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By: **Delegates Vaughn, Conroy, Frush, Fulton, Howard, Kelley, Love, McDonough, Menes, Moe, Niemann, Oaks, Ramirez, Taylor, and Trueschler Trueschler, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Hammen, Hurson, Kach, Mandel, Morhaim, Murray, Nathan-Pulliam, Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

Reassigned: Health and Government Operations, February 4, 2004

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2004

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CHAPTER 340

1 AN ACT concerning

2 **Child Care Homes and Private Group Homes – Notice of Issuance of License**  
3 **or Certificate of Approval**  
4 **Children's Group Homes - Use of Subcabinet Resources Directory for**  
5 **Notification and Identification**

6 ~~FOR the purpose of requiring the Department of Juvenile Services, the Social~~  
7 ~~Services Administration, and the Department of Health and Mental Hygiene,~~  
8 ~~within a certain period of time after issuing a license for a child care home, a~~  
9 ~~certificate of approval for a private group home, or a license for a private group~~  
10 ~~home, to give to certain persons and to post on the unit's website notice of the~~  
11 ~~issuance of the license or certificate; providing for the application of this Act;~~  
12 ~~and generally relating to notice of the issuance of licenses or certificates of~~  
13 ~~approval for child care homes and private group homes.~~

14 FOR the purpose of requiring the Office for Children, Youth, and Families, in  
15 coordination with the Department of Health and Mental Hygiene, the  
16 Department of Human Resources, and the Department of Juvenile Services, to  
17 conduct an analysis and make recommendations on how the Subcabinet  
18 Resources Directory may be used for certain notifications and identifications  
19 regarding children's group homes; requiring the Office to make a certain report  
20 on or before a certain date; and generally relating to the use of the Subcabinet  
21 Resources Directory for notification and identification of children's group homes.

1 ~~BY repealing and reenacting, with amendments,~~  
 2 ~~Article 83C—Juvenile Services~~  
 3 ~~Section 2-123~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(2003 Replacement Volume)~~

6 ~~BY repealing and reenacting, with amendments,~~  
 7 ~~Article—Family Law~~  
 8 ~~Section 5-508~~  
 9 ~~Annotated Code of Maryland~~  
 10 ~~(1999 Replacement Volume and 2003 Supplement)~~

11 ~~BY repealing and reenacting, with amendments,~~  
 12 ~~Article—Health—General~~  
 13 ~~Section 7-612 and 10-521~~  
 14 ~~Annotated Code of Maryland~~  
 15 ~~(2000 Replacement Volume and 2003 Supplement)~~

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

18 **Article 83C—Juvenile Services**

19 ~~2-123.~~

20 (a) ~~Except as otherwise provided in this section, a person shall be licensed by~~  
 21 ~~the Department as a child care home before the person may exercise care, custody, or~~  
 22 ~~control over a child who is alleged or adjudicated as delinquent or in need of~~  
 23 ~~supervision.~~

24 (b) ~~This section does not apply:~~

25 (1) ~~To a parent of the child;~~

26 (2) ~~To an individual related to the child by blood or marriage within 4~~  
 27 ~~degrees of consanguinity under the civil law rule;~~

28 (3) ~~To a guardian of the child;~~

29 (4) ~~To a person who exercises temporary custody or control over the child~~  
 30 ~~at the request of a parent or guardian of the child and who is not required otherwise~~  
 31 ~~to be licensed;~~

32 (5) ~~To an individual with whom the child is placed in foster care by:~~

33 (i) ~~A licensed placement agency;~~

34 (ii) ~~A local department of social services;~~

- 1 (iii) The Secretary of Health and Mental Hygiene;
- 2 (iv) The Department; or
- 3 (v) A court of competent jurisdiction;
- 4 (6) To a person who has the care, custody, or control of the child through  
5 placement by a parent or grandparent of the child in contemplation of adoption, if the  
6 requirements of § 5-507(b)(2) and (c) of the Family Law Article are met;
- 7 (7) To an institution that has a child care institution license under this  
8 title or § 5-509 of the Family Law Article; or
- 9 (8) To an institution operated by an agency of this State or any political  
10 subdivision.

11 (C) WITHIN 30 DAYS AFTER THE DEPARTMENT ISSUES A LICENSE UNDER THIS  
12 SECTION, THE DEPARTMENT SHALL:

- 13 (1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL  
14 ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE CHILD CARE  
15 HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE LICENSE, INCLUDING THE  
16 LOCATION OF THE CHILD CARE HOME; AND
- 17 (2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF  
18 THE LICENSE, INCLUDING THE LOCATION OF THE CHILD CARE HOME.

19 **Article – Family Law**

20 ~~5-508.~~

- 21 (a) ~~Except as otherwise provided in this section, a person shall be licensed by~~  
22 ~~the Administration as a child care home before the person may exercise care, custody,~~  
23 ~~or control of a minor child.~~
- 24 (b) This section does not apply:
- 25 (1) to a parent of the child;
- 26 (2) to an individual related to the child by blood or marriage within five  
27 degrees of consanguinity or affinity under the civil law rule;
- 28 (3) to a guardian of the child;
- 29 (4) to a person who exercises temporary care, custody, or control over the  
30 child at the request of a parent or guardian of the child and who is not required  
31 otherwise to be licensed;
- 32 (5) to an individual with whom the child is placed in foster care by:

- 1 (i) a child placement agency that is licensed under § 5-507 of this  
 2 subtitle;
- 3 (ii) a local department;
- 4 (iii) the Department of Juvenile Services;
- 5 (iv) the Secretary of Health and Mental Hygiene; or
- 6 (v) a court of competent jurisdiction;

7 (6) to a person who has the care, custody, or control of the child through  
 8 placement for adoption by a parent or grandparent of the child, if the requirements of  
 9 § 5-507(e) of this subtitle are met;

10 (7) to an institution that has a child care institution license under this  
 11 subtitle or under Article 83C, § 2-124; or

12 (8) to an institution that is operated by an agency of this State or any  
 13 political subdivision of this State.

14 ~~(C) WITHIN 30 DAYS AFTER THE ADMINISTRATION ISSUES A LICENSE UNDER~~  
 15 ~~THIS SECTION, THE ADMINISTRATION SHALL:~~

16 ~~(1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL~~  
 17 ~~ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE CHILD CARE~~  
 18 ~~HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE LICENSE, INCLUDING THE~~  
 19 ~~LOCATION OF THE CHILD CARE HOME; AND~~

20 ~~(2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF~~  
 21 ~~THE LICENSE, INCLUDING THE LOCATION OF THE CHILD CARE HOME.~~

22 ~~**Article—Health—General**~~

23 ~~7-612.~~

24 ~~(a) The Secretary shall issue a certificate of approval to any applicant who~~  
 25 ~~meets the requirements under this Part III of this subtitle.~~

26 ~~(b) Unless an applicant agrees to extend the time, the Secretary shall approve~~  
 27 ~~or deny an application for certificate of approval within 30 days after the hearing~~  
 28 ~~required by § 7-611 of this subtitle.~~

29 ~~(c) If the Secretary fails to approve or deny the application within that time,~~  
 30 ~~the application shall be deemed to be approved, and the Administration shall issue a~~  
 31 ~~certificate of approval.~~

32 ~~(D) WITHIN 30 DAYS AFTER THE SECRETARY OR ADMINISTRATION ISSUES A~~  
 33 ~~CERTIFICATE OF APPROVAL UNDER THIS SECTION, THE SECRETARY OR~~  
 34 ~~ADMINISTRATION SHALL:~~

~~(1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE PRIVATE GROUP HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE CERTIFICATE OF APPROVAL, INCLUDING THE LOCATION OF THE PRIVATE GROUP HOME; AND~~

~~(2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF THE CERTIFICATE OF APPROVAL, INCLUDING THE LOCATION OF THE PRIVATE GROUP HOME.~~

~~40-521.~~

~~(A) The Secretary shall issue a license to any applicant who meets the requirements of this subtitle.~~

~~(B) WITHIN 30 DAYS AFTER THE SECRETARY ISSUES A LICENSE UNDER THIS SECTION, THE SECRETARY SHALL:~~

~~(1) GIVE THE GOVERNING BODY OF THE COUNTY AND THE GENERAL ASSEMBLY DELEGATION OF THE LEGISLATIVE DISTRICT IN WHICH THE PRIVATE GROUP HOME IS LOCATED NOTICE OF THE ISSUANCE OF THE LICENSE, INCLUDING THE LOCATION OF THE PRIVATE GROUP HOME; AND~~

~~(2) POST ON THE DEPARTMENT'S WEBSITE NOTICE OF THE ISSUANCE OF THE LICENSE, INCLUDING THE LOCATION OF THE PRIVATE GROUP HOME.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any license for a child care home, certificate of approval for a private group home, or license for a private group home issued before the effective date of this Act.~~

~~(a) The Office for Children, Youth, and Families, in coordination with the Department of Health and Mental Hygiene, the Department of Human Resources, and the Department of Juvenile Services, shall conduct an analysis and make recommendations on how the Subcabinet Resources Directory may be used:~~

~~(1) to notify, by electronic mail or other user-friendly means, State and local elected officials about children's group homes newly licensed in the elected official's jurisdiction; and~~

~~(2) by State and local elected officials, law enforcement agents, and other appropriate individuals to quickly identify the owner and agency that licenses a group home at a particular location.~~

~~(b) The Office shall report the results of its analysis and its recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee, the House Health and Government Operations Committee, and the Joint Committee on Children, Youth, and Families on or before October 1, 2004.~~

1 SECTION ~~3-2~~ AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect ~~October 1~~ July 1, 2004.