

PUBLIC WELFARE (67 PA.C.S.) - ADOPTION OPPORTUNITIES, FAMILY FINDING AND KINSHIP CARE, ESTABLISHING THE KINSHIP CARE PROGRAM AND THE SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP PROGRAM

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HB 856

AN ACT

Amending Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in medical assistance hearings and appeals, further providing for definitions; in public welfare generally, providing for adoption opportunities and for family finding and kinship care; establishing the Kinship Care Program and the Subsidized Permanent Legal Custodianship Program; making related repeals; and making editorial changes.

CHAPTER 31
FAMILY FINDING AND KINSHIP CARE

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§ 3101. Legislative intent.

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

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

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

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

§ 3102. Definitions.

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

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

"Child." An individual who:

- (1) is under 18 years of age; or
- (2) is under 21 years of age and attained 13 years of age before the subsidized permanent legal custodianship agreement became effective and is:
 - (i) completing secondary education or an equivalent credential;
 - (ii) enrolled in an institution that 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 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

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

- (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.
- (3) Is a citizen or an alien lawfully residing in this Commonwealth.

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

- (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.
- (3) Who meets the requirements to be approved as a foster parent under 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents).

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

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

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

"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).

"Relative." An individual who is:

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

(2) At least 21 years of age.

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

"Subsidized permanent legal custodianship." A court-ordered disposition of a dependent child pursuant to 42 Pa.C.S. § 6351(a)(2.1) 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.

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

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

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

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

§ 3103. Family finding required.

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

§ 3104. Discontinuance of family finding.

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

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

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

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

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

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

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