

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 76

Session of
2007

INTRODUCED BY HARHART, PHILLIPS, BELFANTI, BEYER, BOYD,
CALTAGIRONE, CAPPELLI, CLYMER, DALLY, FRANKEL, GRELL,
GRUCELA, HARPER, HENNESSEY, KILLION, MACKERETH, MANN,
D. O'BRIEN, O'NEILL, RAPP, REED, REICHLEY, SIPTROTH, SONNEY,
STERN, R. STEVENSON, TRUE, WALKO, YOUNGBLOOD, JAMES,
SAMUELSON, SAYLOR AND HARKINS, JANUARY 30, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 6, 2008

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for multidisciplinary team;
4 establishing the Child Abuse Multidisciplinary Response
5 Account; providing for additional duties of the Department of
6 Public Welfare and for distribution of funds; and further
7 providing for deposits into account.

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

10 Section 1. Section 6365(b) of Title 23 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 6365. Services for prevention, investigation and treatment of
13 child abuse.

14 * * *

15 (b) Multidisciplinary team.--The county agency shall make
16 available among its services a multidisciplinary team for the
17 prevention, investigation and treatment of child abuse and shall
18 convene the multidisciplinary team at any time, but not less

1 than annually:

2 (1) To review substantiated cases of child abuse,
3 including responses by the county agency and other agencies
4 providing services to the child.

5 (2) Where appropriate to assist in the development of a
6 family service plan for the child.

7 (3) When appropriate to endorse a child advocacy center
8 pursuant to Subchapter F (relating to multidisciplinary
9 response to child abuse).

10 * * *

11 Section 2. Chapter 63 of Title 23 is amended by adding a
12 subchapter to read:

13 SUBCHAPTER F

14 MULTIDISCIPLINARY RESPONSE TO CHILD ABUSE

15 Sec.

16 6391. Short title of subchapter.

17 6392. Declaration.

18 6393. Definitions.

19 6394. Additional eligibility requirements.

20 6395. Establishment of Child Abuse Multidisciplinary Response
21 Account.

22 6396. Purpose of account.

23 6397. Distribution of funds.

24 § 6391. Short title of subchapter.

25 This subchapter shall be known and may be cited as the Child
26 Advocacy Center Funding Act.

27 § 6392. Declaration.

28 The General Assembly finds and declares as follows:

29 (1) That the protection of children who have been abused
30 or neglected and who may be further threatened by the conduct

1 of persons responsible for their health, safety or welfare is
2 of paramount importance.

3 (2) That in responding to a report of child abuse, the
4 best interests of the child shall be the highest priority.

5 (3) That the best interests of a child who has been
6 abused or neglected are best met utilizing a
7 multidisciplinary response.

8 (4) That a multidisciplinary response that effectively
9 utilizes the full panoply of services available through a
10 child advocacy center provides a community-based,
11 comprehensive and coordinated child abuse intervention to
12 ensure that throughout the investigation and the ongoing
13 delivery of medical, social, legal and advocacy services to
14 the child, the child's best interests remain the priority.

15 § 6393. Definitions.

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

19 "Account" or "CAMRA." The Child Abuse Multidisciplinary
20 Response Account established in section 6395(a) (relating to
21 establishment of Child Abuse Multidisciplinary Response
22 Account).

23 "Child abuse." As defined in section 6303(b) (relating to
24 definitions), except that the term shall not be limited to acts
25 or omissions committed or alleged to have been committed by a
26 perpetrator.

27 "Child advocacy center." A local public agency in this
28 Commonwealth, or a not-for-profit entity incorporated in this
29 Commonwealth that is tax exempt under section 501(c)(3) of the
30 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §

501(c)(3)) or any successor provision, which operates within this Commonwealth, for the primary purpose of providing a child-focused, facility-based program dedicated to coordinating a formalized multidisciplinary response to suspected child abuse. At a minimum, either on site or through a partnership with another entity or entities, a child advocacy center shall assist county agencies, investigative teams and law enforcement by providing services, including forensic interviews, medical evaluations, therapeutic interventions, victim support and advocacy, team case reviews and a system for case tracking.

"Eligible applicant." A county agency and a child advocacy center endorsed by the county's multidisciplinary team and district attorney, who file a joint application for a grant pursuant to this subchapter. In counties of the first and second class there shall be no more than two eligible applicants in each county, and in all other classes of counties there shall be no more than one eligible applicant per county.

"Investigative team." An investigative team convened by the district attorney pursuant to section 6365 (relating to services for prevention, investigation and treatment of child abuse).

"Lobbying activities." Any effort to influence Federal, State or local legislative or administrative action, including, but not limited to, activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the introduction, amendment, passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body.

"Multidisciplinary response." A response to suspected child abuse in which child protective services, law enforcement,

prosecution, victim support and advocacy agencies and medical and mental health professionals cooperate pursuant to a written protocol to provide coordinated intervention that assures that children are connected to services that are necessary to provide for their safety, health and well-being, and that as part of the coordinated response, children are interviewed regarding the suspected child abuse in a coordinated and child-focused manner to avoid duplication of fact-finding and to minimize additional trauma to the child.

"Multidisciplinary team." A multidisciplinary team established in a county as required by section 6365 (relating to services for prevention, investigation and treatment of child abuse).

§ 6394. Additional eligibility requirements.

The department, in consultation with the Department of Health, the Pennsylvania Commission on Crime and Delinquency, the Attorney General, a representative of a Statewide association representing a majority of the elected district attorneys in this Commonwealth, a representative of a Statewide private, nonprofit association advancing multidisciplinary responses to child abuse, a representative of a Statewide organization representing a majority of the county agency administrators and a representative of a Statewide organization that has as its primary purpose the coordination and operation of rape crisis programs shall adopt criteria for determining whether a child advocacy center program qualifies as a child advocacy center as defined in section 6393 (relating to definitions). The department may consider whether a child advocacy center meets or is striving to meet national or State standards for child advocacy center accreditation.

§ 6395. Establishment of Child Abuse Multidisciplinary Response Account.

(a) Establishment.--There is established in the State Treasury a nonlapsing restricted receipt account to be known as the Child Abuse Multidisciplinary Response Account (CAMRA) for the deposit of the additional fees as provided in 42 Pa.C.S. § 3733(a.1)(2)(iv) (relating to deposits into account).

(b) Additional resources.--If additional Federal resources are made available for purposes appropriate to children's advocacy centers, every effort shall be made to include children's advocacy centers in the funding plans submitted by the department to the Federal Government.

§ 6396. Purpose of account.

(a) Permitted use.--

(1) Except as provided in subsection (b), all money in the account and any investment income accrued shall be used exclusively to provide additional resources to eligible applicants in the form of nonmatching grants for the establishment and continued operation of child advocacy centers.

(2) Additional Federal resources made available under section 6395(b) (relating to establishment of Child Abuse Multidisciplinary Response Account) shall be utilized in accordance with federally approved funding plans that were submitted by the department under section 6395(b).

(b) Account administration.--The department shall administer the account and establish procedures related to the application process for, determination of and distribution of funds to each eligible applicant under this subchapter. The department may withhold annually an amount not exceeding 5% of the funds

1 deposited into the account in the prior fiscal year to offset
2 the actual costs incurred by the department in administering the
3 fund.

4 (c) Grants.--Funding from the account shall be administered
5 to all eligible applicants that apply, to the extent that funds
6 are available in the account. No more than 20% of the funds in
7 the account annually shall be granted to one eligible applicant.
8 For the first three years after the account is established, the
9 department shall endeavor to grant 20% of the account to
10 eligible applicants working to establish child advocacy centers
11 in counties not yet served by a child advocacy center.

12 (d) Prohibited use.--Recipients of funds under this
13 subchapter are prohibited from using these funds to contribute
14 to or be made available to any political party or association or
15 the campaign of any candidate for public or party office or
16 similar political activities or to support or oppose candidates
17 for public or party office or to support or oppose any ballot
18 questions or to engage in lobbying activities, except that a
19 recipient of funds may engage in lobbying activities in response
20 to a request from a governmental agency, legislative body,
21 committee, member or staff thereof made to the recipient.

22 § 6397. Distribution of funds.

23 All money deposited in the account and any investment income
24 accrued are hereby annually appropriated to the department and
25 shall be distributed annually, upon requisition of the
26 secretary, for the purpose set forth in section 6396(a)
27 (relating to purpose of account).

28 Section 3. Section 3733(a.1) of Title 42, amended November
29 30, 2004 (P.L.1618, No.207), is amended to read:

30 § 3733. Deposits into account.

1 * * *

2 (a.1) Additional fees.--

3 (1) In addition to the court costs and filing fees
4 authorized to be collected by statute:

5 (i) An additional fee of [\$10] \$12 shall be charged
6 and collected by the prothonotaries of the Pennsylvania
7 Supreme, Superior and Commonwealth Courts for each
8 initial filing for which a fee, charge or cost is now
9 authorized.

10 (ii) An additional fee of [\$10] \$12 shall be charged
11 and collected by the prothonotaries, clerks of orphans'
12 courts and registers of wills of all courts of common
13 pleas, or by any officials designated to perform the
14 functions thereof, for the initiation of any civil action
15 or legal proceeding.

16 (iii) An additional fee of \$10 shall be charged by
17 the clerks of courts of all courts of common pleas, or by
18 any officials designated to perform the functions
19 thereof, for the initiation of any criminal proceeding
20 for which a fee, charge or cost is now authorized and a
21 conviction is obtained or guilty plea is entered.

22 (iv) An additional fee of \$10 shall be charged and
23 collected by the minor judiciary, including magisterial
24 district judges, Philadelphia Municipal Court,
25 Philadelphia Traffic Court and Pittsburgh Magistrates
26 Court, for the initiation of a legal proceeding for which
27 a fee or cost is now authorized, except that in criminal,
28 summary and traffic matters the fee shall be charged only
29 when a conviction is obtained or guilty plea is entered.

30 (v) An additional fee of \$10 shall be charged and

1 collected by the recorders of deeds and clerks of court,
2 or by any officials designated to perform similar
3 functions, for each filing of a deed, mortgage or
4 property transfer for which a fee, charge or cost is now
5 authorized.

6 (2) The additional fees identified in paragraph (1)
7 shall be fixed and charged for the fiscal years as indicated:

8 (i) For the fiscal year 2002-2003, \$9 of each
9 additional fee shall be deposited into the Judicial
10 Computer System Augmentation Account, and \$1 of each
11 additional fee shall be deposited into the Access to
12 Justice Account under section 4904 (relating to
13 establishment of Access to Justice Account).

14 (ii) For the fiscal years 2003-2004 and 2004-2005,
15 \$8.50 of each additional fee shall be deposited into the
16 Judicial Computer System Augmentation Account, and \$1.50
17 of each additional fee shall be deposited into the Access
18 to Justice Account under section 4904.

19 (iii) For the fiscal year 2005-2006 and each fiscal
20 year thereafter, except as provided in subparagraph (iv),
21 \$8 of each additional fee shall be deposited into the
22 Judicial Computer System Augmentation Account, and \$2 of
23 each additional fee shall be deposited into the Access to
24 Justice Account under section 4904.

25 (iv) Each additional fee collected in paragraph
26 (1)(i) and (ii) shall be deposited as follows:

27 (A) \$8 of the additional fee shall be deposited
28 into the Judicial Computer System Augmentation
29 Account;

30 (B) \$2 of the additional fee shall be deposited

1 into the Access to Justice Account under section
2 4904; and

3 (C) \$2 of the additional fee shall be deposited
4 into the Child Abuse Multidisciplinary Response
5 Account established under 23 Pa.C.S. § 6395 (relating
6 to establishment of Child Abuse Multidisciplinary
7 Response Account).

8 (3) The moneys charged and collected under this
9 subsection shall be paid to the court imposing the fee, which
10 shall transfer the moneys to the Department of Revenue for
11 deposit into the appropriate account. For the purposes of
12 paragraph (1)(v), the court shall be the court of common
13 pleas.

14 Section 4. This act shall take effect ~~immediately~~ IN 90
15 DAYS.

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