
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **266** Session of
1961

INTRODUCED BY MESSRS. PECHAN, HAWBAKER, WARE
AND SHAFER, FEBRUARY 21, 1961.

REFERRED TO COMMITTEE ON PUBLIC HEALTH AND
WELFARE, FEBRUARY 21, 1961.

AN ACT

Amending the act of June 24 1937 (P L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" revising the act further providing for aid to dependent children and the placing of such children in suitable homes setting standards for suitable homes and establishing children's centers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 Section 2 act of June 24 1937 (P L. 2051) known as
2 the "Public Assistance Law" amended May 15 1956 (P L. 1573) is
3 amended to read

4 Section 2 Definitions As used in this act unless otherwise indicated
5 (1) "Assistance" means assistance in money goods shelter medical
6 care work relief or services provided from or with State or Federal funds
7 for indigent persons who reside in Pennsylvania and need assistance to

1 provide for themselves and their dependents a decent and healthful
2 standard of living and for indigent homeless or transient persons The
3 word assistance shall be construed to include pensions for those blind
4 persons who are entitled to pensions as provided in this act and to include
5 also burial for those indigent persons who were receiving assistance at
6 the time of their death The word assistance shall also be construed to
7 include sufficient financial assistance to enable physically disabled persons
8 who require nursing home care as prescribed by responsible physicians to
9 secure adequate nursing home care even though the rate of such assistance
10 may be greater than the usual rate of assistance to persons who do not
11 need nursing home care

12 (2) "General Assistance" means assistance provided to persons en-
13 titled under this act to assistance other than dependent children aged per-
14 sons blind persons and disabled persons

15 (3) "Local Board" means any county board of assistance established
16 under the provisions of this act

17 (4) "Aged person" means any person who (i) is sixty-five years of
18 age or more (ii) is not at the time of receiving assistance an inmate of
19 a public institution and (iii) has not conveyed or transferred his real or
20 personal property of the value of five hundred dollars (\$500) or upwards

1 without fair consideration within two years preceding the date of making
2 such application

3 (5) "Blind person" means one who (i) is twenty-one years of age
4 or more (ii) has three-sixtieth or two two-hundredths or less normal vis-
5 ion (iii) is not receiving any other assistance during the period for which
6 he is receiving assistance as a blind person (iv) is not an inmate of any
7 prison jail insane asylum or any other public reform or correctional in-
8 stitution The pension of a blind person shall be seventy dollars (\$70) per
9 month Provided That any blind person with an actual income of two
10 thousand eight hundred eighty dollars (\$2880) or upwards and any
11 blind person having (i) real property with an assessed valuation of over
12 five thousand dollars (\$5000) or (ii) personal property with an actual
13 value of over five thousand dollars (\$5000) or (iii) a combination of real
14 and personal property with a total valuation of over five thousand dol-
15 lars (\$5000) the valuation of the real property to be determined by its
16 assessed valuation minus encumbrances the valuation of the personal
17 property to be determined by its actual value is not entitled to such pen-
18 sion The interest of a blind person in any property owned by the en-
19 tireties shall be deemed to be a one-half interest And provided further

1 That where a blind person has an income of less than two thousand
2 eight hundred eighty dollars (\$2880) per year the pension shall be fixed
3 in such amount so that the combined income and pension shall not ex-
4 ceed two thousand eight hundred eighty dollars (\$2880) a year No per-
5 son shall be denied a pension because of the fact that he or she is not a
6 citizen of the United States In the event that any act of Congress pro-
7 viding Federal aid toward pension for the blind requires the recipients
8 to be citizens no such Federal aid moneys shall be expended in the pay-
9 ment of pensions to non-citizens but such person shall receive pensions
10 out of the moneys appropriated by this Commonwealth

11 (6) "Disabled person" means one who (i) is between the ages of
12 eighteen and sixty-four inclusive (ii) is permanently and totally disabled
13 and (iii) is not at the time of receiving assistance an inmate of a public
14 institution

15 (7) "Removed person" means any children who at the time they are
16 receiving assistance are at the direction of the court removed from the
17 home of their natural parents any other blood relatives including half-
18 blood adoptive parents or those acting in loco parentis and placed in foster
19 homes or children's homes maintained by a county institution district or

1 for a period not exceeding three months for the purposes of adjustment
2 and time allowance for the county institution district to obtain suitable
3 foster homes in a receiving center for children which is not maintained
4 by the State or by a county institution district but which is subject to
5 the jurisdiction of the Department of Public Welfare

6 (8) "Other eligible persons" mean persons who are citizens of the
7 United States and all aliens who have within two years previous to
8 January 1 1940 filed their declaration of intention to become a citizen
9 and who are not inmates of a public institution at the time of receiving
10 assistance

11 (9) "Suitable home" means a home wherein food clothing shelter
12 and a moral atmosphere in conformance with the accepted standards of
13 the community are maintained for a child or children Provided however
14 That the birth of more than two children to an unwed mother shall
15 create a rebuttable presumption that the habitation maintained by her
16 is not a suitable home

17 (10) "Enumerated relative" means father mother grandfather
18 grandmother brother sister stepfather stepmother stepbrother stepsister
19 uncle or aunt

20 The masculine pronoun includes the feminine

1 Section 2 The first paragraph of section 9 of the act amended August
2 22 1953 (P L 1361) is amended to read

3 Section 9 Eligibility for Assistance Residence Requirements Any
4 person residing within this Commonwealth shall hereafter be entitled to
5 receive public assistance as provided by law without regard to the period
6 of time he or she has resided therein and the Department of Public
7 Assistance shall grant assistance without regard to the period of time
8 any person seeking public assistance and otherwise entitled thereto
9 shall have resided within this State Provided however That if the appli-
10 cant for public assistance has resided in Pennsylvania for less than one
11 year immediately preceding the date of making application for assistance
12 such person shall only be entitled to receive public assistance if he or
13 she was last a resident of a state which by law regulation or reciprocal
14 agreement with Pennsylvania grants public assistance to a person who
15 has resided therein for less than one year A child less than one year of
16 age is considered as deriving residence from either (1) a parent or (2)
17 other relative with whom he is living as provided in this section Except
18 as hereinafter specifically otherwise provided in the case of pensions for
19 the blind all persons of the following classes except those who hereafter

1 advocate and actively participate by an overt act or acts in a movement
2 proposing a change in the form of government of the United States by
3 means not provided for in the Constitution of the United States shall
4 be eligible to receive assistance in accordance with rules regulations and
5 standards established by the Department of Public Assistance with the
6 approval of the State Board of Assistance as to eligibility for assistance
7 and as to its nature and extent Absence in the service of the Common-
8 wealth or of the United States shall not be deemed to interrupt residence
9 in the Commonwealth if a domicile has not been acquired outside the
10 Commonwealth

11 * * *

12 Section 3 Subsections (a) (b) (c) (c.1) (d) and (e) of section 9 of the
13 act amended August 22 1953 (P L 1361) subsection (a) amended
14 June 28 1957 (P L 397) subsection (c) amended December 16 1959
15 (P L 1850) and subsection (e) added September 17 1959 (P L 912)
16 are repealed

17 Section 4 The act is amended by adding after section 9 eight new
18 sections to read

19 Section 9.1 Aid to Dependent Children Suitability of Home of Ap-
20 plicant The local board shall determine initially whether the home of

1 an applicant for aid to dependent children meets the standards of suit-
2 ability as defined in this act Any applicant whose home does not meet
3 the statutory standard of suitability shall be considered ineligible for aid
4 to dependent children

5 Section 9.2 Appeal by Applicant from Determination of Unsuitable
6 Home Petition by Local Board or Department of Public Welfare Upon
7 Determination of Unsuitable Home Any applicant who has been de-
8 clared by the local board to be ineligible for aid to dependent children
9 because of unsuitability of the home may appeal within five days to the
10 Department of Public Welfare If on appeal by the applicant the Depart-
11 ment of Public Welfare shall affirm the decision of the local board that
12 the home of the applicant is not a suitable home the Department of
13 Public Welfare shall file forthwith in the juvenile court a dependency
14 petition as to each child If the aid to dependent children applicant takes
15 no appeal to the Department of Public Welfare from the declaration of
16 ineligibility by the local board because of unsuitability of home im-
17 mediately after the expiration of five days from the declaration of in-
18 eligibility the local board shall file a dependency petition in the juvenile
19 court as to each child

1 Section 9.3 Aid to Dependent Children Proof by Recipient of Use
2 of Funds and Suitability of Home The recipient of each grant of aid to
3 dependent children shall be and hereby is required to present reasonable
4 proof to the local board as often as may be required by that board that
5 all funds received in the form of an aid to dependent children grant are
6 being spent for the benefit of the children represented in the grant and
7 that the home in which the children are being maintained is a suitable
8 home within the meaning of this act The local board shall require such
9 proof at least once each year

10 Section 9.4 Payments Discontinued Unless Proof Given Neither the
11 local board nor the Department of Public Welfare shall authorize con-
12 tinued payments of public assistance grants to any recipient of aid to
13 dependent children unless such recipient can present reasonable proof
14 that the said grants are being used for the benefit of the children repre-
15 sented in the grant and that the home in which the children are being
16 maintained is a suitable home within the meaning of this act

17 Section 9.5 Department of Public Welfare or Local Board to File
18 Dependency Petition Upon Discontinuance of Grant for Improper Use
19 of Funds or Maintenance of Unsuitable Home If on appeal by recipient

1 the Department of Public Welfare shall affirm the decision of the local
2 board that payments of public assistance grants to any recipient of aid
3 to dependent children shall be discontinued because the moneys received
4 have not been used for their benefit or because of the failure of the re-
5 ipient to maintain a suitable home the Department of Public Welfare
6 shall file forthwith in the juvenile court a dependency petition as to each
7 child If the aid to dependent children recipient takes no appeal to the
8 Department of Public Welfare from the discontinuance of grant by the
9 local board immediately after the expiration of five days from the discon-
10 tinuance of grant the local board shall file a dependency petition in
11 the juvenile court as to each child

12 Section 9.6 Juvenile Court to Place Dependent Child in Suitable
13 Home If upon hearing the dependency petition the aid to dependent
14 children recipient or applicant shall fail to prove that the moneys received
15 have been used for the benefit of the children represented in the grant or
16 that the home in which the children have been maintained is a suitable
17 home within the meaning of this act the juvenile court shall remove the
18 children from the home of the recipient or applicant and may place them
19 either in the home of any enumerated relative whose home meets the

1 requirements of a suitable home or in a suitable foster home or in a
2 regional children's center During such placement the child qualifies as a
3 dependent child

4 Section 9.7 Former Recipient Applicant or Any Enumerated Rel-
5 ative may Petition for Return of Child Any former recipient of aid to
6 dependent children or any applicant for aid to dependent children from
7 whom the dependent children have been removed may petition the juve-
8 nile court for the return of the dependent children from the home of any
9 enumerated relative foster home or regional children's center upon the
10 showing of changed conditions and the current maintenance of a suitable
11 home Any enumerated relative may petition the juvenile court for the
12 return of the dependent children from a foster home or regional children's
13 home upon a showing that he can provide a suitable home for the children

14 Section 9.8 Establishment of Children's Centers There is hereby
15 established in the western central and eastern regions of the Common-
16 wealth of Pennsylvania children's centers which shall provide homes and
17 treatment centers for the purpose of giving special care treatment and
18 training to dependent or neglected children The children's centers shall
19 be under the general control and management of the Department of
20 Public Welfare

1 Section 5 The act is amended by adding after section 18 a new sec-
2 tion to read

3 Section 19 Severability If any provision of this act or application
4 thereof is held invalid or is held by competent authority to be out of
5 conformity with the Federal Social Security Act as amended such in-
6 validity or non-conformity shall be inoperative but such invalidity or non-
7 conformity shall not affect other provisions or applications of the act
8 which can be given effect without the invalid or non-conforming pro-
9 visions or application and to this end the provisions of this act are de-
10 clared to be severable

We certify that this bill has passed the Senate and the House of
Representatives.

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Chief Clerk, Senate

.....
President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1961.

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Governor