

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 931 Session of 2023

INTRODUCED BY PASHINSKI, SANCHEZ, HILL-EVANS, MENTZER, MADDEN, CIRESI, KRAJEWSKI, FREEMAN, STURLA, PARKER, D. WILLIAMS, HOHENSTEIN, KINSEY, KAZEEM, HADDOCK, BOROWSKI, GUENST, BURGOS, SCHWEYER AND ABNEY, APRIL 14, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 14, 2023

AN ACT

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

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 § 7510. 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) Award of grants.--Subject to the availability of funds,
 14 the department shall award grants to qualified legal services
 15 entities to provide legal services to relative kinship
 16 caregivers and kinship caregivers' families under the program.

17 (c) Eligibility for grants.--In order to receive a grant
 18 under the program, a legal services entity shall meet all of the

1 following criteria:

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

4 (2) Be tax exempt under 26 U.S.C. § 501(c)(3) (relating
5 to exemption from tax on corporations, certain trusts, etc).

6 (3) Operate primarily in this Commonwealth.

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

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

12 (6) Agree to provide information about the legal
13 entity's services to the Kinship Caregiver Navigator Program
14 under the act of October 23, 2018 (P.L.591, No.89), known as
15 the Kinship Caregiver Navigator Program Act, for promotion
16 and referral through the kinship caregiver navigator website
17 and toll-free telephone number or hotline.

18 (d) Use of grant money.--

19 (1) A legal services entity may use grant money under
20 the program for administrative, civil legal services and
21 other costs associated with a relative kinship caregiver to
22 ensure the safety and welfare of the child in relative
23 kinship care, including any of the following:

24 (i) Guardianship.

25 (ii) Adoption.

26 (iii) Standby guardianship.

27 (iv) Assisting with informal relative kinship care
28 arrangements.

29 (v) Custody.

30 (vi) Services or supports relating to the medical

1 and educational needs of the child, including obtaining
2 power of attorney and assistance accessing public
3 benefits.

4 (vii) Transportation services, including the
5 authority to travel with and make travel arrangements for
6 the child.

7 (viii) Obtaining a government-issued identification
8 card.

9 (ix) Accessing the child's medical records.

10 (2) A legal services entity may only use grant money
11 under the program for the costs associated with a relative
12 kinship caregiver if all of the following apply:

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

16 (ii) The monthly gross income of the relative
17 kinship caregiver's family does not exceed 200% of the
18 Federal poverty guidelines as published annually in the
19 Federal Register by the United States Department of
20 Health and Human Services, adjusted according to
21 household size, or the relative kinship caregiver is
22 currently receiving assistance under the medical
23 assistance program established by subarticle (f) of
24 Article IV of the act of June 13, 1967 (P.L.31, No.21),
25 known as the Human Services Code, or benefits under the
26 Supplemental Nutrition Assistance Program (SNAP).

27 (iii) The relative kinship caregiver provides
28 affirmation that the caregiver is not named in the
29 Statewide database established under 23 Pa.C.S. § 6331
30 (relating to establishment of Statewide database) as the

1 alleged perpetrator in a pending child abuse
2 investigation or as the perpetrator of a founded or
3 indicated report.

4 (3) A legal services entity shall require the return of
5 grant money under the program expended by the legal services
6 entity for a relative kinship caregiver if the affirmation
7 under paragraph (2)(ii) includes false or incorrect
8 information.

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

14 (e) Evaluation of applicants.--A legal services entity may
15 apply for a grant under the program in a form and manner
16 specified by the department. If the department denies an
17 application, the notice of the denial shall provide the reasons
18 for the department's denial to the applicant. The department
19 shall evaluate applications received under this subsection based
20 on compatibility with the program's intent, including awarding
21 grants to legal services entities that demonstrate all of the
22 following:

23 (1) A primary mission to provide civil legal assistance
24 to kinship caregivers and families.

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

27 (3) Broad community support and the support and
28 cooperation of local programs through letters of support or
29 other evidence.

30 (4) A willingness to share commonly used forms and

1 written self-representation materials for relative kinship
2 caregivers with the Kinship Caregiver Navigator Program
3 authorized under the Kinship Caregiver Navigator Program Act.

4 (f) Duration of grants.--The department shall award a grant
5 under the program to a legal services entity for a three-year
6 term, which may be renewed for an additional one-year term as
7 approved by the department. The amount of grants available under
8 the program for distribution may change each year based on the
9 amount of funds appropriated to the department and the cost of
10 administering the grants.

11 (g) Priority of grants.--In awarding grants under the
12 program, the department shall give priority to a legal services
13 entity that meets all of the following criteria:

14 (1) Serves vulnerable segments of the population.

15 (2) Expands access to hard-to-reach segments of the
16 population.

17 (3) Applies creative and innovative approaches that
18 could significantly enhance access, increase efficiency or
19 improve service quality.

20 (h) Reports.--Each legal service entity that is awarded a
21 grant under the program shall prepare and submit a report to the
22 Office of Children, Youth and Families within the department on
23 an annual basis. The deputy secretary for the Office of
24 Children, Youth and Families shall ensure that the report is
25 published on the department's publicly accessible Internet
26 website and shall distribute the report to the secretary, the
27 chair and minority chair of the Aging and Youth Committee of the
28 Senate and the chair and minority chair of the Children and
29 Youth Committee of the House of Representatives. The report
30 shall include all of the following:

1 (1) The total number of individuals who have been
2 provided legal assistance from the grant and unidentifiable
3 information about the individuals, including gender, race,
4 ethnicity, age, county of residence, household size,
5 approximate household income and receipt of ongoing public
6 assistance at the time legal services were initiated.

7 (2) The outcomes of the cases of individuals who have
8 been provided legal services under paragraph (1).

9 (3) The legal issues addressed by each legal services
10 entity.

11 (4) The expenditure of grant money by each legal
12 services entity to assist relative kinship caregivers and
13 families throughout this Commonwealth.

14 (5) The number of instances when relative kinship
15 caregivers sought legal assistance from each legal services
16 entity but were not able to obtain legal services and the
17 reasons why legal services were not provided.

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

19 (7) Recommendations for improvements to the access,
20 availability and delivery of legal assistance to relative
21 kinship caregivers and families.

22 (8) Recommendations for improvements to the access,
23 availability and delivery of nonlegal services and supports
24 that advance the well-being of relative kinship caregivers
25 and their ability to care for children.

26 (9) Any other information deemed necessary by the
27 department.

28 (i) Account.--

29 (1) The Legal Services for Kinship Care Families Grant
30 Program Account is established within the General Fund. Money

1 in the account shall be used for the purpose specified in
2 this section.

3 (2) Money in the account is appropriated on a continuing
4 basis to the department to award grants under the program.

5 (3) The State Treasurer shall transfer the sum of
6 \$1,500,000 annually from the General Fund to the account.

7 (4) The department may solicit and accept grants and
8 contributions from private sources for deposit into the
9 account.

10 (5) The department may solicit and accept gifts,
11 donations, legacies and other money for deposit into the
12 account from a person or a government entity on behalf of the
13 Commonwealth.

14 (6) The department may use no more than 5% of available
15 program funds to cover the direct costs associated with the
16 implementation and administration of the program.

17 (j) Regulations.--The department may promulgate regulations
18 as necessary to implement the program.

19 (k) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Account." The Legal Services for Kinship Care Families
23 Grant Program Account established under subsection (i) (1).

24 "Legal services entity." An organization that provides
25 comprehensive and effective legal assistance related to kinship
26 care to individuals within this Commonwealth.

27 "Program." The Legal Services for Kinship Care Families
28 Grant Program established under subsection (a).

29 "Relative kinship caregiver." An individual who meets all of
30 the following criteria:

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

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

4 (3) Is related within the fifth degree of consanguinity
5 or affinity to the parent or stepparent of the child under 18
6 years of age.

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