

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1101 Session of
2013

INTRODUCED BY BENNINGHOFF, BISHOP, K. BOYLE, CALTAGIRONE, COHEN,
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ROCK, STERN, STEVENSON, TOOHIL AND WATSON, APRIL 3, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 3, 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 purposes; further providing for payments to
5 counties for services to children; and providing for county
6 purchase of services.

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

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

12 Section 701.1. Purposes.--(a) The purposes of this article
13 are:

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

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

19 (3) To preserve the unity of the family whenever possible or

1 to provide an alternative permanent family as soon as possible
2 when the unity of the family cannot be maintained.

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

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

14 (b) In accordance with the provisions of 42 Pa.C.S. Ch. 63,
15 that a court, upon finding a child to be a dependent child,
16 shall enter an order of disposition that is best suited to the
17 safety, protection and physical, mental and moral welfare of the
18 child, the department shall seek to accomplish the following
19 objectives with respect to dependent 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 provisions of subsection (a) and
2 42 Pa.C.S. Ch. 63, that a court, upon finding a child to be a
3 delinquent child, shall enter an order of disposition that is
4 determined to be consistent with the protection of the public
5 interest and best suited to the child's treatment, supervision,
6 rehabilitation and welfare, and which provides balanced
7 attention to the protection of the community, the imposition of
8 accountability for offenses committed and the development of
9 competencies to enable the child to become a responsible and
10 productive member of the community, the department shall seek to
11 accomplish the following objectives with respect to delinquent
12 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 a section 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 provisions and related payments at the last contracted rate

17 until a new contract agreement is signed. The new contracted

18 rate shall be retroactive to the beginning of the contracting

19 period.

20 (3) Purchase-of-service contracts shall include a timely

21 payment provision that requires counties to make payment to

22 private service providers within thirty days of receipt on an

23 accurate invoice for services rendered. Counties that fail to

24 make timely payment for private agency-delivered, nondisputed

25 services shall pay an additional amount of one percent of the

26 outstanding balance due to the service provider for each month

27 or portion of each month during which an outstanding balance

28 remains due.

29 (b) The department shall convene a time-defined rate

30 methodology task force to include, at a minimum, representatives

1 from:

2 (1) The department, including the Deputy Secretary for the
3 Office of Children, Youth and Families or a designee of the
4 Deputy Secretary.

5 (2) Program and fiscal bureaus of the Office of Children,
6 Youth and Families.

7 (3) Two county children and youth offices.

8 (4) Two county juvenile probation offices.

9 (5) The County Commissioners Association or a county
10 commissioner or executive.

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

13 (7) Pennsylvania Council of Children, Youth and Family
14 Services.

15 (8) Other stakeholders as identified, including, but not
16 limited to, managed care, education, behavioral health or other
17 fiscal consultants.

18 (c) The task force established under subsection (b) shall
19 develop a protocol and guidelines for a process to determine
20 calculation of the actual cost of services purchased. The task
21 force shall be convened within sixty days after the effective
22 date of this section and shall provide the recommended protocol
23 to determine calculation of cost for services purchased to the
24 General Assembly within six months of being convened.

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

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