

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1261 Session of 2011

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INTRODUCED BY QUIGLEY, AUMENT, BAKER, BARRAR, BENNINGHOFF, BOBACK, BOYD, CAUSER, CHRISTIANA, CLYMER, D. COSTA, COX, CREIGHTON, CUTLER, ELLIS, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GOODMAN, GRELL, GROVE, HARHART, HARPER, HARRIS, HEFFLEY, HESS, HICKERNELL, KAUFFMAN, M. K. KELLER, KNOWLES, KRIEGER, MAJOR, MARSHALL, MARSICO, MASSER, METCALFE, METZGAR, MILLER, MILNE, MOUL, MURT, MUSTIO, O'NEILL, PERRY, PETRI, PICKETT, PYLE, QUINN, READSHAW, REED, REICHLEY, ROAE, ROCK, SAYLOR, SCAVELLO, SCHRODER, STEVENSON, SWANGER, TALLMAN, TOOIL, VEREB, VULAKOVICH, ADOLPH, FARRY, DELOZIER, MALONEY, RAPP, KORTZ, STEPHENS, BURNS, CALTAGIRONE, GILLESPIE AND BEAR, APRIL 1, 2011

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SENATOR VANCE, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED, JUNE 5, 2012

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## 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," in public assistance,  
4 further providing ~~for definitions and~~ for determination of ←  
5 eligibility; IN CHILDREN AND YOUTH, FURTHER PROVIDING FOR ←  
6 DEFINITIONS; AND IN KINSHIP CARE, FURTHER PROVIDING FOR  
7 DEFINITIONS AND FOR KINSHIP CARE PROGRAM, PROVIDING FOR  
8 SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM AND FOR  
9 PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND REIMBURSEMENT.

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

12 ~~Section 1. Section 402 of the act of June 13, 1967 (P.L.31,~~ ←  
13 ~~No.21), known as the Public Welfare Code, is amended by adding~~  
14 ~~definitions to read:~~

15 ~~Section 402. Definitions. As used in this article, unless~~

1 ~~the content clearly indicates otherwise:~~

2 ~~"Applicant" means an individual who applies for assistance~~  
3 ~~under this article.~~

4 \* \* \*

5 ~~"Recipient" means an individual who receives assistance under~~  
6 ~~this article.~~

7 \* \* \*

8 ~~"Residence" means permanent legal residence.~~

9 \* \* \*

10 ~~Section 2. Section 432.2(b) and (c) of the act, amended or~~  
11 ~~added July 15, 1976 (P.L.993, No.202) and April 8, 1982-~~  
12 ~~(P.L.231, No.75), are amended to read:~~

13 ~~Section 432.2. Determination of Eligibility. \* \* \*~~

14 ~~(b) As a condition of eligibility for assistance, all~~  
15 ~~applicants and recipients of assistance shall cooperate with the~~  
16 ~~department in providing and verifying information necessary for~~  
17 ~~the department to determine initial or continued eligibility in~~  
18 ~~accordance with the provisions of this act. An individual~~  
19 ~~applying for assistance shall complete an application containing~~  
20 ~~such information required to establish eligibility and amount of~~  
21 ~~grant. The application shall include, but not be limited to, the~~  
22 ~~following information:~~

23 ~~(1) Names of all persons to receive aid;~~

24 ~~(2) Birth dates of all persons to receive aid;~~

25 ~~(3) Social security numbers of all persons to receive aid,~~  
26 ~~or proof of application for such social security number;~~

27 ~~(4) Place of residence for all persons to receive aid;~~

28 ~~(5) The names of any legally responsible relative living~~  
29 ~~in the home;~~

30 ~~(6) Any income or resources as defined in this act or in~~

1 ~~regulations promulgated pursuant to this act.~~

2 ~~The department shall provide assistance as needed to complete~~  
3 ~~the application and shall insure that all applicants or~~  
4 ~~recipients have or promptly obtain a social security number. The~~  
5 ~~department shall determine all elements of eligibility based~~  
6 ~~upon the circumstances as exist at the applicant's place of~~  
7 ~~residence prior to awarding assistance.~~

8 ~~(c) The department shall determine all elements of~~  
9 ~~eligibility periodically based upon the circumstances as exist~~  
10 ~~at the recipient's place of residence and in accordance with the~~  
11 ~~provisions of this section: Provided, however, That such~~  
12 ~~determination shall not be less frequent than every six months.~~  
13 ~~The department shall require the completion of a continuing~~  
14 ~~application form at the time of redetermination recertifying the~~  
15 ~~information required by subsection (b) and the provisions of~~  
16 ~~section 432.15 shall be applicable to this subsection.~~

17 ~~\* \* \*~~

18 SECTION 1. SECTION 432.2(B) OF THE ACT OF JUNE 13, 1967  
19 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, AMENDED JUNE  
20 30, 2011 (P.L.89, NO.22), IS AMENDED TO READ:

21 SECTION 432.2. DETERMINATION OF ELIGIBILITY.--\* \* \*

22 (B) AS A CONDITION OF ELIGIBILITY FOR ASSISTANCE, ALL  
23 APPLICANTS AND RECIPIENTS OF ASSISTANCE SHALL COOPERATE WITH THE  
24 DEPARTMENT IN PROVIDING AND VERIFYING INFORMATION NECESSARY FOR  
25 THE DEPARTMENT TO DETERMINE INITIAL OR CONTINUED ELIGIBILITY IN  
26 ACCORDANCE WITH THE PROVISIONS OF THIS ACT. AN INDIVIDUAL  
27 APPLYING FOR ASSISTANCE SHALL COMPLETE AN APPLICATION CONTAINING  
28 SUCH INFORMATION REQUIRED TO ESTABLISH ELIGIBILITY AND AMOUNT OF  
29 GRANT. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
30 FOLLOWING INFORMATION:

- (1) NAMES OF ALL PERSONS TO RECEIVE AID;
- (2) BIRTH DATES OF ALL PERSONS TO RECEIVE AID;
- (3) SOCIAL SECURITY NUMBERS OF ALL PERSONS TO RECEIVE AID,  
OR PROOF OF APPLICATION FOR SUCH SOCIAL SECURITY NUMBER;
- (4) PLACE OF RESIDENCE FOR ALL PERSONS TO RECEIVE AID;
- (5) THE NAMES OF ANY LEGALLY RESPONSIBLE RELATIVE LIVING  
IN THE HOME;
- (6) ANY INCOME OR RESOURCES AS DEFINED IN THIS ACT OR IN  
REGULATIONS PROMULGATED PURSUANT TO THIS ACT.

THE DEPARTMENT SHALL PROVIDE ASSISTANCE AS NEEDED TO COMPLETE  
THE APPLICATION AND SHALL [INSURE] ENSURE THAT ALL APPLICANTS OR  
RECIPIENTS HAVE OR PROMPTLY OBTAIN A SOCIAL SECURITY NUMBER. THE  
DEPARTMENT SHALL DETERMINE ALL ELEMENTS OF ELIGIBILITY BASED  
UPON THE CIRCUMSTANCES THAT EXIST AT THE APPLICANT'S OR  
RECIPIENT'S PLACE OF RESIDENCE PRIOR TO AWARDED ASSISTANCE.

\* \* \*

SECTION 2. THE DEFINITION OF "CHILD" IN SECTION 772 OF THE  
ACT, ADDED DECEMBER 30, 1974 (P.L.1039, NO.339), IS AMENDED TO  
READ:

SECTION 772. DEFINITIONS.--AS USED IN THIS SUBDIVISION:

\* \* \*

"CHILD" MEANS AN INDIVIDUAL WHO:

- (1) IS UNDER THE AGE OF EIGHTEEN YEARS[.]; OR
- (2) IS UNDER THE AGE OF TWENTY-ONE YEARS AND WHO ATTAINED  
THIRTEEN YEARS OF AGE BEFORE THE ADOPTION ASSISTANCE AGREEMENT  
BECAME EFFECTIVE AND WHO IS:
- (I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT  
CREDENTIAL;
- (II) ENROLLED IN AN INSTITUTION WHICH PROVIDES POSTSECONDARY  
OR VOCATIONAL EDUCATION;

1     (III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED TO  
2 PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;  
3     (IV) EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH; OR  
4     (V) INCAPABLE OF DOING ANY OF THE ACTIVITIES DESCRIBED IN  
5 SUBCLAUSE (I), (II), (III) OR (IV) DUE TO A MEDICAL OR  
6 BEHAVIORAL HEALTH CONDITION, WHICH IS SUPPORTED BY REGULARLY  
7 UPDATED INFORMATION IN THE PERMANENCY PLAN OF THE CHILD.

8     \* \* \*

9     SECTION 3. SECTION 1302 OF THE ACT, ADDED SEPTEMBER 30, 2003  
10 (P.L.169, NO.25), IS AMENDED TO READ:

11 SECTION 1302. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
13 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15     "CHILD." AN INDIVIDUAL WHO:

16         (1) IS UNDER 18 YEARS OF AGE; OR

17         (2) IS UNDER 21 YEARS OF AGE AND WHO ATTAINED 13 YEARS  
18 OF AGE BEFORE THE SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP  
19 AGREEMENT BECAME EFFECTIVE AND WHO IS:

20             (I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT  
21 CREDENTIAL;

22             (II) ENROLLED IN AN INSTITUTION WHICH PROVIDES  
23 POSTSECONDARY OR VOCATIONAL EDUCATION;

24             (III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED  
25 TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

26             (IV) EMPLOYED FOR AT LEAST 80 HOURS PER MONTH; OR

27             (V) INCAPABLE OF DOING ANY OF THE ACTIVITIES  
28 DESCRIBED IN SUBPARAGRAPH (I), (II), (III) OR (IV) DUE TO  
29 A MEDICAL OR BEHAVIORAL HEALTH CONDITION, WHICH IS  
30 SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE

1           PERMANENCY PLAN OF THE CHILD.

2           "COUNTY AGENCY." THE COUNTY CHILDREN AND YOUTH SOCIAL  
3 SERVICE AGENCY EXERCISING THE POWER AND DUTIES PROVIDED FOR IN  
4 SECTION 405 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396), KNOWN  
5 AS THE COUNTY INSTITUTION DISTRICT LAW, OR ITS SUCCESSOR, AND  
6 SUPERVISED BY THE DEPARTMENT UNDER ARTICLE IX.

7           "ELIGIBLE CHILD." A CHILD WHO:

8           (1) HAS A COURT-ORDERED DISPOSITION OF PLACEMENT WITH A  
9 PERMANENT LEGAL CUSTODIAN PURSUANT TO 42 PA.C.S. § 6351(A)  
10 (2.1) (RELATING TO DISPOSITION OF DEPENDENT CHILD);

11           (2) HAS LIVED WITH AN ELIGIBLE PERMANENT LEGAL CUSTODIAN  
12 FOR AT LEAST SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE; AND

13           (3) IS A CITIZEN OR AN ALIEN LAWFULLY RESIDING IN THIS  
14 COMMONWEALTH.

15           "ELIGIBLE PERMANENT LEGAL CUSTODIAN." A RELATIVE OR KIN:

16           (1) WHOSE HOME IS APPROVED PURSUANT TO APPLICABLE  
17 REGULATIONS FOR PLACEMENT OF FOSTER CHILDREN;

18           (2) WITH WHOM AN ELIGIBLE CHILD HAS RESIDED FOR AT LEAST  
19 SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE; AND

20           (3) WHO MEETS THE REQUIREMENTS FOR EMPLOYMENT IN CHILD-  
21 CARE SERVICES PURSUANT TO 23 PA.C.S. § 6344 (RELATING TO  
22 INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL).

23           "FOSTER PARENT." AN INDIVIDUAL APPROVED BY A PUBLIC OR  
24 PRIVATE FOSTER FAMILY CARE AGENCY TO PROVIDE FOSTER FAMILY CARE  
25 SERVICES TO A CHILD WHO IS TEMPORARILY SEPARATED FROM THE  
26 CHILD'S LEGAL FAMILY AND PLACED IN THE LEGAL CUSTODY OF AN  
27 AGENCY.

28           "KIN." AN INDIVIDUAL 21 YEARS OF AGE OR OLDER WHO IS ONE OF  
29 THE FOLLOWING:

30           (1) A GODPARENT OF THE CHILD AS RECOGNIZED BY AN

1 ORGANIZED CHURCH.

2 (2) A MEMBER OF THE CHILD'S TRIBE, NATION OR TRIBAL  
3 ORGANIZATION.

4 (3) AN INDIVIDUAL WITH A SIGNIFICANT, POSITIVE  
5 RELATIONSHIP WITH THE CHILD OR FAMILY.

6 "PERMANENT LEGAL CUSTODIAN." A PERSON TO WHOM LEGAL CUSTODY  
7 OF THE CHILD HAS BEEN GIVEN BY ORDER OF A COURT PURSUANT TO 42  
8 PA.C.S. § 6351(A) (2.1) (RELATING TO DISPOSITION OF DEPENDENT  
9 CHILD).

10 "RELATIVE." AN INDIVIDUAL WHO IS:

11 (1) RELATED WITHIN THE [THIRD] FIFTH DEGREE OF  
12 CONSANGUINITY OR AFFINITY TO THE PARENT OR STEPPARENT OF A  
13 CHILD.

14 (2) AT LEAST 21 YEARS OF AGE.

15 "SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP." A COURT-ORDERED  
16 DISPOSITION OF A DEPENDENT CHILD PURSUANT TO 42 PA.C.S. §  
17 6351(A) (2.1) (RELATING TO DISPOSITION OF DEPENDENT CHILD) FOR  
18 WHICH THE CHILD'S PERMANENT LEGAL CUSTODIAN RECEIVES A MONETARY  
19 PAYMENT FROM THE COUNTY AGENCY PURSUANT TO A SUBSIDIZED  
20 PERMANENT LEGAL CUSTODIANSHIP AGREEMENT.

21 "SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT." A  
22 WRITTEN AGREEMENT SIGNED BY THE DIRECTOR OF THE COUNTY AGENCY,  
23 OR A DESIGNEE, AND A PERMANENT LEGAL CUSTODIAN, THAT SETS FORTH  
24 THE TERMS AND SUBSIDY PAYMENTS FOR A SUBSIDIZED PERMANENT LEGAL  
25 CUSTODIANSHIP.

26 SECTION 4. SECTION 1303(B) OF THE ACT, ADDED SEPTEMBER 30,  
27 2003 (P.L.169, NO.25), IS AMENDED AND THE SECTION IS AMENDED BY  
28 ADDING A SUBSECTION TO READ:

29 SECTION 1303. KINSHIP CARE PROGRAM.

30 \* \* \*

1 (A.1) RELATIVE NOTIFICATION.--EXCEPT IN SITUATIONS OF FAMILY  
2 OR DOMESTIC VIOLENCE, THE COUNTY AGENCY SHALL EXERCISE DUE  
3 DILIGENCE TO IDENTIFY AND NOTIFY ALL GRANDPARENTS AND OTHER  
4 ADULT RELATIVES TO THE FIFTH DEGREE OF CONSANGUINITY OR AFFINITY  
5 TO THE PARENT OR STEPPARENT OF A DEPENDENT CHILD WITHIN 30 DAYS  
6 OF THE CHILD'S REMOVAL FROM THE CHILD'S HOME WHEN TEMPORARY  
7 LEGAL AND PHYSICAL CUSTODY HAS BEEN TRANSFERRED TO THE COUNTY  
8 AGENCY. THE NOTICE MUST EXPLAIN ALL OF THE FOLLOWING:

9 (1) ANY OPTIONS UNDER FEDERAL AND STATE LAW AVAILABLE TO  
10 THE RELATIVE TO PARTICIPATE IN THE CARE AND PLACEMENT OF THE  
11 CHILD, INCLUDING ANY OPTIONS THAT WOULD BE LOST BY FAILING TO  
12 RESPOND TO THE NOTICE.

13 (2) THE REQUIREMENTS TO BECOME A FOSTER PARENT,  
14 PERMANENT LEGAL CUSTODIAN OR ADOPTIVE PARENT.

15 (3) THE ADDITIONAL SUPPORTS THAT ARE AVAILABLE FOR  
16 CHILDREN REMOVED FROM THE CHILD'S HOME.

17 (B) PLACEMENT OF CHILDREN.--IF A CHILD HAS BEEN REMOVED FROM  
18 THE CHILD'S HOME UNDER A VOLUNTARY PLACEMENT AGREEMENT OR IS IN  
19 THE LEGAL CUSTODY OF THE COUNTY AGENCY, THE COUNTY AGENCY SHALL  
20 GIVE FIRST CONSIDERATION TO PLACEMENT WITH RELATIVES OR KIN. THE  
21 COUNTY AGENCY SHALL DOCUMENT THAT AN ATTEMPT WAS MADE TO PLACE  
22 THE CHILD WITH A RELATIVE OR KIN. IF THE CHILD IS NOT PLACED  
23 WITH A RELATIVE OR KIN, THE AGENCY SHALL DOCUMENT THE REASON WHY  
24 SUCH PLACEMENT WAS NOT POSSIBLE.

25 \* \* \*

26 SECTION 5. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:  
27 SECTION 1303.1. SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP  
28 PROGRAM.

29 (A) ESTABLISHMENT OF PROGRAM.--THE SUBSIDIZED PERMANENT  
30 LEGAL CUSTODIANSHIP PROGRAM IS ESTABLISHED IN THE DEPARTMENT.





1 (B) IMPLEMENTATION.--THE DEPARTMENT SHALL ESTABLISH AND  
2 DEVELOP CRITERIA AND PROMULGATE NECESSARY REGULATIONS FOR COUNTY  
3 AGENCIES TO IMPLEMENT THE SUBSIDIZED PERMANENT LEGAL  
4 CUSTODIANSHIP PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS  
5 ARTICLE. THE CRITERIA AND REGULATIONS SHALL INCLUDE, BUT NOT BE  
6 LIMITED TO, IDENTIFICATION OF ELIGIBLE CHILDREN AND ELIGIBLE  
7 PERMANENT LEGAL CUSTODIANS, PROCEDURES FOR IMPLEMENTING THE  
8 PROGRAM AND REPORTING REQUIREMENTS BY COUNTY AGENCIES.

9 SECTION 1303.2. PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND  
10 REIMBURSEMENT.

11 (A) AMOUNT.--THE AMOUNT OF PERMANENT LEGAL CUSTODIANSHIP  
12 SUBSIDY FOR MAINTENANCE COSTS TO A PERMANENT LEGAL CUSTODIAN  
13 SHALL NOT EXCEED THE MONTHLY PAYMENT RATE FOR FOSTER FAMILY CARE  
14 IN THE COUNTY IN WHICH THE CHILD RESIDES.

15 (B) COUNTY REIMBURSEMENT.--THE DEPARTMENT SHALL REIMBURSE  
16 THE COUNTY AGENCY FOR AT LEAST 80% OF THE COST OF A PERMANENT  
17 LEGAL CUSTODIANSHIP SUBSIDY PAYMENT PROVIDED BY A COUNTY AGENCY  
18 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, PROVIDED THAT  
19 THE COUNTY AGENCY COMPLIES WITH THE REQUIREMENTS ESTABLISHED BY  
20 THE DEPARTMENT.

21 Section ~~3~~ 6. All regulations inconsistent with this act are   
22 abrogated.

23 Section ~~4~~ 7. This act shall take effect ~~in 60 days~~ JULY 1,   
24 2012, OR IMMEDIATELY, WHICHEVER IS LATER.