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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 944 Session of 2025

INTRODUCED BY COMITTA, SCHWANK, KIM, COLLETT, KEARNEY, COSTA, HAYWOOD, CAPPELLETTI, SANTARSIERO, SAVAL, STREET AND L. WILLIAMS, JULY 31, 2025

REFERRED TO JUDICIARY, JULY 31, 2025

AN ACT

Amending Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, providing for nondiscrimination in adoption and foster care family agencies; and promulgating regulations.

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

Section 1. Title 67 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 78

NONDISCRIMINATION IN ADOPTION AND FOSTER CARE FAMILY AGENCIES

Sec.

7801. Definitions.
7802. Nondiscrimination.
7803. No establishment of religion.
7804. Regulations.

§ 7801. Definitions.

The following words and phrases when used in this chapter

shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Gender identity or expression." Having or being perceived as having a gender-related identity, appearance, expression or behavior, which may or may not be stereotypically associated with the individual's sex assigned at birth.

"Kinship caregiver." An individual who meets the requirements under the laws of this Commonwealth to provide kinship care for a child.

§ 7802. Nondiscrimination.

A county agency, or public or private agency that is authorized or approved by the county agency or department to provide foster family care, kinship care or adoption services, may not:

(1) Deny an individual the opportunity to become an adoptive or a foster parent or kinship caregiver solely on the basis of a real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry or any communicable disease, including HIV, of the individual or a member of the individual's household.

(2) Deny to care for a specific child on the basis of a real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity or expression, national origin, ancestry or any communicable disease, including HIV, of the child unless the denial of care is documented, has a clear nexus to the ability to meet the needs of the child and is not detrimental to the health or welfare of the child.

(3) Delay or deny the placement of a child for adoption

or into foster or kinship care on the basis of a real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity or expression, national origin, ancestry or any communicable disease, including HIV, of the child, unless the delay or denial of the placement is not detrimental to the health or welfare of the child.

(4) Require different or additional screenings, processes or procedures for adoptive, foster or kinship care placement decisions solely on the basis of the following, unless the screenings, processes or procedures are necessary to determine if the placement is detrimental to the health or welfare of the child:

(i) a real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry or any communicable disease, including HIV, of the prospective adoptive or foster parent or kinship caregiver; or

(ii) a real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity or expression, national origin, ancestry or any communicable disease, including HIV, of the child involved.

(5) Subject a child in foster or kinship care or an individual, family or other agency to discrimination or harassment on the basis of actual or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry or any communicable disease, including HIV, when providing any placement-related service.

§ 7803. No establishment of religion.

No county agency, or public or private agency that is authorized or approved by the county agency or department to provide foster family care, kinship care or adoption services, may deny any otherwise eligible individual the opportunity to become an adoptive or a foster parent or kinship caregiver, due solely to a preference for any religious establishment or mode of worship in violation of section 3 of Article I of the Constitution of Pennsylvania.

§ 7804. Regulations.

The department shall promulgate regulations as necessary to effectuate this chapter.

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