

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1815 Session of
1999

INTRODUCED BY YUDICHAK, SOLOBAY, GRUCELA, MANN, FRANKEL, COSTA,
BASTIAN, BELFANTI, COY, HALUSKA, HARHAI, JOSEPHS, KREBS,
MELIO, MUNDY, PETRARCA, ROBERTS, RUFFING, SEYFERT, STABACK,
TIGUE, TRELLO, WALKO, WOJNAROSKI, YOUNGBLOOD, BLAUM,
L. I. COHEN, STEELMAN, RAMOS AND SURRA, AUGUST 30, 1999

REFERRED TO COMMITTEE ON AGING AND YOUTH, AUGUST 30, 1999

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for adoption assistance
3 programs; and making a repeal.

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

6 Section 1. Chapter 25 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER F

9 ADOPTION ASSISTANCE PROGRAM

10 Sec.

11 2561. Purpose.

12 2562. Definitions.

13 2563. Rules and regulations.

14 2564. Adoption assistance payments and reimbursement.

15 § 2561. Purpose.

16 The purpose of this subchapter is to encourage and promote
17 the adoption of children who are physically, intellectually or

1 emotionally disabled or difficult to place by virtue of age,
2 sibling relationship or ethnicity.

3 § 2562. Definitions.

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

7 "Adoption assistance." Benefits provided to an adoptive
8 family on behalf of an eligible child, which may include medical
9 assistance and other applicable special services, a monthly cash
10 payment or reimbursement of nonrecurring adoption expenses.

11 "Child." An individual who is under 21 years of age.

12 "Department." The Department of Public Welfare of the
13 Commonwealth.

14 "Eligible child." A child certified by a county children and
15 youth agency as to the following:

16 (1) the child's parental rights have been terminated
17 pursuant to this chapter;

18 (2) the child is in the legal custody of the county
19 children and youth agency or another agency approved by the
20 Department of Public Welfare; and

21 (3) the adoptive placement of the child may be difficult
22 due to a physical, intellectual or emotional disability or by
23 virtue of age, sibling relationship or ethnicity.

24 "Nonrecurring adoption expenses." Costs for home-study fees,
25 court costs, attorney fees and travel costs necessary to
26 complete the placement or adoption process.

27 § 2563. Rules and regulations.

28 (a) Duty of department.--The department shall establish and
29 develop criteria and promulgate regulations necessary for county
30 children and youth agencies to implement the adoption assistance

1 program in accordance with the provisions of this subchapter and
2 sections 470 through 476 of the Social Security Act (49 Stat.
3 620, 42 U.S.C. §§ 670 through 676).

4 (b) Rules and regulations.--It shall be the department's
5 responsibility to assure that no county children and youth
6 agency establishes policies or procedures that prevent the use
7 of adoption assistance benefits for eligible children.

8 (c) Content of regulations.--The regulations shall include,
9 but not be limited to, criteria for identifying eligible
10 children and adoptive homes, procedures for implementing the
11 adoption assistance agreement and reporting requirements by
12 county children and youth agencies.

13 (d) Adoption of regulations.--All regulations established
14 pursuant to this section shall be adopted pursuant to the act of
15 July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
16 Documents Law, and the hearings referred to in section 202 of
17 the Commonwealth Documents Law shall be mandatory.

18 § 2564. Adoption assistance payments and reimbursement.

19 (a) Payments.--The amount of adoption assistance cash
20 payment made to an adoptive family shall not exceed the monthly
21 payment rate for foster family care in the county in which the
22 child was determined eligible. For purposes of reimbursement of
23 nonrecurring adoption expenses, an eligible child need not be in
24 the legal custody of a county children and youth agency or other
25 agency approved by the department.

26 (b) Reimbursement to county.--The department shall reimburse
27 county children and youth agencies for 100% of the cost of
28 adoption assistance provided by the county children and youth
29 agency pursuant to the provisions of this subchapter, provided
30 the agency complies with the reporting requirements established

1 by the department pursuant to section 2563 (relating to rules
2 and regulations).

3 (c) Exhaustion of benefits.--No public funds shall be
4 expended under this subchapter on behalf of an eligible child
5 until all available benefits under existing or future private or
6 Federal, State or local programs have been exhausted.
7 Notwithstanding any other provision of law, adoptive families
8 subsidized under the provisions of this subchapter shall not be
9 liable under the act of June 24, 1937 (P.L.2045, No.397), known
10 as The Support Law, or the act of October 20, 1966 (3rd
11 Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental
12 Retardation Act of 1966, in the event the adopted child needs
13 services or assistance under the provisions of the Mental Health
14 and Mental Retardation Act of 1966 or under Article IV of the
15 act of June 13, 1967 (P.L.31, No.21), known as the Public
16 Welfare Code.

17 Section 2. Subarticle (e) of Article VII of the act of June
18 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, is
19 repealed.

20 Section 3. This act shall take effect in 60 days.