 (1) IDENTIFY POTENTIAL PERMANENT PLACEMENTS FOR THE
13 CHILD, INCLUDING PRIMARY AND SECONDARY PLACEMENT OPTIONS.

14 (2) PREPARE THE CHILD COGNITIVELY AND EMOTIONALLY FOR
15 PLACEMENT IN ACCORDANCE WITH THE CHILD'S IDENTIFIED
16 PERMANENCY GOAL.

17 (3) MAINTAIN AND STRENGTHEN SIBLING CONNECTIONS THROUGH
18 JOINT PLACEMENT OR FACILITATION OF VISITATION AND OTHER MEANS
19 OF COMMUNICATION.

20 (4) MAINTAIN AND STRENGTHEN OTHER IDENTIFIED SUPPORTIVE
21 CONNECTIONS.

22 § 7505. TRANSITION PLAN AND SERVICES.

23 (A) TRANSITION SERVICES REQUIRED.--IF A CHILD IS SUBJECT TO
24 AN ORDER TRANSFERRING LEGAL CUSTODY UNDER 42 PA.C.S. § 6351(A)

25 (2) (RELATING TO DISPOSITION OF DEPENDENT CHILD), THE COUNTY
26 SHALL:

27 (1) BEGINNING WHEN THE CHILD IS 14 YEARS OF AGE, PROVIDE
28 AGE AND DEVELOPMENTALLY APPROPRIATE SERVICES TO HELP THE
29 CHILD PLAN AND PREPARE FOR EVENTUAL ADULTHOOD.

30 (2) BEGINNING NO LESS THAN SIX MONTHS BEFORE THE CHILD

1 WILL BECOME 18 YEARS OF AGE, DEVELOP A TRANSITION PLAN IN
2 COLLABORATION WITH THE CHILD AND, AT THE CHILD'S ELECTION,
3 OTHER SUPPORTIVE ADULTS.

4 (3) PRIOR TO TERMINATION OF COURT JURISDICTION OF A
5 CHILD 18 YEARS OF AGE OR OLDER, PROVIDE THE CHILD WITH ALL
6 RELEVANT DOCUMENTS, WHICH MAY INCLUDE, BUT ARE NOT LIMITED
7 TO, THE CHILD'S BIRTH CERTIFICATE, SOCIAL SECURITY CARD,
8 DRIVER'S LICENSE OR STATE IDENTIFICATION CARD, HEALTH
9 INSURANCE CARD AND DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT
10 CERTIFICATE.

11 (4) PRIOR TO TERMINATION OF COURT JURISDICTION, PROVIDE
12 THE CHILD WITH A COPY OF THE TRANSITION PLAN.

13 (B) TRANSITION PLAN.--A TRANSITION PLAN SHALL INCLUDE:

14 (1) IDENTIFICATION OF OR DETAILED OPTIONS FOR A SUITABLE
15 PLACE OF INTENDED RESIDENCE.

16 (2) A LIST, WITH CONTACT INFORMATION, OF SUPPORTIVE
17 ADULTS AND FAMILY MEMBERS.

18 (3) IDENTIFICATION OF LOCAL OPPORTUNITIES FOR
19 MENTORSHIPS AND CONTINUING SOCIAL SUPPORT.

20 (4) A PLAN OR DETAILED OPTIONS FOR EMPLOYMENT, JOB
21 TRAINING OR CONTINUING EDUCATION.

22 (5) DOCUMENTATION OF THE CHILD'S POSSESSION OF RELEVANT
23 DOCUMENTS OR, IF THE CHILD DOES NOT HAVE POSSESSION OF THE
24 DOCUMENTS, AN EXPLANATION OF THE REASONS WHY THE CHILD DOES
25 NOT HAVE THE DOCUMENTS AND DETAILED INSTRUCTIONS ON HOW THE
26 CHILD MAY OBTAIN THE DOCUMENTS.

27 (C) TRANSITION DOCUMENT RETENTION.--THE COUNTY SHALL
28 DOCUMENT THE CHILD'S TRANSITION PLAN IN THE CHILD'S CASE PLAN
29 AND SHALL RETAIN ELECTRONIC COPIES OF THE TRANSITION PLAN AND
30 ALL RELEVANT DOCUMENTS FOR NO LESS THAN FIVE YEARS AFTER

1 TERMINATION OF COURT JURISDICTION.

2 § 7506. DATA COLLECTION TO IMPROVE PERMANENCY OUTCOMES.

3 THE COUNTY AGENCY SHALL SUBMIT TO THE DEPARTMENT THE
4 FOLLOWING DATA FOR A CHILD 18 YEARS OF AGE OR OLDER AT THE TIME
5 THE COURT TERMINATES JURISDICTION OVER THE CHILD:

6 (1) AGE.

7 (2) GENDER.

8 (3) RACE.

9 (4) PERMANENCY GOAL.

10 (5) WHETHER PERMANENCY GOAL WAS ACHIEVED.

11 (6) WHETHER THE CHILD REQUESTED RESUMPTION OF
12 JURISDICTION.

13 (7) WHETHER THE COURT GRANTED RESUMPTION OF
14 JURISDICTION.

15 (8) THE NUMBER OF PLACEMENTS IN THE PRIOR YEAR.

16 (9) WHETHER THE CHILD HAD AN IDENTIFIED PLACE OF
17 INTENDED RESIDENCE.

18 (10) WHETHER THE CHILD HAD INCOME THROUGH EMPLOYMENT.

19 (11) WHETHER THE CHILD HAD INCOME THROUGH A PUBLIC
20 BENEFIT.

21 (12) WHETHER THE CHILD HAD AT LEAST TWO IDENTIFIED
22 SUPPORTIVE ADULT CONNECTIONS.

23 (13) WHETHER THE CHILD HAD CONTACT WITH SIBLINGS.

24 (14) WHETHER THE CHILD HAD CONTACT WITH BIOLOGICAL
25 PARENTS.

26 (15) WHETHER THE CHILD GRADUATED FROM HIGH SCHOOL.

27 (16) WHETHER THE CHILD RECEIVED A GENERAL EDUCATIONAL
28 DEVELOPMENT CERTIFICATION.

29 (17) WHETHER THE CHILD WAS A PARENT OR EXPECTANT PARENT.

30 (18) WHETHER THE CHILD WAS ENROLLED IN A PROGRAM OF

1 POSTSECONDARY EDUCATION OR TRAINING.

2 (19) WHETHER THE CHILD HAD COMPLETED AT LEAST TWO YEARS
3 IN A PROGRAM OF POSTSECONDARY EDUCATION OR TRAINING.

4 (20) WHETHER THE CHILD WAS ENROLLED IN MEDICAID.

5 (21) WHETHER THE CHILD WAS GIVEN A PHYSICAL COPY OF A
6 TRANSITION PLAN.

7 (22) WHETHER THE CHILD HAD POSSESSION OF A BIRTH
8 CERTIFICATE, SOCIAL SECURITY CARD, STATE IDENTIFICATION CARD
9 OR DRIVER'S LICENSE, HEALTH INSURANCE CARD AND, IF NOT BORN
10 IN THE UNITED STATES, PROOF OF VALID IMMIGRATION STATUS.

11 § 7507. KINSHIP CARE PROGRAM.

12 (A) ESTABLISHMENT OF PROGRAM.--THE KINSHIP CARE PROGRAM IS
13 ESTABLISHED IN THE DEPARTMENT.

14 (B) RELATIVE NOTIFICATION.--EXCEPT IN SITUATIONS OF FAMILY
15 OR DOMESTIC VIOLENCE, THE COUNTY AGENCY SHALL EXERCISE DUE
16 DILIGENCE TO IDENTIFY AND NOTIFY ALL GRANDPARENTS AND OTHER
17 ADULT RELATIVES TO THE FIFTH DEGREE OF CONSANGUINITY OR AFFINITY
18 TO THE PARENT OR STEPPARENT OF A DEPENDENT CHILD AND EACH PARENT
19 WHO HAS LEGAL CUSTODY OF A SIBLING OF A DEPENDENT CHILD WITHIN
20 30 DAYS OF THE CHILD'S REMOVAL FROM THE CHILD'S HOME IF
21 TEMPORARY LEGAL AND PHYSICAL CUSTODY HAS BEEN TRANSFERRED TO THE
22 COUNTY AGENCY. THE NOTICE MUST EXPLAIN ALL OF THE FOLLOWING:

23 (1) OPTIONS UNDER FEDERAL AND STATE LAW AVAILABLE TO THE
24 RELATIVE TO PARTICIPATE IN THE CARE AND PLACEMENT OF THE
25 CHILD, INCLUDING ANY OPTIONS THAT WOULD BE LOST BY FAILING TO
26 RESPOND TO THE NOTICE.

27 (2) THE REQUIREMENTS TO BECOME A FOSTER PARENT,
28 PERMANENT LEGAL CUSTODIAN OR ADOPTIVE PARENT.

29 (3) THE ADDITIONAL SUPPORTS THAT ARE AVAILABLE FOR
30 CHILDREN REMOVED FROM THE CHILD'S HOME.

1 (C) PLACEMENT OF CHILDREN.--IF A CHILD HAS BEEN REMOVED FROM
2 THE CHILD'S HOME UNDER A VOLUNTARY PLACEMENT AGREEMENT OR IS IN
3 THE LEGAL CUSTODY OF THE COUNTY AGENCY, THE COUNTY AGENCY SHALL
4 GIVE FIRST CONSIDERATION TO PLACEMENT WITH RELATIVES OR KIN. THE
5 COUNTY AGENCY SHALL DOCUMENT THAT AN ATTEMPT WAS MADE TO PLACE
6 THE CHILD WITH A RELATIVE OR KIN. IF THE CHILD IS NOT PLACED
7 WITH A RELATIVE OR KIN, THE AGENCY SHALL DOCUMENT THE REASON WHY
8 THE PLACEMENT WAS NOT POSSIBLE.

9 (D) REGULATIONS.--THE DEPARTMENT IS AUTHORIZED TO PROMULGATE
10 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
11 CHAPTER. THE REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO,
12 THE FOLLOWING:

13 (1) RELATIVES AND KIN SHALL RECEIVE THE SAME FOSTER CARE
14 RATE AS OTHER FOSTER PARENTS IF THEY COMPLY WITH THE
15 REGULATIONS GOVERNING FOSTER PARENTS.

16 (2) FOSTER CARE PAYMENTS RECEIVED BY A RELATIVE OR KIN
17 WHO IS A FOSTER PARENT SHALL BE EXCLUDED FROM CONSIDERATION
18 WHEN CALCULATING ELIGIBILITY FOR PUBLIC ASSISTANCE.

19 § 7508. SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM.

20 (A) ESTABLISHMENT OF PROGRAM.--THE SUBSIDIZED PERMANENT
21 LEGAL CUSTODIANSHIP PROGRAM IS ESTABLISHED IN THE DEPARTMENT.

22 (B) IMPLEMENTATION.--THE DEPARTMENT SHALL ESTABLISH AND
23 DEVELOP CRITERIA AND IS AUTHORIZED TO PROMULGATE NECESSARY
24 REGULATIONS FOR COUNTY AGENCIES TO IMPLEMENT THE SUBSIDIZED
25 PERMANENT LEGAL CUSTODIANSHIP PROGRAM IN ACCORDANCE WITH THE
26 PROVISIONS OF THIS CHAPTER. THE CRITERIA AND REGULATIONS SHALL
27 INCLUDE, BUT NOT BE LIMITED TO, IDENTIFICATION OF ELIGIBLE
28 CHILDREN AND ELIGIBLE PERMANENT LEGAL CUSTODIANS, PROCEDURES FOR
29 IMPLEMENTING THE PROGRAM AND REPORTING REQUIREMENTS BY COUNTY
30 AGENCIES.

1 § 7509. PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND

2 REIMBURSEMENT.

3 (A) AMOUNT.--THE AMOUNT OF PERMANENT LEGAL CUSTODIANSHIP
4 SUBSIDY FOR MAINTENANCE COSTS TO A PERMANENT LEGAL CUSTODIAN OR
5 A SUCCESSOR PERMANENT LEGAL CUSTODIAN SHALL NOT EXCEED THE
6 MONTHLY PAYMENT RATE FOR FOSTER FAMILY CARE IN THE COUNTY IN
7 WHICH THE CHILD RESIDES.

8 (B) COUNTY REIMBURSEMENT.--THE DEPARTMENT SHALL REIMBURSE
9 THE COUNTY AGENCY FOR AT LEAST 80% OF THE COST OF A PERMANENT
10 LEGAL CUSTODIANSHIP SUBSIDY PAYMENT PROVIDED BY A COUNTY AGENCY
11 IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, PROVIDED THAT
12 THE COUNTY AGENCY COMPLIES WITH THE REQUIREMENTS ESTABLISHED BY
13 THE DEPARTMENT.

14 CHAPTER 77

15 ADOPTION OPPORTUNITIES

16 SEC.

17 7701. DECLARATION OF PURPOSE.

18 7702. DEFINITIONS.

19 7703. REGULATIONS.

20 7704. ADOPTION OPPORTUNITY PAYMENTS AND REIMBURSEMENT.

21 § 7701. DECLARATION OF PURPOSE.

22 THIS CHAPTER SHALL BE INTERPRETED AND CONSTRUED TO EFFECT THE
23 PURPOSE OF ENCOURAGING AND PROMOTING THE PLACEMENT OF CHILDREN
24 WHO HAVE DISABILITIES OR ARE HARD TO PLACE BY VIRTUE OF AGE,
25 SIBLING RELATIONSHIP OR ETHNICITY IN ADOPTIVE HOMES.

26 § 7702. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "ADOPTION OPPORTUNITY." A SUBSIDY WHICH MAY INCLUDE:

- 1 (1) MAINTENANCE COSTS;
2 (2) MEDICAL, SURGICAL AND PSYCHOLOGICAL EXPENSES; AND
3 (3) OTHER COSTS INCIDENT TO THE ADOPTION.

4 "CHILD." AN INDIVIDUAL WHO:

- 5 (1) IS UNDER 18 YEARS OF AGE; OR
6 (2) IS UNDER 21 YEARS OF AGE AND ATTAINED 13 YEARS OF
7 AGE BEFORE THE ADOPTION ASSISTANCE AGREEMENT BECAME EFFECTIVE
8 AND IS:

9 (I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT
10 CREDENTIAL;

11 (II) ENROLLED IN AN INSTITUTION THAT PROVIDES
12 POSTSECONDARY OR CAREER AND TECHNICAL EDUCATION;

13 (III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED
14 TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

15 (IV) EMPLOYED FOR AT LEAST 80 HOURS PER MONTH; OR

16 (V) INCAPABLE OF DOING ANY OF THE ACTIVITIES
17 DESCRIBED IN SUBPARAGRAPH (I), (II), (III) OR (IV) DUE TO
18 A MEDICAL OR BEHAVIORAL HEALTH CONDITION THAT IS
19 SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE
20 PERMANENCY PLAN OF THE CHILD.

21 "COUNTY AGENCY." THE COUNTY CHILDREN AND YOUTH SOCIAL
22 SERVICE AGENCY EXERCISING THE POWER AND DUTIES PROVIDED FOR IN
23 SECTION 405 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396),
24 KNOWN AS THE COUNTY INSTITUTION DISTRICT LAW, OR ITS SUCCESSOR,
25 AND SUPERVISED BY THE DEPARTMENT UNDER ARTICLE IX OF THE ACT OF
26 JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE.

27 "ELIGIBLE CHILD." A CHILD IN THE LEGAL CUSTODY OF THE COUNTY
28 AGENCY WHERE PARENTAL RIGHTS HAVE BEEN TERMINATED PURSUANT TO
29 THE PROCEDURE SET FORTH IN 23 PA.C.S. PT. III (RELATING TO
30 ADOPTION) AND WHO HAS BEEN IN FOSTER PLACEMENT FOR A PERIOD OF

1 NOT LESS THAN SIX MONTHS AND SHOWN TO BE DIFFICULT TO ADOPT
2 BECAUSE OF A DISABILITY OR BY VIRTUE OF AGE, SIBLING
3 RELATIONSHIP OR ETHNICITY. A CHILD IN THE LEGAL CUSTODY OF AN
4 AGENCY APPROVED BY THE DEPARTMENT SHALL BE AN ELIGIBLE CHILD IF
5 THE CHILD IS CERTIFIED AS ELIGIBLE BY THE COUNTY AGENCY.
6 § 7703. REGULATIONS.

7 (A) DUTY OF DEPARTMENT.--THE DEPARTMENT MAY ESTABLISH AND
8 DEVELOP CRITERIA AND PROMULGATE NECESSARY REGULATIONS FOR COUNTY
9 AGENCIES TO IMPLEMENT AN ADOPTION OPPORTUNITY IN ACCORDANCE WITH
10 THE PROVISIONS OF THIS CHAPTER.

11 (B) CONTENT.--THE REGULATIONS SHALL INCLUDE, BUT ARE NOT
12 LIMITED TO, THE FOLLOWING:

13 (1) CRITERIA FOR IDENTIFYING ELIGIBLE CHILDREN AND
14 ADOPTIVE HOMES.

15 (2) PROCEDURES FOR IMPLEMENTING THE ADOPTION OPPORTUNITY
16 PAYMENT.

17 (3) REPORTING REQUIREMENTS BY COUNTY AGENCIES.

18 § 7704. ADOPTION OPPORTUNITY PAYMENTS AND REIMBURSEMENT.

19 (A) AMOUNT.--THE AMOUNT OF ADOPTION OPPORTUNITY PAYMENT FOR
20 MAINTENANCE COSTS TO AN ADOPTIVE FAMILY SHALL NOT EXCEED THE
21 MONTHLY PAYMENT RATE FOR FOSTER FAMILY CARE IN THE COUNTY IN
22 WHICH THE CHILD RESIDES.

23 (B) COUNTY REIMBURSEMENT.--THE DEPARTMENT SHALL REIMBURSE
24 COUNTY AGENCIES FOR AT LEAST 80% OF THE COST OF AN ADOPTION
25 OPPORTUNITY PROVIDED BY THE COUNTY AGENCY UNDER THIS CHAPTER IF
26 THE COUNTY AGENCY COMPLIES WITH THE REPORTING REQUIREMENTS
27 ESTABLISHED BY THE DEPARTMENT UNDER SECTION 7703 (RELATING TO
28 REGULATIONS).

29 (C) LIMITATION.--NO PUBLIC MONEY SHALL BE EXPENDED UNDER
30 THIS CHAPTER ON BEHALF OF AN ELIGIBLE CHILD UNTIL ALL AVAILABLE

1 BENEFITS UNDER EXISTING OR FUTURE PRIVATE, PUBLIC, FEDERAL,
2 STATE OR LOCAL PROGRAMS HAVE BEEN EXHAUSTED. NOTWITHSTANDING ANY
3 OTHER PROVISION OF LAW, ADOPTIVE FAMILIES SUBSIDIZED UNDER THE
4 PROVISIONS OF THIS CHAPTER SHALL NOT BE LIABLE UNDER THE
5 PROVISIONS OF THE ACT OF OCTOBER 20, 1966 (3RD SP.SESS., P.L.96,
6 NO.6), KNOWN AS THE MENTAL HEALTH AND INTELLECTUAL DISABILITY
7 ACT OF 1966, OR 23 PA.C.S. CH. 46 (RELATING TO SUPPORT OF THE
8 INDIGENT) IN THE EVENT THAT THE ADOPTED CHILD NEEDS SERVICES OR
9 ASSISTANCE UNDER THE PROVISIONS OF ARTICLE IV OF THE ACT OF JUNE
10 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE, OR
11 UNDER THE PROVISIONS OF THE MENTAL HEALTH AND INTELLECTUAL
12 DISABILITY ACT OF 1966.

13 CHAPTER 79

14 EARLY INTERVENTION SERVICES

15 SEC.

16 7901. (RESERVED).

17 § 7901. (RESERVED).

18 CHAPTER 81

19 (RESERVED)

20 SECTION 11. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.