

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1164 Session of 2015

INTRODUCED BY MURT, BLOOM, BAKER, BOBACK, V. BROWN, BROWNLEE, COHEN, CUTLER, FEE, FREEMAN, GIBBONS, GOODMAN, GROVE, IRVIN, KAUFER, KAUFFMAN, LONGIETTI, MCGINNIS, McNEILL, B. MILLER, MILNE, PASHINSKI, REED, ROSS, ROZZI, STEPHENS, TOOHIL, TOPPER, WATSON AND ZIMMERMAN, MAY 11, 2015

REFERRED TO COMMITTEE ON HEALTH, MAY 11, 2015

AN ACT

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

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

7 Section 1. Section 408.3 of the act of June 13, 1967
8 (P.L.31, No.21), known as the Public Welfare Code, added June
9 30, 2011 (P.L.89, No.22), is amended to read:

10 Section 408.3. Copayments for Subsidized Child Care.--(a)
11 Notwithstanding any other provision of law or departmental
12 regulation, the parent or caretaker of a child enrolled in
13 subsidized child care shall pay a copayment for the subsidized
14 child care based on a percentage of the adjusted gross income of
15 the family as specified in a copayment schedule established by
16 the department pursuant to this section.

17 (b) The department shall publish a notice setting forth the

1 copayment schedule in the Pennsylvania Bulletin.

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

4 (1) Copayments shall be based upon a [sliding income scale]
5 a percentage of income taking into account Federal poverty
6 income guidelines. Copayments shall be updated annually.

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

9 (i) for each child enrolled in subsidized child care;

10 (ii) based upon family size; or

11 (iii) in accordance with both subparagraphs (i) and (ii).

12 (3) Copayment amounts shall be a minimum of five dollars
13 (\$5) per week and [may] shall increase in incremental amounts,
14 based on a percentage of adjusted gross income of the family, as
15 determined by the department [taking into account annual family
16 income].

17 (4) A family's annual copayment under either paragraph (1)
18 or (2) shall not exceed:

19 (i) eight percent of the family's annual income if the
20 family's annual income is one hundred percent of the Federal
21 poverty income guideline or less; [or]

22 (ii) eleven percent of the family's annual income if the
23 family's annual income [exceeds] is between one hundred percent
24 of the Federal poverty income guideline[.] and two hundred and
25 fifty percent of the Federal poverty income guideline;

26 (iii) thirteen percent of the family's annual income if the
27 family's annual income is between two hundred and fifty percent
28 of the Federal poverty income guideline and two hundred and
29 seventy-five percent of the Federal poverty guideline; or

30 (iv) fifteen percent of the family's annual income if the

1 family's annual income exceeds two hundred and seventy-five
2 percent of the Federal poverty income guideline. Notwithstanding
3 this subsection, beginning with State fiscal year 2012-2013, the
4 department may adjust the annual copayment percentages specified
5 in this subsection by promulgation of final-omitted regulations
6 under section 204 of the act of July 31, 1968 (P.L.769, No.240),
7 referred to as the "Commonwealth Documents Law."

8 (5) A family that exceeds the minimum work requirements as a
9 result of each parent, or in the case of a single parent
10 household by the sole parent, performing additional wage-earning
11 hours shall have a reduced copayment, so long as the reduction
12 does not reduce the weekly copayment below that which is set
13 under paragraph (3). This paragraph shall apply to a family that
14 increases its average work week after the effective date of this
15 paragraph. The reduction shall be applied as follows:

16 (i) For an average work week of at least twenty-five wage-
17 earning hours per parent, three-quarters of one percent
18 reduction from the amount set under this subsection.

19 (ii) For an average work week of at least thirty wage-
20 earning hours per parent, a one and one-half percent reduction
21 from the amount set under this subsection.

22 (iii) For an average work week of at least thirty-five wage-
23 earning hours per parent, two and one-quarter percent reduction
24 from the amount set under this subsection.

25 (iv) For an average work week of at least forty wage-earning
26 hours per parent, a three percent reduction from the amount set
27 under this subsection.

28 (6) A family that has qualified for a reduction in the child
29 care copayment shall provide documentation of its average work
30 week hours every six months to continue to receive the child

1 care copayment reduction.

2 (7) A family that has previously qualified for a reduction
3 in the child care copayment shall continue to remain eligible
4 for subsidized child care if the family:

5 (i) does not exceed three hundred percent of the Federal
6 poverty income guideline;

7 (ii) has been in compliance with the requirements under
8 paragraph (6);

9 (iii) continues to exceed the minimum work requirements by
10 performing additional wage-earning hours; and

11 (iv) is current and remains current with making its
12 copayment to the caretaker.

13 (8) The average work week of a family shall be calculated by
14 reviewing the family's income statements and taking the average
15 of the number of hours worked per parent over a six-month period
16 and dividing by twenty-six.

17 (d) Notwithstanding subsection (a), a parent or caretaker
18 copayment may be waived in accordance with department
19 regulations.

20 (e) As used in this section, "wage-earning hours" means
21 hours for which an individual is financially compensated by an
22 employer. The term does not include hours spent volunteering, in
23 education or in job training, unless those hours are compensated
24 as a condition of employment.

25 Section 2. This act shall take effect in 60 days.