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TITLE 67 PUBLIC WELFARE

Part

- I. Preliminary Provisions
- II. Medical Assistance
- III. Mental Health and Intellectual Disabilities
- IV. Children, Youth and Families

Enactment. Unless otherwise noted, the provisions of Title 67 were added November 15, 1972, P.L.1063, No.271, effective in 90 days.

PART I PRELIMINARY PROVISIONS

Chapter

- 1. Preliminary Provisions
- 3. Administration

Enactment. Part I was added November 15, 1972, P.L.1063, No.271, effective in 90 days.

CHAPTER 1 GENERAL PROVISIONS

Sec.

- 101. Definitions.

Enactment. Chapter 1 was added December 3, 2002, P.L.1147, No.142, effective immediately.

Chapter Heading. The heading of Chapter 1 was amended November 3, 2022, P.L.1765, No.118, effective in 60 days.

Prior Provisions. Former Chapter 1, which related to the same subject matter, was added November 15, 1972, P.L.1063, No.271, and repealed October 22, 1981, P.L.317, No.111, effective immediately.

§ 101. Definitions.

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

"Department." The Department of Human Services of the Commonwealth.

"Secretary." The Secretary of Human Services of the Commonwealth.

(June 28, 2019, P.L.93, No.14, eff. imd.)

CHAPTER 3
ADMINISTRATION

Sec.

301. (Reserved).

Enactment. Chapter 3 was added November 3, 2022, P.L.1765, No.118, effective in 60 days.

§ 301. (Reserved).

PART II
MEDICAL ASSISTANCE

Chapter

- 7. (Reserved)
- 11. Medical Assistance Hearings and Appeals
- 21. Adoption Opportunities (Repealed)
- 31. Family Finding and Kinship Care (Repealed)

Enactment. Part II was added November 15, 1972, P.L.1063, No.271, effective in 90 days.

Part Heading. The heading of Part II was amended November 3, 2022, P.L.1765, No.118, effective in 60 days.

CHAPTER 7
(Reserved)

Enactment. Chapter 7 (Reserved) was added November 3, 2022, P.L.1765, No.118, effective in 60 days.

CHAPTER 11
MEDICAL ASSISTANCE HEARINGS AND APPEALS

Sec.

- 1101. Definitions.
- 1102. Hearings before the bureau.
- 1103. Supersedeas.
- 1104. Subpoenas.
- 1105. Determinations, review, appeal and enforcement.
- 1106. Regulations.

Enactment. Chapter 11 was added December 3, 2002, P.L.1147, No.142, effective immediately.

§ 1101. 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:

"Bureau." The Bureau of Hearings and Appeals of the Department of Human Services.

"Hearing." A proceeding commenced in accordance with this chapter by a provider concerning an adjudication of the department relating to the administration of the program. The term includes an action relating to a provider's enrollment in, participation in, claims for payment or damages under or penalties imposed under the program.

"Program." The medical assistance program established by subarticle (f) of Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Provider." A person that is approved or was approved by the department to participate in the program or that seeks approval to provide medical assistance services under the program.

(June 28, 2019, P.L.93, No.14, eff. imd.)

2019 Amendment. Act 14 amended the defs. of "bureau" and "program."

§ 1102. Hearings before the bureau.

(a) General rule.--A provider that is aggrieved by a decision of the department regarding the program may request a hearing before the bureau in accordance with this chapter.

(b) Filing.--

(1) Except as provided in paragraph (2), a provider must file a request for a hearing with the bureau in accordance with all of the following:

(i) The request must be in writing.

(ii) The request must be filed with the bureau:

(A) within 30 days of the date of the notice of the departmental action; or

(B) if notice was given by mail, within 33 days of the date of the notice of the departmental action.

(iii) If the request was filed by first-class mail, the United States postmark appearing upon the envelope in which the request was mailed shall be considered the filing date. The filing date of a request filed in any other manner or bearing a postmark other than a United States postmark shall be the date on which the request is received in the bureau.

(2) Paragraph (1) does not apply in the following cases:

(i) In a nunc pro tunc hearing under subsection

(c).

(ii) To the extent set forth in the standing order of the bureau issued under subsection (g).

(iii) To the extent modified by regulations promulgated under section 1106 (relating to regulations).

(c) Hearings nunc pro tunc.--The bureau, upon written request and for good cause shown, may grant leave for the filing of requests for hearing nunc pro tunc pursuant to the common law standards applicable in analogous cases in courts of original jurisdiction.

(d) Amendment.--A request for a hearing may be amended as of right within 90 days after the date of filing of the request.

(e) Adjudication.--

(1) The bureau shall hold hearings and conduct adjudications regarding timely filed requests for hearing in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

(2) Notwithstanding paragraph (1), in holding hearings and conducting adjudications, the bureau shall do all of the following:

(i) Act independently of employees or public officials of the department whose actions are subject to review before the bureau.

(ii) Not engage in ex parte communications concerning a hearing with any party to the hearing.

(iii) Promptly adjudicate timely filed requests for hearing.

(iv) Establish deadlines for interim and final actions by the bureau and parties to any proceeding before the bureau.

(v) Allow reasonable and necessary discovery in the form of interrogatories, requests for the production of documents, expert reports, requests for admissions and depositions of witnesses and designees of parties, subject to case management plans and limitations as necessary to facilitate the prompt and efficient issuance of adjudications.

(vi) Consider and, when appropriate, grant applications by affected parties to consolidate hearings involving substantially similar or materially related issues of law or fact.

(vii) Conduct de novo review of all factual and legal issues raised by a provider in the request for hearing based upon evidence presented to the bureau.

(viii) Except as prohibited by statute or regulation, index and publish at reasonable costs determinations issued by the bureau and final orders issued by the secretary adjudicating requests on or after the effective date of this section. By July 1, 2003, the bureau shall make the determinations, final orders and index available electronically without cost to the public.

(f) Mediation.--The bureau may establish programs and procedures to promote the settlement of matters subject to its jurisdiction or to narrow issues subject to dispute through the use of mediation and arbitration.

(g) Standing order.--By July 1, 2003, the bureau shall, after receiving comment by interested parties, issue a standing order establishing rules governing practice before the bureau. The standing order shall be published in the Pennsylvania Bulletin. The standing order of the bureau shall be effective until modified by regulation.

Cross References. Section 1102 is referred to in section 1104 of this title.

§ 1103. Supersedeas.

(a) Not automatic.--A request for hearing filed pursuant to this chapter shall not act as an automatic supersedeas. The bureau may, however, grant a supersedeas upon good cause shown.

(b) Criteria.--The bureau, in granting or denying a supersedeas, shall be guided by relevant judicial precedent. Among the factors to be considered are:

(1) irreparable harm to the petitioner;

(2) likelihood of the petitioner prevailing on the merits; and

(3) likelihood of injury to the public or other parties.

(c) Prohibition.--A supersedeas shall not be issued if injury to the public health, safety or welfare exists or is

threatened during the period when the supersedeas would be in effect.

(d) Conditions.--In granting a supersedeas, the bureau may impose conditions which are warranted by the circumstances, including the filing of a bond or other security.

§ 1104. Subpoenas.

Consistent with section 1102(e)(2)(v) (relating to hearings before the bureau), the bureau may issue subpoenas compelling the attendance of witnesses, records and papers. The bureau may enforce its subpoenas in Commonwealth Court. Commonwealth Court, after a hearing, may make an adjudication of contempt or may issue another appropriate order.

§ 1105. Determinations, review, appeal and enforcement.

(a) Determinations.--The bureau shall issue a determination adjudicating contested issues of fact and law and any appropriate order, decree or decision. A determination not appealed in accordance with subsection (b) shall be the final determination of the bureau and shall be binding upon the department and the provider who brought the appeal.

(b) Review.--

(1) A party that is aggrieved by a determination of the bureau may request review of the determination by the secretary within 30 days of the issuance of the determination.

(2) If the secretary fails to act upon a request within 30 days of receipt of the request for review, the request for review shall be deemed denied.

(3) If the secretary grants review, the secretary shall enter a final order within 180 days of the date of the order granting review. The secretary may affirm, reverse or modify the determination of the bureau or may waive compliance with program requirements to promote fairness and the proper administration of the program.

(4) If the secretary grants review but fails to act within 180 days of the date of the order granting the review, the determination of the bureau shall be deemed approved by the secretary.

(c) Appeals.--A provider aggrieved by a final determination of the bureau or a final order of the secretary may petition for judicial review in accordance with 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(d) Enforcement.--Final determinations, orders, decrees or decisions of the department, the bureau or the secretary shall be subject to enforcement by Commonwealth Court.

§ 1106. Regulations.

(a) Authority.--By July 1, 2004, the bureau, through the department, shall promulgate regulations establishing rules of procedure as may be necessary to carry out the provisions of this chapter.

(b) Advisory committee.--The bureau shall establish an advisory committee, including individuals experienced in proceedings before the bureau and other administrative agencies, to provide assistance and guidance in the development and modification of regulations which may be promulgated under this section.

Cross References. Section 1106 is referred to in section 1102 of this title.

(Repealed)

2022 Repeal. Chapter 21 (§§ 2101 - 2104) was added June 28, 2019, P.L.93, No.14, effective immediately and retroactive to July 18, 2018, and repealed November 3, 2022, P.L.1765, No.118, effective in 60 days. The subject matter is now contained in Chapter 77.

CHAPTER 31

FAMILY FINDING AND KINSHIP CARE

(Repealed)

2022 Repeal. Chapter 31 (§§ 3101 - 3107) was added June 28, 2019, P.L.93, No.14, effective immediately and retroactive to July 18, 2018, and repealed November 3, 2022, P.L.1765, No.118, effective in 60 days. The subject matter is now contained in Chapter 75.

PART III

MENTAL HEALTH AND INTELLECTUAL DISABILITIES

Chapter

51. (Reserved)

Enactment. Part III (Reserved) was added November 15, 1972, P.L.1063, No.271, effective in 90 days.

Part Heading. The heading of Part III was amended November 3, 2022, P.L.1765, No.118, effective in 60 days.

CHAPTER 51

(Reserved)

Enactment. Chapter 51 (Reserved) was added November 3, 2022, P.L.1765, No.118, effective in 60 days.

PART IV

CHILDREN, YOUTH AND FAMILIES

Chapter

- 61. Nonprofit Charitable Institutions (Repealed)
- 71. General Provisions
- 73. Resource Families
- 75. Family Finding and Kinship Care
- 77. Adoption Opportunities
- 79. Early Intervention Services
- 81. Miscellaneous Provisions

Enactment. Part IV was added November 15, 1972, P.L.1063, No.271, effective in 90 days.

Part Heading. The heading of Part IV was amended November 3, 2022, P.L.1765, No.118, effective in 60 days, November 3, 2022, P.L.1937, No.127, effective in 90 days, and November 3, 2022, P.L.1966, No.131, effective in 60 days. The amendments by Acts 118, 127 and 131 are identical and therefore have been merged.

CHAPTER 61

NONPROFIT CHARITABLE INSTITUTIONS

(Repealed)

1981 Repeal Note. Chapter 61 (§§ 6101 - 6104) was added November 15, 1972, P.L.1063, No.271, and repealed October 22, 1981, P.L.317, No.111, effective immediately.

CHAPTER 71

GENERAL PROVISIONS

Sec.

7101. Definitions.

Enactment. Chapter 71 was added November 3, 2022, P.L.1765, No.118, effective in 60 days, and November 3, 2022, P.L.1966, No.131, effective in 60 days. Act 131 overlooked the amendment by Act 118, but the amendments do not conflict in substance and Act 131 has been given effect in setting forth the text of Chapter 71.

Prior Provisions. See section 4 of Act 131 of 2022 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7101. Definitions.

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

"County agency." The county children and youth social service agency established in accordance with 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.

"Resource family." A resource family as defined in 23 Pa.C.S. § 6303 (relating to definitions).

CHAPTER 73

RESOURCE FAMILIES

Sec.

7301. Responsibilities of county and private agencies.

7302. Retaliation prohibited.

7303. Resource family adoption interview.

7304. Regulations.

Enactment. Chapter 73 was added November 3, 2022, P.L.1765, No.118, effective in 60 days, and November 3, 2022, P.L.1966, No.131, effective in 60 days. Act 131 overlooked the amendment by Act 118, but the amendments do not conflict in substance and Act 131 has been given effect in setting forth the text of Chapter 73.

Prior Provisions. See section 4 of Act 131 of 2022 in the appendix to this title for special provisions relating to continuation of prior law.

§ 7301. Responsibilities of county and private agencies.

The county agency or a private agency that provides foster care services through a contract with a county agency shall provide a resource family with all of the following:

(1) The opportunity to be heard regarding agency decisions affecting a child placed with a resource family.

(2) Support services as assessed to meet the needs of the child and resource family.

(3) Complete and timely responses to inquiries regarding the role of the resource family or the care of the child.

(4) Information about the child's medical history, general behavior, relationship with the child's parents, educational history, life experiences and previous and prospective placements.

(5) Consultation in the development of the child's permanency plan.

(6) Consultation in and prior notice of a decision to release the resource family's address to the child's parent or other family members.

(7) Assistance with the coordination of services for the resource family or members of the resource family's immediate family that are assessed as necessary due to emotional disturbance resulting from removal of the child from the resource family's home, provided that the removal is not due to the resource family having created or permitted circumstances that constituted a threat to the child's health or safety.

(8) Written notice of all agency policies and procedures relating to the role of the resource family.

(9) Appropriate training to enhance the skills and performance of the resource family and maximize the opportunity for successful placements.

(10) Information on how to reach agency personnel for emergencies on a 24-hour basis.

(11) Confidentiality regarding allegations of abuse involving the resource family or a member of the resource family's family to the extent consistent with the safety of the child and other members of the resource family's household.

(12) Prompt written notice of any change to the child's permanency plan.

(13) A copy of the provisions of this chapter.

§ 7302. Retaliation prohibited.

No agency shall discharge, threaten or otherwise discriminate or retaliate against a resource family for an inquiry regarding decisions or practices affecting the child or for any communication pursuant to the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

§ 7303. Resource family adoption interview.

(a) Interview.--The agency that placed the child shall interview the resource family as a potential adoptive family when:

(1) the resource family has expressed interest in adopting the child;

(2) the child has resided with the resource family for six months or longer; and

(3) the child's primary or concurrent permanency goal is adoption; or

(4) the child has been in out-of-home placement for at least 15 of the preceding 22 months.

(b) Resource family parent interview.--If the interviewing agency is not the agency responsible for making a recommendation to the court as to adoptive placement of the child, the interviewing agency shall share all information obtained from the interview under subsection (a) with the agency responsible for making the recommendation.

(c) Consideration of more than one adoptive resource.--If more than one adoptive resource is available, the agency responsible for making a recommendation to the court as to adoptive placement of the child shall document the reasons for

the agency's recommendation in the child's case record and, upon request, shall provide that information to the resource family.

§ 7304. Regulations.

The department shall promulgate regulations as necessary to ensure compliance with this chapter.

CHAPTER 75

FAMILY FINDING AND KINSHIP CARE

Sec.

- 7501. Legislative intent.
- 7502. Definitions.
- 7503. Family finding required.
- 7504. Permanency plan.
- 7505. Transition plan and services.
- 7506. Data collection to improve permanency outcomes.
- 7507. Kinship Care Program.
- 7508. Subsidized Permanent Legal Custodianship Program.
- 7509. Permanent legal custodianship subsidy and reimbursement.

Enactment. Chapter 75 was added November 3, 2022, P.L.1765, No.118, effective in 60 days.

§ 7501. Legislative intent.

This chapter is intended to ensure that family finding occurs on an ongoing basis for all children entering the child welfare system, to promote the use of kinship care when it is necessary to remove a child from the child's home and to ensure that each child leaving foster care at 18 years of age or older is prepared for the transition to successful adulthood.

§ 7502. 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 under 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) 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." The ongoing process of identifying and engaging extended family members and adults who have or could have significant, positive connections with a child or family that has been accepted for services in order to:

(1) Build a network of support for the child and the child's family.

(2) Promote positive, long-term connections for the child.

(3) Include relatives and kin in social service planning and delivery.

(4) When necessary, identify a safe and familiar placement for the child.

"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.

"Permanency plan." A comprehensive plan for a child in out-of-home placement that is intended to result in a permanent home and family relationships for the child.

"Permanent legal custodian." A person to whom legal custody of the child has been given by order of a court under 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 under 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) The requirements for employment in child-care services and approval as a foster or adoptive parent under 23 Pa.C.S. § 6344.

"Transition plan." A comprehensive plan for leaving foster care or another out-of-home placement and successfully transitioning to independent adulthood.

§ 7503. Family finding required.

(a) General rule.--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 subsection (b).

(b) Discontinuation of family finding.--A county agency may discontinue family finding for a child under the following circumstances:

(1) The child has been adjudicated dependent under 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 under 23 Pa.C.S. Pt. III (relating to adoption).

(c) Resumption of family finding.--Notwithstanding the provisions of subsection (b), 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.

(d) Documentation.--The following family finding information shall be documented in the child's case plan:

(1) The technology and processes used to identify and engage relatives and kin.

(2) The names of relatives and kin that were identified.

(3) The names of relatives and kin that were contacted.

(4) The child's input and involvement in family finding efforts.

(5) The manner and extent to which identified relatives or kin were included in the child's case plan.

(6) If applicable, the reasons for discontinuation of family finding.

§ 7504. Permanency plan.

(a) Permanency plan.--When a child is subject to an order transferring legal custody under 42 Pa.C.S. § 6351(a)(2) (relating to disposition of dependent child), the county shall develop a permanency plan, provide, on a continuous basis, services to support the successful effectuation of the permanency plan and document in the child's case plan the services provided. A child 14 years of age or older shall have the opportunity to participate in the development of the permanency plan.

(b) Permanency services.--The county agency shall, on an ongoing basis, provide services to:

(1) Identify potential permanent placements for the child, including primary and secondary placement options.

(2) Prepare the child cognitively and emotionally for placement in accordance with the child's identified permanency goal.

(3) Maintain and strengthen sibling connections through joint placement or facilitation of visitation and other means of communication.

(4) Maintain and strengthen other identified supportive connections.

§ 7505. Transition plan and services.

(a) Transition services required.--If a child is subject to an order transferring legal custody under 42 Pa.C.S. § 6351(a)(2) (relating to disposition of dependent child), the county shall:

(1) Beginning when the child is 14 years of age, provide age and developmentally appropriate services to help the child plan and prepare for eventual adulthood.

(2) Beginning no less than six months before the child will become 18 years of age, develop a transition plan in collaboration with the child and, at the child's election, other supportive adults.

(3) Prior to termination of court jurisdiction of a child 18 years of age or older, provide the child with all relevant documents, which may include, but are not limited to, the child's birth certificate, Social Security card, driver's license or State identification card, health insurance card and diploma or general educational development certificate.

(4) Prior to termination of court jurisdiction, provide the child with a copy of the transition plan.

(b) Transition plan.--A transition plan shall include:

(1) Identification of or detailed options for a suitable place of intended residence.

(2) A list, with contact information, of supportive adults and family members.

(3) Identification of local opportunities for mentorships and continuing social support.

(4) A plan or detailed options for employment, job training or continuing education.

(5) Documentation of the child's possession of relevant documents or, if the child does not have possession of the documents, an explanation of the reasons why the child does

not have the documents and detailed instructions on how the child may obtain the documents.

(c) Transition document retention.--The county shall document the child's transition plan in the child's case plan and shall retain electronic copies of the transition plan and all relevant documents for no less than five years after termination of court jurisdiction.

Cross References. Section 7505 is referred to in section 6351 of Title 42 (Judiciary and Judicial Procedure).

§ 7506. Data collection to improve permanency outcomes.

The county agency shall submit to the department the following data for a child 18 years of age or older at the time the court terminates jurisdiction over the child:

- (1) Age.
- (2) Gender.
- (3) Race.
- (4) Permanency goal.
- (5) Whether the permanency goal was achieved.
- (6) Whether the child requested resumption of jurisdiction.
- (7) Whether the court granted resumption of jurisdiction.
- (8) The number of placements in the prior year.
- (9) Whether the child had an identified place of intended residence.
- (10) Whether the child had income through employment.
- (11) Whether the child had income through a public benefit.
- (12) Whether the child had at least two identified supportive adult connections.
- (13) Whether the child had contact with siblings.
- (14) Whether the child had contact with biological parents.
- (15) Whether the child graduated from high school.
- (16) Whether the child received a general educational development certification.
- (17) Whether the child was a parent or expectant parent.
- (18) Whether the child was enrolled in a program of postsecondary education or training.
- (19) Whether the child had completed at least two years in a program of postsecondary education or training.
- (20) Whether the child was enrolled in Medicaid.
- (21) Whether the child was given a physical copy of a transition plan.
- (22) Whether the child had possession of a birth certificate, Social Security card, State identification card or driver's license, health insurance card and, if not born in the United States, proof of valid immigration status.

§ 7507. Kinship Care Program.

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

(b) 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 and each parent who has legal custody of a sibling of a dependent child within 30 days of the child's removal from the child's home if temporary legal and physical custody has been transferred to the county agency. The notice must explain all of the following:

(1) 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.

(c) 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 the placement was not possible.

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

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

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

Cross References. Section 7507 is referred to in section 6336.1 of Title 42 (Judiciary and Judicial Procedure).

§ 7508. 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 is authorized to promulgate necessary regulations for county agencies to implement the Subsidized Permanent Legal Custodianship Program in accordance with the provisions of this chapter. 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.

§ 7509. Permanent legal custodianship subsidy and reimbursement.

(a) Amount.--The amount of permanent legal custodianship subsidy for maintenance costs to a permanent legal custodian or a successor 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 chapter, provided that the county agency complies with the requirements established by the department.

CHAPTER 77

ADOPTION OPPORTUNITIES

Sec.

7701. Declaration of purpose.

7702. Definitions.

7703. Regulations.

7704. Adoption opportunity payments and reimbursement.

Enactment. Chapter 77 was added November 3, 2022, P.L.1765, No.118, effective in 60 days.

§ 7701. Declaration of purpose.

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

§ 7702. 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:

"Adoption opportunity." A subsidy which may include:

- (1) maintenance costs;
- (2) medical, surgical and psychological expenses; and
- (3) other costs incident to the adoption.

"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 adoption assistance agreement became effective and is:

(i) completing secondary education or an equivalent credential;

(ii) enrolled in an institution that provides postsecondary or career and technical 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 that 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 in the legal custody of the county agency where parental rights have been terminated pursuant to the procedure set forth in 23 Pa.C.S. Pt. III (relating to adoption) and who has been in foster placement for a period of not less than six months and shown to be difficult to adopt because of a disability 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 county agency.

§ 7703. Regulations.

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

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

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

(2) Procedures for implementing the adoption opportunity payment.

(3) Reporting requirements by county agencies.

Cross References. Section 7703 is referred to in section 7704 of this title.

§ 7704. Adoption opportunity payments and reimbursement.

(a) Amount.--The amount of adoption opportunity payment for maintenance costs to an adoptive family 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 county agencies for at least 80% of the cost of an adoption opportunity provided by the county agency under this chapter if the county agency complies with the reporting requirements established by the department under section 7703 (relating to regulations).

(c) Limitation.--No public money shall be expended under this chapter on behalf of an eligible child until all available benefits under existing or future private, public, Federal, State or local programs have been exhausted. Notwithstanding any other provision of law, adoptive families subsidized under the provisions of this chapter shall not be liable under the provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966, or 23 Pa.C.S. Ch. 46 (relating to support of the indigent) in the event that the adopted child needs services or assistance under the provisions of Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, or under the provisions of the Mental Health and Intellectual Disability Act of 1966.

CHAPTER 79

EARLY INTERVENTION SERVICES

Sec.

7901. (Reserved).

Enactment. Chapter 79 was added November 3, 2022, P.L.1765, No.118, effective in 60 days.

§ 7901. (Reserved).

CHAPTER 81

MISCELLANEOUS PROVISIONS

Sec.

8101. (Reserved).

8102. Indemnification agreements.

Enactment. Chapter 81 was added November 3, 2022, P.L.1765, No.118, effective in 60 days, and November 3, 2022, P.L.1937, No.127, effective in 90 days. Act 127 overlooked the amendment by Act 118, but the amendments do not conflict in substance and Act 127 has been given effect in setting forth the text of Chapter 81.

§ 8101. (Reserved).

§ 8102. Indemnification agreements.

(a) General rule.--A provision in a service provider contract in which a county agency or municipal government entity is indemnified, held harmless or insured for damages, claims, losses or expenses arising from any injury, including, but not limited to, bodily injury, mental anguish, property damage or

economic or noneconomic damages or loss caused by or resulting from the county agency's or municipal government entity's negligence, in whole or in part, shall be void as against public policy and unenforceable.

(b) Definitions.--For the purposes of this section, the term "service provider contract" shall mean a contract, agreement or understanding regarding the provision of services subject to regulation under 55 Pa. Code Pt. V (relating to children, youth and families manual).

2022 Amendment. Section 3 of Act 127 provided that the addition of section 8102 shall apply to service provider contracts entered into on or after the effective date of section 3.

APPENDIX TO TITLE 67
PUBLIC WELFARE

Supplementary Provisions of Amendatory Statutes

2019, JUNE 28, P.L.93, NO.14

§ 6. Continuation of prior law.

The addition of 67 Pa.C.S. Chs. 21 and 31 is a continuation of subarticle (e) of Article VII and Article XIII of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code. The following apply:

(1) Except as otherwise provided in 67 Pa.C.S. Chs. 21 and 31, all activities initiated under subarticle (e) of Article VII and Article XIII of the Human Services Code shall continue and remain in full force and effect and may be completed under 67 Pa.C.S. Ch. 21 or 31. Orders, regulations and decisions that were made under subarticle (e) of Article VII or Article XIII of the Human Services Code and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under 67 Pa.C.S. Ch. 21 or 31. Contracts, obligations and agreements entered into under subarticle (e) of Article VII or Article XIII of the Human Services Code are not affected or impaired by the repeal of these provisions.

(2) Any difference in language between 67 Pa.C.S. Chs. 21 and 31 and subarticle (e) of Article VII and Article XIII of the Human Services Code, respectively, is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of subarticle (e) of Article VII and Article XIII of the Human Services Code.

(3) Any reference in a statute or a regulation to subarticle (e) of Article VII of the Human Services Code shall be deemed a reference to 67 Pa.C.S. Ch. 21.

(4) Any reference in a statute or a regulation to Article XIII of the Human Services Code shall be deemed a reference to 67 Pa.C.S. Ch. 31.

Explanatory Note. Act 14 amended or added section 101, the heading of Part II, section 1101 and Chapters 21 and 31.

§ 4. Continuation of prior law.

The addition of 67 Pa.C.S. Chs. 71 and 73 is a continuation of the act of November 16, 2005 (P.L.376, No.68), known as the Resource Family and Adoption Process Act, and the act of November 22, 2005 (P.L.404, No.73), known as the Resource Family Care Act. The following apply:

(1) Except as otherwise provided in 67 Pa.C.S. Chs. 71 and 73, all activities initiated under the Resource Family and Adoption Process Act and the Resource Family Care Act shall continue and remain in full force and effect and may be completed under 67 Pa.C.S. Chs. 71 and 73. Orders, regulations, rules and decisions which were made under the Resource Family and Adoption Process Act and the Resource Family Care Act and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under 67 Pa.C.S. Chs. 71 and 73. Contracts, obligations and collective bargaining agreements entered into under the Resource Family and Adoption Process Act and the Resource Family Care Act are not affected nor impaired by the repeal of the Resource Family and Adoption Process Act and the Resource Family Care Act.

(2) Any difference in language between 67 Pa.C.S. Chs. 71 and 73 and the Resource Family and Adoption Process Act and the Resource Family Care Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Resource Family and Adoption Process Act and the Resource Family Care Act.

Explanatory Note. Act 131 amended or added Pt. IV heading and Chapters 71 and 73.