

school, penitentiary, prison, house of correction or any other penal institution, under conviction or sentence of a court [of record], or is so confined while awaiting trial or confined for any other reason or purpose and it is shown to [the] a court of record by due proof that such convict or person is seriously ill, and that it is necessary that he or she be removed from such [jail, workhouse, reformatory, or reform or industrial school] penal institution, the court shall have power to modify its sentence, impose a suitable sentence, or modify the order of confinement for trial, as the case may be, and provide for the confinement or care of such convict or person in some other suitable institution where proper treatment may be administered. Upon the recovery of such person, the court shall recommit him or her to the [jail, workhouse, reformatory, or reform or industrial school] institution from which he or she was removed.

APPROVED—The 26th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 562

AN ACT

SB 704

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," prescribing powers and duties of the Department of Public Welfare with respect to children and dependents, providing for cooperation with and grants to political subdivisions on account of children and dependents, and prescribing powers and duties of boards of trustees of certain State institutions.

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

Section 1. Clauses (b) and (c) of subsection (1) of section 2313.3,

act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended June 19, 1964 (P. L. 77), are amended to read:

Section 2313.3. Boards of Trustees of State Mental Institutions, Geriatric Centers and Youth Development Centers.—(1) The powers and duties of the boards of trustees of each State institution within the Department of Public Welfare caring for the mentally ill, feeble-minded, mentally retarded, mentally deficient, geriatric center patients and juvenile delinquents, shall be only as defined in this section.

* * *

(b) To keep under review all matters pertaining to the welfare and well-being of patients and juveniles and to make recommendations to the superintendent with respect thereto.

(c) To advise and make recommendations to the Commissioner of Mental Health [and] or the Secretary of Public Welfare, as the case may be, with regard to the selection and appointment of a superintendent in case of a vacancy.

* * *

Section 2. Subsections (a) and (b) of section 2322 and section 2323 of the act, added March 20, 1956 (P. L. 1302) and amended July 13, 1957 (P. L. 852), are amended to read:

Section 2322. Juvenile Delinquency.—The Department of Public Welfare shall have the power, and its duty shall be:

(a) To offer consultation and advice to local and state-wide public or private agencies, including juvenile courts, to community groups concerned with the prevention of juvenile delinquency in the planning and developing of measures to reduce the incidence of delinquency and to make grants to political subdivisions for delinquency prevention projects developed jointly with the department;

(b) To offer consultation, guidance and assistance to public and voluntary agencies and institutions, including the juvenile courts, in developing, strengthening and improving program for predisposition study, probation supervision, institutional treatment and after-care of delinquent youth, including training courses for personnel of the agencies and institutions. In order to develop or strengthen police and probation services for juveniles, and upon assurance that such services will meet standards approved by the department, the department shall make annual grants to political subdivisions;

* * *

Section 2323. Study, Classification and Assignment.—The Department of Public Welfare shall have the power, and its duty shall be:

(a) To establish and administer a program designed to assist the Juvenile Courts and other public and private agencies, on their request, in the diagnosis and study of juvenile delinquents and of children with mental or behavior problems, and to recommend to them the most appropriate disposition for the rehabilitation and treatment of such children; this program shall be based on review of local studies of the children but when local studies indicate the need, or when it is requested, may include residential study of the children in centers which the department is hereby authorized to establish and operate.

(b) To accept custody of children committed by the juvenile courts for study, and on the basis of its review of local studies of each child and any additional residential studies as are deemed necessary, to recommend to the court that the child be placed in [that State institution, supervised institution, or children's institution as defined in this article,] an appropriate public or voluntary institution, or to recommend any other placement or treatment which may be indicated. The department may recommend that the court transfer any child from one type of care to another or return him to his home for trial periods. Notice of any transfer shall be sent by the department promptly to the parents, guardian or nearest relative of the child. The department may also recommend the discharge of a child from its custody but any decision with respect thereto shall remain the sole responsibility of the committing court.

Section 3. The act is amended by adding after section 2331, a new section to read:

Section 2332. Annual Grants; Aid for Community Living for Aged Persons.—The Department of Public Welfare shall have the power to enter into agreements with county commissioners to make annual grants to defray part of the cost of care and services designed to help dependents and potential dependents to live outside of county institutions. The amount of each such annual grant shall be calculated in accordance with a formula to be established by the department.

APPROVED—The 26th day of January, A. D. 1966.

WILLIAM W. SCRANTON