
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 174 Session of
2007

INTRODUCED BY MUSTO, MELLOW, ORIE, BOSCOLA, FONTANA, KASUNIC,
ERICKSON, COSTA, RAFFERTY, KITCHEN, C. WILLIAMS, LAVALLE,
STOUT, O'PAKE, GREENLEAF, TARTAGLIONE, WASHINGTON, STACK,
RHOADES, LOGAN AND BAKER, MARCH 6, 2007

REFERRED TO AGING AND YOUTH, MARCH 6, 2007

AN ACT

1 Establishing a subsidy guardianship program for grandparent or
2 relative caregivers of children in the custody of children
3 and youth services.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Subsidy
8 Guardianship Program Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "CYS agency." The children and youth services agency of a
14 county.

15 "Department." The Department of Aging of the Commonwealth.

16 "Program." The subsidized guardianship program established
17 in section 3(a).

1 "Relative caregiver." A person who is caring for a child
2 that is related to the person and for whom the option of
3 reunification has been eliminated and termination of parental
4 rights is not appropriate.

5 Section 3. Subsidized guardianship program.

6 (a) Establishment.--The department shall establish a
7 subsidized guardianship program for the benefit of children in
8 legal custody of a CYS agency who meet all of the following:

9 (1) Are living with grandparents or other relative
10 caregivers, who have been appointed the guardian of the child
11 pursuant to a court order.

12 (2) Have been in foster care or living with relatives
13 other than natural parents for at least 12 months.

14 (3) Are not receiving financial support from their
15 parents.

16 (b) Subsidies.--The program shall provide the following
17 subsidies for a child eligible under subsection (a):

18 (1) A special need subsidy which shall be a one-time
19 payment for expenses resulting from the assumption of care of
20 the child when no other resource is available to pay for the
21 expense.

22 (2) A medical subsidy comparable to any medical subsidy
23 to children receiving subsidy payments for adoption under a
24 Statewide adoption network program, if any.

25 (3) A monthly subsidy on behalf of the child payable to
26 the grandparent or relative caregiver that shall be equal to
27 the prevailing foster care rate where the income level of the
28 household is below 300% of the Federal poverty level.

29 (4) A child care subsidy.

30 (c) Duration.--A subsidy shall continue until the child

1 reaches 18 years of age. The grandparent or relative caregiver
2 receiving a guardianship subsidy shall submit annually to the
3 department a sworn statement, on a form provided by the
4 department, that the child is still living with and receiving
5 support from the guardian.

6 Section 4. Physical and legal custody.

7 (a) Appointment.--Notwithstanding 23 Pa.C.S. § 5313
8 (relating to when grandparents may petition), a grandparent or
9 other relative caregiver may request appointment as guardian and
10 obtain legal custody over a child and receive a guardianship
11 subsidy from the department.

12 (b) Counseling.--If adoption of a child by the child's
13 grandparent or relative caregiver is an option, the department
14 shall counsel the grandparent or relative caregiver about the
15 advantages and disadvantages of adoption and subsidized
16 guardianship so that the decision by the grandparent or relative
17 caregiver to request a subsidized guardianship may be a fully
18 informed one.

19 Section 5. Home study report.

20 Prior to a guardianship hearing and as a prerequisite for
21 payment of a guardianship subsidy, a home study report on the
22 grandparent or relative caregiver shall be filed with the court
23 having jurisdiction over the child's case within 15 days of the
24 request for a subsidy.

25 Section 6. Federal waivers.

26 The department shall seek any Federal waiver necessary and
27 appropriate to implement this act.

28 Section 20. Regulations.

29 The department shall promulgate regulations necessary to
30 implement the provisions of this act.

1 Section 21. Effective date.

2 This act shall take effect in 60 days.