

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1060 Session of  
1991

INTRODUCED BY HOPPER, GREENWOOD, JUBELIRER, PETERSON, MADIGAN,  
SHUMAKER, BELAN, WENGER, REIBMAN, SCANLON, SALVATORE,  
SCHWARTZ, STOUT, RHOADES, HART, O'PAKE, LAVALLE, CORMAN,  
BELL, LYNCH AND ANDREZESKI, MAY 13, 1991

REFERRED TO AGING AND YOUTH, MAY 13, 1991

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," further providing for  
4 payments to counties for services for children; and making  
5 editorial changes.

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

8 Section 1. Section 704.1 of the act of June 13, 1967  
9 (P.L.31, No.21), known as the Public Welfare Code, added July 9,  
10 1976 (P.L.846, No.148), is amended to read:

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

18 (1) Eighty percent of the cost of an adoption subsidy paid

1 pursuant to subdivision (e) of Article VII of this act.

2 (2) No less than seventy-five percent and no more than  
3 ninety percent of the reasonable cost including staff costs of  
4 child welfare services, informal adjustment services provided  
5 [pursuant to section 8 of the act of December 6, 1972 (P.L.1464,  
6 No.333), known as the "Juvenile Act,"] under 42 Pa.C.S. § 6323  
7 (relating to informal adjustment), and such services approved by  
8 the department, including but not limited to, foster home care,  
9 group home care, shelter care, including, but not limited to,  
10 runaway and homeless youth shelter care, runaway and homeless  
11 youth programs, community residential care, youth service  
12 bureaus, day treatment centers and service to children in their  
13 own home and any other alternative treatment programs approved  
14 by the department.

15 (3) Sixty percent of the reasonable administrative costs  
16 approved by the department except for those staff costs included  
17 in clause (2) of this section as necessary for the provision of  
18 child welfare services.

19 (4) Fifty percent of the actual cost of care and support of  
20 a child placed by a county child welfare agency or a child  
21 committed by a court [pursuant to the act of December 6, 1972  
22 (P.L.1464, No.333), known as the "Juvenile Act,"] under 42  
23 Pa.C.S. Ch. 63 to the legal custody of a public or private  
24 agency approved or operated by the department other than those  
25 services described in clause (2). The Auditor General shall  
26 ascertain the actual expense for fiscal year 1974-1975 and each  
27 year thereafter by the Department of Public Welfare for each of  
28 the several counties and each city of the first class whose  
29 children resident within the county or city of the first class  
30 directly received the benefit of the Commonwealth's expenditure.

1 The Auditor General shall also ascertain for each Commonwealth  
2 institution or facility rendering services to delinquent or  
3 deprived children the actual average daily cost of providing  
4 said services. The Auditor General shall certify to each county  
5 and city of the first class the allocated Commonwealth  
6 expenditures incurred on behalf of its children and notify the  
7 Secretary of Public Welfare and each county and city of the  
8 first class of same.

9 (5) Fifty percent of the reasonable cost of medical and  
10 other examinations and treatment of a child ordered by the court  
11 [pursuant to the act of December 6, 1972 (P.L.1464, No.333),  
12 known as the "Juvenile Act,"] under 42 Pa.C.S. Ch. 63 and the  
13 expenses of the appointment of a guardian pendente lite,  
14 summons, warrants, notices, subpoenas, travel expenses of  
15 witnesses, transportation of the child, and other like expenses  
16 incurred in proceedings under [the act of December 6, 1972  
17 (P.L.1464, No.333), known as the "Juvenile Act."] 42 Pa.C.S. Ch.  
18 63.

19 (b) The department shall make additional grants to any  
20 county institution district or its successor to assist in  
21 establishing new services to children in accordance with a plan  
22 approved by the department for up to the first three years of  
23 operation of those services. [In order to provide necessary  
24 information to the General Assembly relative to the grants  
25 provided under this subsection, a report will be developed by  
26 the Legislative Budget and Finance Committee and provided to the  
27 members of the General Assembly no later than July 1, 1980,  
28 concerning all grants made and expenditures accomplished under  
29 the provisions of this subsection for the period up to and  
30 including December 31, 1979. This report shall include

1 information on the amount of moneys that went to individual  
2 counties and a description of activities and services financed  
3 with these moneys including the number and types of clients  
4 served under each of the grant programs and any other  
5 information necessary in order to fully inform the General  
6 Assembly on such programs. All officials of the Department of  
7 Public Welfare, grant recipient county organizations, and other  
8 agencies which receive State moneys under the provisions of this  
9 subsection shall cooperate with the committee and its staff in  
10 carrying out this reporting requirement, including making  
11 available all necessary fiscal and programmatic data.]

12 (c) No payment pursuant to subsection (a)(2), (3) or (4) or  
13 of subsection (b) shall be made for any period in which the  
14 county institution district or its successor fails to  
15 substantially comply with the regulations of the department  
16 promulgated pursuant to section 703 including but not limited to  
17 those regulations relating to minimum child welfare services,  
18 minimum standards of child welfare services and minimum  
19 standards of child welfare administration on a merit basis.

20 (d) Amounts due from county institution districts or their  
21 successors for children committed to facilities operated by the  
22 department shall be paid by the counties to the Department of  
23 Revenue by orders to be drawn by the duly authorized agent of  
24 the Department of Revenue at each youth development center or  
25 forestry camp on the treasurers of such counties, who shall  
26 accept and pay the same to the Department of Revenue. Promptly  
27 after the last calendar day of each month the agent of the  
28 Department of Revenue shall mail accounts to the commissioners  
29 of such counties as may have become liable to the Commonwealth  
30 during the month under the provisions of this section. These

1 accounts shall be duly sworn or affirmed to, and it shall be the  
2 duty of said commissioners, immediately upon receipt of such  
3 accounts, to notify the treasurers of their respective counties  
4 of the amounts of said accounts, with instructions to pay  
5 promptly to the Department of Revenue the amounts of said orders  
6 when presented. It shall then be the duty of such county  
7 treasurers to make such payments as instructed by their  
8 respective county commissioners. In lieu of payments by the  
9 county to the Commonwealth, the department may deduct the amount  
10 due the Commonwealth from the reimbursement payments by the  
11 department to the county institution districts or their  
12 successors.

13 (e) If, after due notice to the parents or other persons  
14 legally obligated to care for and support the child, and after  
15 affording them an opportunity to be heard, the court finds that  
16 they are financially able to pay all or part of the costs and  
17 expenses stated in subsection (a), the court may order them to  
18 pay the same and prescribe the manner of payment. Unless  
19 otherwise ordered, payment shall be made to the clerk of the  
20 court for remittance to the person to whom compensation is due,  
21 or if the costs and expenses have been paid by the county, to  
22 the appropriate officer of the county.

23 (f) The department shall prescribe the time at, and the form  
24 on which county institution districts or their successors shall  
25 submit to the department annual estimates of who will be served  
26 and the cost of such service under each category of service set  
27 forth in subsection (a).

28 (g) The department shall, within forty-five days of each  
29 calendar quarter, pay fifty percent of the department's share of  
30 the county institution district's or its successor's estimated

1 expenditures for that quarter.

2 [(h) At the end of each of calendar years 1978 and 1979,  
3 every county shall compare the amount received in child welfare  
4 reimbursements for calendar year 1976 pursuant to section 704 of  
5 this act and section 36 of the act of December 6, 1972  
6 (P.L.1464, No.333), known as the "Juvenile Act," with child  
7 welfare reimbursements received for each of calendar years 1978  
8 and 1979 pursuant to this section. The resulting difference in  
9 reimbursements for child welfare services received between  
10 calendar year 1976 and each of calendar years 1978 and 1979  
11 shall then be compared with the amount the county paid in each  
12 of calendar years 1978 and 1979 for youth development center or  
13 forestry camp commitments pursuant to subsection (a)(4). If  
14 there is an increase in reimbursements for child welfare  
15 services and that increase is less in either or both of calendar  
16 years 1978 and 1979 than the amount expended by the county for  
17 its share of the cost of youth development center and forestry  
18 camp commitments, then any such county shall be entitled to  
19 receive additional block grants as provided in subsection (b)  
20 equal to the amount of such difference.]

21 Section 2. This act shall take effect in 60 days.