

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1767 Session of 2023

INTRODUCED BY HANBIDGE, HOHENSTEIN, KINSEY, MADDEN, SANCHEZ, RABB, HILL-EVANS, KINKEAD, SHUSTERMAN, ROZZI, N. NELSON, CERRATO AND GREEN, OCTOBER 17, 2023

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 26, 2024

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 State institutions in
4 the Department of Public Welfare, providing for reporting
5 allegations of abuse; in departmental powers and duties as to
6 supervision, further providing for definitions; and, in
7 departmental powers and duties as to licensing, further
8 providing for definitions, for fees and for right to enter
9 and inspect and providing for inspection of out-of-home
10 placements for youth adjudicated delinquent.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
14 as the Human Services Code, is amended by adding a section to
15 read:

16 Section 318. Reporting Allegations of Abuse.--(a) The
17 department shall, in a timely and specific manner, report to all
18 of the following entities an allegation of child abuse involving
19 a youth in a State institution, suspected or founded reports of <--
20 child abuse involving a youth in a State institution, licensing
21 actions taken against a department program or facility and an

1 incident involving law enforcement that was required to be
2 reported to the department:

3 (1) Judges of the court.

4 (2) Public defenders.

5 (3) The district attorney of the county in which the
6 incident occurred.

7 (4) The juvenile probation department.

8 (5) County commissioners of the county in which the incident
9 occurred.

10 (6) County department offices in the county in which the
11 incident occurred.

12 (7) Individuals working in department facilities in which
13 the incident occurred.

14 (8) School districts participating in department programs in
15 the county in which the incident occurred.

16 (9) Youth who are adjudicated delinquent in a county in
17 which the incident occurred.

18 (10) The families of youth who are adjudicated delinquent in
19 a county in which the incident occurred.

20 (11) The board of managers of houses for the detention and
21 reception of juveniles awaiting trial, hearing or judicial
22 investigation under the laws of this Commonwealth in which the
23 incident occurred.

24 (b) The department shall expeditiously review all
25 allegations of abuse made by youth in out-of-home placement, the
26 guardian of a youth in out-of-home placement and the legal
27 counsel of a youth in out-of-home placement as a part of the
28 treatment of a youth in out-of-home placement and shall notify
29 the parties regarding the result of the review of the
30 allegation.

1 (c) The department shall maintain and make public a
2 cumulative record of confirmed abuses that have occurred at an
3 out-of-home placement facility.

4 Section 2. The definition of "children's institutions" in
5 section 901 of the act is amended to read:

6 Section 901. Definitions.--As used in this article--

7 * * *

8 "Children's institutions" means any incorporated or
9 unincorporated organization, society, corporation or agency,
10 public or private, which may receive or care for children, or
11 place them in foster family homes, either at board, wages or
12 free; or any individual who, for hire, gain or reward, receives
13 for care a child, unless [he] the individual is related to
14 [such] the child by blood or marriage within the second degree;
15 or any individual, not in the regular employ of the court or of
16 an organization, society, association or agency, duly certified
17 by the department, who in any manner becomes a party to the
18 placing of children in foster homes, unless [he] the individual
19 is related to [such] the children by blood or marriage within
20 the second degree, or is the duly appointed guardian thereof.

21 The term shall include out-of-home placements for youth
22 adjudicated delinquent that are managed and operated by the
23 Bureau of Juvenile Justice Services. The term shall not include
24 a family child care home or child care center operated for
25 profit and subject to the provisions of Article X.

26 * * *

27 Section 3. The definition of "facility" in section 1001 of
28 the act is amended to read:

29 Section 1001. Definitions.--As used in this article--

30 * * *

1 "Facility" means an adult day care center, child care center,
 2 family child care home, boarding home for children, mental
 3 health establishment, personal care home, assisted living
 4 residence, nursing home, hospital or maternity home, as defined
 5 herein, except to the extent that [such] the a facility is
 6 operated by the State or Federal governments or those supervised
 7 by the department or licensed pursuant to the act of July 19,
 8 1979 (P.L.130, No.48), known as the "Health Care Facilities
 9 Act." The term shall include out-of-home placements for youth
 10 adjudicated delinquent that are managed and operated by the
 11 Bureau of Juvenile Justice Services.

12 * * *

13 Section 4. Sections 1006 and 1016(a) of the act are amended
 14 to read:

15 Section 1006. Fees.--Annual licenses shall be issued when
 16 the proper fee, if required, is received by the department and
 17 all the other conditions prescribed in this act are met. For
 18 personal care homes, the fee shall be an application fee. The
 19 fees shall be:

Facility	Annual Fee
Adult day care center	\$ 15
Mental health establishment	50
Personal care home-- 0 - 20 beds	15
-- 21 - 50 beds	20
-- 51 - 100 beds	30
--101 beds and above	50

27 No fee shall be required for the annual license in the case of
 28 day care centers, family child care homes, boarding homes for
 29 children, out-of-home placements for youth adjudicated
 30 delinquent that are managed and operated by the Bureau of

1 Juvenile Justice Services or for public or nonprofit mental
2 institutions.

3 Section 1016. Right to Enter and Inspect.--(a) For the
4 purpose of determining the suitability of the applicants and of
5 the premises or whether or not any premises in fact qualifies as
6 a facility as defined in section 1001 of this act or the
7 continuing conformity of the licensees to this act and to the
8 applicable regulations of the department, any authorized agent
9 of the department shall have the right to enter, visit and
10 inspect any facility licensed or requiring a license under this
11 act and shall have full and free access to the records of the
12 facility and to the individuals therein and full opportunity to
13 interview, inspect or examine such individuals. An authorized
14 agent of the department entering, visiting and inspecting a
15 facility licensed or requiring a license under this act shall
16 not be required to announce the agent's intention to enter,
17 visit and inspect the facility prior to arriving at the facility
18 and may enter, visit or inspect the facility at any time of day
19 or night.

20 * * *

21 Section 5. The act is amended by adding a section to read:

22 Section 1032. Inspection of Out-of-Home Placements for Youth
23 Adjudicated Delinquent.--In addition to routine inspections by
24 authorized agents of the department under this act, the Office
25 of State Inspector General shall have the power and duty to:

26 (1) Oversee and investigate the licensing process for out-
27 of-home placements for youth who are adjudicated delinquent.

28 (2) Oversee and investigate the process of allegations of
29 child abuse involving a youth in a residential placement,
30 suspected or founded reports of child abuse involving a youth in

1 a residential placement, licensing actions taken against a
2 department program or facility and an incident involving law
3 enforcement that was required to be reported to the department.

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