

No. 339

AN ACT

HB 2025

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," providing for adoption opportunities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Article VII, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," is amended by adding a subarticle heading and sections to read:

ARTICLE VII
CHILDREN AND YOUTH

* * *

(e) Adoption Opportunities Act

Section 771. Declaration of Purpose.—This subdivision shall be interpreted and construed so as to effect the following purpose: to encourage and promote the placement in adoptive homes of children who are physically and/or mentally handicapped, emotionally disturbed, or hard to place by virtue of age, sibling relationship, or ethnicity.

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 is under the age of eighteen years.

"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.

Section 773. Rules and Regulations.—(a) The Department of Public Welfare shall establish and develop criteria and promulgate necessary regulations for public child welfare agencies to implement an adoption opportunity in accordance with the provisions of this subdivision (e).

(b) The regulations shall include, but not be limited to, criteria for identifying eligible children and adoptive homes, procedures for implementing the subsidy, and reporting requirements by local authorities.

(c) All regulations established pursuant to this section shall be adopted pursuant to the act of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth Documents Law," and the hearings referred to in section 202 of that act shall be mandatory.

Section 774. Adoption Opportunity Payments and Reimbursement.—(a) The amount of adoption subsidy 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) The department shall reimburse local authorities for at least eighty percent (80%) of the cost of an adoption opportunity provided by local authority pursuant to the provisions of this subdivision (e), provided the local authority complies with the reporting requirements established by the department pursuant to section 773.

(c) No public funds shall be expended under this subdivision (e) on behalf of an eligible child until all available benefits under existing or future private, public, local, State, or Federal programs have been exhausted. Notwithstanding any other provision of law, adoptive families subsidized under the provisions of this subdivision (e) shall not be liable pursuant to the provisions of the act of October 20, 1966 (3rd Sp. Sess., P.L.96, No.6), known as the "Mental Health and Mental Retardation Act of 1966," or the act of June 24, 1937 (P.L.2045, No.397), known as "The Support Law," in the event that the adopted child needs services or assistance under the provisions of Article IV of this act or under the provisions of the "Mental Health and Mental Retardation Act of 1966."

Section 2. This act shall take effect immediately so as to permit the Department of Public Welfare to establish regulations, but no payments shall be made prior to July 1, 1975.

APPROVED—The 30th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 339.



Secretary of the Commonwealth.