

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1277** Session of  
1987

INTRODUCED BY RICHARDSON, KUKOVICH, PISTELLA, DAWIDA, DORR,  
WIGGINS, HUGHES AND GLADECK, MAY 4, 1987

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 4, 1987

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," changing references to the  
4 Department of Public Welfare and Secretary of Public Welfare  
5 to the Department of Human Services and Secretary of Human  
6 Services; and making editorial changes.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Sections 101, 102, the heading of Article II,  
10 sections 203, 204, 206 and the heading of Article III of the act  
11 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare  
12 Code, are amended to read:

13 Section 101. Short Title.--This act shall be known and may  
14 be cited as the "[Public Welfare] Human Services Code."

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

1 "Department" means the Department of [Public Welfare] Human  
2 Services of this Commonwealth.

3 "Secretary" means the Secretary of [Public Welfare] Human  
4 Services of this Commonwealth.

5 ARTICLE II

6 GENERAL POWERS AND DUTIES

7 OF THE DEPARTMENT OF [PUBLIC WELFARE]

8 HUMAN SERVICES

9 Section 203. Promotion of Local Planning Bodies.--The  
10 department shall have the power to assist in the establishment  
11 of local [social welfare] human services planning bodies, such  
12 as councils of social agencies.

13 Section 204. Consultation to Local Agencies.--The department  
14 shall have the power to provide consultation to local public  
15 officials and voluntary organizations in the establishment and  
16 operation of public and private [social welfare] human services  
17 programs in fields in which the department has responsibility.

18 Section 206. Purchase of Services.--The department shall  
19 have the power:

20 (1) Whenever the General Assembly shall have appropriated  
21 money to the department for [public welfare] human services  
22 purposes, to purchase necessary services for individuals  
23 entitled to such services at rates not exceeding those charged  
24 the general public or actual cost; such services may be  
25 purchased directly from agencies or institutions conforming to  
26 minimum standards established by the department or by law or the  
27 department may reimburse local public agencies which purchase  
28 such services from such agencies or institutions. Except for day  
29 care services, this clause shall not be interpreted to include  
30 the direct provision by the department of services to dependent

1 or neglected children.

2 (2) To establish rules and regulations not inconsistent with  
3 law prescribing minimum standards of plant, equipment, service,  
4 administration and care and treatment for agencies and  
5 institutions furnishing service to individuals paid for, in  
6 whole or in part, by money appropriated to the department by the  
7 General Assembly, and when not otherwise established by law,  
8 fixing per diem or other rates for services furnished by such  
9 agencies or institutions.

10 ARTICLE III

11 STATE INSTITUTIONS IN THE DEPARTMENT OF

12 [PUBLIC WELFARE]

13 HUMAN SERVICES

14 Section 2. Sections 402, 403(a), 405.1(h), 412 and 432.9(c)  
15 of the act, added or amended July 15, 1976 (P.L.993, No.202),  
16 are amended to read:

17 Section 402. Definitions.--As used in this article:

18 "Assistance" means money, services, goods, shelter, burial  
19 and medical, chiropractic and other health care, including  
20 nursing home care provided from or with State, Federal, county,  
21 county institution district or municipal funds, for needy  
22 persons who reside in Pennsylvania and need assistance to  
23 provide for themselves and their dependents a decent and  
24 healthful standard of living, and for needy homeless or  
25 transient persons.

26 "Benefit period" means, with respect to any individual, a  
27 period of consecutive days beginning with the first day not  
28 included in a previous benefit period, on which he is furnished  
29 inpatient hospital care, and ending with the last day of the  
30 first sixty-day period thereafter during each day of which he is

1 not an inpatient in a hospital.

2 "General assistance" means assistance granted under the  
3 provisions of section 432(3) of this act.

4 "Home Health Care" means intermittent or part time nursing  
5 services or other therapeutic services furnished by a home  
6 health agency qualified to participate under Title XVIII of the  
7 Federal Social Security Act.

8 "Protective payments" means payments with respect to any  
9 dependent child which are made to another individual who (as  
10 determined in accordance with standards prescribed by the  
11 department) is interested in or connected with the welfare of  
12 such child or relative, or made on behalf of such child or  
13 relative directly to a person furnishing food, living  
14 accommodations, or other goods, services, or items to or for  
15 such child. Whenever possible, the protective payee shall be a  
16 public child [welfare] human services agency.

17 "State supplemental assistance" means assistance granted  
18 under the provisions of section 432(2).

19 Section 403. Uniformity in Administration of Assistance;  
20 Regulations as to Assistance.--(a) The department is  
21 responsible for maintaining uniformity in the administration of  
22 [public welfare] cash, medical assistance and food stamp benefit  
23 programs, including general assistance, throughout the  
24 Commonwealth.

25 \* \* \*

26 Section 405.1. Work Registration Program.--\* \* \*

27 (h) No department or agency of the Commonwealth and no  
28 vendor delivering social services funded in whole or in part by  
29 contracts with or grants from the [Department of Public Welfare]  
30 department shall discriminate in any manner including employment

1 or job placement against any person because that person is or  
2 was an applicant for or recipient of assistance.

3 Section 412. Appointment of Protective Payees.--The  
4 department may appoint a protective payee to take charge of the  
5 expenditure of assistance granted any person under this article  
6 when, consistent with Federal regulations, such protective payee  
7 is necessary. In any such case, payment shall be made direct to  
8 the protective payee. A protective payee shall serve without  
9 compensation, and shall be subject to such rules, regulations  
10 and accounting as the department shall prescribe.

11 Wherever possible, the protective payee shall be a public  
12 child [welfare] human services agency.

13 Section 432.9. Central Registry.--\* \* \*

14 (c) Any records established pursuant to the provisions of  
15 this section shall be available only to [public welfare] human  
16 services offices, district attorneys, probation departments,  
17 central registries in other states, and courts having  
18 jurisdiction in support or abandonment proceedings or action and  
19 only for the purposes for which the records have been  
20 established.

21 Section 3. Sections 475, 489, 491(e), (f) and (g) and 493(a)  
22 and (f) of the act, added April 8, 1982 (P.L.231, No.75), are  
23 amended to read:

24 Section 475. Grant Increases.--(a) On July 1, 1982, the  
25 [Department of Public Welfare] department shall raise general  
26 assistance and aid to families with dependent children  
27 allowances for assistance units of three or more persons by an  
28 average of at least five percent.

29 (b) If the department is prevented by court order from  
30 implementing the provisions of section 10 of this amendatory

1 act, the provisions of this section shall be suspended and shall  
2 not take effect until the provisions of section 10 are  
3 implemented.

4 Section 489. Investigative Powers and Duties.--(a) In  
5 furtherance of the purposes set forth in this act to prevent,  
6 deter, investigate and prosecute persons who have committed or  
7 are committing fraud against assistance programs, the department  
8 may:

9 (1) Conduct investigations of all suspected criminal  
10 activities related to fraud, misuse or theft of moneys or  
11 benefits, or Federal food stamps, committed by persons who are  
12 or have been participating in, or administering programs of the  
13 department, or by persons who aid or abet others in criminal  
14 activity affecting [welfare] benefit programs.

15 (2) Establish an investigations unit which shall have the  
16 power and duty to:

17 (i) investigate alleged violations of all criminal statutes  
18 related to fraud or other criminal activity connected with  
19 assistance programs administered by the department, except that  
20 suspected fraud or other criminal activity by medical providers  
21 or vendors will be investigated by State or Federal enforcement  
22 units having specific mandated authority; and

23 (ii) work in conjunction with the appropriate prosecuting  
24 authorities in the prosecution of cases where it is determined  
25 that evidence of criminal activity exists.

26 (b) The provisions of subsection (a) granting investigative  
27 authority to the department shall not prevent or interfere with  
28 the jurisdiction exercised by other law enforcement agencies in  
29 the investigation of [welfare] benefit related violations.

30 Section 491. Employment Incentive Payments.--\* \* \*

1 (e) The Department of Revenue, in cooperation with the  
2 Department of [Public Welfare] Human Services and the Department  
3 of Labor and Industry, shall administer the provisions of this  
4 section, promulgate appropriate rules, regulations and forms for  
5 that purpose and make such determinations as may be required.  
6 Determinations made with respect to the employment incentive  
7 payment provided in this section may be reviewed and appealed in  
8 the manner provided by law for other corporate or personal tax  
9 credits.

10 (f) The total amount of employment incentive payments  
11 authorized by this section shall not exceed twenty-five million  
12 dollars (\$25,000,000) in any fiscal year. To insure that credits  
13 are not claimed in excess of this amount, an employer may claim  
14 the incentive payments only upon presentation of an authorizing  
15 certificate. Certificates will be issued to the employee by the  
16 Department of [Public Welfare] Human Services upon presentation  
17 to the Department of [Public Welfare] Human Services of evidence  
18 of a qualifying offer of employment. The Department of Revenue  
19 shall advise the Department of [Public Welfare] Human Services  
20 of the total number of certificates which may be issued in each  
21 calendar quarter consistent with the limitation on total  
22 incentive payments. If an employee does not accept the job for  
23 which the certificate is authorized, the certificate shall be  
24 returned by the employee to the Department of [Public Welfare]  
25 Human Services. If an employee terminates employment for any  
26 reason prior to the expiration of three years, the employer  
27 shall return the certificate, noting the date of the employee's  
28 hiring and termination, to the Department of Revenue. The  
29 Department of [Public Welfare] Human Services may issue  
30 certificates through the Office of Employment Security and may

1 promulgate regulations to allocate certificates.

2 (g) Employment incentive payments shall not be available for  
3 employes hired after December 31, 1985, unless reenacted by the  
4 General Assembly. Not later than July 1, 1985, the Department of  
5 [Public Welfare] Human Services shall report to the General  
6 Assembly on the effectiveness of incentive payments to encourage  
7 the employment of cash assistance recipients and recommend  
8 whether the program should be continued. Credits may be claimed  
9 against taxes payable for tax years beginning January 1, 1982,  
10 and thereafter, and may be claimed for employes hired after the  
11 effective date of this section.

12 Section 493. Employment Opportunities Incentive Grant  
13 Program.--(a) The Department of Labor and Industry is hereby  
14 authorized to make grants to vocational schools, institutions of  
15 higher learning, and commercial and nonprofit enterprises for  
16 the implementation of projects to provide for employment  
17 opportunities for [welfare] recipients of benefit programs  
18 administered by the department. These grants shall:

19 (1) support training programs necessary for structurally  
20 unemployed persons to obtain and retain bona fide employment;

21 (2) develop and implement programs to reduce [welfare]  
22 dependency and chronic unemployment;

23 (3) improve and diversify the economic base of communities  
24 to increase the number of unsubsidized jobs for the chronically  
25 unemployed; and

26 (4) support and encourage employment opportunities programs  
27 for low-income community residents and provide them the  
28 opportunity to become self-sustaining.

29 \* \* \*

30 (f) Grants under this section will be available through



1 December 31, 1985, unless reenacted by the General Assembly. The  
2 Department of Labor and Industry shall report to the General  
3 Assembly on the effectiveness of the Employment Opportunities  
4 Incentive Grant Program annually. The annual report shall  
5 include, but not be limited to, the cost incurred by the  
6 department to administer the program, the number and the type of  
7 unsubsidized jobs made available as a result of the program, the  
8 number of [welfare recipients removed from the welfare rolls]  
9 persons who have obtained employment as a result of the program  
10 and the projected savings to the Department of Public Welfare as  
11 a result of the program.

12 Section 4. Section 704.1(a) and (b) of the act, added July  
13 9, 1976 (P.L.846, No.148), are amended to read:

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

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

23 (2) No less than seventy-five percent and no more than  
24 ninety percent of the reasonable cost including staff costs of  
25 child welfare services, informal adjustment services provided  
26 pursuant to [section 8 of the act of December 6, 1972 (P.L.1464,  
27 No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63  
28 (relating to juvenile matters) and such services approved by the  
29 department, including but not limited to, foster home care,  
30 group home care, shelter care, community residential care, youth

1 service bureaus, day treatment centers and service to children  
2 in their own home and any other alternative treatment programs  
3 approved by the department.

4 (3) Sixty percent of the reasonable administrative costs  
5 approved by the department except for those staff costs included  
6 in clause (2) of this section as necessary for the provision of  
7 child welfare services.

8 (4) Fifty percent of the actual cost of care and support of  
9 a child placed by a county child welfare agency or a child  
10 committed by a court pursuant to [the act of December 6, 1972  
11 (P.L.1464, No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch.  
12 63 (relating to juvenile matters), to the legal custody of a  
13 public or private agency approved or operated by the department  
14 other than those services described in clause (2). The Auditor  
15 General shall ascertain the actual expense for fiscal year 1974-  
16 1975 and each year thereafter by the [Department of Public  
17 Welfare] department for each of the several counties and each  
18 city of the first class whose children resident within the  
19 county or city of the first class directly received the benefit  
20 of the Commonwealth's expenditure. The Auditor General shall  
21 also ascertain for each Commonwealth institution or facility  
22 rendering services to delinquent or deprived children the actual  
23 average daily cost of providing said services. The Auditor  
24 General shall certify to each county and city of the first class  
25 the allocated Commonwealth expenditures incurred on behalf of  
26 its children and notify the [Secretary of Public Welfare]  
27 secretary and each county and city of the first class of same.

28 (5) Fifty percent of the reasonable cost of medical and  
29 other examinations and treatment of a child ordered by the court  
30 pursuant to [the act of December 6, 1972 (P.L.1464, No.333),

1 known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 (relating to  
2 juvenile matters) and the expenses of the appointment of a  
3 guardian pendente lite, summons, warrants, notices, subpoenas,  
4 travel expenses of witnesses, transportation of the child, and  
5 other like expenses incurred in proceedings under [the act of  
6 December 6, 1972 (P.L.1464, No.333), known as the "Juvenile  
7 Act." ] 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

8 (b) The department shall make additional grants to any  
9 county institution district or its successor to assist in  
10 establishing new services to children in accordance with a plan  
11 approved by the department for up to the first three years of  
12 operation of those services. In order to provide necessary  
13 information to the General Assembly relative to the grants  
14 provided under this subsection, a report will be developed by  
15 the Legislative Budget and Finance Committee and provided to the  
16 members of the General Assembly no later than July 1, 1980,  
17 concerning all grants made and expenditures accomplished under  
18 the provisions of this subsection for the period up to and  
19 including December 31, 1979. This report shall include  
20 information on the amount of moneys that went to individual  
21 counties and a description of activities and services financed  
22 with these moneys including the number and types of clients  
23 served under each of the grant programs and any other  
24 information necessary in order to fully inform the General  
25 Assembly on such programs. All officials of the [Department of  
26 Public Welfare] department, grant recipient county  
27 organizations, and other agencies which receive State moneys  
28 under the provisions of this subsection shall cooperate with the  
29 committee and its staff in carrying out this reporting  
30 requirement, including making available all necessary fiscal and

1 programmatic data.

2 \* \* \*

3 Section 5. Sections 721 and 723 of the act are amended to  
4 read:

5 Section 721. Consultation to Community Agencies; Grants to  
6 Political Subdivisions.--The [Department of Public Welfare]  
7 department shall have the power, and its duty shall be:

8 (1) To offer consultation and advice to local and State-wide  
9 public or private agencies, including juvenile courts, to  
10 community groups concerned with the prevention of juvenile  
11 delinquency in the planning and developing of measures to reduce  
12 the incidence of delinquency and to make grants to political  
13 subdivisions for delinquency prevention projects developed  
14 jointly with the department;

15 (2) To offer consultation, guidance and assistance to public  
16 and voluntary agencies and institutions, including the juvenile  
17 courts, in developing, strengthening and improving programs for  
18 predisposition study, probation supervision, institutional  
19 treatment and after-care of delinquent youth, including training  
20 courses for personnel of the agencies and institutions. In order  
21 to develop or strengthen police and probation services for  
22 juveniles, and upon assurance that such services will meet  
23 standards approved by the department, the department shall make  
24 annual grants to political subdivisions.

25 Section 723. Gifts and Donations.--Through the secretary or  
26 his designee, the department may accept or refuse grants,  
27 appropriations, contributions, or unencumbered property, real,  
28 personal or mixed, tangible or intangible, or any interest  
29 therein, for the purposes described in this section from the  
30 Federal government, the Commonwealth and any donor. All grants,

1 appropriations and contributions of money accepted shall be held  
2 by the State Treasurer as custodian for the [Department of  
3 Public Welfare] department and shall be paid out on its  
4 requisition to further the objectives of this article.

5 Section 6. Section 746 of the act, added July 27, 1973  
6 (P.L.231, No.61), is amended to read:

7 Section 746. Definitions.--As used in this act:

8 "Child" means any individual who has not yet passed his  
9 eighteenth birthday and includes one conceived but not yet born.

10 "Department" means the Department of [Public Welfare] Human  
11 Services of this Commonwealth.

12 "Person" means an individual, agency, association,  
13 corporation or institution.

14 "Placement" means either effecting admission of a child to an  
15 institution, except an educational institution, or effecting his  
16 reception in a family home, whether or not a charge is made for  
17 his care by the institution or family home.

18 Section 7. Sections 763 and 764 of the act, added July 25,  
19 1973 (P.L.205, No.50), are amended to read:

20 Section 763. Definitions.--(1) As used in paragraph (a) of  
21 Article V of the Interstate Compact on the Placement of  
22 Children, the phrase "appropriate authority in the receiving  
23 state," with reference to this State, shall mean the Department  
24 of [Public Welfare] Human Services;

25 (2) As used in Article III of the Interstate Compact on the  
26 Placement of Children, the "appropriate public authorities"  
27 shall, with reference to this State, mean the Department of  
28 [Public Welfare] Human Services and said department shall  
29 receive and act with reference to notices required by said  
30 Article III;

(3) As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the Governor of the Commonwealth of Pennsylvania. The Governor is hereby authorized to designate an officer who shall be the compact administrator in accordance with the terms of said Article VII.

Section 764. Agreements.--The officers and agencies of this State and its subdivisions, having authority to place children, are hereby empowered to enter into agreements with appropriate officers or agencies of, or in, other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this State, or subdivision, or agency thereof, shall not be binding unless it has the approval in writing, of the Secretary of [Public Welfare] Human Services in the case of the State or any agency thereof and of the local [public welfare] human services administrative authority in the case of a subdivision of the State.

Section 8. Section 773(a) of the act, added December 30, 1974 (P.L.1039, No.339), is amended to read:

Section 773. Rules and Regulations.--(a) The [Department of Public Welfare] department shall establish and develop criteria and promulgate necessary regulations for public child welfare agencies to implement an adoption opportunity in accordance with the provisions of this subdivision (e).

\* \* \*

Section 9. This act shall take effect in 60 days.