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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1486 Session of  
2023

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INTRODUCED BY E. NELSON, KINSEY, LABS, HARKINS, SMITH-WADE-EL,  
MADDEN, HILL-EVANS, KIM AND HANBIDGE, JUNE 21, 2023

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REFERRED TO COMMITTEE ON HUMAN SERVICES, JUNE 21, 2023

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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 copayments for subsidized child care.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 408.3 heading, (c), (e) and (f) of the  
8 act of June 13, 1967 (P.L.31, No.21), known as the Human  
9 Services Code, are amended to read:

10 Section 408.3. [Copayments for] Subsidized Child Care.--\* \*

11 \*

12 (c) In establishing the copayment amounts pursuant to this  
13 section, all of the following shall apply:

14 (1) Copayments shall be on a sliding scale based on a  
15 percentage of the family's annual income taking into account  
16 Federal poverty income guidelines and considerations to support  
17 economic self-sufficiency. Copayments shall be updated annually.

18 (2) At the department's discretion, copayments may be  
19 imposed:

1 (i) for each child enrolled in subsidized child care;  
2 (ii) based upon family size; or  
3 (iii) in accordance with both subparagraphs (i) and (ii).  
4 (3) Copayment amounts shall be a minimum of five dollars  
5 (\$5) per week and shall increase in incremental amounts, based  
6 on a percentage of the family's annual income, as determined by  
7 the department.

8 [(3.1) At initial application, the family's annual income  
9 may not exceed two hundred percent of the Federal poverty income  
10 guidelines.]

11 [(3.2) After an initial determination or redetermination of  
12 eligibility, a child shall continue to be enrolled in subsidized  
13 child care for twelve months regardless of either of the  
14 following:]

15 (i) A temporary change in the parent or caretaker's status  
16 as working or attending a job training or educational program.

17 (ii) An increase in the family's annual income, if the  
18 income does not exceed eighty-five percent of the State median  
19 income for a family of the same size.]

20 (4) [Subject to subsection (e), a] A family's annual  
21 copayment under either paragraph (1) or (2) shall not exceed:

22 (i) eight percent of the family's annual income if the  
23 family's annual income is one hundred percent of the Federal  
24 poverty income guideline or less;

25 (ii) eleven percent of the family's annual income if the  
26 family's annual income exceeds one hundred percent of the  
27 Federal poverty income guideline, but is not more than two  
28 hundred fifty percent of the Federal poverty income guideline;

29 (iii) thirteen percent of the family's annual income if the  
30 family's annual income exceeds two hundred fifty percent of the

1 Federal poverty income guideline, but is not more than two  
2 hundred seventy-five percent of the Federal poverty income  
3 guideline; or

4 (iv) beginning after July 1, 2017, fifteen percent of the  
5 family's annual income if the family's annual income exceeds two  
6 hundred seventy-five percent of the Federal poverty income  
7 guideline, but is not more than three hundred percent of the  
8 Federal poverty income guideline or eighty-five percent of the  
9 State median income, whichever is lower.

10 (5) Notwithstanding this subsection, beginning with State  
11 fiscal year 2012-2013, the department may adjust the annual  
12 copayment percentages specified in this subsection by  
13 promulgation of final-omitted regulations under section 204 of  
14 the act of July 31, 1968 (P.L.769, No.240), referred to as the  
15 "Commonwealth Documents Law."

16 [(6) Subject to subsection (e), at a redetermination, after  
17 June 30, 2017, a family that exceeds the minimum work  
18 requirements as a result of each parent or caretaker or, in the  
19 case of a single-parent household, as a result of the sole  
20 parent or caretaker, by working additional wage-earning hours  
21 shall have a reduced copayment, not to be less than that which  
22 is set forth under paragraph (3). This paragraph shall apply  
23 only to a family that, after mutually qualifying for and  
24 receiving subsidized child care and being current on the  
25 required copayments as set forth in this subsection, increases  
26 its average work week after the effective date of this paragraph  
27 and has increased the family's annual income as a result of  
28 working additional wage-earning hours. The copayment deduction  
29 shall be applied as follows:

30 (i) For an average work week of at least twenty-five wage-

1 earning hours per parent or caretaker, a three-quarters of one  
2 percent deduction from the amount set forth under this  
3 subsection.

4 (ii) For an average work week of at least thirty wage-  
5 earning hours per parent or caretaker, a one and one-half  
6 percent deduction from the amount set forth under this  
7 subsection.

8 (iii) For an average work week of at least thirty-five wage-  
9 earning hours per parent or caretaker, a two and one-quarter  
10 percent deduction from the amount set forth under this  
11 subsection.

12 (iv) For an average work week of at least forty wage-earning  
13 hours per parent or caretaker, a three percent deduction from  
14 the amount set forth under this subsection.

15 (7) At its redetermination of eligibility, a parent or  
16 caretaker shall provide documentation of its average work week  
17 hours to receive the child care copayment deduction. The  
18 department shall apply the copayment deduction after receiving  
19 the required documentation.

20 (8) A family that has previously qualified for a deduction  
21 in the child care copayment shall continue to remain eligible  
22 for the copayment deduction if:

23 (i) the family's annual income does not exceed three hundred  
24 percent of the Federal poverty income guideline or eighty-five  
25 percent of the State median income, whichever is lower;

26 (ii) the parent or caretaker has been in compliance with  
27 paragraph (7);

28 (iii) the parent or caretaker continues to exceed the  
29 minimum work requirements by working additional wage-earning  
30 hours;

1 (iv) the family's annual income has increased as a result of  
2 working additional wage-earning hours; and

3 (v) the parent or caretaker is current and remains current  
4 with making its copayment to the child care provider.

5 (9) The average work week of a family shall be calculated by  
6 reviewing the family's income statements and taking the number  
7 of hours worked per parent over a twelve-month period and  
8 dividing by fifty-two.]

9 \* \* \*

10 (e) [To the extent that money is appropriated for the  
11 purpose, the department shall increase eligibility under  
12 subsection (c)(4) for subsidized child care from two hundred  
13 thirty-five percent of the Federal poverty income guideline up  
14 to three hundred percent of the Federal poverty income guideline  
15 and shall apply a copayment deduction under subsection (c)(6).  
16 The department shall not be required to maintain eligibility  
17 above two hundred thirty-five percent of the Federal poverty  
18 income guideline or apply a copayment deduction unless funding  
19 is appropriated by the General Assembly.

20 (f) As used in this section, "wage-earning hours" means  
21 hours for which an individual is financially compensated by an  
22 employer. The term does not include hours spent volunteering, in  
23 education or in job training, unless those hours are compensated  
24 as a condition of employment.] The following shall apply to  
25 eligibility for subsidized child care:

26 (1) At an initial determination, the family's annual income  
27 may not exceed two hundred percent of the Federal poverty income  
28 guidelines.

29 (2) At a redetermination, the following shall apply:

30 (i) Except as provided under subparagraph (ii), the family's

1 annual income may not exceed two hundred thirty-five percent of  
2 the Federal poverty income guidelines or eighty-five percent of  
3 the State median income for a family of the same size, whichever  
4 is lower.

5 (ii) To the extent that money is appropriated by the General  
6 Assembly for the purpose of this section, the family's annual  
7 income may not exceed three hundred percent of the Federal  
8 poverty income guidelines or eighty-five percent of the State  
9 median income for a family of the same size, whichever is lower.

10 (3) For twelve months after an initial determination under  
11 paragraph (1) or a redetermination of eligibility under  
12 paragraph (2), a child shall remain eligible for subsidized  
13 child care regardless of either of the following:

14 (i) A temporary change in the parent or caretaker's status  
15 as working or attending a job training or educational program.

16 (ii) An increase in the family's annual income, if the  
17 income does not exceed eighty-five percent of the State median  
18 income for a family of the same size.

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