

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1486 Session of 2023

INTRODUCED BY E. NELSON, KINSEY, LABS, HARKINS, SMITH-WADE-EL, MADDEN, HILL-EVANS, KIM, HANBIDGE, D. WILLIAMS, SANCHEZ, GREEN, FLEMING, OTTEN, MAYES, RIGBY, GREGORY AND KHAN, JUNE 21, 2023

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 29, 2024

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 further providing for copayments for subsidized child care; <--
5 AND MAKING A REPEAL.

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

8 Section 1. Section 408.3 heading, (c), (e) and (f) of the
9 act of June 13, 1967 (P.L.31, No.21), known as the Human
10 Services Code, are amended to read:

11 Section 408.3. [Copayments for] Subsidized Child Care.--* *

12 *

13 (c) In establishing the copayment amounts pursuant to this
14 section, all of the following shall apply:

15 (1) Copayments shall be on a sliding scale based on a
16 percentage of the family's annual income taking into account
17 Federal poverty income guidelines and considerations to support
18 economic self-sufficiency. Copayments shall be updated annually.

1 (2) At the department's discretion, copayments may be
2 imposed:

- 3 (i) for each child enrolled in subsidized child care;
- 4 (ii) based upon family size; or
- 5 (iii) in accordance with both subparagraphs (i) and (ii).

6 (3) Copayment amounts shall be a minimum of five dollars
7 (\$5) per week and shall increase in incremental amounts, based
8 on a percentage of the family's annual income, as determined by
9 the department.

10 [(3.1) At initial application, the family's annual income
11 may not exceed two hundred percent of the Federal poverty income
12 guidelines.]

13 (3.2) After an initial determination or redetermination of
14 eligibility, a child shall continue to be enrolled in subsidized
15 child care for twelve months regardless of either of the
16 following:

17 (i) A temporary change in the parent or caretaker's status
18 as working or attending a job training or educational program.

19 (ii) An increase in the family's annual income, if the
20 income does not exceed eighty-five percent of the State median
21 income for a family of the same size.]

22 (4) [Subject to subsection (e), a] A family's annual
23 copayment under either paragraph (1) or (2) shall not exceed:

24 (i) eight percent of the family's annual income if the
25 family's annual income is one hundred percent of the Federal
26 poverty income guideline or less;

27 (ii) eleven percent of the family's annual income if the
28 family's annual income exceeds one hundred percent of the
29 Federal poverty income guideline, but is not more than two
30 hundred fifty percent of the Federal poverty income guideline;

1 (iii) thirteen percent of the family's annual income if the
2 family's annual income exceeds two hundred fifty percent of the
3 Federal poverty income guideline, but is not more than two
4 hundred seventy-five percent of the Federal poverty income
5 guideline; or

6 (iv) beginning after July 1, 2017, fifteen percent of the
7 family's annual income if the family's annual income exceeds two
8 hundred seventy-five percent of the Federal poverty income
9 guideline, but is not more than three hundred percent of the
10 Federal poverty income guideline or eighty-five percent of the
11 State median income, whichever is lower.

12 (5) Notwithstanding this subsection, beginning with State
13 fiscal year 2012-2013, the department may adjust the annual
14 copayment percentages specified in this subsection by
15 promulgation of final-omitted regulations under section 204 of
16 the act of July 31, 1968 (P.L.769, No.240), referred to as the
17 "Commonwealth Documents Law."

18 [(6) Subject to subsection (e), at a redetermination, after
19 June 30, 2017, a family that exceeds the minimum work
20 requirements as a result of each parent or caretaker or, in the
21 case of a single-parent household, as a result of the sole
22 parent or caretaker, by working additional wage-earning hours
23 shall have a reduced copayment, not to be less than that which
24 is set forth under paragraph (3). This paragraph shall apply
25 only to a family that, after mutually qualifying for and
26 receiving subsidized child care and being current on the
27 required copayments as set forth in this subsection, increases
28 its average work week after the effective date of this paragraph
29 and has increased the family's annual income as a result of
30 working additional wage-earning hours. The copayment deduction

1 shall be applied as follows:

2 (i) For an average work week of at least twenty-five wage-
3 earning hours per parent or caretaker, a three-quarters of one
4 percent deduction from the amount set forth under this
5 subsection.

6 (ii) For an average work week of at least thirty wage-
7 earning hours per parent or caretaker, a one and one-half
8 percent deduction from the amount set forth under this
9 subsection.

10 (iii) For an average work week of at least thirty-five wage-
11 earning hours per parent or caretaker, a two and one-quarter
12 percent deduction from the amount set forth under this
13 subsection.

14 (iv) For an average work week of at least forty wage-earning
15 hours per parent or caretaker, a three percent deduction from
16 the amount set forth under this subsection.

17 (7) At its redetermination of eligibility, a parent or
18 caretaker shall provide documentation of its average work week
19 hours to receive the child care copayment deduction. The
20 department shall apply the copayment deduction after receiving
21 the required documentation.

22 (8) A family that has previously qualified for a deduction
23 in the child care copayment shall continue to remain eligible
24 for the copayment deduction if:

25 (i) the family's annual income does not exceed three hundred
26 percent of the Federal poverty income guideline or eighty-five
27 percent of the State median income, whichever is lower;

28 (ii) the parent or caretaker has been in compliance with
29 paragraph (7);

30 (iii) the parent or caretaker continues to exceed the

1 minimum work requirements by working additional wage-earning
2 hours;

3 (iv) the family's annual income has increased as a result of
4 working additional wage-earning hours; and

5 (v) the parent or caretaker is current and remains current
6 with making its copayment to the child care provider.

7 (9) The average work week of a family shall be calculated by
8 reviewing the family's income statements and taking the number
9 of hours worked per parent over a twelve-month period and
10 dividing by fifty-two.]

11 * * *

12 (e) [To the extent that money is appropriated for the
13 purpose, the department shall increase eligibility under
14 subsection (c) (4) for subsidized child care from two hundred
15 thirty-five percent of the Federal poverty income guideline up
16 to three hundred percent of the Federal poverty income guideline
17 and shall apply a copayment deduction under subsection (c) (6).
18 The department shall not be required to maintain eligibility
19 above two hundred thirty-five percent of the Federal poverty
20 income guideline or apply a copayment deduction unless funding
21 is appropriated by the General Assembly.

22 (f) As used in this section, "wage-earning hours" means
23 hours for which an individual is financially compensated by an
24 employer. The term does not include hours spent volunteering, in
25 education or in job training, unless those hours are compensated
26 as a condition of employment.] The following shall apply to
27 eligibility for subsidized child care:

28 (1) At an initial determination, the family's annual income
29 may not exceed two hundred percent of the Federal poverty income
30 guidelines.

1 (2) At a redetermination, the following shall apply:

2 (i) Except as provided under subparagraph ~~(ii)~~ (II) (A), the <--
3 family's annual income may not exceed two hundred thirty-five
4 percent of the Federal poverty income guidelines or eighty-five
5 percent of the State median income for a family of the same
6 size, whichever is lower.

7 (ii) AS FOLLOWS: <--

8 (A) To the extent that money is appropriated by the General
9 Assembly for the purpose of this ~~section~~ CLAUSE, the family's <--
10 annual income may not exceed three hundred percent of the
11 Federal poverty income guidelines or eighty-five percent of the
12 State median income for a family of the same size, whichever is
13 lower.

14 (B) FOR FISCAL YEAR 2023-2024 AND EACH FISCAL YEAR <--
15 THEREAFTER, NO LESS THAN TWENTY-FIVE MILLION DOLLARS
16 (\$25,000,000) FROM MONEY APPROPRIATED TO THE DEPARTMENT FOR
17 CHILD-CARE SERVICES SHALL BE USED FOR THE PURPOSES SPECIFIED
18 UNDER CLAUSE (A).

19 (3) For twelve months after an initial determination under
20 paragraph (1) or a redetermination of eligibility under
21 paragraph (2), a child shall remain eligible for subsidized
22 child care regardless of either of the following:

23 (i) A temporary change in the parent or caretaker's status
24 as working or attending a job training or educational program.

25 (ii) An increase in the family's annual income, if the
26 income does not exceed eighty-five percent of the State median
27 income for a family of the same size.

28 SECTION 2. REPEALS ARE AS FOLLOWS: <--

29 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
30 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE AMENDMENT OF

1 SECTION 408.3 HEADING, (C), (E) AND (F) OF THE ACT.

2 (2) SECTION 1729-E(A) (8) OF THE ACT OF APRIL 9, 1929
3 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.

4 Section ~~2~~ 3. This act shall take effect in 60 days.

<--