

HOUSE BILL 962

Unofficial Copy
E3

2002 Regular Session
(21r1306)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Montague, Doory, Getty, Grosfeld, Brown, Pitkin, Dembrow, Franchot, McHale, Menes, Benson, McIntosh, Cole, Gladden, Phillips, V. Jones, Boschert, Owings, Hecht, Marriott, Zirkin, Hutchins, Proctor, D. Davis, R. Baker, Kagan, Hubbard, Leopold, O'Donnell, Sher, Turner, Rosenberg, Petzold, Nathan-Pulliam, Cane, Cryor, Patterson, Shriver, Conway, Shank, W. Baker, Cadden, Rawlings, Hurson, Valderrama, Finifter, McKee, Bobo, Healey, and Eckardt**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER 397

1 AN ACT concerning

2 **Juvenile Causes - Treatment Service Plans**

3 FOR the purpose of authorizing the juvenile court to adopt a treatment service plan
4 recommended by the Department of Juvenile Justice in making a disposition on
5 a certain petition regarding a child; requiring the Department of Juvenile
6 Justice to ensure that a treatment service plan adopted by the court is
7 implemented within a specified time period; specifying when implementation of
8 a treatment service plan is considered to have occurred; requiring the
9 Department of Juvenile Justice to certify in writing to the court within a certain
10 time period whether implementation of a treatment service plan has occurred;
11 requiring the court to schedule and hold a disposition review hearing within a

1 certain time period under certain circumstances; requiring the court to provide
2 certain notice; authorizing the court, at a disposition review hearing, to revise a
3 disposition previously made and a treatment service plan previously adopted;
4 authorizing the Court of Appeals to adopt certain rules; defining a certain term;
5 providing for the construction and application of this Act; and generally relating
6 to the Department of Juvenile Justice and treatment service plans.

7 BY repealing and reenacting, without amendments,
8 Article - Courts and Judicial Proceedings
9 Section 3-8A-19(b) and (c)
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 3-8A-19(d)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2001 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 3-8A-20.1
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2001 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Courts and Judicial Proceedings**

25 3-8A-19.

26 (b) (1) After an adjudicatory hearing the court shall hold a separate
27 disposition hearing, unless the petition or citation is dismissed or unless such hearing
28 is waived in writing by all of the parties.

29 (2) A disposition hearing may be held on the same day as the
30 adjudicatory hearing if notice of the disposition hearing, as prescribed by the
31 Maryland Rules, is waived on the record by all of the parties.

32 (c) The priorities in making a disposition are consistent with the purposes
33 specified in § 3-8A-02 of this subtitle.

34 (d) (1) In making a disposition on a petition under this subtitle, the court
35 may:

1 (i) Place the child on probation or under supervision in his own
2 home or in the custody or under the guardianship of a relative or other fit person,
3 upon terms the court deems appropriate;

4 (ii) Subject to the provisions of paragraph (2) of this subsection,
5 commit the child to the custody or under the guardianship of the Department of
6 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or
7 licensed private agency on terms that the court considers appropriate to meet the
8 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of
9 facility where the child is to be accommodated, until custody or guardianship is
10 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;
11 or

12 (iii) Order the child, parents, guardian, or custodian of the child to
13 participate in rehabilitative services that are in the best interest of the child and the
14 family.

15 (2) IN ADDITION TO THE PROVISIONS OF PARAGRAPH (1) OF THIS
16 SUBSECTION, IN MAKING A DISPOSITION ON A PETITION, THE COURT MAY ADOPT A
17 TREATMENT SERVICE PLAN, AS DEFINED IN § 3-8A-20.1 OF THIS SUBTITLE.

18 (3) A child committed under paragraph (1)(ii) of this subsection may not
19 be accommodated in a facility that has reached budgeted capacity if a bed is available
20 in another comparable facility in the State, unless the placement to the facility that
21 has reached budgeted capacity has been recommended by the Department of Juvenile
22 Justice.

23 [(3)] (4) The court shall consider any oral address made in accordance
24 with § 11-403 of the Criminal Procedure Article or any victim impact statement, as
25 described in § 11-402 of the Criminal Procedure Article, in determining an
26 appropriate disposition on a petition.

27 3-8A-20.1.

28 (A) IN THIS SECTION, "TREATMENT SERVICE PLAN" MEANS A PLAN
29 RECOMMENDED AT A DISPOSITION HEARING UNDER § 3-8A-19 OF THIS SUBTITLE OR
30 AT A DISPOSITION REVIEW HEARING UNDER THIS SECTION BY THE DEPARTMENT OF
31 JUVENILE JUSTICE TO THE COURT PROPOSING SPECIFIC ASSISTANCE, GUIDANCE,
32 TREATMENT, OR REHABILITATION OF A CHILD.

33 (B) (1) IN MAKING A DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS
34 SUBTITLE, IF THE COURT ADOPTS A TREATMENT SERVICE PLAN, THE DEPARTMENT
35 OF JUVENILE JUSTICE SHALL ENSURE THAT IMPLEMENTATION OF THE TREATMENT
36 SERVICE PLAN OCCURS WITHIN ~~45~~ 25 DAYS AFTER THE DATE OF DISPOSITION.

37 (2) IF A TREATMENT SERVICE PLAN REQUIRES SPECIFIED
38 SUPERVISION, MENTORING, MEDIATION, MONITORING, OR PLACEMENT,
39 IMPLEMENTATION OF THE TREATMENT SERVICE PLAN IS CONSIDERED TO HAVE
40 OCCURRED WHEN THE SUPERVISION, MENTORING, MEDIATION, MONITORING, OR
41 PLACEMENT OCCURS.

1 (3) THE DEPARTMENT OF JUVENILE JUSTICE SHALL CERTIFY IN
2 WRITING TO THE COURT WITHIN ~~45~~ 25 DAYS AFTER THE DATE OF DISPOSITION
3 WHETHER IMPLEMENTATION OF THE TREATMENT SERVICE PLAN HAS OCCURRED.

4 (C) (1) IF A TREATMENT SERVICE PLAN IS NOT IMPLEMENTED BY THE
5 DEPARTMENT OF JUVENILE JUSTICE WITHIN ~~45~~ 25 DAYS UNDER SUBSECTION (B)(3)
6 OF THIS SECTION, THE COURT SHALL SCHEDULE, WITHIN 7 DAYS AFTER RECEIPT OF
7 THE CERTIFICATION, A DISPOSITION REVIEW HEARING TO BE HELD WITHIN 30 DAYS
8 AFTER RECEIPT OF THE CERTIFICATION.

9 (2) THE COURT SHALL GIVE AT LEAST 7 DAYS' NOTICE OF THE DATE AND
10 TIME OF THE DISPOSITION REVIEW HEARING TO EACH PARTY AND TO THE
11 DEPARTMENT OF JUVENILE JUSTICE.

12 (D) (1) THE COURT SHALL HOLD A DISPOSITION REVIEW HEARING UNLESS
13 THE DEPARTMENT OF JUVENILE JUSTICE CERTIFIES IN WRITING TO THE COURT
14 PRIOR TO THE HEARING THAT IMPLEMENTATION OF THE TREATMENT SERVICE PLAN
15 HAS OCCURRED.

16 (2) AT A DISPOSITION REVIEW HEARING, THE COURT MAY:

17 (I) REVISE, IN ACCORDANCE WITH THE PROVISIONS OF § 3-8A-19
18 OF THIS SUBTITLE, THE DISPOSITION PREVIOUSLY MADE; AND

19 (II) REVISE THE TREATMENT SERVICE PLAN PREVIOUSLY
20 ADOPTED.

21 ~~(E)~~ (E) THIS SECTION MAY NOT BE CONSTRUED TO PROVIDE ENTITLEMENT TO
22 SERVICES NOT OTHERWISE PROVIDED BY LAW.

23 ~~(E)~~ (F) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THE
24 PROVISIONS OF THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed to apply only prospectively and may not be applied or interpreted to have
27 any effect on or application to any disposition made by a juvenile court on a petition
28 regarding a child before the effective date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2002.

