

PROPOSED LEGISLATION AMENDING
THE ADMINISTRATIVE CODE OF 1929
TO ESTABLISH A DEPARTMENT OF YOUTH SERVICES

Prepared for
TASK FORCE ON THE STUDY OF SERVICES TO
DELINQUENT, DEPENDENT AND NEGLECTED CHILDREN
By the Staff of
JOINT STATE GOVERNMENT COMMISSION
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JOINT STATE GOVERNMENT COMMISSION
TASK FORCE ON THE STUDY OF SERVICES TO
DELINQUENT, DEPENDENT AND NEGLECTED CHILDREN

1973-1974

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MAJOR POLICIES
INCORPORATED IN THE PROPOSED
DEPARTMENT OF YOUTH SERVICES ACT

A. Establishment of Department.

1. A Department of Youth Services established.
2. The Boards of Trustees for Youth Development Centers and the operation of Forestry Camps and other institutions and programs primarily concerned with delinquent and deprived children and all child welfare programs are transferred from Department of Public Welfare to the Department of Youth Services.
3. A Juvenile Court Judges' Commission is established in the Department of Youth Services to assist and advise the department and the juvenile court judges in all matters pertaining to children.
 - (a) The commission shall retain the powers and duties it now exercises.
 - (b) The secretary is added as a member of the commission, ex officio.
4. An Advisory Committee for Children and Youth is established in the Department of Youth Services to assist and advise the department on all matters pertaining to child welfare programs.

Powers and Duties of Department:

1. Study the area of youth services and develop programs to meet the needs of youth [§2301-A(b)(1-4)]
2. Assist and encourage local authorities in providing programs for youth. [§2301-A(b)(5)]

Administer all state facilities for delinquent and deprived children.

[§2301-A(b)(6)]

4. Issue licenses and promulgate regulations for all children's institutions within the state. [§2301-A(b)(7)]
5. Regulate the activities of county child welfare boards and youth service bureaus. [§2301-A(b)(9)]
6. Act as sole agent of the state when applying for, receiving and using federal funds in fields in which the department has responsibility. [§2301-A(b)(10)]

B. Department's District Offices of Youth Services:

1. A district office is established within each county, or judicial district wherever feasible. [§2309-A(a)]
2. The director is appointed by the secretary after consulting the president judge of the court of common pleas and the county commissioners of each county within the district. [§2309-A(a)]

Powers and Duties of District Offices:

1. Inventory all services available to children, establish a liaison with public and private agencies providing services to children, refer children to those agencies, meet with county commissioners, the juvenile court judges, the county mental health/mental retardation boards and the county child welfare boards to review their needs and programs. [§2307-A(b)]
2. Within 90 days of establishment and annually thereafter, submit to the secretary a comprehensive plan for youth services. [§2309-A(b)(4)]

3. May establish and operate programs which are not available in the district which it feels are necessary to meet the needs of children. [§2309-A(6)]

4. Advise juvenile court concerning disposition of delinquent and deprived children prior to commitment. [§2315-A]

C. Other Provisions.

1. The department shall carry on a continuing program of research and program development in the area of children's services. [§2311-A]

2. The department shall consult with all agencies seeking advice on programs of services to children. [§2310-A(1)]

3. The department shall study the area of juvenile delinquency and assist local and county agencies in their study of the causes and methods of prevention of delinquency. [§2314-A(1)]

4. The department shall develop recommended measures for corrective treatment of juvenile delinquents. [§2313-A]

5. The department shall evaluate all foster care programs and establish standards for foster care. [§2316-A]

6. The department has the power to enter into contracts with all other legal entities for services needed by the department. [§2318-A]

7. The Commonwealth shall pay all the expenses of the department and district offices and 75 percent of the institutional program costs. The counties shall pay 25 percent of institutional program costs. [§2319-A]

Amending the act of April 9, 1929 (P.L. 177, No. 175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," creating a Department of Youth Services, defining its powers and duties, transferring certain State institutions and their boards of trustees into the department, transferring certain powers and duties of the Department of Public Welfare and the Secretary of Public Welfare to the Department of Youth Services, and making appropriations.

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

Section 1. Section 201, act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," amended December 3, 1970 (P.L. 834, No. 275), is amended to read:

Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.--The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, and [Superintendent of Public Instruction] Secretary of Education; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Department of Justice, Department of the Auditor General, Treasury Department, Department of [Public Instruction,] Education, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Transportation, Department of Health, Department of Labor and Industry, Department of Public Welfare,

Department of Property and Supplies, Department of Revenue, Department of Commerce, Department of Community Affairs, [and] Department of Environmental Resources and Department of Youth Services; and by the following independent administrative boards and commissions: Pennsylvania Game Commission, Pennsylvania Fish Commission, State Civil Service Commission, Pennsylvania Public Utility Commission, and the Pennsylvania Historical and Museum Commission.

All of the provisions of this act, which apply generally to administrative departments, or generally except to the Department of the Auditor General and the Treasury Department, shall apply to the Executive Board and to the Pennsylvania State Police.

Section 2. Section 202 of the act is amended, by amending as much thereof as applies to the Department of Public Welfare, amended July 9, 1970 (P.L. 470, No. 161), and adding before the last paragraph, a paragraph to read:

Section 202. Departmental Administrative Boards, Commissions and Offices.--The following boards, commissions and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

* * *

In the Department of Public Welfare,
 [Board of Trustees of The Western Youth Development Centers,
 Board of Trustees of The Central Youth Development Centers,
 Board of Trustees of the Eastern Youth Development Centers,]
 Board of Trustees of Allentown State Hospital,
 Board of Trustees of Clarks Summit State Hospital,
 Board of Trustees of Danville State Hospital,
 Board of Trustees of Embreeville State Hospital,
 Board of Trustees of Eastern Pennsylvania Psychiatric
 Institute,
 Board of Trustees of Farview State Hospital,

- Board of Trustees of Harrisburg State Hospital,
- Board of Trustees of Hollidaysburg State Hospital,
- Board of Trustees of Mayview State Hospital,
- Board of Trustees of Norristown State Hospital,
- Board of Trustees of Philadelphia State Hospital,
- Board of Trustees of Retreat State Hospital,
- Board of Trustees of Somerset State Hospital,
- Board of Trustees of Warren State Hospital,
- Board of Trustees of Wernersville State Hospital,
- Board of Trustees of Woodville State Hospital,
- Board of Trustees of Torrance State Hospital,
- Board of Trustees of Haverford State Hospital,
- Board of Trustees of Ashland State General Hospital,
- Board of Trustees of Blossburg State General Hospital,
- Board of Trustees of Coaldale State General Hospital,
- Board of Trustees of Connellsville State General Hospital,
- Board of Trustees of Dixmont State Hospital,
- Board of Trustees of Hazleton State General Hospital,
- Board of Trustees of Locust Mountain State General Hospital,
- Board of Trustees of Nanticoke State General Hospital,
- Board of Trustees of Philipsburg State General Hospital,
- Board of Trustees of Scranton State General Hospital,
- Board of Trustees of Shamokin State General Hospital,
- Board of Trustees of Cresson State School and Hospital,
- Board of Trustees of Ebensburg State School and Hospital,
- Board of Trustees of Eastern State School and Hospital,
- Board of Trustees of Laurelton State School and Hospital,
- Board of Trustees of Pennhurst State School and Hospital,
- Board of Trustees of Polk State School and Hospital,
- Board of Trustees of Selinsgrove State School and Hospital,
- Board of Trustees of Hamburg State School and Hospital,
- Board of Trustees of Western State School and Hospital,
- Board of Trustees of White Haven State School and Hospital,

Board of Trustees of Eastern Mental Health Center,
 Board of Trustees of Western Restoration Centers,
 Board of Trustees of Central Restoration Centers,
 Board of Trustees of Eastern Restoration Centers.

* * *

In the Department of Youth Services,

Board of Trustees of the Central Youth Development Centers,

Board of Trustees of the Eastern Youth Development Centers,

Board of Trustees of the Western Youth Development Centers.

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided by this act.

Section 3. Section 203, section 206, and the first paragraph of subsection (a) of section 207 of the act, amended December 3, 1970 (P.L. 834, No. 275), are amended to read:

Section 203. Advisory Boards and Commissions.--The following advisory boards and commissions are placed in and made parts of the respective administrative departments, as follows:

In the Department of Military Affairs,

State Military Reservation Commission,

State Veterans' Commission';

In the Department of Environmental Resources,

Citizens Advisory Council;

In the Department of Health,

Advisory Health Board;

In the Department of Labor and Industry,

Industrial Board,

Advisory Council on Affairs of the Handicapped,

Advisory Board on Problems of Older Workers;

In the Department of Public Welfare,

State Board of Public Welfare,

Advisory Committee for the Aging,

Advisory Committee for the Blind,

Advisory Committee for General and Special Hospitals,
 [Advisory Committee for Children and Youth,]
 Advisory Committee for Public Assistance,
 Advisory Committee for Mental Health and Mental
 Retardation;

In the Department of Property and Supplies,
 General Galusha-Pennypacker Monument Commission;

In the Department of Commerce,
 Board of the Pennsylvania Science and Engineering
 Foundation;

In the Department of Youth Services,
Juvenile Court Judges' Commission,
Advisory Committee for Children and Youth.

Section 206. Department Heads.--Each administrative department shall have as its head an officer who shall, either personally, by deputy, or by the duly authorized agent or employe of the department, and subject at all times to the provisions of this act, exercise the powers and perform the duties by law vested in and imposed upon the department.

The following officers shall be the heads of the administrative departments following their respective titles:

Secretary of the Commonwealth, of the Department of State;
 Attorney General, of the Department of Justice;
 Auditor General, of the Department of the Auditor General;
 State Treasurer, of the Treasury Department;
 [Superintendent of Public Instruction,] Secretary of Education,
 of the Department of [Public Instruction;] Education;
 Adjutant General, of the Department of Military Affairs;
 Insurance Commissioner, of the Insurance Department;
 Secretary of Banking, of the Department of Banking;
 Secretary of Agriculture, of the Department of Agriculture;
 Secretary of Transportation, of the Department of
 Transportation;

Secretary of Health, of the Department of Health;

Secretary of Labor and Industry, of the Department of Labor and Industry;

Secretary of Public Welfare, of the Department of Public Welfare;

Secretary of Property and Supplies, of the Department of Property and Supplies;

Secretary of Revenue, of the Department of Revenue;

Secretary of Commerce, of the Department of Commerce;

Secretary of Community Affairs, of the Department of Community Affairs;

Secretary of Environmental Resources, of the Department of Environmental Resources;

Secretary of Youth Services, of the Department of Youth Services.

Section 207. Appointment.--The Governor shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint:

(a) The Secretary of the Commonwealth, the Attorney General, the [Superintendent of Public Instruction,] Secretary of Education, the Adjutant General, the Insurance Commissioner, the Secretary of Banking, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Commissioner of the Pennsylvania State Police, the Secretary of Labor and Industry, the Secretary of Public Welfare, the Secretary of Property and Supplies, the Secretary of Revenue, the Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Environmental Resources, the Secretary of Youth Services, and the members of all independent administrative boards and commissions.

* * *

Section 4. Section 448 of the act is amended to read:

Section 448. Advisory Boards and Commissions.--The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

* * *

- (1) The following advisory committees are hereby created:
- Advisory Committee for the Aging,
 - Advisory Committee for the Blind,
 - Advisory Committee for General and Special Hospitals,
 - [Advisory Committee for Children and Youth,]
 - Advisory Committee for Public Assistance,
 - Advisory Committee for Mental Health.

* * *

(q) The Juvenile Court Judges' Commission shall consist of the Secretary of Youth Services as a member ex officio and nine judges who shall be appointed by the Governor from a list of judges, serving in the juvenile courts, selected and submitted by the Chief Justice of Pennsylvania. The term for all members shall be for three years. The commission shall, annually, select one of their number to be chairman and one to be secretary. Five members shall constitute a quorum.

(r) The Advisory Committee for Children and Youth shall consist of the Secretary of Youth Services as a member ex officio and nine members appointed by the Governor. The qualifications of the members shall be determined by the Governor upon recommendation of the Secretary of Youth Services: Provided, That the Governor shall appoint members with due regard for representation of the professional and lay groups concerned within the field of children and youth. The term of office of each member shall be six years. The advisory committee shall, annually, select one of their number to be chairman and one to be secretary. Five members shall constitute a quorum.

The original appointment of the members to the advisory committee shall be overlapping terms of six, four and two

years; in making these original appointments the Governor shall appoint one-third of the membership to each of the overlapping terms.

Section 5. The act is amended, by adding after Article XXIII, an article to read:

Article XXIII-A

Powers and Duties of the Department of Youth Services

Section 2301-A. Powers and Duties in General.--(a) The Department of Youth Services shall, subject to any inconsistent provisions in this act contained, exercise the powers and perform the duties by law vested in and imposed upon the said department.

(b) The Department of Youth Services shall:

(1) Carry on a continuing study of the needs of all children in this State and seek to focus public attention on such needs.

(2) Make studies and provide programs and information to strengthen the family in meeting its responsibility as the fundamental school for integrity and for democratic life.

(3) Inquire into and make recommendations to the appropriate agencies, public or private, on any matter affecting the care, welfare or behavior of children or youth.

(4) Develop constructive programs to provide, strengthen and coordinate all services to all children throughout the State; and to that end establish new agencies and cooperate with existing private agencies and encourage the establishment of new private agencies, both local and statewide, having as their object service to youth.

(5) Assist local authorities of any county or municipality, when so requested by the governing body thereof, in surveying the needs of their youth and the extent to which these are

not being met, and in developing, strengthening and coordinating educational, welfare, health, recreational and law enforcement programs which have as their purpose service to youth.

(6) Administer the diagnostic, treatment, training and supervisory facilities and services of the State for delinquent and deprived children committed to State institutions; manage and direct all State facilities that serve delinquent and deprived children, including but not limited to a maximum security institution for children requiring such supervision, youth development centers and forestry camps and provide for the coordination and combination of such facilities, if deemed advisable, and for the creation of new facilities within its total appropriations.

(7) Issue licenses and promulgate regulations for all institutions within the State rendering services primarily to children which are not under the jurisdiction of another State agency. Regulations pertaining to institutions rendering services to children and others shall be reviewed by the department and its recommendations shall be transmitted to the State agency having jurisdiction over such institutions.

(8) Visit, examine and inspect at least annually, all private institutions within the Commonwealth which receive financial assistance from the Commonwealth, either directly or indirectly, for services to delinquent or deprived children and promulgate rules and regulations relating to methods of instruction, discipline, detention, care and treatment, administration and management of the welfare of the children committed or treated in such institution. For these purposes the secretary shall have free and full access to the institution and its records and books, together with full opportunity to interview any child residing therein, and the persons charged with the management of the institution are hereby directed and required to give to the secretary complete access to the institution and its records and books.

(9) Promulgate regulations relating to the activities of county child welfare boards and youth service bureaus and similar agencies providing services to children; inspect the facilities of such agencies and render assistance to such agencies as requested by them.

(10) Act as the sole agency of the State when applying for, receiving and using Federal funds for the financing in whole or in part of programs in fields in which the department has responsibility; develop and submit State plans or other proposals to the Federal government, to promulgate regulations, establish and enforce standards and to take such other measures as may be necessary to render the Commonwealth eligible for available Federal funds or other assistance; and make surveys and inventories of existing facilities and services as required in connection with such State plans, and to assess the need for construction, modernization or additional services and to determine priorities with respect thereto.

Section 2302-A. Powers and Duties of the Juvenile Court Judges' Commission.--The commission shall have the power and its duties shall be:

(1) To advise and assist the Secretary of Youth Services and the juvenile court judges of the Commonwealth in all matters pertaining to the proper care and maintenance of delinquent and deprived children within the jurisdiction of the court.

(2) Examine the administrative methods and judicial procedures used in juvenile courts and probation offices throughout the State, establish standards and make recommendations on the same to the courts.

(3) Examine the personnel practices and employment standards used in probation offices in the Commonwealth, establish standards and make recommendations on the same to the courts.

(4) Collect, compile and publish such statistical and other data as may be needed to accomplish reasonable and efficient administration of the juvenile courts.

(5) The chairman, with the approval of the majority of the commission, shall appoint and fix the compensation of a director and such assistants, clerks and stenographers as are necessary to enable the commission to perform the powers and duties vested in it. The compensation of the directors and such assistants, clerks and stenographers shall be fixed within limitations fixed by the Executive Board. The commission shall submit to the secretary a proposed budget for inclusion in the annual request for appropriations.

Section 2303-A. Meetings; Expenses.--The commission shall meet at the call of the chairman or the Secretary of Youth Services. Each commissioner attending such meetings shall be paid his necessary expenses incurred in attending the meetings.

Section 2304-A. Powers and Duties of the Advisory Committee for Children and Youth.--The committee shall have the powers and its duties shall be to:

(1) Advise the Department of Youth Services with regard to child welfare programs, including but not limited to, such matters as standards of eligibility, nature and extent of service, amounts of payments to individuals, standards of approval, certification and licensure of institutions and agencies, ways and means of coordinating public and private welfare activities, and such other matters as may by law require citizen review or may be referred to the committee by the department.

(2) Arrange for and conduct such public hearings as may be required by law or which they deem necessary and advisable.

(3) Promote better public understanding of the programs and objectives of the department.

(4) Make recommendations to the Secretary of Youth Services on matters referred to the committee for consideration and advice, or as may be required to promote the effectiveness of the programs of the department.

Section 2305-A. Boards of Trustees of State Institutions; Powers and Duties.--The boards of trustees of each State institution within the department shall have the powers and duties as defined in this section to:

- (1) Advise, assist and make recommendations to the superintendent with respect to the management and operation of the institution and with respect to any plans or programs for its improvement.
- (2) Keep under review all matters pertaining to the welfare and well-being of juvenile delinquents and to make recommendations to the superintendent with respect thereto.
- (3) Advise and make recommendations to the secretary with regard to the selection and appointment of a superintendent in case of a vacancy.
- (4) Advise and make recommendations to the superintendent with regard to his selection of employes of the institution.
- (5) Develop and further means and methods of establishing proper relations and understanding between the institution and its program and the community in which it is located; and to provide liaison between the institution and the community in order to better serve the interests and needs of both.

Section 2306-A. Youth Development Centers.--(a) The purpose of the youth development centers is to promote and safeguard the social well-being and general welfare of children of this Commonwealth by providing social services and facilities for the rehabilitation of delinquent children who require care, guidance and control.

(b) The secretary shall appoint a superintendent of each youth development center.

(c) The board of trustees shall receive into custody in the State facilities assigned to their jurisdiction by the department for care, guidance and control, those children under the age of eighteen years committed by juvenile courts; such children may remain committed until they attain the age of twenty-one years.

(d) Whenever any child is committed to a youth development center, there shall be attached to the commitment order a copy of any investigation report and a summary of any testimony upon which the adjudication of the court was founded. The department may thereafter, for reasons of health, security or morale, transfer such child to any other youth development center or forestry camp or may place him in a foster boarding home at the expense and under the supervision of the youth development center. In any such transfer, the order of commitment shall accompany the child. The department shall notify the committing court promptly of any transfer and shall furnish the court an explanation, in writing, of the reasons for the transfer.

(e) Whenever, in the judgment of the superintendent of a youth development center, the rehabilitation of a committed child will be served by his full or partial employment off the grounds of the center, the superintendent may consent to such employment: Provided, That the terms of employment do not violate applicable labor or wage laws and that the child returns to the center or to his foster boarding home each day after work. From the net earnings of an employed child, the superintendent shall transmit 25 percent thereof to the Department of Revenue for deposit in the State Treasury as partial compensation for the State's share in the cost of his care and shall transmit 25 percent to the county from which he was committed as similar partial compensation; the superintendent shall allow the child reasonable pocket money from the balance and shall conserve the remainder to be paid to him on release or discharge.

(f) Whenever, in the judgment of the superintendent, a committed child is ready for release but is in need of continued counseling from the center, the superintendent shall so advise the court. If the court approves, the child shall be released and the center shall provide counseling to him until the court approves its discontinuance or his discharge.

Section 2307-A. Forestry Camps.--(a) It is hereby declared to be the legislative intent to promote the welfare of this Commonwealth by making available forestry camp facilities for the rehabilitation, reeducation, treatment and training of male youth. The Department of Environmental Resources shall assist the department in providing and maintaining facilities to be used for forest conservation and for the education and training of male youth; in cooperation with the Fish Commission and with the Game Commission, the Department of Environmental Resources shall plan useful projects for conservation, recreation, dams or flood control in State forests and State park lands, and shall supply personnel to supervise work on these projects.

(b) The Department of Youth Services may select as campers young men fifteen to eighteen years of age who have been committed to any youth development center or whose commitment as campers is recommended by a classification and assignment center of the department and whose rehabilitation will be furthered by forestry work. The department may also assign as campers, boys fifteen to eighteen years of age who have been committed to an institution and whose transfer to a camp is recommended by the institution and approved by the committing juvenile court. The department may return campers to the institution from which they were received for reasons of health, security or morale. The committing juvenile court shall be notified promptly of such action and a full explanation in writing shall be provided by the committing court and the institution. No forestry camp shall receive a camper unless an order of commitment accompanies him. When a boy is transferred from a forestry camp to an institution, the order of commitment shall accompany him.

Section 2308-A. Child Welfare.--The department shall:

(1) Assure within the Commonwealth the availability and equitable provision of adequate public child welfare services for all children who need them regardless of religion, race, settlement, residence or economic or social status.

(2) Consult with and assist each board of county commissioners or the county institution district or its successor in carrying

out child welfare duties and functions as authorized by law.

(3) Make and enforce all rules and regulations necessary and appropriate to the proper accomplishment of the child welfare duties and functions vested by law in the boards of county commissioners, county institution districts or their successors.

All rules and regulations which the department is authorized by this section to make with respect to the duties and functions of the boards of county commissioners, county institution districts or their successors shall be binding upon them.

(4) Prescribe the time at, and the form on which boards of county commissioners, county institution districts or their successors shall submit to the department annual plans for, and annual estimates of the expenditures of the county or county institution districts for their child welfare programs.

(5) Provide, maintain, administer, manage and operate a program of child welfare services in a county or county institution district when the department determines, after hearing, that such board of county commissioners, county institution district, or its successor is not complying with the regulations prescribing minimum child welfare services or minimum standards of performance of child welfare services or minimum standards of child welfare personnel administration on a merit basis, and that, as a result, the needs of children and youth are not being adequately served.

When in pursuance of this section, the department takes charge of, and directs the operation of the child welfare services of a county or county institution district, the county shall be charged and shall pay the cost of such services, including reasonable expenditures incident to the administration thereof incurred by the department.

The amount due the Commonwealth may be deducted from any Commonwealth funds otherwise payable to the county. All sums collected from the county under this section, in whatever manner such collections are made, shall be paid into the State treasury and shall be credited to the current appropriation to the department for child welfare.

The department shall relinquish the administration of the child welfare program of the county or county institution district when the department is assured that the regulations of the department will be complied with thereafter and that the needs of children and youth will be adequately served.

Section 2309-A. District Offices of Youth Services.--(a) There is hereby created district offices of youth services, which shall be administered in each district by a director appointed by the secretary with the approval of the president judge of the court of common pleas and the county commissioners of each county within the district. The secretary may establish a district office for two counties or judicial districts if it is not feasible to establish a separate office for each county. The director shall have such staff as the secretary shall approve.

(b) The district office of youth services shall:

(1) Canvass all existing public and private agencies rendering services to children within the district to ascertain what services are available and what further services are necessary to meet the needs of children within the district.

(2) Establish a liaison between all public and private agencies within the district rendering services to children and to implement the coordination of existing programs, it may establish a district liaison committee which shall have representation from the juvenile court, county commissioners, all public and private agencies rendering services to children within the district, local citizens organizations and other interested community groups.

(3) Refer children in need of services to the appropriate agency and maintain appropriate records of services rendered to each child within the district. All public and private agencies receiving a contact with a child requiring services shall immediately notify the district office of the contact and supply to it such information as the director shall require.

(4) Submit to the secretary, not later than ninety days after the appointment of the first director and annually thereafter, a com-

prehensive plan setting forth in detail the existing services available from public and private agencies, the number of children served by each, the source of funds for each program, the services not presently available within the district, and recommended alternatives of supplying said necessary services not presently available; the plan submitted to the secretary shall include the recommendations of the county commissioners, judges, the directors or administrative officers of existing public and private agencies and any others, together with the director's comments where appropriate.

(5) Meet with the county commissioners and review with them existing public facilities rendering services to children in order to establish a coordination of such services through the district office.

(6) Meet with the president judge and the judge or judges serving in the juvenile court division for the purpose of receiving their recommendations with regard to existing public and private programs available and need for services not presently available.

(7) Meet with county mental health-mental retardation boards for the purpose of receiving their recommendations with regard to existing programs available for children and the need for services not presently available.

(c) The district office of youth services may:

(1) Establish and operate, with the approval of the secretary, any program of services to children which is not then available within the district, including but not limited to programs relating to crisis intervention centers, detention, shelter care, diagnostic programs and treatment centers, programs for prevention of delinquency and neglect, programs for abused children, and recommend the establishment of treatment centers for mentally and emotionally disturbed or mentally retarded children and programs relating to venereal diseases, drug or other addictions.

(2) Render such assistance as is requested by the probation office and county child welfare office.

Section 2310-A. Consultation to Community Agencies; Grants to Political Subdivisions.--The Department of Youth Services shall have the power and its duty shall be to:

(1) Offer consultation and advice to local and statewide public or private agencies, including juvenile courts, to community groups concerned with the prevention of juvenile delinquency in the planning and developing of measures to reduce the incidence of delinquency and to make grants to political subdivisions for delinquency prevention projects developed jointly with the department.

(2) Offer consultation, guidance and assistance to public and voluntary agencies and institutions, including the juvenile courts, in developing, strengthening and improving programs for predisposition study, probation supervision, institutional treatment and after-care of delinquent youth, including training courses for personnel of the agencies and institutions; in order to develop or strengthen police and probation services for juveniles, and upon assurance that such services will meet standards established by the Juvenile Court Judges' Commission and approved by the department, the department, by and through the Juvenile Court Judges' Commission, shall make annual grants to political subdivisions.

Section 2311-A. Statistics; Assistance for Research.--The department shall gather, collate, interpret and disseminate statistics and reports relating to the problem of juvenile delinquency and to the treatment of juveniles. It shall also collect and compile such data on all aspects of the work of the department and its district offices.

Section 2312-A. Gifts and Donations.--Through the secretary or his designee, the department may accept or refuse grants, appropriations, contributions or unencumbered property, real, personal or mixed, tangible or intangible, or any interest therein, for the purposes set forth in this article from the federal government, the Commonwealth and

any donor. All grants, appropriations and contributions of money accepted shall be held by the State Treasurer as custodian for the Department of Youth Services and shall be paid out on its requisition to further the objectives of this article.

Section 2313-A. Institutional Programs; Recommendations; Additional Facilities.--The department shall develop recommended measures for corrective treatment of juvenile delinquents requiring differing corrective techniques and to assure the availability of appropriate facilities for them, the department shall plan with and offer a recommended program of coordination among existing public and private institutions for the development of specialized programs of reeducation, treatment and rehabilitation and shall establish and operate any additional facilities needed.

Section 2314-A. Study of Delinquents; Recommendations to Courts.--The department shall have the power and its duty shall be to:

(1) Establish and administer a program designed to assist the juvenile courts and other public and private agencies, on their request, in the diagnosis and study of juvenile delinquents and of children with mental or behavior problems, and to recommend to them the most appropriate disposition for the rehabilitation and treatment of such children; this program shall be based on review of local studies of the children but when local studies indicate the need, or when it is requested, may include residential study of the children in centers which the department is hereby authorized to establish and operate. It shall also assist counties and local public and private agencies to study the causes and methods of prevention of juvenile delinquency.

(2) Accept custody of children committed by the juvenile courts for study and, on the basis of its review of local studies of each child and any additional residential studies as are deemed necessary, to recommend to the court that the child be placed in an appropriate public or voluntary institution, or to recommend any other placement or treatment which may be indicated. The department may recommend that the court transfer any child from one

type of care to another or return him to his home for trial periods. Notice of any transfer shall be sent by the department promptly to the parents, guardian or nearest relative of the child. The department may also recommend the discharge of a child from its custody but any decision with respect thereto shall remain the sole responsibility of the committing court.

Section 2315-A. Commitments by Juvenile Courts.--When any child is adjudged delinquent or deprived under the provisions of the act of December 6, 1972 (Act No. 333), known as the "Juvenile Act," and the court determines not to release the child unconditionally, the court shall notify the district office of its decision and shall, prior to disposition, request the advice of the director and the department in placing the child for treatment. The director shall not duplicate existing diagnostic services where available.

Section 2316-A. Foster Care Supervision.--The department shall establish a system for evaluating all applicants for foster care programs and place children in the care of only those applicants which the department feels are best suited to provide care. All applicants who have a child placed with them for foster care shall be reevaluated by the department on an unannounced schedule on at least a biennial basis.

Section 2317-A. Cooperation by Other Departments.--To effectuate the purpose of this act and to make maximum use of existing facilities and personnel, it shall be the duty of all departments and agencies and of all officers and employees of the Commonwealth, when requested by the department, to cooperate with it in all activities consistent with their proper function.

Section 2318-A. Power to Contract.--The department shall have the power to enter into agreements with other jurisdictions to accept children from the appropriate court or agency for compensation upon which they agree. The department shall further have the power to enter into agreements with other private and public agencies to place any child committed to it with such private or public agency for compensation upon which they agree, which is not inconsistent with other provisions herein.

Section 2319-A. Financing.--The expenses of the department and the district offices of youth services shall be paid by the Commonwealth. All other public and private programs approved by the secretary shall be paid for by the county or by the State or local government as now provided by law: Provided, That the Commonwealth shall reimburse the county or local government through the district office for expenditures for said services as are approved by the district director and the secretary in an amount determined by the secretary not to exceed 75 percent. The expense of services rendered by the department shall be born by the county to the extent of 25 percent of the cost of such services actually received by children resident within the county. Using actual costs of maintenance and services to juveniles as the basis of calculations, the department shall establish rates of care to be charged for programs and institutions operated by it.

Section 6. Transitional Provisions; Transfer of Facilities.--

In order to ensure an orderly transition:

(a) The present members of the Juvenile Court Judges' Commission, appointed to serve under the act of December 21, 1959, P. L. 1962, which is repealed herein, shall continue to serve on the Juvenile Court Judges' Commission created by this amendatory act. When the first vacancies occur on the commission, the Governor shall appoint for terms of three, two and one years, so as to achieve staggered terms of the membership of the commission; all appointments thereafter shall be for a term of three years.

(b) The present members of the Advisory Committee on Children and Youth to the Department of Public Welfare shall continue to serve as members of the Advisory Committee on Children and Youth in the Department of Youth Services until their current terms expire.

(c) All of the State youth development centers now operated by the Department of Public Welfare are hereby transferred to and shall hereafter be operated by the Department of Youth Services; and all personnel of such institutions and all appropriations, contracts, agreements, equipment, files and obligations of the Department of

Public Welfare respecting such institutions are hereby transferred to the Department of Youth Services with the same force and effect as if said contracts, agreements and obligations of the Department of Public Welfare had been incurred or entered into by the Department of Youth Services; and the balances remaining in any such appropriations are hereby appropriated to the Department of Youth Services for the same purpose as expressed in the act making them. All personnel, equipment, files, obligations and records of the Department of Public Welfare employed in the performance of the powers and duties transferred by this act are hereby transferred to the Department of Youth Services; and the balances of any appropriations for the payment of salaries and other expenses in connection therewith are hereby appropriated to the Department of Youth Services for the same purpose as expressed in the act making them.

(d) All positions in the Department of Youth Services shall be deemed to be included in the list of positions set forth in clause (d) of section 3 of the act of August 5, 1941 (P. L. 752, No. 286), known as the "Civil Service Act," and all personnel transferred pursuant to this act shall retain any civil service employment status assigned to said personnel.

(e) All orders, permits, regulations, decisions and other actions of the Department of Public Welfare or any agency whose functions have been transferred by this act shall remain in full force and effect until modified, repealed, suspended, superseded or otherwise changed by appropriate action of the Department of Youth Services.

Section 7. Repeals.--

Section 8. This act shall take effect ninety days after enactment.