

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 388 Session of 2009

INTRODUCED BY HARHART, STEVENSON, TRUE, CALTAGIRONE, BELFANTI, BEYER, BOYD, CAUSER, CLYMER, COHEN, CREIGHTON, FLECK, FRANKEL, GINGRICH, GROVE, GRUCELA, HENNESSEY, KORTZ, MANN, MILNE, MURT, PHILLIPS, RAPP, REICHLEY, SIPTROTH, STERN, THOMAS, VULAKOVICH AND QUINN, FEBRUARY 13, 2009

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 2009

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  
19 than annually:

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

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

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

9 \* \* \*

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

12 SUBCHAPTER F

13 MULTIDISCIPLINARY RESPONSE TO CHILD ABUSE

14 Sec.

15 6391. Short title of subchapter.

16 6392. Declaration.

17 6393. Definitions.

18 6394. Additional eligibility requirements.

19 6395. Establishment of Child Abuse Multidisciplinary Response

20 Account.

21 6396. Purpose of account.

22 6397. Distribution of funds.

23 § 6391. Short title of subchapter.

24 This subchapter shall be known and may be cited as the  
25 Children's Advocacy Center Funding Act.

26 § 6392. Declaration.

27 The General Assembly finds and declares as follows:

28 (1) That the protection of children who have been abused  
29 or neglected and who may be further threatened by the conduct  
30 of persons responsible for their health, safety or welfare is

1 of paramount importance.

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

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

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

14 § 6393. Definitions.

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

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

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

26 "Eligible applicant." A county agency and a children's  
27 advocacy center endorsed by the county's multidisciplinary team  
28 and district attorney, who file a joint application for a grant  
29 pursuant to this subchapter. In counties of the first and second  
30 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 children's advocacy center program qualifies as a  
children's advocacy center as defined in section 6393 (relating  
to definitions). The department may consider whether a  
children's advocacy center meets or is striving to meet national  
or State standards for children's 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

1 the account and any investment income accrued shall be used  
2 exclusively to provide additional resources to eligible  
3 applicants in the form of nonmatching grants for the  
4 establishment and continued operation of children's advocacy  
5 centers.

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

11 (b) Account administration.--The department shall administer  
12 the account and establish procedures related to the application  
13 process for, determination of and distribution of funds to each  
14 eligible applicant under this subchapter. The department may  
15 withhold annually an amount not exceeding 5% of the funds  
16 deposited into the account in the prior fiscal year to offset  
17 the actual costs incurred by the department in administering the  
18 fund.

19 (c) Grants.--Funding from the account shall be administered  
20 to all eligible applicants that apply, to the extent that funds  
21 are available in the account. No more than 20% of the funds in  
22 the account annually shall be granted to one eligible applicant.  
23 For the first three years after the account is established, the  
24 department shall endeavor to grant 20% of the account to  
25 eligible applicants working to establish children's advocacy  
26 centers in counties not yet served by a children's advocacy  
27 center.

28 (d) Prohibited use.--Recipients of funds under this  
29 subchapter are prohibited from using these funds to contribute  
30 to or be made available to any political party or association or

1 the campaign of any candidate for public or party office or  
2 similar political activities or to support or oppose candidates  
3 for public or party office or to support or oppose any ballot  
4 questions or to engage in lobbying activities, except that a  
5 recipient of funds may engage in lobbying activities in response  
6 to a request from a governmental agency, legislative body,  
7 committee, member or staff thereof made to the recipient.

8 § 6397. Distribution of funds.

9 All money deposited in the account and any investment income  
10 accrued are hereby annually appropriated to the department and  
11 shall be distributed annually, upon requisition of the  
12 secretary, for the purpose set forth in section 6396(a)  
13 (relating to purpose of account).

14 Section 3. Section 3733(a.1) of Title 42 is amended to read:

15 § 3733. Deposits into account.

16 \* \* \*

17 (a.1) Additional fees.--

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

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

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

1 (iii) An additional fee of \$10 shall be charged by  
2 the clerks of courts of all courts of common pleas, or by  
3 any officials designated to perform the functions  
4 thereof, for the initiation of any criminal proceeding  
5 for which a fee, charge or cost is now authorized and a  
6 conviction is obtained or guilty plea is entered.

7 (iv) An additional fee of \$10 shall be charged and  
8 collected by the minor judiciary, including magisterial  
9 district judges, Philadelphia Municipal Court,  
10 Philadelphia Traffic Court and Pittsburgh Magistrates  
11 Court, for the initiation of a legal proceeding for which  
12 a fee or cost is now authorized, except that in criminal,  
13 summary and traffic matters the fee shall be charged only  
14 when a conviction is obtained or guilty plea is entered.

15 (v) An additional fee of \$10 shall be charged and  
16 collected by the recorders of deeds and clerks of court,  
17 or by any officials designated to perform similar  
18 functions, for each filing of a deed, mortgage or  
19 property transfer for which a fee, charge or cost is now  
20 authorized.

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

23 (i) For the fiscal year 2002-2003, \$9 of each  
24 additional fee shall be deposited into the Judicial  
25 Computer System Augmentation Account, and \$1 of each  
26 additional fee shall be deposited into the Access to  
27 Justice Account under section 4904 (relating to  
28 establishment of Access to Justice Account).

29 (ii) For the fiscal years 2003-2004 and 2004-2005,  
30 \$8.50 of each additional fee shall be deposited into the



Judicial Computer System Augmentation Account, and \$1.50 of each additional fee shall be deposited into the Access to Justice Account under section 4904.

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

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

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

(B) \$2 of the additional fee shall be deposited into the Access to Justice Account under section 4904; and

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

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

Section 4. This act shall take effect in 90 days.