

JUDICIAL CODE (42 PA.C.S.) AND PUBLIC WELFARE (67 PA.C.S.) -
OMNIBUS AMENDMENTS

Act of Nov. 3, 2022, P.L. 1765, No. 118

Cl. 42

Session of 2022

No. 2022-118

HB 1866

AN ACT

Amending Titles 42 (Judiciary and Judicial Procedure) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for disposition of dependent child; in human services generally, reorganizing provisions relating to adoption opportunities and to family finding and kinship care; and making editorial changes.

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

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

§ 6351. Disposition of dependent child.

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

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

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

* * *

(iv) The court shall:

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

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

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

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

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

* * *

Section 2. Chapter 1 heading of Title 67 is amended to read:

CHAPTER 1

[PRELIMINARY] **GENERAL PROVISIONS**

Section 3. Title 67 is amended by adding a chapter to read:

CHAPTER 3

ADMINISTRATION

Sec.

301. (Reserved).

§ 301. (Reserved).

Section 4. Part II heading of Title 67 is amended to read:

PART II

[HUMAN SERVICES GENERALLY] **MEDICAL ASSISTANCE**

Section 5. Title 67 is amended by adding a chapter immediately following Part II heading to read:

CHAPTER 7

(Reserved)

Section 6. Chapters 21 and 31 of Title 67 are repealed:

[CHAPTER 21

ADOPTION OPPORTUNITIES

Sec.

2101. Declaration of purpose.

2102. Definitions.

2103. Regulations.

2104. Adoption opportunity payments and reimbursement.

§ 2101. Declaration of purpose.

This chapter shall be interpreted and construed to effect the purpose of encouraging and promoting the placement of children who have disabilities or are hard to place by virtue of age, sibling relationship or ethnicity in adoptive homes.

§ 2102. Definitions.

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

"Adoption opportunity." A subsidy which may include:

- (1) maintenance costs;
- (2) medical, surgical and psychological expenses; and
- (3) other costs incident to the adoption.

"Child." An individual who:

- (1) is under the age of 18 years; or
- (2) is under the age of 21 years and attained 13 years of age before the adoption assistance agreement became effective and is:

(i) completing secondary education or an equivalent credential;

(ii) enrolled in an institution that provides postsecondary or vocational education;

(iii) participating in a program actively designed to promote or remove barriers to employment;

(iv) employed for at least 80 hours per month; or

(v) incapable of doing any of the activities described in subparagraph (i), (ii), (iii) or (iv) due to a medical or behavioral health condition that is supported by regularly updated information in the permanency plan of the child.

"County agency." The county children and youth social service agency exercising the power and duties provided for in section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the department under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Eligible child." A child in the legal custody of the county agency where parental rights have been terminated pursuant to the procedure set forth in 23 Pa.C.S. Pt. III (relating to adoption) and who has been in foster placement for a period of not less than six months and shown to be difficult to adopt because of a disability or by virtue of age, sibling relationship or ethnicity. A child in the legal custody of an agency approved by the department shall be an eligible child if the child is certified as eligible by the county agency.

§ 2103. Regulations.

(a) Duty of department.--The department may establish and develop criteria and promulgate necessary regulations for county agencies to implement an adoption opportunity in accordance with the provisions of this chapter.

(b) Content.--The regulations shall include, but are not limited to, the following:

(1) Criteria for identifying eligible children and adoptive homes.

(2) Procedures for implementing the adoption opportunity payment.

(3) Reporting requirements by county agencies.

§ 2104. Adoption opportunity payments and reimbursement.

(a) Amount.--The amount of adoption opportunity payment for maintenance costs to an adoptive family shall not exceed the monthly payment rate for foster family care in the county in which the child resides.

(b) County reimbursement.--The department shall reimburse county agencies for at least 80% of the cost of an adoption opportunity provided by the county agency under this chapter if the county agency complies with the reporting requirements established by the department under section 2103 (relating to regulations).

(c) Limitation.--No public money shall be expended under this chapter on behalf of an eligible child until all available benefits under existing or future private, public, local, State or Federal programs have been exhausted. Notwithstanding any other provision of law, adoptive families subsidized under the provisions of this chapter shall not be liable under the provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966, or 23 Pa.C.S. Ch. 46 (relating to support of the indigent) in the event that the adopted child needs services or assistance under the provisions of Article IV of the act of

June 13, 1967 (P.L.31, No.21), known as the Human Services Code, or under the provisions of the Mental Health and Intellectual Disability Act of 1966.

CHAPTER 31
FAMILY FINDING AND KINSHIP CARE

Sec.

- 3101. Legislative intent.
 - 3102. Definitions.
 - 3103. Family finding required.
 - 3104. Discontinuance of family finding.
 - 3105. Kinship Care Program.
 - 3106. Subsidized Permanent Legal Custodianship Program.
 - 3107. Permanent legal custodianship subsidy and reimbursement.
- § 3101. Legislative intent.

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

- (1) Identify and build positive connections between the child and the child's relatives and kin.
- (2) Support the engagement of relatives and kin in children and youth social service planning and delivery.
- (3) Create a network of extended family support to assist in remedying the concerns that led the child to be involved with the county agency.

§ 3102. Definitions.

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

"Accept for service." Decide on the basis of the needs and problems of an individual to admit or receive the individual as a client of the county agency or as required by a court order entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

"Child." An individual who:

- (1) is under 18 years of age; or
- (2) is under 21 years of age and attained 13 years of age before the subsidized permanent legal custodianship agreement became effective and is:
 - (i) completing secondary education or an equivalent credential;
 - (ii) enrolled in an institution that provides postsecondary or vocational education;
 - (iii) participating in a program actively designed to promote or remove barriers to employment;
 - (iv) employed for at least 80 hours per month; or
 - (v) incapable of doing any of the activities described in subparagraph (i), (ii), (iii) or (iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child.

"County agency." The county children and youth social service agency exercising the power and duties provided for in section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the department under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Eligible child." A child who meets all of the following:

- (1) Has a court-ordered disposition of placement with a permanent legal custodian pursuant to 42 Pa.C.S. § 6351(a)(2.1) (relating to disposition of dependent child).

(2) Has lived with an eligible permanent legal custodian for at least six months, which need not be consecutive.

(3) Is a citizen or an alien lawfully residing in this Commonwealth.

"Eligible permanent legal custodian." A relative or kin who meets all of the following:

(1) Whose home is approved pursuant to applicable regulations for placement of foster children.

(2) With whom an eligible child has resided for at least six months, which need not be consecutive.

(3) Who meets the requirements to be approved as a foster parent under 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents).

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

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

(2) Gain commitment from relatives and kin to support a child or parent receiving children and youth social services.

"Foster parent." An individual approved by a public or private foster family care agency to provide foster family care services to a child who is temporarily separated from the child's legal family and placed in the legal custody of an agency.

"Kin." An individual 21 years of age or older who is one of the following:

(1) A godparent of the child as recognized by an organized church.

(2) A member of the child's tribe, nation or tribal organization.

(3) An individual with a significant, positive relationship with the child or family.

"Permanent legal custodian." A person to whom legal custody of the child has been given by order of a court pursuant to 42 Pa.C.S. § 6351(a)(2.1).

"Relative." An individual who is:

(1) Related within the fifth degree of consanguinity or affinity to the parent or stepparent of a child.

(2) At least 21 years of age.

"Sibling." An individual who has at least one parent in common with another individual, whether by blood, marriage or adoption, regardless of whether or not there is a termination of parental rights or parental death. The term includes biological, adoptive, stepsiblings and half-siblings.

"Subsidized permanent legal custodianship." A court-ordered disposition of a dependent child pursuant to 42 Pa.C.S. § 6351(a)(2.1) for which the child's permanent legal custodian receives a monetary payment from the county agency pursuant to a subsidized permanent legal custodianship agreement.

"Subsidized permanent legal custodianship agreement." A written agreement signed by the director of the county agency, or a designee, and a permanent legal custodian that sets forth the terms and subsidy payments for a subsidized permanent legal custodianship.

"Successor permanent legal custodian." A relative or kin who meets all of the following:

(1) With whom an eligible child resides for any period of time.

(2) Who has been named as a successor in a permanent legal custodianship agreement executed by an eligible child's previous eligible permanent legal custodian.

(3) Who meets the requirements for employment in child-care services and approval as a foster or adoptive parent under 23 Pa.C.S. § 6344.

§ 3103. Family finding required.

Family finding shall be conducted for a child when the child is accepted for service and at least annually thereafter until the child's involvement with the county agency is terminated or the family finding is discontinued in accordance with section 3104 (relating to discontinuance 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.

§ 3105. Kinship Care Program.

(a) Establishment of program.--The Kinship Care Program is established in the department.

(b) Relative notification.--Except in situations of family or domestic violence, the county agency shall exercise due diligence to identify and notify 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 the child's removal from the child's home if temporary legal and physical custody has been transferred to the county agency. The notice must explain all of the following:

(1) Any options under Federal and State law available to the relative to participate in the care and placement of the child, including any options that would be lost by failing to respond to the notice.

(2) The requirements to become a foster parent, permanent legal custodian or adoptive parent.

(3) The additional supports that are available for children removed from the child's home.

(c) Placement of children.--If a child has been removed from the child's home under a voluntary placement agreement or is in the legal custody of the county agency, the county agency shall give first consideration to placement with relatives or kin. The county agency shall document that an attempt was made to place the child with a relative or kin. If the child is not placed with a relative or kin, the agency shall document the reason why the placement was not possible.

(d) Regulations.--The department is authorized to promulgate regulations necessary to carry out the provisions of this chapter. The regulations shall include, but not be limited to, the following:

(1) Relatives and kin shall receive the same foster care rate as other foster parents if they comply with the regulations governing foster parents.

(2) Foster care payments received by a relative or kin who is a foster parent shall be excluded from consideration when calculating eligibility for public assistance.

§ 3106. Subsidized Permanent Legal Custodianship Program.

(a) Establishment of program.--The Subsidized Permanent Legal Custodianship Program is established in the department.

(b) Implementation.--The department shall establish and develop criteria and is authorized to promulgate necessary regulations for county agencies to implement the Subsidized Permanent Legal Custodianship Program in accordance with the provisions of this chapter. The criteria and regulations shall include, but not be limited to, identification of eligible children and eligible permanent legal custodians, procedures for implementing the program and reporting requirements by county agencies.

§ 3107. Permanent legal custodianship subsidy and reimbursement.

(a) Amount.--The amount of permanent legal custodianship subsidy for maintenance costs to a permanent legal custodian or a successor permanent legal custodian shall not exceed the monthly payment rate for foster family care in the county in which the child resides.

(b) County reimbursement.--The department shall reimburse the county agency for at least 80% of the cost of a permanent legal custodianship subsidy payment provided by a county agency in accordance with the provisions of this chapter, provided that the county agency complies with the requirements established by the department.]

Section 7. Part III heading of Title 67 is amended to read:

PART III
[INSTITUTION DISTRICTS (Reserved)]
MENTAL HEALTH AND INTELLECTUAL DISABILITIES

Section 8. Title 67 is amended by adding a chapter immediately following Part III heading to read:

**CHAPTER 51
(Reserved)**

Section 9. Part IV heading of Title 67 is amended to read:

PART IV
[MISCELLANEOUS PROVISIONS] **CHILDREN, YOUTH AND FAMILIES**

Section 10. Title 67 is amended by adding chapters immediately following Part IV heading to read:

**CHAPTER 71
(Reserved)
CHAPTER 73
(Reserved)
CHAPTER 75**

FAMILY FINDING AND KINSHIP CARE

Sec.

7501. Legislative intent.

7502. Definitions.

7503. Family finding required.

7504. Permanency plan.

7505. Transition plan and services.

7506. Data collection to improve permanency outcomes.

7507. Kinship Care Program.

7508. Subsidized Permanent Legal Custodianship Program.

7509. Permanent legal custodianship subsidy and reimbursement.

§ 7501. Legislative intent.

This chapter is intended 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.

§ 7502. Definitions.

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

"Accept for service." Decide on the basis of the needs and problems of an individual to admit or receive the individual as a client of the county agency or as required by a court order entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

"Child." An individual who:

- (1) is under 18 years of age; or
- (2) is under 21 years of age and attained 13 years of age before the subsidized permanent legal custodianship agreement became effective and is:

- (i) completing secondary education or an equivalent credential;

- (ii) enrolled in an institution that provides postsecondary or vocational education;

- (iii) participating in a program actively designed to promote or remove barriers to employment;

- (iv) employed for at least 80 hours per month; or

- (v) incapable of doing any of the activities described in subparagraph (i), (ii), (iii) or (iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan of the child.

"County agency." The county children and youth social service agency exercising the power and duties provided for in section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the department under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Eligible child." A child who meets all of the following:

- (1) Has a court-ordered disposition of placement with a permanent legal custodian under 42 Pa.C.S. § 6351(a)(2.1) (relating to disposition of dependent child).

- (2) Has lived with an eligible permanent legal custodian for at least six months, which need not be consecutive.

- (3) Is a citizen or an alien lawfully residing in this Commonwealth.

"Eligible permanent legal custodian." A relative or kin who meets all of the following:

- (1) Whose home is approved pursuant to applicable regulations for placement of foster children.

(2) With whom an eligible child has resided for at least six months, which need not be consecutive.

(3) The requirements to be approved as a foster parent under 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents).

"Family finding." 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.

"Foster parent." An individual approved by a public or private foster family care agency to provide foster family care services to a child who is temporarily separated from the child's legal family and placed in the legal custody of an agency.

"Kin." An individual 21 years of age or older who is one of the following:

(1) A godparent of the child as recognized by an organized church.

(2) A member of the child's tribe, nation or tribal organization.

(3) An individual with a significant, positive relationship with the child or family.

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

"Permanent legal custodian." A person to whom legal custody of the child has been given by order of a court under 42 Pa.C.S. § 6351(a)(2.1).

"Relative." An individual who is:

(1) Related within the fifth degree of consanguinity or affinity to the parent or stepparent of a child.

(2) At least 21 years of age.

"Sibling." An individual who has at least one parent in common with another individual, whether by blood, marriage or adoption, regardless of whether or not there is a termination of parental rights or parental death. The term includes biological, adoptive, stepsiblings and half-siblings.

"Subsidized permanent legal custodianship." A court-ordered disposition of a dependent child under 42 Pa.C.S. § 6351(a)(2.1) for which the child's permanent legal custodian receives a monetary payment from the county agency pursuant to a subsidized permanent legal custodianship agreement.

"Subsidized permanent legal custodianship agreement." A written agreement signed by the director of the county agency, or a designee, and a permanent legal custodian that sets forth the terms and subsidy payments for a subsidized permanent legal custodianship.

"Successor permanent legal custodian." A relative or kin who meets all of the following:

(1) With whom an eligible child resides for any period of time.

(2) Who has been named as a successor in a permanent legal custodianship agreement executed by an eligible child's previous eligible permanent legal custodian.

(3) The requirements for employment in child-care services and approval as a foster or adoptive parent under 23 Pa.C.S. § 6344.

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

§ 7503. Family finding required.

(a) General rule.--Family finding shall be conducted for a child when the child is accepted for service and at least annually thereafter until the child's involvement with the county agency is terminated or the family finding is discontinued in accordance with subsection (b).

(b) Discontinuation of family finding.--A county agency may discontinue family finding for a child under the following circumstances:

(1) The child has been adjudicated dependent under 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 under 23 Pa.C.S. Pt. III (relating to adoption).

(c) Resumption of family finding.--Notwithstanding the provisions of subsection (b), 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.

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

(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.

§ 7504. 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.

§ 7505. 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 shall:

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

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

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

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

(b) Transition plan.--A transition plan shall include:

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

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

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

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

(5) Documentation of the child's possession of relevant documents or, if the child does not have possession of the documents, an explanation of the reasons why the child does not have the documents and detailed instructions on how the child may obtain the documents.

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

§ 7506. Data collection to improve permanency outcomes.

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

(1) Age.

(2) Gender.

(3) Race.

(4) Permanency goal.

- (5) Whether the permanency goal was achieved.
- (6) Whether the child requested resumption of jurisdiction.
- (7) Whether the court granted resumption of jurisdiction.
- (8) The number of placements in the prior year.
- (9) Whether the child had an identified place of intended residence.
- (10) Whether the child had income through employment.
- (11) Whether the child had income through a public benefit.
- (12) Whether the child had at least two identified supportive adult connections.
- (13) Whether the child had contact with siblings.
- (14) Whether the child had contact with biological parents.
- (15) Whether the child graduated from high school.
- (16) Whether the child received a general educational development certification.
- (17) Whether the child was a parent or expectant parent.
- (18) Whether the child was enrolled in a program of postsecondary education or training.
- (19) Whether the child had completed at least two years in a program of postsecondary education or training.
- (20) Whether the child was enrolled in Medicaid.
- (21) Whether the child was given a physical copy of a transition plan.
- (22) Whether the child had possession of a birth certificate, Social Security card, State identification card or driver's license, health insurance card and, if not born in the United States, proof of valid immigration status.

§ 7507. Kinship Care Program.

(a) Establishment of program.--The Kinship Care Program is established in the department.

(b) Relative notification.--Except in situations of family or domestic violence, the county agency shall exercise due diligence to identify and notify 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 the child's removal from the child's home if temporary legal and physical custody has been transferred to the county agency. The notice must explain all of the following:

(1) Options under Federal and State law available to the relative to participate in the care and placement of the child, including any options that would be lost by failing to respond to the notice.

(2) The requirements to become a foster parent, permanent legal custodian or adoptive parent.

(3) The additional supports that are available for children removed from the child's home.

(c) Placement of children.--If a child has been removed from the child's home under a voluntary placement agreement or is in the legal custody of the county agency, the county agency shall give first consideration to placement with relatives or kin. The county agency shall document that an attempt was made to place the child with a relative or kin. If the child is not placed with a relative or kin, the agency shall document the reason why the placement was not possible.

(d) Regulations.--The department is authorized to promulgate regulations necessary to carry out the provisions of this

chapter. The regulations shall include, but not be limited to, the following:

(1) Relatives and kin shall receive the same foster care rate as other foster parents if they comply with the regulations governing foster parents.

(2) Foster care payments received by a relative or kin who is a foster parent shall be excluded from consideration when calculating eligibility for public assistance.

§ 7508. Subsidized Permanent Legal Custodianship Program.

(a) Establishment of program.--The Subsidized Permanent Legal Custodianship Program is established in the department.

(b) Implementation.--The department shall establish and develop criteria and is authorized to promulgate necessary regulations for county agencies to implement the Subsidized Permanent Legal Custodianship Program in accordance with the provisions of this chapter. The criteria and regulations shall include, but not be limited to, identification of eligible children and eligible permanent legal custodians, procedures for implementing the program and reporting requirements by county agencies.

§ 7509. Permanent legal custodianship subsidy and reimbursement.

(a) Amount.--The amount of permanent legal custodianship subsidy for maintenance costs to a permanent legal custodian or a successor permanent legal custodian shall not exceed the monthly payment rate for foster family care in the county in which the child resides.

(b) County reimbursement.--The department shall reimburse the county agency for at least 80% of the cost of a permanent legal custodianship subsidy payment provided by a county agency in accordance with the provisions of this chapter, provided that the county agency complies with the requirements established by the department.

CHAPTER 77

ADOPTION OPPORTUNITIES

Sec.

7701. Declaration of purpose.

7702. Definitions.

7703. Regulations.

7704. Adoption opportunity payments and reimbursement.

§ 7701. Declaration of purpose.

This chapter shall be interpreted and construed to effect the purpose of encouraging and promoting the placement of children who have disabilities or are hard to place by virtue of age, sibling relationship or ethnicity in adoptive homes.

§ 7702. Definitions.

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

"Adoption opportunity." A subsidy which may include:

- (1) maintenance costs;
- (2) medical, surgical and psychological expenses; and
- (3) other costs incident to the adoption.

"Child." An individual who:

- (1) is under 18 years of age; or
- (2) is under 21 years of age and attained 13 years of age before the adoption assistance agreement became effective and is:

(i) completing secondary education or an equivalent credential;

(ii) enrolled in an institution that provides postsecondary or career and technical education;

- (iii) participating in a program actively designed to promote or remove barriers to employment;
- (iv) employed for at least 80 hours per month; or
- (v) incapable of doing any of the activities described in subparagraph (i), (ii), (iii) or (iv) due to a medical or behavioral health condition that is supported by regularly updated information in the permanency plan of the child.

"County agency." The county children and youth social service agency exercising the power and duties provided for in section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the department under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Eligible child." A child in the legal custody of the county agency where parental rights have been terminated pursuant to the procedure set forth in 23 Pa.C.S. Pt. III (relating to adoption) and who has been in foster placement for a period of not less than six months and shown to be difficult to adopt because of a disability or by virtue of age, sibling relationship or ethnicity. A child in the legal custody of an agency approved by the department shall be an eligible child if the child is certified as eligible by the county agency.

§ 7703. Regulations.

(a) Duty of department.--The department may establish and develop criteria and promulgate necessary regulations for county agencies to implement an adoption opportunity in accordance with the provisions of this chapter.

(b) Content.--The regulations shall include, but are not limited to, the following:

(1) Criteria for identifying eligible children and adoptive homes.

(2) Procedures for implementing the adoption opportunity payment.

(3) Reporting requirements by county agencies.

§ 7704. Adoption opportunity payments and reimbursement.

(a) Amount.--The amount of adoption opportunity payment for maintenance costs to an adoptive family shall not exceed the monthly payment rate for foster family care in the county in which the child resides.

(b) County reimbursement.--The department shall reimburse county agencies for at least 80% of the cost of an adoption opportunity provided by the county agency under this chapter if the county agency complies with the reporting requirements established by the department under section 7703 (relating to regulations).

(c) Limitation.--No public money shall be expended under this chapter on behalf of an eligible child until all available benefits under existing or future private, public, Federal, State or local programs have been exhausted. Notwithstanding any other provision of law, adoptive families subsidized under the provisions of this chapter shall not be liable under the provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966, or 23 Pa.C.S. Ch. 46 (relating to support of the indigent) in the event that the adopted child needs services or assistance under the provisions of Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, or under the provisions of the Mental Health and Intellectual Disability Act of 1966.

EARLY INTERVENTION SERVICES

Sec.

7901. (Reserved).

§ 7901. (Reserved).

CHAPTER 81

(Reserved)

Section 11. This act shall take effect in 60 days.

APPROVED--The 3rd day of November, A.D. 2022.

TOM WOLF