
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 852 Session of 1975**

Report of the Committee of
Conference

To the Members of the Senate and House of
Representatives:

We, the undersigned, Committee of
Conference on the part of
the Senate and House of Representatives for
the purpose of
considering Senate Bill No. 852, entitled:
"An act 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,' gradually
increasing the maximum annual State grants
to county institution
districts or their successors for cost of
child welfare
programs. 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,"

respectfully submit the following bill as
our report:

F. SCANLON

EUGENE

CIANFRANI

HENRY J.

F. DOUGHERTY

CHARLES

(Committee on the
part of the Senate.)

S. BERSON

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(Committee on the part of the House
of Representatives.)

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,"
increasing the maximum
4 annual State grants to county
institution districts or their
5 successors for cost of child welfare
programs; further
6 providing for the payment of the costs
and expenses for the
7 care of the child; making certain
repeals; and placing a duty
8 upon the Auditor General to ascertain
and certify certain
9 costs.

10 The General Assembly of the Commonwealth
of Pennsylvania

11 hereby enacts as follows:

12 Section 1. Sections 346, 354 and 704,
act of June 13, 1967

13 (P.L.31, No.21), known as the "Public
Welfare Code," are

14 repealed.

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

16 Section 704.1. Payments to Counties for
Services to

17 Children.--(a) The department shall
reimburse county institution

18 districts or their successors for
expenditures incurred by them

19 in the performance of their obligation
pursuant to this act and

20 the act of December 6, 1972 (P.L.1464,
No.333), known as the

21 "Juvenile Act," in the following
percentages:

22 (1) Eighty percent of the cost of an
adoption subsidy paid

23 pursuant to subdivision (e) of Article VII
of this act.

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

1 programs approved by the department.
2 (3) Sixty percent of the reasonable
administrative costs
3 approved by the department except for those
staff costs included
4 in clause (2) of this section as necessary
for the provision of
5 child welfare services.
6 (4) Fifty percent of the actual cost of
care and support of
7 a child placed by a county child welfare
agency or a child
8 committed by a court pursuant to the act of
December 6, 1972
9 (P.L.1464, No.333), known as the "Juvenile
Act," to the legal
10 custody of a public or private agency
approved or operated by
11 the department other than those services
described in clause

12 (2). The Auditor General shall ascertain
the actual expense for
13 fiscal year 1974-1975 and each year
thereafter by the Department
14 of Public Welfare for each of the several
counties and each city
15 of the first class whose children resident
within the county or
16 city of the first class directly received
the benefit of the
17 Commonwealth's expenditure. The Auditor
General shall also
18 ascertain for each Commonwealth institution
or facility
19 rendering services to delinquent or
deprived children the actual
20 average daily cost of providing said
services. The Auditor
21 General shall certify to each county and
city of the first class
22 the allocated Commonwealth expenditures
incurred on behalf of
23 its children and notify the Secretary of
Public Welfare and each
24 county and city of the first class of same.
25 (5) Fifty percent of the reasonable
cost of medical and
26 other examinations and treatment of a child
ordered by the court
27 pursuant to the act of December 6, 1972
(P.L.1464, No.333),
28 known as the "Juvenile Act," and the
expenses of the appointment
29 of a guardian pendente lite, summons,
warrants, notices,
30 subpoenas, travel expenses of witnesses,
transportation of the
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1 child, and other like expenses incurred in
proceedings under the

2 act of December 6, 1972 (P.L.1464, No.333),
known as the

3 "Juvenile Act."

4 (b) The department shall make
additional grants to any

5 county institution district or its
successor to assist in

6 establishing new services to children in
accordance with a plan

7 approved by the department for up to the
first three years of

8 operation of those services. In order to
provide necessary

9 information to the General Assembly
relative to the grants

10 provided under this subsection, a report
will be developed by

11 the Legislative Budget and Finance
Committee and provided to the

12 members of the General Assembly no later
than July 1, 1980,

13 concerning all grants made and expenditures
accomplished under

14 the provisions of this subsection for the
period up to and

15 including December 31, 1979. This report
shall include

16 information on the amount of moneys that
went to individual

17 counties and a description of activities
and services financed

18 with these moneys including the number and
types of clients

19 served under each of the grant programs and
any other

20 information necessary in order to fully
inform the General

21 Assembly on such programs. All officials of
the Department of

22 Public Welfare, grant recipient county
organizations, and other

23 agencies which receive State moneys under
the provisions of this

24 subsection shall cooperate with the
committee and its staff in

25 carrying out this reporting requirement,
including making

26 available all necessary fiscal and
programmatic data.

27 (c) No payment pursuant to subsection
(a)(2), (3) or (4) or

28 of subsection (b) shall be made for any
period in which the

29 county institution district or its
successor fails to

30 substantially comply with the regulations
of the department

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1 promulgated pursuant to section 703
including but not limited to

2 those regulations relating to minimum child
welfare services,

3 minimum standards of child welfare services
and minimum

4 standards of child welfare administration
on a merit basis.

5 (d) Amounts due from county institution
districts or their

6 successors for children committed to
facilities operated by the

7 department shall be paid by the counties to
the Department of

8 Revenue by orders to be drawn by the duly
authorized agent of

9 the Department of Revenue at each youth
development center or

10 forestry camp on the treasurers of such
counties, who shall
11 accept and pay the same to the Department
of Revenue. Promptly
12 after the last calendar day of each month
the agent of the
13 Department of Revenue shall mail accounts
to the commissioners
14 of such counties as may have become liable
to the Commonwealth
15 during the month under the provisions of
this section. These
16 accounts shall be duly sworn or affirmed
to, and it shall be the
17 duty of said commissioners, immediately
upon receipt of such
18 accounts, to notify the treasurers of their
respective counties
19 of the amounts of said accounts, with
instructions to pay
20 promptly to the Department of Revenue the
amounts of said orders
21 when presented. It shall then be the duty
of such county
22 treasurers to make such payments as
instructed by their
23 respective county commissioners. In lieu of
payments by the
24 county to the Commonwealth, the department
may deduct the amount
25 due the Commonwealth from the reimbursement
payments by the
26 department to the county institution
districts or their
27 successors.
28 (e) If, after due notice to the parents
or other persons
29 legally obligated to care for and support
the child, and after

30 affording them an opportunity to be heard,
the court finds that
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1 they are financially able to pay all or
part of the costs and
2 expenses stated in subsection (a), the
court may order them to
3 pay the same and prescribe the manner of
payment. Unless
4 otherwise ordered, payment shall be made to
the clerk of the
5 court for remittance to the person to whom
compensation is due,
6 or if the costs and expenses have been paid
by the county, to
7 the appropriate officer of the county.
8 (f) The department shall prescribe the
time at, and the form
9 on which county institution districts or
their successors shall
10 submit to the department annual estimates
of who will be served
11 and the cost of such service under each
category of service set
12 forth in subsection (a).
13 (g) The department shall, within forty-
five days of each
14 calendar quarter, pay fifty percent of the
department's share of
15 the county institution district's or its
successor's estimated
16 expenditures for that quarter.
17 (h) At the end of each of calendar
years 1978 and 1979,
18 every county shall compare the amount
received in child welfare
19 reimbursements for calendar year 1976
pursuant to section 704 of

20 this act and section 36 of the act of
December 6, 1972

21 (P.L.1464, No.333), known as the "Juvenile
Act" with child

22 welfare reimbursements received for each of
calendar years 1978

23 and 1979 pursuant to section 704.1. The
resulting difference in

24 reimbursements for child welfare services
received between

25 calendar year 1976 and each of calendar
years 1978 and 1979

26 shall then be compared with the amount the
county paid in each

27 of calendar years 1978 and 1979 for youth
development center or

28 forestry camp commitments pursuant to
section 704.1 (a)(4). If

29 there is an increase in reimbursements for
child welfare

30 services and that increase is less in
either or both of calendar

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1 years 1978 and 1979 than the amount
expended by the county for

2 its share of the cost of youth development
center and forestry

3 camp commitments, then any such county
shall be entitled to

4 receive additional block grants as provided
in subsection (b)

5 equal to the amount of such difference.

6 Section 704.2. Contingent Liability of
State and Local

7 Government; Intention of Act.--(a) Neither
the State nor a

8 county institution district or its
successor shall be required

9 to expend public funds for services
described in section 704.1

10 on behalf of a child until such child has
exhausted his

11 eligibility and receipt of benefits under
all other existing or

12 future private, public, local, State or
Federal programs other

13 than programs funded by the act of October
20, 1966 (3rd

14 Sp.Sess., P.L.96, No.6), known as the
"Mental Health and Mental

15 Retardation Act of 1966."

16 (b) Upon exhaustion of such eligibility
as aforesaid, the

17 Commonwealth and the county institution
districts or their

18 successors shall share the financial
obligation accruing under

19 section 704.1 to the extent such
obligations are not borne by

20 the Federal Government or any private
person or agency.

21 (c) It is the intention of this section
that its provisions

22 be construed so as to maintain and not
decrease or destroy any

23 eligibility of any person, any facility of
the State or any

24 political subdivision to receive any
Federal assistance, grants

25 or funds.

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

27 repealed.

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

29 Section 708. Departmental
Administration of County Child

30 Welfare Services.--On and after January 1,
1968, the department
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1 shall provide, maintain, administer, manage
and operate a

2 program of child welfare services in a
county institution

3 district or its successor when the
department determines, after

4 hearing, that such county institution
district or its successor

5 is not complying with the regulations
prescribing minimum child

6 welfare services or minimum standards of
performance of child

7 welfare services or minimum standards of
child welfare personnel

8 administration on a merit basis, and that,
as a result, the

9 needs of children and youth are not being
adequately served.

10 When, in pursuance of this section, the
department takes

11 charge of, and directs the operation of the
child welfare

12 services of a county institution district
or its successor, the

13 county shall be charged and shall pay the
cost of such services,

14 including reasonable expenditures incident
to the administration

15 thereof incurred by the department. The
amount so charged and to

16 be paid by the county shall be reduced by
the amount of the

17 [grant that would have been payable under
the provisions of

18 section 706] payments that would have been
made pursuant to

19 section 704.1 if the county institution
district or its
20 successor had maintained a child welfare
program in compliance
21 with the regulations of the department.
22 The amount due the Commonwealth may be
deducted from any
23 Commonwealth funds otherwise payable to the
county. All sums
24 collected from the county under this
section, in whatever manner
25 such collections are made, shall be paid
into the State treasury
26 and shall be credited to the current
appropriation to the
27 department for child welfare.
28 The department shall relinquish the
administration of the
29 child welfare program of the county
institution district or its
30 successor when the department is assured
that the regulations of
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1 the department will be complied with
thereafter and that the
2 needs of children and youth will be
adequately served.
3 Section 5. Section 36 of the act of
December 6, 1972
4 (P.L.1464, No.333), known as the "Juvenile
Act," is hereby
5 repealed.
6 Section 6. This act shall take effect
January 1, 1978.

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