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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 292

Session of  
1985

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INTRODUCED BY O'PAKE, HOPPER, GREENLEAF, SINGEL, SHAFFER,  
ANDREZESKI, HELFRICK, STOUT, LYNCH, STAPLETON AND JONES,  
FEBRUARY 4, 1985

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REFERRED TO JUDICIARY, FEBRUARY 4, 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 child abuse and neglect prevention programs and  
13 services.

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:

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

1 "Child." Any person under 18 years of age.

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

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

9 "Prevention program." Any community-based program of direct  
10 provision of child abuse and neglect prevention services,  
11 including, but not limited to, educational services in  
12 parenting, prenatal care, perinatal bonding, child development,  
13 basic child care, care of children with special needs, coping  
14 with family stress, personal safety and sexual abuse prevention  
15 training for children, and self-care training for latch-key  
16 children; and community-based programs relating to crisis care,  
17 aid to parents, child-abuse counseling, peer support groups for  
18 abusive or potentially abusive parents and their children, lay  
19 health visitors, respite or crisis child care, and early  
20 identification of families where the potential for child abuse  
21 and neglect exists; except that funding for existing or ongoing  
22 services or programs of local or State government agencies shall  
23 not be replaced by funds available under this act.

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

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

1 Section 4. Children's Trust Fund Board.

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

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

26 (c) Term of office.--The term of each public member shall be  
27 three years, except that of the public members first appointed,  
28 three shall serve for three years, three shall serve for two  
29 years and three shall serve for one year. A public member shall  
30 serve no more than two consecutive terms, whether partial or

1 full. Each member shall serve until his successor is appointed.  
2 A vacancy shall be filled for the balance of the unexpired term  
3 in the same manner as the original appointment.

4 (d) Votes.--No member of the board, public or legislative,  
5 shall be empowered to delegate his vote.

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

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

15 (g) Compensation.--Board members shall serve without  
16 compensation but shall be reimbursed for all actual and  
17 reasonable expenses incurred in the performance of their  
18 official duties. All such reimbursements shall be allocated from  
19 funds available from the trust fund, under the terms of this  
20 act.

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

22 The board shall have the power and its duties shall be to:

23 (1) Develop, within one year of its establishment and  
24 biennially thereafter, a State plan for the availability and  
25 coordination of child abuse and neglect prevention services  
26 and programs, and for the distribution of funds from the  
27 trust fund. In developing the plan, the board shall review  
28 already existing prevention programs, and shall assure that  
29 an equal opportunity exists for the establishment of  
30 prevention programs and the receipt of trust fund money among

1 all geographic areas in this Commonwealth, and shall  
2 encourage the development of new and innovative programs and  
3 services. The board shall notify the Governor and the General  
4 Assembly that the plan is available.

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

8 (3) Develop and publicize criteria for the granting of  
9 trust fund money to eligible prevention programs.

10 (4) Administer and award trust fund money and monitor  
11 the expenditure of trust fund money by eligible prevention  
12 programs. Funds shall be awarded to any community-based child  
13 abuse and neglect prevention program deemed eligible by the  
14 board, if the organization or agency sponsoring the program  
15 meets the following criteria:

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

25 (ii) The organization or agency demonstrates the  
26 willingness and ability to provide program models and  
27 consultation to other organizations and the community  
28 regarding program development and maintenance.

29 (5) Prepare an annual report for the Governor and the  
30 General Assembly, including recommendations for legislative

1 action and regulatory change when needed and appropriate.

2 (6) Accept Federal funds granted by Congress, except  
3 that such funds shall not be used to provide a match for  
4 other Federal funds, and to accept State funds granted by the  
5 General Assembly for the purposes of this act, as well as  
6 gifts and donations from individuals, private organizations  
7 or foundations. All funds received shall be transmitted to  
8 the State Treasury for deposit in the trust fund.

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

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

18 Section 7. Powers and duties of State Treasury.

19 On an annual basis, the State Treasury shall make available  
20 to the board for its use, consistent with the provisions of  
21 section 5, an amount equal to only one-half of all funds  
22 received by the trust in the previous fiscal year until the  
23 principal of the trust equals \$20,000,000, at which time the  
24 State Treasury shall make available to the board only the total  
25 interest earned on the assets of the trust fund during the prior  
26 12-month period. The actual and necessary expenses incurred by  
27 the board in performing its duties shall be paid out of the  
28 trust fund allocation made available by the State Treasury. In  
29 no case shall the annual allocation from the trust fund to the  
30 board be charged an amount greater than 5% of its most recent

1 annual allocation for administrative costs of the board.

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

4 Notwithstanding any other statute to the contrary, at least  
5 \$2 of any fee imposed for issuance of each certified copy of a  
6 birth record by the Department of Health shall be paid into a  
7 special nonlapsing Children's Trust Fund, which is hereby  
8 established for the purposes described in this act.

9 Section 9. Effective date.

10 This act shall take effect in 90 days.