
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 19

Session of
1987

INTRODUCED BY KUKOVICH, J. L. WRIGHT, O'DONNELL, RICHARDSON,
WAMBACH, RYBAK, D. W. SNYDER, COY, STEIGHNER, RUDY, CARN,
TRELLO, KOSINSKI, COWELL, VEON, SWEET, STABACK, BELFANTI,
VAN HORNE, LANGTRY, BATTISTO, MORRIS, PISTELLA, BALDWIN,
CAPPABIANCA, BLAUM, SAURMAN, ITKIN, ARTY, PRESTON, GANNON,
BUNT, LaGROTTA, RAYMOND, E. Z. TAYLOR, BORTNER, DALEY,
FREEMAN, CAWLEY, FATTAH, LASHINGER, FISCHER, HALUSKA, TRUMAN,
LINTON, DAWIDA, FOX, RITTER, NAHILL, McHALE, JOSEPHS, HUGHES
AND ACOSTA, JANUARY 28, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 27, 1988

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 children's programs and services for child abuse
13 and neglect prevention.

14 Section 3. Definitions.

15 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

4 "Child." A person under 18 years of age.

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

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

13 "Program." A community-based program for children of direct
14 provision of services for child abuse and neglect prevention.
15 The term includes, but is not limited to, educational services
16 in parenting, prenatal care, perinatal bonding, child
17 development, basic child care, care of children with special
18 needs, coping with family stress, personal safety and sexual
19 abuse prevention training for children, self-care training for
20 latchkey children, crisis care, aid to parents, child-abuse
21 counseling, peer support groups for abusive or potentially
22 abusive parents and their children, lay health visitors, respite
23 or crisis child care and early identification of families where
24 the potential for child abuse and neglect exists.

25 "Public member." A person who is appointed to the board by
26 the Governor and who holds no Federal, State or local appointed
27 or elected government position. ~~The term does not include a~~ <—
28 ~~person holding~~ OTHER THAN a position on a State or local human <—
29 services advisory committee.

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

1 section 8.

2 Section 4. Children's Trust Fund Board.

3 (a) Board created.--The Children's Trust Fund Board is
4 created in the Office of Children, Youth and Families of the
5 Department of Public Welfare. The board shall administer the
6 program and award grants. The department shall perform
7 budgetary, accounting, procurement and other support services.

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

23 (c) Term of office.--The term of each public member shall be
24 three years; ~~however~~ AND UNTIL A SUCCESSOR IS APPOINTED AND
25 QUALIFIED. HOWEVER, of the public members first appointed, three
26 shall serve for three years, three shall serve for two years and
27 three shall serve for one year. A public member shall serve no
28 more than two consecutive terms, whether partial or full. A
29 vacancy shall be filled for the balance of the unexpired term in
30 the same manner as the original appointment.

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1 (d) Votes.--No member of the board may delegate his vote.

2 (e) Officers and rules.--The board shall elect a chairperson
3 every two years from among the public members and may elect
4 other officers and establish committees as it deems necessary
5 and has provided for in the regulations it promulgates. Business
6 transacted by the board shall be conducted in accordance with
7 the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine
8 Act.

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

11 (g) Compensation.--Board members shall serve without
12 compensation but shall be reimbursed for actual and reasonable
13 expenses incurred in the performance of their official duties.
14 Reimbursements shall be allocated from funds available from the
15 trust fund, under this act.

16 Section 5. Powers and duties of board.

17 The board has the following powers and duties:

18 (1) Develop, within one year of its establishment and
19 biennially thereafter, a State plan for the availability and
20 coordination of programs and for the distribution of funds
21 from the trust fund. In developing the plan, the board shall
22 review existing programs and shall assure that an equal
23 opportunity exists for the establishment of programs and the
24 receipt of trust fund money among all geographic areas in
25 this Commonwealth and shall encourage the development of new
26 and innovative programs. The board shall notify the Governor
27 and the General Assembly that the plan is available.

28 (2) Provide for the coordination and exchange of
29 information on the establishment and maintenance of programs.

30 (3) ~~Develop and publicize~~ PROMULGATE REGULATIONS

<—

1 PROVIDING FOR THE criteria for the granting of trust fund
2 money to eligible programs AND PROVIDE FOR PUBLICIZING SUCH <—
3 CRITERIA.

4 (4) Publicize programs in order to solicit funding from
5 private sources.

6 (5) Administer and award trust fund money and monitor
7 the expenditure of trust fund money by eligible programs.
8 Funds shall be awarded to programs deemed eligible by the
9 board if the organization or agency sponsoring the program
10 meets the following criteria:

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

20 (ii) The organization or agency demonstrates the
21 willingness and ability to provide program models and
22 consultation to other organizations and the community
23 regarding program development and maintenance.

24 (iii) The organization or agency demonstrates that
25 it has consulted with the county children and youth
26 agency. County children and youth agencies may directly
27 apply for funds under this act.

28 (6) Prepare an annual report for the Governor and the
29 General Assembly, including recommendations for legislative
30 action and regulatory change when needed and appropriate.

1 (7) Accept Federal funds granted by Congress, as well as
2 gifts and donations from individuals, private organizations
3 or foundations. Funds received shall be transmitted to the
4 State Treasurer for deposit in the trust fund. Federal funds
5 accepted under this paragraph may not be used to provide a
6 match for other Federal funds.

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

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

16 Section 7. Powers and duties of State Treasurer.

17 On an annual basis, the State Treasurer shall make available
18 to the board for its use, consistent with section 5, such trust
19 funds as are requested by the board AND SUCH FUNDS ARE HEREBY
20 APPROPRIATED TO THE BOARD FOR THE PURPOSES SET FORTH IN THIS
21 ACT.

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

24 There is hereby imposed a \$10 surcharge on all applications
25 for marriage licenses and on all divorce decrees. These
26 surcharges shall be paid into a special nonlapsing Children's
27 Trust Fund, which is established for the purposes described in
28 this act. Funding for existing or ongoing services of State or
29 local agencies shall not be replaced by the trust fund.

30 Section 9. Effective date.

1 This act shall take effect in 90 days.