
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

 HOUSE BILL

 No. 1261 Session of
2011

INTRODUCED BY QUIGLEY, AUMENT, BAKER, BARRAR, BENNINGHOFF, BOBACK, BOYD, CAUSER, CHRISTIANA, CLYMER, D. COSTA, COX, CREIGHTON, CUTLER, ELLIS, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GOODMAN, GRELL, GROVE, HARHART, HARPER, HARRIS, HEFFLEY, HESS, HICKERNELL, KAUFFMAN, M. K. KELLER, KNOWLES, KRIEGER, MAJOR, MARSHALL, MARSICO, MASSER, METCALFE, METZGAR, MILLER, MILNE, MOUL, MURT, MUSTIO, O'NEILL, PERRY, PETRI, PICKETT, PYLE, QUINN, READSHAW, REED, REICHLEY, ROAE, ROCK, SAYLOR, SCAVELLO, SCHRODER, STEVENSON, SWANGER, TALLMAN, TOOHIL, VEREB, VULAKOVICH, ADOLPH, FARRY, DELOZIER, MALONEY, RAPP, KORTZ, STEPHENS, BURNS, CALTAGIRONE, GILLESPIE AND BEAR, APRIL 1, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JUNE 29, 2012

AN ACT

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," ~~in public assistance, further providing for definitions and for determination of eligibility~~ IN GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF PUBLIC WELFARE, PROVIDING FOR COUNTY HUMAN SERVICES CONSOLIDATED PLANNING AND REPORTING; IN PUBLIC ASSISTANCE, FURTHER PROVIDING FOR DEFINITIONS, PROVIDING FOR CESSATION OF THE GENERAL ASSISTANCE CASH PROGRAM AND THE CONTINUATION OF THE GENERAL ASSISTANCE-RELATED MEDICAL ASSISTANCE PROGRAMS, FURTHER PROVIDING FOR ESTABLISHMENT OF RESET, FOR DETERMINATION OF ELIGIBILITY, FOR FAILURE TO COMPLY WITH EMPLOYMENT AND WORK-RELATED ACTIVITY REQUIREMENTS AND FOR MEDICALLY NEEDY AND DETERMINATION OF ELIGIBILITY; IN CHILDREN AND YOUTH, FURTHER PROVIDING FOR DEFINITIONS; ~~AND~~ IN NURSING FACILITY ASSESSMENTS, FURTHER PROVIDING FOR TIME PERIODS; IN KINSHIP CARE, FURTHER PROVIDING FOR DEFINITIONS AND FOR KINSHIP CARE PROGRAM, PROVIDING FOR SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM AND FOR PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND REIMBURSEMENT; PROVIDING FOR HUMAN SERVICES BLOCK GRANT PILOT PROGRAM; AND MAKING RELATED REPEALS.

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SECTION 2 7. THE DEFINITION OF "CHILD" IN SECTION 772 OF THE ACT, ADDED DECEMBER 30, 1974 (P.L.1039, NO.339), IS AMENDED TO READ:

SECTION 772. DEFINITIONS.--AS USED IN THIS SUBDIVISION:

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"CHILD" MEANS AN INDIVIDUAL WHO:

(1) IS UNDER THE AGE OF EIGHTEEN YEARS[.]; OR

(2) IS UNDER THE AGE OF TWENTY-ONE YEARS AND WHO ATTAINED THIRTEEN YEARS OF AGE BEFORE THE ADOPTION ASSISTANCE AGREEMENT BECAME EFFECTIVE AND WHO IS:

(I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT CREDENTIAL;

(II) ENROLLED IN AN INSTITUTION WHICH PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION;

(III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

(IV) EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH; OR

(V) INCAPABLE OF DOING ANY OF THE ACTIVITIES DESCRIBED IN SUBCLAUSE (I), (II), (III) OR (IV) DUE TO A MEDICAL OR BEHAVIORAL HEALTH CONDITION, WHICH IS SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE PERMANENCY PLAN OF THE CHILD.

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SECTION 8. SECTION 815-A OF THE ACT, AMENDED JUNE 30, 2007 (P.L.49, NO.16), IS AMENDED TO READ:

SECTION 815-A. TIME PERIODS.--THE ASSESSMENT AUTHORIZED IN THIS ARTICLE SHALL NOT BE IMPOSED PRIOR TO JULY 1, 2003, OR AFTER JUNE 30, [2012] 2016.

SECTION 3 9. SECTION 1302 OF THE ACT, ADDED SEPTEMBER 30, 2003 (P.L.169, NO.25), IS AMENDED TO READ:

SECTION 1302. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"CHILD." AN INDIVIDUAL WHO:

- (1) IS UNDER 18 YEARS OF AGE; OR
- (2) IS UNDER 21 YEARS OF AGE AND WHO ATTAINED 13 YEARS OF AGE BEFORE THE SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT BECAME EFFECTIVE AND WHO IS:

(I) COMPLETING SECONDARY EDUCATION OR AN EQUIVALENT CREDENTIAL;

(II) ENROLLED IN AN INSTITUTION WHICH PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION;

(III) PARTICIPATING IN A PROGRAM ACTIVELY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT;

(IV) EMPLOYED FOR AT LEAST 80 HOURS PER MONTH; OR

(V) INCAPABLE OF DOING ANY OF THE ACTIVITIES DESCRIBED IN SUBPARAGRAPH (I), (II), (III) OR (IV) DUE TO A MEDICAL OR BEHAVIORAL HEALTH CONDITION, WHICH IS SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE PERMANENCY PLAN OF THE CHILD.

"COUNTY AGENCY." THE COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCY EXERCISING THE POWER AND DUTIES PROVIDED FOR IN SECTION 405 OF THE ACT OF JUNE 24, 1937 (P.L.2017, NO.396), KNOWN AS THE COUNTY INSTITUTION DISTRICT LAW, OR ITS SUCCESSOR, AND SUPERVISED BY THE DEPARTMENT UNDER ARTICLE IX.

"ELIGIBLE CHILD." A CHILD WHO:

- (1) HAS A COURT-ORDERED DISPOSITION OF PLACEMENT WITH A

PERMANENT LEGAL CUSTODIAN PURSUANT TO 42 PA.C.S. §

6351(A)(2.1) (RELATING TO DISPOSITION OF DEPENDENT CHILD);

(2) HAS LIVED WITH AN ELIGIBLE PERMANENT LEGAL CUSTODIAN
FOR AT LEAST SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE; AND

(3) IS A CITIZEN OR AN ALIEN LAWFULLY RESIDING IN THIS
COMMONWEALTH.

"ELIGIBLE PERMANENT LEGAL CUSTODIAN." A RELATIVE OR KIN:

(1) WHOSE HOME IS APPROVED PURSUANT TO APPLICABLE
REGULATIONS FOR PLACEMENT OF FOSTER CHILDREN;

(2) WITH WHOM AN ELIGIBLE CHILD HAS RESIDED FOR AT LEAST
SIX MONTHS, WHICH NEED NOT BE CONSECUTIVE; AND

(3) WHO MEETS THE REQUIREMENTS FOR EMPLOYMENT IN CHILD-
CARE SERVICES PURSUANT TO 23 PA.C.S. § 6344 (RELATING TO
INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL).

"FOSTER PARENT." AN INDIVIDUAL APPROVED BY A PUBLIC OR
PRIVATE FOSTER FAMILY CARE AGENCY TO PROVIDE FOSTER FAMILY CARE
SERVICES TO A CHILD WHO IS TEMPORARILY SEPARATED FROM THE
CHILD'S LEGAL FAMILY AND PLACED IN THE LEGAL CUSTODY OF AN
AGENCY.

"KIN." AN INDIVIDUAL 21 YEARS OF AGE OR OLDER WHO IS ONE OF
THE FOLLOWING:

(1) A GODPARENT OF THE CHILD AS RECOGNIZED BY AN
ORGANIZED CHURCH.

(2) A MEMBER OF THE CHILD'S TRIBE, NATION OR TRIBAL
ORGANIZATION.

(3) AN INDIVIDUAL WITH A SIGNIFICANT, POSITIVE
RELATIONSHIP WITH THE CHILD OR FAMILY.

"PERMANENT LEGAL CUSTODIAN." A PERSON TO WHOM LEGAL CUSTODY
OF THE CHILD HAS BEEN GIVEN BY ORDER OF A COURT PURSUANT TO 42
PA.C.S. § 6351(A)(2.1) (RELATING TO DISPOSITION OF DEPENDENT

CHILD).

"RELATIVE." AN INDIVIDUAL WHO IS:

(1) RELATED WITHIN THE [THIRD] FIFTH DEGREE OF
CONSANGUINITY OR AFFINITY TO THE PARENT OR STEPPARENT OF A
CHILD.

(2) AT LEAST 21 YEARS OF AGE.

"SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP." A COURT-ORDERED
DISPOSITION OF A DEPENDENT CHILD PURSUANT TO 42 PA.C.S. §
6351(A)(2.1) (RELATING TO DISPOSITION OF DEPENDENT CHILD) FOR
WHICH THE CHILD'S PERMANENT LEGAL CUSTODIAN RECEIVES A MONETARY
PAYMENT FROM THE COUNTY AGENCY PURSUANT TO A SUBSIDIZED
PERMANENT LEGAL CUSTODIANSHIP AGREEMENT.

"SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT." A
WRITTEN AGREEMENT SIGNED BY THE DIRECTOR OF THE COUNTY AGENCY,
OR A DESIGNEE, AND A PERMANENT LEGAL CUSTODIAN, THAT SETS FORTH
THE TERMS AND SUBSIDY PAYMENTS FOR A SUBSIDIZED PERMANENT LEGAL
CUSTODIANSHIP.

SECTION 4 10. SECTION 1303(B) OF THE ACT, ADDED SEPTEMBER
30, 2003 (P.L.169, NO.25), IS AMENDED AND THE SECTION IS AMENDED
BY ADDING A SUBSECTION TO READ:

SECTION 1303. KINSHIP CARE PROGRAM.

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(A.1) RELATIVE NOTIFICATION.--EXCEPT IN SITUATIONS OF FAMILY
OR DOMESTIC VIOLENCE, THE COUNTY AGENCY SHALL EXERCISE DUE
DILIGENCE TO IDENTIFY AND NOTIFY ALL GRANDPARENTS AND OTHER
ADULT RELATIVES TO THE FIFTH DEGREE OF CONSANGUINITY OR AFFINITY
TO THE PARENT OR STEPPARENT OF A DEPENDENT CHILD WITHIN 30 DAYS
OF THE CHILD'S REMOVAL FROM THE CHILD'S HOME WHEN TEMPORARY
LEGAL AND PHYSICAL CUSTODY HAS BEEN TRANSFERRED TO THE COUNTY
AGENCY. THE NOTICE MUST EXPLAIN ALL OF THE FOLLOWING:

(1) ANY OPTIONS UNDER FEDERAL AND STATE LAW AVAILABLE TO THE RELATIVE TO PARTICIPATE IN THE CARE AND PLACEMENT OF THE CHILD, INCLUDING ANY OPTIONS THAT WOULD BE LOST BY FAILING TO RESPOND TO THE NOTICE.

(2) THE REQUIREMENTS TO BECOME A FOSTER PARENT, PERMANENT LEGAL CUSTODIAN OR ADOPTIVE PARENT.

(3) THE ADDITIONAL SUPPORTS THAT ARE AVAILABLE FOR CHILDREN REMOVED FROM THE CHILD'S HOME.

(B) PLACEMENT OF CHILDREN.--IF A CHILD HAS BEEN REMOVED FROM THE CHILD'S HOME UNDER A VOLUNTARY PLACEMENT AGREEMENT OR IS IN THE LEGAL CUSTODY OF THE COUNTY AGENCY, THE COUNTY AGENCY SHALL GIVE FIRST CONSIDERATION TO PLACEMENT WITH RELATIVES OR KIN. THE COUNTY AGENCY SHALL DOCUMENT THAT AN ATTEMPT WAS MADE TO PLACE THE CHILD WITH A RELATIVE OR KIN. IF THE CHILD IS NOT PLACED WITH A RELATIVE OR KIN, THE AGENCY SHALL DOCUMENT THE REASON WHY SUCH PLACEMENT WAS NOT POSSIBLE.

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SECTION 5 11. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
SECTION 1303.1. SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM.

(A) ESTABLISHMENT OF PROGRAM.--THE SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM IS ESTABLISHED IN THE DEPARTMENT.

(B) IMPLEMENTATION.--THE DEPARTMENT SHALL ESTABLISH AND DEVELOP CRITERIA AND PROMULGATE NECESSARY REGULATIONS FOR COUNTY AGENCIES TO IMPLEMENT THE SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. THE CRITERIA AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, IDENTIFICATION OF ELIGIBLE CHILDREN AND ELIGIBLE PERMANENT LEGAL CUSTODIANS, PROCEDURES FOR IMPLEMENTING THE PROGRAM AND REPORTING REQUIREMENTS BY COUNTY AGENCIES.

SECTION 1303.2. PERMANENT LEGAL CUSTODIANSHIP SUBSIDY AND
REIMBURSEMENT.

(A) AMOUNT.--THE AMOUNT OF PERMANENT LEGAL CUSTODIANSHIP
SUBSIDY FOR MAINTENANCE COSTS TO A PERMANENT LEGAL CUSTODIAN
SHALL NOT EXCEED THE MONTHLY PAYMENT RATE FOR FOSTER FAMILY CARE
IN THE COUNTY IN WHICH THE CHILD RESIDES.

(B) COUNTY REIMBURSEMENT.--THE DEPARTMENT SHALL REIMBURSE
THE COUNTY AGENCY FOR AT LEAST 80% OF THE COST OF A PERMANENT
LEGAL CUSTODIANSHIP SUBSIDY PAYMENT PROVIDED BY A COUNTY AGENCY
IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, PROVIDED THAT
THE COUNTY AGENCY COMPLIES WITH THE REQUIREMENTS ESTABLISHED BY
THE DEPARTMENT.

Section 4 7 15. This act shall take effect ~~in 60 days~~ JULY
1, 2012, OR IMMEDIATELY, WHICHEVER IS LATER.