

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1534 Session of
2001

INTRODUCED BY YUDICHAK, BLAUM, CAPPELLI, YOUNGBLOOD, WOJNAROSKI,
J. WILLIAMS, WANSACZ, WALKO, TIGUE, THOMAS, TANGRETTI,
SOLOBAY, SAINATO, ROONEY, ROHRER, READSHAW, PETRARCA, MUNDY,
MELIO, McCALL, MARKOSEK, MANN, LAUGHLIN, KELLER, JOSEPHS,
JAMES, HERSHEY, HENNESSEY, HARHAI, GRUCELA, GEORGE, FREEMAN,
FRANKEL, CREIGHTON, COY, COSTA, COLAFELLA, L. I. COHEN,
CAPPABIANCA, CALTAGIRONE, BELFANTI, BASTIAN, BARRAR AND
STEELMAN, MAY 7, 2001

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MAY 7, 2001

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.

1 The purpose of this subchapter is to encourage and promote
2 the adoption of children who are physically, intellectually or
3 emotionally disabled or difficult to place by virtue of age,
4 sibling relationship or ethnicity.

5 § 2562. Definitions.

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

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

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

14 "Department." The Department of Public Welfare of the
15 Commonwealth.

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

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

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

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

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

29 § 2563. Rules and regulations.

30 (a) Duty of department.--The department shall establish and

1 develop criteria and promulgate regulations necessary for county
2 children and youth agencies to implement the adoption assistance
3 program in accordance with the provisions of this subchapter and
4 sections 470 through 476 of the Social Security Act (49 Stat.
5 620, 42 U.S.C. §§ 670 through 676).

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

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

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

20 § 2564. Adoption assistance payments and reimbursement.

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

28 (b) Reimbursement to county.--The department shall reimburse
29 county children and youth agencies for 100% of the cost of
30 adoption assistance provided by the county children and youth

1 agency pursuant to the provisions of this subchapter, provided
2 the agency complies with the reporting requirements established
3 by the department pursuant to section 2563 (relating to rules
4 and regulations).

5 (c) Exhaustion of benefits.--No public funds shall be
6 expended under this subchapter on behalf of an eligible child
7 until all available benefits under existing or future private or
8 Federal, State or local programs have been exhausted.

9 Notwithstanding any other provision of law, adoptive families
10 subsidized under the provisions of this subchapter shall not be
11 liable under the act of June 24, 1937 (P.L.2045, No.397), known
12 as The Support Law, or the act of October 20, 1966 (3rd
13 Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental
14 Retardation Act of 1966, in the event the adopted child needs
15 services or assistance under the provisions of the Mental Health
16 and Mental Retardation Act of 1966 or under Article IV of the
17 act of June 13, 1967 (P.L.31, No.21), known as the Public
18 Welfare Code.

19 Section 2. Subarticle (e) of Article VII of the act of June
20 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, is
21 repealed.

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