

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 860 Session of 2013

INTRODUCED BY McILHINNEY, MENSCH, GREENLEAF, RAFFERTY, LEACH AND BAKER, APRIL 25, 2013

REFERRED TO AGING AND YOUTH, APRIL 25, 2013

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 providing for purpose and for county purchase of services.

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

7 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
8 as the Public Welfare Code, is amended by adding a section to
9 read:

10 Section 701.1. Purpose.--(a) The purpose of this article
11 is:

12 (1) To protect children from abuse and neglect.

13 (2) To provide for the care, protection, safety and
14 wholesome mental and physical development of children coming
15 within the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile
16 matters) for children who are receiving services enumerated in
17 this article.

18 (3) To preserve the unity of the family whenever possible or
19 to provide an alternative permanent family as soon as possible

1 when the unity of the family cannot be maintained.

2 (4) Consistent with the protection of the public interest,
3 to provide for children committing delinquent acts, programs of
4 supervision, care and rehabilitation which provide balanced
5 attention to the protection of the community, the imposition of
6 accountability for offenses committed and the development of
7 competencies to enable children to become responsible and
8 productive members of the community.

9 (5) To achieve these purposes in a family environment
10 whenever possible, separating the child from parents only when
11 necessary for the child's welfare, safety or health or in the
12 interests of public safety.

13 (b) In accordance with the purposes and the mandate of 42
14 Pa.C.S. Ch. 63 that the court, upon finding a child to be a
15 dependent child, shall enter an order of disposition that is
16 best suited to the safety, protection and physical, mental and
17 moral welfare of the child, the department shall seek to
18 accomplish the following objectives with respect to dependent
19 children:

20 (1) To increase the use of nonplacement services designed to
21 prevent child abuse and neglect and to strengthen families so
22 that children's safety is increased and the risk to children is
23 minimized.

24 (2) When placement is necessary, to use kinship care as the
25 first priority. If kinship care is not available or appropriate,
26 to use family foster care as an alternative.

27 (3) To reduce the use of congregate-living and institutional
28 placements.

29 (4) To improve permanency for children and to reduce the
30 duration of out-of-home placement.

1 (c) In accordance with the purposes enumerated in subsection
2 (a), and the mandate of 42 Pa.C.S. Ch. 63 that the court, upon
3 finding a child to be a delinquent child, shall enter an order
4 of disposition that is determined to be consistent with the
5 protection of the public interest and best suited to the child's
6 treatment, supervision, rehabilitation and welfare, and which
7 provides balanced attention to the protection of the community,
8 the imposition of accountability for offenses committed and the
9 development of competencies to enable the child to become a
10 responsible and productive member of the community, the
11 department shall seek to accomplish the following objectives
12 with respect to delinquent children:

13 (1) To increase the use of in-home services when consistent
14 with the protection of the public and the rehabilitation needs
15 of delinquent children.

16 (2) With respect to the placement of delinquent children:

17 (i) To encourage use of the least restrictive placements
18 that are consistent with the protection of the public and the
19 treatment, supervision and rehabilitation needs of delinquent
20 children.

21 (ii) To operate and encourage the development of placement
22 resources that provide for a duration of placement that is
23 consistent with the protection of the public and the treatment,
24 supervision and rehabilitation needs of delinquent children.

25 (iii) To encourage use of community-based residential
26 resources as alternatives to institutional placements when
27 consistent with the protection of the public and the treatment,
28 supervision and rehabilitation needs of delinquent children.

29 (iv) To encourage the development of services and
30 programming to facilitate the successful transition of

1 delinquent children to their communities from periods of
2 residential placement.

3 Section 2. Section 704.1(a)(2) of the act, amended August 5,
4 1991 (P.L.315, No.30), is amended to read:

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

11 * * *

12 (2) No less than seventy-five percent and no more than
13 ninety percent of the reasonable cost including staff costs of
14 child welfare services, informal adjustment services provided
15 pursuant to section 8 of the act of December 6, 1972 (P.L.1464,
16 No.333), known as the "Juvenile Act," and such services approved
17 by the department, including but not limited to, foster home
18 care, group home care, shelter care, community residential care,
19 youth service bureaus, day treatment centers and service to
20 children in their own home and any other alternative treatment
21 programs approved by the department, including nonbasic
22 education programs providing intensified educational
23 opportunities and services to dependent and delinquent youth who
24 are under the care of the juvenile court, and who participate in
25 programs intended to enable youth to catch up to expected grade
26 level or provide career and technical training opportunities not
27 otherwise available to dependent and delinquent youth through
28 basic education programs. Educational programs and services of
29 this nature shall be eligible for reimbursement of expenses
30 under law.

1 * * *

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

3 Section 710. County Purchase of Services.--(a) To comply
4 with the statutory responsibility to provide an array of
5 services, county children and youth offices may elect to
6 purchase services from private providers. When a county elects
7 to purchase prevention, in home, foster family care, group home
8 or residential or institution services from a private agency
9 through purchase of service, per diem or program-funded
10 agreements, the following shall apply:

11 (1) Contracted rates for purchased services shall cover the
12 cost incurred in delivery of the services, provided that these
13 costs are deemed reasonable based on provider documentation.

14 (2) Purchase-of-service contracts shall include contract
15 extension language to provide for continuation of service
16 provision and related payments at the last contracted rate until
17 a new contract agreement is signed. The new contracted rate
18 shall be retroactive to the beginning of the contracting period.

19 (3) Purchase-of-service contracts shall include a timely
20 payment provision that requires counties to make payment to
21 private service providers within thirty days of receipt on an
22 accurate invoice for services rendered.

23 (b) The department shall convene a time-defined rate
24 methodology task force comprised of:

25 (1) The Deputy Secretary for the Office of Children, Youth
26 and Families or a designee of the Deputy Secretary.

27 (2) One representative from each of the Program and Fiscal
28 Bureaus of the Office of Children, Youth and Families.

29 (3) Two representatives from County Children and Youth
30 offices.

1 (4) Two representatives from County Juvenile Probation
2 offices.

3 (5) One representative from the County Commissioners
4 Association or a county commissioner or executive.

5 (6) No fewer than five private service provider agencies
6 representing the diversity of purchased services.

7 (7) One representative from the Pennsylvania Council of
8 Children, Youth and Family Services.

9 (8) One representative from the Juvenile Court Judges'
10 Commission.

11 (c) The task force established by subsection (b) shall
12 develop guidelines for a process to determine calculation of the
13 actual cost of services purchased. The task force shall be
14 convened within sixty days after the effective date of this
15 section and shall provide their recommendations to determine
16 calculation of cost for services purchased to the General
17 Assembly within nine months of being convened.

18 (d) County needs-based plan and implementation budget
19 requests shall reflect the actual and reasonable projected costs
20 of purchased services in submissions for requested funding.

21 Section 4. This act shall take effect in 60 days.