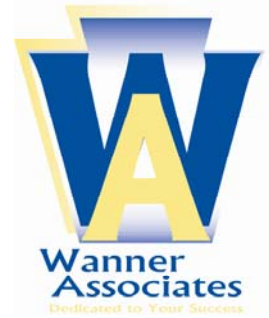


MEMO



908 North 2nd Street
Harrisburg, PA 17102
P-717-236-2050 F-717-236-2046
www.wannerassoc.com

To: PCCYFS Public Policy Committee
From: Alex Rahn, Wanner Associates
Date: July 8, 2010
Subject: Report for July 2010 Public Policy Meeting

Table of Contents

- **Budget**
- **Committee & Other Activity**
 - **The Senate Judiciary Committee - disposition of dependent children & Privately Operated Community Corrections Facility Act**
 - **House Children and Youth Committee - Office of Victim Advocate & Special Juvenile Victim Compensation Fund**
 - **House Children and Youth Committee - Delinquency prevention and alternatives to placement/detention.**
 - **Senate Judiciary Committee met to hear testimony on Delinquency prevention and alternatives to placement/detention**
 - **Rep. McIlvaine Smith Urges HSDF Funding**
- **Legislation**
 - **New Legislation**
- **Upcoming Meetings of Interest**
- **Session Schedule**

Budget

The Pennsylvania Legislature passed a \$28.05 billion state budget on Wednesday, June 30, marking the first on-time budget during the Rendell Administration. The Senate was first to pass an amended version of HB 2279 on the afternoon of the 30th. The Senate voted 37 to 13 in favor of the bill with twenty Republican votes and seventeen Democrat votes. Later the same day, the House concurred with the Senate passed budget bill by a 117 to 84 vote. Sixteen Republicans joined 101 Democrats in support of the measure.

The Governor signed the bill the following Tuesday, July 6th, touting the state's \$250 million increase in education funding during a budget-signing ceremony at a Mechanicsburg elementary school. However, he reiterated his disappointment that lawmakers were unable to enact a series of taxes that could have held off further spending cuts. In fact, the budget does not include many of the original revenue suggestions proposed by the Governor; New or increased taxes on cigarettes, cigars, or smokeless tobacco, Combined reporting, Any expansion of the sales tax, and Elimination of the vendor allowance for sales tax collection. The budget does include the assumption of \$850 million in additional federal Medical Assistance Program (FMAP) dollars. The U.S. Senate recently voted down a bill that included the FMAP money.

The final pieces of the budget actually came together Saturday, July 3, three days after the approval of the General Appropriations bill, when lawmakers approved the Fiscal Code. Disagreement over the fiscal code, a bill that must accompany the budget, came when Senate Republicans called for the creation of the Independent Fiscal Office. The IFO would have created an independent oversight review on revenue numbers that have been the purview of the executive branch's Revenue Department. The office would be set up in the Legislative Budget and Finance Committee.

Senate Republicans began calling for the creation of the office last year after disagreements with some of the Revenue Department's findings. An agreement was finally reached Friday night when language was put in the fiscal code that says it is

the “intent of the House and Senate majority leadership to pass legislation” that enacts a natural gas severance tax and establishes an Independent Fiscal Office. The legislation stipulates lawmakers approve creation of both by October 1, with each taking effect on January 1, 2011. Details still have to be worked out.

The fiscal code also contains an array of one-time account transfers to the General Fund, totaling \$261 million. The largest of them is a \$180 million transfer from the Oil and Gas Lease Fund. The bill also moves \$121 million from the Tobacco Settlement Fund to the PSERS retirement fund to increase the government’s required contribution.

County Child Welfare received \$1,045,607,000 in funding. This is down from FY09/10’s number of \$1,048,374,000 and also below the Governor’s request of \$1,072,050,000.

Committee & General Activity

The Senate Judiciary Committee met on June 29th to consider several bills. Among them:

[HB 2258](#) - Amends Title 42 (Judiciary and Judicial Procedure) further providing for disposition of dependent children.

Provides that prior to entering any order of disposition that would remove a dependent child from his home, the court shall enter certain findings on the record or in the court order. Further provides for visitation for child and sibling and for matters to be determined at permanency hearing. (Prior Printer Number: 3218, 3591) - The bill was unanimously reported as committed.

[HB 1281](#) - the Privately Operated Community Corrections Facility Act requires that a public hearing be held in the municipality affected by a private vendor who intends to submit a bid to the department for beds in a community corrections facility. At the public hearing the private vendor shall explain the operation of the community corrections facility and permit public comments relating to the site and operation of the facility. The private vendor shall submit a transcript of the public hearing to the department as part of its bid and the department shall review the transcript and consider the substance of the public comments when awarding a contract pursuant to the request for proposal. The bill provides for notice of the public hearing. (Prior Printer Number: 1519) - The bill was unanimously reported as amended.

The House Children and Youth Committee met on June 23rd to consider two bills:

[HB 2571](#) - Eachus - (PN 3892) Amends Crime Victims Act further providing for the Office of Victim Advocate and for powers and duties of victim advocate by adding that the advocate would represent and advocate for the interest of crime victims. The victim advocate shall represent the interests of individual crime victims before the board, department or hearing examiner and before other government officials; and represent and advocate for the interests of crime victims generally, including the victims of juvenile crime. - The bill was reported as committed by a vote of 15-9 with the following members voting in the negative: Representatives Dan Moul (R-Adams), Jim Cox (R-Berks), Gary Day (R-Berks), Scott Perry (R-York), Brad Roae (R-Crawford), Marcia Hahn (R-Northampton), Julie Harhart (R-Northampton), Todd Rock (R-Franklin) and Will Tallman (R-York).

Rep. Moul asked about Section 301(a), under Establishment, if that would mean lobbying. Jane Mendlow, Executive Director of the committee, responded she doesn't think it is interpreted that way. It's intended in a broader sense, she said, in order to have an opportunity to represent victims and advocate to ensure it is understood what responsibilities law enforcement, district attorneys, and such have. Referring to number one in Section 302 of the bill, Rep. Moul asked if "other government officials" includes the General Assembly. Mendlow replied she believes so, noting hearings were requested regarding the victims' compensation fund, for example. Rep. Moul asked if that can be done now. Mendlow explained it can be done, but it's not as clear in the law as it should be. Rep. Moul affirmed he does not understand the goal here. Mendlow said the legislation clarifies language to ensure victim advocates could come before a hearing and provide expertise. Rep. Steve Samuelson (D-Northampton) referenced the recent Interbranch Commission on Juvenile Justice report and said on pages forty-one and forty-two it states recommendations regarding crime victims. Rep. Samuelson stated he agrees with the approach to save money, but another recommendation was to try to get funding. In recent budget discussions, he said, the budget was reduced to \$1.2 million. He asked what has been cut back in the 65% reduction and what would be the impact of this reduction. Mendlow stressed this should really be discussed on the next bill.

[HB 2572](#) - Eachus - (PN 3893) Amends Crime Victims Act establishing the Special Juvenile Victim Compensation Fund and further providing for costs. The sources of the fund shall be a transfer of \$500,000 from the Crime Victim's Compensation Fund, appropriations, money from other sources, and returns. The fund shall be administered by the commission and used solely to provide restitution to victims of juvenile crime in a county of the third class. The legislation outlines conditions under which a victim shall be entitled to receive restitution from the fund. The provisions of the bill shall expire by June 30, 2011. Additionally, \$1,000,000 shall be transferred from the Crime Victim's Compensation Fund to the Victim Witness Services Fund to supplement, and to be distributed together with, other money in the Victim Witness Services Fund used to provide victim of juvenile offender grants to counties. - The bill was reported as amended by a vote of 15-9 with the following members voting in the negative: Representatives Moul, Cox, Day, Hahn, Harhart, Perry, Roae, Rock and Tallman.

A07935 by Bishop, makes several technical changes and also inserts language pertaining to restitution entitlement, restitution and compensation amounts and rights to action regarding recovering losses. The amendment was adopted by a vote of 15-9 with the following members voting in the negative: Representatives Moul, Cox, Day, Hahn, Harhart, Perry, Roae, Rock and Tallman.

Rep. Moul asked if a victim can be compensated for restitution out of the Victim Compensation Fund under current guidelines. Mendlow replied no. However, she said there may have been a "unique situation" where this happened, or where it fell under federal guidelines.

Those children were abused by the system and they deserve to be compensated, opined Rep. Moul. "Isn't this setting an awful precedent?" he asked. Mendlow said no, this has to do with the 4,000 cases between 2003 and 2008. About 212 of them have been addressed and are waiting for restitution, she explained. She clarified that Rep. Moul is referring to the juveniles who were sent to detention centers. Lawyers are representing those families in order to receive compensation, she noted. Minority Chairman O'Brien added there's some concern with whether the county should be responsible. Mike Schwoyer, Counsel from Speaker Keith McCall's office, offered some information. He said juvenile offenders who were victimized by the system can receive federal monies. The state statute, however, does not presently provide for pain and suffering as federal law does, he explained.

Rep. Moul asked what number is needed for compensation. Schwoyer said it's expected approximately \$300,000 will be paid to eligible victims and sixty percent of those funds will be reimbursed by the feds two years from now. What if \$500,000 isn't enough, asked Rep. Moul. Schwoyer said if that amount is exceeded the bill establishes that funds shall be allotted. Rep. Moul then wanted to know why it wasn't taken out of judiciary's budget since they caused it. Chairman Bishop indicated there isn't an answer for that.

Rep. Day then asked several questions pertaining to the juvenile cases that were vacated. He asked for an explanation of the condition that's created by that vacating of the decree. Schwoyer said the cases aren't being prosecuted and Rep. Day wanted to know if any action is awarded. Minority Chairman O'Brien added they were denied what they would have been awarded in restitution. Rep. Day said not all 4,000 cases are being looked at and suggested they be reexamined. Rep. Day then asked why judges are not allowed to decide the restitution. Mendlow stated that is what this legislation does and the way it is written only applies to decrees.

Rep. Day stated that the bill says it's creating a "Special Juvenile Victim Compensation Fund" and asked if that is what the bill is. Mendlow said there's two parts to it. It will create a special fund but also sets forth eligibility criteria. Then, it transfers funding, she said. Rep. Day said what he wants to know is if a fund is being created. It's creating a mechanism, Mendlow told him. Rep. Day wanted to know where that is located in the bill. Mendlow told him it is in the amendment but also on pages two through three of the bill. That is similar language to the amendment, she said, but indicated the amendment goes into much more detail.

The House Children and Youth Committee met on June 10 to hear testimony on Delinquency prevention and alternatives to placement/detention.

Chairman Bishop called the meeting to order, saying "it is imperative that we to continue to review how well we're doing at reducing serious juvenile crime" and "important to realize that we have to learn about what strategies are really working in terms of cost and treatment so that juveniles get the help they need to be healthy, productive, law abiding citizens." Six Panels offered testimony

Panel 1: Panel 1: State/County Overview, Juvenile Justice System, Reforms and Initiatives. Michael Pennington, Director, Office of Juvenile Justice and Delinquency Prevention, PCCD; Richard Gold, Deputy Secretary, Office of Children, Youth and Families, DPW; Jim Anderson. Executive Director, Juvenile Court Judges Commission.

Michael Pennington stated "we know our programs are working at producing positive outcomes for kids and families as well as building a positive return on taxpayer dollars." He discussed the establishment of a "Resource Center for Evidence-based Prevention and Intervention Programs and Practices" which provides the following: Support for those implementing established evidence-based models; Quality improvement support at programs targeting youth risk factors; Community planning work. Pennington said the Center has enabled 1,471 youths to go through evidence-based intervention programs which prevented them from going through the adjudication process which saved taxpayers millions of dollars.

"Delinquency prevention as well as effective programming alternatives for juveniles is a critical piece in dealing with the prison overcrowding issue by keeping kids from further penetrating the system and keeping them from entering the system in

the first place," Pennington stated. "It is important that we invest in ongoing knowledge development and utilize scientific evidence and decisions about juvenile justice policies, practices, and clients."

Richard Gold gave an overview of the role of the Department of Public Welfare in the juvenile justice system. He said the Department does not have oversight of county probation staff but it funds "all purchase of service for the delinquency system for both in-home and out-of-home services." Gold said 60-70 percent of the youths going into the delinquency system have a "psychological diagnosis" and 50 percent have "co-occurring incidents" and 20 percent "have at some time admitted to having suicidal ideations." He emphasized the importance of collaboration and spoke about several evidenced-based practices which serve as an alternative to detention. "We have seen the growth of evidence-based blueprint practices in Pennsylvania to the point to which we are the largest provider of these services in the nation," he stated. "From 2004 to 2008 we have decreased secured detention by also 15 percent."

Jim Anderson said Pennsylvania has a "statutory mandate that provides the framework for restorative justice." He emphasized that the juvenile justice system has three goals: Community protection: refers to the right of all Pennsylvania citizens to be and feel safe from crime. Victim restoration: emphasizes that, in Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible. Youth redemption: embodies the belief that juvenile offenders in Pennsylvania have strengths, are capable of change, can earn redemption, and can become responsible and productive members of their communities. Anderson stated "we have a juvenile justice system mission that is sound." He stressed the importance of agency collaboration and highlighted the "connection between the work that is done or not done with kids that are in our child welfare system and the kids who are receiving services and who are not."

Rep. Mundy questioned why every county in the Commonwealth does not utilize evidence-based best practices. Pennington said the Center is "trying to build better partnerships and coordinate funding across state agencies." He stated "we're challenged with resources and we are trying to sustain just what we have now." Rep. Mundy said she was surprised to learn how many youths in the juvenile justice system have mental health issues and questioned how each child is evaluated. Gold explained that "these youths come with a myriad of problems and we have to be better, more efficient, and more effective at assessing these problems to avoid tragedies." He said "we have to provide treatment when treatment is the issue and other services when it is not." Gold affirmed that the agencies are working together to facilitate greater evaluation processes, but resources remain an issue.

Rep. Mundy said legislation is circulating that is based off recommendations from the Interbranch Commission on Juvenile Justice. She asked him to respond in writing to the following provisions of the bill: Requiring written decisions in which a juvenile is sent to a detention center. Requiring open hearings in all juvenile cases. Recourse for parents when a disproportionate sentence is handed down. Rep. Mundy expressed strong opposition to open hearings. Anderson agreed and said the Interbranch Commission did not recommend open hearings.

Chairman Bishop asked the panel to give the members their two most important concepts from their testimony. Pennington said "we have the research, we have the knowledge, we know our evidence-based delinquency prevention programs are working; we know they not only that have positive outcomes for children and families but it's a great investment of taxpayer dollars." Gold stated "in order to do these evidence-based programs we need to be able to maintain our funding and I recognize it's a hard thing to ask in today's economy but its necessary." Anderson said "keep in mind that every child that comes into our system is valuable to us and virtually all of them are capable of changing; if you do well with the kids that are at risk early in their lives you're not going to have to worry about the prison population to such a degree like you are know. The answer is: early, early, early with evidence-based practice with the money up front."

Panel 2: Juvenile Prosecutor and Juvenile Public Defender Perspectives. George Mosee, Deputy District Attorney, Philadelphia District Attorney's Office, Juvenile Division, and Member of the Interbranch Commission on Juvenile Justice; Robert Listenbee, Esq., Juvenile Unit, Defender Association of Philadelphia, and Member of the Interbranch Commission on Juvenile Justice.

George Mosee emphasized the need to "effectively and efficiently use our limited resources to continue successful initiatives, and develop new programs" to reduce juvenile crime and violence. He said the Philadelphia District Attorney's Office has collaborated with other agencies and the community to produce positive outcomes. "There has been a pronounced decrease in the number of court cases involving juveniles," he stated. "In 2003, there were 10,000 delinquency petitions filed; in 2009 that number was down to 7,061. In additional 691 cases were adopted by the Youth Aid Panels and 378 were adjusted at the Youth Study Center." Mosee discussed the importance of school based initiatives and gave an overview of the Blueprint for a Safer Philadelphia that the District Attorney's Office and the Philadelphia School District created as a Juvenile and Criminal Justice curriculum for middle school students. Mosee also spoke about the the Re-Entry Transition Initiative Welcome Return

Assessment Process Program (RETI-WRAP) which provides a "comprehensive support to adjudicated youth that are returning from court-ordered placements" and other re-reintegration initiatives.

Robert Listenbee stressed that "cross system collaboration, strong leadership, open mindedness, and a willingness to take risks along with modest amounts of financial support are the key ingredients necessary to prevent delinquency and create alternatives to detention." He gave an overview of the "Philadelphia Working Group," which was formed in 2003 and whose mission is to "identify and develop concrete, viable and measurable strategies that will improve relationships between minority youth and members of law enforcement." He said the group consists of 18 organizations and it has developed the "Youth/Law Enforcement Curriculum for training cadets and youth at the Philadelphia police academy." He stated, "We are in the process of preparing to conduct the formal evaluation of the curriculum in the hopes of transitioning it from a promising approach to a best practice or blueprint program."

Chairman Bishop asked if youths should be tried as adults. Mosee explained that certain offenses were removed from the Juvenile Act in 1996 and certain cases are now "automatically initiated in the adult system at the age of 15." He said the change "did not send a lot of cases to adult court" and indicated that 50 percent of the cases come back to juvenile court. "I do believe there is a place for adult treatment of young people or who would otherwise be juveniles because of their age," Listenbee stated, adding "I fundamentally disagreed" and argued that "the Legislature needs to study the issue and determine if it is still appropriate to do this given what we know about adolescent brain development." He noted that it also "disproportionately effects minority youth."

Panel 3: Juvenile Court Innovation and Collaboration. The Honorable Steven Teske, Juvenile Court Judge, Clayton County, Georgia.

Judge Steven Teske lauded the Pennsylvania juvenile justice system and said the Luzerne County incident was an aberration. "Just because you have a couple professionals who got greedy and lost sight of their mission and goal, please don't let it stain the good name this state has in juvenile justice," he stated. "I have school-based probation in my county because of Pennsylvania. I have established balance and restored the justice of my county because of Pennsylvania. Zero tolerance equals zero intelligence," Judge Teske stated. "We have to treat kids differently; we have to give kids a chance." Judge Teske said a zero tolerance policy had many negative effects including the following: Suspension rates doubled; School Code violations resulted in court referrals; Increase in suspensions and referrals has significantly increased racial and ethnic disparities; and Juvenile crime increased.

Judge Teske discussed the positive effects of Clayton County's participation in the Annie E. Casey Foundation's Juvenile Detention Juvenile Detention Alternative Initiative. He said the initiative places a large emphasis on collaboration between agencies, schools, and the community and the juvenile court judge should act as a "traffic cop." Judge Teske stated that the county adopted a "school offense protocol agreement" which dramatically shifted the way School Resource Officers (SROs) and schools handled incidents. "Most of our crimes are solved by kids talking to the SROs," he stated. "Our serious weapons charges fell 70 percent." Judge Teske stressed that graduation rates have increased by 21 percent and juvenile felony rates have decreased by over 50 percent.

Chairman Bishop questioned if Philadelphia can participate in the Annie E. Casey Foundation's Juvenile Detention Juvenile Detention Alternative Initiative. Judge Teske said the headquarters of the Foundation is in Baltimore and explained that there is an application process and a site visit.

Panel 4: School-based Youth Court. Gregory Volz, Esq., Director, Chester High School, Delaware County; Brian Foster, student; Jamar Saunders, student.

Gregory Volz, Esq., Chester High School, Delaware County, discussed his role working in schools and efforts to train teenagers to operate student driven youth courts as an alternative to more punitive school discipline. He stated, "Many students who fail in school today become prison inmates tomorrow," and noted that student operated youth courts promote listening to the student voice, which he opined was missing from Luzerne County. Volz provided an overview of the history of youth courts and explained youth court volunteers learn key legal concepts and court procedures needed to operate a courtroom. "Youth courts have resulted in improved self-confidence, public speaking and teamwork competencies by youth court members. These skills will be used the rest of their lives. Students have also learned to have more respect for the rule of law, the consequences of breaking rules, and taking responsibility for one's actions," Volz reported. He offered the following recommendations: The Interbranch Commission should maintain its status, meet at least annually, and closely monitor compliance with its recommendations. The Center for Court Innovation's "Recommended Practices for Youth Court" should guide PA in constructing a network of youth courts to support at-risk youth, and foster a new generation of resilient youth. PA should create a youth court statute linking the juvenile justice and public education systems. The statute should authorize

funding to support all PA law and education programs, attract philanthropic funding, and support a public private partnership for justice reform. PA should create a PA Association of Youth Courts to provide training, research and grant writing assistance to PA youth courts.

Panel 5: Dauphin County Perspectives. The Honorable John Cherry, Juvenile Court Judge; C. Jeffrey Patton, Assistant Director, Dauphin County Juvenile Probation Office; Daniel Elby, CEO, Alternative Rehabilitation Communities, Inc, Evening Reporting Center, and Chair, Disproportionate Minority Subcommittee, Juvenile Justice and Delinquency Prevention Committee, PCCD

The Honorable John Cherry, Juvenile Court Judge, discussed the importance of working with juveniles and treating each according to his individual needs. Judge Cherry said Dauphin County has one of the highest per capita juveniles crime rates in the state, noting that on average 20-25 juveniles are detained in the county's detention center at any given time. He noted many juvenile offenders come from single parent homes, are involved in drugs, or have mental health issues. He discussed the various programs the county has to work with youth and noted that it is important to be involved and praise successes.

C. Jeffrey Patton, Dauphin County Juvenile Probation Assistance Director, provided an overview of his office and the development of community based programs in Dauphin County. He reported that from 1987 to 1996 the number of juvenile offenders increased 93% and the county's detention center was consistently filled to capacity. Beginning in 1996, Dauphin County began to develop and implement community based alternative programs to manage the large number of referrals the juvenile probation office was receiving and to implement the principles of balance and restorative justice, community protection, accountability, and competency development. The county developed four programs that help supplement traditional juvenile probation and supervision and service as an alternative of offenders. Patton said the focus of these programs is on individual and family counseling, completion of community service, participation in community activities, monitoring school and job attendance and performance, and curfew monitoring. Many juveniles involved in these programs are also placed on electronic monitoring. Patton also discussed the Dauphin County Neighborhood Reporting Center which focuses on drug and alcohol education, anti gun violence, and effective parenting skills.

Daniel Elby, CEO, Alternative Rehabilitation Communities, Inc. (ARC), Evening Reporting Center, and Chair, Disproportionate Minority Subcommittee, Juvenile Justice and Delinquency Prevention Committee, PCCD, discussed the programs available to juveniles and stated it is important to establish a relationship with these youths to ensure they are involved and meet any probation requirements. He touted the success of the Evening Reporting Center and reported that a second program is expected to open in the fall. Elby also commented on the importance of bringing law enforcement and youths together to establish relationships and change attitudes and perceptions. He stated more African American youths are in prison than college and said he is working "to turn the tide."

Rep. Cohen asked the panelists if they favor a repeal of the law that allows children to be treated as adults in criminal courts. Elby responded his experience is that youths can be successful if they are worked with. Patton added that Dauphin County judges "agonize" over the decision of where to try youths and he expressed his confidence that these decisions are made with a lot of thought. He commented some youths simply cannot be rehabilitated in the juvenile system.

Panel 6: Community-based Services and Alternatives to Detention. Lynette Brown Sow, Chair, Board of Directors, Youth Advocate Programs, Inc.; Bernisha Salmond, YAP Alumna, Philadelphia; Damond Lowe, YAP Alumnus, Philadelphia; Edgar Cahn, Ph.D., Distinguished Professor of Law, University of the District of Columbia David A. Clarke School of Law, and Member, Board of Directors, YAP.

Lynette Brown Sow, Chair of the Board of Directors of the Youth Advocate Program (YAP), which provides alternatives to detention centers, correctional facilities, residential treatment centers and psych hospitals, discussed the alternatives to detention that YAP offers. She noted YAP has been recognized by the Office of Juvenile Justice and Delinquency Prevention, National Council on Crime and Delinquency and the Annie Casey Foundation as an effective alternative to detention. She stated the YAP model services the entire family, not just the referred youth, and includes 10-30 hours per week of face to face contact, individual service plans, and employment opportunities. "We create opportunities for each young person to give back and contribute to their community and base our plans on their strengths, interests and the priority needs of the entire family," Brown Sow stated. She noted the program is best utilized when YAP is positioned to be an alternative to detention and to provide aftercare for youth coming out of detention. As a result, she explained, "the young person gets a job, does better in school, volunteers to give back to community, is linked with other caring persons, and has a plan. Parents learn new skills and have some of their own needs met so they are more hopeful and less overwhelmed." Brown Sow offered YAP's assistance to work toward building capacity to serve high risk youths and save dollars.

Edgar Cahn, Ph.D., Distinguished Professor of Law, University of the District of Columbia David A. Clarke School of Law, and Member, Board of Directors, YAP, and founder of TimeBanks USA, stated Pennsylvania has "gems" and a range of ideas, talent and willingness to innovate, but he questioned why every child in PA does not have access to these gems. He explained he started a youth court in DC at a time when 54% of all African American males were in the justice system. He explained "kids don't listen to adults," but they do listen to other kids. Cahn touted the success of the youth courts, noting many of the jurors are former offenders. He recommended that this format be utilized more. Cahn also discussed the importance of providing an avenue for youths to do the right thing and give back to their community. He said currently youths feel like being bad is the only way to get attention, and instead they need an opportunity to be valued and give back. Lastly, Cahn urged the committee to look to evidence-based practices and make them more accessible.

Additional testimony was submitted by the [County Commissioners Association of PA \(CCAP\)](#).

Senate Judiciary Committee met to hear testimony on Delinquency prevention and alternatives to placement/detention

Chairman Greenleaf stated "juvenile justice is an ever expanding field, so the discussion of best practices is ongoing, and I believe that at today's hearing we will continue to gather important input from experts that will help to improve Pennsylvania's juvenile justice system."

Lisa Macaluso, Annie E. Casey Technical Assistant Team Leader, Juvenile Detention Alternative Initiative (JDAI) in New Jersey, gave an overview of the JDAI. "JDAI promotes changes to policy, practice and programming with the goal of reducing the need for unnecessary and inappropriate detention, as we know the overreliance on secure detention often comes at greater taxpayer expense, along with the long-lasting negative consequences for both public safety and youth development," she stated. "JDAI also works to redirect resources toward successful reform strategies, to reduce racial, ethnic and gender disparities and to improve conditions of confinement in detention facilities for those youth who require this most secure level of supervision."

Macaluso discussed how she created and implemented statewide juvenile justice system reform, which led to New Jersey's designation as the first state JDAI model site in the United States. She discussed four components that were critical to the success of the JDAI in New Jersey: Political will and champions: Successful implementation of JDAI requires political will from leaders heading state and local government agencies and leaders in all branches of government to support the work. Commitment to common values: Commitment to common values helps people find common ground to move the work forward. Organizational structure and support: New Jersey created an organizational structure that supported the work by providing new top-down/ bottom-up avenues for policy and change. System diagnostic data: JDAI implementation must be based upon reliable and relevant information regarding outcomes at various decision points across the juvenile justice system.

Macaluso also highlighted the successful outcomes of the JDAI: Index arrests have declined 57 percent and admissions to detention have declined 43.2 percent; The average daily population of detention centers declined by 48.7 percent; Detention bed capacity for New Jersey has declined by 10.1 percent; 45.2 percent decrease in the number of youth of color who are detained on any given day; and 62 percent decrease in the number of girls who are detained.

Chairman Greenleaf asked if it is fair to say "when you reduce detention, juvenile crime reduces at the same time." Macaluso said "detention is effective at incapacitating the child for a little bit of time" but affirmed that there are "other more effective ways that don't harm youth development and are better in the long run for the community and the child." Chairman Greenleaf questioned what type of evidence-based programs New Jersey is using effectively. Macaluso said JDAI was "primarily a policy and practice change" and indicated that the initiative simply "improved the effectiveness of the programs." Minority Chairman Leach questioned if it was politically difficult to adopt the JDAI in New Jersey. Macaluso said "most folks generally did not push back" but indicated that there was initially "a lot of skepticism."

Senator Baker asked how much money the Annie E. Casey Foundation put into the JDAI in New Jersey. Macaluso said the Foundation gave \$200,000 a year for five years and the money was generally used for hiring detention specialists and to hold a statewide conference. Senator Baker questioned how important training and advocacy is to implementing the JDAI. "It's critically important," Macaluso responded. "Our strategy was trying to find champions in each affinity group and have them go and talk."

Clay Yeager, Consultant, Evidence-Based Associates, gave an overview of the Communities that Care (CTC) process which is a "community assessment and planning system based on over 40 years of research in identifying key local risk and protective factors that when present in a child's home, school and community can either increase or mitigate youth behavioral problems." Yeager said CTC produced the following results: Significantly lower prevalence of risk factors; Significantly higher prevalence of protective factors; and Significantly lower rates of delinquency and substance use. Yeager also gave a powerpoint presentation which emphasized that evidenced-based prevention programs such as Multidimensional Treatment

Foster Care, Function Family Therapy and Multisystemic Therapy reduce crime and delinquency at a much lower cost than detention for juvenile offenders. "The average annual cost for one adjudicated youth is \$130,149 for the same price we could provide Functional Family Therapy services to more than 30 youths and their families," he stated.

Yeager offered the following recommendations to the committee: Restore funding in proposed FY 2010-11 budget to support PCCD's "Evidence-based Prevention and Intervention" and "Research-Based Violence Prevention" to 2002 levels of \$16 million. A permanent funding structure be created in FY 2011-12 to support and expand these programs in an amount equal to 1 percent of the annual expenditures to operate the state corrections system. Specific performance measures be incorporated to hold policy officials and providers directly accountable to achieve outcomes consistent with previous research.

Senator White questioned how the state could take one percent out of the Department of Corrections' budget. Yeager said the full one percent does not have to go out of department's budget entirely and recommended taking "a portion from Corrections, take a portion from Act 148, take a portion from Juvenile Justice expenditures; take a portion from Drug and Alcohol Treatment and take a portion from the Department of Education."

Edgar Cahn, Distinguished Emeritus Professor of Law, David A. Clarke School of Law, The University of the District of Columbia, and Founder and Director of the Time Dollar Youth Court in Washington DC, stated Pennsylvania has "gems" and a range of ideas, talent and willingness to innovate, but he questioned why every child in PA does not have access to these gems. He explained he started a youth court in DC at a time when 54% of all African American males were in the justice system. He explained "kids don't listen to adults," but they do listen to other kids. Cahn touted the success of the youth courts, noting many of the jurors are former offenders. He recommended that this format be utilized more. Cahn also discussed the importance of providing an avenue for youths to do the right thing and give back to their community. He said currently youths feel like being bad is the only way to get attention, and instead they need an opportunity to be valued and give back. Lastly, Cahn urged the committee to look to evidence-based practices and make them more accessible.

Jamaal Jenkins, Manager of Support Services for Time Dollar Youth Court, discussed his responsibilities with Time Dollar Youth Court which includes spearheading the "Truancy Initiative." He stated that the initiative services over 200 students and has produced a zero percent recidivism. "I believe that my agency is a viable factor in the fight against truancy in the District of Columbia," he stated. "By sitting down and talking to parents in regards to their child's truancy issue, other variables come up, and we at the Time Dollar Youth Court work as best as we can to address both the truancy concern and any other issue that arises."

Tonya Pickett, Coordinator of the Youth Court Girls Group for Time Dollar Youth Court, gave an overview of the Youth Court Girls Group. "The goal of the Youth Court Girls Group is to engage girls by providing a safe space to discuss violence and how it affects their lives," she stated. "By allowing the girls to form relationships with peers from all areas of the District of Columbia, the Time Dollar Youth Court Girls Group hopes to break down generational barriers, stereotypes and prejudices to create a city-wide focus on reducing neighborhood conflict."

Cynthia Robbins Esq., Co-Leader/Co-Founder, Racial Justice Initiative of Time Banks USA, discussed the Maya Angelou Public Charter School in Washington DC, which serves as a second chance school for 600 students. She stated that the school employs several evidence-based practices including the following: Providing an opportunity for students to learn relevant skills and information in a personalized program; Placing students in jobs for pay; Offering counseling and access to treatment for mental health needs like addiction; and Exposing students to opportunities such as college tours and elective classes. "For a cost of \$20,000-\$30,000 per year, these students whom others would have 'thrown away' emerge from Maya Angelou prepared to eventually become tax-paying college graduates," Robbins stated. "Contrast this return on investment with the dire, long-term expectations for juvenile delinquents incarcerated at a national average annual expenditure of \$88,000."

Chairman Greenleaf said the purpose of the hearing is "to try to educate people to the fact that we can have it both ways" in terms of making short term investments in alternatives to detention in order to reduce the high cost associated with state's prison system. Robbins agreed and said the cost per day for the management of the Time Dollar Youth Court is less than \$500 compared with the cost of probation which is over \$2,500. "These are immediate savings the system can recognize," she stated.

Senator Browne said Pennsylvania has limits in terms of the enforcement of truancy and stated that a District Magistrate only has the ability to fine the student and the parent and does not have the ability to reach out to other state agencies. He indicated that the Magistrate Association is examining expanding their ability to refer a child to a "diversionary program."

Chairman Greenleaf asked how the state can implement Youth Courts and other evidenced-based programs. Robbins said "many jurisdictions have made these kinds of changes in one fiscal year" and stated "at the very core it's about political will." Cahn said "you have programs here in Pennsylvania that are doing extraordinary work" and suggested starting an "award process that gives formal recognition to programs that have status."

Daniel Elby, Executive Director Alternative Rehabilitation Communities, Inc. (ARC), Evening Reporting Center, and Chair, Disproportionate Minority Subcommittee, Juvenile Justice and Delinquency Prevention Committee, PCCD, discussed the programs available to juveniles and stated it is important to establish a relationship with these youths to ensure they are involved and meet any probation requirements. He touted the success of the Evening Reporting Center and reported that a second program is expected to open in the fall. Elby also commented on the importance of bringing law enforcement and youths together to establish relationships and change attitudes and perceptions. He stated more African American youths are in prison than college and said he is working "to turn the tide."

Chairman Greenleaf questioned how the youth are referred to the program. Elby explained that ARC has contracts with 40 different counties and "work off purchase agreements with the counties." Chairman Greenleaf asked why the majority of the youth are there. Elby said "every type of offense you can think of" and stated that ARC takes in youths who have committed homicide and assault. "The core issue is dysfunctional families," he stated. "If we could deal with that issue I could probably go to another type of profession." Chairman Greenleaf questioned what the recidivism rate is for ARC. Elby responded 32 percent.

Kimberly Booth, Director of the Community Intensive Supervision Program (CISP), gave an overview of the program and highlighted the following objectives:

- Operate an intensive supervision program for repeat offenders in the community which provides balanced attention between the offender, community and victim;
- Successfully impact recidivism of youth in CISP thereby impacting the number of youth requiring placement;
- Provide a real world learning experience in the community rather than in the artificial or sterile environment in an institution; and Make CISP effective enough to significantly impact the court's institution budget.

"In short CISP means change for us," she stated. "We hope to arm youth with the tools that will make them successful and the belief that they will be successful in the real world with their change."

Nathaniel Almond, Community Monitor of the Allegheny Court of Common Pleas Family Division, discussed his responsibilities and said that he is often in communication with teachers, principals, social workers, attendance officers and others to "get both formal and informal insight on each student under our court supervision." He affirmed "this daily contact has been beneficial in monitoring the student's progress, attendance, punctuality, as well as attentiveness in various classrooms." Almond emphasized the importance parental involvement in the CISP program and indicated that parents are grateful for the opportunity to become more involved in their child's schooling.

REP. MCILVAINE SMITH URGES HSDF FUNDING

A rally was held today inside the Capitol rotunda by Representative Barbara McIlvaine Smith (D-Chester) to discuss the legislation which she has written (HB 2492) which would rename the Department of Public Welfare (DPW) the Department of Human Services, as well as call for the increasing of funding to the Human Services Development Fund (HSDF). Rep. McIlvaine Smith said that the word "welfare" carries with it a stigma, in both the political and business realms. Other states have realized this, and Pennsylvania is currently the only state in the union to still maintain what she says is an outdated name.

Rep. McIlvaine Smith also said that HSDF has lost much of its funding, down 29% in the past two years. "We must restore our funding to the 2008 level of \$41 million" McIlvaine Smith said. "We can't continue to cut a program that helps people help themselves." She said that there are too many valuable programs apart of HSDF, such as early learning, helping individuals with intellectual disabilities, medical assistance programs, and substance abuse education and support.

Ruth Kranz-Carl, Director of Chester County Human Services, said that HSDF creates a safety net for Pennsylvania, helping the less fortunate. However, through the past number of years, the net has been cut away, in some cases causing some services to be totally lost. She also said that during difficult times is not when the safety net should be cut apart, but instead it needs to be pulled together again.

Representative Gary Day (R-Berks) offered his support of the bill and his personal support to Rep. McIlvaine Smith. He turned to the group representing HSDF and said "I just want to thank you all. You do the work of angels."

Joseph Capita, President and CEO of United Way of the Capitol Region, spoke next. He said that in the region where he covers, there has been an 83% increase in unemployment, and a 29% increase in food stamp applications. There has also been an increase in the number of PA citizens looking for abuse counseling, in both adults and in children. Capita said that all of these services, and many more, are covered under the HSDF, and that if funding is not restored, many more programs will have to be dropped. Maggie McGill, Chief Operating Officer of Devereux, spoke on how important the name of an institution is, to how it is perceived. "The name influences how we value it." She said, giving her support to the bill, and encouraging the change from "Public Welfare."

Dr. Joanne Gillis-Donovan, executive director of Melmark said that the Department of Public Welfare is a "Beacon of Caring for all of Pennsylvania." However, she said, the name no longer represents that idea, and takes on connotations that were never intended. She said that often she will refer people to the DPW, only to have them say "I'm not here because I can't work, I'm here because my son or daughter has autism, and needs special services." She said that DPW has many more functions than simply helping families find jobs, it is also important in many social and educational aspects. Dr. Gillis-Donovan reiterated McGill's point, and said that all too often, while looking for donations, private businesses hear the name "public welfare" and want to have nothing to do with it. "We have a problem of viewing human caring as only being apart of the public sector."

Representative McIlvaine Smith ended the rally, asking Governor Rendell and the Senate and House leadership to increase funding for HSDF during the next budget season.

Legislation

[HB 264](#)

[Solobay](#)

Amends Titles 18 & 42 re expungement of record

(PN 3801) Amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) further providing for expungement of criminal history record, amending Title 18 by identifying that criminal history record information may be expunged when an individual who is the subject of the information petitions for expungement of the information and the individual has been free of arrest or prosecution for seven years. Adds language pertaining to expungement of juvenile records where the individual is 18 years of age or older and has been convicted of a violation of section 6308 relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages which occurred while the individual was under 18 years of age and the individual has satisfied all terms and conditions of the sentence. Also provides for expungement of juvenile records where the individual is 18 years of age or older and the individual has satisfied all terms and conditions of the sentence imposed following a conviction for a summary offense, with the exception of a violation of section 6308, committed while the individual was under 18 years of age and the individual has not been convicted of a felony, misdemeanor or adjudicated delinquent and not proceeding is pending seeking such conviction or adjudication. Title 42 is amended by adding a section stating a person who is filing a petition for expungement shall pay a fee of \$100 to the clerk of courts, who would see that \$50 of that fee shall be directed to the administrative office of the Pennsylvania Courts and \$50 shall be directed to the PA State Police. (Prior Printer Number: 283, 1688, 2386, 2415)

Bill History:

07-14-09 H Final Passage (Vote: Y:104/N: 91)

06-01-10 S Discussed in informational meeting with PA Board of Pardons, House Judiciary

06-23-10 S Rereferred to Senate Appropriations

[HB 371](#)

[Staback](#)

Amends Public Welfare Code re DPW duties

(PN 2735) Amends the Public Welfare Code, in general powers and duties of Department of Public Welfare, providing for onsite complaint investigations and plans of correction and for determining whether applicants for cash, medical or energy assistance are veterans; in public assistance, further providing for establishment of county boards and expenses by requiring Senate confirmation of gubernatorial appointments and providing for reasonable limits on allowable income deductions for medical expenses when determining payment toward the cost of long term care expenses; and, in hospital assessment, further providing for definitions of "general acute care hospital" and "high volume Medicaid hospital," for authorization, for administration, for no hold harmless, for tax exemption and for cessation adding high volume Medicaid hospitals to the scope. In order to

generate additional revenues for the purpose of assuring that medical assistance recipients have access to hospital services and that all citizens have access to emergency department services, and subject to conditions and requirements specified, a municipality may, by ordinance, (1) impose a monetary assessment on the net operating revenue reduced by all revenues received from Medicare of each general acute care hospital located in the municipality, and (2) beginning July 1, 2009, and subject to advance written approval by the secretary, impose a monetary assessment on the net operating revenues reduced by all revenues received from Medicare of each high volume Medicaid hospital located in the municipality. A municipality shall have the power to enact the assessment either prior to or during its fiscal year ending June 30, 2010. (Prior Printer Number: 389, 1275)

Bill History: 07-03-10 t Set on the House Calendar

[HB 1051](#)

[Sturla](#)

Amends act re background checks, child abuse

(PN 2002) Amends the Public School Code providing an individual may not be employed in a public or private school, intermediate unit or area vocational-technical school if the individual has been identified, within five years immediately preceding the date of application for the employment, as a perpetrator of a founded report upon which there has been a judicial adjudication based on a finding that the child who is the subject of the report has been abused. Also amends Title 23 (Domestic Relations) by stating that the Department of Education and county authorities may release confidential information to an employer of a child-care service employee, service provider, administrator or school employee as it relates to the employee's suitability in the workplace and to the protection of the health, safety and welfare of the children in the employee's workplace. (Prior Printer Number: 1221)

Bill History: 07-03-10 n Set on the House Calendar

[HB 1186](#)

[DiGirolamo](#)

Amends Admin Code est Drug & Alcohol Prgm Dept

(PN 4094) Amends The Administrative Code establishing the Department of Drug and Alcohol Programs, which shall consist of three bureaus: Bureau of Prevention and Intervention, Bureau of Treatment, and Bureau of Administration. The Secretary of Drug and Alcohol Programs shall be appointed by the governor. The bill repeals related provisions of the Pennsylvania Drug and Alcohol Abuse and Control Act; provides for duties of the new department; and makes editorial changes. The Department of Drug and Alcohol Programs shall have the power, and its duty shall be: (1) To develop and adopt a State plan for the control, prevention, intervention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and dependence problems; (2) In developing the State plan initially, and prior to its amendment annually, to hold a public hearing at least 30 days prior to the adoption of the initial State plan and subsequent amendments and to afford all interested persons an opportunity to present their views either orally or in writing; (3) In accordance with the State plan, to allocate the responsibility for all services, programs and other efforts provided for among the appropriate departments, agencies and other State personnel; (4) To gather and publish statistics pertaining to drug and alcohol abuse and dependence and promulgate regulations, specifying uniform statistics to be obtained, records to be maintained and reports to be submitted by public and private departments, agencies, organizations, practitioners and other persons with respect to drug and alcohol abuse and dependence, and related problems. Such statistics and reports shall not reveal the identity of any patient or drug or alcohol-dependent person or other confidential information; (5) To establish an information center, which will attempt to gather and contain all available published and unpublished data and information on the problems of drug and alcohol abuse and dependence; (6) To require all appropriate State and local departments, agencies, institutions and others engaged in implementing the State plan to submit as often as necessary, but no less often than annually, reports detailing the activities and effects of the implementation and recommending appropriate amendments to the State plan; (7) To submit an annual report to the General Assembly; (8) To make provision for facilities in each city or region or catchment area which shall provide information about the total Commonwealth drug and alcohol abuse and drug and alcohol dependency programs and services; and (9) To promulgate the rules and regulations necessary to carry out the provisions of this article. Also adds language providing for four non-legislative appointments to the PHEAA board to replace legislative members who choose not to be reappointed. Provides the non-legislative members shall have

relevant experience in banking, finance, higher education, higher education finance, information technology or investment. Also changes the term of service for board members from six years to four years and provides the chair and vice chair are to be legislative appointed. (Prior Printer Number: 1414, 3130, 4077)

Bill History: 05-25-10 H Final Passage (Vote: Y:191/N: 3)
07-02-10 S Final Passage (Vote: Y: 43/N: 7)
07-02-10 S Vote on final passage reconsidered
07-02-10 S Final Passage (Vote: Y: 42/N: 8)
07-03-10 H House concurred in Senate amendments, as further amended by the House
07-03-10 S Concurred - House amends to Senate amendments (Vote: Y: 40/N: 10)
07-03-10 H Signed in the House
07-03-10 S Signed in the Senate
07-03-10 G In the hands of the Governor
07-13-10 G Last day for Governor's action

[HB 1281](#) [Gibbons](#)

Amends Title 61 re corrections hearings

(PN 4021) Amends Title 61 (Prisons and Parole) to add a new chapter providing for community corrections facilities. Definitions are provided and a private entity wishing to run a community corrections facility must hold a public hearing in the municipality where the facility is to be located. Notice is also required. (Prior Printer Number: 1519, 2182)

Bill History: 12-15-09 H Final Passage (Vote: Y:193/N: 0)
12-15-09 S Received in the Senate and referred to Senate Judiciary
07-03-10 S Set on the Senate Calendar

[HB 1639](#) [Manderino](#)

Amends Titles 23 & 42 re child custody

(PN 3884) Amends Titles 23 (Domestic Relations) and 42 (Judiciary) making comprehensive revisions of Pennsylvania's child custody laws. Provides a comprehensive list of factors that the court must consider in awarding custody including; a determinate of which party is more likely to encourage and permit frequent and continued contact between the child and the other party; the parental duties performed by each party on behalf of the child; the need for stability and continuity in the child's education, family life and community life; the availability of extended family; and the child's sibling relationships. The court is mandated to state its reasons for the custody decision on the record. Also includes a framework for a judge to use when making decisions in child relocation cases. (Prior Printer Number: 2037, 3705)

Bill History: 06-14-10 H Final Passage (Vote: Y:191/N: 0)
06-15-10 S Received in the Senate and referred to Senate Judiciary

[HB 1968](#) [Sonney](#)

Amends Title 23 re agency & attorney records

(PN 4063) Amends Title 23 (Domestic Relations) providing limited access to adoption records; providing guidelines for access to adoption records; requiring the birth family information summary form shall be maintained as a permanent record by the adoption agency; further providing definitions. (Prior Printer Number: 2650)

Bill History: 06-30-10 H Rereferred to House Rules

[HB 2258](#) [Briggs](#)

Amends Title 42 re dependent child disposition

(PN 3849) Amends Title 42 (Judiciary and Judicial Procedure) further providing for disposition of dependent children. Provides that prior to entering any order of disposition that would remove a dependent child from his home, the court shall enter certain findings on the record or in the court order. Further provides for visitation for child and sibling and for matters to be determined at permanency hearing. (Prior Printer Number: 3218, 3591)

Bill History: 06-07-10 H Final Passage (Vote: Y:189/N: 0)
07-03-10 S Laid on the table

[HB 2279](#) [Evans, D](#)

Budget bill for fiscal year 2010-2011

(PN 4032) The General Appropriations Act of 2010 provides from the General

Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2010, to June 30, 2011, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2010, to June 30, 2011; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2010, to June 30, 2011, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2010; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; and making interfund transfers for the fiscal year July 1, 2010, to June 30, 2011. (Prior Printer's Number: 3259, 3277)

Bill History: 03-23-10 H Final Passage (Vote: Y:107/N: 89)
06-30-10 S Final Passage (Vote: Y: 37/N: 13)
06-30-10 H House concurred in Senate amendments (Vote: Y:117/N: 84)
06-30-10 H Signed in the House
06-30-10 S Signed in the Senate
07-06-10 G Approved by the Governor (Act: 9001)

[HB 2289](#)

[Evans, D](#)

Capital Budget for fiscal year 2010-2011

(PN 4092) The Capital Budget Act and Project Itemization Act of 2010 provides for the capital budget for fiscal year 2010-2011, and details the total authorizations for various state spending for the fiscal year 2010-2011. (Prior Printer Number: 3267)

Bill History: 03-15-10 H Final Passage (Vote: Y:133/N: 56)
07-03-10 S Final Passage (Vote: Y: 38/N: 12)
07-03-10 H House concurred in Senate amendments (Vote: Y:110/N: 85)
07-03-10 H Signed in the House
07-03-10 S Signed in the Senate
07-03-10 G In the hands of the Governor
07-07-10 G Approved by the Governor

[HB 2290](#)

[Evans, D](#)

Amends Capital Facilities Debt Enabling Act

(PN 4090) Amends Capital Facilities Debt Enabling Act further providing for appropriation for and limitation on redevelopment assistance capital projects by stating that the maximum amount of redevelopment assistance capital projects undertaken by the commonwealth for which obligations are outstanding shall not exceed, in aggregate, \$4,050,000,000. (Prior Printer Number: 3275)

Companions: [SB 1408](#) (Identical)

Bill History: 03-15-10 H Final Passage (Vote: Y:104/N: 85)
07-03-10 S Final Passage (Vote: Y: 38/N: 12)
07-03-10 H House concurred in Senate amendments (Vote: Y:109/N: 86)
07-03-10 H Signed in the House
07-03-10 S Signed in the Senate
07-03-10 G In the hands of the Governor
07-07-10 G Approved by the Governor

[HB 2492](#)

[McIlvaine Smith](#)

Act changing name of DPW w/ transition period

(PN 4088) The Public Welfare Redesignation Act renames the Department of Public Welfare as the Department of Human Services and states all reference to the

Department of Public Welfare shall be a reference to the Department of Human Services. An unspecified appropriation is made to the Department of Public Welfare in the 2010-2011 fiscal year for the implementation of this act. A two-year transition period is provided for the Department to effect the change. (Prior Printer Number: 3724)

Bill History: 07-02-10 H Rereferred to House Rules

[HB 2571](#) [Eachus](#)

Amends Crime Victims Act re victim advocate

(PN 3892) Amends Crime Victims Act further providing for the Office of Victim Advocate and for powers and duties of victim advocate by adding that the advocate would represent *and advocate for* the interest of crime victims. The victim advocate shall represent the interests of individual crime victims before the board, department or hearing examiner and before other government officials; and represent and advocate for the interests of crime victims generally, including the victims of juvenile crime.

Bill History: 06-09-10 H Filed
06-30-10 H Final Passage (Vote: Y:170/N: 30)
06-30-10 S Received in the Senate and referred to Senate Judiciary

[HB 2572](#) [Eachus](#)

Amends Crime Victims Act re Juv. Victim Fund

(PN 4031) Amends Crime Victims Act establishing the Special Juvenile Victim Compensation Fund and further providing for costs. The sources of the fund shall be a transfer of \$500,000 from the Crime Victim's Compensation Fund, appropriations, money from other sources, and returns. The fund shall be administered by the commission and used solely to provide restitution to victims of juvenile crime in a county of the third class. The legislation outlines conditions under which a victim shall be entitled to receive restitution from the fund. The provisions of the bill shall expire by June 30, 2011. Additionally, \$1,000,000 shall be transferred from the Crime Victim's Compensation Fund to the Victim Witness Services Fund to supplement, and to be distributed together with, other money in the Victim Witness Services Fund used to provide victim of juvenile offender grants to counties. (Prior Printer Number: 3893, 3977)

Bill History: 06-09-10 H Filed
06-30-10 H Final Passage (Vote: Y:125/N: 76)
06-30-10 S Received in the Senate and referred to Senate Judiciary

[SB 99](#) [Williams, A.](#)

Amends Title 42 re parent & guardian liability

(PN 2118) Amends Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) providing for liability of parents and guardians by stipulating sentencing guidelines and penalties for committing any act or omitting the performance of any duty, which act or omission causes or tends to cause or encourage any person under 18 years of age to come within the provisions of 6315 (relating to taking child into protective custody) or section 6315 of Title 23 (relating to adjudication), providing for standard of care, and providing for the review, approval and applicability of pretrial diversion programs. The bill includes rules governing waivers, admissibility, and hearings. (Prior Printer Number: 78)

Bill History: 07-03-10 S Laid on the table

[SB 260](#) [Baker, L.](#)

Amends Title 18 re sexual abuse of children

(PN 2134) Amends Title 18 (Crimes and Offenses) further providing for sexual abuse of children by stating that the district attorney has the authority to investigate and institute charges for sexual abuse in the county and the attorney general shall have the separate authority to investigate and institute charges of sexual abuse when the offense or series offenses has occurred in more than one county or a county of the Commonwealth and another state. Also whoever being of the age of 18 years and upwards, by any course of conduct in violation of Chapter 31 (relating to sexual offenses) corrupts or tends to corrupt the morals of any minor less than 18 years of age, or participates in the aiding or abetting of this crime is punishable as a felony of the third degree. (Prior Printer Number: 264, 1548, 1944)

Companions: [SB 876](#) (Refiled from 07R Session)

Bill History: 03-09-10 S Final Passage (Vote: Y: 49/N: 0)
05-24-10 H Final Passage (Vote: Y:191/N: 0)
05-24-10 S Received as amended in Senate and rereferred Senate Rules and 07-02-10 S Laid out for discussion
07-02-10 S Concurrence in House Amendments as Amended
07-02-10 H Received as amended in House and rereferred House Rules

[SB 922](#)

[Kitchen](#)

Amends Public Welfare Code re county boards

(PN 1480) Amends the Public Welfare Code further providing in general powers and duties of the Department of Public Welfare, providing for determining whether applicants are veterans by good faith effort; and, in public assistance for establishment of county boards and expenses by requiring each appointment by the governor to bear the endorsement of the senator of the district in which the nominee resides; providing for reasonable limits (changed from lifetime limit) on allowable income deductions for medical expenses when determining payment toward the cost of long-term care services; further defining "general acute care hospital"; defining "high volume Medicaid hospital"; and further providing for authorization by adding that beginning on or after July 1, 2009, and subject to advance written approval by the secretary, a municipality may impose a monetary assessment on the net operating revenues reduced by all revenues received from Medicare of each high volume Medicaid hospital located in the municipality; and further providing for administration, no hold harmless, and tax exemption. (Prior Printer Number: 1112, 1462)

Bill History: 06-05-09 S Filed
10-06-09 S Final Passage (Vote: Y: 46/N: 3)
07-02-10 H Amended in committee and held House Appropriations

[SB 1145](#)

[Greenleaf](#)

Amends Title 42 re adoption of guidelines

(PN 1522) Amends Title 42 (Judiciary) further providing for adoption of guidelines for sentencing by the Pennsylvania Commission on Sentencing; providing for adoption of risk and needs assessment instrument which shall be for the purposes of predicting the relative risk that an offender will reoffend and be a threat to public safety and of identifying the rehabilitative needs of an offender.

Bill History: 06-08-10 S Final Passage (Vote: Y: 47/N: 0)
06-09-10 H Received in the House and referred to House Judiciary
07-22-10 H Hearing set for 10:00 a.m., Room G-50, Irvis Office Building, House Judiciary
07-20-10 H Meeting set for 10:00 a.m., Room G-50, Irvis Office Building, House Judiciary

[SB 1360](#)

[Greenleaf](#)

Amends Title 23 re adoption information

(PN 1999) Amends Title 23 (Domestic Relations), in adoption, to add a subchapter D dealing with a voluntary agreement for continuing contact to allow the birth parents and other birth relatives to contract for continuing contact that is in the best interests of the child. Parties to the agreement are limited and if the child is over 12 years old, the agreement may not be entered into without the child's approval. Filing procedures are detailed as well as provisions detailing non-compliance with the agreement. Enforcement remedies are provided and the agreement may be discontinued under certain circumstances. A subchapter B is also added detailing records and access to information. The subchapter details information regarding a child that must be made available upon request. The persons to whom the information may be made available and the types of information are limited. Subchapter C is also added to form an information registry to retain information on adopted children. The registry must be publicized and those people who may request information from the registry are limited to certain family members and interested parties. The subchapter also limits the type of information that is to be released. Additions are further made to subchapter D detailing what specific information may be released for each category of request. (Prior Printer Number: 1971)

Bill History: 06-09-10 S Rereferred to Senate Appropriations

[SR 161](#)

[Argall](#)

Resolution re gov't operation management study

(PN 1547) Resolution establishing a commission of private and public sector cost-minded leaders of this Commonwealth to study the management of current government operations and to make recommendations of cost-cutting measures. (Prior Printer Number: 1375)

Bill History: 06-28-10 S Discussed at Senate Government Management & Cost-Study Commission press conference

New Legislation

[HB 2548](#)

[Readshaw](#)

Amends Soc. Workers, Marriage & Therapists Act

(PN 3827) Amends the Social Workers, Marriage and Family Therapists and Professional Counselors Act to allow social workers, therapists, and professional counselors to work in the commonwealth for 60 days unlicensed in order to meet the needs of an emergency. Also, it is made unlawful to hold oneself out as a family or marital therapist without proper licensing. It is also made unlawful to practice marital counseling without the appropriate license, unless one of the enumerated exceptions is specifically met.

Bill History: 05-26-10 H Filed
05-27-10 H Introduced and referred to committee on House Professional Licensure

[HB 2553](#)

[Yudichak](#)

Amends Title 42 re juvenile proceedings

(PN 3834) Amends Title 42 (Judiciary) providing for open juvenile proceedings; further providing for conduct of hearings and for right to counsel; and providing for a statement of disposition. The bill requires that hearings must be held "in a formal, open manner," and provides that all delinquency proceedings shall be open to the public. Further, neither a child nor his parent, guardian or custodian may waive the child's right to counsel, and juvenile court judges shall state on the record how a disposition order furthers the goals of this chapter and the principles of balanced and restorative justice.

Bill History: 05-28-10 H Filed
06-01-10 H Introduced and referred to committee on House Judiciary

[SB 1427](#)

[Baker, L](#)

Amends Crime Victims Act re Juvenile Comp Fund

(PN 2105) Amends the Crime Victims Act establishing the Special Juvenile Victim Compensation Fund; providing \$1.5 million in funding from the Crime Victim's Compensation Fund and funds from the Victim Witness Services Fund; providing the money shall be used solely to provide restitution to victims of juvenile crime in a county of the third class; providing money remaining in the Special Juvenile Victim Compensation Fund on June 30, 2011, shall be transferred to the Crime Victim's Compensation Fund.

Bill History: 06-28-10 S Filed
06-28-10 S Introduced and referred to committee on Senate Judiciary

Copies of all bills of interest can be accessed via links or the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>

Upcoming Meetings of Interest

House Judiciary (POSTING CHANGE)

TUESDAY - 7/20/10

10:00 a.m., Room G-50, Irvis Office Building

Public hearing on: SB 1145 Greenleaf Amends Title 42 (Judiciary), in Pennsylvania Commission on Sentencing, further providing for adoption of guidelines for sentencing; and providing for adoption of risk and needs assessment instrument.

Session Schedule

Both Legislative chambers have recessed for the summer with the House scheduled to return on September 13, and the Senate on September 20.