

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1773 Session of  
1991

INTRODUCED BY PICCOLA, BARLEY, BUNT, CLARK, CORNELL, DEMPSEY,  
FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, JADLOWIEC,  
JOHNSON, LANGTRY, MARSICO, NAILOR, PITTS, RAYMOND, REBER,  
RYAN, SAURMAN, SERAFINI, D. W. SNYDER, TOMLINSON, WOGAN AND  
R. C. WRIGHT, JUNE 25, 1991

REFERRED TO COMMITTEE ON AGING AND YOUTH, JUNE 25, 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 children's institutions; providing for youth centers; and  
5 making a repeal.

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

8 Section 1. Subarticle (d) of Article III of the act of June  
9 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, is  
10 repealed.

11 Section 2. Article VII of the act is amended by adding a  
12 subarticle to read:

ARTICLE VII

Children and Youth

\* \* \*

(f) Youth Centers

17 Section 781. Definitions.--As used in this subarticle:

18 "Youth center" means any incorporated or unincorporated

organization, society, corporation or agency, public or private,  
which may receive or care for delinquent minors, either at  
board, wages or free; or any individual who for hire, gain or  
reward, receives for care a child, unless he is related to such  
child by blood or marriage within second degree. The term shall  
include, but not be limited to, a youth development center and a  
youth forestry center. The term shall not include a family day-  
care home in which care is provided in lieu of parental care to  
six or less children for part of a twenty-four-hour day.

Section 782. Custody and Supervision.--(a) Juveniles  
committed to a youth center shall be in the custody of the  
department. The department shall assure that proper care,  
guidance and control are provided for those minors under the age  
of eighteen years committed under 42 Pa.C.S. Chapter 63  
(relating to juvenile matters). Such minors may remain committed  
until they attain twenty-one years of age.

(b) All youth centers shall be supervised by the department.  
Juveniles committed to a youth center shall remain under the  
supervision of the court.

(c) Whenever, in the judgment of the department, the  
rehabilitation of a committed minor will be served by his full  
or partial employment off the grounds of a youth center, the  
department may consent to such employment, provided, that the  
terms of the employment do not violate applicable labor or wage  
laws and that the minor returns to the center or his foster  
boarding home each day after work.

(d) Whenever, in the judgment of the department, a committed  
minor is ready for release, but is in need of continuing  
counseling from the youth center, the superintendent shall so  
advise the court. If the court approves, the minor shall be

1 released and the youth center shall provide counseling to him  
2 until the court approves its discontinuance or discharge.

3 Section 783. Operation of Facilities.--(a) The department  
4 shall divest itself of the actual operation of all State-owned  
5 and maintained youth development centers, including those  
6 centers located at Bensalem, New Castle, Loysville, Danville and  
7 Embreeville. The ownership of said facilities may remained with  
8 the Commonwealth. However, the department shall contract with  
9 private contractors for operation of said facilities.

10 (b) Private contractors operating within this Commonwealth  
11 must hold a valid license issued by the department, pursuant to  
12 Article IX.

13 Section 784. Contracts.--(a) Contracts executed under this  
14 subarticle shall include the following terms:

15 (1) The posting of an adequate performance bond by the  
16 private contractor.

17 (2) Proof of adequate insurance.

18 (3) A requirement that the private contractor comply with  
19 regulations of the department and with this act.

20 (4) A plan developed by the private contractor detailing all  
21 aspects of operations in the youth center.

22 (5) A requirement of annual contract review by the  
23 department.

24 (6) Proof that the private contractor holds a license issued  
25 by the department.

26 (7) A requirement of access by the department to all records  
27 of the private contractor.

28 (8) A requirement that the department provide a contract  
29 monitor at the youth center.

30 (9) A requirement for the first year of the contract that

the private contractor shall employ all current Commonwealth youth center employees. Employees may only be dismissed for cause.

(10) A requirement that all civil service policies, such as affirmative action and due process, are carried out by the provider.

(11) A provision that the determination as to which delinquent minors will be placed at the respective youth centers shall be at the discretion of the court and not the contractor.

(12) A provision that youth centers may not accept custody of delinquents placed by a court outside of the Commonwealth.

(b) Contracts shall be conditioned upon all of the following:

(1) The private contractor's assumption of liability caused by or arising out of all aspects of operation of youth centers.

(2) A provision of security services, including, but not limited to, escape or other emergency situations, legal fees and damage awards, involving the private contractor and the department.

(3) Liability insurance covering the private contractor and its officers, employees and agents in an amount sufficient to cover liability arising out of the operation of the youth center. A copy of the proposed insurance policy for the first year shall be submitted for approval with the contract.

(c) Disapproval of a contract may be based on any reasonable grounds, including, but not limited to, the following:

(1) Inadequacy or inappropriateness of the proposed plan of operation.

(2) Failure to meet department regulations.

(3) Unsuitability of the proposed private contractor or its employees.

1     (4) Absence of required or desired contract provisions.

2     (5) Unavailability of adequate funds.

3     (6) Lack of proof of appropriate insurance.

4     (7) Absence of licensure by the department.

5     (d) Contracts executed under this act shall provide for  
6 termination for cause by the Commonwealth upon ninety days'  
7 notice to the private contractor. Termination shall be allowed  
8 for reasons which include, but are not limited to, the  
9 following:

10     (1) Failure to be licensed or to comply with regulations or  
11 the department.

12     (2) Failure to meet other contract provisions.

13     (3) Failure to meet the provisions of this act.

14     Section 785. Contract Monitor.--The contract monitor shall:

15     (1) Monitor compliance of the private contractor with terms  
16 of the contract.

17     (2) Supervise the administration, well-being and general  
18 welfare of children committed to youth centers.

19     (3) Insure that adequate social services, facilities for  
20 rehabilitation, care, guidance and control are maintained.

21     Section 786. Labor Disputes.--(a) (1) A private contractor  
22 shall notify the department sixty days prior to the termination  
23 of a labor contract.

24     (2) A private contractor shall notify the department  
25 immediately upon learning of a potential or impending strike.

26     (b) In the event of a strike, the department shall assume  
27 operation of the youth center and shall use Commonwealth  
28 resources necessary to operate the facility until the strike has  
29 ended. Costs incurred by the Commonwealth or the department  
30 shall be reimbursed by the private contractor.

1     Section 787. Emergencies.--(a) Upon the occurrence of an  
2 escape of a delinquent at a secured youth center facility, the  
3 facility shall immediately notify the local police within the  
4 county.

5     (b) Upon the occurrence of an emergency in a youth center  
6 the department shall have the authority to enter and control the  
7 facility until the emergency ends.

8     (c) Costs incurred by the Commonwealth or the department  
9 shall be reimbursed by the private contractor.

10    Section 788. Rules and Regulations.--The department shall,  
11 within six months of the effective date of this subarticle,  
12 promulgate rules and regulations for the provisions and  
13 operation of youth centers. These regulations shall include, but  
14 not be limited to:

15       (1) Staffing levels and emergency plans.

16       (2) Security requirements at a secured youth center.

17       (3) Minimum standards for the care of, guidance and control  
18 of children committed to a youth center.

19    Section 3. The definition of "children's institutions" in  
20 section 901 of the act, amended December 5, 1980 (P.L.1112,  
21 No.193), is amended and the section is amended by adding a  
22 definition to read:

23    Section 901. Definitions.--As used in this article--

24    "Children's institutions" means any incorporated or  
25 unincorporated organization, society, corporation or agency,  
26 public or private, which may receive or care for children, or  
27 place them in foster family homes, either at board, wages or  
28 free; or any individual who, for hire, gain or reward, receives  
29 for care a child, unless he is related to such child by blood or  
30 marriage within the second degree; or any individual, not in the

1 regular employ of the court or of an organization, society,  
2 association or agency, duly certified by the department, who in  
3 any manner becomes a party to the placing of children in foster  
4 homes, unless he is related to such children by blood or  
5 marriage within the second degree, or is the duly appointed  
6 guardian thereof. The term shall not include a family day care  
7 home in which care is provided in lieu of parental care to six  
8 or less children for part of a twenty-four hour day.

9 Additionally, the term shall not include a youth center.

10 \* \* \*

11 "Youth center" shall have the meaning given in section 781.

12 Section 4. Sections 902 and 921(b) of the act are amended to  
13 read:

14 Section 902. Supervisory Powers.--The department shall have  
15 supervision over:

16 (1) All State institutions;

17 (2) All supervised institutions;

18 (3) All children's institutions within this Commonwealth;

19 (4) All maternity homes and hospitals within this  
20 Commonwealth;

21 (5) Any labor or system of labor carried on in the penal,  
22 correctional or reformatory institutions of the State;

23 (6) Any system of reparation provided by the Commonwealth  
24 for relief from conditions caused by mine-caves, fire, flood, or  
25 other casualty, and constituting a menace to public safety and  
26 welfare;

27 (7) All boarding homes for children which have been licensed  
28 by the State;

29 (8) All institutions for adults within this Commonwealth[.];

30 (9) All youth centers.

Section 921. Additional Provisions Respecting Certain  
Institutions; Purpose; Definitions; Standards; Inspection.--\* \*

(b) As used in this section, "institution" means an  
establishment which furnishes (in single or multiple facilities)  
food and shelter to three or more persons unrelated to the  
proprietor, and which provides some care or service which meet  
some need beyond the basic provisions of food, shelter and  
laundry. The term "institution" shall include, but not be  
limited to, homes for the aged and infirm, nursing homes,  
convalescent homes, rehabilitation centers providing living-in  
facilities, boarding homes for adults which provide personal  
care and services, hospitals, [and] infirmaries providing  
living-in arrangements and youth centers.

\* \* \*

Section 5. Section 1001 of the act is amended by adding a  
definition to read:

Section 1001. Definitions.--As used in this article--

\* \* \*

"Youth center" shall have the meaning given in section 781.

Section 6. Section 1006 of the act, amended December 21,  
1988 (P.L.1883, No.185), is amended to read:

Section 1006. Fees.--(a) Annual licenses shall be issued  
when the proper fee, if required, is received by the department  
and all the other conditions prescribed in this act are met. For  
personal care homes, the fee shall be an application fee. The  
fees shall be:

Facility	Annual Fee
Adult day care center	\$ 15
Mental health establishment	50



1	Personal care home--	0 - 20 beds	15
2		-- 21 - 50 beds	20
3		-- 51 - 100 beds	30
4		--101 beds and above	50
5		<u>--youth center</u>	<u>100</u>

6     (b) No fee shall be required for the annual license in the  
7 case of day care centers, family day care homes, boarding homes  
8 for children or for public or nonprofit mental institutions.

9     Section 7. This act shall take effect in 60 days.