
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1188 Session of
2024

INTRODUCED BY J. WARD, BREWSTER, BAKER, VOGEL AND SCHWANK,
MAY 17, 2024

REFERRED TO AGING AND YOUTH, MAY 17, 2024

AN ACT

1 Amending the act of October 23, 2018 (P.L.591, No.89), entitled
2 "An act establishing the Kinship Caregiver Navigator Program
3 in the Department of Human Services; and providing for
4 kinship caregiver navigator website and for kinship caregiver
5 navigators," further providing for definitions and for
6 kinship caregiver navigator website; providing for grants for
7 case management and legal caregiver services; and making a
8 transfer.

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

11 Section 1. Section 2 of the act of October 23, 2018
12 (P.L.591, No.89), known as the Kinship Caregiver Navigator
13 Program Act, is amended by adding definitions to read:

14 Section 2. Definitions.

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

18 "Account." The Legal Services for Kinship Caregivers Grant
19 Account established under section 5.1(g).

20 * * *

21 "Case management entity." A person who provides information

1 and assistance with access to supports and services.

2 * * *

3 "Entity." A legal services entity or a case management
4 entity.

5 * * *

6 "Legal services entity." A legal organization that provides
7 civil legal services to clients and meets all of the following
8 criteria:

9 (1) Is a not-for-profit organization located within this
10 Commonwealth.

11 (2) Is tax exempt under 26 U.S.C. § 501(c)(3) (relating
12 to exemption from tax on corporations, certain trusts, etc.).

13 (3) Has licensed staff attorneys who are in good
14 standing.

15 (4) Operates primarily in this Commonwealth.

16 (5) Has at least two years of experience providing legal
17 services related to guardianships, adoption, custody or
18 similar civil legal services.

19 (6) Has a primary purpose of providing civil legal
20 services to clients without a fee or at a subsidized rate.

21 * * *

22 Section 2. Section 4(b)(5) of the act is amended and the
23 subsection is amended by adding a paragraph to read:

24 Section 4. Kinship caregiver navigator website.

25 * * *

26 (b) Required information.--The website shall include
27 information, including, but not limited to, the following:

28 * * *

29 (5) Relevant legal resources and assistance, including
30 services under section 5.1.

1 * * *

2 (9) Information on the availability of case management
3 services.

4 * * *

5 Section 3. The act is amended by adding a section to read:

6 Section 5.1. Grants for case management and legal caregiver
7 services.

8 (a) Grants.--Subject to the availability of funds, the
9 department shall award grants to the following:

10 (1) Qualified legal services entities for the provision
11 of legal services under subsection (b) (1) to eligible kinship
12 caregivers.

13 (2) Qualified case management entities for the provision
14 of services under subsection (b) (2) to eligible kinship
15 caregivers.

16 (b) Use of grant money.--

17 (1) A legal services entity may use grant money for
18 administrative costs and the provision of civil legal
19 services to an eligible kinship caregiver, including any of
20 the following services:

21 (i) Guardianship or standby guardianship.

22 (ii) Adoption.

23 (iii) Custody.

24 (iv) Legal services relating to the medical,
25 educational and transportation needs of the child,
26 including obtaining power of attorney and assistance
27 applying for public benefits.

28 (v) Obtaining a government-issued identification
29 card.

30 (vi) Seeking access to the child's medical records.

1 (2) A case management entity may use grant money for
2 administrative costs and the provision of information and
3 assistance to an eligible kinship caregiver regarding access
4 to available supports and services, including medical,
5 educational and transportation services, legal resources and
6 assistance, respite services, training, support groups and
7 Federal and State programs.

8 (3) An entity awarded a grant may only use grant money
9 for the costs of the provision of services under paragraph
10 (1) or (2) and when the following are met:

11 (i) The kinship caregiver is a resident of this
12 Commonwealth, regardless of citizenship or length of
13 residence in this Commonwealth.

14 (ii) The kinship caregiver meets one of the
15 following:

16 (A) has a household monthly gross income that
17 does not exceed 300% of the Federal poverty
18 guidelines as published annually in the Federal
19 Register by the United States Department of Health
20 and Human Services;

21 (B) is receiving assistance under the medical
22 assistance program established under Article IV of
23 the act of June 13, 1967 (P.L.31, No.21), known as
24 the Human Services Code; or

25 (C) is receiving benefits under the Supplemental
26 Nutrition Assistance Program.

27 (iii) The kinship caregiver provides affirmation
28 that:

29 (A) The kinship caregiver is not named in the
30 Statewide database established under 23 Pa.C.S. §

1 6331 (relating to establishment of Statewide
2 database) or its equivalent in each state in which
3 the individual has resided within the previous five-
4 year period, as an alleged perpetrator in a pending
5 child abuse investigation or as a perpetrator of a
6 founded or indicated report.

7 (B) The kinship caregiver has not been arrested
8 for or convicted of a crime under the following
9 provisions of 18 Pa.C.S. (relating to crimes and
10 offenses) or an equivalent crime under Federal law or
11 the law of another state:

12 Chapter 25 (relating to criminal homicide).

13 Section 2702 (relating to aggravated
14 assault).

15 Section 2709.1 (relating to stalking).

16 Section 2901 (relating to kidnapping).

17 Section 2902 (relating to unlawful
18 restraint).

19 Section 3121 (relating to rape).

20 Section 3122.1 (relating to statutory sexual
21 assault).

22 Section 3123 (relating to involuntary deviate
23 sexual intercourse).

24 Section 3124.1 (relating to sexual assault).

25 Section 3125 (relating to aggravated indecent
26 assault).

27 Section 3126 (relating to indecent assault).

28 Section 3127 (relating to indecent exposure).

29 Section 4302 (relating to incest).

30 Section 4303 (relating to concealing death of

1 child).

2 Section 4304 (relating to endangering welfare
3 of children).

4 Section 4305 (relating to dealing in infant
5 children).

6 A felony offense under section 5902(b)
7 (relating to prostitution and related offenses).

8 Section 5903(c) or (d) (relating to obscene
9 and other sexual materials and performances).

10 Section 6301 (relating to corruption of
11 minors).

12 Section 6312 (relating to sexual abuse of
13 children).

14 The attempt, solicitation or conspiracy to
15 commit any of the offenses listed in this clause.

16 (4) An entity shall return awarded grant money expended
17 for the provision of a service under this section if a
18 kinship caregiver does not meet the eligibility requirements
19 under this section or the affirmation under paragraph (3)
20 (iii) includes false or incorrect information.

21 (5) An entity may not use grant money for any of the
22 following:

23 (i) Political and lobbying activities.

24 (ii) Defense of criminal prosecutions or juvenile
25 delinquency.

26 (iii) Any proceedings concerning a dependent child
27 under 42 Pa.C.S. Ch. 63 (relating to juvenile matters),
28 including guardianship, standby guardianship, adoption or
29 custody of the dependent child.

30 (iv) Any proceedings or services unrelated to the

1 services under paragraphs (1) and (2).

2 (c) Evaluation of applicants.--An entity may apply for a
3 grant in a form and manner specified by the department. At least
4 10% of funding shall be used to award grants to case management
5 entities, to the extent a sufficient number of case management
6 entities apply and meet the grant requirements. The department
7 shall evaluate applications received under this subsection based
8 on compatibility with the program's intent, including awarding
9 grants to entities that demonstrate all of the following:

10 (1) A primary mission to provide services to kinship
11 caregivers.

12 (2) Sufficient personnel and the expertise necessary to
13 deliver the services required under this section.

14 (3) Broad community support and the support and
15 cooperation of local programs through letters of support or
16 other evidence.

17 (4) For legal service entities, a willingness to assist
18 with commonly used forms and written self-representation
19 materials for kinship caregivers.

20 (d) Duration of grants.--The department shall award a grant
21 to an entity for a three-year term, which may be renewed for an
22 additional one-year term as approved by the department. The
23 amount and number of grants available may change each year based
24 on the amount of funds appropriated to the department and the
25 cost of administering the grants.

26 (e) Priority of grants.--In awarding grants under this
27 section, the department shall give priority to an entity that
28 meets all of the following criteria:

29 (1) Serves vulnerable segments of the population.

30 (2) Expands access to hard-to-reach segments of the

1 population.

2 (3) Applies creative and innovative approaches that
3 could significantly enhance access, increase efficiency or
4 improve service quality.

5 (f) Reports.--Each entity that is awarded a grant shall
6 prepare and submit a report to the department, the chairperson
7 and minority chairperson of the Aging and Youth Committee of the
8 Senate and the chairperson and minority chairperson of the
9 Children and Youth Committee of the House of Representatives on
10 an annual basis. The department shall publish the report on the
11 department's publicly accessible Internet website. The report
12 shall include all of the following:

13 (1) The total number of individuals who have been
14 provided services under the grant and unidentifiable
15 information about the kinship caregivers served through grant
16 funding, including gender, race, ethnicity, age, county of
17 residence, household size, approximate household income and
18 receipt of ongoing public assistance at the time services
19 were initiated.

20 (2) The outcomes of the cases of kinship caregivers who
21 have been provided services under paragraph (1).

22 (3) The type of issues addressed by the entity.

23 (4) The expenditure of grant money by the entity to
24 assist kinship caregivers throughout this Commonwealth.

25 (5) The number of instances when kinship caregivers
26 sought services from each entity but were not able to obtain
27 services and the reasons why services were not provided.

28 (6) The amount of unexpended grant money, if applicable.

29 (7) Recommendations for improvements to the access,
30 availability and delivery of services to kinship caregivers.

1 (8) Any other information deemed necessary by the
2 department.

3 (g) Account.--

4 (1) The Legal Services for Kinship Caregivers Grant
5 Account is established as a restricted account within the
6 General Fund. Money in the account shall be used for the
7 purpose specified in this section.

8 (2) Money in the account is appropriated on a continuing
9 basis to the department to award grants under this section.

10 (3) The State Treasurer shall transfer the sum of
11 \$1,500,000 annually from the General Fund to the account.

12 (4) The department may solicit and accept grants and
13 contributions from private sources for deposit into the
14 account.

15 (5) The department may solicit and accept gifts,
16 donations, legacies and other money for deposit into the
17 account from a person or a government entity on behalf of the
18 Commonwealth.

19 (6) The department may use no more than 5% of available
20 money to cover the direct costs associated with the
21 implementation and administration of this section.

22 Section 4. This act shall take effect in 180 days.