

No. 148

AN ACT

SB 852

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," increasing the maximum annual State grants to county institution districts or their successors for cost of child welfare programs; further providing for the payment of the costs and expenses for the care of the child; making certain repeals; and placing a duty upon the Auditor General to ascertain and certify certain costs.

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

Section 1. Sections 346, 354 and 704, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," are repealed.

Section 2. The act is amended by adding sections to read:

Section 704.1. Payments to Counties for Services to Children.—(a) The department shall reimburse county institution districts or their successors for expenditures incurred by them in the performance of their obligation pursuant to this act and the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," in the following percentages:

(1) Eighty percent of the cost of an adoption subsidy paid pursuant to subdivision (e) of Article VII of this act.

(2) No less than seventy-five percent and no more than ninety percent of the reasonable cost including staff costs of child welfare services, informal adjustment services provided pursuant to section 8 of the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," and such services approved by the department, including but not limited to, foster home care, group home care, shelter care, community residential care, youth service bureaus, day treatment centers and service to children in their own home and any other alternative treatment programs approved by the department.

(3) Sixty percent of the reasonable administrative costs approved by the department except for those staff costs included in clause (2) of this section as necessary for the provision of child welfare services.

(4) Fifty percent of the actual cost of care and support of a child placed by a county child welfare agency or a child committed by a court pursuant to the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," to the legal custody of a public or private agency approved or operated by the department other than those services described in clause (2). The Auditor General shall ascertain the actual expense for fiscal year 1974-1975 and each year thereafter by the Department of Public Welfare for each of the several counties and each city of the first class whose children resident within the county or city of the first class directly received the benefit of the Commonwealth's expenditure. The Auditor General shall

also ascertain for each Commonwealth institution or facility rendering services to delinquent or deprived children the actual average daily cost of providing said services. The Auditor General shall certify to each county and city of the first class the allocated Commonwealth expenditures incurred on behalf of its children and notify the Secretary of Public Welfare and each county and city of the first class of same.

(5) Fifty percent of the reasonable cost of medical and other examinations and treatment of a child ordered by the court pursuant to the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," and the expenses of the appointment of a guardian pendente lite, summons, warrants, notices, subpoenas, travel expenses of witnesses, transportation of the child, and other like expenses incurred in proceedings under the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act."

(b) The department shall make additional grants to any county institution district or its successor to assist in establishing new services to children in accordance with a plan approved by the department for up to the first three years of operation of those services. In order to provide necessary information to the General Assembly relative to the grants provided under this subsection, a report will be developed by the Legislative Budget and Finance Committee and provided to the members of the General Assembly no later than July 1, 1980, concerning all grants made and expenditures accomplished under the provisions of this subsection for the period up to and including December 31, 1979. This report shall include information on the amount of moneys that went to individual counties and a description of activities and services financed with these moneys including the number and types of clients served under each of the grant programs and any other information necessary in order to fully inform the General Assembly on such programs. All officials of the Department of Public Welfare, grant recipient county organizations, and other agencies which receive State moneys under the provisions of this subsection shall cooperate with the committee and its staff in carrying out this reporting requirement, including making available all necessary fiscal and programmatic data.

(c) No payment pursuant to subsection (a)(2), (3) or (4) or of subsection (b) shall be made for any period in which the county institution district or its successor fails to substantially comply with the regulations of the department promulgated pursuant to section 703 including but not limited to those regulations relating to minimum child welfare services, minimum standards of child welfare services and minimum standards of child welfare administration on a merit basis.

(d) Amounts due from county institution districts or their successors for children committed to facilities operated by the department shall be paid by the counties to the Department of Revenue by orders to be drawn by the duly authorized agent of the Department of Revenue at each youth development center or forestry camp on the treasurers of such counties, who shall accept and pay the same to the Department of Revenue.

Promptly after the last calendar day of each month the agent of the Department of Revenue shall mail accounts to the commissioners of such counties as may have become liable to the Commonwealth during the month under the provisions of this section. These accounts shall be duly sworn or affirmed to, and it shall be the duty of said commissioners, immediately upon receipt of such accounts, to notify the treasurers of their respective counties of the amounts of said accounts, with instructions to pay promptly to the Department of Revenue the amounts of said orders when presented. It shall then be the duty of such county treasurers to make such payments as instructed by their respective county commissioners. In lieu of payments by the county to the Commonwealth, the department may deduct the amount due the Commonwealth from the reimbursement payments by the department to the county institution districts or their successors.

(e) If, after due notice to the parents or other persons legally obligated to care for and support the child, and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs and expenses stated in subsection (a), the court may order them to pay the same and prescribe the manner of payment. Unless otherwise ordered, payment shall be made to the clerk of the court for remittance to the person to whom compensation is due, or if the costs and expenses have been paid by the county, to the appropriate officer of the county.

(f) The department shall prescribe the time at, and the form on which county institution districts or their successors shall submit to the department annual estimates of who will be served and the cost of such service under each category of service set forth in subsection (a).

(g) The department shall, within forty-five days of each calendar quarter, pay fifty percent of the department's share of the county institution district's or its successor's estimated expenditures for that quarter.

(h) At the end of each of calendar years 1978 and 1979, every county shall compare the amount received in child welfare reimbursements for calendar year 1976 pursuant to section 704 of this act and section 36 of the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act" with child welfare reimbursements received for each of calendar years 1978 and 1979 pursuant to this section. The resulting difference in reimbursements for child welfare services received between calendar year 1976 and each of calendar years 1978 and 1979 shall then be compared with the amount the county paid in each of calendar years 1978 and 1979 for youth development center or forestry camp commitments pursuant to subsection (a)(4). If there is an increase in reimbursements for child welfare services and that increase is less in either or both of calendar years 1978 and 1979 than the amount expended by the county for its share of the cost of youth development center and forestry camp commitments, then any such county shall be entitled to receive additional block grants as provided in subsection (b) equal to the amount of such difference.

Section 704.2. Contingent Liability of State and Local Government; Intention of Act.—(a) Neither the State nor a county institution district or its successor shall be required to expend public funds for services described in section 704.1 on behalf of a child until such child has exhausted his eligibility and receipt of benefits under all other existing or future private, public, local, State or Federal programs other than programs funded by the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the “Mental Health and Mental Retardation Act of 1966.”

(b) Upon exhaustion of such eligibility as aforesaid, the Commonwealth and the county institution districts or their successors shall share the financial obligation accruing under section 704.1 to the extent such obligations are not borne by the Federal Government or any private person or agency.

(c) It is the intention of this section that its provisions be construed so as to maintain and not decrease or destroy any eligibility of any person, any facility of the State or any political subdivision to receive any Federal assistance, grants or funds.

Section 3. Sections 705, 706 and 707 of the act are hereby repealed.

Section 4. Section 708 of the act is amended to read:

Section 708. Departmental Administration of County Child Welfare Services.—On and after January 1, 1968, the department shall provide, maintain, administer, manage and operate a program of child welfare services in a county institution district or its successor when the department determines, after hearing, that such county institution district or its successor is not complying with the regulations prescribing minimum child welfare services or minimum standards of performance of child welfare services or minimum standards of child welfare personnel administration on a merit basis, and that, as a result, the needs of children and youth are not being adequately served.

When, in pursuance of this section, the department takes charge of, and directs the operation of the child welfare services of a county institution district or its successor, the county shall be charged and shall pay the cost of such services, including reasonable expenditures incident to the administration thereof incurred by the department. The amount so charged and to be paid by the county shall be reduced by the amount of the **[grant that would have been payable under the provisions of section 706] payments that would have been made pursuant to section 704.1** if the county institution district or its successor had maintained a child welfare program in compliance with the regulations of the department.

The amount due the Commonwealth may be deducted from any Commonwealth funds otherwise payable to the county. All sums collected from the county under this section, in whatever manner such collections are made, shall be paid into the State treasury and shall be credited to the current appropriation to the department for child welfare.

The department shall relinquish the administration of the child welfare program of the county institution district or its successor when the

department is assured that the regulations of the department will be complied with thereafter and that the needs of children and youth will be adequately served.

Section 5. Section 36 of the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," is hereby repealed.

Section 6. This act shall take effect January 1, 1978.

APPROVED—The 9th day of July, A. D. 1976.

MILTON J. SHAPP