

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1600** Session of
2023

INTRODUCED BY SHUSTERMAN, MADDEN, WAXMAN, HOWARD, HADDOCK,
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AUGUST 7, 2023

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 22, 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 children and youth,
4 further providing for availability of services, providing for
5 purposes, further providing for payments to counties for
6 services to children, for review of county submissions and
7 for statistics and assistance for research, providing for
8 ensuring safe and humane institutional practices and further
9 providing for study of delinquents and recommendations to
10 courts; and, in departmental powers and duties as to
11 licensing, further providing for refusal to issue license,
12 revocation and notice.

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

15 Section 1. Section 701 of the act of June 13, 1967 (P.L.31,
16 No.21), known as the Human Services Code, is amended to read:

17 Section 701. Availability of Services.--(a) The department
18 shall assure within the Commonwealth the availability and
19 equitable provision of adequate public child welfare services
20 for all children who need them regardless of religion, race,
21 settlement, residence or economic or social status.

1 (b) At least once every three years, the department shall
2 conduct an inventory of programs and services to address
3 delinquency across all counties of this Commonwealth. The
4 following apply:

5 (1) The inventory shall be conducted in coordination with
6 local judges, county officials and relevant stakeholders across
7 all counties of this Commonwealth.

8 (2) The results of the inventory shall be collated and
9 disseminated publicly.

10 Section 2. The act is amended by adding a section to read:

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

13 (1) Protect children from abuse and neglect.

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

19 (3) Preserve the unity of the family whenever possible or
20 provide an alternative permanent family when the unity of the
21 family cannot be maintained.

22 (4) Consistent with the protection of the public interest,
23 provide programs of supervision, care and rehabilitation for
24 children committing delinquent acts. The programs shall provide
25 balanced attention to:

26 (i) The protection of the community.

27 (ii) The imposition of accountability for offenses
28 committed.

29 (iii) The development of competencies to enable children to
30 become responsible and productive members of the community.

1 (5) Achieve the purposes in a family environment whenever
2 possible, separating the child from the child's parents only
3 when necessary for the child's welfare, safety or health or in
4 the best interests of public safety.

5 (b) In accordance with the purposes specified in subsection
6 (a) and the mandate of 42 Pa.C.S. Ch. 63 that the court, upon
7 finding a child to be a dependent child, shall enter an order of
8 disposition that is best suited to the safety, protection and
9 physical, mental and moral welfare of the child, the department
10 shall prioritize the following objectives:

11 (1) To increase the use of nonplacement services designed to
12 prevent child abuse and neglect and to strengthen families so
13 that children's safety is increased and the risk to children is
14 minimized.

15 (2) If placement is necessary, to use kinship care as the
16 first priority and, if kinship care is not available or
17 appropriate, to use family foster care as an alternative.

18 ~~(3) To reduce the use of congregate living and institutional~~ <--
19 ~~placements.~~

20 (3) TO ENSURE THAT THE USE OF CONGREGATE CARE LIVING AND <--
21 INSTITUTIONAL PLACEMENT IS SHORT-TERM AND ONLY AS LONG AS
22 NECESSARY TO STABILIZE A CHILD SO THE CHILD CAN RETURN TO A
23 FAMILY-LIKE SETTING.

24 (4) To improve permanency for children to reduce the
25 duration of out-of-home placement.

26 (c) In accordance with the purposes specified in subsection
27 (a) and the mandate under 42 Pa.C.S. Ch. 63 that the court, upon
28 finding a child to be a delinquent child, shall enter an order
29 of disposition that is consistent with protection of the public,
30 the imposition of accountability for offenses committed and the

1 development of competencies to enable the child to become a
2 responsible and productive member of the community, the
3 department shall prioritize the following objectives:

4 (1) To increase the use of in-home services when consistent
5 with the protection of the public and the rehabilitation needs
6 of delinquent children.

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

8 (i) To encourage use of the in-home services when consistent
9 with the protection of the public and the treatment, supervision
10 and rehabilitation needs of delinquent children.

11 (ii) To operate and encourage the development of placement
12 resources that provide for a duration of placement that is
13 consistent with the protection of the public and the treatment,
14 supervision and rehabilitation needs of delinquent children.

15 (iii) To encourage the use of community-based residential
16 resources as alternatives to institutional placements when
17 consistent with the protection of the public and the treatment,
18 supervision and rehabilitation needs of delinquent children.

19 (iv) To encourage the development of services and
20 programming to facilitate the successful transition of
21 delinquent children to their communities from periods of
22 residential placement.

23 Section 3. Sections 704.1(a), 709.2(b) and 722 of the act
24 are amended to read:

25 Section 704.1. Payments to Counties for Services to
26 Children.--(a) The department shall reimburse county
27 institution districts or their successors for expenditures
28 incurred by them in the performance of their obligation pursuant
29 to this act and [the act of December 6, 1972 (P.L.1464, No.333),
30 known as the "Juvenile Act,"] 42 Pa.C.S. Ch. 63 (relating to

1 juvenile matters) in the following percentages:

2 (1) Eighty percent of the cost of an adoption subsidy paid
3 pursuant to subdivision (e) of Article VII of this act.

4 (2) No less than seventy-five percent and no more than
5 ninety percent of the reasonable cost including staff costs of
6 child welfare services, informal adjustment services provided
7 pursuant to [section 8 of the act of December 6, 1972 (P.L.1464,
8 No.333), known as the "Juvenile Act,"] 42 Pa.C.S. § 6323
9 (relating to informal adjustment) and such services approved by
10 the department, including but not limited to, foster home care,
11 group home care, shelter care, community residential care, youth
12 service bureaus, day treatment centers and service to children
13 in their own home and any other alternative treatment programs
14 approved by the department.

15 (3) Sixty percent of the reasonable administrative costs
16 approved by the department except for those staff costs included
17 in clause (2) of this section as necessary for the provision of
18 child welfare services.

19 (4) Fifty percent of the actual cost of care and support of
20 a child placed by a county child welfare agency or a child
21 committed by a court pursuant to [the act of December 6, 1972
22 (P.L.1464, No.333), known as the "Juvenile Act,"] 42 Pa.C.S. Ch.
23 63 to the legal custody of a public or private agency approved
24 or operated by the department other than those services
25 described in clause (2). The Auditor General shall ascertain the
26 actual expense for fiscal year 1974-1975 and each year
27 thereafter by the Department of [Public Welfare] Human Services
28 for each of the several counties and each city of the first
29 class whose children resident within the county or city of the
30 first class directly received the benefit of the Commonwealth's

1 expenditure. The Auditor General shall also ascertain for each
2 Commonwealth institution or facility rendering services to
3 delinquent or deprived children the actual average daily cost of
4 providing said services. The Auditor General shall certify to
5 each county and city of the first class the allocated
6 Commonwealth expenditures incurred on behalf of its children and
7 notify the Secretary of [Public Welfare] Human Services and each
8 county and city of the first class of same.

9 (5) [Fifty percent of the reasonable cost of medical and
10 other examinations and treatment of a child ordered by the court
11 pursuant to the act of December 6, 1972 (P.L.1464, No.333),
12 known as the "Juvenile Act," and the expenses of the appointment
13 of a guardian pendente lite, summons, warrants, notices,
14 subpoenas, travel expenses of witnesses, transportation of the
15 child, and other like expenses incurred in proceedings under the
16 act of December 6, 1972 (P.L.1464, No.333), known as the
17 "Juvenile Act."] As follows:

18 (i) Fifty percent of the following costs incurred in
19 proceedings under 42 Pa.C.S. Ch. 63:

20 (A) The reasonable cost of medical and other examinations
21 and treatment of a child ordered by the court.

22 (B) The appointment of a guardian ad litem for a child in
23 the context of dependency proceedings.

24 (C) The appointment of counsel for a child in the context of
25 dependency proceedings.

26 (D) The appointment of counsel for an indigent child in the
27 context of delinquency proceedings.

28 (E) THE APPOINTMENT AND TRAINING OF COUNSEL FOR AN INDIGENT <--
29 YOUTH IN THE CONTEXT OF CRIMINAL PROCEEDINGS.

30 ~~(E)~~ (F) Summons, warrants, notices, subpoenas, travel <--

1 expenses of witnesses and transportation of the child.

2 ~~(F)~~ (G) Other similar expenses incurred in these <--
3 proceedings.

4 (ii) The intent of the reimbursements authorized under
5 subparagraph ~~(i)(C) and (D)~~ (I) (C), (D) AND (E) is to <--
6 supplement, and not supplant, necessary funding for required
7 juvenile counsel.

8 (iii) The following apply to the money to be reimbursed to
9 the counties under subparagraph (i) (C) and (D):

10 (A) Counties shall include in their needs-based budgets
11 required by section 709.1 the purposes for which the money shall
12 be used.

13 (B) Counties shall prioritize expenditures of the money in
14 ways that are designed to maintain, enhance or improve the
15 quantity or quality of legal services provided to juveniles in
16 accordance with national best practices in defense funding.

17 (6) Effective July 1, 1991, the department shall reimburse
18 county institution districts or their successors one hundred
19 percent of the reasonable costs of providing adoption services.

20 (7) Effective July 1, 1993, the department shall reimburse
21 county institution districts or their successors eighty percent
22 of the reasonable costs of providing foster home care, community
23 residential care, supervised independent living and community-
24 based alternative treatment programs.

25 (8) The department shall reimburse county institution
26 districts or their successors for the reasonable costs of
27 institutional services for dependent and delinquent children
28 other than detention services for delinquents in accordance with
29 the following schedule:

30 (i) Effective July 1, 1992, fifty-five percent.

1 (ii) Effective July 1, 1993, sixty percent.

2 * * *

3 Section 709.2. Review of County Submissions.--* * *

4 (b) The department determination shall consider whether the
5 county's budget is reasonable in relation to past costs,
6 projected cost increases, number of children in the county and
7 the number of children served, service level trends and
8 projections of other sources of revenue. The department
9 determination shall also consider whether the county's budget
10 prioritizes expenditures of the money reimbursed to the county
11 in accordance with section 704.1(a)(5)(i)(C) and (D) to
12 supplement, and not supplant, necessary county funding for
13 required juvenile counsel OR COUNSEL FOR YOUTHS IN CRIMINAL <--
14 PROCEEDINGS in ways that are designed to maintain, enhance or
15 improve the quantity or quality of legal services provided to
16 juveniles OR YOUTHS IN CRIMINAL PROCEEDINGS in accordance with <--
17 national best practices in defense funding.

18 * * *

19 Section 722. Statistics; Assistance for Research.--(a) The
20 department shall gather, collate, interpret and disseminate
21 statistics and reports relating to the problem of juvenile
22 delinquency and to the treatment of juveniles. It shall also
23 assist counties and local public and private agencies to study
24 the causes and methods of prevention of juvenile delinquency.

25 (B) THE DEPARTMENT SHALL DEVELOP, IN COLLABORATION WITH THE <--
26 JUVENILE COURT JUDGES' COMMISSION AND ANY STAKEHOLDERS AS THE
27 DEPARTMENT DEEMS APPROPRIATE, A PUBLICLY AVAILABLE DATA
28 DASHBOARD THAT INCLUDES THE FOLLOWING REAL-TIME INFORMATION:

29 (1) UPDATES ON POPULATION IN PLACEMENT, INCLUDING BASIC
30 DEMOGRAPHICS.

1 (2) FACILITY BED CAPACITY.

2 (3) FACILITY STAFFING RATIOS.

3 (4) FACILITY PROGRAMMING OFFERED.

4 (5) AVERAGE LENGTH OF STAY IN EACH FACILITY.

5 ~~(b) (C) With respect to placement instability statistics:~~ <--

6 (1) For those children committed by the court to an
7 institution, youth development center, camp or other facility
8 for delinquent children operated under the direction or
9 supervision of the court or other public authority under 42
10 Pa.C.S. § 6352(a)(3) (relating to disposition of delinquent
11 child), the department, in collaboration with the Juvenile Court
12 Judges' Commission and the Juvenile Justice and Delinquency
13 Prevention Committee, shall gather, collate, interpret and
14 publicly disseminate each year statistics and reports on the
15 number of children: <--

16 ~~(i) who are rejected or denied admission; and~~

17 ~~(ii) who are ejected or removed after admission.~~

18 ~~(2) The statistics and reports under paragraph (1) shall~~
19 ~~include the children's demographics and the reason or reasons~~
20 ~~for either the rejection or the ejection and shall be used by~~
21 ~~the department to recommend policy changes as necessary to~~
22 ~~prevent placement instability and minimize the number of~~
23 ~~movements among out of home placements during the course of a~~
24 ~~delinquency case. FOLLOWING:~~ <--

25 (I) THE NUMBER OF CHILDREN WHO ARE REJECTED OR DENIED
26 ADMISSION.

27 (II) THE NUMBER OF CHILDREN WHO ARE EJECTED OR REMOVED AFTER
28 ADMISSION.

29 (III) THE AVERAGE LENGTH OF STAY FOR CHILDREN WHO ARE
30 REJECTED OR DENIED ADMISSION OR WHO ARE EJECTED OR REMOVED AFTER

1 ADMISSION.

2 (2) THE STATISTICS AND REPORTS UNDER CLAUSE (1) SHALL BE
3 USED BY A MULTIDISCIPLINARY TASK FORCE TO REVIEW THE CHALLENGES
4 OF PLACEMENT INSTABILITY AND THE MOVEMENTS AMONG CHILDREN
5 SUBJECT TO OUT-OF-HOME PLACEMENTS DURING THE COURSE OF
6 DELINQUENCY CASES FOR THE PURPOSE OF ESTABLISHING A MORE
7 COMPREHENSIVE POLICY.

8 Section 4. The act is amended by adding a section to read:

9 Section 724.1. Ensuring Safe and Humane Institutional
10 Practices.--(a) The safe and humane care of children in
11 facilities demands that restrictive procedures, including
12 solitary confinement, restraint, strip searches and body cavity
13 searches, only be used as measures of last resort to protect a
14 child from behavior that poses a serious and immediate risk of
15 physical harm to themselves or others. The following apply:

16 (1) The restrictive procedures, INCLUDING RESTRICTIONS ON A <--
17 YOUTH'S RIGHTS, may not be used for punishment, retaliation or
18 administrative convenience, as a result of staffing shortages or
19 for any reason other than securing the immediate physical safety
20 of a youth.

21 (2) Notwithstanding any other provision of law,
22 inappropriate use of restrictive procedures shall be grounds for
23 full investigation and license revocation, in addition to
24 criminal investigation.

25 (b) The following requirements apply:

26 (1) To ensure the safe and humane care of children in
27 facilities, the department shall establish standards not
28 inconsistent with the laws of this Commonwealth and the rules
29 and regulations of the various departments of the Commonwealth,
30 for all facilities within this Commonwealth. The following

1 apply:

2 (i) Humane care includes a prohibition on the use of
3 restrictive procedures, including chemical restraints, manual
4 restraints, mechanical restraints, seclusion, exclusion, strip
5 searches and body cavity searches. HUMANE CARE ALSO INCLUDES A <--
6 PROHIBITION ON THE RESTRICTION OF A YOUTH'S RIGHTS, INCLUDING
7 THE RIGHT TO PRIVACY, THE RIGHT TO RECEIVE MAIL AND MAKE PHONE
8 CALLS AND THE RIGHT TO HAVE IN-PERSON VISITATION WITH FAMILY
9 MEMBERS.

10 (ii) Safe care includes the absence of any and all instances
11 of abuse.

12 (2) The department shall be responsible for the maintenance
13 of safe and humane care and for that purpose, the department or
14 its duly authorized representative shall have free and full
15 access to the premises and records of any facility and full
16 opportunity to interrogate or interview any officer, employee or
17 resident of the facility. The department shall make routine
18 announced and unannounced daytime and nighttime inspections of
19 all facilities.

20 (3) The department shall expeditiously review all
21 allegations of unsafe or inhumane care and maintain a public
22 record of confirmed instances that have occurred in facilities.

23 (4) Whenever the department, upon inspection, investigation
24 or complaint, finds a facility in violation of departmental
25 rules or regulations, or that a facility has failed to
26 establish, provide or maintain standards of care required by
27 this act or by the department, the department shall give
28 immediate written notice of the violation or failure to the
29 officers charged with managing the facility. The following
30 apply:

1 (i) The notice shall include a description of the violation
2 or failure, the corrective action needed and a specified time
3 frame for making any necessary corrections.

4 (ii) Upon receipt of the notice, it shall be the duty of the
5 officers to comply with the direction of the department. If the
6 officers fail to comply with the department's direction within
7 the specified time frame, the department may do one or more of
8 the following:

9 (A) Revoke the facility's license.

10 (B) Request the Attorney General to institute appropriate
11 legal proceedings to enforce compliance with the direction.

12 (C) Withhold any State money available for the facility
13 until the officers comply with the direction.

14 (D) Refer the matter for criminal investigation.

15 (c) The following exceptions apply:

16 (1) A limited period of "cool down" or "time out" for a
17 youth is not considered solitary confinement. The following
18 apply:

19 (i) The period shall ONLY BE AUTHORIZED IF THE YOUTH'S <--
20 BEHAVIOR CREATES AN IMMINENT RISK OF PHYSICAL HARM TO SELF OR
21 OTHERS. THE PERIOD SHALL be limited to three hours, with release
22 of the youth as soon as the youth has regained self-control.

23 (ii) Support staff, such as a social worker, must be
24 notified and made available to the youth to assist the youth in
25 calming down.

26 (iii) Staff must closely monitor the youth during the period
27 and maintain physical proximity.

28 (iv) Any restriction beyond three hours must be documented
29 and reported to both the department and the Office of the Youth <--
30 Ombudsman CHILD ADVOCATE. <--

1 (2) Strip searches and body cavity searches may be conducted
2 only as a last resort and only where there is probable cause and
3 authorization from an individual in the agency overseeing the
4 facility. The following apply:

5 (i) When authorized, strip searches must be performed by two
6 staff or medical personnel of the same gender as the youth in an
7 area that ensures the privacy and dignity of the youth.

8 (ii) Body cavity searches may only be performed by outside
9 medical providers.

10 (iii) To the degree possible, and only when searches are
11 necessary, facilities should rely on alternatives such as wands
12 or metal detectors.

13 (iv) The use of a strip search or body cavity search must be
14 documented and reported to the department. Documentation must
15 include:

16 (A) The probable cause for the search.

17 (B) The authorization for the search.

18 (C) The names and positions of the individuals conducting
19 the search.

20 (3) STAFF MAY ONLY USE MANUAL RESTRAINTS ON A YOUTH WHEN THE <--
21 YOUTH'S BEHAVIOR CREATES AN IMMINENT RISK OF SERIOUS PHYSICAL
22 HARM TO SELF OR OTHERS. THE FOLLOWING APPLY:

23 (I) FACILITIES SHALL ENSURE THAT MANUAL RESTRAINTS ADHERE TO
24 A MODEL APPROVED IN ADVANCE BY THE DEPARTMENT.

25 (II) STAFF SHALL TERMINATE MANUAL RESTRAINTS IMMEDIATELY
26 WHEN THE YOUTH'S BEHAVIOR NO LONGER POSES A RISK OF SERIOUS
27 PHYSICAL HARM TO SELF OR OTHERS.

28 (III) STAFF SHALL OBSERVE AND DOCUMENT THE YOUTH'S PHYSICAL
29 AND EMOTIONAL CONDITION EVERY TEN MINUTES WHILE MANUAL
30 RESTRAINTS ARE BEING APPLIED TO THE YOUTH.

1 (IV) IN ACCORDANCE WITH 55 PA. CODE § 3800.211(B) (RELATING
2 TO MANUAL RESTRAINTS), STAFF MAY NOT USE PRONE POSITION MANUAL
3 RESTRAINTS.

4 (D) TO ENSURE THE SAFE AND HUMANE CARE OF CHILDREN IN
5 FACILITIES, FACILITIES SHALL HAVE THE FOLLOWING DUTIES:

6 (1) TO USE A PROGRAM MODEL THAT INCORPORATES EVIDENCE-BASED
7 AND EVIDENCE-INFORMED PRACTICES. STAFF SHALL DELIVER THE
8 PRACTICES WITH THE TRAINING AND EDUCATION REQUIRED TO MAINTAIN
9 FIDELITY TO THE PROGRAM MODEL OR PRACTICES.

10 (2) TO ENSURE THAT STAFF RECEIVE REGULAR TRAINING ON
11 CULTURAL COMPETENCE, EVIDENCE-BASED MODELS FOR RECIDIVISM
12 REDUCTION AND THE PROVISIONS OF 55 PA. CODE CH. 3800 (RELATING
13 TO CHILD RESIDENTIAL AND DAY TREATMENT FACILITIES).

14 (3) TO MAINTAIN A DISCIPLINE PLAN APPROVED BY THE DEPARTMENT
15 AS PART OF THE PROGRAM MODEL USED UNDER CLAUSE (1). FACILITIES
16 SHALL ENSURE THAT THE DISCIPLINE PLAN FOCUSES ON THE USE OF
17 INCENTIVES RATHER THAN PUNISHMENT OR SANCTIONS.

18 ~~(d)~~ (E) The department shall ensure that children and their <--
19 families and guardians understand their right to lodge a
20 grievance or otherwise report any instances of unsafe or
21 inhumane care, in written or oral form, formally or informally,
22 or anonymously, without fear of retaliation. The following
23 apply:

24 (1) Assistance to file a grievance shall be available upon
25 request by a child.

26 (2) An adult with whom a child seeks assistance shall be
27 permitted to provide assistance and, notwithstanding mandated
28 reporting, shall keep confidential any information shared by the
29 child for purposes of filing the grievance.

30 ~~(e)~~ (F) As used in this section, the following words and <--

1 phrases shall have the meanings given to them in this subsection
2 unless the context clearly indicates otherwise:

3 "Chemical restraint" means a drug used to control acute,
4 episodic behavior that restricts the movement or function of a
5 child. The term does not include a drug ordered by a licensed
6 physician as part of ongoing medical treatment or as
7 pretreatment prior to a medical or dental examination or
8 treatment.

9 "Exclusion" means the removal of a child from the child's
10 immediate environment and restricting the child alone to a room
11 or area, even if the door is unlocked. The term does not include
12 a situation in which a staff person remains in the exclusion
13 area with the child.

14 "Facility" means a setting, including a children's
15 institution, youth development center, camp or other facility at
16 which a child is held as a result of the child's alleged or
17 actual dependency or delinquency under 42 Pa.C.S. Ch. 63
18 (relating to juvenile matters).

19 "Manual restraint" means a physical hands-on technique that
20 lasts more than one minute and that restricts the movement or
21 function of a child or portion of a child's body. The term does
22 not include a manual assist of any duration for a child during
23 which the child does not physically resist or a therapeutic hold
24 for a child who is eight years of age or younger for less than
25 10 minutes during which the child does not physically resist.

26 "Mechanical restraint" means a device that restricts the
27 movement or function of a child or portion of a child's body.
28 The term includes handcuffs, anklets, wristlets, camisoles,
29 helmets with fasteners, muffs and mitts with fasteners, Posey
30 devices, waist straps, head straps, papoose boards, restraining

1 sheets and similar devices. The term does not include a device
2 used to provide support for functional body position or proper
3 balance or a device used for safe transportation to and from a
4 facility or medical treatment, such as sandbags to limit
5 movement after medical treatment, a wheelchair belt used for
6 body positioning and support or a helmet used for prevention of
7 injury during seizure activity.

8 "Solitary confinement" means isolating a child in a cell or
9 room, locked or unlocked, for punitive or disciplinary purposes.
10 The term does not include a "cool down" or "time out" period as
11 described in subsection (c) (1).

12 Section 5. Sections 725 and 1026(b) (5) of the act are
13 amended to read:

14 Section 725. Study of Delinquents; Recommendations to
15 Courts.--(a) The department shall have the power, and its duty
16 shall be:

17 (1) To establish and administer a program designed to assist
18 the juvenile courts and other public and private agencies, on
19 their request, in the diagnosis and study of juvenile
20 delinquents and of children with mental or behavioral problems,
21 and to recommend to them the most appropriate disposition for
22 the rehabilitation and treatment of such children; this program
23 shall be based on review of local studies of the children but
24 when local studies indicate the need, or when it is requested,
25 may include residential study of the children in centers which
26 the department is hereby authorized to establish and operate.

27 (2) To accept custody of children committed by the juvenile
28 courts for study, and on the basis of its review of local
29 studies of each child and any additional residential studies as
30 are deemed necessary, to recommend to the court that the child

1 be placed in an appropriate public or voluntary institution, or
2 to recommend any other placement or treatment which may be
3 indicated. The department may recommend that the court transfer
4 any child from one type of care to another or return him to his
5 home for trial periods. Notice of any transfer shall be sent by
6 the department promptly to the parents, guardian or nearest
7 relative of the child. The department may also recommend the
8 discharge of a child from its custody but any decision with
9 respect thereto shall remain the sole responsibility of the
10 committing court.

11 (b) The department may not place a delinquent child in an
12 institution in another state unless the state shares a border <--
13 with this Commonwealth. MEDICALLY NECESSARY. <--

14 Section 1026. Refusal to Issue License; Revocation;
15 Notice.--* * *

16 (b) The department shall refuse to issue a license or shall
17 revoke a license for any of the following reasons:

18 * * *

19 (5) Mistreating or abusing individuals cared for in the
20 facility, including a violation of section 724.1.

21 * * *

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