

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1650 Session of  
2021

INTRODUCED BY DELOZIER AND DeLISSIO, JUNE 16, 2021

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JUNE 16, 2021

AN ACT

1 Amending Title 67 (Public Welfare) of the Pennsylvania  
2 Consolidated Statutes, in human services generally,  
3 reorganizing provisions relating to adoption opportunities  
4 and to family finding and kinship care; and making editorial  
5 changes.

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

8 Section 1. Chapter 1 heading of Title 67 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 CHAPTER 1

11 [PRELIMINARY] GENERAL PROVISIONS

12 Section 2. Title 67 is amended by adding a chapter to read:

13 CHAPTER 3

14 ADMINISTRATION

15 Sec.

16 301. (Reserved).

17 § 301. (Reserved).

18 Section 3. Part II heading of Title 67 is amended to read:

19 PART II

20 [HUMAN SERVICES GENERALLY] MEDICAL ASSISTANCE

1 Section 4. Title 67 is amended by adding a chapter  
2 immediately following Part II heading to read:

3 CHAPTER 7

4 (Reserved)

5 Section 5. Chapters 21 and 31 of Title 67 are repealed:

6 [CHAPTER 21

7 ADOPTION OPPORTUNITIES

8 Sec.

9 2101. Declaration of purpose.

10 2102. Definitions.

11 2103. Regulations.

12 2104. Adoption opportunity payments and reimbursement.

13 § 2101. Declaration of purpose.

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

18 § 2102. Definitions.

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

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

23 (1) maintenance costs;

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

25 (3) other costs incident to the adoption.

26 "Child." An individual who:

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

28 (2) is under the age of 21 years and attained 13 years

29 of age before the adoption assistance agreement became

30 effective and is:

1 (i) completing secondary education or an equivalent  
2 credential;

3 (ii) enrolled in an institution that provides  
4 postsecondary or vocational education;

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

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

8 (v) incapable of doing any of the activities  
9 described in subparagraph (i), (ii), (iii) or (iv) due to  
10 a medical or behavioral health condition that is  
11 supported by regularly updated information in the  
12 permanency plan of the child.

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

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

28 § 2103. Regulations.

29 (a) Duty of department.--The department may establish and  
30 develop criteria and promulgate necessary regulations for county

1 agencies to implement an adoption opportunity in accordance with  
2 the provisions of this chapter.

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

5 (1) Criteria for identifying eligible children and  
6 adoptive homes.

7 (2) Procedures for implementing the adoption opportunity  
8 payment.

9 (3) Reporting requirements by county agencies.

10 § 2104. Adoption opportunity payments and reimbursement.

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

15 (b) County reimbursement.--The department shall reimburse  
16 county agencies for at least 80% of the cost of an adoption  
17 opportunity provided by the county agency under this chapter if  
18 the county agency complies with the reporting requirements  
19 established by the department under section 2103 (relating to  
20 regulations).

21 (c) Limitation.--No public money shall be expended under  
22 this chapter on behalf of an eligible child until all available  
23 benefits under existing or future private, public, local, State  
24 or Federal programs have been exhausted. Notwithstanding any  
25 other provision of law, adoptive families subsidized under the  
26 provisions of this chapter shall not be liable under the  
27 provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96,  
28 No.6), known as the Mental Health and Intellectual Disability  
29 Act of 1966, or 23 Pa.C.S. Ch. 46 (relating to support of the  
30 indigent) in the event that the adopted child needs services or

1 assistance under the provisions of Article IV of the act of June  
2 13, 1967 (P.L.31, No.21), known as the Human Services Code, or  
3 under the provisions of the Mental Health and Intellectual  
4 Disability Act of 1966.

5 CHAPTER 31

6 FAMILY FINDING AND KINSHIP CARE

7 Sec.

8 3101. Legislative intent.

9 3102. Definitions.

10 3103. Family finding required.

11 3104. Discontinuance of family finding.

12 3105. Kinship Care Program.

13 3106. Subsidized Permanent Legal Custodianship Program.

14 3107. Permanent legal custodianship subsidy and reimbursement.

15 § 3101. Legislative intent.

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

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

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

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

28 § 3102. Definitions.

29 The following words and phrases when used in this chapter  
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

6 "Child." An individual who:

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

8 (2) is under 21 years of age and attained 13 years of  
9 age before the subsidized permanent legal custodianship

10 agreement became effective and is:

11 (i) completing secondary education or an equivalent  
12 credential;

13 (ii) enrolled in an institution that provides  
14 postsecondary or vocational education;

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

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

18 (v) incapable of doing any of the activities  
19 described in subparagraph (i), (ii), (iii) or (iv) due to  
20 a medical or behavioral health condition, which is  
21 supported by regularly updated information in the  
22 permanency plan of the child.

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

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

30 (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

1 organized church.

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

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

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

9 "Relative." An individual who is:

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

12 (2) At least 21 years of age.

13 "Sibling." An individual who has at least one parent in  
14 common with another individual, whether by blood, marriage or  
15 adoption, regardless of whether or not there is a termination of  
16 parental rights or parental death. The term includes biological,  
17 adoptive, stepsiblings and half-siblings.

18 "Subsidized permanent legal custodianship." A court-ordered  
19 disposition of a dependent child pursuant to 42 Pa.C.S. §  
20 6351(a)(2.1) for which the child's permanent legal custodian  
21 receives a monetary payment from the county agency pursuant to a  
22 subsidized permanent legal custodianship agreement.

23 "Subsidized permanent legal custodianship agreement." A  
24 written agreement signed by the director of the county agency,  
25 or a designee, and a permanent legal custodian that sets forth  
26 the terms and subsidy payments for a subsidized permanent legal  
27 custodianship.

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

30 (1) With whom an eligible child resides for any period



1 of time.

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

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

8 § 3103. Family finding required.

9 Family finding shall be conducted for a child when the child  
10 is accepted for service and at least annually thereafter until  
11 the child's involvement with the county agency is terminated or  
12 the family finding is discontinued in accordance with section  
13 3104 (relating to discontinuance of family finding).

14 § 3104. Discontinuance of family finding.

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

17 (1) The child has been adjudicated dependent pursuant to  
18 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court  
19 has made a specific determination that continued family  
20 finding no longer serves the best interests of the child or  
21 is a threat to the child's safety.

22 (2) The child is not under the jurisdiction of a court  
23 and the county agency has determined that continued family  
24 finding is a threat to the child's safety. A determination  
25 that continued family finding is a threat to the child's  
26 safety must be based on credible information about a specific  
27 safety threat, and the county agency shall document the  
28 reasons for the county agency's determination.

29 (3) The child is in a preadoptive placement, and court  
30 proceedings to adopt the child have been commenced pursuant

1 to 23 Pa.C.S. Pt. III (relating to adoption).

2 (b) Resuming family finding.--Notwithstanding the provisions  
3 of subsection (a), a county agency shall resume family finding  
4 for a child if:

5 (1) the child is under the jurisdiction of a court and  
6 the court determines that resuming family finding is best  
7 suited to the safety, protection and physical, mental and  
8 moral welfare of the child and does not pose a threat to the  
9 child's safety; or

10 (2) the child is not under the jurisdiction of a court  
11 and the county agency determines that resuming family finding  
12 serves the best interests of the child and does not pose a  
13 threat to the child's safety.

14 § 3105. Kinship Care Program.

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

17 (b) Relative notification.--Except in situations of family  
18 or domestic violence, the county agency shall exercise due  
19 diligence to identify and notify all grandparents and other  
20 adult relatives to the fifth degree of consanguinity or affinity  
21 to the parent or stepparent of a dependent child and each parent  
22 who has legal custody of a sibling of a dependent child within  
23 30 days of the child's removal from the child's home if  
24 temporary legal and physical custody has been transferred to the  
25 county agency. The notice must explain all of the following:

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

30 (2) The requirements to become a foster parent,

1 permanent legal custodian or adoptive parent.

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

4 (c) Placement of children.--If a child has been removed from  
5 the child's home under a voluntary placement agreement or is in  
6 the legal custody of the county agency, the county agency shall  
7 give first consideration to placement with relatives or kin. The  
8 county agency shall document that an attempt was made to place  
9 the child with a relative or kin. If the child is not placed  
10 with a relative or kin, the agency shall document the reason why  
11 the placement was not possible.

12 (d) Regulations.--The department is authorized to promulgate  
13 regulations necessary to carry out the provisions of this  
14 chapter. The regulations shall include, but not be limited to,  
15 the following:

16 (1) Relatives and kin shall receive the same foster care  
17 rate as other foster parents if they comply with the  
18 regulations governing foster parents.

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

22 § 3106. Subsidized Permanent Legal Custodianship Program.

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

25 (b) Implementation.--The department shall establish and  
26 develop criteria and is authorized to promulgate necessary  
27 regulations for county agencies to implement the Subsidized  
28 Permanent Legal Custodianship Program in accordance with the  
29 provisions of this chapter. The criteria and regulations shall  
30 include, but not be limited to, identification of eligible

1 children and eligible permanent legal custodians, procedures for  
2 implementing the program and reporting requirements by county  
3 agencies.

4 § 3107. Permanent legal custodianship subsidy and  
5 reimbursement.

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

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

17 Section 6. Part III heading of Title 67 is amended to read:

18 PART III

19 [INSTITUTION DISTRICTS (Reserved)]

20 MENTAL HEALTH AND INTELLECTUAL DISABILITIES

21 Section 7. Title 67 is amended by adding a chapter  
22 immediately following Part III heading to read:

23 CHAPTER 51

24 (Reserved)

25 Section 8. Part IV heading of Title 67 is amended to read:

26 PART IV

27 [MISCELLANEOUS PROVISIONS] CHILDREN, YOUTH AND FAMILIES

28 Section 9. Title 67 is amended by adding chapters  
29 immediately following Part IV heading to read:

30 CHAPTER 71

1 FAMILY FINDING AND KINSHIP CARE

2 Sec.

3 7101. Legislative intent.

4 7102. Definitions.

5 7103. Family finding required.

6 7104. Discontinuance of family finding.

7 7105. Kinship Care Program.

8 7106. Subsidized Permanent Legal Custodianship Program.

9 7107. Permanent legal custodianship subsidy and reimbursement.

10 § 7101. Legislative intent.

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

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

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

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

23 § 7102. Definitions.

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

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

1 "Child." An individual who:

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

3 (2) is under 21 years of age and attained 13 years of  
4 age before the subsidized permanent legal custodianship  
5 agreement became effective and is:

6 (i) completing secondary education or an equivalent  
7 credential;

8 (ii) enrolled in an institution that provides  
9 postsecondary or vocational education;

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

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

13 (v) incapable of doing any of the activities  
14 described in subparagraph (i), (ii), (iii) or (iv) due to  
15 a medical or behavioral health condition, which is  
16 supported by regularly updated information in the  
17 permanency plan of the child.

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

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

25 (1) Has a court-ordered disposition of placement with a  
26 permanent legal custodian under 42 Pa.C.S. § 6351(a)(2.1)  
27 (relating to disposition of dependent child).

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

30 (3) Is a citizen or an alien lawfully residing in this

1 Commonwealth.

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

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

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

8 (3) The requirements to be approved as a foster parent  
9 under 23 Pa.C.S. § 6344 (relating to employees having contact  
10 with children; adoptive and foster parents).

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

13 (1) Search for and identify adult relatives and kin and  
14 engage them in children and youth social service planning and  
15 delivery.

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

18 "Foster parent." An individual approved by a public or  
19 private foster family care agency to provide foster family care  
20 services to a child who is temporarily separated from the  
21 child's legal family and placed in the legal custody of an  
22 agency.

23 "Kin." An individual 21 years of age or older who is one of  
24 the following:

25 (1) A godparent of the child as recognized by an  
26 organized church.

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

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

1 "Permanent legal custodian." A person to whom legal custody  
2 of the child has been given by order of a court under 42 Pa.C.S.  
3 § 6351(a)(2.1).

4 "Relative." An individual who is:

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

7 (2) At least 21 years of age.

8 "Sibling." An individual who has at least one parent in  
9 common with another individual, whether by blood, marriage or  
10 adoption, regardless of whether or not there is a termination of  
11 parental rights or parental death. The term includes biological,  
12 adoptive, stepsiblings and half-siblings.

13 "Subsidized permanent legal custodianship." A court-ordered  
14 disposition of a dependent child under 42 Pa.C.S. § 6351(a)(2.1)  
15 for which the child's permanent legal custodian receives a  
16 monetary payment from the county agency pursuant to a subsidized  
17 permanent legal custodianship agreement.

18 "Subsidized permanent legal custodianship agreement." A  
19 written agreement signed by the director of the county agency,  
20 or a designee, and a permanent legal custodian that sets forth  
21 the terms and subsidy payments for a subsidized permanent legal  
22 custodianship.

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

25 (1) With whom an eligible child resides for any period  
26 of time.

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

30 (3) The requirements for employment in child-care



1 services and approval as a foster or adoptive parent under 23  
2 Pa.C.S. § 6344.

3 § 7103. Family finding required.

4 Family finding shall be conducted for a child when the child  
5 is accepted for service and at least annually thereafter until  
6 the child's involvement with the county agency is terminated or  
7 the family finding is discontinued in accordance with section  
8 7104 (relating to discontinuance of family finding).

9 § 7104. Discontinuance of family finding.

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

12 (1) The child has been adjudicated dependent under 42  
13 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court has  
14 made a specific determination that continued family finding  
15 no longer serves the best interests of the child or is a  
16 threat to the child's safety.

17 (2) The child is not under the jurisdiction of a court,  
18 and the county agency has determined that continued family  
19 finding is a threat to the child's safety. A determination  
20 that continued family finding is a threat to the child's  
21 safety must be based on credible information about a specific  
22 safety threat, and the county agency shall document the  
23 reasons for the county agency's determination.

24 (3) The child is in a preadoptive placement, and court  
25 proceedings to adopt the child have been commenced under 23  
26 Pa.C.S. Pt. III (relating to adoption).

27 (b) Resuming family finding.--Notwithstanding the provisions  
28 of subsection (a), a county agency shall resume family finding  
29 for a child if:

30 (1) the child is under the jurisdiction of a court and

1 the court determines that resuming family finding is best  
2 suited to the safety, protection and physical, mental and  
3 moral welfare of the child and does not pose a threat to the  
4 child's safety; or

5 (2) the child is not under the jurisdiction of a court  
6 and the county agency determines that resuming family finding  
7 serves the best interests of the child and does not pose a  
8 threat to the child's safety.

9 § 7105. Kinship Care Program.

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

12 (b) Relative notification.--Except in situations of family  
13 or domestic violence, the county agency shall exercise due  
14 diligence to identify and notify all grandparents and other  
15 adult relatives to the fifth degree of consanguinity or affinity  
16 to the parent or stepparent of a dependent child and each parent  
17 who has legal custody of a sibling of a dependent child within  
18 30 days of the child's removal from the child's home if  
19 temporary legal and physical custody has been transferred to the  
20 county agency. The notice must explain all of the following:

21 (1) Options under Federal and State law available to the  
22 relative to participate in the care and placement of the  
23 child, including any options that would be lost by failing to  
24 respond to the notice.

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

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

29 (c) Placement of children.--If a child has been removed from  
30 the child's home under a voluntary placement agreement or is in

1 the legal custody of the county agency, the county agency shall  
2 give first consideration to placement with relatives or kin. The  
3 county agency shall document that an attempt was made to place  
4 the child with a relative or kin. If the child is not placed  
5 with a relative or kin, the agency shall document the reason why  
6 the placement was not possible.

7 (d) Regulations.--The department is authorized to promulgate  
8 regulations necessary to carry out the provisions of this  
9 chapter. The regulations shall include, but not be limited to,  
10 the following:

11 (1) Relatives and kin shall receive the same foster care  
12 rate as other foster parents if they comply with the  
13 regulations governing foster parents.

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

17 § 7106. Subsidized Permanent Legal Custodianship Program.

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

20 (b) Implementation.--The department shall establish and  
21 develop criteria and is authorized to promulgate necessary  
22 regulations for county agencies to implement the Subsidized  
23 Permanent Legal Custodianship Program in accordance with the  
24 provisions of this chapter. The criteria and regulations shall  
25 include, but not be limited to, identification of eligible  
26 children and eligible permanent legal custodians, procedures for  
27 implementing the program and reporting requirements by county  
28 agencies.

29 § 7107. Permanent legal custodianship subsidy and  
30 reimbursement.

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

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

12 CHAPTER 73

13 ADOPTION OPPORTUNITIES

14 7301. Declaration of purpose.

15 7302. Definitions.

16 7303. Regulations.

17 7304. Adoption opportunity payments and reimbursement.

18 § 7301. Declaration of purpose.

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

23 § 7302. Definitions.

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

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

28 (1) maintenance costs;

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

30 (3) other costs incident to the adoption.

1 "Child." An individual who:

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

3 (2) is under 21 years of age and attained 13 years of  
4 age before the adoption assistance agreement became effective  
5 and is:

6 (i) completing secondary education or an equivalent  
7 credential;

8 (ii) enrolled in an institution that provides  
9 postsecondary or vocational education;

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

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

13 (v) incapable of doing any of the activities  
14 described in subparagraph (i), (ii), (iii) or (iv) due to  
15 a medical or behavioral health condition that is  
16 supported by regularly updated information in the  
17 permanency plan of the child.

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

24 "Eligible child." A child in the legal custody of the county  
25 agency where parental rights have been terminated pursuant to  
26 the procedure set forth in 23 Pa.C.S. Pt. III (relating to  
27 adoption) and who has been in foster placement for a period of  
28 not less than six months and shown to be difficult to adopt  
29 because of a disability or by virtue of age, sibling  
30 relationship or ethnicity. A child in the legal custody of an

1 agency approved by the department shall be an eligible child if  
2 the child is certified as eligible by the county agency.

3 § 7303. Regulations.

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

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

10 (1) Criteria for identifying eligible children and  
11 adoptive homes.

12 (2) Procedures for implementing the adoption opportunity  
13 payment.

14 (3) Reporting requirements by county agencies.

15 § 7304. Adoption opportunity payments and reimbursement.

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

20 (b) County reimbursement.--The department shall reimburse  
21 county agencies for at least 80% of the cost of an adoption  
22 opportunity provided by the county agency under this chapter if  
23 the county agency complies with the reporting requirements  
24 established by the department under section 7303 (relating to  
25 regulations).

26 (c) Limitation.--No public money shall be expended under  
27 this chapter on behalf of an eligible child until all available  
28 benefits under existing or future private, public, Federal,  
29 State or local programs have been exhausted. Notwithstanding any  
30 other provision of law, adoptive families subsidized under the

1 provisions of this chapter shall not be liable under the  
2 provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96,  
3 No.6), known as the Mental Health and Intellectual Disability  
4 Act of 1966, or 23 Pa.C.S. Ch. 46 (relating to support of the  
5 indigent) in the event that the adopted child needs services or  
6 assistance under the provisions of Article IV of the act of June  
7 13, 1967 (P.L.31, No.21), known as the Human Services Code, or  
8 under the provisions of the Mental Health and Intellectual  
9 Disability Act of 1966.

10 CHAPTER 75

11 EARLY INTERVENTION SERVICES

12 Sec.

13 7501. (Reserved).

14 § 7501. (Reserved).

15 Section 10. The addition of 67 Pa.C.S. Ch. 71 is a  
16 continuation of 67 Pa.C.S. Ch. 31. The following apply:

17 (1) Except as otherwise provided in 67 Pa.C.S. Ch. 71,  
18 all activities initiated under 67 Pa.C.S. Ch. 31 shall  
19 continue and remain in full force and effect and may be  
20 completed under 67 Pa.C.S. Ch. 71. Orders, regulations, rules  
21 and decisions which were made under 67 Pa.C.S. Ch. 31 and  
22 which are in effect on the effective date of this section  
23 shall remain in full force and effect until revoked, vacated  
24 or modified under 67 Pa.C.S. Ch. 71.

25 (2) Any difference in language between 67 Pa.C.S. Ch. 71  
26 and 67 Pa.C.S. Ch. 31 is intended only to conform to the  
27 style of the Pennsylvania Consolidated Statutes and is not  
28 intended to change or affect the legislative intent, judicial  
29 construction or administration and implementation of 67  
30 Pa.C.S. Ch. 31.

1 Section 11. The addition of 67 Pa.C.S. Ch. 73 is a  
2 continuation of 67 Pa.C.S. Ch. 21. The following apply:

3 (1) Except as otherwise provided in 67 Pa.C.S. Ch. 73,  
4 all activities initiated under 67 Pa.C.S. Ch. 21 shall  
5 continue and remain in full force and effect and may be  
6 completed under 67 Pa.C.S. Ch. 73. Orders, regulations, rules  
7 and decisions which were made under 67 Pa.C.S. Ch. 21 and  
8 which are in effect on the effective date of this section  
9 shall remain in full force and effect until revoked, vacated  
10 or modified under 67 Pa.C.S. Ch. 73.

11 (2) Any difference in language between 67 Pa.C.S. Ch. 73  
12 and 67 Pa.C.S. Ch. 21 is intended only to conform to the  
13 style of the Pennsylvania Consolidated Statutes and is not  
14 intended to change or affect the legislative intent, judicial  
15 construction or administration and implementation of 67  
16 Pa.C.S. Ch. 21.

17 Section 12. This act shall take effect in 60 days.