

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2025

Session of
1974

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

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 26, 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~~ OPPORTUNITIES. <—

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:

ARTICLE VII

CHILDREN AND YOUTH

* * *

13 (e) Adoption ~~Subsidies~~ OPPORTUNITIES ACT <—

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~~, MENTAL, <—
18 emotional or physical handicap, ~~age~~, or size of sibling group <—

1 ~~imposes an obstacle to placement. unless adoptive parents, who~~ <—
2 ~~are otherwise suitable to provide a good adoptive home, receive~~
3 ~~an adoption subsidy to fulfill their financial responsibility~~
4 ~~towards the adopted child.~~

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

6 "Adoption ~~subsidy~~ OPPORTUNITY" may include maintenance cost, <—
7 medical and surgical expenses and other costs incident to the
8 adoption placement.

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

11 "Eligible child" means a child in the legal custody of local
12 authorities where parental rights have been terminated pursuant
13 to the procedure set forth in Article III of the act of July 24,
14 1970 (P.L.620, No.208), known as the "Adoption Act," and such
15 child has been in foster placement for a period of not less than
16 six months and where the child ~~may~~ HAS BEEN SHOWN TO be a <—
17 difficult adoption placement because of the child's ~~racial or~~ <—
18 ~~cultural heritage, age, or physical, emotional or mental~~
19 handicap, or because the child is a member of a sibling group,
20 which should be kept intact.

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

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

28 (b) The regulations shall include, but not be limited to,
29 criteria for identifying eligible children and adoptive homes,
30 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~~ OPPORTUNITY Payments and <—
8 Reimbursement.--(a) ~~The amount of adoption subsidy for~~ <—
9 ~~maintenance costs to an adoptive family shall not exceed the~~
10 ~~amount available as foster family care in the county in which~~
11 ~~the child is adopted.~~

12 ~~(b)~~ (A) The department shall reimburse local authorities for <—
13 ~~at least seventy five percent (75%) ONE HUNDRED PERCENT (100%)~~ <—
14 ~~of the cost of an adoption subsidy provided by local authority~~
15 ~~pursuant to the provisions of this subarticle (e), provided the~~
16 ~~local authority complies with the reporting requirements~~
17 ~~established by the department pursuant to section 773.~~

18 ~~(e)~~ (B) No public funds shall be expended under this <—
19 ~~subarticle (e) on behalf of an eligible child until all~~
20 ~~available benefits under existing or future private, public,~~
21 ~~local, State, or Federal programs have been exhausted.~~

22 ~~Notwithstanding any other provision of law, adoptive parents~~ <—
23 ~~CHILDREN subsidized under the provisions of this subarticle (e)~~ <—
24 ~~shall not be liable pursuant to the provisions of the act of~~
25 ~~October 20, 1966 (Sp. Sess. No.3, P.L.96, No.6), known as the~~
26 ~~"Mental Health and Mental Retardation Act of 1966," or the act~~
27 ~~of June 24, 1937 (P.L.2045, No.397), known as "The Support Law,"~~
28 ~~in the event that the adopted child needs services or assistance~~
29 ~~under the provisions of Article IV of this act or under the~~
30 ~~provisions of the "Mental Health and Mental Retardation Act of~~

1 1966."

2 Section 2. This act shall take effect immediately so as to
3 permit the Department of Public Welfare to establish
4 regulations, but no ~~adoption-subsidy~~ PAYMENTS shall be ~~paid~~ MADE <—
5 prior to July 1, 1975.