

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 25, 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 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

12 * * *

13 (e) Adoption 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 mental, emotional or physical handicap,
18 or size of sibling group imposes an obstacle to placement.

1 adoptive parents, who are otherwise suitable to provide a good

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

3 "Adoption opportunity" may include maintenance cost, medical
4 and surgical expenses and other costs incident to the adoption
5 placement.

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

8 "Eligible child" means a child in the legal custody of local
9 authorities where parental rights have been terminated pursuant
10 to the procedure set forth in Article III of the act of July 24,
11 1970 (P.L.620, No.208), known as the "Adoption Act," and such
12 child has been in foster placement for a period of not less than
13 six months and where the child has been shown to be a difficult
14 adoption placement because of the child's physical, emotional or
15 mental handicap, or because the child is a member of a sibling
16 group, which should be kept intact.

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

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

24 (b) The regulations shall include, but not be limited to,
25 criteria for identifying eligible children and adoptive homes,
26 procedures for implementing the subsidy, and reporting
27 requirements by public child welfare agencies.

28 (c) All regulations established pursuant to this section
29 shall be adopted pursuant to the act of July 31, 1968 (P.L.769,
30 No.240), known as the "Commonwealth Documents Law," and the

1 hearings referred to in section 202 of that act shall be
2 mandatory.

3 Section 774. Adoption Opportunity Payments and
4 Reimbursement.--(a) The department shall reimburse local
5 authorities for at least one hundred percent (100%) of the cost
6 of an adoption ~~subsidy~~ OPPORTUNITY provided by local authority <—
7 pursuant to the provisions of this subarticle (e), provided the
8 local authority complies with the reporting requirements
9 established by the department pursuant to section 773.

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

23 Section 2. This act shall take effect immediately so as to
24 permit the Department of Public Welfare to establish
25 regulations, but no payments shall be made prior to July 1,
26 1975.