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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1157** Session of  
1985

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INTRODUCED BY KUKOVICH, GREENWOOD, SWEET, GALLAGHER, WAMBACH,  
FREEMAN, LINTON, PISTELLA, DALEY, PERZEL, HALUSKA, BATTISTO,  
NAHILL, STABACK, JOSEPHS, WIGGINS, LASHINGER, DAWIDA, FOX,  
E. Z. TAYLOR, WAMBACH, AFFLERBACH, TRUMAN, ACOSTA AND TRELLO,  
MAY 8, 1985

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 8, 1985

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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  
16 have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

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

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

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

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

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

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

28 "Trust fund." The Children's Trust Fund established by  
29 section 8.

30 Section 4. Children's Trust Fund Board.

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

9 (b) Board composition.--The board shall consist of 15  
10 members. Three shall be members of the Senate appointed by the  
11 President pro tempore of the Senate, and three shall be members  
12 of the House of Representatives appointed by the Speaker of the  
13 House of Representatives. 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. The Governor shall appoint nine public  
16 members, to be confirmed by majority vote of the Senate. Public  
17 members appointed under this subsection shall demonstrate  
18 knowledge in the area of children's services; be representative  
19 of the demographic composition of this Commonwealth; and, to the  
20 extent possible, be representative of parents, the educational  
21 community, the religious community, organized labor, the  
22 business community, the legal community, and professionals and  
23 volunteers in the field of children's or victims' services.

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

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

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

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

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

#### Section 5. Powers and duties of board.

The board has the following powers and duties:

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

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

(3) Develop and publicize criteria for the granting of

1 trust fund money to eligible programs.

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

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

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

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

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

25 (7) Accept Federal funds granted by Congress and accept  
26 State funds granted by the General Assembly for the purposes  
27 of this act, as well as gifts and donations from individuals,  
28 private organizations or foundations. Funds received shall be  
29 transmitted to the State Treasurer for deposit in the trust  
30 fund. Federal funds accepted under this paragraph may not be

1       used to provide a match for other Federal funds.

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

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

11  Section 7.   Powers and duties of State Treasurer.

12       On an annual basis, the State Treasurer shall make available  
13  to the board for its use, consistent with section 5, an amount  
14  equal to one-half of the funds received by the trust in the  
15  previous fiscal year until the principal of the trust equals  
16  \$20,000,000, at which time the State Treasurer shall make  
17  available to the board the total interest earned on the assets  
18  of the trust fund during the prior 12-month period. The actual  
19  and necessary expenses incurred by the board in performing its  
20  duties shall be paid out of the trust fund allocation made  
21  available by the State Treasurer. The annual allocation from the  
22  trust fund to the board may not be an amount greater than 5% of  
23  its most recent annual allocation.

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

26       The Department of Health shall collect a surcharge of \$4 for  
27  certified copies of records of birth and a surcharge of \$5 for  
28  copies of transcripts of marriage license applications  
29  pertaining to executed marriage license certificates under  
30  section 601 of the act of June 29, 1953 (P.L.304, No.66), known

1 as the Vital Statistics Law of 1953. These surcharges shall be  
2 paid into a special nonlapsing Children's Trust Fund, which is  
3 established for the purposes described in this act. Funding for  
4 existing or ongoing services of State or local agencies shall  
5 not be replaced by the trust fund.

6 Section 9. Effective date.

7 This act shall take effect in 90 days.