

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1101 Session of 2013

INTRODUCED BY BENNINGHOFF, BISHOP, K. BOYLE, CALTAGIRONE, COHEN, D. COSTA, DUNBAR, EVANKOVICH, FABRIZIO, FLECK, GINGRICH, HARKINS, C. HARRIS, HENNESSEY, MILNE, MURT, PETRI, QUINN, ROCK, STERN, STEVENSON, TOOHL, WATSON, REGAN, FARRY AND SONNEY, APRIL 3, 2013

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 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.~~

1 ~~(3) To preserve the unity of the family whenever possible or~~
2 ~~to provide an alternative permanent family as soon as possible~~
3 ~~when the unity of the family cannot be maintained.~~

4 ~~(4) Consistent with the protection of the public interest,~~
5 ~~to provide for children committing delinquent acts, programs of~~
6 ~~supervision, care and rehabilitation that provide 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 children to become responsible and~~
10 ~~productive members of the community.~~

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

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

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

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

28 ~~(3) To reduce the use of congregate living and institutional~~
29 ~~placements.~~

30 ~~(4) To improve permanency for children and to reduce the~~

1 ~~duration of out of home placement.~~

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

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

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

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

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

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

30 ~~(iv) To encourage the development of services and~~

1 ~~programming to facilitate the successful transition of~~
2 ~~delinquent children to their communities from periods of~~
3 ~~residential placement.~~

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

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

12 * * *

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

1 ~~under law.~~

2 * * *

3 SECTION 1. SECTION 704.1(G) OF THE ACT OF JUNE 13, 1967 <--
4 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, ADDED JULY 9,
5 1976 (P.L.846, NO.148), IS AMENDED AND THE SECTION IS AMENDED BY
6 ADDING A SUBSECTION TO READ:

7 SECTION 704.1. PAYMENTS TO COUNTIES FOR SERVICES TO
8 CHILDREN.--* * *

9 (B.1) PAYMENTS SHALL BE MADE IN INSTALLMENTS OF THE AMOUNT
10 FIXED BY SECTION 709.3 AS FOLLOWS:

11 (1) FOR THE QUARTER BEGINNING JULY 1 AND ENDING SEPTEMBER
12 30, PAYMENT FOR TWENTY-FIVE PERCENT OF THE ALLOCATION AMOUNT
13 SHALL BE PROCESSED BY THE DEPARTMENT ON JULY 1 OR UPON ENACTMENT
14 OF THE COMMONWEALTH BUDGET, WHICHEVER IS LATER.

15 (2) FOR THE QUARTER BEGINNING OCTOBER 1 AND ENDING DECEMBER
16 31, PAYMENT FOR TWENTY-FIVE PERCENT OF THE ALLOCATION AMOUNT
17 SHALL BE PROCESSED IN AUGUST OR WHEN THE COUNTY AGENCY'S FINAL
18 PREVIOUS YEAR CUMULATIVE REPORT IS ACCEPTED BY THE DEPARTMENT,
19 WHICHEVER IS LATER. THIS PAYMENT SHALL BE REDUCED BY ANY
20 UNDERSPENDING FROM THE PREVIOUS YEAR FINAL CUMULATIVE
21 EXPENDITURES.

22 (3) FOR THE QUARTER BEGINNING JANUARY 1 AND ENDING MARCH 31,
23 PAYMENT FOR TWENTY-FIVE PERCENT OF THE ALLOCATION AMOUNT SHALL
24 BE PROCESSED IN NOVEMBER OR WHEN THE COUNTY AGENCY'S CURRENT
25 YEAR FIRST QUARTER REPORT IS ACCEPTED BY THE DEPARTMENT,
26 WHICHEVER IS LATER. THIS PAYMENT SHALL BE REDUCED BY ANY
27 UNDERSPENDING IN THE CURRENT YEAR CUMULATIVE YEAR-TO-DATE
28 EXPENDITURES.

29 (4) FOR THE QUARTER BEGINNING APRIL 1 AND ENDING JUNE 30,
30 PAYMENT OF TWELVE AND ONE-HALF PERCENT OF THE ALLOCATION AMOUNT

1 SHALL BE PROCESSED IN FEBRUARY OR WHEN THE CURRENT YEAR SECOND
2 QUARTER REPORT IS ACCEPTED BY THE DEPARTMENT, WHICHEVER IS
3 LATER. THIS PAYMENT SHALL BE REDUCED BY ANY UNDERSPENDING IN THE
4 CURRENT YEAR CUMULATIVE YEAR-TO-DATE EXPENDITURES.

5 (5) PAYMENT, UP TO THE REMAINING BALANCE OF A COUNTY
6 AGENCY'S ALLOCATION AMOUNT, SHALL BE PROCESSED WHEN THE CURRENT
7 YEAR FOURTH QUARTER REPORT IS ACCEPTED BY THE DEPARTMENT. THIS
8 PAYMENT SHALL BE REDUCED BY ANY UNDERSPENDING OF THE ANNUAL
9 ALLOCATION AS INDICATED IN THE FINAL YEAR-TO-DATE CUMULATIVE
10 EXPENDITURE REPORT.

11 (6) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
12 RESTRICT OR PREVENT THE DEPARTMENT FROM NEGOTIATING WITH COUNTY
13 AGENCIES THE WITHHOLDING OR DELAYING OF ADVANCE PAYMENTS IF THE
14 REPORTED EXPENDITURES DO NOT WARRANT A PAYMENT.

15 * * *

16 [(G) THE DEPARTMENT SHALL, WITHIN FORTY-FIVE DAYS OF EACH
17 CALENDAR QUARTER, PAY FIFTY PERCENT OF THE DEPARTMENT'S SHARE OF
18 THE COUNTY INSTITUTION DISTRICT'S OR ITS SUCCESSOR'S ESTIMATED
19 EXPENDITURES FOR THAT QUARTER.]

20 * * *

21 Section 3 2. The act is amended by adding a section to read: <--

22 Section 710. County Purchase of Services.--(a) To comply
23 with the statutory responsibility to provide an array of
24 services, county children and youth offices may elect to
25 purchase services from private providers. When a county elects
26 to purchase prevention, in home, foster family care, group home
27 or residential or institution services from a private agency
28 through purchase of service, per diem or program-funded
29 agreements, the following shall apply:

30 (1) Contracted rates for purchased services shall cover the

1 cost incurred in delivery of the services, provided that these
2 costs are deemed reasonable based on provider documentation.

3 (2) Purchase-of-service contracts shall include contract
4 extension language to provide for continuation of service
5 provisions and related payments at the last contracted rate
6 until a new contract agreement is signed. The new contracted
7 rate shall be retroactive to the beginning of the contracting
8 period.

9 (3) Purchase-of-service contracts shall include a timely
10 payment provision that requires counties to make payment to
11 private service providers within thirty days of receipt on an
12 accurate invoice for services rendered. Counties that fail to <--
13 make timely payment for private agency delivered, nondisputed
14 services shall pay an additional amount of one percent of the
15 outstanding balance due to the service provider for each month
16 or portion of each month during which an outstanding balance
17 remains due.

18 (b) The department shall convene a time-defined rate
19 methodology task force to include, at a minimum, representatives
20 from:

21 (1) The department, including the Deputy Secretary for the
22 Office of Children, Youth and Families or a designee of the
23 Deputy Secretary.

24 (2) Program and fiscal bureaus of the Office of Children,
25 Youth and Families.

26 (3) Two county children and youth offices.

27 (4) Two county juvenile probation offices.

28 (5) The County Commissioners Association or a county
29 commissioner or executive.

30 (6) No fewer than five private service provider agencies

1 representing the diversity of purchased services.

2 (7) Pennsylvania Council of Children, Youth and Family
3 Services.

4 (8) Other stakeholders as identified, including, but not
5 limited to, managed care, education, behavioral health or other
6 fiscal consultants.

7 (c) The task force established under subsection (b) shall
8 develop a protocol and guidelines for a process to determine
9 calculation of the actual cost of services purchased. The task
10 force shall be convened within sixty days after the effective
11 date of this section and shall provide the recommended protocol
12 to determine calculation of cost for services purchased to the
13 General Assembly within six months of being convened.

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

17 Section 4 3. This act shall take effect in 60 days.

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