

**The Public Welfare Code as Amended by Act 80—Extension of Guardianship and Adoption Subsidies to Age 21**

**A. Extension of Adoption Subsidies**

**The following is the amended section of the public welfare code that now allows an extension of the adoption subsidy to age 21 for an eligible youth whose adoption was finalized when they were age 13 or older. The new sections of the law are highlighted below in yellow. The amended provision is at 62 P.S. § 772. 62 P.S. § 771 et seq. is the Adoptions Opportunity Act.**

Section 772. Definitions

As used in this subdivision:

**“Adoption opportunity”** is a subsidy which may include maintenance cost; medical, surgical, and psychological expenses; and other costs incident to the adoption.

**“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.**

**“Eligible child”** means a child in the legal custody of local authorities where parental rights have been terminated pursuant to the procedure set forth in Article III of the act of July 24, 1970 (P.L. 620, No. 208), known as the “Adoption Act,” and such child has been in foster placement for a period of not less than six months and where the child has been shown to be a difficult adoption placement because of a physical and/or mental handicap, emotional disturbance, or by virtue of age, sibling relationship, or ethnicity. A child in the legal custody of an agency approved by the department shall be an eligible child if the child is certified as eligible by the local authorities.

“Local authorities” means county institution districts or their successors.

B. Extension of Guardianship Subsidy Until Age 21

The following is the amended section of the public welfare code that allows extension of the kinship guardianship subsidy to age 21 for an eligible youth who entered the guardianship arrangement when the youth was age 13 or older. The new sections of the law are highlighted below in yellow. The amended provision is at 62 P.S. § 1302. 62 P.S. § 1301 et seq. is the Kinship Care Act. 62 P.S. § 1303.1 and §1303.2 create the Subsidized Permanent Legal Custodianship Program, which to date has only been established through Bulletin.

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 guardianship agreement.” A written agreement signed by the director of the county agency, or a designee, and a permanent legal guardian, that sets forth the terms and subsidy payments for a subsidized permanent legal guardianship.**

### **Section 1303.1. Subsidized Permanent Legal Guardianship Program**

**(a) Establishment of program.--The Subsidized Permanent Legal Guardianship 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 Guardianship 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 guardians, procedures for implementing the program and reporting requirements by county agencies.**

### **Section 1303.2. Permanent legal guardianship subsidy and reimbursement**

**(a) Amount.--The amount of permanent legal guardianship subsidy for maintenance costs to a permanent legal guardian 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 guardianship 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.**