
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1505 Session of
1995

INTRODUCED BY MARKOSEK, TIGUE, KAISER, DeLUCA, VAN HORNE,
HERSHEY, CORRIGAN, STABACK, WALKO, BELARDI, NAILOR, BAKER,
RAYMOND, TRELLO, PESCI, SERAFINI, McCALL, STETLER, JOSEPHS,
SANTONI, HENNESSEY, BELFANTI, KUKOVICH AND RICHARDSON,
APRIL 27, 1995

REFERRED TO COMMITTEE ON AGING AND YOUTH, APRIL 27, 1995

AN ACT

1 Providing permanence for children with special needs through
2 adoption.

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

5 Section 1. Legislative findings and purpose.

6 (a) Findings.--

7 (1) The General Assembly finds that several thousand
8 children with special needs who have a goal of adoption under
9 the supervision of government are being denied the security
10 of a permanent family.

11 (2) There is a lack of urgency surrounding adoption
12 services for children with special needs forcing them to
13 languish in foster care despite the commitment of many
14 Commonwealth families who are willing to provide them
15 permanence through adoption.

16 (3) Once a goal of adoption has been established for

1 children with special needs, two years and eight months is
2 the median length of time that these children wait to be
3 adopted.

4 (4) The county children and youth system is overwhelmed
5 by child abuse and neglect cases and cannot give proper
6 attention to the attainment of permanency through adoption
7 services for children with special needs.

8 (5) There is lack of uniformity among counties in the
9 provision of permanency through adoption services.

10 (6) Parts of this Commonwealth do not have access to
11 adoption services.

12 (7) County boundaries create barriers to equitable
13 access to special needs adoption and subsidies.

14 (8) The number of trained adoption staff is inadequate
15 to guarantee that children with special needs will achieve
16 permanence through adoption in a timely manner.

17 (b) Purpose.--It is the purpose of this act to provide the
18 necessary resources for special needs children so that they will
19 be provided the security of a permanent family through adoption
20 regardless of where they live in this Commonwealth. Further, the
21 purpose of this act is to reduce system barriers which prevent
22 equal access to appropriate services to both special needs
23 children needing adoptive families and residents of this
24 Commonwealth who are interested in adopting special needs
25 children.

26 Section 2. Definitions.

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

30 "Adoption services." Services which shall include, without

1 limitation, the following:

2 (1) Targeted family recruitment.

3 (2) Adoptive family assessment, preparation and
4 education.

5 (3) Comprehensive child assessment.

6 (4) Legal services.

7 (5) Adoption subsidies.

8 (6) Family and child preplacement and placement.

9 (7) Postplacement services.

10 (8) Postfinalization services.

11 (9) Information and referral.

12 "Advisory committee." A committee appointed by the Secretary
13 of Public Welfare, composed of at least ten, but no more than 15
14 members. The secretary shall serve as the chairperson of the
15 committee. The following individuals shall be appointed to the
16 committee:

17 (1) The chairman of the Aging and Youth Committee of the
18 Senate.

19 (2) The chairman of the Aging and Youth Committee of the
20 House of Representatives.

21 (3) The minority chairman of the Aging and Youth
22 Committee of the Senate.

23 (4) The minority chairman of the Aging and Youth
24 Committee of the House of Representatives.

25 (5) A representative from the county children and youth
26 administrators.

27 (6) A representative from the juvenile court system.

28 (7) A representative from the orphans' court system.

29 (8) A representative from a Statewide association for
30 private providers.

1 "Child assessment." Child-centered individualized
2 compilation within a holistic context of a child's comprehensive
3 life experiences.

4 "Department." The Department of Public Welfare of the
5 Commonwealth.

6 "Full disclosure." The provision of information of record to
7 adoptive parents about the child with special needs, which will
8 allow adoptive parents to make an informed decision concerning
9 their ability to parent.

10 "Request for proposal" or "RFP." A form which shall be
11 submitted by potential contractors for selection of the
12 Statewide system manager.

13 "Special needs child." A child who has one or more of the
14 following characteristics:

15 (1) Has a documented physical, mental or emotional
16 handicap or is at risk of developing a physical, mental or
17 emotional handicap.

18 (2) Is a member of a minority ethnic or racial group.

19 (3) Is a member of a sibling group needing to be placed
20 together with the same family.

21 (4) Is five years of age or older.

22 (5) Has been sexually or physically abused.

23 (6) Has experienced multiple placements.

24 (7) Has been in out-of-home placement more than 18
25 months.

26 "Statewide system manager." A Commonwealth private nonprofit
27 Statewide organization under contract with the Department of
28 Public Welfare which is responsible for the day-to-day operation
29 of the special needs adoption system.

30 Section 3. Duties of department.

1 (a) Development of plan.--Within 30 days of the effective
2 date of this act, an advisory committee appointed by the
3 Secretary of Public Welfare shall develop a Statewide permanency
4 planning and adoption plan setting forth goals.

5 (b) Issuance of RFP.--Within 30 days of the adoption of the
6 plan by the advisory committee, the department shall issue an
7 RFP consistent with this act and the developed goals to identify
8 a Statewide system manager.

9 (c) Statewide system manager.--The department shall contract
10 with a Statewide system manager to provide a special needs
11 adoption system within 90 calendar days of the issuance of the
12 RFP. The Statewide system manager shall be selected from
13 Commonwealth private nonprofit applicants who shall submit a
14 three-year proposal in which the applicant established its
15 ability, through prior experience in the delivery of children-
16 related and youth-related services and contract management in
17 this Commonwealth, to:

18 (1) Make available the full range of adoption services
19 to all publicly funded children with special needs who have
20 been accepted for service by the county children and youth
21 agencies and have a goal of adoption.

22 (2) Initiate cooperative arrangements with county
23 children and youth agencies.

24 (3) Establish cooperative arrangements with existing
25 Federal, State and local adoption services and registries.

26 (4) Establish and operate a systemwide child and
27 adoptive parent-specific data system which incorporates
28 child-specific outcomes.

29 (5) Assume the duties of the Pennsylvania Adoption
30 Exchange.

(d) Initial contract.--The department shall award the contract for the Statewide system manager within 180 calendar days of the effective date of this act.

(e) Compliance.--The department shall monitor the contract for compliance.

(f) Annual report.--The department shall provide an annual fiscal and program evaluation report to the General Assembly by April of each year.

(g) Payment of adoption subsidies.--The department and Statewide system manager shall establish a procedure for the approval and payment of adoption subsidies in a timely and uniform manner. This procedure shall then be administered by the department in cooperation with the Statewide system manager. The department and Statewide system manager also shall prepare and implement a plan to transfer Federal and State adoption funding and adoption subsidies from counties to the department to finance the Statewide special needs adoption system and the subsidized adopted special needs children.

(h) Regulations.--The department shall issue administrative bulletins to aid in the implementation of this act. These administrative bulletins shall be transmitted within 180 days of the effective date of this act.

Section 4. Duties of counties.

(a) Referrals.--Within 60 days of the determination of the goal of adoption, county children and youth agencies shall register all special needs children, as defined in this act, with the Statewide system manager for adoption services. The determination shall have been made through an administrative or judicial review.

(b) Prospective adoptive parents.--County children and youth

1 agencies shall register all persons interested in adopting a
2 child with special needs with the Statewide system manager.

3 (c) Adoption services.--County children and youth agencies
4 may subcontract with the Statewide system manager to provide
5 adoption services.

6 (d) Access to information.--County children and youth
7 agencies shall make available all information of record which
8 will contribute to full disclosure.

9 Section 5. Service provision.

10 (a) Development of special needs adoption system.--The
11 Statewide system manager shall develop a Statewide special needs
12 adoption system for this Commonwealth which can meet the goals
13 set forth in the plan developed by the department and the
14 advisory committee appointed in accordance with section 3(a).
15 The Statewide system manager shall insure the availability of
16 needed services. Direct adoption services shall be made
17 available only through subcontracts. When a subcontractor is
18 used for the delivery of service, such services must be
19 contracted through an RFP process. Subcontracts may be issued on
20 a geographical basis, need not be coterminous with county
21 boundaries and may be systemwide or regionwide on a functional
22 basis. Subcontracting agencies shall meet any applicable
23 licensing or certification requirements of the appropriate State
24 or local governmental agency. Subcontracts shall be implemented
25 and monitored by the Statewide system manager.

26 (b) System to provide equal access.--A Statewide system of
27 special needs adoption shall be developed which provides equal
28 access to adoption services for all residents of this
29 Commonwealth.

30 (c) Adoptive parents to pay no costs.--Adoptive families

1 shall not be required to bear any costs for the services
2 provided by the Statewide special needs adoption system.

3 (d) Full disclosure of information.--The Statewide system
4 manager will develop a procedure to ensure the full disclosure
5 of information to adoptive parents.

6 (e) Out-of-State contracts.--If, after review of
7 Commonwealth resources, no adoptive family is available, the
8 Statewide system manager may contract with an agency or agencies
9 from out-of-State to provide for adoption services. If an out-
10 of-State agency is used, it shall be licensed or certified by
11 the appropriate governmental agency in the state which it is
12 located.

13 Section 6. Duties of public and private agencies.

14 All licensed public and private adoption agencies shall
15 register all children with special needs with the Statewide
16 system manager and shall refer all individuals or families who
17 have successfully completed an adoption home study and are
18 interested in adopting a special needs child.

19 Section 7. Related agencies' activity.

20 This act shall not be construed to limit or delay actions by
21 agencies or institutions to arrange for adoptions or other
22 related matters on their own initiative.

23 Section 8. Appeals.

24 Appeals of actions of the Statewide system manager or any of
25 its subcontractors shall be filed in accordance with regulations
26 promulgated by the department.

27 Section 9. Applicability.

28 This act shall apply to all children who have been accepted
29 for services by a county children and youth agency on or after
30 the effective date of this act.

1 Section 10. Sunset provision.

2 This act shall expire ten years after its effective date
3 unless extended by the General Assembly.

4 Section 11. Effective date.

5 This act shall take effect in 30 days.