

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 168 Session of 2023

INTRODUCED BY BAKER, SANTARSIERO, LAUGHLIN, COSTA, HAYWOOD, ROTHMAN, SCHWANK, COLLETT, KANE, DILLON, TARTAGLIONE, COMMITTA, CAPPELLETTI AND KEARNEY, JANUARY 30, 2023

REFERRED TO AGING AND YOUTH, JANUARY 30, 2023

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," in children and youth,
4 further providing for payments to counties for services to
5 children and for review of county submissions.

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

8 Section 1. Sections 704.1(a) and 709.2(b) of the act of June
9 13, 1967 (P.L.31, No.21), known as the Human Services Code, are
10 amended to read:

11 Section 704.1. Payments to Counties for Services to
12 Children.--(a) The department shall reimburse county
13 institution districts or their successors for expenditures
14 incurred by them in the performance of their obligation pursuant
15 to this act and [the act of December 6, 1972 (P.L.1464, No.333),
16 known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 (relating to
17 juvenile matters) in the following percentages:

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

1 (2) No less than seventy-five percent and no more than
2 ninety percent of the reasonable cost including staff costs of
3 child welfare services, informal adjustment services provided
4 pursuant to [section 8 of the act of December 6, 1972 (P.L.1464,
5 No.333), known as the "Juvenile Act,"] 42 Pa.C.S. § 6323
6 (relating to informal adjustment) and such services approved by
7 the department, including but not limited to, foster home care,
8 group home care, shelter care, community residential care, youth
9 service bureaus, day treatment centers and service to children
10 in their own home and any other alternative treatment programs
11 approved by the department.

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

16 (4) Fifty percent of the actual cost of care and support of
17 a child placed by a county child welfare agency or a child
18 committed by a court pursuant to [the act of December 6, 1972
19 (P.L.1464, No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch.
20 63 to the legal custody of a public or private agency approved
21 or operated by the department other than those services
22 described in clause (2). The Auditor General shall ascertain the
23 actual expense for fiscal year 1974-1975 and each year
24 thereafter by the Department of [Public Welfare] Human Services
25 for each of the several counties and each city of the first
26 class whose children resident within the county or city of the
27 first class directly received the benefit of the Commonwealth's
28 expenditure. The Auditor General shall also ascertain for each
29 Commonwealth institution or facility rendering services to
30 delinquent or deprived children the actual average daily cost of

1 providing said services. The Auditor General shall certify to
2 each county and city of the first class the allocated
3 Commonwealth expenditures incurred on behalf of its children and
4 notify the Secretary of [Public Welfare] Human Services and each
5 county and city of the first class of same.

6 (5) [Fifty percent of the reasonable cost of medical and
7 other examinations and treatment of a child ordered by the court
8 pursuant to the act of December 6, 1972 (P.L.1464, No.333),
9 known as the "Juvenile Act," and the expenses of the appointment
10 of a guardian pendente lite, summons, warrants, notices,
11 subpoenas, travel expenses of witnesses, transportation of the
12 child, and other like expenses incurred in proceedings under the
13 act of December 6, 1972 (P.L.1464, No.333), known as the
14 "Juvenile Act."] Fifty percent of the following costs incurred
15 in proceedings under 42 Pa.C.S. Ch. 63:

16 (i) the reasonable cost of medical and other examinations
17 and treatment of a child ordered by the court;

18 (ii) the appointment of a guardian ad litem for a child in
19 the context of dependency proceedings;

20 (iii) the appointment of counsel for a child in the context
21 of dependency proceedings;

22 (iv) the appointment of counsel for an indigent child in the
23 context of delinquency proceedings;

24 (v) summons, warrants, notices, subpoenas, travel expenses
25 of witnesses and transportation of the child; and

26 (vi) other similar expenses incurred in these proceedings.

27 The intent of the reimbursements authorized under subclauses
28 (iii) and (iv) is to attempt to supplement, and not supplant,
29 necessary funding for required juvenile counsel. Counties shall
30 include in their needs-based budgets required by section 709.1

1 the purposes for which the funds to be reimbursed to the
2 counties pursuant to subclauses (iii) and (iv) shall be used.
3 The counties shall prioritize expenditures of these funds in
4 ways that are designed to maintain, enhance or improve the
5 quantity or quality of legal services provided to juveniles.

6 (6) Effective July 1, 1991, the department shall reimburse
7 county institution districts or their successors one hundred
8 percent of the reasonable costs of providing adoption services.

9 (7) Effective July 1, 1993, the department shall reimburse
10 county institution districts or their successors eighty percent
11 of the reasonable costs of providing foster home care, community
12 residential care, supervised independent living and community-
13 based alternative treatment programs.

14 (8) The department shall reimburse county institution
15 districts or their successors for the reasonable costs of
16 institutional services for dependent and delinquent children
17 other than detention services for delinquents in accordance with
18 the following schedule:

19 (i) Effective July 1, 1992, fifty-five percent.

20 (ii) Effective July 1, 1993, sixty percent.

21 * * *

22 Section 709.2. Review of county submissions.--* * *

23 (b) The department determination shall consider whether the
24 county's budget is reasonable in relation to past costs,
25 projected cost increases, number of children in the county and
26 the number of children served, service level trends and
27 projections of other sources of revenue. The department
28 determination shall also consider whether the county's budget
29 prioritizes expenditures of the funds reimbursed to the county
30 pursuant to section 704.1(a)(5)(iii) and (iv) in a reasonable

1 attempt to supplement, and not supplant, necessary county
2 funding for required juvenile counsel in ways that are designed
3 to maintain, enhance or improve the quantity or quality of legal
4 services provided to juveniles.

5 * * *

6 Section 2. This act shall take effect in 60 days.