

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 214

Session of
1975

INTRODUCED BY MESSRS. IRVIS, BERSON, SCIRICA, RHODES, HAMMOCK,
ITKIN, M. E. MILLER, JR., REED, R. W. WILT AND RYAN,
FEBRUARY 4, 1975

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 25, 1975

AN ACT

1 ~~Amending the act of December 6, 1972 (P.L.1464, No.333),~~ <—
2 ~~entitled "An act relating to the care, guidance, control,~~
3 ~~trial, placement and commitment of delinquent and deprived~~
4 ~~children," further providing for the payment of the costs and~~
5 ~~expenses for the care of the child.~~

1 AMENDING THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), ENTITLED "AN <—
2 ACT TO CONSOLIDATE, EDITORIALY REVISE, AND CODIFY THE PUBLIC
3 WELFARE LAWS OF THE COMMONWEALTH," FURTHER PROVIDING FOR THE
4 PAYMENT OF THE COSTS AND EXPENSES FOR THE CARE OF THE CHILD
5 AND MAKING CERTAIN REPEALS.

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

8 ~~Section 1. Section 36, act of December 6, 1972 (P.L.1464,~~ <—
9 ~~No.333), known as the "Juvenile Act," is amended to read:~~

10 ~~Section 36. Costs and Expenses for Care of Child. (a) The~~
11 ~~{following} expenses in the following clauses (1), (2) and (3)~~
12 ~~shall be paid one half by the Department of Public Welfare and~~
13 ~~one half by the county and the expenses in clause (4) shall be~~
14 ~~paid three quarters by the Department of Public Welfare and one~~
15 ~~quarter by the county, upon certification thereof by the court:~~

16 ~~(1) The cost of medical and other examinations and treatment~~

1 ~~of a child ordered by the court.~~

2 ~~(2) The cost of care and support of a child committed by the~~
3 ~~court to the legal custody of a public or private agency~~
4 ~~approved or operated by the Department of Public Welfare other~~
5 ~~than [one operated by the Department of Public Welfare, or to a~~
6 ~~private agency approved by the Department of Public Welfare, or~~
7 ~~individual other than a parent] those services described in~~
8 ~~clause (4).~~

9 ~~(3) The expense of service of summons, warrants, notices,~~
10 ~~subpoenas, travel expense of witnesses, transportation of the~~
11 ~~child, and other like expenses incurred in the proceedings under~~
12 ~~this act.~~

13 ~~(4) The cost of child welfare services; informal adjustment~~
14 ~~services set forth in section 8; and such diversionary services~~
15 ~~approved by the Department of Public Welfare, including but not~~
16 ~~limited to youth services bureaus, foster home care, group home~~
17 ~~care, shelter care, community residential care and day treatment~~
18 ~~centers.~~

19 ~~(b) If, after due notice to the parents or other persons~~
20 ~~legally obligated to care for and support the child, and after~~
21 ~~affording them an opportunity to be heard, the court finds that~~
22 ~~they are financially able to pay all or part of the costs and~~
23 ~~expenses stated in clauses (1), (2), [and] (3) and (4) of~~
24 ~~subsection (a), the court may order them to pay the same and~~
25 ~~prescribe the manner of payment. Unless otherwise ordered,~~
26 ~~payment shall be made to the clerk of the court for remittance~~
27 ~~to the person to whom compensation is due, or if the costs and~~
28 ~~expenses have been paid by the county, to the appropriate~~
29 ~~officer of the county.~~

30 ~~Section 2. Sections 346 and 354, act of June 13, 1967~~

~~(P.L.31, No.21), known as the "Public Welfare Code," are
repealed in so far as they are inconsistent herewith.~~

SECTION 1. SECTIONS 346, 354 AND 704, ACT OF JUNE 13, 1967
(P.L.31, NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," ARE HEREBY
REPEALED.

SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 704.1.--PAYMENTS TO COUNTIES FOR SERVICES TO
CHILDREN.--(A) THE DEPARTMENT SHALL REIMBURSE COUNTY INSTITUTION
DISTRICTS OR THEIR SUCCESSORS FOR EXPENDITURES INCURRED BY THEM
IN THE PERFORMANCE OF THEIR OBLIGATION PURSUANT TO THIS ACT AND
THE ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333), KNOWN AS THE
"JUVENILE ACT," IN THE FOLLOWING PERCENTAGES:

(1) EIGHTY PERCENT OF THE COST OF AN ADOPTION SUBSIDY PAID
PURSUANT TO SUBDIVISION (E) OF ARTICLE VII.

(2) SEVENTY-FIVE PERCENT OF THE REASONABLE COST OF CHILD
WELFARE SERVICES, INFORMAL ADJUSTMENT SERVICES PROVIDED PURSUANT
TO SECTION 8 OF THE ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333),
KNOWN AS THE "JUVENILE ACT," AND SUCH SERVICES APPROVED BY THE
DEPARTMENT, INCLUDING BUT NOT LIMITED TO, FOSTER HOME CARE,
GROUP HOME CARE, SHELTER CARE, COMMUNITY RESIDENTIAL CARE, DAY
TREATMENT CENTERS AND SERVICE TO CHILDREN IN THEIR OWN HOME AND
ANY OTHER ALTERNATIVE TREATMENT PROGRAMS APPROVED BY THE
DEPARTMENT.

(3) SIXTY PERCENT OF THE REASONABLE ADMINISTRATIVE COSTS
APPROVED BY THE DEPARTMENT AS NECESSARY FOR THE PROVISION OF
CHILD WELFARE SERVICES.

(4) FIFTY PERCENT OF THE REASONABLE COST OF CARE AND SUPPORT
OF A CHILD COMMITTED BY A COURT PURSUANT TO THE ACT OF DECEMBER
6, 1972 (P.L.1464, NO.333), KNOWN AS THE "JUVENILE ACT," TO THE
LEGAL CUSTODY OF A PUBLIC OR PRIVATE AGENCY APPROVED OR OPERATED

1 BY THE DEPARTMENT OTHER THAN THOSE SERVICES DESCRIBED IN CLAUSE
2 (2).

3 (5) FIFTY PERCENT OF THE REASONABLE COST OF MEDICAL AND
4 OTHER EXAMINATIONS AND TREATMENT OF A CHILD ORDERED BY THE COURT
5 PURSUANT TO THE ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333),
6 KNOWN AS THE "JUVENILE ACT," AND THE EXPENSES OF THE APPOINTMENT
7 OF A GUARDIAN PENDENTE LITE, SUMMONS, WARRANTS, NOTICES,
8 SUBPOENAS, TRAVEL EXPENSES OF WITNESSES, TRANSPORTATION OF THE
9 CHILD, AND OTHER LIKE EXPENSES INCURRED IN PROCEEDINGS UNDER THE
10 ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333), KNOWN AS THE
11 "JUVENILE ACT."

12 (B) THE DEPARTMENT MAY MAKE ADDITIONAL GRANTS TO ANY COUNTY
13 INSTITUTION DISTRICT OR ITS SUCCESSOR TO ASSIST IN ESTABLISHING
14 NEW SERVICES TO CHILDREN IN ACCORDANCE WITH A PLAN APPROVED BY
15 THE DEPARTMENT FOR UP TO THE FIRST THREE YEARS OF OPERATION OF
16 THOSE SERVICES. THE GRANT SHALL SUPPLEMENT PAYMENTS PROVIDED
17 PURSUANT TO SUBSECTION (A) BUT SHALL NOT EXCEED, IN ANY ONE
18 YEAR, FIVE PERCENT OF THE PAYMENT MADE PURSUANT TO THAT
19 SUBSECTION.

20 (C) NO PAYMENT PURSUANT TO SUBSECTION (A)(2) OR (3) OR OF
21 SUBSECTION (B) SHALL BE MADE FOR ANY PERIOD IN WHICH THE COUNTY
22 INSTITUTION DISTRICT OR ITS SUCCESSOR FAILS TO SUBSTANTIALLY
23 COMPLY WITH THE REGULATIONS OF THE DEPARTMENT PROMULGATED
24 PURSUANT TO SECTION 703 INCLUDING BUT NOT LIMITED TO THOSE
25 REGULATIONS RELATING TO MINIMUM CHILD WELFARE SERVICES, MINIMUM
26 STANDARDS OF CHILD WELFARE SERVICES AND MINIMUM STANDARDS OF
27 CHILD WELFARE ADMINISTRATION ON A MERIT BASIS.

28 (D) AMOUNTS DUE FROM COUNTY INSTITUTION DISTRICTS OR THEIR
29 SUCCESSORS FOR CHILDREN COMMITTED TO FACILITIES OPERATED BY THE
30 DEPARTMENT SHALL BE PAID BY THE COUNTIES TO THE DEPARTMENT OF

1 REVENUE BY ORDERS TO BE DRAWN BY THE DULY AUTHORIZED AGENT OF
2 THE DEPARTMENT OF REVENUE AT EACH YOUTH DEVELOPMENT CENTER ON
3 THE TREASURERS OF SUCH COUNTIES, WHO SHALL ACCEPT AND PAY THE
4 SAME TO THE DEPARTMENT OF REVENUE. PROMPTLY AFTER THE LAST
5 CALENDAR DAY OF EACH MONTH THE AGENT OF THE DEPARTMENT OF
6 REVENUE SHALL MAIL ACCOUNTS TO THE COMMISSIONERS OF SUCH
7 COUNTIES AS MAY HAVE BECOME LIABLE TO THE COMMONWEALTH DURING
8 THE MONTH UNDER THE PROVISIONS OF THIS SECTION. THESE ACCOUNTS
9 SHALL BE DULY SWORN OR AFFIRMED TO, AND IT SHALL BE THE DUTY OF
10 SAID COMMISSIONERS, IMMEDIATELY UPON RECEIPT OF SUCH ACCOUNTS,
11 TO NOTIFY THE TREASURERS OF THEIR RESPECTIVE COUNTIES OF THE
12 AMOUNTS OF SAID ACCOUNTS, WITH INSTRUCTIONS TO PAY PROMPTLY TO
13 THE DEPARTMENT OF REVENUE THE AMOUNTS OF SAID ORDERS WHEN
14 PRESENTED. IT SHALL THEN BE THE DUTY OF SUCH COUNTY TREASURERS
15 TO MAKE SUCH PAYMENTS AS INSTRUCTED BY THEIR RESPECTIVE COUNTY
16 COMMISSIONERS.

17 (E) IF, AFTER DUE NOTICE TO THE PARENTS OR OTHER PERSONS
18 LEGALLY OBLIGATED TO CARE FOR AND SUPPORT THE CHILD, AND AFTER
19 AFFORDING THEM AN OPPORTUNITY TO BE HEARD, THE COURT FINDS THAT
20 THEY ARE FINANCIALLY ABLE TO PAY ALL OR PART OF THE COSTS AND
21 EXPENSES STATED IN SUBSECTION (A), THE COURT MAY ORDER THEM TO
22 PAY THE SAME AND PRESCRIBE THE MANNER OF PAYMENT. UNLESS
23 OTHERWISE ORDERED, PAYMENT SHALL BE MADE TO THE CLERK OF THE
24 COURT FOR REMITTANCE TO THE PERSON TO WHOM COMPENSATION IS DUE,
25 OR IF THE COSTS AND EXPENSES HAVE BEEN PAID BY THE COUNTY, TO
26 THE APPROPRIATE OFFICER OF THE COUNTY.

27 (F) THE DEPARTMENT SHALL PRESCRIBE THE TIME AT, AND THE FORM
28 ON WHICH COUNTY INSTITUTION DISTRICTS OR THEIR SUCCESSORS SHALL
29 SUBMIT TO THE DEPARTMENT ANNUAL ESTIMATES OF WHO WILL BE SERVED
30 AND THE COST OF SUCH SERVICE UNDER EACH CATEGORY OF SERVICE SET

1 FORTH IN SUBSECTION (A).

2 (G) THE DEPARTMENT SHALL, WITHIN FORTY-FIVE DAYS OF EACH
3 CALENDAR QUARTER, PAY FIFTY PERCENT OF THE DEPARTMENT'S SHARE OF
4 THE COUNTY INSTITUTION DISTRICT'S OR ITS SUCCESSOR'S ESTIMATED
5 EXPENDITURES FOR THAT QUARTER.

6 SECTION 704.2. CONTINGENT LIABILITY OF STATE AND LOCAL
7 GOVERNMENT; INTENTION OF ACT.--(A) NEITHER THE STATE NOR A
8 COUNTY INSTITUTION DISTRICT OR ITS SUCCESSOR SHALL BE REQUIRED
9 TO EXPEND PUBLIC FUNDS FOR SERVICES DESCRIBED IN SECTION 704.1
10 ON BEHALF OF A CHILD UNTIL SUCH CHILD HAS EXHAUSTED HIS
11 ELIGIBILITY AND RECEIPT OF BENEFITS UNDER ALL OTHER EXISTING OR
12 FUTURE PRIVATE, PUBLIC, LOCAL, STATE OR FEDERAL PROGRAMS OTHER
13 THAN PROGRAMS FUNDED BY THE ACT OF OCTOBER 20, 1966 (3RD
14 SP.SESS., P.L.96, NO.6), KNOWN AS THE "MENTAL HEALTH AND MENTAL
15 RETARDATION ACT OF 1966."

16 (B) UPON EXHAUSTION OF SUCH ELIGIBILITY AS AFORESAID, THE
17 COMMONWEALTH AND THE COUNTY INSTITUTION DISTRICTS OR THEIR
18 SUCCESSORS SHALL SHARE THE FINANCIAL OBLIGATION ACCRUING UNDER
19 SECTION 704.1 TO THE EXTENT SUCH OBLIGATIONS ARE NOT BORNE BY
20 THE FEDERAL GOVERNMENT OR ANY PRIVATE PERSON OR AGENCY.

21 (C) IT IS THE INTENTION OF THIS SECTION THAT ITS PROVISIONS
22 BE CONSTRUED SO AS TO MAINTAIN AND NOT DECREASE OR DESTROY ANY
23 ELIGIBILITY OF ANY PERSON, ANY FACILITY OR THE STATE OR ANY
24 POLITICAL SUBDIVISION TO RECEIVE ANY FEDERAL ASSISTANCE, GRANTS
25 OR FUNDS.

26 SECTION 3. SECTIONS 705, 706 AND 707 OF THE ACT ARE HEREBY
27 REPEALED.

28 SECTION 4. SECTION 708 OF THE ACT IS AMENDED TO READ:

29 SECTION 708. DEPARTMENTAL ADMINISTRATION OF COUNTY CHILD
30 WELFARE SERVICES.--ON AND AFTER JANUARY 1, 1968, THE DEPARTMENT

1 SHALL PROVIDE, MAINTAIN, ADMINISTER, MANAGE AND OPERATE A
2 PROGRAM OF CHILD WELFARE SERVICES IN A COUNTY INSTITUTION
3 DISTRICT OR ITS SUCCESSOR WHEN THE DEPARTMENT DETERMINES, AFTER
4 HEARING, THAT SUCH COUNTY INSTITUTION DISTRICT OR ITS SUCCESSOR
5 IS NOT COMPLYING WITH THE REGULATIONS PRESCRIBING MINIMUM CHILD
6 WELFARE SERVICES OR MINIMUM STANDARDS OF PERFORMANCE OF CHILD
7 WELFARE SERVICES OR MINIMUM STANDARDS OF CHILD WELFARE PERSONNEL
8 ADMINISTRATION ON A MERIT BASIS, AND THAT, AS A RESULT, THE
9 NEEDS OF CHILDREN AND YOUTH ARE NOT BEING ADEQUATELY SERVED.

10 WHEN, IN PURSUANCE OF THIS SECTION, THE DEPARTMENT TAKES
11 CHARGE OF, AND DIRECTS THE OPERATION OF THE CHILD WELFARE
12 SERVICES OF A COUNTY INSTITUTION DISTRICT OR ITS SUCCESSOR, THE
13 COUNTY SHALL BE CHARGED AND SHALL PAY THE COST OF SUCH SERVICES,
14 INCLUDING REASONABLE EXPENDITURES INCIDENT TO THE ADMINISTRATION
15 THEREOF INCURRED BY THE DEPARTMENT. THE AMOUNT SO CHARGED AND TO
16 BE PAID BY THE COUNTY SHALL BE REDUCED BY THE AMOUNT OF THE
17 [GRANT THAT WOULD HAVE BEEN PAYABLE UNDER THE PROVISIONS OF
18 SECTION 706] PAYMENTS THAT WOULD HAVE BEEN MADE PURSUANT TO
19 SECTION 704.1 IF THE COUNTY INSTITUTION DISTRICT OR ITS
20 SUCCESSOR HAD MAINTAINED A CHILD WELFARE PROGRAM IN COMPLIANCE
21 WITH THE REGULATIONS OF THE DEPARTMENT.

22 THE AMOUNT DUE THE COMMONWEALTH MAY BE DEDUCTED FROM ANY
23 COMMONWEALTH FUNDS OTHERWISE PAYABLE TO THE COUNTY. ALL SUMS
24 COLLECTED FROM THE COUNTY UNDER THIS SECTION, IN WHATEVER MANNER
25 SUCH COLLECTIONS ARE MADE, SHALL BE PAID INTO THE STATE TREASURY
26 AND SHALL BE CREDITED TO THE CURRENT APPROPRIATION TO THE
27 DEPARTMENT FOR CHILD WELFARE.

28 THE DEPARTMENT SHALL RELINQUISH THE ADMINISTRATION OF THE
29 CHILD WELFARE PROGRAM OF THE COUNTY INSTITUTION DISTRICT OR ITS
30 SUCCESSOR WHEN THE DEPARTMENT IS ASSURED THAT THE REGULATIONS OF

1 THE DEPARTMENT WILL BE COMPLIED WITH THEREAFTER AND THAT THE
2 NEEDS OF CHILDREN AND YOUTH WILL BE ADEQUATELY SERVED.

3 SECTION 5. SECTION 36 OF THE ACT OF DECEMBER 6, 1972
4 (P.L.1464, NO.333), KNOWN AS THE "JUVENILE ACT," IS HEREBY
5 REPEALED.

6 Section ~~3~~ 6. This act shall take effect immediately and
7 shall be applicable to costs and expenses incurred beginning
8 July 1, 1975.

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