

## AMENDMENTS TO HOUSE BILL NO. 856

Sponsor: REPRESENTATIVE BOBACK

Printer's No. 970

1 Amend Bill, page 1, lines 1 through 8, by striking out all of  
2 said lines and inserting

3 Amending Title 67 (Public Welfare) of the Pennsylvania  
4 Consolidated Statutes, in preliminary provisions, further  
5 providing for definitions; in medical assistance hearings and  
6 appeals, further providing for definitions; in public welfare  
7 generally, providing for adoption opportunities and for  
8 family finding and kinship care; establishing the Kinship  
9 Care Program and the Subsidized Permanent Legal Custodianship  
10 Program; making related repeals; and making editorial  
11 changes.

12 Amend Bill, page 1, lines 11 through 21; pages 2 through 8,  
13 lines 1 through 30; page 9, lines 1 through 6; by striking out  
14 all of said lines on said pages and inserting

15 Section 1. Section 101 of Title 67 of the Pennsylvania  
16 Consolidated Statutes is amended to read:  
17 § 101. Definitions.

18 The following words and phrases when used in this [chapter]  
19 title shall have the meanings given to them in this section  
20 unless the context clearly indicates otherwise:

21 "Department." The Department of [Public Welfare] Human  
22 Services of the Commonwealth.

23 "Secretary." The Secretary of [the Department of Public  
24 Welfare] Human Services of [this] the Commonwealth.

25 Section 2. Part II heading of Title 67 is amended to read:

26 PART II  
27 [PUBLIC WELFARE] HUMAN SERVICES GENERALLY

28 Section 3. The definitions of "bureau" and "program" in  
29 section 1101 of Title 67 are amended to read:  
30 § 1101. Definitions.

31 The following words and phrases when used in this chapter  
32 shall have the meanings given to them in this section unless the  
33 context clearly indicates otherwise:

34 "Bureau." The Bureau of Hearings and Appeals of the  
35 Department of [Public Welfare] Human Services.

1 \* \* \*

2 "Program." The medical assistance program established by  
3 subarticle (f) of Article IV of the act of June 13, 1967  
4 (P.L.31, No.21), known as the [Public Welfare] Human Services  
5 Code.

6 \* \* \*

7 Section 4. Part II of Title 67 is amended by adding chapters  
8 to read:

9 CHAPTER 21

10 ADOPTION OPPORTUNITIES

11 Sec.

12 2101. Declaration of purpose.

13 2102. Definitions.

14 2103. Regulations.

15 2104. Adoption opportunity payments and reimbursement.

16 § 2101. Declaration of purpose.

17 This chapter shall be interpreted and construed to effect the  
18 purpose of encouraging and promoting the placement of children  
19 who have disabilities or are hard to place by virtue of age,  
20 sibling relationship or ethnicity in adoptive homes.

21 § 2102. Definitions.

22 The following words and phrases when used in this chapter  
23 shall have the meanings given to them in this section unless the  
24 context clearly indicates otherwise:

25 "Adoption opportunity." A subsidy which may include:

26 (1) maintenance costs;

27 (2) medical, surgical and psychological expenses; and

28 (3) other costs incident to the adoption.

29 "Child." An individual who:

30 (1) is under the age of 18 years; or

31 (2) is under the age of 21 years and attained 13 years  
32 of age before the adoption assistance agreement became  
33 effective and is:

34 (i) completing secondary education or an equivalent  
35 credential;

36 (ii) enrolled in an institution that provides  
37 postsecondary or vocational education;

38 (iii) participating in a program actively designed  
39 to promote or remove barriers to employment;

40 (iv) employed for at least 80 hours per month; or

41 (v) incapable of doing any of the activities

42 described in subparagraph (i), (ii), (iii) or (iv) due to  
43 a medical or behavioral health condition that is  
44 supported by regularly updated information in the  
45 permanency plan of the child.

46 "County agency." The county children and youth social  
47 service agency exercising the power and duties provided for in  
48 section 405 of the act of June 24, 1937 (P.L.2017, No.396),  
49 known as the County Institution District Law, or its successor,  
50 and supervised by the department under Article IX of the act of  
51 June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

1 "Eligible child." A child in the legal custody of the county  
2 agency where parental rights have been terminated pursuant to  
3 the procedure set forth in 23 Pa.C.S. Pt. III (relating to  
4 adoption) and who has been in foster placement for a period of  
5 not less than six months and shown to be difficult to adopt  
6 because of a disability or by virtue of age, sibling  
7 relationship or ethnicity. A child in the legal custody of an  
8 agency approved by the department shall be an eligible child if  
9 the child is certified as eligible by the county agency.

10 § 2103. Regulations.

11 (a) Duty of department.--The department may establish and  
12 develop criteria and promulgate necessary regulations for county  
13 agencies to implement an adoption opportunity in accordance with  
14 the provisions of this chapter.

15 (b) Content.--The regulations shall include, but are not  
16 limited to, the following:

17 (1) Criteria for identifying eligible children and  
18 adoptive homes.

19 (2) Procedures for implementing the adoption opportunity  
20 payment.

21 (3) Reporting requirements by county agencies.

22 § 2104. Adoption opportunity payments and reimbursement.

23 (a) Amount.--The amount of adoption opportunity payment for  
24 maintenance costs to an adoptive family shall not exceed the  
25 monthly payment rate for foster family care in the county in  
26 which the child resides.

27 (b) County reimbursement.--The department shall reimburse  
28 county agencies for at least 80% of the cost of an adoption  
29 opportunity provided by the county agency under this chapter if  
30 the county agency complies with the reporting requirements  
31 established by the department under section 2103 (relating to  
32 regulations).

33 (c) Limitation.--No public money shall be expended under  
34 this chapter on behalf of an eligible child until all available  
35 benefits under existing or future, private, public, local, State  
36 or Federal programs have been exhausted. Notwithstanding any  
37 other provision of law, adoptive families subsidized under the  
38 provisions of this chapter shall not be liable under the  
39 provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96,  
40 No.6), known as the Mental Health and Intellectual Disability  
41 Act of 1966, or 23 Pa.C.S. Ch. 46 (relating to support of the  
42 indigent) in the event that the adopted child needs services or  
43 assistance under the provisions of Article IV of the act of June  
44 13, 1967 (P.L.31, No.21), known as the Human Services Code, or  
45 under the provisions of the Mental Health and Intellectual  
46 Disability Act of 1966.

47 CHAPTER 31

48 FAMILY FINDING AND KINSHIP CARE

49 Sec.

50 3101. Legislative intent.

51 3102. Definitions.

- 1 3103. Family finding required.
- 2 3104. Discontinuance of family finding.
- 3 3105. Kinship Care Program.
- 4 3106. Subsidized Permanent Legal Custodianship Program.
- 5 3107. Permanent legal custodianship subsidy and reimbursement.
- 6 § 3101. Legislative intent.

7 This chapter is intended to ensure that family finding occurs  
8 on an ongoing basis for all children entering the child welfare  
9 system. This chapter is also intended to promote the use of  
10 kinship care when it is necessary to remove a child from the  
11 child's home in an effort to:

12 (1) Identify and build positive connections between the  
13 child and the child's relatives and kin.

14 (2) Support the engagement of relatives and kin in  
15 children and youth social service planning and delivery.

16 (3) Create a network of extended family support to  
17 assist in remedying the concerns that led the child to be  
18 involved with the county agency.

19 § 3102. Definitions.

20 The following words and phrases when used in this chapter  
21 shall have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23 "Accept for service." Decide on the basis of the needs and  
24 problems of an individual to admit or receive the individual as  
25 a client of the county agency or as required by a court order  
26 entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

27 "Child." An individual who:

28 (1) is under 18 years of age; or

29 (2) is under 21 years of age and attained 13 years of  
30 age before the subsidized permanent legal custodianship  
31 agreement became effective and is:

32 (i) completing secondary education or an equivalent  
33 credential;

34 (ii) enrolled in an institution that provides  
35 postsecondary or vocational education;

36 (iii) participating in a program actively designed  
37 to promote or remove barriers to employment;

38 (iv) employed for at least 80 hours per month; or

39 (v) incapable of doing any of the activities  
40 described in subparagraph (i), (ii), (iii) or (iv) due to  
41 a medical or behavioral health condition, which is  
42 supported by regularly updated information in the  
43 permanency plan of the child.

44 "County agency." The county children and youth social  
45 service agency exercising the power and duties provided for in  
46 section 405 of the act of June 24, 1937 (P.L.2017, No.396),  
47 known as the County Institution District Law, or its successor,  
48 and supervised by the department under Article IX of the act of  
49 June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

50 "Eligible child." A child who meets all of the following:

51 (1) Has a court-ordered disposition of placement with a

1 permanent legal custodian pursuant to 42 Pa.C.S. § 6351(a)  
2 (2.1) (relating to disposition of dependent child).

3 (2) Has lived with an eligible permanent legal custodian  
4 for at least six months, which need not be consecutive.

5 (3) Is a citizen or an alien lawfully residing in this  
6 Commonwealth.

7 "Eligible permanent legal custodian." A relative or kin who  
8 meets all of the following:

9 (1) Whose home is approved pursuant to applicable  
10 regulations for placement of foster children.

11 (2) With whom an eligible child has resided for at least  
12 six months, which need not be consecutive.

13 (3) Who meets the requirements to be approved as a  
14 foster parent under 23 Pa.C.S. § 6344 (relating to employees  
15 having contact with children; adoptive and foster parents).

16 "Family finding." Ongoing diligent efforts between a county  
17 agency, or its contracted providers, and relatives and kin to:

18 (1) Search for and identify adult relatives and kin and  
19 engage them in children and youth social service planning and  
20 delivery.

21 (2) Gain commitment from relatives and kin to support a  
22 child or parent receiving children and youth social services.

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  
31 organized church.

32 (2) A member of the child's tribe, nation or tribal  
33 organization.

34 (3) An individual with a significant, positive  
35 relationship with the child or family.

36 "Permanent legal custodian." A person to whom legal custody  
37 of the child has been given by order of a court pursuant to 42  
38 Pa.C.S. § 6351(a) (2.1).

39 "Relative." An individual who is:

40 (1) Related within the fifth degree of consanguinity or  
41 affinity to the parent or stepparent of a child.

42 (2) At least 21 years of age.

43 "Sibling." An individual who has at least one parent in  
44 common with another individual, whether by blood, marriage or  
45 adoption, regardless of whether or not there is a termination of  
46 parental rights or parental death. The term includes biological,  
47 adoptive, stepsiblings and half siblings.

48 "Subsidized permanent legal custodianship." A court-ordered  
49 disposition of a dependent child pursuant to 42 Pa.C.S. §  
50 6351(a) (2.1) for which the child's permanent legal custodian  
51 receives a monetary payment from the county agency pursuant to a

1 subsidized permanent legal custodianship agreement.

2 "Subsidized permanent legal custodianship agreement." A  
3 written agreement signed by the director of the county agency,  
4 or a designee, and a permanent legal custodian that sets forth  
5 the terms and subsidy payments for a subsidized permanent legal  
6 custodianship.

7 "Successor permanent legal custodian." A relative or kin who  
8 meets all of the following:

9 (1) With whom an eligible child resides for any period  
10 of time.

11 (2) Who has been named as a successor in a permanent  
12 legal custodianship agreement executed by an eligible child's  
13 previous eligible permanent legal custodian.

14 (3) Who meets the requirements for employment in child-  
15 care services and approval as a foster or adoptive parent  
16 under 23 Pa.C.S. § 6344.

17 § 3103. Family finding required.

18 Family finding shall be conducted for a child when the child  
19 is accepted for service and at least annually thereafter until  
20 the child's involvement with the county agency is terminated or  
21 the family finding is discontinued in accordance with section  
22 3104 (relating to discontinuance of family finding).

23 § 3104. Discontinuance of family finding.

24 (a) General rule.--A county agency may discontinue family  
25 finding for a child under the following circumstances:

26 (1) The child has been adjudicated dependent pursuant to  
27 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court  
28 has made a specific determination that continued family  
29 finding no longer serves the best interests of the child or  
30 is a threat to the child's safety.

31 (2) The child is not under the jurisdiction of a court  
32 and the county agency has determined that continued family  
33 finding is a threat to the child's safety. A determination  
34 that continued family finding is a threat to the child's  
35 safety must be based on credible information about a specific  
36 safety threat, and the county agency shall document the  
37 reasons for the county agency's determination.

38 (3) The child is in a preadoptive placement, and court  
39 proceedings to adopt the child have been commenced pursuant  
40 to 23 Pa.C.S. Pt. III (relating to adoption).

41 (b) Resuming family finding.--Notwithstanding the provisions  
42 of subsection (a), a county agency shall resume family finding  
43 for a child if:

44 (1) the child is under the jurisdiction of a court and  
45 the court determines that resuming family finding is best  
46 suited to the safety, protection and physical, mental and  
47 moral welfare of the child and does not pose a threat to the  
48 child's safety; or

49 (2) the child is not under the jurisdiction of a court  
50 and the county agency determines that resuming family finding  
51 serves the best interest of the child and does not pose a

1 threat to the child's safety.

2 § 3105. Kinship Care Program.

3 (a) Establishment of program.--The Kinship Care Program is  
4 established in the department.

5 (b) Relative notification.--Except in situations of family  
6 or domestic violence, the county agency shall exercise due  
7 diligence to identify and notify all grandparents and other  
8 adult relatives to the fifth degree of consanguinity or affinity  
9 to the parent or stepparent of a dependent child and each parent  
10 who has legal custody of a sibling of a dependent child within  
11 30 days of the child's removal from the child's home if  
12 temporary legal and physical custody has been transferred to the  
13 county agency. The notice must explain all of the following:

14 (1) Any options under Federal and State law available to  
15 the relative to participate in the care and placement of the  
16 child, including any options that would be lost by failing to  
17 respond to the notice.

18 (2) The requirements to become a foster parent,  
19 permanent legal custodian or adoptive parent.

20 (3) The additional supports that are available for  
21 children removed from the child's home.

22 (c) Placement of children.--If a child has been removed from  
23 the child's home under a voluntary placement agreement or is in  
24 the legal custody of the county agency, the county agency shall  
25 give first consideration to placement with relatives or kin. The  
26 county agency shall document that an attempt was made to place  
27 the child with a relative or kin. If the child is not placed  
28 with a relative or kin, the agency shall document the reason why  
29 the placement was not possible.

30 (d) Regulations.--The department is authorized to promulgate  
31 regulations necessary to carry out the provisions of this  
32 chapter. The regulations shall include, but not be limited to,  
33 the following:

34 (1) Relatives and kin shall receive the same foster care  
35 rate as other foster parents if they comply with the  
36 regulations governing foster parents.

37 (2) Foster care payments received by a relative or kin  
38 who is a foster parent shall be excluded from consideration  
39 when calculating eligibility for public assistance.

40 § 3106. Subsidized Permanent Legal Custodianship Program.

41 (a) Establishment of program.--The Subsidized Permanent  
42 Legal Custodianship Program is established in the department.

43 (b) Implementation.--The department shall establish and  
44 develop criteria and is authorized to promulgate necessary  
45 regulations for county agencies to implement the Subsidized  
46 Permanent Legal Custodianship Program in accordance with the  
47 provisions of this chapter. The criteria and regulations shall  
48 include, but not be limited to, identification of eligible  
49 children and eligible permanent legal custodians, procedures for  
50 implementing the program and reporting requirements by county  
51 agencies.

1 § 3107. Permanent legal custodianship subsidy and  
2 reimbursement.

3 (a) Amount.--The amount of permanent legal custodianship  
4 subsidy for maintenance costs to a permanent legal custodian or  
5 a successor permanent legal custodian shall not exceed the  
6 monthly payment rate for foster family care in the county in  
7 which the child resides.

8 (b) County reimbursement.--The department shall reimburse  
9 the county agency for at least 80% of the cost of a permanent  
10 legal custodianship subsidy payment provided by a county agency  
11 in accordance with the provisions of this chapter, provided that  
12 the county agency complies with the requirements established by  
13 the department.

14 Section 5. Repeals are as follows:

15 (1) The General Assembly declares that the repeal under  
16 paragraph (2) is necessary to effectuate the addition of 67  
17 Pa.C.S. Ch. 21.

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

21 (3) The General Assembly declares that the repeal under  
22 paragraph (4) is necessary to effectuate the addition of 67  
23 Pa.C.S. Ch. 31.

24 (4) Article XIII of the Human Services Code is repealed.

25 Section 6. The addition of 67 Pa.C.S. Chs. 21 and 31 is a  
26 continuation of subarticle (e) of Article VII and Article XIII  
27 of the act of June 13, 1967 (P.L.31, No.21), known as the Human  
28 Services Code. The following apply:

29 (1) Except as otherwise provided in 67 Pa.C.S. Chs. 21  
30 and 31, all activities initiated under subarticle (e) of  
31 Article VII and Article XIII of the Human Services Code shall  
32 continue and remain in full force and effect and may be  
33 completed under 67 Pa.C.S. Ch. 21 or 31. Orders, regulations  
34 and decisions that were made under subarticle (e) of Article  
35 VII or Article XIII of the Human Services Code and which are  
36 in effect on the effective date of this section shall remain  
37 in full force and effect until revoked, vacated or modified  
38 under 67 Pa.C.S. Ch. 21 or 31. Contracts, obligations and  
39 agreements entered into under subarticle (e) of Article VII  
40 or Article XIII of the Human Services Code are not affected  
41 or impaired by the repeal of these provisions.

42 (2) Any difference in language between 67 Pa.C.S. Chs.  
43 21 and 31 and subarticle (e) of Article VII and Article XIII  
44 of the Human Services Code, respectively, is intended only to  
45 conform to the style of the Pennsylvania Consolidated  
46 Statutes and is not intended to change or affect the  
47 legislative intent, judicial construction or administration  
48 and implementation of subarticle (e) of Article VII and  
49 Article XIII of the Human Services Code.

50 (3) Any reference in a statute or a regulation to  
51 subarticle (e) of Article VII of the Human Services Code



1 shall be deemed a reference to 67 Pa.C.S. Ch. 21.  
2 (4) Any reference in a statute or a regulation to  
3 Article XIII of the Human Services Code shall be deemed a  
4 reference to 67 Pa.C.S. Ch. 31.  
5 Section 7. The addition of 67 Pa.C.S. Chs. 21 and 31 shall  
6 be retroactive to July 18, 2018.  
7 Section 8. This act shall take effect immediately.