

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2858 Session of 2022

INTRODUCED BY PASHINSKI, BOBACK, SOLOMON, HENNESSEY, HILL-EVANS, ZABEL, BURGOS, SCHNEE, KENYATTA, SANCHEZ, SCHLOSSBERG, HOHENSTEIN, MADDEN, KIM, DELLOSO, T. DAVIS, HANBIDGE, PISCIOTTANO, KINSEY, CURRY, HARKINS, BULLOCK, WELBY, LONGIETTI, PARKER, McNEILL, SAMUELSON, CEPHAS AND GUENST, SEPTEMBER 29, 2022

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, SEPTEMBER 29, 2022

AN ACT

1 Amending Title 67 (Public Welfare) of the Pennsylvania
2 Consolidated Statutes, in family finding and kinship care,
3 providing for Legal Services for Kinship Care Families Grant
4 Program; establishing the Legal Services for Kinship Care
5 Families Grant Fund; and making an appropriation.

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

8 Section 1. Title 67 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 3108. Legal Services for Kinship Care Families Grant Program.

11 (a) Establishment.--The Legal Services for Kinship Care
12 Families Grant Program is established within the department.

13 (b) Grants.--Subject to the availability of funds, the
14 department shall award grants to qualified legal services
15 entities to provide legal services to kinship caregivers and
16 kinship caregivers' families.

17 (c) Eligibility for grant award.--In order to receive a

grant award under this section, a legal services entity must:

(1) Be a not-for-profit organization located within this Commonwealth.

(2) Be tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

(3) Operate primarily in this Commonwealth.

(4) Have at least three years of experience providing legal services related to kinship care or similar civil legal services.

(5) Have a primary purpose of providing to individuals civil legal services without a fee or at a subsidized rate.

(d) Eligibility for legal services.--

(1) Grant money awarded by the department to a legal services entity may be used for administrative, civil legal services and other costs associated with a kinship caregiver to ensure the safety and welfare of the child in kinship care, including:

(i) Guardianship.

(ii) Adoption.

(iii) Power of attorney for medical and educational care.

(iv) Mediation.

(v) Custody.

(2) A legal services entity may only use grant money for the costs associated with a kinship caregiver if:

(i) The kinship caregiver is a resident of this Commonwealth, regardless of citizenship or length of residence in this Commonwealth.

(ii) The monthly gross income of the kinship

1 caregiver's family does not exceed 250% of the Federal
2 poverty guidelines, as published annually in the Federal
3 Register by the United States Department of Health and
4 Human Services, adjusted according to household size or
5 the kinship caregiver is currently receiving public
6 assistance under Medial Assistance or Supplemental
7 Nutrition Assistance.

8 (e) Prohibitions.--A legal services entity may not use grant
9 money for political and lobbying activities, defense of criminal
10 prosecutions or juvenile delinquency or other proceedings
11 unrelated to the safety, stability or economic security of
12 kinship care.

13 (f) Evaluation of applicants.--The department shall evaluate
14 applications received under this section for compatibility with
15 the program's intent, including awarding grants to legal
16 services entities that demonstrate:

17 (1) A primary mission to providing civil legal
18 assistance to kinship caregivers and families.

19 (2) Sufficient personnel and the expertise necessary to
20 deliver the services required under this section.

21 (3) Broad community support and the support and
22 cooperation of local programs through letters of support or
23 other evidence.

24 (g) Duration.--Grants shall be awarded for a one-year term
25 on an annual basis. The amount of grants available for
26 distribution may change each year based on the amount of funds
27 appropriated to the department and the cost of administering the
28 grants.

29 (h) Priority of applications.--Priority shall be given to
30 legal services entities that:

1 (1) Serve vulnerable segments of the population.

2 (2) Expand access to hard-to-reach segments of the
3 population.

4 (3) Apply creative and innovative approaches that could
5 significantly enhance access, increase efficiency or improve
6 service quality.

7 (i) Reports.--Legal services entities that are awarded
8 grants under this section shall prepare and submit a report to
9 the department on an annual basis, and the department shall
10 publish the reports on the department's publicly accessible
11 Internet website. The report shall include:

12 (1) The total number of individuals provided legal
13 assistance from the grant award and de-identifiable
14 information about the individuals, including gender, race,
15 ethnicity, age, county of residence, household size,
16 approximate household income and receipt of ongoing public
17 assistance at the time legal services were initiated.

18 (2) The outcomes of the cases of individuals provided
19 legal services.

20 (3) Legal issues addressed by the legal services entity.

21 (4) The expenditure of grant money by the recipient to
22 assist kinship caregivers and families throughout this
23 Commonwealth.

24 (5) The number of instances when kinship caregivers
25 sought legal assistance from a legal services entity grant
26 recipient under this section, but were not able to obtain
27 legal services and the reasons why legal services were not
28 provided.

29 (6) The amount of unexpended grant money, if applicable.

30 (7) Recommendations for improvements to access and

1 availability of legal assistance to kinship caregivers and
2 families.

3 (8) Other information deemed necessary by the
4 department.

5 (j) Regulations.--The department may promulgate regulations
6 as necessary to implement and administer the program.

7 (k) Fund.--

8 (1) The Legal Services for Kinship Care Families Grant
9 Fund is established within the State Treasury. Money in the
10 fund shall be used for the purpose specified in this section.

11 (2) Money in the fund is appropriated on a continuing
12 basis to the department to award grants under this section.

13 (3) The sum of \$750,000 shall be transferred from the
14 General Fund to the fund.

15 (l) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection unless the context clearly indicates otherwise:

18 "Fund." The Legal Services for Kinship Care Families Grant
19 Fund established under subsection (k).

20 "Kinship caregiver." An individual who:

21 (1) Is at least 21 years of age.

22 (2) Lives with and is responsible for the care of a
23 child under 18 years of age.

24 (3) Is related within the fifth degree of consanguinity
25 or affinity to the parent or stepparent of the child under 18
26 years of age.

27 "Legal services entity." An organization that provides
28 comprehensive and effective legal assistance related to kinship
29 care to individuals within this Commonwealth.

30 "Program." The Legal Services for Kinship Care Families

1 Grant Program established under subsection (a).

2 Section 2. This act shall take effect in 180 days.