

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 62 P.S. Poor Persons and Public Welfare  
Chapter 1. Public Welfare Code  
Article XIII. Family Finding and Kinship Care

T. 62 P.S., Ch. 1, Art. XIII, Refs & Annos

[Currentness](#)

Purdon's Pennsylvania Statutes and Consolidated Statutes  
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62 P.S. § 1301

§ 1301. Legislative intent

Effective: September 9, 2013

[Currentness](#)

This article is intended to ensure that family finding occurs on an ongoing basis for all children entering the child welfare system. This article 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.

**Credits**

1967, June 13, P.L. 31, No. 21, art. 13, § 1301, added 2003, Sept. 30, P.L. 169, No. 25, § 1, effective March 30, 2004.  
Amended 2013, July 9, P.L. 369, No. 55, § 19, effective in 60 days [Sept. 9, 2013].

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62 P.S. § 1302

§ 1302. Definitions

Effective: September 9, 2013

[Currentness](#)

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:

**“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 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),<sup>1</sup> 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).

**“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\(a\)\(2.1\)](#) (relating to disposition of dependent child).

**“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.

**“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 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.

#### **Credits**

1967, June 13, P.L. 31, No. 21, art. 13, § 1302, added [2003, Sept. 30, P.L. 169, No. 25, § 1](#), effective March 30, 2004. Amended [2012, June 30, P.L. 668, No. 80, § 9](#), effective July 1, 2012; [2013, July 9, P.L. 369, No. 55, § 20](#), effective in 60 days [Sept. 9, 2013].

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62 P.S. § 1302.1

§ 1302.1. Family finding required

Effective: September 9, 2013

[Currentness](#)

Family finding shall be conducted for a child when the child is accepted for services 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 1302.2](#).

**Credits**

1967, June 13, P.L. 31, No. 21, art. 13, § 1302.1, added [2013, July 9, P.L. 369, No. 55, § 21](#), effective in 60 days [Sept. 9, 2013].

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62 P.S. § 1302.2

§ 1302.2. Discontinuance of family finding

Effective: September 9, 2013

[Currentness](#)

**(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 its 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).<sup>1</sup>

**(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 interest of the child and does not pose a threat to the child's safety.

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62 P.S. § 1303

§ 1303. Kinship Care Program

Effective: July 1, 2012

[Currentness](#)

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

**(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.

**(b) 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 such placement was not possible.

**(c) Regulations.**--

- (1) The department shall promulgate regulations necessary to carry out the provisions of this article. These regulations shall provide all of the following:
  - (i) Relatives shall receive the same foster care rate as other foster parents if they are complying with the regulations governing foster parents.
  - (ii) Foster care payments received by a relative who is a foster parent shall be excluded from consideration when calculating eligibility for public welfare assistance.
- (2) The regulations shall be subject to review pursuant to the act of June 25, 1982 (P.L. 633, No. 181), known as the

Regulatory Review Act.<sup>1</sup>

**Credits**

1967, June 13, P.L. 31, No. 21, art. 13, § 1303, added 2003, Sept. 30, P.L. 169, No. 25, § 1, effective March 30, 2004.  
Amended 2012, June 30, P.L. 668, No. 80, § 10, effective July 1, 2012.



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62 P.S. § 1303.1

§ 1303.1. Subsidized Permanent Legal Custodianship Program

Effective: July 1, 2012

[Currentness](#)

**(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.

**Credits**

1967, June 13, P.L. 31, No. 21, art. 13, § 1303.1, added [2012, June 30, P.L. 668, No. 80, § 11](#), effective July 1, 2012.

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62 P.S. § 1303.2

§ 1303.2. Permanent legal custodianship subsidy and reimbursement

Effective: July 1, 2012

[Currentness](#)

**(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.

**Credits**

1967, June 13, P.L. 31, No. 21, art. 13, § 1303.2, added [2012, June 30, P.L. 668, No. 80, § 11](#), effective July 1, 2012.