

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2932 Session of
2004

INTRODUCED BY PHILLIPS, HARHART, GEIST, FAIRCHILD, ALLEN,
ARMSTRONG, BEBKO-JONES, BUNT, CAPPELLI, DAILEY, FLEAGLE,
S. MILLER, REICHLEY, RUBLEY, SATHER, SAYLOR, WATSON,
CRAHALLA, MCGILL, GINGRICH AND E. Z. TAYLOR, OCTOBER 20, 2004

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 20, 2004

AN ACT

1 Amending Titles 23 (Domestic Relations) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, establishing the Child Abuse Multidisciplinary
4 Response Account; providing for duties of the Pennsylvania
5 Commission on Crime and Delinquency; making an appropriation;
6 and further providing for deposits into account.

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

9 Section 1. Chapter 63 of Title 23 of the Pennsylvania
10 Consolidated Statutes is amended by adding a subchapter to read:

11 SUBCHAPTER F

12 MULTIDISCIPLINARY RESPONSE TO CHILD ABUSE

13 Sec.

14 6391. Short title of subchapter.

15 6392. Declaration.

16 6393. Definitions.

17 6394. Additional eligibility requirements.

18 6395. Establishment of Child Abuse Multidisciplinary Response
19 Account.

1 6396. Purpose of account.

2 6397. Distribution of funds.

3 § 6391. Short title of subchapter.

4 This subchapter shall be known and may be cited as the Child
5 Advocacy Center Funding Act.

6 § 6392. Declaration.

7 The General Assembly finds and declares as follows:

8 (1) That the protection of children who have been abused
9 or neglected and who may be further threatened by the conduct
10 of persons responsible for their health, safety or welfare is
11 of paramount importance.

12 (2) That in responding to a report of child abuse, the
13 best interests of the child shall be the highest priority.

14 (3) That the best interests of a child who has been
15 abused or neglected are best met utilizing a
16 multidisciplinary response.

17 (4) That a multidisciplinary response that effectively
18 utilizes the full panoply of services available through a
19 child advocacy center provides a community-based,
20 comprehensive and coordinated child abuse intervention to
21 ensure that throughout the investigation and the ongoing
22 delivery of medical, social, legal and advocacy services to
23 the child, the child's best interests remain the priority.

24 § 6393. Definitions.

25 The following words and phrases when used in this subchapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Account" or "CAMRA." The Child Abuse Multidisciplinary
29 Response Account established in section 6395 (relating to
30 establishment of Child Abuse Multidisciplinary Response

1 Account).

2 "Child abuse." As defined in section 6303(b) (relating to
3 definitions), except that the term shall not be limited to acts
4 or omissions committed or alleged to have been committed by a
5 perpetrator.

6 "Child advocacy center." A local public agency in this
7 Commonwealth, or a not-for-profit entity incorporated in this
8 Commonwealth that is tax exempt under section 501(c)(3) of the
9 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
10 501(c)(3)) or any successor provision, which operates within
11 this Commonwealth, for the primary purpose of providing a child-
12 focused, facility-based program dedicated to coordinating a
13 formalized multidisciplinary response to suspected child abuse.
14 At a minimum, either on site or through a partnership with
15 another entity or entities, a child advocacy center shall assist
16 county agencies, investigative teams and law enforcement by
17 providing services, including forensic interviews, medical
18 evaluations, therapeutic interventions, victim support and
19 advocacy, team case reviews and a system for case tracking.

20 "Commission." The Pennsylvania Commission on Crime and
21 Delinquency.

22 "Eligible applicant." A county's multidisciplinary team and
23 a child advocacy center endorsed by the district attorney, who
24 file a joint application for a grant pursuant to this
25 subchapter. In counties of the first and second class there
26 shall be no more than two eligible applicants in each county,
27 and in all other classes of counties there shall be no more than
28 one eligible applicant per county. A child advocacy center
29 holding full membership in the National Children's Alliance
30 prior to the effective date of this subchapter shall not require

1 endorsement by the district attorney so long as the center's
2 full membership is in good standing. A child advocacy center
3 exempted from district attorney endorsement that subsequently
4 loses full membership in the National Children's Alliance shall
5 obtain the endorsement of the district attorney in order to be
6 an eligible applicant.

7 "Investigative team." An investigative team convened by the
8 district attorney pursuant to section 6365 (relating to services
9 for prevention, investigation and treatment of child abuse).

10 "Lobbying activities." Any effort to influence Federal,
11 State or local legislative or administrative action, including,
12 but not limited to, activities intended to influence the
13 issuance, amendment or revocation of any executive or
14 administrative order or regulation of a Federal, State or local
15 agency, or to influence the introduction, amendment, passage or
16 defeat of any legislation by the Congress of the United States
17 or by any State or local legislative body.

18 "Multidisciplinary response." A response to suspected child
19 abuse in which child protective services, law enforcement,
20 prosecution, victim support and advocacy agencies and medical
21 and mental health professionals cooperate pursuant to a written
22 protocol to provide coordinated intervention that assures that
23 children are connected to services that are necessary to provide
24 for their safety, health and well-being, and that as part of the
25 coordinated response, children are interviewed regarding the
26 suspected child abuse in a coordinated and child-focused manner
27 to avoid duplication of fact-finding and to minimize additional
28 trauma to the child.

29 "Multidisciplinary team." A multidisciplinary team
30 established in a county as required by section 6365 (relating to

1 services for prevention, investigation and treatment of child
2 abuse).

3 § 6394. Additional eligibility requirements.

4 The Pennsylvania Commission on Crime and Delinquency, in
5 consultation with the Department of Health, the Department of
6 Public Welfare, the Attorney General, a representative of a
7 Statewide association representing a majority of the elected
8 district attorneys in this Commonwealth, a representative of a
9 Statewide private, nonprofit association advancing
10 multidisciplinary responses to child abuse, a representative of
11 a Statewide organization representing a majority of the county
12 agency administrators and a representative of a Statewide
13 organization that has as its primary purpose the coordination
14 and operation of rape crisis programs shall adopt criteria for
15 determining whether a child advocacy center program qualifies as
16 a child advocacy center as defined in section 6393 (relating to
17 definitions). The commission may consider whether a child
18 advocacy center meets or is striving to meet all of the current
19 standards for accreditation as set forth by the National
20 Children's Alliance.

21 § 6395. Establishment of Child Abuse Multidisciplinary Response
22 Account.

23 There is established in the State Treasury a nonlapsing
24 restricted receipt account to be known as the Child Abuse
25 Multidisciplinary Response Account (CAMRA) for the deposit of
26 the additional fees as provided in 42 Pa.C.S. § 3733(a.1)(2)(iv)
27 (relating to deposits into account).

28 § 6396. Purpose of account.

29 (a) Permitted use.--Except as provided in subsection (d),
30 all money in the account and any investment income accrued shall

1 be used exclusively to provide additional resources to eligible
2 applicants in the form of nonmatching grants to assist each
3 eligible applicant with the coordination of efforts related to
4 the prevention, investigation and treatment of child abuse.

5 (b) Account administration.--The commission shall administer
6 the account and establish procedures related to the application
7 process for, determination of and distribution of funds to each
8 eligible applicant under this subchapter. The commission may
9 withhold annually an amount not exceeding 5% of the funds
10 deposited into the account in the prior fiscal year to offset
11 the actual costs incurred by the commission in administering the
12 fund.

13 (c) Prohibited use.--Recipients of funds under this
14 subchapter are prohibited from using these funds to contribute
15 to or be made available to any political party or association or
16 the campaign of any candidate for public or party office or
17 similar political activities or to support or oppose candidates
18 for public or party office or to support or oppose any ballot
19 questions or to engage in lobbying activities, except that a
20 recipient of funds may engage in lobbying activities in response
21 to a request from a governmental agency, legislative body,
22 committee, member or staff thereof made to the recipient.

23 § 6397. Distribution of funds.

24 All money deposited in the account and any investment income
25 accrued are hereby annually appropriated to the commission and
26 shall be distributed annually, upon requisition of the executive
27 director of the commission, for the purpose set forth in section
28 6396(a) (relating to purpose of account).

29 Section 2. Section 3733(a.1) of Title 42 is amended to read:

30 § 3733. Deposits into account.

1 * * *

2 (a.1) Additional fees.--

3 (1) In addition to the court costs and filing fees
4 authorized to be collected by statute:

5 (i) An additional fee of [\$10] \$20 shall be charged
6 and collected by the prothonotaries of the Pennsylvania
7 Supreme, Superior and Commonwealth Courts for each
8 initial filing for which a fee, charge or cost is now
9 authorized.

10 (ii) An additional fee of [\$10] \$20 shall be charged
11 and collected by the prothonotaries, clerks of orphans'
12 courts and registers of wills of all courts of common
13 pleas, or by any officials designated to perform the
14 functions thereof, for the initiation of any civil action
15 or legal proceeding.

16 (iii) An additional fee of \$10 shall be charged by
17 the clerks of courts of all courts of common pleas, or by
18 any officials designated to perform the functions
19 thereof, for the initiation of any criminal proceeding
20 for which a fee, charge or cost is now authorized and a
21 conviction is obtained or guilty plea is entered.

22 (iv) An additional fee of \$10 shall be charged and
23 collected by the minor judiciary, including district
24 justices, Philadelphia Municipal Court, Philadelphia
25 Traffic Court and Pittsburgh Magistrates Court, for the
26 initiation of a legal proceeding for which a fee or cost
27 is now authorized, except that in criminal, summary and
28 traffic matters the fee shall be charged only when a
29 conviction is obtained or guilty plea is entered.

30 (v) An additional fee of \$10 shall be charged and

1 collected by the recorders of deeds and clerks of court,
2 or by any officials designated to perform similar
3 functions, for each filing of a deed, mortgage or
4 property transfer for which a fee, charge or cost is now
5 authorized.

6 (2) The additional fees identified in paragraph (1)
7 shall be fixed and charged for the fiscal years as indicated:

8 (i) For the fiscal year 2002-2003, \$9 of each
9 additional fee shall be deposited into the Judicial
10 Computer System Augmentation Account, and \$1 of each
11 additional fee shall be deposited into the Access to
12 Justice Account under section 4904 (relating to
13 establishment of Access to Justice Account).

14 (ii) For the fiscal years 2003-2004 and 2004-2005,
15 \$8.50 of each additional fee shall be deposited into the
16 Judicial Computer System Augmentation Account, and \$1.50
17 of each additional fee shall be deposited into the Access
18 to Justice Account under section 4904.

19 (iii) For the fiscal year 2005-2006 and each fiscal
20 year thereafter, except as provided in subparagraph (iv),
21 \$8 of each additional fee shall be deposited into the
22 Judicial Computer System Augmentation Account, and \$2 of
23 each additional fee shall be deposited into the Access to
24 Justice Account under section 4904.

25 (iv) The additional fees identified in paragraph
26 (1)(i) and (ii) shall be deposited as follows:

27 (A) \$8 of the additional fee shall be deposited
28 into the Judicial Computer System Augmentation
29 Account;

30 (B) \$2 of the additional fee shall be deposited

1 into the Access to Justice Account under section
2 4904; and
3 (C) \$10 of the additional fee shall be deposited
4 into the Child Abuse Multidisciplinary Response
5 Account established under 23 Pa.C.S. § 6395 (relating
6 to establishment of Child Abuse Multidisciplinary
7 Response Account).

8 (3) The moneys charged and collected under this
9 subsection shall be paid to the court imposing the fee, which
10 shall transfer the moneys to the Department of Revenue for
11 deposit into the appropriate account. For the purposes of
12 paragraph (1)(v), the court shall be the court of common
13 pleas.

14 * * *

15 Section 3. This act shall take effect January 1, 2005.