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By: **Delegates Jones, Bozman, Burns, Howard, Kirk, Marriott,  
Nathan-Pulliam, Patterson, and Ramirez**

Introduced and read first time: February 13, 2004  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: April 4, 2004

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CHAPTER 536

1 AN ACT concerning

2 **Juvenile Causes - Children in Out-of-Home Placement - ~~Uniform~~ Plan for a**  
3 **System of Outcomes Evaluation**

4 FOR the purpose of requiring the Office for Children, Youth, and Families, the  
5 Department of Juvenile Services, the Department of Human Resources, ~~the~~  
6 ~~Department of Health and Mental Hygiene, and~~ the Developmental Disabilities  
7 Administration, ~~and the State Department of Education to develop, test, and~~  
8 ~~implement to plan and determine the cost of testing and implementing~~ a certain  
9 systematic evaluation of services provided to children in out-of-home  
10 placement; providing for the Office for Children, Youth, and Families to serve as  
11 the lead agency to ~~develop plan and determine the cost of implementing the~~  
12 ~~uniform~~ system of outcomes evaluation; providing for the Department of Human  
13 Resources, ~~the Department of Health and Mental Hygiene, the Developmental~~  
14 ~~Disabilities Administration, the State Department of Education, the~~  
15 Department of Juvenile Services, and the Office for Children, Youth, and  
16 Families to serve as cooperating departments; establishing the purpose of the  
17 system as a method of evaluating the value of services to children in  
18 out-of-home placement and the resulting outcomes for the children; ~~requiring~~  
19 ~~authorizing~~ the departments to consult with certain resources in higher  
20 education in ~~developing and implementing~~ planning the system; requiring the  
21 departments, in developing the plan, to ~~maintain~~ ensure the confidentiality of  
22 certain personal information concerning children in out-of-home placement;  
23 requiring the cooperating departments, in developing the plan, to ~~facilitate~~  
24 ensure the participation of their residential facilities and the facilities operated  
25 by private agencies with which the cooperating departments contract in  
26 providing necessary data to the system; requiring the departments to meet  
27 certain ~~completion and implementation~~ planning and reporting goals on or

1 before certain dates; ~~requiring the Governor and secretary of each cooperating~~  
 2 ~~department to include certain funds in the budget for each department;~~  
 3 ~~requiring the departments to submit certain reports a certain plan and a certain~~  
 4 ~~report to the General Assembly on or before certain dates a certain date;~~  
 5 ~~requiring the cooperation of certain departments in developing planning the~~  
 6 ~~system; defining certain terms; making a stylistic change; and generally~~  
 7 ~~relating to developing planning a uniform system of evaluating the performance~~  
 8 ~~of services to and resulting outcomes for children in out-of-home placement.~~

9 BY adding to  
 10 Article 49D - Office for Children, Youth, and Families  
 11 Section 12  
 12 Annotated Code of Maryland  
 13 (2003 Replacement Volume)

14 ~~BY adding to~~  
 15 ~~Article - Education~~  
 16 ~~Section 8-418~~  
 17 ~~Annotated Code of Maryland~~  
 18 ~~(2001 Replacement Volume and 2003 Supplement)~~

19 BY repealing and reenacting, without amendments,  
 20 Article - Family Law  
 21 Section 5-101 and 5-501(m), (n), and (o)  
 22 Annotated Code of Maryland  
 23 (1999 Replacement Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,  
 25 Article - Family Law  
 26 Section 5-506  
 27 Annotated Code of Maryland  
 28 (1999 Replacement Volume and 2003 Supplement)

29 ~~BY repealing and reenacting, without amendments,~~  
 30 ~~Article - Health - General~~  
 31 ~~Section 1-101(a), (e), and (j), 7-101(a), (b), (f), (h), and (p), 7-602, 10-101(a), (b),~~  
 32 ~~(d), (e), (h), and (i), and 10-920~~  
 33 ~~Annotated Code of Maryland~~  
 34 ~~(2000 Replacement Volume and 2003 Supplement)~~

35 ~~BY repealing and reenacting, with amendments,~~  
 36 ~~Article - Health - General~~  
 37 ~~Section 7-303 and 10-204~~  
 38 ~~Annotated Code of Maryland~~

1 ~~(2000 Replacement Volume and 2003 Supplement)~~

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

4 **Article 49D - Office for Children, Youth, and Families**

5 12.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) (I) "COOPERATING DEPARTMENT" MEANS EACH UNIT OF THE  
9 STATE GOVERNMENT RESPONSIBLE FOR OUT-OF-HOME PLACEMENT OF CHILDREN.

10 (II) "COOPERATING DEPARTMENT" INCLUDES THE DEPARTMENT  
11 OF HUMAN RESOURCES, ~~THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE~~  
12 ~~DEVELOPMENTAL DISABILITIES ADMINISTRATION, THE MENTAL HYGIENE~~  
13 ~~ADMINISTRATION, THE STATE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF~~  
14 JUVENILE SERVICES, AND THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES.

15 (3) "LEAD AGENCY" MEANS THE OFFICE FOR CHILDREN, YOUTH, AND  
16 FAMILIES.

17 (4) (I) "OUT-OF-HOME PLACEMENT" MEANS:

18 1. THE REMOVAL OF A CHILD FROM THE CHILD'S FAMILY;  
19 AND

20 2. THE PLACEMENT OF THE CHILD BY AN AUTHORIZED  
21 AGENCY OR COURT IN A PUBLIC OR PRIVATE FACILITY OR WITH OTHER PERSONS  
22 WHO ASSUME RESPONSIBILITY FOR THE DAILY CARE, SUPERVISION, TREATMENT,  
23 AND EDUCATION OF THE CHILD.

24 (II) "OUT-OF-HOME PLACEMENT" INCLUDES FOSTER CARE,  
25 RESIDENTIAL GROUP CARE, RESIDENTIAL TREATMENT CARE, A RESIDENTIAL  
26 EDUCATIONAL FACILITY, AND A PRIVATE THERAPEUTIC GROUP HOME LICENSED BY  
27 THE DEPARTMENT OF HUMAN RESOURCES OR THE DEPARTMENT OF JUVENILE  
28 SERVICES.

29 (III) "OUT-OF-HOME PLACEMENT" DOES NOT INCLUDE KINSHIP  
30 CARE.

31 (5) "SYSTEM FOR OUTCOMES EVALUATION" MEANS AN OBJECTIVE, AND  
32 STANDARDIZED, AND UNIFORM METHOD OF MEASURING THE EFFECTIVENESS OF  
33 PROGRAMS SERVING THE NEEDS OF CHILDREN IN OUT-OF-HOME PLACEMENT.

34 (B) (1) ~~THE LEAD AGENCY AND THE COOPERATING DEPARTMENTS SHALL~~  
35 ~~DEVELOP A SYSTEM FOR OUTCOMES EVALUATION.~~

1           (2)     THE LEAD AGENCY IS RESPONSIBLE FOR COORDINATING THE  
2 PLANNING AND ~~IMPLEMENTATION OF~~ DETERMINING THE COST OF TESTING AND  
3 IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION.

4           (3)     (2)     THE SYSTEM FOR OUTCOMES EVALUATION SHALL BE  
5 ~~DEVELOPED~~ PLANNED TO ALLOW THE STATE TO:

6           (I)     MONITOR THE CARE, SUPERVISION, EDUCATION, AND  
7 TREATMENT IN STATE-OPERATED AND STATE-SUPPORTED PROGRAMS SO THAT  
8 SUCCESSFUL SERVICES TO CHILDREN IN OUT-OF-HOME PLACEMENT CAN BE  
9 EXPANDED AND SERVICES THAT DO NOT PRODUCE POSITIVE RESULTS CAN BE  
10 IDENTIFIED;

11           (II)    ~~EVALUATE THE OUTCOMES OF THE CHILDREN AT 6 MONTH~~  
12 ~~AND 12 MONTH INTERVALS FOLLOWING DISCHARGE FROM OUT OF HOME~~  
13 ~~PLACEMENT TO DETERMINE WHICH SERVICES BEST ENABLED THE CHILDREN TO~~  
14 ~~MAINTAIN HEALTHY FUNCTIONING IN THEIR COMMUNITY; AND ASSESS THE~~  
15 CAPACITY OF RESIDENTIAL CHILD CARE PROGRAMS TO MEET THE NEEDS OF A  
16 CHILD REQUIRING OUT-OF-HOME PLACEMENT IN THE CHILD'S COMMUNITY;

17           (III)   EFFECTIVELY ALLOCATE ITS RESOURCES, BASED ON  
18 DEMONSTRATED OUTCOMES.

19           (IV)    ESTABLISH AN EVALUATION SYSTEM FOR PROGRAM  
20 PERFORMANCE, INCLUDING MEASURES OF SAFETY, QUALITY, AND EFFECTIVENESS;  
21 AND

22           (V)     COMPLETE A STATEWIDE ASSESSMENT OF THE STATE'S  
23 RESIDENTIAL CHILD CARE PROGRAM CAPACITY THAT IDENTIFIES PROGRAMS IN  
24 EACH COMMUNITY TO SERVE THE NEEDS OF A FAMILY THAT RESIDES IN THAT  
25 COMMUNITY.

26       (C)     (1)     THE SYSTEM OF OUTCOMES EVALUATION SHALL USE  
27 STANDARDIZED MEASURES OF FUNCTION TO EVALUATE THE CHILD'S:

28           (I)     PROTECTION FROM HARM WHILE IN OUT-OF-HOME  
29 PLACEMENT;

30           (II)    STABILITY OF LIVING ENVIRONMENT;

31           (III)   FAMILY SITUATION AND EFFORTS TO TREAT AND COUNSEL  
32 THE FAMILY UNIT;

33           (IV)    EDUCATIONAL OR VOCATIONAL DEVELOPMENT;

34           (V)     JOB SKILLS AND EMPLOYMENT READINESS;

35           (VI)    CESSATION OF DRUG AND ALCOHOL ABUSE;

36           (VII)   LEARNING TO NOT BE AGGRESSIVE; AND

(VIII) DELINQUENCY STATUS.

(2) THE LEAD AGENCY AND COOPERATING DEPARTMENTS ~~SHALL MAY~~ CONSULT WITH THE UNIVERSITY OF MARYLAND, BALTIMORE IN ~~DEVELOPING AND IMPLEMENTING PLANNING AND DETERMINING THE COST OF THE SYSTEM OF~~ OUTCOMES EVALUATION.

(3) ~~THE LEAD AGENCY SHALL ASSURE THAT THE CENTRALIZED DATABASE PLAN SHALL ENSURE THAT DATA COLLECTED AND USED IN THE SYSTEM~~ MAINTAINS CONFIDENTIALITY OF INFORMATION ON THE CHILDREN FROM THE COOPERATING DEPARTMENTS.

(D) (1) THE PLAN SHALL ENSURE THAT A COOPERATING DEPARTMENT SHALL FACILITATE THE PARTICIPATION OF RESIDENTIAL FACILITIES OPERATED BY THE DEPARTMENT OR PRIVATE AGENCIES WITH WHICH A DEPARTMENT HAS A CONTRACT FOR THE PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE.

(2) THE PLAN SHALL ENSURE THAT A COOPERATING DEPARTMENT SHALL INCLUDE IN ITS CONTRACT WITH A PRIVATE LICENSED OUT-OF-HOME PLACEMENT FACILITY PROVISIONS REQUIRING THE FACILITY TO COLLECT AND REPORT TO THE DEPARTMENT:

(I) CHILD SPECIFIC DEMOGRAPHIC INFORMATION; AND

(II) DATA NECESSARY TO EVALUATE CHANGES IN FUNCTIONING OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(3) WHEN REPORTING DEMOGRAPHIC INFORMATION AND DATA UNDER PARAGRAPH (2) OF THIS SUBSECTION, A COOPERATING DEPARTMENT:

(I) MAY NOT DISCLOSE PERSONAL IDENTIFIERS; AND

(II) SHALL ENSURE THE CONFIDENTIALITY OF THE INFORMATION ABOUT THE CHILDREN UNDER ITS RESPONSIBILITY.

(E) ~~(4)~~ ON OR BEFORE JULY 31, 2005, THE LEAD AGENCY AND THE COOPERATING DEPARTMENTS SHALL HAVE PLANNED AND ~~DEVELOPED~~ DETERMINED THE COST OF THE UNIFORM SYSTEM FOR OUTCOMES EVALUATION.

~~(2) ON OR BEFORE JULY 31, 2006, THE LEAD AGENCY AND THE COOPERATING DEPARTMENTS SHALL TEST THE FUNCTIONALITY OF THE SYSTEM DEVELOPED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND MAKE NECESSARY CHANGES TO ENSURE THE SYSTEM'S FUNCTIONALITY.~~

~~(3) ON OR BEFORE DECEMBER 31, 2008, THE LEAD AGENCY AND THE COOPERATING DEPARTMENTS SHALL ENSURE THAT ALL OUT OF HOME PLACEMENT FACILITIES, INCLUDING RESIDENTIAL CHILD CARE FACILITIES AND RESIDENTIAL TREATMENT CENTERS, PARTICIPATE IN THE UNIFORM SYSTEM FOR OUTCOMES EVALUATION.~~

1 (F) THE GOVERNOR AND THE SECRETARY OF EACH COOPERATING  
 2 DEPARTMENT SHALL INCLUDE IN EACH YEAR'S BUDGET FOR THE DEPARTMENT THE  
 3 FUNDS REQUIRED TO PLAN, DEVELOP, TEST, AND IMPLEMENT THE SYSTEM OF  
 4 OUTCOMES EVALUATION.

5 (G) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR  
 6 BEFORE SEPTEMBER 1, 2004, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR  
 7 ~~THEREAFTER~~, THE LEAD AGENCY AND THE COOPERATING DEPARTMENTS SHALL  
 8 SUBMIT A JOINT REPORT TO THE GENERAL ASSEMBLY ON THE ~~PROGRESS OF~~  
 9 ~~DEVELOPING,~~ PLAN FOR THE SYSTEM FOR OUTCOMES EVALUATION AND THE COST  
 10 OF TESTING, AND IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION FOR  
 11 OUT-OF-HOME PLACEMENT OF CHILDREN.

12 ~~Article - Education~~

13 ~~§ 4-18.~~

14 ~~AS PROVIDED IN ARTICLE 49D, § 12 OF THE CODE, THE DEPARTMENT SHALL~~  
 15 ~~COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF~~  
 16 ~~EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME~~  
 17 ~~PLACEMENT.~~

18 ~~Article - Family Law~~

19 5-101.

20 In this title, "Department" means the Department of Human Resources.

21 5-501.

22 (m) "Out-of-home placement" means placement of a child into foster care,  
 23 kinship care, group care, or residential treatment care.

24 (n) "Residential educational facility" means:

25 (1) a facility that:

26 (i) provides special education and related services for students  
 27 with disabilities;

28 (ii) holds a certificate of approval issued by the State Board of  
 29 Education; and

30 (iii) provides continuous 24-hour care and supportive services to  
 31 children in a residential setting; or

32 (2) one of the following schools:

33 (i) the Benedictine School;

- 1 (ii) the Linwood School;
- 2 (iii) the Maryland School for the Blind; or
- 3 (iv) the Maryland School for the Deaf.

4 (o) "Residential treatment care" means continuous 24-hour care and  
5 supportive services for a minor child placed in a facility that provides formal  
6 programs of basic care, social work, and health care services.

7 5-506.

8 (a) The General Assembly intends that:

9 (1) all children whose care is the responsibility of this State shall have  
10 similar protection in terms of health, safety, and quality of care; and

11 (2) the rules and regulations of agencies that are charged with child care  
12 shall be comparable.

13 (b) In addition to other rules and regulations adopted under this title, the  
14 Department may adopt rules and regulations to carry out §§ 5-507, 5-508, 5-509, and  
15 5-509.1 of this subtitle, which relate to the licensing of child placement agencies,  
16 child care homes, child care institutions, and residential educational facilities.

17 (c) (1) By rule or regulation, the Department may delegate authority to local  
18 departments and licensed child placement agencies to issue licenses or approve  
19 applicants for licenses under this subtitle.

20 (2) Any rule or regulation adopted by the Department under this  
21 subsection shall provide for an appeal to an administrative appellate authority from a  
22 decision of a local department or licensed child placement agency.

23 (d) (1) A child placement agency, child care home, child care institution, or  
24 residential educational facility may not be required to obtain a license from more  
25 than [1] ONE State agency.

26 (2) Any State agency authorized to license child placement agencies,  
27 child care homes, child care institutions, or residential educational facilities may  
28 make cooperative arrangements with any other State agency to give effect to  
29 paragraph (1) of this subsection.

30 (E) AS PROVIDED IN ARTICLE 49D, § 12 OF THE CODE, THE DEPARTMENT  
31 SHALL COOPERATE IN PLANNING AND DETERMINING THE COST OF DEVELOPING  
32 AND IMPLEMENTING A UNIFORM SYSTEM OF EVALUATING THE SUCCESS OF  
33 SERVICES TO CHILDREN IN OUT-OF-HOME PLACEMENT.

~~Article—Health—General~~~~1-101.~~

(a) ~~In this article the following words have the meanings indicated.~~

(e) ~~"Department" means the Department of Health and Mental Hygiene.~~

(j) ~~"Secretary" means the Secretary of Health and Mental Hygiene.~~

~~7-101.~~

(a) ~~In this title the following words have the meanings indicated.~~

(b) ~~"Administration" means the Developmental Disabilities Administration.~~

(f) ~~"Director" means the Director of the Developmental Disabilities Administration.~~

(h) ~~"Group home" means a residence that:~~

(1) ~~Provides residential services for individuals who, because of developmental disability, require specialized living arrangements;~~

(2) ~~Admits at least 4 but not more than 8 individuals; and~~

(3) ~~Provides 10 or more hours of supervision per home, per week.~~

(p) ~~"State residential center" means a place that:~~

(1) ~~Is owned and operated by this State;~~

(2) ~~Provides residential services for individuals with mental retardation and who, because of mental retardation, require specialized living arrangements; and~~

(3) ~~Admits 9 or more individuals with mental retardation.~~

~~7-303.~~

(a) ~~Through the Developmental Disabilities Administration, the Secretary shall establish and carry out a State plan to provide the following training and habilitation services:~~

(1) ~~For individuals with developmental disability:~~

(i) ~~Day habilitation services;~~

(ii) ~~Family support services;~~

(iii) ~~Individual support services;~~

(iv) ~~Prevention and early detection of disabilities;~~

- 1                   (v)       Residential services in community-based settings;
- 2                   (vi)       Services coordination;
- 3                   (vii)       Services in State residential centers;
- 4                   (viii)      Services to insure protection of the individual rights and  
5 liberties of individuals with developmental disability;
- 6                   (ix)       Vocational services;
- 7                   (x)        Community-supported living arrangements services; and
- 8                   (xi)        Any other services that may be necessary to permit delivery of  
9 the services under this subsection.

10               (2)       For individuals without developmental disability, but who meet the  
11 eligibility requirements of § 7-403 of this title, individual support services.

12       (b)        The Secretary periodically shall revise the State plan, but not less than  
13 every 2 years, to reflect changes in need, current available services, priorities, and  
14 any other changes that may affect the need for or scope of care and services.

15       (C)        AS PROVIDED IN ARTICLE 49D, § 12 OF THE CODE, THE DEPARTMENT  
16 SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF  
17 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME  
18 PLACEMENT.

19 7-602.

20       (a)        In this subtitle the following words have the meanings indicated.

21       (b)        "Private group home" means a group home that is not a public group home,  
22 whether or not public funds are used to finance, wholly or partly, the acquisition,  
23 construction, improvement, rehabilitation, maintenance, or operation of the group  
24 home.

25       (c)        "Public group home" means a group home that is owned by or leased to this  
26 State or a political subdivision of this State, whether or not this group home is  
27 maintained and operated by a private, nonprofit person.

28 10-101.

29       (a)        In this title the following words have the meanings indicated.

30       (b)        "Administration" means the Mental Hygiene Administration.

31       (d)        "Director" means the Director of Mental Hygiene.

1 (e) (1) Except as otherwise provided in this title, "facility" means any public  
2 or private clinic, hospital, or other institution that provides or purports to provide  
3 treatment or other services for individuals who have mental disorders.

4 (2) "Facility" does not include a Veterans' Administration hospital.

5 (h) "State facility" means a facility that is owned or operated by the  
6 Department.

7 (i) "Treatment" means any professional care or attention that is given in a  
8 facility, private therapeutic group home for children and adolescents, or Veterans'  
9 Administration hospital to improve or to prevent the worsening of a mental disorder.  
10 ~~10-204.~~

11 (a) The Director is responsible for carrying out the powers, duties, and  
12 responsibilities of the Administration.

13 (b) The Director is responsible for supervising the custody, care, and  
14 treatment of individuals who have mental disorders.

15 (c) (1) The Director shall:

16 (i) Organize and manage the Administration in a manner that will  
17 enable it best to discharge its duties; and

18 (ii) Appoint the number of assistant directors and staff provided in  
19 the State budget.

20 (2) The Director may remove an assistant director for incompetence or  
21 misconduct.

22 (3) Unless expressly provided otherwise by law, the Director may assign  
23 to any subordinate unit or individual in the Administration any function that is  
24 imposed by law on the Director.

25 (d) (1) The Director shall submit to the Governor and the Secretary an  
26 annual report on the activities of the Administration.

27 (2) The report shall be in the form and contain the information that the  
28 Governor requires.

29 (e) (1) The Director shall provide facilities for the care and treatment of  
30 individuals who have mental disorders.

31 (2) ~~AS PROVIDED IN ARTICLE 49D, § 12 OF THE CODE, THE DEPARTMENT~~  
32 ~~SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF~~  
33 ~~EVALUATING THE SUCCESS OF SERVICES TO CHILDREN AND ADOLESCENTS IN~~  
34 ~~OUT-OF-HOME PLACEMENT.~~

1       ~~(f)~~     (1)     The Director shall establish programs for research and development  
2 of care and treatment for individuals who have mental disorders.

3               (2)     The Director may provide money for a public or nonprofit  
4 organization to carry out pilot or demonstration projects.

5       ~~(g)~~     The Director shall administer grants, gifts, trusts, and similar funds that  
6 are available for use by the Administration.

7 ~~10-920.~~

8       In Part IV of this subtitle "~~private therapeutic group home~~" means a small  
9 private group home as defined in § 10-514(e) of this title that provides residential  
10 child care, as well as access to a range of diagnostic and therapeutic mental health  
11 services, to be identified under the requirements of § 10-924 of this article, for  
12 children and adolescents who are in need of such treatments.

13       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 June 1, 2004.