

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 170 Session of 2011

INTRODUCED BY WASHINGTON, COSTA, TARTAGLIONE, WOZNIAK AND
KITCHEN, FEBRUARY 11, 2011

REFERRED TO JUDICIARY, FEBRUARY 11, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for disposition of dependent child.

4 The General Assembly finds and declares as follows:

5 (1) When compared to all youth, foster youth are more
6 likely to be institutionalized, to lack sufficient education
7 and to have higher incidences of homelessness and mental
8 health problems following discharge from foster care.

9 (2) Key to transition planning for foster youth is
10 ensuring that qualified youth are approved for all benefits,
11 most importantly Federal Supplemental Security Income (SSI)
12 benefits, and that they are able to accumulate some level of
13 savings to aid in their transition to independent living.

14 (3) Foster youth with disabilities gain significant
15 advantages at the time of emancipation if their eligibility
16 for SSI benefits has been established prior to their
17 emancipation.

18 (4) Federal law and regulations prohibit a child who

1 receives a federally funded Aid to Families with Dependent
2 Children - Foster Care (AFDC-FC) benefit in excess of the
3 Federal SSI benefits from applying for SSI until 90 days
4 prior to the Federal AFDC-FC benefits ending. After the
5 application for SSI benefits is accepted by the Social
6 Security Administration, Federal rules indicate that the
7 child may receive federally funded AFDC-FC benefits during
8 the remainder of the application process. Upon approval for
9 SSI benefits, these benefits may be suspended for up to 12
10 months, during which time a child may receive federally
11 funded AFDC-FC benefits without losing eligibility for SSI
12 benefits. Using this flexibility will allow for applications
13 to be made on behalf of federally eligible youth who are
14 nearing emancipation from foster care.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 6351 of Title 42 of the Pennsylvania
18 Consolidated Statutes is amended by adding subsections to read:
19 § 6351. Disposition of dependent child.

20 * * *

21 (b.2) Screening upon placement.--The county agency shall
22 screen a child who is placed outside the child's home pursuant
23 to subsection (a) and who is not eligible to receive federally
24 funded Aid to Families with Dependent Children - Foster Care
25 (AFDC-FC) benefits for Federal Supplemental Security Income
26 (SSI) eligibility at the time of placement for potential
27 eligibility for the Federal SSI program utilizing the guidelines
28 established under the Social Security Act (49 Stat. 620, 42
29 U.S.C. § 301 et seq.). If the child is determined to be eligible
30 through the screening process, the county agency shall submit an

1 application for benefits to the Social Security Administration
2 on behalf of the child within ten days of completion of the
3 screening.

4 * * *

5 (g.1) Screening prior to termination of jurisdiction.--

6 (1) Prior to the termination of jurisdiction over a
7 dependent child who is 18 years of age or older, the county
8 agency shall screen the child for the Federal SSI program
9 utilizing the guidelines established under the Social
10 Security Act.

11 (2) The screening shall use the Title XVI of the Social
12 Security Act criteria for eligibility and shall occur when
13 the child is at least 17 years of age and not older than 17
14 years and six months of age. The county agency shall submit
15 an application to the Social Security Administration on
16 behalf of a child who is screened as being likely to be
17 eligible for Federal SSI benefits 90 days prior to the child
18 reaching 18 years of age.

19 * * *

20 Section 2. This act shall take effect in 60 days.