

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 32

Session of
2001

INTRODUCED BY YOUNGBLOOD, THOMAS, BEBKO-JONES, STABACK, HARHAI, LAUGHLIN, CAPPABIANCA, MANDERINO, BELARDI, GEORGE, GRUCELA, S. MILLER, SATHER, SCRIMENTI, STEELMAN, E. Z. TAYLOR, TIGUE, C. WILLIAMS, WOJNAROSKI, BARD, CIVERA, CRUZ, JOSEPHS, HORSEY, BELFANTI, R. MILLER, BOYES AND JAMES, JANUARY 23, 2001

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 23, 2001

AN ACT

1 Establishing the Kinship Care Program.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Kinship Care
6 Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "County agency." The county children and youth social
12 service agency exercising the power and duties provided for in
13 section 405 of the act of June 24, 1937 (P.L.2017, No.396),
14 known as the County Institution District Law, or its successor,
15 and supervised by the Department of Public Welfare under Article

1 IX of the act of June 13, 1967 (P.L.31, No.21), known as the
2 Public Welfare Code.

3 "Department." The Department of Public Welfare of the
4 Commonwealth.

5 "Foster parent." An individual approved by a public or
6 private foster family care agency to provide foster family care
7 services to a child who is temporarily separated from his or her
8 legal family and placed in the legal custody of an agency.

9 Section 3. Kinship Care Program.

10 (a) Establishment of program.--There is established the
11 Kinship Care Program in the Department of Public Welfare.

12 (b) Placement of children.--When a child has been removed
13 from his home under a voluntary placement agreement or is in the
14 legal custody of the county agency, the county agency shall give
15 first consideration of placement to relatives before other forms
16 of placement are explored. The county agency shall document that
17 an attempt was made to place the child with a relative. If the
18 child ~~was~~ IS not placed with a relative, there shall be <—
19 documentation which indicates why this ~~is~~ WAS not possible. <—

20 (c) Regulations.--The department shall promulgate
21 regulations necessary to carry out the provisions of this act.
22 These regulations shall reflect that relatives may receive the
23 same foster care rate as other foster parents if they are
24 complying with the rules and regulations governing foster
25 parents. ~~The payments received by~~ ANY FOSTER CARE PAYMENTS <—
26 RECEIVED BY A RELATIVE WHO IS a foster parent shall be excluded
27 from consideration when calculating the recipient's eligibility
28 for public welfare assistance. Regulations promulgated by the
29 department shall be subject to review pursuant to the act of
30 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review

1 Act.

2 (d) Definition.--As used in this section, the term
3 "relative" includes someone related within the first, second or
4 third degree to the parent or stepparent of the child who may be
5 related through blood or marriage and who is at least 21 years
6 of age.

7 Section 4. Severability.

8 If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity
10 shall not affect other provisions or applications of the act
11 which can be given effect without the invalid provision or
12 application, and to this end the provisions of this act are
13 declared severable.

14 Section 5. Repeal.

15 All acts and parts of acts are repealed insofar as they are
16 inconsistent with this act.

17 Section 6. Effective date.

18 This act shall take effect in six months.