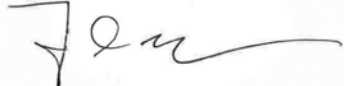


ISSUE DATE September 28, 2023	EFFECTIVE DATE IMMEDIATELY	NUMBER 3130-23-01 3140-23-05
SUBJECT Title IV-E Manual: Chapter 4 – Subsidized Permanent Legal Custodianship (SPLC) Policy		BY  Laval Miller-Wilson, Deputy Secretary Office of Children, Youth & Families

SCOPE:

COUNTY COMISSIONERS AND COUNTY EXECUTIVES
COUNTY CHILDREN AND YOUTH ADMINISTRATORS
COUNTY CHILDREN AND YOUTH FISCAL OFFICERS

BACKGROUND/PURPOSE:

The purpose of this bulletin is to inform County Children and Youth Agencies (CCYAs) of the policies and procedures that relate to determining Title IV-E eligibility and reimbursability for Subsidized Permanent Legal Custodianship (SPLC) in accordance with applicable federal and state laws, regulations, and policies.

Previously, the documents listed below were issued by the Department of Human Services (DHS) Office of Children, Youth and Families (OCYF) and contained different aspects of guidance on SPLC eligibility. This bulletin replaces the guidance and requirements related only to SPLC in the following documents:

- OCYF Special Transmittal, Act 80 of 2012 and Act 91 of 2012, Act 80 parts only
- OCYF Special Transmittal, Subsidized Permanent Legal Custodian – Successor

This bulletin includes relevant pieces of the following federal and state laws, policies and guidance that impact Title IV-E SPLC eligibility and reimbursability:

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO: The appropriate OCYF Regional Office.
Central Region (717)772-7702 | Northeast Region (570)963-4376 | Southeast Region (215)560-2249 | Western Region (412)565-5728

ORIGIN OF BULLETIN:

OCYF Bureau of Budget and Fiscal Support
717-783-3856 / RA-PWOCYFFiscalPolic@pa.gov)

Visit the Office of Children, Youth and Families website at www.KeepKidsSafe.pa.gov

FEDERAL:

Social Security Act (The Act) Section 473, Adoption and Guardian Assistance Program (GAP). The Act establishes the eligibility requirements for states and the criteria that must be met by the child/youth and the guardian.

Adoption Assistance and GAP payments are the benefits provided to an adoptive family/permanent guardian on behalf of an eligible child. The payment may be:

- a monthly subsidy which may not exceed the amount of the foster care maintenance payment that would have been made for that specific child if the child had been in a foster family home; and/or
- reimbursement of non-recurring adoption/guardianship expenses which may not exceed \$2,000.

Fostering Connections to Success and Increasing Adoptions Act (P.L.) 110-351).

This legislation afforded states the option to implement a federally-supported relative GAP whereby states could provide guardianship assistance payments for the care of children by relatives who assume legal guardianship of eligible children for whom they previously cared as foster parents. Title IV-E funds were identified to support children and youth who meet eligibility requirements. Pennsylvania revised its existing Permanent Legal Custodianship (PLC) policy to incorporate the federally-supported kin and relative caregiver requirements.

Furthermore, the legislation allowed states to opt into extensions of Title IV-E assistance to otherwise eligible youth remaining in foster care after reaching age 18 and to youth who, at age 16 or older, exited foster care to either adoption or SPLC, provided they have not yet reached a state selected age of 19, 20 or 21 and are meeting certain criteria.

Adoption and Safe Families Act of 1997 (ASFA) (P.L. 105-89).

ASFA provides states with the tools and incentives, through statutory and regulatory requirements, to achieve the goals of safety, permanency, and well-being for children and their families with a focus on timeliness. ASFA provides the impetus to dismantling the barriers to permanency that exists for children in placement, and for achieving timely permanency for these children.

The Multiethnic Placement Act of 1994 (MEPA).

MEPA requirements, along with those of the Interethnic Placement amendments to MEPA in the Small Business Job Protection Act of 1996, apply to foster care, adoption, and permanent legal custodianship. Child welfare agencies, both public and private, that provide or fund foster family care or adoption services may not:

- deny any person the opportunity to become an adoptive or foster parent, or permanent legal custodian, on the basis of race, color, or national origin of the adoptive or foster parent, or permanent legal custodian, or the child involved; or

- delay or deny the placement of a child for adoption or into foster care or into a PLC, or otherwise discriminate in making a placement decision on the basis of race, color, or national origin of the adoptive or foster parent, or permanent legal custodian, or the child involved.

The federal **Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)** amended the Family Connections Grants and the Adoption and Guardianship Incentive Programs, including a provision to preserve the Title IV-E eligibility of a child for SPLC payments when a permanent legal custodian is replaced with a Successor permanent legal custodian (Successor). This federal law made several significant changes to the Social Security Act, including an option for each state to allow a permanent legal custodian to name a Successor in the event the custodian dies or is incapacitated.

STATE:

42 Pa.C.S., Chapter 63. The Juvenile Act. The Juvenile Act was amended to comply with federal ASFA provisions.

Section 6351. Disposition of dependent child.

§6351(a)(2.1). Provides for the court to transfer permanent legal custody of a child to an individual, including a relative who, after study, is found by the court to be qualified to receive and care for the child. Visitation and child support is also addressed.

§6351(e) Permanency hearings. Establishes a time frame in which the court shall conduct permanency hearings for the purpose of determining and reviewing the permanency plan for a child who is in substitute care.

§6351(f.1) Additional Determination. Requires that the court determine if and when the child will be returned to the child's parent, guardian or custodian, placed for adoption and the county agency will file for termination of parental rights, placed with a legal custodian, placed with a fit and willing relative or placed in another living arrangement intended to be permanent in nature and approved by the court. A hierarchal order is also established.

Section 6357. Rights and duties of legal custodian.

Provides for the granting of custody of a child to a legal custodian and places certain rights upon that custodian, including the right to physical custody of the child, to determine the nature of the child's care and treatment. The custodian is prescribed the right and duty to provide for the care, protection, training and education, and the physical, mental and moral welfare of the child.

Act 14 of 2019 (formerly Act 80 of 2012) to comply with Federal P.L. 110-351. In 2019, Pennsylvania enacted Act 14 of 2019 to reinstate provisions for PLC/SPLC

previously under Acts 80 and 92. Act 80 of 2012 amended the Adoption Opportunities Act and Kinship Care to allow for extension of subsidies for adoption and PLC arrangements when meeting certain eligibility requirements.

Act 92 of 2015; to comply with Federal P.L. 113-83 amended the Human Service Code at §1302 of the Kinship Care Act to define eligible permanent legal custodians and Successors in accordance with the Preventing Sex Trafficking and Strengthening Families Act. This legislation enables the continuance of SPLC payments to a Successor when certain requirements are met. In addition, Act 92 amended §1303.2 of the Kinship Care Act to ensure the subsidy provided to a permanent legal custodian or their Successor shall not be reimbursed at an amount higher than the monthly maintenance payment for foster family care in the county in which the child resides.

OCYF Bulletin 3130-10-02/3140-10-03, Permanent Legal Custodian Policy informs counties of the guidelines and requirements for choosing PLC as a permanency option for children/youth who have been adjudicated dependent, or delinquent with Shared Case Responsibility (SCR), and for exercising the option to subsidize this permanency choice.

OCYF Policy Clarification 3170-22-01, Child Support Enforcement provides clarification on the collection of child support payments once a PLC has been established.

The **Child Welfare Policy Manual** contains policy questions and answers applicable to GAP, also known as SPLC in Pennsylvania.

Chapter 4
Title IV-E Subsidized Permanent
Legal Custodianship (SPLC) Policy

- 4.1 Overview of SPLC
- 4.2 Title IV-E SPLC Eligibility Determination
 - 1. Child/Youth Eligibility
 - a. Age and Citizenship
 - b. Programmatic Requirements
 - c. Eligible for Title IV-E in Foster Care Episode
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 - e. Verification of Bond with PLC Candidate
 - 2. Candidate Eligibility
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- 4.3 State SPLC Eligibility Determination
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- 4.6 Child Support
- 4.7 Title IV-E SPLC Agreement
- 4.8 SPLC Successors
- 4.9 Title IV-E SPLC Suspension and Termination
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- 4.11 Fair Hearings and Appeals

Attachment A: CY-61C Determination of Eligibility for Subsidized Permanent Legal Custodianship

Attachment B: Instructions for CY-61C Determination of Eligibility for Subsidized Permanent Legal Custodianship

Attachment C: Permanent Legal Custodian Confirmation of Intent

Attachment D: Model Subsidy Agreements for Subsidized Permanent Legal Custodian(s)

Attachment E: Annual Evaluation Form for the Subsidized Permanent Legal Custodianship

Attachment F: Subsidized Permanent Legal Custodianship Eligibility Checklist

Attachment G: Subsidized Permanent Legal Custodianship Successor Checklist

Attachment H: Social Security Impact Table

4.1 Overview of SPLC

In 2000, Pennsylvania developed PLC as a permanency program for children/youth who were unable to be reunified with their families and for whom adoption was not an option or in the child/youth's best interest. When Pennsylvania started its PLC program, PLC was not federally recognized.

In 2008, the federal Fostering Connections to Success and Increasing Adoptions Act amended Titles IV-B and IV-E of the Social Security Act (the Act). The legislation afforded states the option to implement a federally-supported relative GAP whereby states could provide guardianship assistance payments for the care of children/youth by relatives who assume legal guardianship of eligible children/youth for whom they previously cared as foster parents. In 2011, the definition of relative was expanded to include kin. While federal legislation refers to this program as GAP, it continues to be referred to as the SPLC program in Pennsylvania.

In response to Fostering Connections, Pennsylvania legislated Act 14 of 2019 (formerly Act 80 of 2012), which codified the SPLC program at §1303.1 of the Human Services Code (formerly known as the Public Welfare Code) and identified eligibility requirements for the child/youth and PLC. Furthermore, Act 14 of 2019 amended the definition of a child in the Human Service Code at §772 of the Adoption Opportunities Act and at §1302 of the Kinship Care Act, thereby extending adoption assistance and SPLC subsidies for eligible youth between the ages of 18 and 21 as long as certain criteria is met.

In 2014, the federal Preventing Sex Trafficking and Strengthening Families Act amended the Family Connections Grants and the Adoption and Guardianship Incentive Programs, including a provision to preserve the Title IV-E eligibility of a child/youth for SPLC payments when a permanent legal custodian is replaced with a successor permanent legal custodian (Successor).

In response, Pennsylvania's Act 92 of 2015 amended the Human Service Code at §1302 of the Kinship Care Act to define eligible PLCs and Successors in accordance with the Preventing Sex Trafficking and Strengthening Families Act. This legislation enables the continuance of SPLC payments to a Successor when certain requirements are met.

On July 18, 2018, both Acts 80 and 92 were briefly interrupted after the Supreme Court of Pennsylvania ruled that Act 80 of 2012 violated Article III, Section 4 of the Pennsylvania Constitution and was stricken in its entirety.

In 2019, Pennsylvania enacted Act 14 of 2019 to reinstate provisions for PLC/SPLC previously under Act 80. Act 14 codified the SPLC program at §3106 and §3107 of the Adoption Opportunities Act.

4.1.1 Federal Title IV-E SPLC

Once PLC is pursued and the CCYA determines that the child/youth meets age and citizenship requirements, the CCYA must determine if the child/youth is entitled to Federal Title IV-E or State SPLC. If the child/youth and candidate meet all the Title IV-E eligibility requirements, that child/youth's subsidy can be claimed to Title IV-E.

The federal share of an SPLC subsidy is calculated using the Federal Financial Participation (FFP) with the remaining amount paid by the state at a rate of 80% and the county at a rate of 20%.

4.1.2 State SPLC

State requirements for SPLC are broader than federal Title IV-E SPLC requirements. When a child/youth meets the age and citizenship requirements but does not meet the eligibility requirements for federal Title IV-E funding, the CCYA shall determine if the child/youth is eligible for a state funded subsidy.

Funding for a state SPLC subsidy is comprised of 80% state and 20% county/local.

4.2 Title IV-E SPLC Eligibility Determination

The CCYA may pursue PLC as a permanency option for children/youth who have been adjudicated dependent, or delinquent with SCR, and must determine eligibility for all children/youth in the care and responsibility of the county who are placed in a PLC candidate's home. For Title IV-E reimbursement the CCYA must enter into an SPLC agreement with the PLC candidate (as defined in Section 473 (d)(1) of the Social Security Act) and the child/youth and candidate must meet the criteria detailed in the subsequent sections. Requirements for SPLC agreements are detailed in Section 4.7.

The Title IV-E SPLC program supports PLCs with a subsidy to enable them to provide ongoing care for the child/youth. Below are the eligibility criteria relating to the PLC and the child/youth for whom the subsidy is received.

4.2.1 Child/Youth Eligibility

Title IV-E SPLC must be determined on a case-by-case basis. Eligibility requires that a child/youth must meet the criteria outlined in sections (a) through (e) below.

a. Age and Citizenship

To meet the age and citizenship criteria for SPLC, the child/youth must be under the age of 21 at the time of the finalization of the PLC. Additionally, the child/youth must be a United States (U.S.) citizen or an eligible noncitizen. The definition of an eligible noncitizen includes permanent residents, asylees, and

refugees. Children/youth who are undocumented immigrants are not eligible for SPLC.

Youth who are age 16 years or older at the time their SPLC agreement became effective are eligible to extend the subsidy agreement up to age 21 if, between the ages of 18 and 21, they are meeting one of the following criteria:

- Completing secondary education or an equivalent credential;
- Enrolled in an institution, which provides post-secondary or vocational education;
- Participating in a program actively designed to promote or remove barriers to employment;
- Employed for at least 80 hours per month; or
- Incapable of doing any of the activities described above due to a medical or behavioral health condition, which is supported by information provided to the CCYA.

Under Act 14 of 2019, Pennsylvania worked towards promoting permanency for youth aged 13 and older. The extension of State SPLC is available to youth between the ages of 18 and 21, if the SPLC agreement was effective when the youth was age 13 or older and met one of the above-mentioned criteria.

Refer to Attachment B, CY-61C Instructions, for examples of acceptable documentation sources to support the age and citizenship criteria.

b. Programmatic Requirements

There are programmatic requirements that must be met for a child/youth to be considered eligible for Title IV-E SPLC funding. County fiscal staff will need to verify with county program staff that the requirements listed below have been met.

Documentation must be maintained by the CCYA of the actions listed below to meet the programmatic and case plan requirements for SPLC. Fiscal staff must confirm with program staff that these requirements have been met to establish eligibility for a PLC subsidy.

These requirements include:

- Children/youth aged 12 or older have been consulted regarding the SPLC arrangement. Pennsylvania's Adoption Act (23 Pa. C.S. §2711(a)(2)) requires the child/youth to consent to the adoption or guardianship arrangement if the child/youth is 12 years of age or older and capable of consent.

NOTE: Fostering Connections and Section 473(d)(3)(A)(iv) of the Act requires that children/youth 14 and older be consulted regarding the SPLC

arrangement to be eligible for Title IV-E. While consultation is not a Title IV-E requirement for children/youth ages 12 and 13, this age group must be consulted to be compliant with state law.

- The CCYA has established that a return to the home or adoption are not appropriate options.
- The child/youth demonstrate a strong attachment to the PLC candidate; and the PLC candidate has a commitment to caring permanently for the child/youth.
- The child/youth's case plan meets all requirements outlined in Section 475(1)(F) of the Act, including:
 - how the child/youth meet the eligibility requirements;
 - the steps the agency has taken to determine that return to the home or adoption is not appropriate;
 - the efforts the agency has made to discuss adoption with the child/youth's foster parent and the reasons why adoption is not an option;
 - the efforts the agency has made to discuss kinship guardianship with the child/youth's parent(s) or the reasons why efforts were not made;
 - the reason why a permanent placement with a prospective relative guardian and receipt of a kinship guardian assistance payment is in the child/youth's best interests; and
 - the efforts made by the agency to discuss with the child/youth's parent(s) the kinship guardianship assistance arrangements or why efforts were not made. If the child/youth's placement with the prospective relative guardian does not include siblings, the case plan must also include a description of the reasons why the child/youth is separated from siblings during placement.

A checklist for these requirements is included in Attachment F of this bulletin.

c. Title IV-E Eligible Foster Care Episode

- 1) The child/youth must have been removed from the home pursuant to a voluntary placement agreement (VPA) or as a result of a judicial determination that continuation in the home would be contrary to the welfare/best interest (CTW/BI) of the child/youth.
- 2) The child/youth must have been determined eligible for Title IV-E foster care maintenance payments for six consecutive months while in placement with the PLC candidate. This six-month criterion does not need to occur immediately prior to the finalization of the SPLC to comply with this requirement.

Title IV-E foster care payments are not required to have been made during the six-month timeframe; however, the child/youth must have met all Title IV-E foster care maintenance payment eligibility criteria in Section 472(a), (b), and (c) of the Act and 45 Code of Federal Regulations 1356.21. This includes the Title IV-E placement maintenance reimbursability requirements of:

- The CCYA maintained care and responsibility of the child/youth.
- For a child/youth placed via a VPA, there was no lapse in agency care and responsibility.
- The Reasonable Efforts to Finalize the Permanency Plan (REPP) judicial determination was obtained at a minimum of every six months.
- The child under age 18 did not have a primary or secondary permanency goal of Another Planned Permanent Living Arrangement (APPLA).
- The youth aged 18 to 21 continued to meet Act 91 of 2012 requirements.
- The PLC candidate's home was fully approved as a foster home (detailed in section d).

NOTE: To meet the consecutive time criteria of the requirements above, a month may be counted if the child/youth met all eligibility criteria for at least one day of that particular month.

d. Resided with PLC Candidate for Six Consecutive Months

The child/youth must have been residing with the PLC candidate and the PLC candidate's home must meet the criteria of a fully approved foster family home for six consecutive months during the current custody episode (Section 473(d)(3)(A)(II) of the Act).

To meet the six consecutive month requirement, a month may be counted if the child/youth met all the Title IV-E foster care maintenance payment eligibility criteria for at least one day of that particular month while in the PLC candidate's home.

e. Placement with a Sibling

The CCYA may also make SPLC payments on behalf of each sibling of an eligible child/youth who is placed with the same relative/kinship caregiver under the same SPLC arrangement if the CCYA and the PLC candidate agree that the placement is appropriate (Section 473(d)(3)(B) of the Act).

Siblings do not have to meet the eligibility criteria listed in (a) through (d) above to receive Title IV-E SPLC payments or for the custodian to be reimbursed for the non-recurring expenses related to costs of the legal custodianship of the sibling

of the eligible child/youth. The order of sibling placement with the custodian and finalization of the SPLC does not matter.

For SPLC payments to be made on behalf of a sibling of an eligible child/youth, the CCYA must enter a SPLC agreement that meets the requirements of Section 473(d)(1) of the Act, including paying the total cost of non-recurring expenses related to the costs of obtaining the legal custodianship of the sibling. SPLC agreement requirements are detailed in Section 4.7.1.

4.2.2 Candidate Eligibility

In addition to determining that the child/youth meet the Title IV-E criteria in Section 4.2.1, the candidate must also meet Title IV-E criteria. The below criteria apply to the prospective candidate(s):

a. The child/youth has resided with the candidate in the fully approved foster home for six consecutive months.

Title IV-E candidate eligibility requires that the child/youth resided in the home of the candidate for a consecutive six-month period and the prospective candidate was a fully approved foster home during that period.

The candidate's home must be approved pursuant to applicable regulations for placement of foster children/youth. They must meet all requirements of Title 55 Pa. Code Chapter 3700 regarding foster family home approval and not be on provisional status.

NOTE: *If the PLC candidate resides outside of Pennsylvania, the home must meet all applicable regulations for foster family home approval in the PLC's state of residence.*

b. Clearance Requirements

The PLC candidate must meet the requirements in 23 Pa. C.S. §6344. *Employees having contact with children; adoptive and foster parents* (relating to information relating to prospective child-care personnel). All clearances required for ongoing home approval must be up-to-date for the candidate and all required household members 18 years of age and older.

c. Meets the Definition of Relative/Kin

The Fostering Connections Act of 2008 allowed states to adopt an expanded definition of relative/kin for GAP programs. For Title IV-E SPLC purposes, the definition of relative/kin must meet one of the below:

- Relative through blood, marriage, or adoption.
- Godparent as recognized by an organized church.

- Member of the child's Indian tribe, nation or clan.
- Individual that has a significant, positive relationship to the child/youth.

This includes, but is not limited to, teachers, church members, family friends, and neighbors. To meet Title IV-E SPLC candidate eligibility requirements, the candidate must meet the expanded definition of relative/kin detailed above.

4.2.3 Example Scenarios

The following scenarios are not intended to include all possible situations for which a SPLC candidate may be eligible for a Title IV-E subsidy; they provide examples of the types of scenarios that may be encountered more frequently.

Title IV-E Reimbursability in a Foster Care Episode

1. The child/youth was removed from their home on November 12, 2022. Reimbursability for Title IV-E foster care maintenance payments began on January 1, 2023. REPP is due in May 2023. The agency obtains the REPP determination in the seventh month on June 18, 2023. The SPLC is finalized July 1, 2023.
 - The child/youth is reimbursable for the entire month of May since the entire month in which the REPP determination is due is reimbursable. The child/youth is also reimbursable for the entire month of June since the child/youth is reimbursable from the first day of the month that REPP language is obtained. Assuming all other eligibility criteria are met, this child/youth continued to meet Title IV-E eligibility and reimbursability criteria and would be eligible for Title IV-E SPLC.
2. The child/youth was removed from their home on November 12, 2022. Reimbursability for Title IV-E foster care maintenance payments began on January 1, 2023. REPP is due in May 2023. REPP is not obtained until July 10, 2023. The SPLC is finalized September 1, 2023.
 - The child/youth is reimbursable for the month of May, is non-reimbursable for the month of June and becomes reimbursable again for the month of July when REPP language is obtained. This child/youth would not have been eligible for Title IV-E foster care maintenance payments for six consecutive months due to their non-reimbursable status in June 2023.
 - The SPLC is not Title IV-E eligible.

Resided with SPLC Candidate for Six Consecutive Months

3. The child/youth was placed on November 3, 2020 and remained in care through the date of SPLC finalization on January 21, 2023. The candidate's foster home was fully approved from December 1, 2020 through November

30, 2021. The child/youth was in the candidate's foster home on two separate occasions. The first placement with the candidate was from November 3, 2020, through September 27, 2021. The child/youth was again placed in the candidate's foster home on June 11, 2022. The first placement of six consecutive months met all approvals, but the second placement did not. The kinship home did not retain its approval during the period where the child/youth was placed in another setting.

- Although the placement in the PLC candidate's foster home immediately prior to the SPLC does not meet the six consecutive month requirement, the six consecutive month requirement is met based on the child/youth's first placement with the candidate.

Candidate Eligibility

4. A Title IV-E eligible child/youth was placed with their aunt on December 14, 2021 and became reimbursable for Title IV-E foster care maintenance payments when the aunt's home was fully approved as a foster home on October 28, 2022. The SPLC was finalized on January 14, 2023.
 - The SPLC is not Title IV-E eligible as the candidate's foster home was not fully approved for six consecutive months.

When a Title IV-E eligible child/youth has been living with a relative/kin for six *non*-consecutive months, the child/youth was Title IV-E eligible in their foster care episode but would not meet Title IV-E SPLC eligibility criteria. In these circumstances, the child/youth should be evaluated for state SPLC eligibility.

5. A Title IV-E eligible child/youth is placed in the aunt's home on September 1, 2022. The home becomes fully approved on November 1, 2022. SPLC is finalized on March 1, 2023.
 - In this case, the child/youth would not meet federal SPLC eligibility requirements, because the child/youth was not in a home that was Title IV-E reimbursable for six consecutive months. The child/youth may meet state SPLC eligibility requirements since the child/youth has resided with the SPLC candidate for six months and the candidate's home is fully licensed at the time SPLC is finalized. State SPLC eligibility does not require the candidate's home to be fully approved for six consecutive months prior to SPLC.

Out-of-State SPLC

6. A child eligible for Title IV-E while in foster care in Pennsylvania is placed in a PLC arrangement in a different state.
 - In this case, since the child/youth is Title IV-E eligible while in foster care, SPLC is also Title IV-E eligible as long as the child/youth and candidate

meet all other listed SPLC eligibility requirements. The location of the SPLC arrangement does not affect eligibility. Depending on the location of the state, home study requirements may vary. For Title IV-E eligible children/youth, Medical Assistance (MA) automatically carries from state to state.

7. A Pennsylvania child/youth who is not Title IV-E eligible in foster care is placed in a PLC arrangement in a different state.
 - In this case, since the child/youth is not Title IV-E eligible while in foster care, the child would be eligible for state-funded SPLC if the child meets all of Pennsylvania's state SPLC eligibility criteria. The location of the SPLC arrangement does not affect eligibility. Depending on the location of the state, home study requirements may vary. MA does not automatically transfer out of state for Title IV-E ineligible children/youth. The PLC candidate would need to apply for MA in their state of residence.

Change in Permanency

8. A child/youth in a subsidized adoption that has dissolved is placed in an SPLC arrangement.
 - The child/youth must meet the eligibility requirements listed in this bulletin to be eligible for state or federal SPLC. A previous adoption does not have any impact on the SPLC eligibility determination.
9. The SPLC custodian is interested in adopting a child/youth currently in an SPLC arrangement.
 - When determining whether the child/youth meets Adoption Assistance eligibility criteria, if the child/youth was previously receiving federal Title IV-E SPLC payments, the placement of the child/youth with the custodian and any federal or state payments made on behalf of the child/youth shall be considered to have never been made. The Adoption Assistance determination should be based on the foster care episode immediately prior to the finalization of SPLC.

NOTE: *The CCYA should notify PLC custodians to contact the CCYA prior to pursuing a private adoption to ensure that all eligibility criteria would be met to receive an Adoption Assistance subsidy. If the Adoption Assistance agreement is not signed prior to the finalization, the Adoption Assistance cannot be Title IV-E eligible.*

4.3 State SPLC Eligibility Determination

If the requirements for Title IV-E SPLC are not met, the state subsidized PLC option should then be considered. Below are the eligibility criteria for the child/youth and PLC candidate to receive state SPLC:

a. State Child Eligibility

The child/youth must:

- Be a U.S. citizen or an eligible noncitizen lawfully residing in Pennsylvania;
- Have been consulted regarding the SPLC arrangement if they are aged 12 or older; and
- Have lived with an eligible PLC candidate for at least six months, which need not be consecutive, and the PLC candidate need not have been an approved resource home for the child/youth the entire time.

b. State Candidate Eligibility

The candidate must be a:

- Relative or kin with whom an eligible child/youth has resided for at least six months, which need not be consecutive;
- Relative or kin whose home is approved pursuant to applicable regulations for placement of foster children/youth. The candidate must also meet all requirements of Title 55 Pa. Code Chapter 3700 regarding foster family home approval and not be on provisional status; and
- Relative or kin who meets the requirements for employment in child-care services pursuant to 23 Pa. C.S. §6344 *Employees having contact with children; adoptive and foster parents* (regarding information relating to prospective child-care personnel). All clearances required for ongoing home approval must be up-to-date.

4.4 Non-Recurring Expenses

As a result of programmatic requirements in the Fostering Connections law, Title IV-E SPLCs are eligible for non-recurring expense reimbursement. Pennsylvania also offers non-recurring expense reimbursement as part of its state subsidy program.

Non-recurring expenses are the one-time reimbursement of reasonable and necessary costs incurred by the PLC or their Successor for expenses directly related to obtaining legal custodianship of a child/youth. These expenses must be incurred in compliance with federal and state laws and not be reimbursed from other sources or funds. Non-recurring expenses include, but are not limited to:

- Court costs;
- Attorney fees;
- Health and psychological examinations and consultations;
- Transportation;

- Criminal background checks; and
- The reasonable cost of lodging and food for the child/youth and the custodian(s) when necessary to obtain legal custodianship.

In order to be eligible for the reimbursement of non-recurring expenses, the CCYA must enter into an SPLC agreement prior to the finalization of the SPLC and reimburse the non-recurring expenses incurred by any custodian who cares for an eligible child/youth. The eligibility requirements and the amount for both federal and state non-recurring expense reimbursement are the same.

Legal custodians and their Successors can receive up to \$2,000 *per child/youth* for actual expenditures incurred related to non-recurring expenses while obtaining legal custodianship. County agencies may not create county policy that limits reimbursement of these expenses at a lower amount. County agencies are also prohibited from limiting any of the expense categories available to families under non-recurring expenses.

4.5 Medical Care

In Pennsylvania, children/youth receiving federal Title IV-E or state SPLC subsidies are eligible for MA. A child/youth who is receiving a federal Title IV-E SPLC subsidy is eligible for MA if they move to another state. However, a child/youth who is receiving a state/county SPLC subsidy is not guaranteed to be eligible for MA if they move to another state. The custodian will need to apply for MA in their state of residence.

Section 473(b)(3)(C) of the Act requires that a Title IV-E SPLC payment be made to an eligible child/youth, or a sibling of an eligible child/youth, for a child/youth to be categorically eligible for the Title XIX Medicaid program. This means that a payment of any amount must be paid on an ongoing basis (e.g., a dollar each month), for the Title XIX Medicaid agency to consider the child/youth categorically eligible for Medicaid.

Immediately following the court order that transfers custody to the PLC, the CCYA shall notify the County Assistance Office (CAO) of the transfer of custody of the child/youth to the PLC. The CAO then completes the final determination of the child/youth's eligibility for MA and certifies the eligibility on the CY-61C.

4.6 Child Support

The court may order child support payments to be paid by the parent(s) at the time the court order grants the PLC custody of the child/youth. Continuing issues related to child support may be pursued in the Domestic Relations Section (DRS) of the Court of Common Pleas.

Unless parental rights have been terminated, parents generally have the duty to financially support their children. The court shall refer issues related to child support to

the DRS of the court (42 PA.C.S. §6351 (2.1)). In non-subsidized PLC cases, the CCYA should assist the custodian in the initial process. At a minimum, the CCYA needs to contact the DRS of the court to discuss a new assessment of parental support (see 23 PA.C.S. §4301 et al) and arrange for the payments to be made to the PLC, upon order of the court.

In situations where a child/youth under the care and responsibility of the CCYA achieves permanency through SPLC, the CCYA must close any open charging orders through the DRS effective the date permanency is achieved; i.e., the ongoing collection of child support must cease. CCYAs may continue to collect arrears that accrued prior to permanency being achieved. The CCYA shall not reduce the SPLC subsidy, if applicable, by the amount of child support the PLC receives without their concurrence.

When the transfer of custody occurs, the right to pursue child support shifts to the PLC as they now have legal custody of the child/youth.

4.7 Title IV-E SPLC Agreement

The CCYA must make a written determination regarding child/youth eligibility and PLC candidate eligibility prior to the execution of the SPLC subsidy agreement (Attachment D). The CCYA must negotiate a subsidy agreement with the PLC candidate outlining the terms of the agreement and the benefits available to the PLC candidate during the term of the agreement. The agreement must be signed by the agency and the PLC candidate prior to the legal establishment of SPLC.

A copy of the agreement and any changes to the agreement must be provided to the custodian(s) within 15 calendar days of any of these actions:

- The date of the original agreement; or
- The date on which any changes were made to the agreement.

The purpose of the subsidy payment is to enable the PLC candidate(s) to provide care and support to meet the needs of the child/youth. The subsidy agreement is a written, legally binding document, signed by the agency and the PLC candidate. A copy of the custodian's appeal rights must accompany each agreement and any annual evaluation.

Subsidy payments may begin on the date by which all the following are accomplished:

- The permanency goal for the child/youth has been changed to SPLC;
- The case record documentation discussed in Section 4.2.1b (relating to Programmatic Requirements) has been completed;
- All child/youth and SPLC candidate eligibility as well as subsidy requirements have been met and all required parties have signed the agreement; and
- The Court orders SPLC and transfers custody to the SPLC candidate.

4.7.1 Contents of the Agreement

The subsidy agreement must set forth the terms of the subsidy (Attachment D) and specify:

- The dollar amount of the subsidy. The amount of the subsidy may not exceed the monthly foster care maintenance payment the child/youth would receive if the child/youth were in foster care;
- The payment schedule;
- The effective date of the agreement;
- That the amount of the subsidy is based on the child/youth's needs and the circumstances of the custodian(s), and as such may be adjusted periodically with the concurrence of the custodian(s);

NOTE: Please be aware that the re-negotiated amount should take into account costs incurred by the custodians related to engaging in active reunification efforts including, but not limited to travel costs, telephone contact, sending care packages or providing an allowance. If the custodians are not actively involved in reunification efforts, the subsidy may be suspended or discontinued if this provision has been outlined in the SPLC agreement.

- The circumstances under which the subsidy amount may be increased or decreased;
- The additional services and assistance for which the child/youth and custodian may be eligible and the procedure by which the custodian may apply;
- That said agreement will remain in effect without regard to the state residency of the custodian;
- That the CCYA will pay up to \$2,000 for the total cost of non-recurring expenses associated with obtaining legal custodianship of the child/youth, if necessary;
- The option to name a Successor guardian and the ability to change the named Successor at any time by amending the agreement; and
- The circumstances under which the agreement may be suspended or terminated. Refer to Section 4.9 of this bulletin for the circumstances in which an SPLC agreement may be suspended or terminated.

4.8 SPLC Successors

Once PLC has been identified as a permanency option, the PLC candidate has been identified, and the PLC is determined eligible for a subsidy to support the child/youth's needs, the CCYA must inform the PLC of the option to name a Successor and Alternate Successors in the SPLC agreement.

A Successor is defined in Act 92 as a relative or kin:

1. With whom an eligible child/youth resides for any period of time;

2. Who has been named as the Successor in a SPLC agreement executed by an eligible child/youth's previous eligible PLC; and
3. Who meets the requirements for employment in child-care services and approval under 23 Pa. C.S. §6344 (relating to employees having contact with children; adoptive and foster parents).

The naming of a Successor in the SPLC agreement is voluntary and not required by law.

In the event a PLC dies or becomes incapacitated and named a Successor(s) prior to the event, the subsidy payment may be transferred to the Successor once the following occurs:

- The Successor named in the original or amended SPLC agreement, or the CCYA on behalf of the Successor, must petition the court for transfer of legal custodianship. The Successor, or the CCYA on behalf of the Successor, can initiate the transfer through any number of legal actions and the transfer of the custody agreement must be signed by all parties.
- The Successor, or the CCYA on behalf of the Successor, must submit the following certifications to support that they and their required household members age 18 years and over meet all requirements. All required clearances must be maintained by the CCYA.
- The Successor and the CCYA have entered into an SPLC Agreement as detailed in Section 4.7.1.

Once the above conditions are met, when applicable, the agency may use state funds to retroactively pay the Successor to the date of the custody filing as the Successor is navigating the certification and court processes.

CCYA must deny transfer of the child/youth's subsidy to a Successor when:

- The Successor or any household member over age 18 has been named as a perpetrator of a founded report of child abuse committed within five years or less prior to the request for verification.
- The Successor or any household member over age 18 has been convicted of a crime under §6344 (*relating to employees having contact with children; adoptive and foster parents*) of the Child Protective Services Law or an equivalent out-of-state crime as determined in Title 55 Pa. Code Chapter 3490 regarding Protective Services.

4.9 Title IV-E SPLC Suspension and Termination

The subsidy payment may be suspended by the CCYA when the youth aged 18 to 21 is not meeting the requirements as stipulated in the Child/Youth Eligibility as referenced in Section 4.2.1b.

The subsidy agreement may be terminated by the CCYA when any one of the following conditions occurs:

- The PLC is no longer providing financial support for the child/youth. Support consists of various forms of financial support, including costs for family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child/youth's special needs. Payments may also continue to be paid on behalf of the child/youth if the child/youth moves to attend post-secondary school or otherwise lives independently of the custodian if the custodian continues to provide any support to the child/youth;
- The PLC requests termination of the subsidy;
- The PLC and the CCYA agree that the subsidy is no longer needed;
- The youth reaches the age of 18 when ineligible for an extended subsidy or age 21 when eligible for the subsidy extension.
- The child/youth becomes an emancipated minor, marries, or enlists in the military.
- The death of the PLC(s) (if no Successor is named in the agreement);
- The death of the child/youth; or
- The PLC(s) is/are determined by court action to no longer be legally responsible for the child/youth.

Note: *If the child/youth returns to the care and responsibility of a CCYA and/or Juvenile Probation Office (JPO) for placement, this activity does not automatically terminate the custodians' legal responsibility for the child/youth.*

Subsidy agreements are not transferable. Other than in the case of his/her/their own deaths, the PLC(s) must provide written notice immediately, but no later than 30 days, to the CCYA if any of the above situations occur.

When a child/youth in an SPLC arrangement re-enters out-of-home care it is not grounds for suspension or termination of the subsidy agreement unless a judge terminates the legal relationship between the child/youth and PLC and/or the child/youth's goal is not reunification with the custodian. The following procedures should be followed depending upon the specific circumstances of the case:

- If the child/youth re-enters out-of-home care with the CCYA who entered into the initial agreement, the CCYA can renegotiate the subsidy amount to cover the costs associated with the child/youth's placement or, in the event the custodians are not actively involved in reunification efforts, suspend or discontinue the subsidy agreement.
- If the child/youth re-enters care with a different CCYA than the CCYA which entered into the initial subsidy agreement, the receiving CCYA should contact the CCYA which entered into the agreement to notify them of the child/youth's placement. The CCYA which entered into the initial subsidy agreement may

renegotiate the subsidy amount to cover the costs associated with the child/youth's placement or, in the event the custodians are not actively involved in reunification efforts, suspend or discontinue the subsidy agreement.

4.10 Annual Subsidy Contact/Evaluation Form

The CCYA is required to send an annual contact to each approved PLC with whom they have entered into an SPLC agreement. The Annual Subsidy Contact/Evaluation Form provides an avenue for the county to notify custodians of the opportunity to name a Successor(s) (if that had not previously occurred); ability to change the identified Successor(s); and confirm the identified Successor remains willing and able to assume the role (if necessary). Any changes or additions identified in the form would trigger the need to amend the existing SPLC agreement. The naming of a new or different Successor(s) would also require the county to secure the certifications listed in Section 4.8.

County agencies may utilize their own process and form for completing the annual contact/evaluation, if it includes all the elements delineated in Attachment E. A proposal to adjust the subsidy amount may be made by the agency or SPLC custodian based on the results of the evaluation. Adjustments may also be made to the agreement prior to the evaluation at the request of the custodian(s) or CCYA with the concurrence of the custodian(s).

While the CCYA is required to send an annual evaluation to custodians receiving SPLC, the custodians are not required to complete and return the form. The CCYA is only required to document that an annual evaluation was sent to the custodian(s). Further, the CCYA shall not impose any sanctions on the custodian(s) (i.e., suspension, termination, or reduction of the subsidy) for not completing and returning the form.

4.11 Fair Hearings and Appeals

Both the youth and the custodian(s) have a right to appeal a decision that results in any of the following:

- A determination that the child/youth and/or custodian is/are ineligible for a subsidy;
- A finding of ineligibility after a determination of eligibility;
- A denial or reduction of the subsidy amount; or
- The suspension or termination of the subsidy.

The CCYA must provide written notification to the parties of their right to appeal the decision at:

- The time of the initial eligibility determination;
- Each annual evaluation; and

- The time in which any changes are made to the subsidy agreement by the CCYA.

The written notification must also provide the address where written appeal requests must be sent as well as a statement that the request for appeal must be made within 30 days of the date of the CCYA's decision, as defined by the mailing date on the agency's written notification and the postmark on the appeal letter. All hearings will be conducted in accordance with 55 Pa. Code, Chapter 275, Subchapter A (relating to appeal and fair hearing). For more information, visit the following website:

<http://www.pacode.com/secure/data/055/chapter275/chap275toc.html>.

Upon receipt of the appeal, the CCYA shall date stamp the appeal and submit it with a copy of the agency action being appealed to the DHS Bureau of Hearing and Appeals within three working days. The bureau has exclusive authority to grant or dismiss the appeal. Any existing benefits in the SPLC agreement continue during the appeal process.

If the appeal is denied by the Bureau of Hearings and Appeals, the family may request, within 15 days of the denial, that the Secretary of Human Services reconsider the decision. The family may also file a Petition for Review with the Pennsylvania Commonwealth Court within 30 days of the mailing of the Bureau of Hearings and Appeals' decision. Both options may be pursued at the same time.

The CCYA is responsible for the following:

- explaining to the custodian(s) how to file an appeal;
- if necessary, helping the custodian(s) to complete the written appeal request;
- explaining that all oral appeal requests must be put in writing within three days of the appeal;
- assuring that the appellant has signed the appeal;
- date stamping the appeal when it is received and reviewing it to determine if its actions were correct in accordance with Departmental regulations and policies;
- taking steps to resolve the issue without a hearing; and
- forwarding any appeals that are not resolved at the county agency level within three working days from the date the appeal was received and date stamped to:

Department of Human Services
Bureau of Hearings and Appeals
2330 Vartan Way, 2nd Floor
Harrisburg, PA 17110-9721

In situations where the final fair hearing decision is favorable to the SPLC candidate, the CCYA must reverse the earlier decision to deny benefits. If the child/youth meets all the eligibility criteria, state or FFP is available, beginning with the earliest date of the child/youth's eligibility in accordance with the eligibility policies established above.

This procedural protection, however, does not confer benefits which have no legal support or basis. Accordingly, SPLC is available only in those situations in which a fair hearing determines that the child/youth was wrongly denied benefits and the child/youth meets all eligibility requirements.

County:
CCYA Case:

CY-61 C: DETERMINATION OF ELIGIBILITY FOR SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP (SPLC)

I. CHILD/YOUTH IDENTIFYING INFORMATION

1. Name: (Last, First, MI)	2. DOB:	3. SS#:
4. Address	5. MCI#	

II. PERMANENT LEGAL CUSTODIAN CANDIDATE(S) IDENTIFYING INFORMATION

1. Name (Candidate): (Last, First, MI)
1a. Candidate Relationship to Child/Youth: (Check All That Apply) <input type="checkbox"/> Resource Parent <input type="checkbox"/> Relative <input type="checkbox"/> Kin
2. Name (Candidate): (Last, First, MI)
2a. Candidate Relationship to Child/Youth: (Check All That Apply) <input type="checkbox"/> Resource Parent <input type="checkbox"/> Relative <input type="checkbox"/> Kin
3. Address:

III. SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP

1. Has adoption been 'ruled out' as a permanency option and all other programmatic requirements of PLC have been met for this child/youth? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, proceed to next question. If no, SPLC is not available. Proceed to IV.3.
2. Is the child/youth under 21 years of age and meets citizenship requirements? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, proceed to next question. If no, SPLC is not available. Proceed to IV.3.

PART A. ELIGIBILITY FOR FEDERAL TITLE IV-E MONTHLY SUBSIDY/TITLE IV-E NON-RECURRING EXPENSES

(i). SPLC CHILD ELIGIBILITY

1. Was the child/youth eligible for Title IV-E while in placement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question i(2). If no, proceed to question i(5). <i>(Title IV-E foster care payments are not required to have been made; however, the child/youth must have met all Title IV-E foster care maintenance payment criteria.)</i>
2. Was the child/youth eligible for Title IV-E foster care maintenance payments during at least six consecutive month period while the child/youth resided in the home of the current relative/kin custodian candidate(s) identified in Section II?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question i(3). If no, proceed to question i(5).
3. Child/Youth demonstrates a strong bond with the relative/kin custodian candidate(s) identified in Section II.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question i(4). If no, proceed to question i(5).
4. Youth, 12 years of age or older, was consulted. <i>(Select N/A if the child has not attained 12 years of age.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If yes or N/A, continue to Section ii. If no, proceed to question i(5).
OR		
5. Child/Youth placed in the same custodian(s) home under the same arrangement as a sibling who has been determined eligible for a federal SPLC subsidy.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to Section ii. If no and any of questions i(1) through i(4) are no, child/youth is ineligible, proceed to Part B.

(ii). SPLC CANDIDATE ELIGIBILITY

1. Candidate(s) home is a fully approved resource home per Title 55 Pa. Code Chapter 3700 regulations for six consecutive months and not on provisional status.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question ii(2). If no, candidate(s) is ineligible, proceed to Part B.
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2. All required clearances for ongoing home approval are up to date for the candidate(s) and all household members, 18 years of age and older.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question ii(3). If no, candidate(s) is ineligible, proceed to Part B.	
3. Candidate(s) meets the definition of relative/kin.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question ii(4). If no, candidate(s) is ineligible, proceed to Part B.	
4. <input type="checkbox"/> All criteria met in Part A for Title IV-E SPLC. Please proceed to Section IV and select option 1.			
PART B. ELIGIBILITY FOR STATE MONTHLY SUBSIDY/STATE NON-RECURRING EXPENSES			
(i). SPLC CHILD/YOUTH ELIGIBILITY			
1. Child/Youth has lived or is currently living with the identified candidate(s) for a total of six months, which need not be consecutive, prior to court ordering PLC.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question i(2). If no, child/youth is ineligible, proceed to IV.	
2. Child/Youth, 12 years of age or older, was consulted. <i>(Select N/A if child has not attained 12 years of age.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If yes or N/A, continue to section ii. If no, child/youth is ineligible, proceed to IV.	
(ii). SPLC CANDIDATE ELIGIBILITY			
1. Candidate(s) home met all of the requirements of Title 55 Pa. Code Chapter 3700 regulations regarding resource home approval and was not on provisional status.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question ii(2). If no, candidate(s) is ineligible, proceed to IV.	
2. All required clearances for ongoing home approval are up to date for the candidate(s) and all household members, 18 years of age and older.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, continue to question ii(3). If no, child/youth is ineligible, proceed to IV.	
3. <input type="checkbox"/> All criteria met in Part B for state SPLC. Continue to Section IV and select option 2.			
IV. CCYA DETERMINATION OF ELIGIBILITY AND CERTIFICATION FOR SPLC			
<p>1. <input type="checkbox"/> Child/Youth is eligible for IV-E SPLC, Medical Assistance (MA) and non-recurring expenses.</p> <p>2. <input type="checkbox"/> Child/Youth is eligible for State SPLC, MA and non-recurring expenses.</p> <p>3. <input type="checkbox"/> Child/Youth is eligible for County SPLC and/or non-recurring: Custodian is not eligible to receive federal or state subsidy on behalf of the child/youth. Check this box if the county IS opting to provide the following (check all that apply):</p> <p style="margin-left: 20px;"><input type="checkbox"/> Non-Recurring Expenses</p> <p style="margin-left: 20px;"><input type="checkbox"/> Monthly Subsidy</p> <p>4. <input type="checkbox"/> Child/Youth is ineligible for SPLC and MA: Check this box if the child/youth is not eligible for the federal or state program and the county is NOT opting to provide a monthly subsidy and/or non-recurring expenses for the child/youth.</p>			
EFFECTIVE DATE OF AGREEMENT(S) AND FINALIZATION OF SPLC			
Date SPLC Agreement was Signed:	Date SPLC was Finalized (Transfer of Custody):		
Age of Child/Youth When SPLC Agreement was signed:	Effective Date of SPLC Agreement:		
NAME: (PLEASE PRINT)	SIGNATURE:	DATE:	PHONE:
V. CAO CERTIFICATION FOR MA			
<input type="checkbox"/> I certify that the child/youth is eligible for MA under Category/Program Status Code: _____ <input type="checkbox"/> I have issued a new ACCESS Card for the child/youth directly to the custodian(s) at the above address.			
NAME: (PLEASE PRINT)	SIGNATURE:	DATE:	PHONE:
CCYA notified of MA determination. <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____			

INSTRUCTIONS FOR CY-61C: DETERMINATION OF ELIGIBILITY FOR SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP (SPLC)

The County Children and Youth Agency (CCYA) is responsible for completing Section I through IV of the CY-61C prior to the execution of the SPLC Agreement. This ensures the SPLC Agreement accurately reflects the child/youth's eligibility status.

The County Assistance Office (CAO) will complete Section V and return the CY-61C to the CCYA within 30 days of receipt of the form.

Header Information

The CCYA should enter the:

- County, and
- CCYA Case Number.

Section I: Child/Youth Identifying Information

Enter the requested information for the child/youth for items 1 through 6.

1. **NAME** – Enter the child/youth's name for which the Title IV-E determination is being made (include last, first, and middle initial).
2. **Date of Birth (DOB)** – Enter the child/youth's DOB.
3. **Social Security Number (SS#)** – Enter the child/youth's social security number.
4. **ADDRESS** – Enter the child/youth's address.
5. **Master Client Index Number (MCI#)** – Enter the child/youth's MCI number.

Section II: Permanent Legal Custodian Candidate(s) Identifying Information

1. **NAME (CANDIDATE)** – Enter the custodian's name (include last, first, and middle initial).
 - a. **CANDIDATE RELATIONSHIP TO CHILD/YOUTH** – Select all that apply.
2. **NAME (CANDIDATE)** – If a second SPLC candidate will be named on the agreement, enter his/her name (include last, first, and middle initial).
 - a. **CANDIDATE RELATIONSHIP TO CHILD/YOUTH** – Select all that apply.
3. **ADDRESS** – Enter the primary custodian's address.

NOTE: The information recorded in this section is NOT for Successor SPLC candidates identified at the time of the agreement. Any changes or transfers in custody at the time a

Successor SPLC assumes custody would be noted on the CY-60: CCYA/Juvenile Probation Office Request for CAO Action.

Section III: Subsidized Permanent Legal Custodianship

Directions for completion of this section are included in the third column. Follow the instructions in the third column carefully to accurately determine eligibility. Based on each response, the worker may be required to skip specific questions or sections.

- 1. HAS ADOPTION BEEN 'RULED OUT' AS A PERMANENCY OPTION AND ALL OTHER PROGRAMMATIC REQUIREMENTS OF PLC BEEN MET FOR THIS CHILD/YOUTH** – Select “Yes” or “No”. If “Yes”, proceed to question 2 of this section. If “No”, SPLC is not available; proceed to Section IV, Question 3.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:
Court Orders, Child Permanency Plans, Case notes

- 2. IS THE CHILD/YOUTH UNDER 21 YEARS OF AGE AND MEETS CITIZENSHIP REQUIREMENTS** – Select “Yes” or “No”. If “Yes”, proceed to Part A of this section. If “No”, SPLC is not available; proceed to Section IV, Question 3.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:
Birth Certificate, Passport, Naturalization Certificate, Certificate of Citizenship, Client Information Services printouts

PART A. ELIGIBILITY FOR FEDERAL TITLE IV-E MONTHLY SUBSIDY/TITLE IV-E NON-RECURRING EXPENSES

There are two subsections within Part A. Subsection (i) is specific to the child/youth's eligibility and subsection (ii) is specific to the SPLC candidate's eligibility. Both the child/youth AND the SPLC candidate must meet the Title IV-E eligibility requirements to be considered for federal subsidy, Medical Assistance (MA) and non-recurring expenses.

(i) SPLC CHILD/YOUTH ELIGIBILITY

- 1. WAS THE CHILD/YOUTH ELIGIBLE FOR TITLE IV-E WHILE IN PLACEMENT** – Select “Yes” or “No”. If “Yes”, proceed to question 2 of this subsection. If “No”, proceed to question 5 of this subsection.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- CY-61
- Court petitions, court orders, Voluntary Placement Agreements, Case Worker notes, Statement of Family Resources and CIS/eCIS printouts

used to validate Aid to Families with Dependent Children related criteria and Title IV-E eligibility determinations

- 2. WAS THE CHILD/YOUTH ELIGIBLE FOR TITLE IV-E FOSTER CARE MAINTENANCE PAYMENTS DURING AT LEAST A SIX CONSECUTIVE MONTH PERIOD WHILE THE CHILD/YOUTH RESIDED IN THE HOME OF THE CURRENT RELATIVE/KIN CUSTODIAN CANDIDATE(S) IDENTIFIED IN SECTION II** – Select “Yes” or “No”. If “Yes”, proceed to question 3 of this subsection. If “No”, proceed to question 5 of this subsection.

NOTE: Title IV-E foster care payments are not required to have been made; however, the child/youth must have met ALL foster care placement maintenance payment criteria.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:
Status Control Log, Placement Log, case notes

- 3. CHILD/YOUTH DEMONSTRATES A STRONG BOND WITH THE RELATIVE/KIN CUSTODIAN CANDIDATE(S) IDENTIFIED IN SECTION II** – Select “Yes” or “No”. If “Yes”, proceed to question 4 of this subsection. If “No”, proceed to question 5 of this subsection.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:
Family Profile, Case notes, Progress notes, child profile

- 4. CHILD/YOUTH, 12 YEARS OF AGE, WAS CONSULTED** – Select “Yes”, “No” or “NA” if the child/youth has attained 12 years of age. If “Yes” or “NA”, proceed to subsection (ii). If “No”, proceed to question 5 of this subsection.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:
Case notes, Progress notes, Child profile, court orders

- 5. CHILD/YOUTH PLACED IN THE SAME CUSTODIAN(S) HOME UNDER THE SAME ARRANGEMENT AS A SIBLING WHO IS ELIGIBLE FOR A FEDERAL SPLC SUBSIDY** – Select “Yes” or “No”. If “Yes”, proceed to subsection (ii). If “No”, the child/youth is not Title IV-E eligible; proceed to Part B.

NOTE: To demonstrate that a child/youth is eligible for federal SPLC through their sibling’s eligibility, the county would need to have written documentation (case note, court document, case plan, etc.) that the child/youth is a sibling of

a child/youth that is eligible for federal SPLC and that they are placed in the same custodian home. The county also needs to ensure that there is documentation of the sibling's eligibility for federal SPLC and have such documentation available in situations where either child/youth's file is reviewed in an audit.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Family Profile, Child Profile, Caseworker notes, forms, or attestations

(ii) SPLC CANDIDATE ELIGIBILITY

- 1. CANDIDATE(S) HOME IS A FULLY APPROVED RESOURCE HOME PER TITLE 55 PA CODE CHAPTER 3700 REGULATIONS FOR SIX CONSECUTIVE MONTHS AND NOT ON PROVISIONAL STATUS** – Select “Yes” or “No”. If “Yes”, proceed to question 2 of this subsection. If “No”, the candidate is not Title IV-E eligible; proceed to Part B.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Foster Home License Approvals and Certificates of Compliance

- 2. ALL REQUIRED CLEARANCES FOR ONGOING HOME APPROVAL ARE UP TO DATE FOR THE CANDIDATE(S) AND ANY HOUSEHOLD MEMBERS, 18 YEARS OF AGE AND OLDER** – Select “Yes” or “No”. If “Yes”, proceed to question 3 of this subsection. If “No”, the candidate is not Title IV-E eligible; proceed to Part B.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Foster Home License Approvals and Certificates of Compliance, Federal Bureau of Investigation (FBI) Clearance, State Police Clearance, ChildLine Abuse Registry Clearance

- 3. CANDIDATE(S) MEETS THE DEFINITION OF A RELATIVE/KIN** – Select “Yes” or “No”. If “Yes”, proceed to question 4 of this subsection. If “No”, the candidate is not Title IV-E eligible; proceed to Part B.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Court Orders, Court Petition Documents, Court Reports, Case Notes, Child or Family profile

- 4. ALL CRITERIA ARE MET IN PART A FOR TITLE IV-E SPLC** – Check this box if all criteria are met in both subsections of Part A. Proceed to Section IV, number 1.

PART B. ELIGIBILITY FOR STATE MONTHLY SUBSIDY

There are two subsections within Part B. Subsection (i) is specific to the child/youth's eligibility and subsection (ii) is specific to the SPLC candidate's eligibility. Both the child/youth AND the SPLC candidate must meet the Title IV-E eligibility requirements to be considered for federal subsidy, MA and non-recurring expenses.

(i) SPLC CHILD/YOUTH ELIGIBILITY

- 1. CHILD/YOUTH HAS LIVED WITH OR IS CURRENTLY LIVING WITH THE IDENTIFIED CANDIDATE(S) FOR A TOTAL OF SIX MONTHS, WHICH DOES NOT NEED TO BE CONSECUTIVE, PRIOR TO THE COURT ORDERING THE PLC** – Select “Yes” or “No”. If “Yes”, proceed to question 2 of this subsection. If “No”, the child/youth is not Title IV-E eligible; proceed to Section IV.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Court Petition, Court Orders, Court Reports, Caseworker notes, Placement Log

- 2. CHILD/YOUTH, 12 YEARS OF AGE OR OLDER, WAS CONSULTED** – Select “Yes”, “No” or “NA” if the child/youth has attained 12 years of age. If “Yes” or “NA”, proceed to subsection (ii). If “No”, the child/youth is not eligible; proceed to Section IV.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Case Notes, Progress Reports, Child profile, court orders

(ii) SPLC CANDIDATE ELIGIBILITY

- 1. CANDIDATE(S) HOME MET ALL REQUIREMENTS OF TITLE 55 PA CODE CHAPTER 3700 REGARDING RESOURCE HOME APPROVAL AND WAS NOT ON PROVISIONAL STATUS** – Select “Yes” or “No”. If “Yes”, proceed to question 2 of this subsection. If “No”, the candidate is not eligible; proceed to Section IV.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Foster Home License Approvals and Certificates of Compliance

- 2. ALL REQUIRED CLEARANCES FOR ONGOING HOME APPROVAL ARE UP TO DATE FOR THE CANDIDATE(S) AND ANY HOUSEHOLD MEMBERS, 18 YEARS OF AGE AND OLDER** – Select “Yes” or “No”. If “Yes”, proceed to question 3 of this subsection. If “No”, the candidate is not eligible; proceed to Section IV.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Foster Home License Approvals and Certificates of Compliance, FBI Clearance, State Police Clearance, ChildLine Abuse Registry Clearance

- 3. ALL CRITERIA MET IN PART B FOR STATE SPLC** – Check this box if all criteria are met in both subsections in Part B. Proceed to Section IV, number 2.

Section IV: CCYA Determination of Eligibility and Certification for SPLC

- 1. CHILD/YOUTH IS ELIGIBLE FOR Title IV-E SPLC, MA, AND NON-RECURRING EXPENSES** – Check this box if the child/youth meets the requirements for reimbursement of Title IV-E non-recurring expenses and Title IV-E monthly subsidy. This child/youth is also categorically eligible for MA under the Title IV-E program.

NOTE: Children/youth are only eligible for Title IV-E MA if the SPLC agreement stipulates a minimum \$1.00 payment. If a \$0 payment is stipulated, the child/youth is ineligible for MA.

- 2. CHILD/YOUTH IS ELIGIBLE FOR STATE SPLC, MA, AND NON-RECURRING EXPENSES** – Check this box if the child/youth meets the requirements for reimbursement of state non-recurring expenses and monthly subsidy. This child/youth is also eligible for state MA.
- 3. CHILD/YOUTH IS ELIGIBLE FOR COUNTY SPLC AND/OR COUNTY NON-RECURRING EXPENSES** – Custodian is not eligible to receive a federal or state subsidy on behalf of the child/youth. In cases in which a court orders a SPLC arrangement with a permanent legal custodian candidate who does not meet federal or state eligibility requirements, the only subsidy possible is one at the county level and must be 100% funded by the county. Federal and State participation are prohibited. Check this box if the county **IS** opting to provide the following (check all that apply):
- Non-Recurring Costs
 - Monthly Subsidy

4. **CHILD/YOUTH IS INELIGIBLE FOR SPLC AND MA** – Check this box if the child/youth is not eligible for the federal or state program and the county is NOT opting to provide a monthly subsidy and/or non-recurring expenses on behalf of the child/youth.

EFFECTIVE DATE OF THE AGREEMENT(S) AND FINALIZATION OF SPLC

- **DATE SPLC AGREEMENT IS SIGNED** – Enter the date the agreement was executed (signed by all parties- including: the custodian(s), the CCYA representative(s) or other designated county representative(s)). If the parties signed on different dates, enter the last signature date. The SPLC Agreement must be signed prior to or on the same date of finalization unless a fair hearing determines the child/youth was wrongfully denied benefits.
- **DATE SPLC WAS FINALIZED (TRANSFER OF CUSTODY)** – Enter the date of the court order that transferred custody of the child/youth to the SPLC candidate(s).
- **AGE OF CHILD/YOUTH WHEN SPLC AGREEMENT WAS SIGNED** – Enter the child/youth's age when the agreement was executed.
- **EFFECTIVE DATE OF SPLC AGREEMENT** – Enter the date the SPLC agreement became effective. This is the date on which both the SPLC agreement has been signed and the transfer of custody has occurred. If the dates differ, enter the latter date. The SPLC agreement is not effective and SPLC payments cannot be made until both the SPLC agreement has been signed by all parties and the SPLC has been finalized by a court transfer of custody to the PLC(s).

The CCYA worker responsible for completion of the CY-61C should sign and date the form and provide his/her contact phone number. If the child/youth is eligible for a Title IV-E or state funded monthly subsidy, forward the CY-61C to the CAO.

NOTE: *If the child/youth is ineligible for a Title IV-E or state-funded monthly subsidy and non-recurring expenses, DO NOT forward a copy of the CY-61C to the CAO. Instead, the 'CY-60: CCYA/JPO Request for CAO Action' will need to be completed and forwarded to the CAO to inform the CAO to discharge the child/youth from care upon finalization of the SPLC.*

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

Court Order of Termination, SPLC Agreement

Section V: CAO Certification for MA

The CAO worker completes Section V of the CY-61C by changing the child/youth's Program Status Code appropriately and certifying that he/she issued a new ACCESS card for the child/youth directly to the PLC(s). The CAO worker completing the CY-61C should sign and date the form and provide his/her contact phone number.

The CAO indicates if the CCYA was notified of the MA determination and the date, if different than above.

MODEL SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT

I/We, the undersigned legal custodian(s), and _____ County Children and Youth Agency do hereby agree to the terms and conditions of this permanent legal custodianship (PLC) subsidy agreement, made on behalf of _____, the child/youth, who was born on ___/___/___ (month/day/year), as detailed below.

As PLC(s), I/we intend to care for the above-mentioned child/youth as a member of my/our family until the child/youth reaches the age of 18 or 21. I/we enter into this agreement in order to receive a subsidy. I/we also agree to cooperate with all court orders that address any matters related to fulfilling the legal arrangements and responsibilities of permanent legal custodianship. I/we understand that this agreement is non-transferrable.

PROVISIONS OF AGREEMENT
I. Eligibility

- The child/youth is eligible for Federal Subsidized Permanent Legal Custodianship.
 The child/youth is eligible for State Subsidized Permanent Legal Custodianship.

II. Assistance
A. Non-recurring Expenses

The permanent legal custodian(s) and/or Successor(s) is/are eligible for a one-time only reimbursement of up to \$2,000 for actual expenditures incurred in obtaining legal custodianship of the above-named child/youth, not incurred in violation of state or federal law, and not reimbursed from other sources or funds. These expenses may include court costs, attorney fees, and other legal expenses directly related to obtaining legal custodianship. The payment may also be reimbursement for the health and psychological examinations and consultations; transportation; criminal background checks and the reasonable cost of lodging and food for the child/youth and the custodian(s) when necessary to complete the process.

B. Monthly Subsidy

1. The County Children and Youth Agency agrees to pay the above-mentioned permanent legal custodian(s) a monthly subsidy payment of \$_____ per day. The amount of this subsidy payment is based on the needs of the child/youth and the circumstances of the permanent legal custodian(s) and has been negotiated between the County Children and Youth Agency and the legal custodian(s). This amount may not exceed the amount the child/youth may have received if they remained in foster care. **In order for the child/youth to be eligible for Medicaid, the Federal SPLC agreement must reflect a minimum \$1 payment.**

2. Other increases or decreases to the initial agreed upon payment amount may be made but may not exceed the maximum foster care maintenance payment, as identified in Number 1 above. Any payment adjustments may only be made with the concurrence of the legal custodian(s).
3. Monthly subsidy payments may begin only after the custodian(s) has/have committed to care for the child/youth, has/have assumed permanent legal custodianship of the child/youth, and the agreement has been signed by all parties. A copy of the court order should accompany this agreement. Payments will begin on ____/____/____ (month/day/year) and will be made on a monthly basis thereafter.
4. Should the legal custodian(s) relocate to another county/state, the agreement for permanent legal custodian monthly subsidy payments will remain in effect regardless of the county or state in which the child/youth resides.

C. Medical Care

1. The following Medicaid or Medical Assistance benefits will be provided to the child/youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include:
 - Due to the child/youth's eligibility for and receipt of federal Subsidized Permanent Legal Custodianship (at a minimum of \$1 in subsidy), the child/youth is automatically eligible for Medicaid and will remain eligible, regardless of the state of residence. The custodian should contact the County Children and Youth Agency prior to moving out-of-state to coordinate the process of requesting Title IV- E Medicaid in the new state of residence regarding custodianship.
 - Due to the child/youth's eligibility for State or County Subsidized Permanent Legal Custodianship, the custodian(s) are responsible for applying for Medical Assistance for the child/youth. Medical Assistance benefits may not be available to the child/youth if they reside outside of Pennsylvania. The child/youth's eligibility will depend on the eligibility guidelines for the state of residence. The custodian should contact the County Children and Youth Agency prior to moving out-of-state to coordinate the process of requesting medical assistance in the new state of residence regarding custodianship.
2. The legal custodian(s) agree(s) to cooperate with and abide by the Medicaid or Medical Assistance program rules and procedures of the state which provides Medicaid or Medical Assistance. The child/youth is only eligible for Medicaid or Medical Assistance as provided by the state of residence. If a state of residence does not provide a Medicaid or Medical Assistance service that Pennsylvania does provide, then Pennsylvania is not responsible for covering that service. Items/services covered by Medicaid or Medical Assistance vary from state to state.
3. The legal custodian(s) agree(s) to notify the County Assistance Office if they receive Medicaid or Medical Assistance for the child/youth and the child/youth becomes covered under the legal custodian(s) or parent's private insurance at a later date.

D. Social Services

1. The following social services will be provided to the child/youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include:
-
-

2. Post-permanency services are available in Pennsylvania through the Statewide Adoption and Permanency Network (SWAN). Post-permanency services include:

- Case advocacy;
- Respite; and
- Support groups.

If the legal custodian(s) is/are interested in these services, they may contact SWAN at 1-800-585-SWAN.

III. Interstate Compact on Permanent Legal Custodianships and Medical Assistance

The interests of a child/youth are protected through the Interstate Compact on Permanent Legal Custodianships and Medicaid. This agreement will remain in effect while the child/youth remains under 18 years of age regardless of the state in which the permanent legal custodian(s) reside(s) at any given time.

IV. Notification of Change

Other than in the case of his/her/their own death(s), the legal custodian(s) agree(s) to provide written notice immediately, but no later than 30 days, to the County Children and Youth agency if any of the following circumstances occur:

- Change in the legal custodian(s) address or telephone number;
- The custodian is interested in and/or plans to pursue adoption;
- Date of determination that the legal custodian(s) is/are no longer legally responsible for the support of the child/youth;
- Date the legal custodian(s) is/are no longer providing any support to the child/youth;
- Date of death of the child/youth;
- Date the child/youth enlists in the military;
- Date of marriage of the child/youth;
- Date the child/youth becomes an emancipated minor;
- Separation or divorce of the legal custodians;
- Date the child/youth becomes eligible/ineligible for Supplemental Security Income (SSI); or
- Date the child/youth re-enters care through a county agency.

V. Modification of Terms

- A. This agreement is subject to modification when a significant change in a child/youth’s needs or the legal custodian’s circumstances affects the need for or amount of the monthly subsidy payment.
- B. The parties to the agreement may at any time request modification of the agreement in writing.
- C. When a modification to the agreement is requested by the legal custodian(s) or the County Children and Youth Agency, or when such modification is warranted by changes in the child/youth's needs or the legal custodian(s) circumstances, the County Children and Youth Agency shall negotiate the modification with the legal custodian(s). If the County Children and Youth Agency and the legal custodian(s) are unable to agree upon the modification proposed by either party, the legal custodian(s) may file an appeal pursuant to Section V of this agreement (please see Section X for more information on the fair hearings and appeals process).

VI. Continuation of Permanent Legal Custodianship Subsidy beyond Age 18

The youth may be eligible to continue receiving Permanent Legal Custodianship subsidy payments beyond age 18, provided he/she is at least 13 years old and not yet 21 years of age at the execution of the Permanent Legal Custodianship agreement.

_____ is _____ years old at the execution of this agreement.

- Child/Youth is ineligible for subsidy extension due to being under the age of 13 when this agreement was executed;
- Child/Youth is eligible for federal funded subsidy extension due to being age 16 or over when the Title IV-E agreement was executed;
- Child/Youth is eligible for State funded subsidy extension due to being age 13 or over when the State agreement was executed.

To be eligible and to continue receiving the monthly PLC subsidy beyond age 18, the youth must meet one of the following criteria:

- The youth is completing their secondary education or equivalent credential;
 - The youth is enrolled in a post-secondary educational or vocational training program;
 - The youth is participating in a program designed to promote employment and/or remove barriers to employment;
 - The youth is employed and works at least 80 hours a month; **or**
 - The youth has a documented medical or behavioral health issue preventing them from doing any of the above.
1. The County Children and Youth Agency has an obligation to confirm at least every six months the criteria above for the youth age 18 to 21. The Custodian(s) shall submit the appropriate documentation to the County Children and Youth Agency to substantiate that the criteria has

been met for youth 18 to 21. This could include, but is not limited to, pay stubs, report cards or a letter from the employer or school.

2. Documentation will be required to substantiate the criteria for youth 18 to 21, starting on the day the youth turns 18 and at least every six months after that date. To prevent interruption of the monthly subsidy payment and Medicaid or Medical Assistance benefits, the Custodian(s) would need to submit the documentation prior to the child turning 18.
3. If the criteria for youth age 18 to 21 are not met, it is the responsibility of the Custodian(s) to notify the County. The daily subsidy amount will be suspended until the criterion is met.
4. If a criterion is not met at least every six months, or the necessary documentation is not received on the date it is due, the Permanent Legal Custodianship monthly subsidy and Medicaid or Medical Assistance benefits will be suspended. The subsidy payment will resume on the date that all necessary documentation is received by the Agency and Medicaid or Medical Assistance benefits will be reinstated. Any unpaid subsidy amount(s) will not be retroactively reimbursed to the Custodian for failure to provide the necessary documentation.

VII. Successor Custodian(s)

As custodian(s) of this agreement, you have the right to name Successor custodian(s) who have agreed to assume the care and custody of this child/youth in the event of your death or incapacity. If you choose not to designate Successor custodian(s) at this time in the agreement, you may designate Successor custodian(s) in the future. The designated Successor(s) may be changed at any time by modifying the agreement at the request of the custodian(s).

The following person(s) are designated by the custodian(s) as Successor custodian(s) under this agreement:

SUCCESSOR(S):

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

ALTERNATE SUCCESSOR(S):

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

The named Successor custodian(s) have agreed to assume care and custody of the child/youth in event of the death or incapacity of the custodian(s) and this agreement. It is understood that the Successor custodian(s) may only become the caretaker of the child/youth if 1) the Successor(s) and any household members over the age of 18 do not have any prohibited criminal convictions OR founded child abuse reports within the last five (5) years; AND 2) after the Successor(s) has been approved by the courts.

VIII. Termination of Agreement

This agreement will be terminated in any of the following circumstances:

- The child turns 18 and the Permanent Legal Custodianship agreement was executed from ages zero up to 13;
- The youth turns 21;
- The child/youth is emancipated;
- The child/youth marries;
- The child/youth enlists in the military;
- The legal custodian(s) is/are no longer providing any financial support for the child/youth;
- The legal custodian(s) request termination of the subsidy;
- The legal custodian(s) is/are determined by court action to no longer be legally responsible for the child/youth;
- The legal custodian(s) and the County Children and Youth Agency agree that the subsidy is no longer needed;
- The death of the legal custodian(s) of the child/youth (the death of one legal custodian in a single parent family or the death of both legal custodians in a two-parent family) and no Successor(s) is named;
- The death of the child/youth; or
- The child/youth re-enters care through a County Children and Youth Agency and the legal custodian(s) is/are not actively involved in reunification efforts and/or reunification efforts is no longer the permanency goal of the child/youth.

IX. Term

Unless termination occurs as a result of one or more of the conditions set forth in Section VII, this agreement will terminate when the child/youth attains the age of 18 or 21 on ____/____/____ (month/day/year).

Child/youth turns age 18 and the permanent legal custodianship agreement was executed from age zero up to 13.

Youth turns 21.

X. Supplemental Security Income (SSI)

- A. The child/youth may be concurrently eligible for Title IV-E permanent legal custodianship monthly subsidy and SSI. If the child/youth is eligible for Title IV-E Permanent Legal Custodianship, the

Social Security Administration (SSA) will reduce the SSI payment dollar for dollar by the amount of the Title IV-E permanent legal custodianship monthly subsidy.

XI. Fair Hearings and Appeals

- A. The right to a fair hearing is a procedural protection that provides due process for individuals who claim that they have been wrongly denied benefits. Policy requires that the subsidy agreement for permanent legal custodian(s) be signed and in effect at the time of, or prior to, the custodian being awarded custody of the child/youth. If the legal custodian(s) feel(s) they have been wrongly denied benefits on behalf of a child/youth, they have the right to a fair hearing at any time. A county may attempt on their own to settle any disputes prior to custody being awarded to the custodian but must refer any appeals that occur after custody of the child/youth is awarded to the legal custodian(s) to the Bureau of Hearings and Appeals. Some allegations that constitute grounds for a fair hearing include:
- Relevant facts regarding the child/youth were known or should have been reasonably known, by the public or private agency and not presented to the legal custodian(s) prior to being awarded custody;
 - Denial of assistance based upon a means test of the legal custodian(s);
 - Legal custodian disagreement that a child/youth is ineligible for subsidy;
 - Failure by the County Children and Youth Agency to advise potential legal custodian(s) about the availability of subsidized permanent legal custodianship for children/youth in the State foster care system; and
 - Denial of a request for a change in payment level due to a change in the child/youth's needs and/or legal custodian(s) circumstances.
- B. An appeal must be filed in writing within 30 calendar days of receiving written notice of an adverse decision from a County Children and Youth Agency. The existing subsidy continues during the appeal process. Upon receipt of the appeal, the County Children and Youth Agency shall date stamp the appeal and submit the appeal with a copy of the agency action that is being appealed to the DPW Bureau of Hearing and Appeals within three working days.
- C. This procedural protection, however, does not confer benefits which have no legal support or basis. Accordingly, subsidized permanent legal custodianship is available only in those situations in which a fair hearing determines that the child/youth was wrongly denied benefits and the child/youth meets all eligibility requirements.

Signatures:

This Permanent Legal Custodianship Agreement is executed upon signatures of all parties listed below.

Legal Custodian's Signature Date

Legal Custodian's Signature Date

Legal Custodian's Address Telephone

County Agency Designee's Signature Date

Caseworker or Supervisor's Signature Date

A copy of this subsidy agreement was given or mailed to the permanent legal custodian(s) on
____/____/____ (month/day/year).

MODEL SUBSIDIZED PERMANENT LEGAL CUSTODIANSHIP AGREEMENT FOR YOUTH BETWEEN 18-21 YEARS OF AGE

I/We, the undersigned legal custodian(s), and _____ County Children and Youth Agency do hereby agree to the terms and conditions of this permanent legal custodianship (PLC) subsidy agreement, made on behalf of _____, the child/youth, who was born on ____/____/____ (month/day/year), as detailed below.

As PLC(s), I/we intend to care for the above-mentioned child/youth as a member of my/our family until the child/youth reaches the age of 21. I/we enter into this agreement in order to receive a subsidy. I/we also agree to cooperate with all court orders that address any matters related to fulfilling the legal arrangements and responsibilities of permanent legal custodianship. I/we understand that this agreement is non-transferrable.

PROVISIONS OF AGREEMENT
I. Eligibility

- The child/youth is eligible for Federal Subsidized Permanent Legal Custodianship.
 The child/youth is eligible for State Subsidized Permanent Legal Custodianship.

II. Requirements for Youth Receiving Permanent Legal Custodianship Subsidy beyond Age 18

- A.** The adopted youth was between 18-21 years of age at the execution of this agreement. Specifically, the youth was age _____ at the execution of this agreement.
- B.** To be eligible and to continue receiving the monthly assistance subsidy beyond age 18, the youth must meet one of the following criteria:
- The youth is completing their secondary education or equivalent credential.
 - The youth is enrolled in a post-secondary educational or vocational training program.
 - The youth is participating in a program designed to promote employment and/or remove barriers to employment.
 - The youth is employed and works at least 80 hours a month.
 - The youth has a documented medical or behavioral health issue preventing them from doing any of the above.
1. _____ County Children and Youth Services has an obligation to confirm at least every six months the above criteria for the youth age 18 to 21. The permanent legal custodian(s) shall submit the documentation to _____ County Children and Youth Services to substantiate that the criteria have been met for youth 18 to 21. This may include, but is not limited to, pay stubs, report cards or a letter from the employer or school.

2. Documentation will be required to substantiate the criteria for youth 18 to 21 at least every six months. To prevent interruption of the subsidy payment, the custodian(s) must submit the documentation as requested by the county.
3. If the criteria for extension of the payment for youth age 18 to 21 are not met, it is the responsibility of the custodian(s) to notify _____ County Children and Youth Services. The daily subsidy amount can be withheld until the criterion is met.
4. If a criterion is not met for six months, or the necessary documentation is not received after six months from the date it is due, there will be an interruption of the subsidy payment.

C. Non-recurring Expenses

The permanent legal custodian(s) and/or Successor(s) is/are eligible for a one-time only reimbursement of up to \$2,000 for actual expenditures incurred in obtaining legal custodianship of the above-named child/youth, not incurred in violation of state or federal law, and not reimbursed from other sources or funds. These expenses may include court costs, attorney fees, and other legal expenses directly related to obtaining legal custodianship. The payment may also be reimbursement for the health and psychological examinations and consultations; transportation; criminal background checks and the reasonable cost of lodging and food for the child/youth and the custodian(s) when necessary to complete the process.

D. Monthly Subsidy

1. The County Children and Youth Agency agrees to pay the above mentioned permanent legal custodian(s) a monthly subsidy payment of \$_____ per day. The amount of this subsidy payment is based on the needs of the child/youth and the circumstances of the permanent legal custodian(s) and has been negotiated between the County Children and Youth Agency and the legal custodian(s). This amount may not exceed the amount the child/youth may have received if they remained in foster care. **In order for the child/youth to be eligible for Medicaid, the Federal SPLC agreement must reflect a minimum \$1 payment.**
 - a. Other increases or decreases to the initial agreed upon payment amount may be made but may not exceed the maximum foster care maintenance payment, as identified in Number 1 above. Any payment adjustments may only be made with the concurrence of the legal custodian(s).
 - b. Monthly subsidy payments may begin only after the custodian(s) has/have committed to care for the child/youth, has/have assumed permanent legal custodianship of the child/youth, and the agreement has been signed by all parties. A copy of the court order should accompany this agreement. Payments will begin on ____/____/____ (month/day/year) and will be made on a monthly basis thereafter.
 - c. Should the legal custodian(s) relocate to another county/state, the agreement for permanent legal custodian monthly subsidy payments will remain in effect regardless of the county or state in which the child/youth resides.

E. Medical Care

1. The following Medicaid or Medical Assistance benefits will be provided to the child/youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include:
 - Due to the child/youth’s eligibility for and receipt of federal Subsidized Permanent Legal Custodianship, the child/youth is automatically eligible for Medicaid and will remain eligible, regardless of the state of residence. The custodian should contact the County Children and Youth Agency prior to moving out-of-state to coordinate the process of requesting Title IV- E Medicaid in the new state of residence regarding custodianship.
 - Due to the child/youth’s eligibility for State or County Subsidized Permanent Legal Custodianship, the custodian(s) are responsible for applying for Medical Assistance for the child/youth. Medical Assistance benefits may not be available to the child/youth if they reside outside of Pennsylvania. The child/youth’s eligibility will depend on the eligibility guidelines for the state of residence. The custodian should contact the County Children and Youth Agency prior to moving out-of-state to coordinate the process of requesting medical assistance in the new state of residence regarding custodianship.

2. The legal custodian(s) agree(s) to cooperate with and abide by the Medicaid or Medical Assistance program rules and procedures of the state which provides Medicaid or Medical Assistance. The child/youth is only eligible for Medicaid or Medical Assistance as provided by the state of residence. If a state of residence does not provide Medicaid or Medical Assistance service that Pennsylvania does provide, then Pennsylvania is not responsible for covering that service. Items covered by Medicaid or Medical Assistance vary from state to state.

3. The legal custodian(s) agree(s) to notify the County Assistance Office if they receive Medicaid or Medical Assistance for the child/youth and the child/youth becomes covered under the legal custodian(s) or parent’s private insurance at a later date.

F. Social Services

1. The following social services will be provided to the child/youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include:

3. Post-permanency services are available in Pennsylvania through the Statewide Adoption and Permanency Network (SWAN). Post-permanency services include:
 - Case advocacy;
 - Respite; and
 - Support groups.

If the legal custodian(s) is/are interested in these services, they may contact SWAN at 1-800-585-SWAN.

III. Interstate Compact on Permanent Legal Custodianships and Medical Assistance

The interests of a child/youth are protected through the Interstate Compact on Permanent Legal Custodianships and Medicaid. This agreement will remain in effect while the child/youth remains under 21 years of age regardless of the state in which the permanent legal custodian(s) reside(s) at any given time.

IV. Notification of Change

Other than in the case of his/her/their own death(s), the legal custodian(s) agree(s) to provide written notice immediately, but no later than 30 days, to the County Children and Youth agency if any of the following circumstances occur:

- Change in the legal custodian(s) address or telephone number;
- The custodian is interested in and/or plans to pursue adoption;
- Date of determination that the legal custodian(s) is/are no longer legally responsible for the support of the child/youth;
- Date the legal custodian(s) is/are no longer providing any support to the child/youth;
- Date of death of the child/youth;
- Date the child/youth enlists in the military;
- Date of marriage of the child/youth;
- Date the child/youth becomes an emancipated minor;
- Separation or divorce of the legal custodians;
- Date the child/youth becomes eligible/ineligible for Supplemental Security Income (SSI); or
- Date the child/youth re-enters care through a county agency.

V. Modification of Terms

- A. This agreement is subject to modification when a significant change in a child/youth's needs or the legal custodian's circumstances affects the need for or amount of the monthly subsidy payment.
- D. The parties to the agreement may at any time request modification of the agreement in writing.
- E. When a modification to the agreement is requested by the legal custodian(s) or the County Children and Youth Agency, or when such modification is warranted by changes in the child/youth's needs or the legal custodian(s) circumstances, the County Children and Youth Agency shall negotiate the modification with the legal custodian(s). In the event that the County Children and Youth Agency and the legal custodian(s) are unable to agree upon the modification proposed by either party, the legal custodian(s) may file an appeal pursuant to Section V of this agreement (please see Section X for more information on the fair hearings and appeals process).

VI. Successor Custodian(s)

As custodian(s) of this agreement, you have the right to name Successor custodian(s) who have agreed to assume the care and custody of this child/youth in the event of your death or incapacity. If you choose not to designate Successor custodian(s) at this time in the agreement, you may designate Successor custodian(s) in the future. The designated Successor(s) may be changed at any time by modifying the agreement at the request of the custodian(s).

The following person(s) are designated by the custodian(s) as Successor custodian(s) under this agreement:

SUCCESSOR(S):

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

ALTERNATE SUCCESSOR(S):

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

NAME: _____

ADDRESS: _____

CONTACT INFORMATION: _____

The named Successor custodian(s) have agreed to assume care and custody of the child/youth in event of the death or incapacity of the custodian(s) and this agreement. It is understood that the Successor custodian(s) may only become the caretaker of the child/youth if 1) the Successor(s) and any household members over the age of 18 do not have any prohibited criminal convictions OR founded child abuse reports within the last five (5) years; AND 2) after the Successor(s) has been approved by the courts.

VII. Termination of Agreement

This agreement will be terminated in any of the following circumstances:

- The youth turns 21;
- The child/youth is emancipated;
- The child/youth marries;
- The child/youth enlists in the military;
- The legal custodian(s) is/are no longer providing any financial support for the child/youth;

- The legal custodian(s) request termination of the subsidy;
- The legal custodian(s) is/are determined by court action to no longer be legally responsible for the child/youth;
- The legal custodian(s) and the County Children and Youth Agency agree that the subsidy is no longer needed;
- The death of the legal custodian(s) of the child/youth (the death of one legal custodian in a single parent family or the death of both legal custodians in a two-parent family) and no Successor(s) is named;
- The death of the child/youth; or
- The child/youth re-enters care through a County Children and Youth Agency and the legal custodian(s) is/are not actively involved in reunification efforts and/or reunification efforts is no longer the permanency goal of the child/youth.

VIII. Term

Unless termination occurs as a result of one or more of the conditions set forth in Section VII, this agreement will terminate when the youth attains the age of 21 on ____/____/____ (month/day/year).

IX. Supplemental Security Income (SSI)

- B. The child/youth may be concurrently eligible for Title IV-E permanent legal custodianship monthly subsidy and SSI. If the child/youth is eligible for Title IV-E Permanent Legal Custodianship, the Social Security Administration (SSA) will reduce the SSI payment dollar for dollar by the amount of the Title IV-E permanent legal custodianship monthly subsidy.

X. Fair Hearings and Appeals

- D. The right to a fair hearing is a procedural protection that provides due process for individuals who claim that they have been wrongly denied benefits. Policy requires that the subsidy agreement for permanent legal custodian(s) be signed and in effect at the time of, or prior to, the custodian being awarded custody of the child/youth. If the legal custodian(s) feel(s) they have been wrongly denied benefits on behalf of a child/youth, they have the right to a fair hearing at any time. A county may attempt on their own to settle any disputes prior to custody being awarded to the custodian but must refer any appeals that occur after custody of the child/youth is awarded to the legal custodian(s) to the Bureau of Hearings and Appeals. Some allegations that constitute grounds for a fair hearing include:
- Relevant facts regarding the child/youth were known or should have been reasonably known, by the public or private agency and not presented to the legal custodian(s) prior to being awarded custody;
 - Denial of assistance based upon a means test of the legal custodian(s);
 - Legal custodian disagreement that a child/youth is ineligible for subsidy;

- Failure by the County Children and Youth Agency to advise potential legal custodian(s) about the availability of subsidized permanent legal custodianship for children/youth in the State foster care system; and
 - Denial of a request for a change in payment level due to a change in the child/youth’s needs and/or legal custodian(s) circumstances.
- E. An appeal must be filed in writing within 30 calendar days of receiving written notice of an adverse decision from a County Children and Youth Agency. The existing subsidy continues during the appeal process. Upon receipt of the appeal, the County Children and Youth Agency shall date stamp the appeal and submit the appeal with a copy of the agency action that is being appealed to the DPW Bureau of Hearing and Appeals within three working days.
- F. This procedural protection, however, does not confer benefits which have no legal support or basis. Accordingly, subsidized permanent legal custodianship is available only in those situations in which a fair hearing determines that the child/youth was wrongly denied benefits and the child/youth meets all eligibility requirements.

Signatures:

This Permanent Legal Custodianship Agreement is executed upon signatures of all parties listed below.

Legal Custodian’s Signature Date

Legal Custodian’s Signature Date

Legal Custodian’s Address Telephone

County Agency Designee’s Signature Date

Caseworker or Supervisor’s Signature Date

A copy of this subsidy agreement was given or mailed to the permanent legal custodian(s) on ____/____/____ (month/day/year).

Annual Evaluation Form for the Subsidized Permanent Legal Custodianship

To be completed on a yearly basis by permanent legal custodian(s) and returned to the County Children and Youth Agency (CCYA).

This form should be utilized for children who were **under the age of thirteen** at the time of the original subsidy agreement.

Name of Child/Youth:	Date of Birth:
Name of Custodian(s):	Telephone Number:
Address:	
Date of Original Subsidy Agreement:	CCYA:

CHILD/YOUTH INFORMATION	YES	NO	COMMENTS
1. Has the child/youth reached the age of eighteen?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the child/youth currently living with you? <i>If no, please provide the current location of the child/youth and answer question 2a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
2a. If no, are you currently providing financial support to the child/youth (e.g., child support, tuition, clothing, therapy)?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Has the child/youth become an emancipated minor, married, or enlisted in the military?	<input type="checkbox"/>	<input type="checkbox"/>	
4. Is the child/youth a full-time elementary or secondary school student? <ul style="list-style-type: none"> • Yes, should be checked if the child/youth is instructed in elementary or secondary education or at home in accordance with a home school law of the State or other jurisdiction in which your home is located. • If no is checked, please state the reason why the child/youth is not a full-time student in the Comments box. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A – Child/youth is not of compulsory school age. Expected Graduation Date: _____
5. Have there been any changes in the child/youth's development, care, medical and/or behavioral condition that would require a change in the subsidy agreement? <i>Please provide explanation of changes, including any additional treatment required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Would you like to terminate this subsidy agreement?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Would you like a change to the SPLC agreement currently in effect?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Would you like to add a Successor to the SPLC?	<input type="checkbox"/>	<input type="checkbox"/>	Name: _____

<p><i>If yes, please include the Successor(s)' name, address, and contact information.</i></p>			<p>Address: _____ _____ Contact Information: _____</p>
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I/We understand that the CCYA may request to renegotiate the amount of the subsidy based on the information I/we have provided. I/We confirm that the information is true and accurate to the best of my/our knowledge. I/We continue to fulfill the responsibilities of the permanent legal custodianship under the SPLC agreement in effect.

_____ Signature of Custodian or CCYA representative contacting Custodian	_____ Date	_____ Signature of Custodian	_____ Date
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Annual Evaluation Form for the Subsidized Permanent Legal Custodianship

To be completed on a yearly basis by permanent legal custodian(s) and returned to the County Children and Youth Agency (CCYA).

This form should be utilized for youth who were **over the age of thirteen** at the time of the original subsidy agreement.

Name of Child/Youth:	Date of Birth:
Name of Custodian(s):	Telephone Number:
Address:	
Date of Original Subsidy Agreement:	CCYA:

CHILD/YOUTH INFORMATION	YES	NO	COMMENTS
1. Has the child/youth reached the age of eighteen or was between the ages of eighteen and twenty when the agreement was finalized? If yes, please indicate which of the below activities the youth is currently engaged in: <ul style="list-style-type: none"> • Completing secondary education or equivalent • Enrolled in post-secondary or vocational training • Participating in a program actively designed to promote or remove barriers to employment • Employed at least 80 hours monthly • Incapable of doing the above activities due to a medical or behavioral condition Please provide documentation of the above selected activity.	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the child/youth currently living with you? <i>If no, please provide the current location of the youth and answer question 2a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
2a. If no, are you currently providing financial support to the youth (e.g., child support, tuition, clothing, therapy)?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Has the child/youth become an emancipated minor, married, or enlisted in the military?	<input type="checkbox"/>	<input type="checkbox"/>	
4. Is the child/youth a full-time secondary school student? <ul style="list-style-type: none"> • Yes should be checked if the youth is instructed in secondary education or at home in accordance with a home school law of the State or other jurisdiction in which your home is located. 	<input type="checkbox"/>	<input type="checkbox"/>	Expected Graduation Date: _____

<p>• <i>If no is checked, please state the reason why the youth is not a full-time student in the Comments box.</i></p>			
<p>5. Have there been any changes in the child/youth's development, care, medical and/or behavioral condition that would require a change in the subsidy agreement? <i>Please provide explanation of changes, including any additional treatment required.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>6. Would you like to terminate this subsidy agreement?</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7. Would you like a change to the SPLC agreement currently in effect?</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8. Would you like to add a Successor to the SPLC? <i>If yes, please include the Successor(s)' name, address, and contact information.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>Contact Information: _____</p>

I/We understand that the CCYA may request to renegotiate the amount of the subsidy based on the information I/we have provided. I/We confirm that the information is true and accurate to the best of my/our knowledge. I/We continue to fulfill the responsibilities of the permanent legal custodianship under the SPLC agreement in effect.

Signature of Custodian or CCYA Representative contacting Custodian	Date	Signature of Custodian	Date
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Federal Subsidized Permanent Legal Custodianship/ Title IV-E Eligibility Criteria				
Child/Youth Requirements (Pages 7-11)	Yes	No	N/A	Initial
1. Adjudicated dependent or delinquent with SCR?				
2. Goals of Reunification with Parents and Adoption ruled out?				
3. Child/Youth's permanency goal changed to PLC?				
4. Age 12 or older have been consulted regarding the SPLC arrangement.				
5. Eligible for Title IV-E foster care maintenance payments for 6 consecutive months while in placement with the relative/kinship caregiver?			*	
6. Lived with eligible caregiver for 6 consecutive months during current custody episode?			*	
7. Has a strong bond with the relative/kinship caregiver?			*	
8. Sibling to a Federal SPLC eligible child/youth and placed in the same custodian home as the sibling?				
9. Child/Youth is a citizen or eligible noncitizen? (Page 8)				

Case Record Documentation Requirements (Page 9 and Attachment B)	Yes	No	N/A	Initial
1. The steps taken to determine that reunification or adoption is not appropriate.				
2. The efforts made to discuss the planned PLC with the child/youth's parent(s) or the reasons why efforts were not made.				
3. The efforts made to discuss adoption with the PLC candidate and the reasons why it is not an option.				
4. The reasons why PLC and receipt of subsidy are in the child/youth's best interest.				
5. The reasons why the child/youth was separated from siblings during placement and the plans to maintain sibling connections.				
6. The child/youth meets the Child/Youth Eligibility Requirements listed in the previous section.				

SPLC Candidate Requirements (Pages 9-11)	Yes	No	N/A	Initial
1. Fully approved resource home having met all of the requirements of Title 55 Pa. Code Chapter 3700 and not be on provisional status?				
2. All clearances required for ongoing home approval up-to-date?				
3. Meets the definition of relative/kin?				
4. Has a strong commitment to caring permanently for the child/youth?				

SPLC Agreement Requirements (Pages 17-18)	Yes	No	N/A	Initial
1. Statement that the amount of the subsidy may not exceed the foster care maintenance payment?				
2. The dollar amount of the subsidy?				
3. The payment schedule?				
4. The effective date of the agreement?				
5. Statement that the amount of the subsidy is based on the child/youth's needs and the circumstances of the custodian and may be adjusted with the concurrence of the custodian (with exceptions)?				

6. The additional services and assistance for which the child/youth and custodian may be eligible and the procedure by which the custodian may apply?				
7. Statement that the agreement will remain in effect without regard to the state of residency of the custodian?				
8. The agency will pay up to \$2000 for the total cost of non-recurring expenses associated with obtaining legal custodianship of the child/youth?				
9. Circumstances that will suspend or terminate the agreement?				

*These requirements are applicable to all children/youth with the exception of siblings in #8 of the Child/Youth Requirements section.

State Subsidized Permanent Legal Custodianship Eligibility Criteria				
Child/Youth Requirements (Pages 14-15)	Yes	No	N/A	Initial
1. Adjudicated dependent or delinquent with SCR?				
2. Goals of Reunification with Parents and Adoption ruled out?				
3. Child/Youth's permanency goal changed to PLC?				
4. Age 12 or older have been consulted regarding the SPLC arrangement.				
5. Lived with eligible caregiver for 6 months which need not be consecutive prior to court ordering PLC?				
6. Child/youth is not eligible for Federal SPLC?				

Case Record Documentation Requirements (Page 9 and Attachment B)	Yes	No	N/A	Initial
1. The steps taken to determine that reunification or adoption is not appropriate.				
2. The efforts made to discuss the planned PLC with the child/youth's parent(s) or the reasons why efforts were not made.				
3. The efforts made to discuss adoption with the PLC candidate and the reasons why it is not an option.				
4. The reasons why PLC and receipt of subsidy are in the child/youth's best interest.				
5. The reasons why the child/youth was separated from siblings during placement and the plans to maintain sibling connections.				
6. The child/youth meets the Child/Youth Eligibility Requirements listed in the previous section.				

SPLC Candidate Requirements (Page 15)	Yes	No	N/A	Initial
1. Fully approved resource home having met all of the requirements of Title 55 Pa. Code Chapter 3700 and not be on provisional status?				
2. All clearances required for ongoing home approval up-to-date?				
3. Has a strong commitment to caring permanently for the child/youth?				

SPLC Agreement Requirements (Pages 17-18)	Yes	No	N/A	Initial
1. Statement that the amount of the subsidy may not exceed the foster care maintenance payment?				
2. The dollar amount of the subsidy?				
3. The payment schedule?				

4. The effective date of the agreement?				
5. Statement that the amount of the subsidy is based on the child/youth's needs and the circumstances of the custodian and may be adjusted with the concurrence of the custodian (with exceptions)?				
6. The additional services and assistance for which the child/youth and custodian may be eligible and the procedure by which the custodian may apply?				
7. Statement that the agreement will remain in effect without regard to the state of residency of the custodian?				
8. The agency will pay up to \$2000 for the total cost of non-recurring expenses associated with obtaining legal custodianship of the child/youth?				
9. Circumstances that will suspend or terminate the agreement?				

County Subsidized Permanent Legal Custodianship Eligibility Criteria				
Child/Youth Requirements	Yes	No	N/A	Initial
1. Child/youth is not eligible for Federal or State SPLC?				
2. Other requirements are at the discretion of the county choosing to offer this type of subsidy.				

Successor Subsidized Permanent Legal Custodianship Eligibility Criteria

Child/Youth Requirements	Yes	No	N/A	Initial
1. Child/youth is eligible for Federal or State SPLC?				
2. Child/youth is under the age of 18 or meets the eligibility requirements for extension of subsidy to age 21.				

Case Record Documentation Requirements	Yes	No	N/A	Initial
1. Successor’s relationship is established in case notes or documentation.				

Successor Candidate Requirements	Yes	No	N/A	Initial
2. All required clearances completed?				
3. Meets the definition of relative/kin?				
4. Has a strong commitment to caring permanently for the child/youth?				

SPLC Agreement Requirements	Yes	No	N/A	Initial
1. The terms for naming a SPLC successor are present in the current SPLC agreement.				

The Impact of the Concurrent Receipt of Different Types of Social Security Benefits and Adoption Assistance or Subsidized Permanent Legal Custodianships (SPLC)

Type of Social Security Benefit	Federal Adoption Assistance	State Adoption Assistance	State SPLC	Federal SPLC
Supplemental Security Income (SSI)	The Social Security Administration will reduce the amount of the SSI payment dollar for dollar by the amount of the adoption assistance payment. The adoption assistance payment is not automatically impacted.	There is no automatic impact to either payment. The county can request a renegotiation of the adoption assistance agreement with the concurrence of the adoptive parents.	There is no automatic impact to either payment. The county can request a renegotiation of the SPLC payment with the concurrence of the custodians.	The Social Security Administration will reduce the amount of the SSI payment dollar for dollar by the amount of the SPLC.
Social Security Survivors, Disability, and Retirement Benefits (RSDI)	There is no automatic impact to either payment. The county can request a renegotiation of the adoption assistance agreement with the concurrence of the adoptive parents.	There is no automatic impact to either payment. The county can request a renegotiation of the adoption assistance agreement with the concurrence of the adoptive parents.	There is no automatic impact to either payment. The county can request a renegotiation of the SPLC payment with the concurrence of the custodians.	There is no automatic impact to either payment. The county can request a renegotiation of the SPLC payment with the concurrence of the custodians.

*** Disclaimer: This document is an interpretation of Section 473 of the Social Security Act and may be used as a resource. This document can also be found on DocuShare.**

Update 6/30/23