

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 836

Session of
1977

INTRODUCED BY BERSON AND SCIRICA, MARCH 30, 1977

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 30, 1977

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," creating a Department of
21 Youth Services and a Commission on Children and Youth
22 therein; granting powers and placing duties upon the
23 department, the commission, other State departments and
24 agencies, the courts, the several counties, and cities of the
25 first class; providing for regional offices of the department
26 and for the creation of youth services bureaus and youth
27 services commissions; mandating a juvenile delinquency
28 prevention program; and repealing certain parts of acts.

29 The General Assembly adopts the findings and recommendations
30 of the legislative task force of the Joint State Government
31 Commission, established to study the services to delinquent,

1 dependent and neglected children, which findings are as follows:

2 (1) There is an imperative need for coordination of existing
3 services to the delinquent and deprived child at the community
4 level.

5 (2) There is an imperative need for the fixing of
6 responsibility, at both the State level and local level, to
7 oversee, coordinate and direct the multitude of public and
8 private services presently available to delinquent and deprived
9 children.

10 (3) There is an imperative need to develop and implement
11 effective methods of preventing and reducing juvenile
12 delinquency.

13 (4) The Commonwealth should not disrupt or impair the
14 services presently provided by local public and private
15 agencies, in so far as they are adequate for the needs of the
16 community.

17 (5) The Commonwealth should encourage the private facilities
18 and agencies by purchasing services offered and, further,
19 encourage community participation to reduce State
20 institutionalization wherever feasible.

21 (6) A Statewide policy must be formulated and implemented to
22 encourage community-based treatment programs and facilities for
23 the rehabilitation of delinquent children to divert juveniles
24 from the traditional juvenile justice system and to provide
25 critically needed alternatives to institutionalization.

26 (7) A Statewide policy should be formulated to strengthen
27 the utilization of the existing school system to identify
28 antisocial behavior and needs of deprived children.

29 (8) A Statewide policy should be formulated to ensure that
30 alternative education opportunities are developed by the

1 community or the Commonwealth, to serve the needs of those
2 children who do not presently benefit from the existing programs
3 offered by the public schools.

4 (9) There is a pressing need for identification of State and
5 local responsibilities in the field of treatment of delinquent
6 children and supervision of deprived children, and that a
7 revision of the State-local funding responsibility be instituted
8 to encourage the implementation of the policies set forth
9 herein.

10 (10) The Commonwealth must commit funds for innovative
11 special emphasis prevention and treatment programs for children.

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

14 Section 1. Section 201, act of April 9, 1929 (P.L.177,
15 No.175), known as "The Administrative Code of 1929," amended
16 July 22, 1975 (P.L.75, No.45) and December 19, 1975 (P.L.602,
17 No.172), is amended to read:

18 Section 201. Executive Officers, Administrative Departments
19 and Independent Administrative Boards and Commissions.--The
20 executive and administrative work of this Commonwealth shall be
21 performed by the Executive Department, consisting of the
22 Governor, Lieutenant Governor, Secretary of the Commonwealth,
23 Attorney General, Auditor General, State Treasurer, and
24 Secretary of Education; by the Executive Board, and the
25 Pennsylvania State Police; by the following administrative
26 departments: Department of State, Department of Justice,
27 Department of the Auditor General, Treasury Department,
28 Department of Education, Department of Military Affairs,
29 Insurance Department, Department of Banking, Department of
30 Agriculture, Department of Transportation, Department of Health,

1 Department of Labor and Industry, Department of Public Welfare,
2 Department of General Services, Department of Revenue,
3 Department of Commerce, Department of Community Affairs, [and]
4 Department of Environmental Resources, and Department of Youth
5 Services; and by the following independent administrative boards
6 and commissions: Pennsylvania Game Commission, Pennsylvania Fish
7 Commission, State Civil Service Commission, Pennsylvania Public
8 Utility Commission, the Pennsylvania Historical and Museum
9 Commission, and the Pennsylvania Securities Commission.

10 All of the provisions of this act, which apply generally to
11 administrative departments, or generally except to the
12 Department of the Auditor General and the Treasury Department,
13 shall apply to the Executive Board and to the Pennsylvania State
14 Police.

15 Section 2. Section 203 of the act, amended December 3, 1970
16 (P.L.834, No.275) and July 22, 1975 (P.L.75, No.45) is amended
17 to read:

18 Section 203. Advisory Boards and Commissions.--The following
19 advisory boards and commissions are placed in and made parts of
20 the respective administrative departments, as follows:

21 In the Department of Military Affairs,

22 State Military Reservation Commission,

23 State Veterans' Commission;

24 In the Department of Environmental Resources,

25 Citizens Advisory Council;

26 In the Department of Health,

27 Advisory Health Board;

28 In the Department of Labor and Industry,

29 Industrial Board,

30 Advisory Council on Affairs of the Handicapped,

1 Advisory Board on Problems of Older Workers;
2 In the Department of Public Welfare,
3 State Board of Public Welfare,
4 Advisory Committee for the Aging,
5 Advisory Committee for the Blind,
6 Advisory Committee for General and Special Hospitals,
7 [Advisory Committee for Children and Youth,]
8 Advisory Committee for Public Assistance,
9 Advisory Committee for Mental Health and Mental
10 Retardation;

11 In the Department of Commerce,
12 Board of the Pennsylvania Science and Engineering
13 Foundation;

14 In the Department of Youth Services,
15 Commission on Children and Youth.

16 Section 3. Section 206 of the act amended July 22, 1975
17 (P.L.75, No.45) is amended to read:

18 Section 206. Department Heads.--Each administrative
19 department shall have as its head an officer who shall, either
20 personally, by deputy, or by the duly authorized agent or
21 employe of the department, and subject at all times to the
22 provisions of this act, exercise the powers and perform the
23 duties by law vested in and imposed upon the department.

24 The following officers shall be the heads of the
25 administrative departments following their respective titles:

26 Secretary of the Commonwealth, of the Department of State;
27 Attorney General, of the Department of Justice;
28 Auditor General, of the Department of the Auditor General;
29 State Treasurer, of the Treasury Department;
30 Secretary of Education, of the Department of

Education;
Adjutant General, of the Department of Military Affairs;
Insurance Commissioner, of the Insurance Department;
Secretary of Banking, of the Department of Banking;
Secretary of Agriculture, of the Department of Agriculture;
Secretary of Transportation, of the Department of
Transportation;
Secretary of Health, of the Department of Health'
Secretary of Labor and Industry, of the Department of Labor
and Industry;
Secretary of Public Welfare, of the Department of Public
Welfare;
Secretary of Revenue, of the Department of Revenue;
Secretary of Commerce, of the Department of Commerce;
Secretary of Community Affairs, of the Department of
Community Affairs;
Secretary of Environmental Resources, of the Department of
Environmental Resources;
Secretary of General Services, of the Department of General
Services;
Secretary of Youth Services, of the Department of Youth
Services.

Section 4. Clause (1) of subsection (d) of section 207.1 of
the act, added November 8, 1976 (No.227) is amended to read:

Section 207.1. Gubernatorial Appointments.--* * *

(d) The Governor shall nominate in accordance with the
provisions of the Constitution of the Commonwealth of
Pennsylvania and, by and with the advice and consent of a
majority of the members elected to the Senate appoint persons to
fill the following positions:

(1) The Attorney General, the Secretary of Education, the Secretary of the Commonwealth, the Adjutant General, the Insurance Commissioner, the Secretary of Banking, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Commissioner of the State Police, the Secretary of Labor and Industry, the Secretary of Public Welfare, the Secretary of General Services, the Secretary of Revenue, the Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Youth Services and the Secretary of Environmental Resources.

* * *

Section 5. The first paragraph of clause (1) of section 448, amended July 9, 1970 (P.L.470, No.161), is amended and a clause is added to read:

Section 448. Advisory Boards and Commissions.--The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

* * *

(1) The following advisory committees are hereby created:

Advisory Committee for the Aging,
Advisory Committee for the Blind,
Advisory Committee for General and Special Hospitals,
[Advisory Committee for Children and Youth,]
Advisory Committee for Public Assistance,
Advisory Committee for Mental Health and Mental Retardation.

* * *

(q) The Commission on Children and Youth shall consist of the Secretary of the Department of Youth Services as a member ex officio; nine judges appointed by the Governor from a list of

1 judges serving in the juvenile or family divisions, submitted by
2 the Chief Justice of the Supreme Court of Pennsylvania; four
3 members appointed by the Governor from the membership of the
4 General Assembly: two Senators recommended by the President pro
5 tempore and two members of the House of Representatives
6 recommended by the Speaker of the House, and nineteen other
7 members appointed by the Governor with the advice and consent of
8 the Senate. The persons appointed shall have training,
9 experience or special knowledge concerning the prevention and
10 treatment of juvenile delinquency, or the needs of children
11 requiring services from State or local public or private
12 agencies, or the administration of juvenile justice; they shall
13 include representatives of (i) cities of the first class and
14 counties, (ii) law enforcement and juvenile justice agencies
15 such as probation personnel, (iii) public agencies concerned
16 with delinquency prevention or treatment such as child welfare,
17 social services, mental health, retardation, education and youth
18 services bureaus, (iv) private organizations concerned with
19 delinquency prevention or treatment, deprived children, the
20 quality of juvenile justice, education or social services for
21 children, (v) volunteer organizations which work with children
22 in need of services, community-based delinquency prevention or
23 treatment programs and (vi) organizations which represent
24 employees affected by this act. A majority of the commission
25 shall not be full-time employees of Federal, State or local
26 governments, and at least eleven of the persons appointed shall
27 be under the age of twenty-six at the time of appointment. The
28 term of office of each member shall be four years. The
29 commission shall, annually, select one of their number to be
30 chairman and one to be secretary.

1 Section 6. Sections 905.1 and 905.2 of the act are repealed.

2 Section 7. Section 911 of the act, amended July 16, 1968

3 (P.L.350, No.172), is amended to read:

4 Section 911. The Department of Justice shall have the power

5 and its duty shall be to supervise and control the State

6 Correctional Institution at Philadelphia, State Correctional

7 Institution at Pittsburgh, State Correctional Institution at

8 Rockview, State Correctional Institution at Graterford, State

9 Correctional Institution at Huntingdon, State Correctional

10 Institution at Camp Hill, State Correctional Institution at

11 Muncy, State Correctional Institution at Dallas and such State

12 regional jails, forestry camps and other State penal or

13 correctional off-institution grounds, facilities or

14 installations which have been and which may be established by

15 law: Provided, however, That the Department of Justice shall

16 exercise no supervision or control over any institution or

17 facility at which children are committed for treatment,

18 supervision or rehabilitation pursuant to the provisions of the

19 act of December 6, 1972 (P.L.1464, No.333), known as the

20 "Juvenile Act."

21 Section 5. The introductory paragraph of section 2328 of the

22 act, amended July 9, 1970 (P.L.470, No.161), is amended to read:

23 Section 2328. Powers and Duties of Advisory Committees.--The

24 Advisory Committee for the Aging, the Advisory Committee for the

25 Blind, the Advisory Committee for General and Special Hospitals,

26 [the Advisory Committee for Children and Youth,] the Advisory

27 Committee for Public Assistance and the Advisory Committee for

28 Mental Health and Mental Retardation, shall, concerning matters

29 within their respective special fields of interest, have the

30 power and their duty shall be:

1 * * *

2 Section 8. The act is amended by adding an article to read:

3 ARTICLE XXIII-A

4 POWERS AND DUTIES OF THE DEPARTMENT OF YOUTH SERVICES

5 Section 2301-A. Powers and Duties in General.--(a) The
6 Department of Youth Services shall, subject to any inconsistent
7 provisions in this act contained, exercise the powers and
8 perform the duties by law vested in and imposed upon the said
9 department.

10 (b) The Department of Youth Services shall:

11 (1) Carry on a continuing study and research of the needs of
12 all children in this State and to seek to focus public attention
13 on such needs through development of a comprehensive Statewide
14 plan to meet these needs. The first such plan shall be completed
15 within one year of the effective date of this act.

16 (2) Make studies and provide programs and information to
17 strengthen the family in meeting its responsibility as the
18 fundamental source for standards of personal integrity and for
19 maximizing social and civic responsibility.

20 (3) Assist local authorities of any county or municipality,
21 when so requested by the governing body thereof, in surveying
22 the needs of their youth and the extent to which these are not
23 being met, and in developing, strengthening and coordinating
24 educational, welfare, health, recreational and law enforcement
25 programs which have as their purpose service to youth,
26 including, without limitation, those programs relating to
27 rehabilitation, manpower development and training, counseling to
28 families, law enforcement assistance, after-care and probation,
29 detention, health research facilities, mental retardation
30 facilities and community mental health centers, juvenile

1 delinquency, health professions, educational assistance,
2 hospital and medical facilities, community health services,
3 higher education, economic opportunity, comprehensive health
4 planning, elementary and secondary education and recreation. The
5 department may establish regional offices throughout the
6 Commonwealth for the purposes of aiding counties and local
7 governments and their agencies, private or public agencies,
8 institutions, nonprofit organizations or individuals in
9 implementation of programs and services in accordance with the
10 purposes of this act; and for surveys of problems and needs and
11 for the development of comprehensive plans and budget requests.
12 In each region, all counties and local governments and their
13 agencies, public and private agencies, institutions, nonprofit
14 organizations or individuals receiving State funds under this
15 act shall assist the department's regional offices in a
16 comprehensive survey of problems and needs and in development of
17 a comprehensive plan outlining proposals, programs, services and
18 budget needs to implement the purposes of this act. Regional
19 plans and proposed regional budgets shall be submitted to the
20 secretary for final approval.

21 (4) Develop constructive and innovative special emphasis
22 prevention and treatment programs to provide, strengthen and
23 coordinate all Commonwealth services to all children throughout
24 the State; and to that end to supervise and allocate functional
25 responsibility for those aspects of delinquent and deprived
26 children's needs among the various State agencies having primary
27 responsibility for meeting said problems.

28 (5) Without limiting or adversely affecting existing
29 adequate programs for children, assure the availability of
30 necessary services by assisting in their establishment, by

contracting for and purchasing services from public and private agencies, groups or individuals, in order to develop and maintain programs designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities; the aforementioned programs shall include but not be limited to:

(i) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, and any other designated community-based diagnostic, treatment or rehabilitative service;

(ii) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(iii) youth services bureaus and other community-based programs to divert youth from the juvenile justice system or to support, counsel or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

(iv) comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of drug-addicted youth and drug-dependent youth;

(v) educational programs or supportive services designed to keep delinquents, and to encourage other youth to remain, in elementary and secondary schools or in alternative learning situations;

(vi) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel, and volunteers to work effectively with youth;

(vii) youth-initiated programs and outreach programs

1 designed to assist youth who otherwise would not be reached by
2 assistance programs;

3 (viii) a Statewide program through the use of probation
4 subsidies, other subsidies, other financial incentives or
5 disincentives to units of local government, or other effective
6 means, that may include but are not limited to programs designed
7 to (i) reduce the number of commitments of juveniles to any form
8 of juvenile institution as a percentage of the State juvenile
9 population, (ii) increase the use of nonsecure community-based
10 facilities as a percentage of total commitments to juvenile
11 facilities, and (iii) provide alternatives to the use of secure
12 incarceration and detention; the foregoing shall be in addition
13 to the existing probation subsidy program;

14 (ix) human resource development programs for the vocational
15 education, vocational training, job development and placement
16 and other human resource development of youth and young adults;

17 (x) day programs for children who might otherwise become
18 deprived or delinquent, or who are in need of supervision.

19 (6) Issue licenses and promulgate regulations and guidelines
20 for (i) all agencies and organizations within the State
21 rendering child welfare, juvenile justice and delinquency
22 prevention services to children, such as, but not limited to,
23 detention facilities, youth development centers, youth forestry
24 camps, foster homes, group homes, county child welfare boards,
25 youth services bureaus, and other services as stated in clause
26 (5) above, and (ii) with the approval of the Governor, any other
27 State agency or service which in the department's judgment is
28 essential to the welfare, delinquency prevention and human
29 resource development of youth. In those counties where such
30 facilities are not available or the local governing bodies are

1 not complying with regulations and standards of the department,
2 it shall be the duty of the department to institute or contract
3 for such services or to assume responsibility for their proper
4 maintenance by assuming administrative control or assure
5 compliance with the standards established pursuant to this
6 section through mandamus or other legal action instituted in the
7 appropriate court.

8 (7) Visit, examine and inspect, at least biennially, all
9 public and private facilities within the Commonwealth which
10 receive financial assistance from the Commonwealth, either
11 directly or indirectly, for services to delinquent or deprived
12 children and prepare a report on its findings, a copy of which
13 shall be sent to the facility; promulgate rules and regulations
14 relating to methods of instruction, discipline, detention, care
15 and treatment, administration and management of the welfare of
16 the children committed to or treated in such facility. For these
17 purposes the Secretary of the Department of Youth Services shall
18 have free and full access to the facility and its records and
19 books, together with full opportunity to interview any child
20 residing therein, and the persons charged with the management of
21 the facility are hereby directed and required to give to the
22 Secretary of the Department of Youth Services complete access to
23 the facility and its records and books.

24 (8) At the request of a court, assign a liaison employe to
25 the court to assist it in its juvenile dispositions and,
26 further, assist the court by providing a comprehensive list of
27 all diagnostic, developmental, rehabilitative, and educational
28 programs available to children brought before the court and a
29 copy of the regional plan developed for their jurisdiction.

30 (9) At the request of any public or private institution, or

1 on its own initiative may, review the progress of treatment and
2 care of any child committed to or placed in the institution
3 under the act of December 6, 1972 (P.L.1464, No.333), known as
4 the "Juvenile Act." After three months after the placement of
5 the child, and if his progress within the institution warrants
6 it, the department may transfer said child to a less secure
7 facility including a community-based group home or foster
8 boarding home, after notification to the committing court. If
9 the court objects to such transfer, it shall hold a hearing
10 within twenty days after receipt of the notification for the
11 purpose of reviewing its commitment order. At the hearing, the
12 court may reaffirm or modify its commitment order as provided in
13 section 26 of the Juvenile Act. Except as otherwise provided
14 herein, if the department desires to transfer a child for
15 reasons of health, security or morale, to any other facility, it
16 shall first obtain the approval of the committing court; if the
17 transfer is to a more secure facility the court shall hold a
18 hearing prior to giving its approval.

19 (10) Through the secretary or his designee, accept or refuse
20 grants, appropriations, contributions or unencumbered property,
21 real, personal or mixed, tangible or intangible, or any interest
22 therein, for the purposes set forth in this article, from the
23 Federal Government, the Commonwealth and any donor. All grants,
24 appropriations and contributions of money accepted shall be held
25 by the State Treasurer as custodian for the Department of Youth
26 Services and shall be paid out on its requisition to further the
27 objectives of this article.

28 (11) Except as provided in clause (12), act as the sole
29 agency of the State when applying for, receiving and using
30 Federal funds for the financing in whole or in part of programs

1 in fields in which the department has responsibility; develop
2 and submit State plans or other proposals to the Federal
3 Government, to promulgate regulations, establish and enforce
4 standards and to take such other measures as may be necessary to
5 render the Commonwealth eligible for available Federal funds or
6 other assistance; and make surveys and inventories of existing
7 facilities and services as required in connection with such
8 State plans, and to assess the need for the acquisition,
9 construction, or modernization of additional youth services
10 facilities or consolidation of existing facilities, and to
11 determine priorities with respect thereto.

12 (12) Assist the State planning agency for Pennsylvania
13 established under section 203 of Title I of the Federal Omnibus
14 Crime Control and Safe Streets Act of 1968, (Public Law 90-351,
15 82 Stat. 199), as it requires to supervise the preparation and
16 administration of the plan required by Title II of the Federal
17 Juvenile Justice and Delinquency Prevention Act of 1974, (Public
18 Law 93-415, 88 Stat. 1109), in order to qualify the Commonwealth
19 for the formula grants provided for in the latter statute;
20 promulgate regulations implementing the policies required to
21 qualify for said Federal funds and recommend such legislation
22 for the consideration of the General Assembly necessary to
23 assure the eligibility of the Commonwealth to participate in
24 such funds.

25 (13) Disburse or review and approve all State funds and
26 program budgets pertaining to youth services. The final budget
27 of the department will stipulate dollar amounts for all services
28 including reimbursements to counties and local governments and
29 their agencies, public or private agencies, institutions,
30 nonprofit organizations or individuals, for the costs of

treatment, residential care or institutionalization of youth in public or private facilities in accordance with the provisions for incentive funding under clause (5) above. All funds will be expended on a calendar year basis in order to provide a six-month planning period between the appropriation by the Legislature and the annual expenditures.

(14) Through the secretary of the department or a deputy secretary of the department designated by the Governor, promulgate rules and regulations authorized by Article XII of the Interstate Compact on Juveniles, section 731 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," and carry out the duties placed upon the compact administrator by sections 732, 733 and 734 of the Public Welfare Code.

(15) Through the secretary of the department or a deputy secretary of the department designated by the Governor, promulgate rules and regulations and carry out the duties authorized by Articles V(a), VI, and VII of the Interstate Compact on the Placement of Children, section 761 of the Public Welfare Code.

Section 2302-A. Powers and Duties of the Commission on Children and Youth.--The commission shall have the powers and its duties shall be to:

(1) Review and advise the Department of Youth Services with regard to youth services programs including, but not limited to, such matters as standards of eligibility, nature and extent of service, amounts of payments to individuals, standards of approval, certification and licensure of facilities and agencies, ways and means of coordinating public and private welfare activities, subsidies, and such other matters as may by

1 law require citizen review or may be referred to the commission
2 by the department.

3 (2) Advise the State planning agency established under
4 section 203 of Title I of the Omnibus Crime Control and Safe
5 Streets Act of 1968 as required by section 223(a)(3) of Title II
6 of the Juvenile Justice and Delinquency Prevention Act of 1974.

7 (3) Promote better public understanding of the programs and
8 objectives of the department.

9 (4) Make recommendations to the Secretary of the Department
10 of Youth Services on matters referred to the committee for
11 consideration and advice, or as may be required to promote the
12 effectiveness of the programs of the department.

13 (5) Arrange for and conduct such public hearings as may be
14 required by law or which they deem necessary and advisable.

15 (6) With the approval of the majority of the commission, the
16 chairman shall appoint and fix the compensation of a director
17 and such assistants, clerks and stenographers as are necessary
18 to enable the commission to perform the powers and duties vested
19 in it. The compensation of the director and such assistants,
20 clerks and stenographers shall be fixed within limitations fixed
21 by the Executive Board. The commission shall submit to the
22 Secretary of the Department of Youth Services a proposed budget
23 for inclusion in the annual request for appropriations.

24 (7) Hold regularly scheduled meetings and shall also meet at
25 the call of the chairman or the Secretary of the Department of
26 Youth Services. Each member attending such meeting shall be paid
27 one hundred dollars (\$100) per diem plus his necessary expenses
28 incurred in attending such meeting.

29 Section 2303-A. Child Welfare.--The department shall:

30 (1) Assure within the Commonwealth the availability and

equitable provision of adequate public child welfare services for all children who need them, regardless of religion, race, settlement, residence or economic or social status.

(2) Consult with and assist each board of county commissioners or the county institution district or its successor in carrying out child welfare duties and functions as authorized by law.

(3) Make and enforce all rules and regulations necessary and appropriate to the proper accomplishment of the child welfare duties and functions vested by law in the boards of county commissioners, county institution districts or their successors. All rules and regulations which the department is authorized by this section to make with respect to the duties and functions of the boards of county commissioners, county institution districts or their successors shall be binding upon them.

(4) Prescribe the time at, and the form on which boards of county commissioners, county institution districts or their successors shall submit to the department annual plans for, and annual estimates of the expenditures of the county or county institution districts for their child welfare programs.

(5) Provide, maintain, administer, manage and operate a program of child welfare services in a county or county institution district when the department determines, after hearing, that such board of county commissioners, county institution district, or its successor is not complying with the regulations prescribing minimum child welfare services or minimum standards of performance of child welfare services or minimum standards of child welfare personnel administration on a merit basis, and that, as a result, the needs of children and youth are not being adequately served.

1 When in pursuance of this section, the department takes
2 charge of, and directs the operation of the child welfare
3 services of a county or county institution district, the county
4 shall be charged and shall pay the county's share of the cost of
5 such services, including reasonable expenditures incident to the
6 administration thereof incurred by the department.

7 The amount due the Commonwealth may be deducted from any
8 Commonwealth funds otherwise payable to the county. All sums
9 collected from the county under this section, in whatever manner
10 such collections are made, shall be paid into the State Treasury
11 and shall be credited to the current appropriation to the
12 department for child welfare.

13 The department shall relinquish the administration of the
14 child welfare program of the county or county institution
15 district when the department is assured that the regulations of
16 the department will be complied with thereafter and that the
17 needs of children and youth will be adequately served.

18 Section 2304-A. Youth Services Bureaus.--(a) The department
19 shall certify for each (i) city of the first class, (ii) county
20 or counties or (iii) defined geographical area within a city of
21 the first class or county, one or more youth services bureaus,
22 which shall be organized as provided by regulations of the
23 department with maximum community participation to render such
24 services and perform such administrative and other functions as
25 the department shall determine by regulations and standards
26 promulgated by it. In cities of the first class a youth services
27 bureau shall service an area of not more than five hundred
28 thousand persons. In cities of the first class or counties
29 having more than one youth services bureau, there shall be a
30 youth services commission which shall coordinate the activities

1 of the youth services bureaus.

2 (b) The governing board of each youth services bureau shall
3 consist of at least twelve residents of the community and shall
4 when appointed include the chairman of a county child welfare
5 board, a judge of a court of common pleas who regularly presides
6 over juvenile proceedings, a chief probation officer, a county
7 administrator for mental health and mental retardation, a
8 representative of the public school system, three
9 representatives of private not-for-profit or voluntary
10 organizations rendering services to children and youth; a law
11 enforcement officer; and at least three representatives of
12 community organizations concerned with the needs of children and
13 youth. The initial governing board of a youth services bureau or
14 the initial governing board of a youth services commission
15 shall, except in cities of the first class, be appointed by the
16 commissioners of the county or counties, and thereafter shall be
17 appointed pursuant to rules and regulations adopted by the
18 governing board of the youth services commission or the youth
19 services bureau and approved by the Secretary of Youth Services.
20 In cities of the first class the initial youth services
21 commission shall be appointed by the Secretary of Youth
22 Services; the commission shall immediately provide for elections
23 for the governing board of each youth services bureau by the
24 residents of each community which it serves. After the governing
25 boards of the youth services bureaus have been organized, they
26 or their representatives shall constitute the youth services
27 commission. The terms of members of governing boards may be
28 staggered to insure continuity of membership.

29 (c) Each youth services bureau and each youth services
30 commission shall have a director or other executive officer,

1 selected by its governing board, and such other employees as are
2 necessary to carry out the programs and functions assigned to it
3 by the department. The youth services bureau shall have
4 authority within the funds appropriated to it by the county or
5 counties, municipality or the Commonwealth or grants obtained
6 from the Federal Government, to purchase such services from
7 private facilities and agencies as are necessary to meet the
8 needs of the children and youth of the community.

9 (d) A youth services bureau shall have as its purpose the
10 diversion of youth from the juvenile justice system and the
11 mobilization of all the available resources of the community to
12 service its youth by strengthening the community's existing
13 services to youth, fostering new services, and promoting
14 projects to eliminate the causes of delinquency in that
15 community. The bureau shall establish an easily accessible place
16 in the community for intake purposes to which youth requiring
17 services may be referred by police, probation officers, courts,
18 schools, parents, existing public and private agencies or to
19 which the youth themselves may apply. Any child for whom
20 referral to a social agency is required by section 8(a) of the
21 act of December 6, 1972 (P.L.1464, No.333), known as the
22 "Juvenile Act," may be referred to the youth services bureau.
23 The youth services bureau may also provide the programs
24 described in section 2301-A(b)(5).

25 Section 9. (a) The present members of the Juvenile Court
26 Judges Commission, appointed under the act of December 21, 1959
27 (P.L.1962, No.717), shall continue to serve for the balance of
28 their term on the Commission on Children and Youth.

29 (b) The functions, powers and duties of the Department of
30 Public Welfare with regard to the supervision and licensing of

1 children's institutions and State institutions for juvenile
2 delinquents and dependent children as set forth in Articles IX
3 and X of the act of June 13, 1967 (P.L.31, No.21), known as the
4 "Public Welfare Code," are hereby transferred to the Department
5 of Youth Services.

6 (c) All personnel, equipment, files, obligations and records
7 of the Department of Public Welfare employed in the performance
8 of the powers and duties transferred by this act are hereby
9 transferred to the Department of Youth Services; and the
10 balances of any appropriations for the payment of salaries and
11 other expenses in connection therewith are hereby appropriated
12 to the Department of Youth Services for the same purpose as
13 expressed in the act making them.

14 (d) All equipment, files, obligations and records of the
15 Juvenile Court Judges' Commission are hereby transferred to the
16 Department of Youth Services and the balances of any
17 appropriations made to the Juvenile Court Judges' Commission are
18 hereby appropriated to the Department of Youth Services.

19 (e) All of the State youth development centers and youth
20 forestry camps shall continue to be operated by the Department
21 of Public Welfare as provided by law until July 1, 1981; during
22 this transitionary period the Department of Public Welfare shall
23 consult with the Secretary of Youth Services and prior to
24 modifying existing facilities and programs obtain the approval
25 of the Secretary of Youth Services. The Secretary of Youth
26 Services may direct the Department of Public Welfare to close or
27 modify existing facilities or programs. On July 1, 1981 all
28 personnel of such institutions and all appropriations,
29 contracts, agreements, equipment, files and obligations of the
30 Department of Public Welfare respecting such institutions shall

1 thereby be transferred to the Department of Youth Services with
2 the same force and effect as if said contracts, agreements and
3 obligations of the Department of Public Welfare had been
4 incurred or entered into by the Department of Youth Services;
5 and the balances remaining in any such appropriations shall
6 thereby be appropriated to the Department of Youth Services for
7 the same purpose as expressed in the act making them. The
8 Secretary of Youth Services shall have the authority to open,
9 modify or close State-operated facilities.

10 (f) All positions in the Department of Youth Services shall
11 be deemed to be included in the list of positions set forth in
12 section 3(d) of the act of August 5, 1941 (P.L.752, No.286),
13 known as the "Civil Service Act," and all personnel transferred
14 pursuant to this act shall retain any civil service employment
15 status assigned to said personnel.

16 (g) All orders, permits, regulations, decisions and other
17 actions of the Department of Public Welfare or any agency whose
18 functions have been transferred by this act shall remain in full
19 force and effect until modified, repealed, suspended, superseded
20 or otherwise changed by appropriate action of the Department of
21 Youth Services.

22 (h) The salary of the Secretary of Youth Services shall be
23 the same as the salary provided by law for the Secretary of
24 Public Welfare.

25 Section 10. (a) Sections 701, 702, 703, 708, 721, 722, 723,
26 724, 725, 763(1), and 763(2) of the act of June 13, 1967
27 (P.L.31, No.21), known as the "Public Welfare Code," are
28 repealed absolutely.

29 (b) Sections 341, 342, 343, 344, 345, 351 and 353 of the act
30 of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare

1 Code," are repealed absolutely, effective June 30, 1981.

2 (c) Sections 303, 746 and Articles IX and X of the act of
3 June 13, 1967 (P.L.31, No.21), known as the "Public Welfare
4 Code," are repealed insofar as they are inconsistent with this
5 act.

6 (d) Sections 301, 302, 304 and 309 of the act of June 13,
7 1967 (P.L.31, No.21), known as the "Public Welfare Code," are
8 repealed insofar as they are inconsistent with this act,
9 effective June 30, 1981.

10 (e) All other acts and parts of acts, general, local and
11 special, are repealed insofar as they are inconsistent herewith.

12 Section 11. This act shall take effect in 120 days.