

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 292

Session of
1985

INTRODUCED BY O'PAKE, HOPPER, GREENLEAF, SINGEL, SHAFFER,
ANDREZESKI, HELFRICK, STOUT, LYNCH, STAPLETON, JONES, REIBMAN
AND ROMANELLI, FEBRUARY 4, 1985

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, FEBRUARY 11, 1985

AN ACT

1 Providing for the establishment of the Children's Trust Fund,
2 for a governing board, and for the powers and duties of the
3 board; and prescribing the powers and duties of certain State
4 agencies.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Children's
9 Trust Fund Act.

10 Section 2. Purpose.

11 This act is intended to create a funding source for
12 community-based child abuse and neglect prevention programs and
13 services.

14 Section 3. Definitions.

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

18 "Board." The Children's Trust Fund Board.

1 "Child." Any person under 18 years of age.

2 "Child abuse." As defined in the act of November 26, 1975
3 (P.L.438, No.124), known as the Child Protective Services Law.

4 "Neglect." Harm to a child's health or welfare by a person
5 responsible for the child's health or welfare which occurs
6 through negligent treatment, including the failure, whether or
7 not intentional, to provide adequate food, clothing, shelter or
8 medical care.

9 "Prevention program." Any community-based program of direct
10 provision of child abuse and neglect prevention services,
11 including, but not limited to, educational services in
12 parenting, prenatal care, perinatal bonding, child development,
13 basic child care, care of children with special needs, coping
14 with family stress, personal safety and sexual abuse prevention
15 training for children, and self-care training for latch-key
16 children; and community-based programs relating to crisis care,
17 aid to parents, child-abuse counseling, peer support groups for
18 abusive or potentially abusive parents and their children, lay
19 health visitors, respite or crisis child care, and early
20 identification of families where the potential for child abuse
21 and neglect exists; except that funding for existing or ongoing
22 services or programs of local or State government agencies shall
23 not be replaced by funds available under this act.

24 "Public member." A person appointed to the board by the
25 Governor, who holds no Federal, State or local appointed or
26 elected government position. This does not include a person
27 holding a position on a State or local human services advisory
28 committee.

29 "Trust fund." The Children's Trust Fund established by this
30 act.

1 Section 4. Children's Trust Fund Board.

2 (a) Board created.--The Children's Trust Fund Board is
3 hereby created in the Office of Children, Youth and Families of
4 the Department of Public Welfare. The board shall function
5 autonomously within the department and shall exercise its powers
6 and duties related to administering and awarding grants
7 independently of the Secretary of Public Welfare, except that
8 budgetary, accounting, procurement and other support services
9 shall be performed by the department.

10 (b) Board composition.--The board shall consist of three
11 members of the Senate to be appointed by the President pro
12 tempore and three members of the House of Representatives to be
13 appointed by the Speaker. In no case shall more than two members
14 from either the Senate or the House of Representatives be from
15 the same political party. In addition, the Governor shall
16 appoint nine public members, to be confirmed by majority vote of
17 the Senate. ~~No more than five public members shall be members of~~ <—
18 ~~the same political party.~~ Public members appointed under this
19 section shall demonstrate knowledge in the area of children's
20 services, be representative of the demographic composition of
21 this Commonwealth and, to the extent possible, be representative
22 of parents, the educational community, the religious community,
23 organized labor, the business community, the legal community,
24 and professionals and volunteers in the field of children's or
25 victims' services.

26 (c) Term of office.--The term of each public member shall be
27 three years, except that of the public members first appointed,
28 three shall serve for three years, three shall serve for two
29 years and three shall serve for one year. A public member shall
30 serve no more than two consecutive terms, whether partial or

1 full. ~~Each member shall serve until his successor is appointed.~~ <—

2 A vacancy shall be filled for the balance of the unexpired term
3 in the same manner as the original appointment.

4 (d) Votes.--No member of the board, public or legislative,
5 shall be empowered to delegate his vote.

6 (e) Officers and rules.--The board shall elect a chairperson
7 every two years from among the public members, and may elect
8 such other officers and establish such committees as it deems
9 necessary and has provided for in the rules and regulations it
10 shall promulgate. All business transacted by the board shall be
11 conducted in accordance with the act of July 19, 1974 (P.L.486,
12 No.175), referred to as the Public Agency Open Meeting Law.

13 (f) Meetings.--The board shall meet not less than three
14 times annually at the call of the chairperson.

15 (g) Compensation.--Board members shall serve without
16 compensation but shall be reimbursed for all actual and
17 reasonable expenses incurred in the performance of their
18 official duties. All such reimbursements shall be allocated from
19 funds available from the trust fund, under the terms of this
20 act.

21 Section 5. Powers and duties of board.

22 The board shall have the power and its duties shall be to:

23 (1) Develop, within one year of its establishment and
24 biennially thereafter, a State plan for the availability and
25 coordination of child abuse and neglect prevention services
26 and programs, and for the distribution of funds from the
27 trust fund. In developing the plan, the board shall review
28 already existing prevention programs, and shall assure that
29 an equal opportunity exists for the establishment of
30 prevention programs and the receipt of trust fund money among

1 all geographic areas in this Commonwealth, and shall
2 encourage the development of new and innovative programs and
3 services. The board shall notify the Governor and the General
4 Assembly that the plan is available.

5 (2) Provide for the coordination and exchange of
6 information on the establishment and maintenance of
7 prevention programs.

8 (3) Develop and publicize criteria for the granting of
9 trust fund money to eligible prevention programs.

10 (4) Administer and award trust fund money and monitor
11 the expenditure of trust fund money by eligible prevention
12 programs. Funds shall be awarded to any community-based child
13 abuse and neglect prevention program deemed eligible by the
14 board, if the organization or agency sponsoring the program
15 meets the following criteria:

16 (i) The organization or agency demonstrates the
17 ability to match, through money or in-kind services, any
18 trust fund money received. In-kind services may not
19 exceed 50% of the required match. In the first year the
20 organization receives trust fund money, it must be able
21 to match at least 25%; in the second year and every year
22 thereafter, it must be able to match 50%. The money match
23 may be derived from either private or local government
24 sources.

25 (ii) The organization or agency demonstrates the
26 willingness and ability to provide program models and
27 consultation to other organizations and the community
28 regarding program development and maintenance.

29 (5) Prepare an annual report for the Governor and the
30 General Assembly, including recommendations for legislative

1 action and regulatory change when needed and appropriate.

2 (6) Accept Federal funds granted by Congress, except
3 that such funds shall not be used to provide a match for
4 other Federal funds, and to accept State funds granted by the
5 General Assembly for the purposes of this act, as well as
6 gifts and donations from individuals, private organizations
7 or foundations. All funds received shall be transmitted to
8 the State Treasury for deposit in the trust fund.

9 Section 6. Powers and duties of Department of Public Welfare.

10 The Deputy Secretary of the Office of Children, Youth and
11 Families of the Department of Public Welfare shall serve as
12 executive director to the board and shall carry out the duties
13 and responsibilities assigned by the board through staff
14 employed by the office. The executive director shall receive no
15 compensation for carrying out the duties and responsibilities
16 assigned by the board. There shall be employed by the office
17 sufficient staff to carry out the activities of the board.

18 Section 7. Powers and duties of State Treasury.

19 On an annual basis, the State Treasury shall make available
20 to the board for its use, consistent with the provisions of
21 section 5, an amount equal to only one-half of all funds
22 received by the trust in the previous fiscal year until the
23 principal of the trust equals \$20,000,000, at which time the
24 State Treasury shall make available to the board only the total
25 interest earned on the assets of the trust fund during the prior
26 12-month period. The actual and necessary expenses incurred by
27 the board in performing its duties shall be paid out of the
28 trust fund allocation made available by the State Treasury. In
29 no case shall the annual allocation from the trust fund to the
30 board be charged an amount greater than 5% of its most recent

1 annual allocation for administrative costs of the board.

2 Section 8. Children's Trust Fund created; powers and duties of
3 the Department of Health.

4 Notwithstanding any other statute to the contrary, at least
5 \$2 of any fee imposed for issuance of each certified copy of a
6 birth record by the Department of Health shall be paid into a
7 special nonlapsing Children's Trust Fund, which is hereby
8 established for the purposes described in this act.

9 Section 9. Effective date.

10 This act shall take effect in 90 days.