

SENATE AMENDED
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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1143 Session of 1991

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HARLEY, JAMES AND BILLOW,
APRIL 16, 1991

SENATOR TILGHMAN, APPROPRIATIONS, IN
SENATE, RE-REPORTED AS

AMENDED, AUGUST 3, 1991

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,"
providing for training for <--

4 family day-care providers; providing for
an annual State plan

5 for child-care services; further
providing for powers and

6 duties of the Department of Public
Welfare; and making

7 repeals. FURTHER PROVIDING FOR
REIMBURSEMENTS TO COUNTIES FOR <--

8 CERTAIN SERVICES FOR CHILDREN AND
YOUTHS.

9 The General Assembly of the Commonwealth
of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The heading of Article VI of
the act of June 13, <--

12 1967 (P.L.31, No.21), known as the Public
Welfare Code, is

13 amended and the article is amended by
adding subarticles to

14 read:

1
2
SERVICES

ARTICLE VI
[THE AGED] CHILD CARE

3 (a) General Provisions
4 Section 601. Definitions.--As used in
this article--

5 "Child care" means care in lieu of
parental care given for
6 part of the twenty-four hour day to
children under sixteen years
7 of age, away from their own homes, but does
not include child
8 care furnished in places of worship during
religious services.

9 "Child care resource and referral
agency" means a public or
10 private nonprofit entity that performs
functions related to
11 child care resource and referral services.
The term includes an
12 association or a corporation.

13 Section 602. Limitation.--It is the
policy of the
14 Commonwealth to preserve the primary right
of parents or persons
15 standing in loco parentis to a child to
choose the education,
16 training and care for the child. Nothing
contained in this
17 article shall empower the Commonwealth or
any of its officers,
18 agencies or political subdivisions to
require licensing of or to
19 impose regulations or standards for
government approval
20 regarding the program, administrative or
staff qualifications,
21 or guidance and discipline at any facility
operated by a bona
22 fide church or other religious body which
provides child care,
23 as a condition of eligibility to provide
services for which
24 Federal, State or local assistance is
available, without the

25 consent of said facility. Nothing in this
article is intended to

26 exempt any child care provider from the
requirements of 23

27 Pa.C.S. § 6344 (relating to information
relating to prospective

28 child-care personnel) or other State-
mandated health and safety

29 requirements.

30 (b) Annual Plan and
Demonstration Projects

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1 Section 611. Annual State Plan for
Child Care Services.--(a)

2 Through an annual State plan on child care
services, the

3 department shall establish goals and
objectives and review and

4 assess the State's child care and early
childhood development

5 service delivery system, including State
efforts to assure the

6 provision of accessible, available and
affordable quality child

7 care services to the general public. The
plan shall be developed

8 in relation to Statewide and local needs
for child care services

9 and shall take into consideration available
demographic studies

10 pertaining to child care needs. It shall
reflect the needs of

11 families in different social, economic and
cultural

12 circumstances and the needs of children of
different ages and

13 stages of development and of children with
special needs.

14 (b) No later than the first full week
in April of each year,
15 the department shall submit to the Aging
and Youth Committee and
16 the Appropriations Committee of the Senate,
and the Aging and
17 Youth Committee and the Appropriations
Committee of the House of
18 Representatives, a preliminary State plan
on child care
19 services. A final State plan shall be
submitted by the first
20 week of September of each year.

21 (c) In the development and
implementation of an annual State
22 plan on child care services, the department
shall promote common
23 policies and practices in all child care
programs to the fullest
24 extent possible and develop mechanisms for
interagency
25 collaboration to create a coordinated State
child care and early
26 childhood development delivery system. This
shall include
27 consistency in the application process,
reimbursement rates,
28 income eligibility criteria and parent fee
scales.

29 (d) To prepare the preliminary State
plan, the department
30 shall hold at least four public hearings in
different geographic

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1 locations in this Commonwealth to seek
input and recommendations

2 from parents, child development
professionals, child care

3 providers, child advocates, educators,
representatives of local

4 government, health and human service
organizations, health

5 professionals, labor organizations,
businesses, school officials

6 and any other individuals or agencies
interested in child care

7 issues.

8 (e) The preliminary and final State
plan shall include, but

9 not be limited to, the following
information:

10 (1) The amount of Federal, State and
local funds expended

11 for child care services and early childhood
development programs

12 and the allocation of these funds. Funding
shall include, but

13 not be limited to, funding through the
Social Services Block

14 Grant Act (Public Law 97-35, 42 U.S.C. §
1397 et seq.), Title IV

15 of the Social Security Act (Public Law 74-
271, 42 U.S.C. § 601

16 et seq.) and the Child Care and Development
Block Grant Act of

17 1990 at section 5082 of the Omnibus Budget
Reconciliation Act of

18 1990 (Public Law 101-508, 104 Stat. 1388).

19 (2) A State profile of child care and
early childhood

20 development programs in this Commonwealth
with information

21 regarding a description of the various
types of child care

22 services and early childhood development
programs available in

23 this Commonwealth, including, but not
limited to, child day care

24 centers, group day care homes, family day
care homes, school-age

25 programs, sick care programs and Headstart
programs.

26 (3) The number of child care slots; the
type of care by age

27 utilized by children assisted with Federal,
State and local

28 funds, including Headstart and school-age
child care programs;

29 the unduplicated number of children who
fill these slots; the

30 funding source for the slots; and the child
care capacity of

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1 regulated providers.

2 (4) Income eligibility guidelines for
Federally and State

3 funded child care services, sliding fee
scales, and the extent

4 to which the income guidelines and fee
scales are adjusted to

5 reflect the most recent available State
income data.

6 (5) The State's practices regarding the
monitoring of child

7 care programs to ensure the health, safety
and welfare of

8 children. In describing the monitoring
system, the department

9 shall identify the extent of announced and
unannounced

10 inspections of child care providers, the
level of compliance

11 with State standards and the staff-to-
provider ratio to

12 accomplish this task. Recommendations on
ways to improve both

13 the enforcement and monitoring of standards
and compliance with

14 standards shall also be included.

15 (6) The department's coordination,
identification or

16 arrangement of training for child care
providers in specific

17 program areas that are designed to improve
the quality of child

18 care. The department shall identify any
Federal, State, local or

19 private funding allocated for training, the
objectives of the

20 training, the way in which training will be
accomplished and an

21 evaluation of the previous year's training
programs.

22 (7) An analysis of any recent
demonstration projects

23 established by the department using Federal
or State funds, or

24 both, along with a summary of the cost of
the projects and the

25 department's findings and recommendations.

26 (8) A summary of any recent reports,
data or surveys

27 concerning the compensation of child care
workers, including

28 loan forgiveness programs for child care
and early childhood

29 development professionals, the State's
reimbursement rates and

30 any changes in rates recommended by the
department.

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1 (9) A summary of available demographic
studies related to

2 child care needs, and a summary of the
department's efforts to

3 include this information in the State plan.

4 (10) Efforts by the private sector and
State and local

5 government to encourage employer-sponsored
child care services

6 and policies aimed at addressing child care
needs of working

7 parents.

8 (11) Identification of the
responsibilities or programs of

9 various State departments with respect to
child care services

10 and the extent to which coordination
between agencies is

11 addressed. The department will describe its
responsibilities,

12 under various program offices, as well as
those of the

13 Department of Aging, the Department of
Commerce, the Department

14 of Community Affairs, the Department of
Education, the

15 Department of Health, and the Department of
Labor and Industry.

16 (12) Standards developed for child care
providers who are

17 not required to be regulated by State law
and who receive

18 payment through a Federal or State child
care program. These

19 standards shall relate to the health,
safety and developmental

20 needs of children.

21 (13) Identification of gaps in child
care services, unmet

22 needs, administrative barriers that serve
as obstacles to

23 obtaining child care and recommendations on
how the State can

24 address these issues.

25 (14) Identification of family day care
agency locations and

26 a description of the department's efforts
to utilize the

27 agencies as performers of the
administrative functions outlined

28 in the definition of "family day care
agency" in section 1001.

29 Section 612. Contracting with Providers
of Child Care

30 Services.--(a) It shall be the goal of the
department in its

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1 administration of Federal and State dollars
allocated for

2 subsidized child care services to establish
a child care

3 delivery system that is designed to meet
the needs of eligible

4 children and families. In furtherance of
that goal, it shall be

5 the department's responsibility in the
development of a child

6 care service delivery system and in its
policies and procedures

7 to support, to the fullest extent possible,
a stable, diverse

8 source of child care providers from which
parents can choose

9 quality child care that is affordable and
accessible.

10 (b) The department and any entity with
whom the department

11 contracts to administer public funds for
child care shall have

12 the right to enter into contracts with
child care providers for

13 a specific number of slots and shall not
require competitive

14 bidding for the child care contracts if any
of the following

15 conditions exist:

16 (1) The provider primarily serves low-
income families.

17 (2) The facility is located in the low-
income community

18 where the children and their families
reside.

19 (3) Transportation from the community
to alternative child

20 care facilities would impose hardships on
parents.

21 (4) The providers meet special needs of
parents and

22 children, including, but not limited to,
children with

23 developmental disabilities and foreign
speaking populations.

24 (5) The loss of service will have an
adverse impact on

25 parents in need of child care in that
community.

26 Section 613. Demonstration Projects and
Evaluation.--(a)

27 The department shall have the authority to
develop demonstration

28 projects to test new concepts and methods
in delivering child

29 care services on a trial basis. Such
project shall be

30 distributed equitably on a geographic basis
throughout this

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1 Commonwealth.

2 (b) The evaluation of a demonstration
project shall be

3 required if Federal or State funds are used
to finance the

4 project. An evaluation shall set forth the
department's goals

5 and objectives for the project, a detailed
description of it,

6 pertinent information and data collected,
the costs associated

7 with the demonstration and findings and
recommendations. The

8 evaluation shall include an explanation
regarding the extent to

9 which the department's original goals and
objectives were

10 achieved and what modifications were
required during the

11 project.

12 (c) The evaluation of a demonstration
project of twelve

13 months or less in duration, shall be
submitted to the Aging and

14 Youth Committee and the Appropriations
Committee of the Senate,

15 and the Aging and Youth Committee and the
Appropriations

16 Committee of the House of Representatives
within eighteen months

17 of the project's inception. In the event
that a demonstration

18 project is in operation for more than
twelve months, an interim

19 evaluation shall be submitted to the same
committees within

20 eighteen months of the project's inception,
and a final

21 evaluation shall be submitted within six
months of the

22 completion of the project. No demonstration
project can be

23 funded as a demonstration for more than
three years.

24 Section 614. Establishment of Child
Care Resource and
25 Referral Demonstration Projects.--(a) The
department shall
26 establish four demonstration projects to be
distributed
27 equitably on a geographic basis throughout
this Commonwealth to
28 evaluate the development, maintenance and
expansion of quality
29 child care for the general public through
child care resource
30 and referral programs. In addition, these
demonstration projects
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1 shall assess the role of a child care
resource and referral
2 agency in furthering the department's goal
to improve access to
3 child care, quality of child care,
monitoring of child care and
4 planning for child care services. The
administration of public
5 funding for subsidized child care programs
shall not be a
6 required function of a demonstration
project.

7 (b) The projects established under
subsection (a) shall
8 operate for at least two years. They may be
continued if funding
9 is available.

10 Section 615. Eligibility.--A child care
resource and
11 referral agency is eligible to provide a
demonstration project
12 under section 614 if it can demonstrate,
through past

13 performance or current service, ability to
effectively perform

14 the functions under section 616 and if it
can provide evidence

15 that it has served low-income families.

16 Section 616. Function.--A child care
resource and referral

17 agency must provide, at a minimum, the
following services:

18 (1) Identification of all regulated
child care services in a

19 defined geographical and service-delivery
area.

20 (2) Maintenance of a regularly updated
resource file of

21 services and vacancies.

22 (3) Public education about the
availability, cost, standards

23 and types of child care programs in a
defined geographical and

24 service-delivery area.

25 (4) Assistance to parents in evaluating
child care needs and

26 appropriateness of types of care.

27 (5) Referrals to child care services
near the home, work

28 area, or facility where the parent is
attending school or

29 receiving job training.

30 (6) Providing caregivers with training
workshops, assistance

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1 in filling vacancies, advocacy for
attaining professional

2 status, opportunities for sharing
information and experiences

3 and access to ongoing educational
certification programs.

4 (7) Provision of start-up information,
including information

5 on relevant child care laws and
regulations, for potential child

6 care providers to stimulate the supply of
child care resources.

7 (8) Ability to respond to requests from
businesses for

8 information or services designed to meet
the child care needs of

9 their employes.

10 (9) Documentation and tabulation of
data pertaining to

11 parent requests, consumer complaints and
employer-sponsored

12 child care services that will assist in
community and State

13 planning and identification of needs.

14 (10) Procedures for handling complaints
related to child day

15 care programs and referral of day care
programs under

16 investigation by the department.

17 (11) Establishment of procedures that
ensure the

18 confidentiality of children and parents who
utilize the agency's

19 services.

20 Section 617. Establishment of Fees.--A
child care resource

21 and referral agency may establish
reasonable fees where

22 necessary, subject to the approval of the
department, to defray

23 the cost of child care resource and
referral services.

24 Section 618. Reports.--Within eighteen
months of the

25 inception of a demonstration project under
section 614, the

26 department shall submit to the Aging and
Youth Committee of the
27 Senate and the Appropriations Committee of
the Senate and the
28 Aging and Youth Committee of the House of
Representatives and
29 the Appropriations Committee of the House
of Representatives an
30 interim report that describes the
demonstration projects
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1 selected by the department as provided for
in section 613. A
2 final report shall be submitted to the same
committees within
3 six months of a project's completion. The
report shall include,
4 along with recommendations, the
department's findings relating
5 to numbers of parents and children served;
extent of assistance
6 given to caregivers, parents and employes;
cost of child care
7 resource and referral services; the
availability of private,
8 corporate and government funding for the
development and
9 maintenance of resource and referral
agencies; and the project's
10 impact on quality and availability of child
care in a
11 geographically defined area.
12 (c) Training
13 Section 631. Training for Family Day
Care Providers.--(a)
14 The department shall arrange for training
for prospective and
15 current family day care providers. The
training shall cover, at

16 a minimum, the following areas, as they
relate to child care:

17 (1) First aid and basic safety,
resulting in certification

18 in standard first aid and community
cardiopulmonary
19 resuscitation.

20 (2) Child development, including
information on

21 characteristics of infants and preschool
and school-age children

22 that can assist caregivers in nurturing the
physical, social,

23 emotional and intellectual growth of each
child.

24 (3) Nutrition, including the Child Care
Food Program

25 sponsored by the United States Department
of Agriculture.

26 (4) Health care and hygiene, including
washing hands before

27 handling food, care of diapers and toilet
areas.

28 (5) Small business management skills,
including budgets and

29 recordkeeping.

30 (6) Discipline and guidance of
children.

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1 (7) Creative programming and
development of proper learning

2 environments for children.

3 (8) Utilization of community resources.

4 (9) Development of communication skills
of caregivers with

5 parents and families.

6 (b) The department shall encourage but
not require family

7 day care providers to participate in the
training made available

8 under this section.

9 Section 2. The definition of
"children's institutions" in

10 section 901 of the act, amended December 5,
1980 (P.L.1112,

11 No.193), is amended to read:

12 Section 901. Definitions.--As used in
this article--

13 "Children's institutions" means any
incorporated or

14 unincorporated organization, society,
corporation or agency,

15 public or private, which may receive or
care for children, or

16 place them in foster family homes, either
at board, wages or

17 free; or any individual who, for hire, gain
or reward, receives

18 for care a child, unless he is related to
such child by blood or

19 marriage within the second degree; or any
individual, not in the

20 regular employ of the court or of an
organization, society,

21 association or agency, duly certified by
the department, who in

22 any manner becomes a party to the placing
of children in foster

23 homes, unless he is related to such
children by blood or

24 marriage within the second degree, or is
the duly appointed

25 guardian thereof. [The term shall not
include a family day care

26 home in which care is provided in lieu of
parental care to six

27 or less children for part of a twenty-four
hour day.] The term

28 shall include a nonprofit family day care
agency that is

29 operated by or under the authority of a
bona fide church or

30 other religious organization and that
administers any family day

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1 care home in which care is provided at any
one time to four

2 through six children who are not relatives
of the caregiver.

3 * * *

4 Section 3. The act is amended by adding
a section to read:

5 Section 923. Limitation.--It is the
policy of the

6 Commonwealth to preserve the primary right
of parents or persons

7 standing in loco parentis to a child to
choose the education,

8 training and care for the child. Nothing
contained in this

9 article shall empower the Commonwealth or
any of its officers,

10 agencies or political subdivisions to
require licensing or

11 approval of or to impose regulations or
standards for government

12 approval regarding the program,
administrative or staff

13 qualifications, or guidance and discipline
at any facility

14 operated by a bona fide church or other
religious body which

15 provides child care, without the consent of
the facility.

16 Nothing in this article is intended to
exempt any child care

17 provider from the requirements of 23
Pa.C.S. § 6344 (relating to
18 information relating to prospective child-
care personnel) or
19 other State-mandated health and safety
requirements.

20 Section 4. The definition of "facility"
in section 1001 of

21 the act, amended December 21, 1988
(P.L.1883, No.185), is

22 amended and the section is amended by
adding definitions to

23 read:

24 Section 1001. Definitions.--As used in
this article--

25 * * *

26 "Agency-affiliated family day care home"
means a family day

27 care home which operates under the auspices
of a family day care

28 agency through a contractual arrangement
with a family day care

29 home and which provides family day care
only to children

30 referred by the family day care agency.

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1 * * *

2 "Facility" means an adult day care
center, agency-affiliated

3 family day care home, child day care
center, family day care

4 agency, family day care home, boarding home
for children, mental

5 health establishment, personal care home,
nursing home, hospital

6 or maternity home, as defined herein, and
shall not include

7 those operated by the State or Federal
governments or those

8 supervised by the department.

9 "Family day care agency" means a social
service agency which

10 administers family day care programs,
including the recruitment,

11 screening and selection of family day care
homes, and which,

12 through contractual arrangements with
family caregivers,

13 performs administrative functions that
include, but are not

14 limited to, training of caregivers;
technical assistance; intake

15 and referral of children to family day care
homes; monitoring

16 and inspection of the agency's family day
care homes; evaluation

17 of children's development, the family
caregiver's daily program

18 and the family caregiver; consultation and
assistance to parents

19 and children; referral of children and
parents to health, social

20 services and food and nutrition programs
when appropriate; and

21 furnishing child care equipment to family
day care homes. The

22 term shall not include a nonprofit agency
which is operated by

23 or under the authority of a bona fide
church or other religious

24 organization and which is supervised by the
department under

25 Article IX.

26 "Family day care home" means any home in
which child day care

27 is provided at any one time to four through
six children who are

28 not relatives of the caregiver. The term
shall not include a

29 home operated under the auspices of a
nonprofit agency which is
30 operated by a bona fide church or other
religious organization

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1 and which is supervised by the department
under Article IX.

2 * * *

3 Section 5. The act is amended by adding
sections to read:

4 Section 1010. Additional Requirements
for Family Day Care

5 Homes.--(a) In a family day care home, all
of the following

6 apply:

7 (1) There may be no more than two
children under eighteen

8 months of age in care. This clause includes
foster children and

9 relatives of the caregiver.

10 (2) Each floor level used by children
in a family day care

11 home must have at least two exits, one of
which may be a window.

12 At least one exit from each floor level
must provide a direct

13 means of unobstructed travel to the outside
at street or ground

14 level.

15 (3) A window of a type which may be
readily opened and of

16 proper size and design to allow for
evacuation must be provided

17 as a second exit.

18 (4) A room or space, including an
attic, which is accessible

19 only by a ladder, folding stairway or
through a trap door may

20 not be used by children.

21 (5) A family day care home caregiver
shall have an initial
22 health assessment structured to identify
health conditions which
23 would adversely affect the caregiver's
ability to provide child
24 care. The same health requirements shall
apply to other members
25 of the caregiver's household who have
direct contact with any
26 child in care. The caregiver shall be
required to report to the
27 department any significant changes in
health status that would
28 adversely affect the caregiver's ability to
provide child care.

29 (6) A family day care home caregiver
must be at least
30 twenty-one years of age.

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1 (b) Family day care homes shall comply
with regulations

2 promulgated by the department.

3 (c) An agency-affiliated family day
care home is not

4 required to apply for a separate license as
a family day care

5 home. Under the supervision of a family day
care agency, an

6 agency-affiliated family day care home
shall comply with this

7 section and regulations promulgated under
section 1011.

8 Section 1011. Regulations.--(a) The
department has the

9 power and duty to promulgate regulations to
implement this

10 article.

11 (b) In the development of regulations,
the department shall

12 consider standards and recommendations
relating to family day

13 care and family day care home providers
that have been developed

14 by the Child Welfare League of America and
the National

15 Association for the Education of Young
Children.

16 Section 6. Section 1016 of the act,
amended July 15, 1976

17 (P.L.993, No.202), is amended to read:

18 Section 1016. Right to Enter and
Inspect.--(a) For the

19 purpose of determining the suitability of
the applicants and of

20 the premises or whether or not any premises
in fact qualifies as

21 a facility as defined in section 1001 of
this act or the

22 continuing conformity of the licensees to
this act and to the

23 applicable regulations of the department,
any authorized agent

24 of the department shall have the right to
enter, visit and

25 inspect any facility licensed or requiring
a license under this

26 act and shall have full and free access to
the records of the

27 facility and to the individuals therein and
full opportunity to

28 interview, inspect or examine such
individuals.

29 (b) An authorized agent of the
department shall also confer

30 with the operators of facilities regarding
the minimum standards

1 of the department, encourage the adoption
of higher standards

2 and recommend methods of improving care and
services.

3 (c) The department shall have the right
to enter and inspect

4 any family day care home, whether or not
such facility is

5 operated under the auspices of a family day
care agency.

6 (d) If an authorized agent of the
department is refused

7 access for an investigation under this
section, the department

8 may apply to a court of competent
jurisdiction for an

9 administrative inspection warrant. For
purposes of a warrant

10 under this section, probable cause that
this article has been

11 violated consists of a statement by the
authorized agent of the

12 department that access for an inspection
under this section has

13 been sought and refused. An administrative
inspection warrant is

14 enforceable as any other warrant issued by
a court.

15 Section 7. Section 1031 of the act is
amended to read:

16 Section 1031. Violation; Penalty.--(a)
Any person operating

17 a facility within this Commonwealth without
a license required

18 by this act, shall upon conviction thereof
in a summary

19 proceeding be sentenced to pay a fine of
not less than twenty-

20 five dollars (\$25) nor more than three
hundred dollars (\$300),
21 and costs of prosecution, and in default of
the payment thereof
22 to undergo imprisonment for not less than
ten days nor more than
23 thirty days. Each day of operating a
facility without a license
24 required by this act shall constitute a
separate offense.

25 (b) In addition to the criminal penalty
in subsection (a),
26 the department may assess a civil penalty
of five hundred
27 dollars (\$500) against a person found to be
operating a facility
28 within this Commonwealth without a license
required by this act.

29 Penalty assessment under this subsection
shall conform to 2

30 Pa.C.S. Ch. 5 Subch. A (relating to
practice and procedure of
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1 Commonwealth agencies) and Ch. 7 Subch. A
(relating to judicial

2 review of Commonwealth agency action).

3 (1) A provider charged with violations
of this act shall

4 have thirty days to pay the assessed
penalty in full. If the

5 provider wishes to contest either the
amount of the penalty or

6 the fact of the violation, the party shall
forward the proposed

7 amount to the secretary for placement in an
escrow account with

8 the State Treasurer.

9 (2) If through administrative hearing
or judicial review of

10 the fine it is determined that no violation
occurred or that the

11 amount is less than the amount required to
be forwarded by the

12 provider, the secretary shall remit the
appropriate amount to

13 the provider within thirty days, together
with any interest

14 accumulated on that amount by the escrow
deposit.

15 (3) Failure to forward the payment to
the secretary within

16 thirty days shall result in a waiver of
rights to contest the

17 fact of the violation or the amount of the
penalty. The amount

18 assessed after administrative hearing or a
waiver of the

19 administrative hearing shall be payable to
the Commonwealth and

20 shall be collectible in the manner provided
by law for the

21 collection of debts. If a provider liable
to pay a penalty

22 neglects or refuses to pay it after demand,
failure to pay shall

23 constitute a judgment in favor of the
Commonwealth in the amount

24 of the fine, together with the interest and
any costs that may

25 accrue.

26 (4) Fees or fines collected by the
department from child

27 care providers shall be placed in a special
restricted receipt

28 account and shall be used to provide
technical assistance to

29 providers to meet standards for child day
care and to improve

30 the quality of care provided in child day care programs.

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1 Section 8. Sections 1070, 1071, 1072, 1073, 1074, 1075,

2 1076, 1077, 1078, 1079 and 1080 of the act are repealed.

3 Section 9. The Department of Public Welfare shall comply

4 with the following time schedules:

5 (1) Within 90 days of the effective date of this

6 section, the department shall submit proposed rulemaking

7 under section 1011 of the act to the Legislative Reference

8 Bureau for publication in the Pennsylvania Bulletin.

9 (2) Within 180 days of the effective date of this

10 section, the department shall submit final rulemaking on the

11 proposal under paragraph (1) to the Legislative Reference

12 Bureau for publication in the Pennsylvania Bulletin. The

13 regulations shall take effect within one year of the

14 effective date of this section.

15 Section 10. This act shall take effect as follows:

16 (1) The following provisions shall take effect

17 immediately:

18 (i) The addition of section 1011 of the act.

19 (ii) The amendment of sections 1016 and 1031 of the

20 act.

21 (iii) Section 9 of this act.
22 (iv) This section.
23 (2) The repeal of sections 1070
through 1080 of the act
24 shall take effect upon the effective
date of the regulations
25 promulgated under section 9 of this act.
26 (3) The amendment or addition of
sections 901, 1001 and
27 1010 of the act shall take effect in one
year.
28 (4) The remainder of this act shall
take effect in 60
29 days.
30 SECTION 1. SECTION 704.1(A) AND (F) OF
THE ACT OF JUNE 13, <--
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1 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC
WELFARE CODE, ADDED
2 JULY 9, 1976 (P.L.846, NO.148), ARE AMENDED
TO READ:
3 SECTION 704.1. PAYMENTS TO COUNTIES FOR
SERVICES TO
4 CHILDREN.--(A) THE DEPARTMENT SHALL
REIMBURSE COUNTY
5 INSTITUTION DISTRICTS OR THEIR SUCCESSORS
FOR EXPENDITURES
6 INCURRED BY THEM IN THE PERFORMANCE OF
THEIR OBLIGATION PURSUANT
7 TO THIS ACT AND THE ACT OF DECEMBER 6, 1972
(P.L.1464, NO.333),
8 KNOWN AS THE "JUVENILE ACT," IN THE
FOLLOWING PERCENTAGES:
9 (1) EIGHTY PERCENT OF THE COST OF AN
ADOPTION SUBSIDY PAID
10 PURSUANT TO SUBDIVISION (E) OF ARTICLE VII
OF THIS ACT.
11 (2) NO LESS THAN SEVENTY-FIVE PERCENT
AND NO MORE THAN

12 NINETY PERCENT OF THE REASONABLE COST
INCLUDING STAFF COSTS OF
13 CHILD WELFARE SERVICES, INFORMAL ADJUSTMENT
SERVICES PROVIDED
14 PURSUANT TO SECTION 8 OF THE ACT OF
DECEMBER 6, 1972 (P.L.1464,
15 NO.333), KNOWN AS THE "JUVENILE ACT," AND
SUCH SERVICES APPROVED
16 BY THE DEPARTMENT, INCLUDING BUT NOT
LIMITED TO, FOSTER HOME
17 CARE, GROUP HOME CARE, SHELTER CARE,
COMMUNITY RESIDENTIAL CARE,
18 YOUTH SERVICE BUREAUS, DAY TREATMENT
CENTERS AND SERVICE TO
19 CHILDREN IN THEIR OWN HOME AND ANY OTHER
ALTERNATIVE TREATMENT
20 PROGRAMS APPROVED BY THE DEPARTMENT.
21 (3) SIXTY PERCENT OF THE REASONABLE
ADMINISTRATIVE COSTS
22 APPROVED BY THE DEPARTMENT EXCEPT FOR THOSE
STAFF COSTS INCLUDED
23 IN CLAUSE (2) OF THIS SECTION AS NECESSARY
FOR THE PROVISION OF
24 CHILD WELFARE SERVICES.
25 (4) FIFTY PERCENT OF THE ACTUAL COST OF
CARE AND SUPPORT OF
26 A CHILD PLACED BY A COUNTY CHILD WELFARE
AGENCY OR A CHILD
27 COMMITTED BY A COURT PURSUANT TO THE ACT OF
DECEMBER 6, 1972
28 (P.L.1464, NO.333), KNOWN AS THE "JUVENILE
ACT," TO THE LEGAL
29 CUSTODY OF A PUBLIC OR PRIVATE AGENCY
APPROVED OR OPERATED BY
30 THE DEPARTMENT OTHER THAN THOSE SERVICES
DESCRIBED IN CLAUSE
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1 (2). THE AUDITOR GENERAL SHALL ASCERTAIN
THE ACTUAL EXPENSE FOR

2 FISCAL YEAR 1974-1975 AND EACH YEAR
THEREAFTER BY THE DEPARTMENT
3 OF PUBLIC WELFARE FOR EACH OF THE SEVERAL
COUNTIES AND EACH CITY
4 OF THE FIRST CLASS WHOSE CHILDREN RESIDENT
WITHIN THE COUNTY OR
5 CITY OF THE FIRST CLASS DIRECTLY RECEIVED
THE BENEFIT OF THE
6 COMMONWEALTH'S EXPENDITURE. THE AUDITOR
GENERAL SHALL ALSO
7 ASCERTAIN FOR EACH COMMONWEALTH INSTITUTION
OR FACILITY
8 RENDERING SERVICES TO DELINQUENT OR
DEPRIVED CHILDREN THE ACTUAL
9 AVERAGE DAILY COST OF PROVIDING SAID
SERVICES. THE AUDITOR
10 GENERAL SHALL CERTIFY TO EACH COUNTY AND
CITY OF THE FIRST CLASS
11 THE ALLOCATED COMMONWEALTH EXPENDITURES
INCURRED ON BEHALF OF
12 ITS CHILDREN AND NOTIFY THE SECRETARY OF
PUBLIC WELFARE AND EACH
13 COUNTY AND CITY OF THE FIRST CLASS OF SAME.
14 (5) FIFTY PERCENT OF THE REASONABLE
COST OF MEDICAL AND
15 OTHER EXAMINATIONS AND TREATMENT OF A CHILD
ORDERED BY THE COURT
16 PURSUANT TO THE ACT OF DECEMBER 6, 1972
(P.L.1464, NO.333),
17 KNOWN AS THE "JUVENILE ACT," AND THE
EXPENSES OF THE APPOINTMENT
18 OF A GUARDIAN PENDENTE LITE, SUMMONS,
WARRANTS, NOTICES,
19 SUBPOENAS, TRAVEL EXPENSES OF WITNESSES,
TRANSPORTATION OF THE
20 CHILD, AND OTHER LIKE EXPENSES INCURRED IN
PROCEEDINGS UNDER THE
21 ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333),
KNOWN AS THE
22 "JUVENILE ACT."

23 (6) EFFECTIVE JULY 1, 1991, THE
DEPARTMENT SHALL REIMBURSE
24 COUNTY INSTITUTION DISTRICTS OR THEIR
SUCCESSORS ONE HUNDRED
25 PERCENT OF THE REASONABLE COSTS OF
PROVIDING ADOPTION SERVICES.
26 (7) EFFECTIVE JULY 1, 1993, THE
DEPARTMENT SHALL REIMBURSE
27 COUNTY INSTITUTION DISTRICTS OR THEIR
SUCCESSORS EIGHTY PERCENT
28 OF THE REASONABLE COSTS OF PROVIDING FOSTER
HOME CARE, COMMUNITY
29 RESIDENTIAL CARE, SUPERVISED INDEPENDENT
LIVING AND COMMUNITY
30 BASED ALTERNATIVE TREATMENT PROGRAMS.
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1 (8) THE DEPARTMENT SHALL REIMBURSE
COUNTY INSTITUTION
2 DISTRICTS OR THEIR SUCCESSORS FOR THE
REASONABLE COSTS OF
3 INSTITUTIONAL SERVICES FOR DEPENDENT AND
DELINQUENT CHILDREN
4 OTHER THAN DETENTION SERVICES FOR
DELINQUENTS IN ACCORDANCE WITH
5 THE FOLLOWING SCHEDULE:
6 (I) EFFECTIVE JULY 1, 1992, FIFTY-FIVE
PERCENT.
7 (II) EFFECTIVE JULY 1, 1993, SIXTY
PERCENT.
8 * * *
9 [(F) THE DEPARTMENT SHALL PRESCRIBE THE
TIME AT, AND THE
10 FORM ON WHICH COUNTY INSTITUTION DISTRICTS
OR THEIR SUCCESSORS
11 SHALL SUBMIT TO THE DEPARTMENT ANNUAL
ESTIMATES OF WHO WILL BE
12 SERVED AND THE COST OF SUCH SERVICE UNDER
EACH CATEGORY OF
13 SERVICE SET FORTH IN SUBSECTION (A).]

14 * * *
15 SECTION 2. SECTION 709 OF THE ACT IS
REPEALED.
16 SECTION 3. THE ACT IS AMENDED BY ADDING
SECTIONS TO READ:
17 SECTION 709.1. NEEDS BASED BUDGETING
PROCESS.--(A) PRIOR TO
18 SEPTEMBER 15, 1991, AND AUGUST 15 EACH YEAR
THEREAFTER, COUNTIES
19 SHALL SUBMIT TO THE DEPARTMENT A NEEDS
BASED BUDGET IN A FORM
20 PRESCRIBED BY THE DEPARTMENT CONTAINING
THEIR ANNUAL CLIENT AND
21 BUDGET ESTIMATES AND A DESCRIPTION OF
PROPOSED CHANGES IN THEIR
22 ANNUAL PLAN FOR THE FISCAL YEAR BEGINNING
THE FOLLOWING JULY 1.
23 (B) REPRESENTATIVES OF THE DEPARTMENT
SHALL MEET WITH
24 REPRESENTATIVES OF EACH OF THE COUNTIES TO
DISCUSS THE NEEDS
25 BASED BUDGETS AND PROPOSED CHANGES IN
ANNUAL PLANS AND SHALL
26 MAKE A THOROUGH REVIEW OF COUNTY
SUBMISSIONS. COUNTY SUBMISSIONS
27 SHALL CLEARLY DISTINGUISH FUNDING SUPPORTED
BY SECTION 704.1(A)
28 FROM GRANTS AUTHORIZED BY SECTION 704.1(B).
ON THE BASIS OF THE
29 DISCUSSIONS AND REVIEW THE DEPARTMENT SHALL
MAKE ITS
30 DETERMINATION OF EACH OF THE COUNTIES TOTAL
COSTS AND
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1 REIMBURSABLE COSTS AND THE AMOUNT ALLOWED
EACH OF THE COUNTIES
2 IN ACCORDANCE WITH SECTION 704.1(A).
3 (C) THE TOTAL OF THE AMOUNTS ALLOWED
FOR EACH COUNTY

4 PURSUANT TO SECTION 704.1(A) AS DETERMINED
BY THE DEPARTMENT

5 SHALL BE THE AGGREGATE CHILD WELFARE NEEDS
BASED BUDGET. THE

6 DETERMINATION OF THE AGGREGATE CHILD
WELFARE NEEDS BASED BUDGET

7 AND THE CHILD WELFARE NEEDS OF EACH COUNTY
ALONG WITH SUPPORTING

8 DOCUMENTATION SHALL BE SUBMITTED TO THE
GOVERNOR BY NOVEMBER 15,

9 1991, AND NOVEMBER 1 EACH YEAR THEREAFTER.

10 (D) CONTEMPORANEOUSLY WITH THE
SUBMISSION OF THE GENERAL

11 FUND BUDGET, THE GOVERNOR SHALL SUBMIT THE
AGGREGATE CHILD

12 WELFARE NEEDS BASED BUDGET AND THE CHILD
WELFARE NEEDS OF EACH

13 COUNTY ALONG WITH SUPPORTING DOCUMENTATION
TO THE MAJORITY

14 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE
APPROPRIATIONS

15 COMMITTEE OF THE SENATE AND THE MAJORITY
CHAIRMAN AND THE

16 MINORITY CHAIRMAN OF THE APPROPRIATIONS
COMMITTEE OF THE HOUSE

17 OF REPRESENTATIVES. THE DEPARTMENT MAY
MODIFY THE CALCULATION OF

18 THE AGGREGATE CHILD WELFARE NEEDS BASED
BUDGET ANY TIME PRIOR TO

19 MAY 1, OF EACH YEAR; PROVIDED THAT SUCH
REVISION IS BASED ON

20 RECEIPT OF ACTUAL DATA OR ADOPTED
REGULATORY CHANGES WHICH WHEN

21 COMPARED TO PREVIOUSLY CALCULATED PROJECTED
DATA OR REGULATION,

22 REQUIRES THE REVISION.

23 SECTION 709.2. REVIEW OF COUNTY
SUBMISSIONS.--(A) THE

24 DEPARTMENT SHALL PROMULGATE GUIDELINES FOR
REVIEWING AND

25 DETERMINING COUNTY SUBMITTED NEEDS BASED
BUDGETS. THE GUIDELINES

26 FOR THE 1992-1993 FISCAL YEAR SHALL BE
PUBLISHED AS A BULLETIN.

27 GUIDELINES FOR APPROVING 1993-1994 FISCAL
YEAR NEEDS BASED

28 BUDGETS SHALL BE ADOPTED BY REGULATION NO
LATER THAN JULY 1,

29 1992, BUT SHALL NOT BE ADOPTED AS EMERGENCY
REGULATIONS PURSUANT

30 TO SECTION 6(B) OF THE ACT OF JUNE 25, 1982
(P.L.633, NO.181),

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1 KNOWN AS THE "REGULATORY REVIEW ACT."

2 (B) THE DEPARTMENT DETERMINATION SHALL
CONSIDER WHETHER THE

3 COUNTY'S BUDGET IS REASONABLE IN RELATION
TO PAST COSTS,

4 PROJECTED COST INCREASES, NUMBER OF
CHILDREN IN THE COUNTY AND

5 THE NUMBER OF CHILDREN SERVED, SERVICE
LEVEL TRENDS AND

6 PROJECTIONS OF OTHER SOURCES OF REVENUE.

7 (C) TO THE EXTENT THAT COUNTY STAFFING
PATTERNS ARE LESS

8 THAN THAT REQUIRED TO MEET DEPARTMENT
STAFFING REGULATIONS, THE

9 DEPARTMENT DETERMINATIONS SHALL PERMIT A
REQUESTING COUNTY TO

10 HIRE SUFFICIENT STAFF TO MEET THE MINIMUM
STAFFING REGULATIONS.

11 A DETERMINATION MAY DISALLOW EXPENDITURES
FOR ADDITIONAL STAFF

12 IF THE FUNCTIONS FOR WHICH THE STAFF IS TO
BE HIRED ALREADY

13 MEETS THE MINIMUM REQUIRED BY DEPARTMENT
REGULATIONS.

14 (D) NO DETERMINATION BY THE DEPARTMENT
MAY BE BASED ON

15 PAYMENT STANDARDS THAT HAVE NOT BEEN
ADOPTED AS OF THE TIME OF
16 THE REVIEW IN ACCORDANCE WITH THE
"REGULATORY REVIEW ACT."
17 SECTION 709.3. LIMITS ON REIMBURSEMENTS
TO COUNTIES.--(A)
18 REIMBURSEMENT FOR CHILD WELFARE SERVICES
MADE PURSUANT TO
19 SECTION 704.1 SHALL NOT EXCEED THE FUNDS
APPROPRIATED EACH
20 FISCAL YEAR.
21 (B) THE ALLOCATION FOR EACH COUNTY
PURSUANT TO SECTION
22 704.1(A) SHALL BE CALCULATED BY MULTIPLYING
THE SUM OF THE
23 SOCIAL SECURITY ACT (PUBLIC LAW 74-271, 42
U.S.C. § 301 ET SEQ.)
24 TITLE IV-B FUNDS AND STATE FUNDS
APPROPRIATED TO REIMBURSE
25 COUNTIES PURSUANT TO SECTION 704.1(A) BY A
FRACTION, THE
26 NUMERATOR OF WHICH IS THE AMOUNT DETERMINED
FOR THAT COUNTY'S
27 CHILD WELFARE NEEDS BASED BUDGET AND THE
DENOMINATOR IS THE
28 AGGREGATE CHILD WELFARE NEEDS BASED BUDGET.
29 (C) IF THE SUM OF THE AMOUNTS
APPROPRIATED FOR REIMBURSEMENT
30 UNDER SECTION 704.1(A) DURING THE FISCAL
YEAR IS NOT AT LEAST

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1 EQUIVALENT TO THE AGGREGATE CHILD WELFARE
NEEDS BASED BUDGET FOR
2 THAT FISCAL YEAR:
3 (1) EACH COUNTY SHALL BE PROVIDED A
PROPORTIONATE SHARE
4 ALLOCATION OF THAT APPROPRIATION CALCULATED
BY MULTIPLYING THE

5 SUM OF THE AMOUNTS APPROPRIATED FOR
REIMBURSEMENT UNDER SECTION
6 704.1(A) BY A FRACTION, THE NUMERATOR OF
WHICH IS THE AMOUNT
7 DETERMINED FOR THAT COUNTY'S CHILD WELFARE
NEEDS BASED BUDGET
8 AND THE DENOMINATOR IS THE AGGREGATE CHILD
WELFARE NEEDS BASED
9 BUDGET.

10 (2) NOTWITHSTANDING SUBSECTION (A), A
COUNTY SHALL BE

11 ALLOWED REIMBURSEMENT BEYOND ITS
PROPORTIONATE SHARE ALLOCATION

12 FOR THAT FISCAL YEAR FOR EXPENDITURES MADE
IN ACCORDANCE WITH AN

13 APPROVED PLAN AND NEEDS BASED BUDGET, BUT
NOT ABOVE THAT AMOUNT

14 DETERMINED TO BE ITS NEEDS BASED BUDGET.

15 (D) FOR THE PURPOSE OF THIS SECTION, AN
APPROPRIATION SHALL

16 BE CONSIDERED EQUIVALENT TO THE AGGREGATE
CHILD WELFARE NEEDS IF

17 IT IS EQUIVALENT TO THE RESULT OBTAINED BY
CALCULATING THE

18 AGGREGATE CHILD WELFARE NEEDS MINUS THE
COUNTY SHARE OF YOUTH

19 DEVELOPMENT CENTER COSTS AND MINUS THE
SOCIAL SECURITY ACT TITLE

20 IV-B FUNDING; PROVIDED HOWEVER, AN
APPROPRIATION SHALL BE DEEMED

21 EQUIVALENT IF IT IS EQUAL TO EIGHTY-TWO
PERCENT OF THE RESULT IN

22 1991-1992, NINETY PERCENT OF THE RESULT IN
1992-1993 AND NINETY-

23 FIVE PERCENT OF THE RESULT IN 1993-1994.

24 (E) THE DEPARTMENT SHALL, BY
REGULATION, DEFINE ALLOWABLE

25 COSTS FOR AUTHORIZED CHILD WELFARE
SERVICES; PROVIDED THAT NO

26 REGULATION RELATING TO ALLOWABLE COSTS
SHALL BE ADOPTED AS AN
27 EMERGENCY REGULATION PURSUANT TO SECTION
6(B) OF THE ACT OF JUNE
28 25, 1982 (P.L.633, NO.181), KNOWN AS THE
"REGULATORY REVIEW
29 ACT."

30 SECTION 709.4. CHILDREN SERVICES
ADVISORY COMMITTEE.--(A)
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1 THERE IS HEREBY CREATED A TEMPORARY
CHILDREN SERVICES ADVISORY
2 COMMITTEE CONSISTING OF THIRTEEN PERSONS AS
FOLLOWS:
3 (1) THE SECRETARY OF PUBLIC WELFARE.
4 (2) THREE PERSONS SELECTED BY THE
SECRETARY OF PUBLIC
5 WELFARE TO REPRESENT COUNTY CHILDREN AND
YOUTH PROGRAMS, PRIVATE
6 COMMUNITY SERVICES AND PRIVATE
INSTITUTIONAL SERVICES.
7 (3) THE MAJORITY CHAIRMAN AND THE
MINORITY CHAIRMAN OF THE
8 AGING AND YOUTH COMMITTEE AND THE MAJORITY
CHAIRMAN AND THE
9 MINORITY CHAIRMAN OF THE APPROPRIATIONS
COMMITTEE OF THE SENATE
10 AND THE MAJORITY CHAIRMAN AND THE MINORITY
CHAIRMAN OF THE AGING
11 AND YOUTH COMMITTEE AND THE MAJORITY
CHAIRMAN AND THE MINORITY
12 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF
THE HOUSE OF
13 REPRESENTATIVES EACH OF WHOM MAY SELECT A
TEMPORARY OR PERMANENT
14 DESIGNEE WHO NEED NOT BE A MEMBER OF THE
GENERAL ASSEMBLY.
15 (4) THE CHAIRMAN OF THE JUVENILE COURT
JUDGES' COMMISSION.

16 (B) THE PURPOSE OF THE COMMITTEE SHALL
BE TO STUDY AND

17 REPORT TO THE GOVERNOR AND THE GENERAL
ASSEMBLY BY DECEMBER 31,
18 1992, ON SUBJECTS WHICH SHALL INCLUDE, BUT
NOT BE LIMITED TO:

19 (1) UNIFORM CHILDREN AND YOUTH SERVICE
DEFINITIONS.

20 (2) A METHODOLOGY OR ALTERNATIVE
METHODOLOGIES FOR THE
21 CALCULATION OF STANDARDIZED RATES BASED ON
UNIFORM SERVICE
22 DEFINITIONS.

23 (3) THE IMPACT OF VARIABLE
REIMBURSEMENT RATES FOR DIFFERENT
24 TYPES OF SERVICES ON THE NATURE OF THE
SERVICES PROVIDED TO
25 CHILDREN AND YOUTH AND THE DESIRABILITY OF
ANY CHANGE IN THOSE
26 REIMBURSEMENT RATES FROM THOSE ENACTED INTO
LAW OR IMPLEMENTED
27 BY THE DEPARTMENT.

28 (C) THE CHILDREN SERVICES ADVISORY
COMMITTEE SHALL REMAIN IN
29 EXISTENCE UNTIL IT HAS SUBMITTED ITS REPORT
OR DECEMBER 31,

30 1992, WHICHEVER SHALL FIRST OCCUR. THE
CHILDREN SERVICES

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1 ADVISORY COMMITTEE SHALL BE INITIALLY
CONVENED BY THE SECRETARY
2 OF PUBLIC WELFARE ON OR BEFORE OCTOBER 1,
1991.

3 SECTION 4. THIS ACT SHALL APPLY TO
SERVICES RENDERED ON OR
4 AFTER JULY 1, 1991.

5 SECTION 5. THIS ACT SHALL TAKE EFFECT
IMMEDIATELY.

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