

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1622 Session of
2003

INTRODUCED BY HARHART, REICHLEY, TRUE, BROWNE, CAPPELLI,
CRAHALLA, DALLY, GEIST, GEORGE, GRUCELA, HORSEY, LEWIS,
SATHER, SEMMEL, SHANER, SOLOBAY, R. STEVENSON, E. Z. TAYLOR,
WATERS, WATSON, YOUNGBLOOD AND YUDICHAK, JUNE 16, 2003

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 2003

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for prevention services for
3 certain children and families; establishing the Office of
4 Prevention Services and the Prevention Services Board; and
5 providing for prevention services coordinators and for block
6 grants.

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 D.1

12 PREVENTION SERVICES FOR CHILDREN AND FAMILIES

13 Sec.

14 6379.1. Short title of subchapter.

15 6379.2. Legislative findings and purpose.

16 6379.3. Definitions.

17 6379.4. Office of Prevention Services.

18 6379.5. Director of Office of Prevention Services.

19 6379.6. Prevention Services Board.

1 6379.7. Prevention services coordinators.

2 6379.8. Cooperation.

3 6379.9. Block grants.

4 6379.10. Request for proposal process.

5 6379.11. Annual report.

6 § 6379.1. Short title of subchapter.

7 This subchapter shall be known and may be cited as the
8 Prevention Services for Children and Families Act.

9 § 6379.2. Legislative findings and purpose.

10 (a) Findings.--The General Assembly finds the following:

11 (1) The Commonwealth should develop a coordinated
12 strategy to reduce the number of child placements, preserve
13 the family unit and foster reunification where appropriate
14 and consistent with the child's health and safety and improve
15 permanency planning for children and families.

16 (2) The Commonwealth and local communities should
17 strengthen efforts to prevent child abuse and neglect and
18 concentrate on critical problem areas that lead to the
19 placement of children within the children and youth services
20 delivery system, including, but not limited to, poverty,
21 ineffectual parenting, lack of child supervision
22 (particularly during after-school hours), drug and alcohol
23 abuse, domestic violence, unmet housing needs, truancy,
24 juvenile delinquency and indicators generally associated with
25 child well-being, such as the following:

26 (i) The percentage of low birth-weight babies.

27 (ii) The infant mortality rate.

28 (iii) The child death rate.

29 (iv) The rate of teen deaths by accident, homicide
30 and suicide.

1 (v) The teen birth rate.

2 (vi) The percentage of teens who do not graduate
3 from high school.

4 (vii) The percentage of teens not attending school
5 and not working.

6 (viii) The percentage of children living in families
7 where no parent has full-time, year-round employment.

8 (ix) The percentage of children living in poverty.

9 (x) The percentage of families with children headed
10 by a single parent.

11 (3) Out-of-home placements represent a growing expense
12 for the Commonwealth and may often be unnecessary if
13 reasonable steps are taken to help families before their
14 problems become critical and merit intervention by the
15 children and youth services delivery system.

16 (4) The mandate of the Adoption and Safe Families Act of
17 1997 (Public Law 105-89, 111 Stat. 2115) to make timely
18 permanency decisions for children in placement can make it
19 difficult for some families ever to be reunified once they
20 are separated.

21 (5) Unfortunately, out-of-home placements do not always
22 serve children's long-term interests and a large number of
23 children formerly in foster care are later convicted of
24 criminal offenses and incarcerated.

25 (6) Too often, prevention services are given inadequate
26 attention because they are not the primary responsibility of
27 any existing Commonwealth agency.

28 (7) To improve prevention services, it is essential to
29 further develop research into the efforts that best succeed
30 so that successful efforts may be replicated and expanded.

1 (8) An entity charged specifically with coordinating
2 programs, services and funding to prevent child placements
3 will foster innovative prevention efforts and be better
4 equipped to develop cross-systems approaches to deliver
5 services to children and families.

6 (9) Given the long-term effectiveness of prevention
7 services and the need for a specific commitment of financial
8 resources for prevention services, increased program
9 development and coordination is necessary to ensure that a
10 minimum of 5% of the budgets of all Commonwealth agencies
11 serving children and families is devoted to prevention
12 services.

13 (10) County agencies and local communities should
14 prepare a prevention services plan to develop, coordinate and
15 oversee prevention services within their respective counties
16 and local communities.

17 (b) Purpose.--It is the purpose of this subchapter to
18 encourage prevention services through the establishment of an
19 Office of Prevention Services which will develop, coordinate and
20 oversee efforts to prevent child abuse and neglect, juvenile
21 delinquency, juvenile dependency, school dropouts, truancy,
22 violence and the need for out-of-home placements.

23 § 6379.3. Definitions.

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

27 "Agency." A public or private entity, including a county
28 agency, that provides child-care services.

29 "Board." The Prevention Services Board set forth in section
30 6379.6 (relating to Prevention Services Board).

1 "Commonwealth agency." An executive branch department,
2 board, commission, authority, office or agency of the government
3 of this Commonwealth, whether or not subject to the policy
4 supervision of the Governor, which serves children and families.

5 "Coordinator." A prevention services coordinator set forth
6 in section 6379.7 (relating to prevention services
7 coordinators).

8 "Cross-systems approach." An effort to provide services to
9 children and families through services and programs under the
10 jurisdiction of more than one Commonwealth agency.

11 "Director." The Director of the Office of Prevention
12 Services established under section 6379.5 (relating to Director
13 of Office of Prevention Services).

14 "Office." The Office of Prevention Services established in
15 section 6379.4 (relating to Office of Prevention Services).

16 "Prevention service." A service for children and their
17 families which is primarily designed to prevent child abuse and
18 neglect, juvenile delinquency, juvenile dependency, school
19 dropouts, truancy, violence and the need for out-of-home
20 placements.

21 "Teen." A person who is between 13 and 18 years of age.

22 § 6379.4. Office of Prevention Services.

23 The Office of Prevention Services is established.

24 § 6379.5. Director of Office of Prevention Services.

25 (a) Appointment.--The Governor shall appoint a director of
26 the Office of Prevention Services, with the advice and consent
27 of the Senate, who shall serve at the pleasure of the Governor.

28 (b) Powers and duties.--The director shall have the
29 following powers and duties:

30 (1) To develop, coordinate and oversee existing

1 prevention services in this Commonwealth.

2 (2) To determine the effectiveness and cost-
3 effectiveness of existing prevention services.

4 (3) To identify best practices in prevention services
5 with attention to services provided by research-based
6 programs.

7 (4) To develop new and effective prevention services.

8 (5) To identify how existing prevention services may
9 continue.

10 (6) To develop improved prevention services for specific
11 populations underserved by existing prevention programs,
12 including, but not limited to, incarcerated parents and their
13 children, medically fragile children, chemically dependent
14 parents and children, parents and children with mental
15 illness or mental retardation, teenagers and teenage parents.

16 (7) To identify potential sources of funding for new and
17 existing prevention services, including sources not presently
18 utilized.

19 (8) To determine whether a minimum of 5% of the budget
20 of each Commonwealth agency is devoted to prevention services
21 and, if not, to suggest ways in which it can be done.

22 (9) To plan and coordinate cross-systems approaches to
23 prevention services.

24 (10) To provide technical assistance to Commonwealth
25 agencies and agencies within the counties and local
26 communities to develop prevention services.

27 (11) To assist county agencies and local communities in
28 preparing a prevention services plan to develop, coordinate
29 and oversee prevention services within their respective
30 counties and local communities.

1 (12) To assess demographic and other data in order to
2 assist Commonwealth agencies and agencies within the counties
3 and local communities in identifying areas of high need
4 regarding prevention services.

5 (13) To share information regarding prevention services
6 with coordinators, Commonwealth agencies and agencies within
7 the counties and local communities.

8 (14) To accept funds for prevention services from
9 various sources identified and pursued.

10 (15) To distribute block grants to counties as set forth
11 in section 6379.9 (relating to block grants).

12 (16) To oversee the request for proposal process as set
13 forth in section 6379.10 (relating to request for proposal
14 process).

15 (17) To provide technical assistance and information to
16 counties and agencies regarding block grants and the request
17 for proposal process to the extent practical as determined by
18 the director.

19 (18) To provide technical assistance to county agencies
20 regarding the development of a needs-based assessment to the
21 extent practical as determined by the director.

22 (19) To convene regular meetings of the board.

23 (20) To take such other actions as the director deems
24 necessary for the effective administration of the office.

25 (c) Administration of office.--The director shall have an
26 adequate budget, staff and office for the effective
27 administration of the office.

28 § 6379.6. Prevention Services Board.

29 (a) Composition.--The director shall be assisted by a
30 Prevention Services Board, which is established. The board shall

1 consist of the following individuals:

2 (1) The Secretary of Public Welfare or a designee.

3 (2) The Secretary of Health or a designee.

4 (3) The Secretary of Education or a designee.

5 (4) The Secretary of Labor and Industry or a designee.

6 (5) The Secretary of Community and Economic Development
7 or a designee.

8 (6) The Insurance Commissioner or a designee.

9 (7) The chairperson of the Pennsylvania Commission on
10 Crime and Delinquency or a designee.

11 (8) Any other individual that the director deems
12 necessary for the effective administration of the office.

13 (b) Expenses.--The members of the board are not entitled to
14 additional compensation for their service as members but shall
15 be entitled to reimbursement for all necessary expenses incurred
16 in connection with the performance of their duties as members.

17 § 6379.7. Prevention services coordinators.

18 (a) Designation.--Each county shall designate a prevention
19 services coordinator who shall be identified to the director.

20 (b) Powers and duties.--A prevention services coordinator
21 shall have the following powers and duties:

22 (1) To develop, coordinate and oversee existing
23 prevention services of agencies within the coordinator's
24 county and local communities.

25 (2) To determine the effectiveness and cost-
26 effectiveness of existing local prevention services.

27 (3) To tailor the best practice standards for prevention
28 services to meet the needs of the coordinator's county and
29 local communities.

30 (4) To develop new and effective local prevention

1 services.

2 (5) To identify how existing local prevention services
3 may continue.

4 (6) To develop improved local prevention services for
5 specific populations underserved by existing prevention
6 programs, including, but not limited to, incarcerated parents
7 and their children, medically fragile children, chemically
8 dependent parents and children, parents and children with
9 mental illness or mental retardation, teenagers and teenage
10 parents.

11 (7) To identify potential sources of funding for new and
12 existing local prevention services, including sources not
13 presently utilized.

14 (8) To determine whether a minimum of 5% of the budget
15 of each local governmental agency serving children and
16 families is devoted to prevention services and, if not, to
17 suggest ways in which it may be done.

18 (9) To plan and coordinate cross-systems approaches to
19 local prevention services.

20 (10) To prepare a prevention services plan to develop,
21 coordinate and oversee prevention services within the
22 coordinator's county and local communities.

23 (11) To assess county and local demographic and other
24 data in order to assist local agencies in the identification
25 of areas of high need regarding prevention services.

26 (12) To share information with the coordinator's county
27 and local communities, local agencies, the director and the
28 board regarding local prevention services and needs.

29 (13) To accept funds for prevention services from
30 various sources identified and pursued.

(14) To take such other actions as the coordinator deems necessary to carry out the coordinator's duties.

(c) Information.--A coordinator shall provide necessary information to the director for the purposes of preparing the annual report under section 6379.11 (relating to annual report).

§ 6379.8. Cooperation.

(a) Coordinators.--A coordinator shall cooperate with the director and board to the fullest extent possible.

(b) Commonwealth agencies.--Commonwealth agencies shall cooperate with and provide assistance to the director and board without financial reimbursement.

(c) Agencies.--All agencies within the counties and local communities shall cooperate with the director, the board and their respective coordinator to the fullest extent possible in providing information.

§ 6379.9. Block grants.

(a) Source.--Block grant funds shall be derived from sources identified and pursued by the director and from funds appropriated by the General Assembly from time to time.

(b) Distribution.--The director shall distribute block grants for prevention services to each county as provided in this section.

(c) Amount.--The amount of each county's block grant under this subchapter shall be based on the population of the county and county demographic information deemed relevant by the director, which may include the following:

(1) The county poverty rate and local incidence of homelessness.

(2) The incidence of high-risk behaviors for children and families in the county.

1 (3) The availability of existing prevention services in
2 the county and the need for additional prevention services in
3 the county.

4 (4) The number of children served by the county agency.

5 (5) Indicators generally associated with child well-
6 being in the county, including the following:

7 (i) The percentage of low birth-weight babies.

8 (ii) The infant mortality rate.

9 (iii) The child death rate.

10 (iv) The rate of teen deaths by accident, homicide
11 and suicide.

12 (v) The teen birth rate.

13 (vi) The percentage of teens who fail to graduate
14 from high school.

15 (vii) The percentage of teens not attending school
16 and not working.

17 (viii) The percentage of children living in families
18 where no parent has full-time, year-round employment.

19 (ix) The percentage of children living in poverty.

20 (x) The percentage of families with children headed
21 by a single parent.

22 (d) Adjustment.--The director may adjust the amount of block
23 grant funds distributed to a county based on the following:

24 (1) The availability of funds.

25 (2) A change in the demographic factors of the county.

26 (3) The overall effectiveness and cost-effectiveness of
27 prevention services in the county.

28 (4) Any other factor that the director deems reasonable
29 and necessary.

30 (e) County needs assessment.--The director shall determine

1 what percentage of a county's block grant may be used for the
2 county to assess its needs in developing and implementing
3 prevention services.

4 § 6379.10. Request for proposal process.

5 (a) County disbursement.--A county shall disburse the block
6 grant funds that it receives under section 6379.9 (relating to
7 block grants) through a request for proposal process as provided
8 in this section and shall discharge its duties impartially so as
9 to assure fair competitive access to block grant funds for
10 prevention services by responsible agencies that conduct
11 themselves in a manner fostering public confidence in the
12 integrity of the disbursement process.

13 (b) Application.--An agency or other entity that provides
14 prevention services may submit a proposal to the county for
15 block grant funds to develop and implement prevention services.

16 (c) Characteristics of prevention services.--Prevention
17 services that are considered through the request for proposal
18 process shall, to the fullest extent possible, be evidence-
19 based, replicable and innovative, consistently achieve positive
20 outcomes and yield results that are consistent with the program
21 design.

22 (d) Administrative costs.--A request for proposal may
23 contain a request for administrative costs that reflect the
24 anticipated operating expenses associated with the development
25 and implementation of prevention services.

26 (e) General standards of ethical conduct.--

27 (1) An attempt on the part of an agent of the county to
28 realize personal gain through the disbursement process or
29 engage in conduct inconsistent with the proper discharge of
30 the agent's duties is a breach of the public trust.

1 (2) An agent shall avoid any conflict of interest or
2 improper use of information regarding the disbursement or
3 request for proposal process.

4 (3) If any person has reason to believe that a breach of
5 standards has occurred, that person shall report all relevant
6 facts to the State Ethics Commission and the Attorney General
7 for appropriate action.

8 § 6379.11. Annual report.

9 The director shall submit to the Governor and the General
10 Assembly an annual report on the Office of Prevention Services.
11 The report shall include:

12 (1) A review of the prevention services undertaken by
13 Commonwealth agencies in the preceding year, including a
14 statement of the amount of funds expended for such services
15 and the number of children served.

16 (2) An evaluation of the effectiveness of prevention
17 services by agencies and recommendations regarding the future
18 provision of similar or additional prevention services.

19 (3) An evaluation of the need for prevention services in
20 this Commonwealth, including an assessment of such need at
21 the county and local community level.

22 (4) A review of the distribution of block grants to
23 counties.

24 (5) A review of county disbursement of block grant funds
25 through the request for proposal process.

26 (6) The identification of current and possible future
27 funding sources for prevention services.

28 (7) Recommendations for legislation or changes in rules
29 or policies, if any.

30 (8) Any other information which the director deems

- 1 appropriate.
- 2 Section 2. This act shall take effect in 180 days.