

## No. 1988-151

## AN ACT

## HB 19

Providing for the establishment of the Children's Trust Fund, for a governing board and for the powers and duties of the board; and prescribing the powers and duties of certain State agencies.

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

**Section 1. Short title.**

This act shall be known and may be cited as the Children's Trust Fund Act.

**Section 2. Purpose.**

This act is intended to create a funding source for community-based children's programs and services for child abuse and neglect prevention.

**Section 3. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Children's Trust Fund Board.

"Child." A person under 18 years of age.

"Child abuse." As defined in section 3 of the act of November 26, 1975 (P.L.438, No.124), known as the Child Protective Services Law.

"Neglect." Harm to a child's health or welfare by a person responsible for the child's health or welfare which occurs through negligent treatment, including the failure, whether or not intentional, to provide adequate food, clothing, shelter or medical care.

"Program." A community-based program for children of direct provision of services for child abuse and neglect prevention. The term includes, but is not limited to, educational services in parenting, prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, self-care training for latchkey children, crisis care, aid to parents, child abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite or crisis child care and early identification of families where the potential for child abuse and neglect exists.

"Public member." A person who is appointed to the board by the Governor and who holds no Federal, State or local appointed or elected government position other than a position on a State or local human services advisory committee.

"Trust fund." The Children's Trust Fund established by section 8.

**Section 4. Children's Trust Fund Board.**

(a) **Board created.**—The Children's Trust Fund Board is created in the Office of Children, Youth and Families of the Department of Public Welfare. The board shall administer the program and award grants. The department shall perform budgetary, accounting, procurement and other support services.

(b) **Board composition.**—The board shall consist of 15 members. Three shall be members of the Senate appointed by the President pro tempore of the Senate, and three shall be members of the House of Representatives appointed by the Speaker of the House of Representatives. In no case shall more than two members from either the Senate or the House of Representatives be from the same political party. The Governor shall appoint nine public members, to be confirmed by majority vote of the Senate. Public members appointed under this subsection shall demonstrate knowledge in the area of children's services; be representative of the demographic composition of this Commonwealth; and, to the extent possible, be representative of parents, the educational community, the religious community, organized labor, the business community, the legal community, and professionals and volunteers in the field of children's or victims' services.

(c) **Term of office.**—The term of each public member shall be three years and until a successor is appointed and qualified. However, of the public members first appointed, three shall serve for three years, three shall serve for two years and three shall serve for one year. A public member shall serve no more than two consecutive terms, whether partial or full. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(d) **Votes.**—No member of the board may delegate his vote.

(e) **Officers and rules.**—The board shall elect a chairperson every two years from among the public members and may elect other officers and establish committees as it deems necessary and has provided for in the regulations it promulgates. Business transacted by the board shall be conducted in accordance with the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

(f) **Meetings.**—The board shall meet not less than three times annually at the call of the chairperson.

(g) **Compensation.**—Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their official duties. Reimbursements shall be allocated from funds available from the trust fund, under this act.

**Section 5. Powers and duties of board.**

The board has the following powers and duties:

(1) Develop, within one year of its establishment and biennially thereafter, a State plan for the availability and coordination of programs and for the distribution of funds from the trust fund. In developing the plan, the board shall review existing programs and shall assure that an equal opportunity exists for the establishment of programs and the receipt of trust fund money among all geographic areas in this Commonwealth and

shall encourage the development of new and innovative programs. The board shall notify the Governor and the General Assembly that the plan is available.

(2) Provide for the coordination and exchange of information on the establishment and maintenance of programs.

(3) Promulgate regulations providing for the criteria for the granting of trust fund money to eligible programs and provide for publicizing such criteria.

(4) Publicize programs in order to solicit funding from private sources.

(5) Administer and award trust fund money and monitor the expenditure of trust fund money by eligible programs. Funds shall be awarded to programs deemed eligible by the board if the organization or agency sponsoring the program meets the following criteria:

(i) The organization or agency demonstrates the ability to match, through money or in-kind services, trust fund money received. In-kind services may not exceed 50% of the required match. In the first year the organization receives trust fund money, it must be able to match at least 25%; in the second year and every year thereafter, it must be able to match 50%. The money match may be derived from either private or local government sources.

(ii) The organization or agency demonstrates the willingness and ability to provide program models and consultation to other organizations and the community regarding program development and maintenance.

(iii) The organization or agency demonstrates that it has consulted with the county children and youth agency. County children and youth agencies may directly apply for funds under this act.

(6) Prepare an annual report for the Governor and the General Assembly, including recommendations for legislative action and regulatory change when needed and appropriate.

(7) Accept Federal funds granted by Congress, as well as gifts and donations from individuals, private organizations or foundations. Funds received shall be transmitted to the State Treasurer for deposit in the trust fund. Federal funds accepted under this paragraph may not be used to provide a match for other Federal funds.

#### Section 6. Powers and duties of Department of Public Welfare.

The Deputy Secretary of the Office of Children, Youth and Families of the Department of Public Welfare shall serve as executive director to the board and shall carry out the duties and responsibilities assigned by the board through staff employed by the office. The executive director shall receive no compensation for carrying out the duties and responsibilities assigned by the board. There shall be employed by the office sufficient staff to carry out the activities of the board.

#### Section 7. Powers and duties of State Treasurer.

On an annual basis, the State Treasurer shall make available to the board for its use, consistent with section 5, such trust funds as are requested by the

board and such funds are hereby appropriated to the board for the purposes set forth in this act.

**Section 8. Children's Trust Fund created; powers and duties of the Department of Health.**

There is hereby imposed a \$10 surcharge on all applications for marriage licenses and on all divorce decrees. These surcharges shall be paid into a special nonlapsing Children's Trust Fund, which is established for the purposes described in this act. Funding for existing or ongoing services of State or local agencies shall not be replaced by the trust fund.

**Section 9. Effective date.**

This act shall take effect in 90 days.

**APPROVED—The 15th day of December, A. D. 1988.**

**ROBERT P. CASEY**