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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1245 Session of  
2018

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INTRODUCED BY GREENLEAF, EICHELBERGER, FONTANA, SCHWANK AND  
RAFFERTY, SEPTEMBER 12, 2018

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REFERRED TO JUDICIARY, SEPTEMBER 12, 2018

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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 preliminary provisions,  
4 further providing for definitions; in children and youth,  
5 providing for purpose, further providing for payments to  
6 counties for services to children, establishing the Juvenile  
7 Justice Reinvestment Fund and providing for strategic plan to  
8 coordinate prevention programs and utilization of evidence-  
9 based programs.

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

12 Section 1. Section 102 of the act of June 13, 1967 (P.L.31,  
13 No.21), known as the Human Services Code, is amended to read:

14 Section 102. Definitions.--Subject to additional definitions  
15 contained in subsequent articles of this act, the following  
16 words when used in this act shall have, unless the context  
17 clearly indicates otherwise, the meanings given them in this  
18 section:

19 "Department" means the Department of Human Services of this  
20 Commonwealth.

21 "Evidence-based practices" means practices that are grounded

1 in scientific research and have measured success.

2 "Secretary" means the Secretary of Human Services of this  
3 Commonwealth.

4 Section 2. The act is amended by adding a section to read:

5 Section 701.1. Purpose.--(a) The purpose of this article  
6 is:

7 (1) To protect children from abuse and neglect.

8 (2) To provide for the care, protection, safety and  
9 wholesome mental and physical development of children coming  
10 within the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile  
11 matters), or children who are receiving services enumerated in  
12 this article.

13 (3) To preserve the unity of the family whenever possible or  
14 to provide an alternative permanent family as soon as possible  
15 when the unity of the family cannot be maintained.

16 (4) Consistent with the protection of the public interest,  
17 to provide to children committing delinquent acts programs of  
18 supervision, care and rehabilitation that provide balanced  
19 attention to the following goals:

20 (i) Protection of the community.

21 (ii) Imposition of accountability for offenses committed.

22 (iii) Development of competencies to enable children to  
23 become responsible and productive members of the community.

24 (5) To achieve these goals in a family environment, whenever  
25 possible, with separation of children from their parents only  
26 when necessary for the children's welfare, safety or health or  
27 in the interests of public safety.

28 (b) In accordance with the purposes and the mandate in 42  
29 Pa.C.S. Ch. 63, when a court, upon finding a child to be a  
30 dependent child, enters an order of disposition that is best

1 suited to the safety, protection and physical, mental and moral  
2 welfare of the dependent child, the department shall seek to  
3 accomplish the following objectives with respect to the  
4 dependent child:

5 (1) To increase the use of nonplacement services designed to  
6 prevent child abuse and neglect and to strengthen families so  
7 that the dependent child's safety is increased and the risk to  
8 the dependent child is minimized.

9 (2) When placement is necessary, to use kinship care as the  
10 first priority or, if kinship care is not available or  
11 appropriate, to use family foster care as an alternative.

12 (3) To reduce the use of congregate-living and institutional  
13 placements.

14 (4) To improve permanency for the dependent child and to  
15 reduce the duration of out-of-home placement.

16 (c) In accordance with the purpose specified in subsection  
17 (a), and the mandate in 42 Pa.C.S. Ch. 63, when a court, upon  
18 finding a child to be a delinquent child, enters an order of  
19 disposition that is determined to be consistent with the  
20 protection of the public interest, best suited to the child's  
21 treatment, supervision, rehabilitation and welfare, and that  
22 provides balanced attention to the protection of the community,  
23 the imposition of accountability for offenses committed and the  
24 development of competencies to enable the child to become a  
25 responsible and productive member of the community, the  
26 department shall seek to accomplish the following objectives  
27 with respect to the delinquent child:

28 (1) To increase the use of in-home services when consistent  
29 with the protection of the public and the rehabilitation needs  
30 of the delinquent child.

1 (2) With respect to the placement of the delinquent child:

2 (i) To encourage use of the least restrictive placements  
3 that are consistent with the protection of the public and the  
4 treatment, supervision and rehabilitation needs of the  
5 delinquent child.

6 (ii) To operate and encourage the development of placement  
7 resources that provide for a duration of placement that is  
8 consistent with the protection of the public and the treatment,  
9 supervision and rehabilitation needs of the delinquent child.

10 (iii) To encourage use of community-based residential  
11 resources as alternatives to institutional placements when  
12 consistent with the protection of the public and the treatment,  
13 supervision and rehabilitation needs of the delinquent child.

14 (iv) To encourage the development of services and  
15 programming to facilitate the successful transition of the  
16 delinquent child to the community from periods of residential  
17 placement.

18 Section 3. Section 704.1(a) of the act is amended to read:

19 Section 704.1. Payments to Counties for Services to  
20 Children.--(a) The department shall reimburse county  
21 institution districts or their successors for expenditures  
22 incurred by them in the performance of their obligation pursuant  
23 to this act and [the act of December 6, 1972 (P.L.1464, No.333),  
24 known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 (relating to  
25 juvenile matters) in the following percentages:

26 (1) Eighty percent of the cost of an adoption subsidy paid  
27 pursuant to subdivision (e) of Article VII of this act.

28 (2) No less than seventy-five percent and no more than  
29 ninety percent of the reasonable cost including:

30 (i) staff costs of child welfare services, informal

1 adjustment services provided pursuant to [section 8 of the act  
2 of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile  
3 Act," and] 42 Pa.C.S. § 6323 (relating to informal adjustment),  
4 such services approved by the department, including but not  
5 limited to, foster home care, group home care, shelter care,  
6 community residential care, youth service bureaus, day treatment  
7 centers and service to children in their own home and any other  
8 alternative treatment programs approved by the department[.];  
9 and

10 (ii) the cost of providing year-round educational  
11 programming for children receiving group home care, shelter  
12 care, community residential care or care by a public or private  
13 agency included in clause (4), in excess of costs reimbursed by  
14 the school district of a child's residence or the Commonwealth  
15 and to a maximum of two hundred fifty days of instruction per  
16 year, as well as the cost of providing remedial educational  
17 support to children, including remedial career and technical  
18 education support, not otherwise available through basic  
19 education programs.

20 (3) Sixty percent of the reasonable administrative costs  
21 approved by the department except for those staff costs included  
22 in clause (2) of this section as necessary for the provision of  
23 child welfare services.

24 (4) Fifty percent of the actual cost of care and support of  
25 a child placed by a county child welfare agency or a child  
26 committed by a court pursuant to [the act of December 6, 1972  
27 (P.L.1464, No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch.  
28 63, to the legal custody of a public or private agency approved  
29 or operated by the department other than those services  
30 described in clause (2). The Auditor General shall ascertain the

1 actual expense for fiscal year 1974-1975 and each year  
2 thereafter by the Department of Public Welfare for each of the  
3 several counties and each city of the first class whose children  
4 resident within the county or city of the first class directly  
5 received the benefit of the Commonwealth's expenditure. The  
6 Auditor General shall also ascertain for each Commonwealth  
7 institution or facility rendering services to delinquent or  
8 deprived children the actual average daily cost of providing  
9 said services. The Auditor General shall certify to each county  
10 and city of the first class the allocated Commonwealth  
11 expenditures incurred on behalf of its children and notify the  
12 Secretary of Public Welfare and each county and city of the  
13 first class of same.

14 (5) Fifty percent of the [reasonable cost of medical and  
15 other examinations and treatment of a child ordered by the court  
16 pursuant to the act of December 6, 1972 (P.L.1464, No.333),  
17 known as the "Juvenile Act," and the expenses of the appointment  
18 of a guardian pendente lite, summons, warrants, notices,  
19 subpoenas, travel expenses of witnesses, transportation of the  
20 child, and other like expenses incurred in proceedings under the  
21 act of December 6, 1972 (P.L.1464, No.333), known as the  
22 "Juvenile Act."] following costs incurred in proceedings under  
23 42 Pa.C.S. Ch. 63:

24 (i) the reasonable cost of medical and other examinations  
25 and treatment of a child ordered by the court;

26 (ii) the appointment of a guardian ad litem for a child in  
27 the context of dependency proceedings;

28 (iii) the appointment of counsel for a child in the context  
29 of dependency proceedings;

30 (iv) the appointment of counsel for an indigent child in the

1 context of delinquency proceedings;

2 (v) summons and warrants, notices, subpoenas, travel  
3 expenses of witnesses and transportation of a child in such  
4 proceedings; and

5 (vi) other like expenses incurred in such proceedings.

6 (6) Effective July 1, 1991, the department shall reimburse  
7 county institution districts or their successors one hundred  
8 percent of the reasonable costs of providing adoption services.

9 (7) Effective July 1, 1993, the department shall reimburse  
10 county institution districts or their successors eighty percent  
11 of the reasonable costs of providing foster home care, community  
12 residential care, supervised independent living and community-  
13 based alternative treatment programs.

14 (8) The department shall reimburse county institution  
15 districts or their successors for the reasonable costs of  
16 institutional services for dependent and delinquent children  
17 other than detention services for delinquents in accordance with  
18 the following schedule:

19 (i) Effective July 1, 1992, fifty-five percent.

20 (ii) Effective July 1, 1993, sixty percent.

21 (9) The department shall reimburse county institution  
22 districts or their successors for the reasonable costs of  
23 institutional services for delinquent children ordered by the  
24 court following the court's consideration of the results of a  
25 validated risk and need assessment in accordance with the  
26 following schedule:

27 (i) Effective July 1, 2019, seventy percent.

28 (ii) Effective July 1, 2020, eighty percent.

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30 Section 4. The act is amended by adding sections to read:

1 Section 709.5. Juvenile Justice Reinvestment Fund.--(a) The  
2 Juvenile Justice Reinvestment Fund is established in the State  
3 Treasury. The money in the fund is hereby appropriated on a  
4 continuing basis to the department for distribution as provided  
5 in this section, provided that all expenditures shall be  
6 utilized to support evidence-based practices that enhance the  
7 effectiveness of juvenile justice services within this  
8 Commonwealth as well as implementing the provisions of this act.

9 (b) Beginning with the 2019-2020 fiscal year and continuing  
10 each fiscal year through the 2022-2023 fiscal year:

11 (1) The Office of the Budget shall calculate the amount of  
12 savings to the department in the prior fiscal year associated  
13 with reduced juvenile delinquency placement expenditures.

14 (2) The amount determined under clause (1) shall be  
15 transferred from the General Fund to the Juvenile Justice  
16 Reinvestment Fund and shall be distributed and used as follows:

17 (i) Seventy-five percent of the amount, not to exceed five  
18 million dollars (\$5,000,000), shall be distributed by the  
19 department to the Juvenile Court Judges' Commission for use in  
20 juvenile probation services.

21 (ii) Twenty-five percent of the amount shall be used by the  
22 department to implement the provisions of section 704.1.

23 Section 726. Strategic Plan to Coordinate Prevention  
24 Programs and Utilization of Evidence-Based Programs.--The  
25 Pennsylvania Commission on Crime and Delinquency shall develop a  
26 comprehensive interdepartmental strategic plan, through the  
27 Juvenile Justice and Delinquency Prevention Committee, to  
28 coordinate the administration and delivery of all Commonwealth  
29 programming designed to prevent delinquency, youth violence and  
30 other adolescent problem behaviors, including substance abuse,

1 school failure and teen pregnancy. The plan shall be developed  
2 in partnership with, and shall include the relevant programming  
3 and appropriations of, the department, Department of Drug and  
4 Alcohol Programs, Department of Education, Department of Health,  
5 Juvenile Court Judges' Commission and the Pennsylvania Liquor  
6 Control Board. Any State agency that provides grants or funding  
7 as part of the strategy shall ensure that the programs and  
8 services provided employ evidence-based practices whenever  
9 possible.

10 Section 5. This act shall take effect in 60 days.