

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2025 Session of  
1974

INTRODUCED BY DiCARLO, M. E. MILLER, JR., WELLS, BERKES,  
GALLAGHER, IRVIS, RHODES, WILLIAMS, DOMBROWSKI, TAYOUN,  
LINCOLN, TRUSIO, VOLPE, VIPOND AND LAUGHLIN, MARCH 18, 1974

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 18, 1974

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," providing for adoption  
4 subsidies.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Article VII, act of June 13, 1967 (P.L.31,  
8 No.21), known as the "Public Welfare Code," is amended by adding  
9 a subarticle heading and sections to read:

10 ARTICLE VII

11 CHILDREN AND YOUTH

12 \* \* \*

13 (e) Adoption Subsidies

14 Section 771. Declaration of Purpose.--This subarticle shall  
15 be interpreted and construed so as to effect the following  
16 purpose: to encourage and promote the placement in adoptive  
17 homes of children whose sociocultural background, emotional or  
18 physical handicap, age, or size of sibling group imposes an

obstacle to placement, unless adoptive parents, who are  
otherwise suitable to provide a good adoptive home, receive an  
adoption subsidy to fulfill their financial responsibility  
towards the adopted child.

Section 772. Definitions.--As used in this subarticle:

"Adoption subsidy" may include maintenance cost, medical and  
surgical expenses and other costs incident to the adoption  
placement.

"Child" means an individual who is under the age of eighteen  
years.

"Eligible child" means a child in the legal custody of local  
authorities where parental rights have been terminated pursuant  
to the procedure set forth in Article III of the act of July 24,  
1970 (P.L.620, No.208), known as the "Adoption Act," and such  
child has been in foster placement for a period of not less than  
six months and where the child may be a difficult adoption  
placement because of the child's racial or cultural heritage,  
age, or physical, emotional or mental handicap, or because the  
child is a member of a sibling group, which should be kept  
intact.

"Local authorities" means county institution districts or  
their successors.

Section 773. Rules and Regulations.--(a) The Department of  
Public Welfare shall establish and develop criteria and  
promulgate necessary regulations for public child welfare  
agencies to implement an adoption subsidy in accordance with the  
provisions of this subarticle (e).

(b) The regulations shall include, but not be limited to,  
criteria for identifying eligible children and adoptive homes,  
procedures for implementing the subsidy, and reporting

1 requirements by public child welfare agencies.

2 (c) All regulations established pursuant to this section  
3 shall be adopted pursuant to the act of July 31, 1968 (P.L.769,  
4 No.240), known as the "Commonwealth Documents Law," and the  
5 hearings referred to in section 202 of that act shall be  
6 mandatory.

7 Section 774. Adoption Subsidy Payments and Reimbursement.--

8 (a) The amount of adoption subsidy for maintenance costs to an  
9 adoptive family shall not exceed the amount available as foster  
10 family care in the county in which the child is adopted.

11 (b) The department shall reimburse local authorities for at  
12 least seventy-five percent (75%) of the cost of an adoption  
13 subsidy provided by local authority pursuant to the provisions  
14 of this subarticle (e), provided the local authority complies  
15 with the reporting requirements established by the department  
16 pursuant to section 773.

17 (c) No public funds shall be expended under this subarticle  
18 (e) on behalf of an eligible child until all available benefits  
19 under existing or future private, public, local, State, or  
20 Federal programs have been exhausted. Notwithstanding any other  
21 provision of law, adoptive parents subsidized under the  
22 provisions of this subarticle (e) shall not be liable pursuant  
23 to the provisions of the act of October 20, 1966 (Sp. Sess.  
24 No.3, P.L.96, No.6), known as the "Mental Health and Mental  
25 Retardation Act of 1966," or the act of June 24, 1937 (P.L.2045,  
26 No.397), known as "The Support Law," in the event that the  
27 adopted child needs services or assistance under the provisions  
28 of Article IV of this act or under the provisions of the "Mental  
29 Health and Mental Retardation Act of 1966."

30 Section 2. This act shall take effect immediately so as to

1 permit the Department of Public Welfare to establish  
2 regulations, but no adoption subsidy shall be paid prior to July  
3 1, 1975.