

Act 80 of 2012  
Effective July 1, 2012

Provides opportunities and support to older youth by extending guardianship and adoption subsidies to age 21 for eligible youth who enter out-of-home placement at age 13 or older by:

- Amending the definition of “Child” in the Public Welfare Code to include an individual who:

(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. **Adoption Opportunity Act at 62 P.S. § 772. Family Finding and Kinship Care Act 62 P.S. § 1302.**

- Amending the definition of “Eligible child” in the Public Welfare Code to include 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. **Family Finding and Kinship Care Act 62 P.S. § 1302.**

- Amending the definition of “Eligible permanent legal custodian” in the Public Welfare Code to include 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). **Family Finding and Kinship Care Act 62 P.S. § 1302.**

- Amending the definition of “Kin” in the Public Welfare Code to include 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.
- Family Finding and Kinship Care Act 62 P.S. § 1302.**

- Amending the definition of “relative” in the Public Welfare Code to include: 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. **Family Finding and Kinship Care Act 62 P.S. § 1302.**

- Amending the definition of “Permanent legal custodian” in the Public Welfare Code to include:

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). **Family Finding and Kinship Care Act 62 P.S. § 1302.**

- Amending the definition of “Subsidized permanent legal custodianship” in the Public Welfare Code to include:

"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. **Family Finding and Kinship Care Act 62 P.S. § 1302.**

- Amending the definition of “Subsidized permanent legal custodianship agreement” in the Public Welfare Code to include:

"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. **Family Finding and Kinship Care Act 62 P.S. § 1302.**

➤ Adding “Relative Notification” to the Public Welfare Code to read:

(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. **Family Finding and Kinship Care Act 62 P.S. § 1303.**

➤ Adding “Subsidized permanent legal custodianship program” to the Public Welfare Code to read:

(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. **Family Finding and Kinship Care Act 62 P.S. § 1303.1.**

➤ Adding “Permanent legal custodianship subsidy and reimbursement” to the Public Welfare Code to read:

- 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. **Family Finding and Kinship Care Act 62 P.S. § 1303.2.**