

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL NO. 222

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “(By Request - Administration)”; strike in its entirety line 4 and substitute “Subcabinet for Children, Youth, and Families - Transfer of Services - Department of Health and Mental Hygiene, State Department of Education, and Department of Human Resources”; strike beginning with “extending” in line 15 down through “date;” in line 22 and substitute “repealing the Office for Children, Youth, and Families; establishing a Subcabinet for Children, Youth, and Families; providing for the chair of the Subcabinet; establishing the duties of the Subcabinet; providing for the staff of the Subcabinet; establishing a local management board in each county; providing for the duties of the local management boards; establishing a local coordinating council in each county; providing for the duties of the local coordinating council; establishing certain funds; establishing an advisory council; providing for the membership and duties of the advisory council; transferring certain activities, functions, and employees from the Office for Children, Youth, and Families to certain State agencies; defining certain terms; requiring the Governor to appropriate certain funds under certain circumstances; providing for the termination of this Act;”; in line 23, strike “and reenacting, with amendments,”; and in line 25, strike “Section 29” and substitute “In its entirety”.

On page 2, strike in their entirety lines 2 through 6, inclusive; and strike in their entirety lines 16 through 18, inclusive, and substitute:

“BY adding to

Article - Health - General

Section 2-501 through 2-509, inclusive, to be under the new subtitle “Subtitle 5. Subcabinet for Children, Youth, and Families”

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 2, in line 20, after “MARYLAND,” insert “That Article 49D - Office for Children, Youth, and Families of the Annotated Code of Maryland be repealed in its entirety.”; and in line 22, before “That” insert “SECTION 2. AND BE IT FURTHER ENACTED.”.

On pages 20 and 21, strike in their entirety the lines beginning with line 5 on page 20 through line 31 on page 21, inclusive, and substitute:

“Article - Health - General

SUBTITLE 5. SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES.

2-501.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ADVISORY COUNCIL” MEANS THE ADVISORY COUNCIL ON CHILDREN, YOUTH, AND FAMILIES ESTABLISHED UNDER § 4-109 OF THIS ARTICLE.

(C) (1) “CHILD IN NEED OF OUT-OF-STATE PLACEMENT” MEANS A CHILD WHO IS RECOMMENDED BY A MEMBER OF THE LOCAL COORDINATING COUNCIL FOR PLACEMENT IN AN OUT-OF-HOME PLACEMENT OUTSIDE THE STATE.

(2) “CHILD IN NEED OF OUT-OF-STATE PLACEMENT” DOES NOT INCLUDE A CHILD PLACED IN FOSTER CARE AS DEFINED UNDER § 5-501 OF THE FAMILY LAW ARTICLE.

(D) “CHILD IN NEED OF RESIDENTIAL PLACEMENT” MEANS A CHILD:

(1) WHO IS RECOMMENDED BY A MEMBER OF THE LOCAL COORDINATING COUNCIL FOR RESIDENTIAL PLACEMENT;

(2) ON WHOSE BEHALF THE MEMBER OF THE LOCAL COORDINATING COUNCIL SEEKS STATE FUNDING FOR THE PLACEMENT; AND

(3) WHO A PUBLIC AGENCY HAS DETERMINED MEETS THE

ELIGIBILITY CRITERIA FOR A STATE-FUNDED PLACEMENT.

(E) “CHILD WITH INTENSIVE NEEDS” MEANS A CHILD WHO HAS ANY COMBINATION OF BEHAVIORAL, EDUCATIONAL, DEVELOPMENTAL, OR MENTAL HEALTH NEEDS THAT CANNOT BE MET BY A SINGLE PUBLIC AGENCY OR BY ANY SINGLE MANDATED FUNDING SOURCE BECAUSE:

(1) THE CHILD’S NEEDS EXCEED THE RESOURCES OF A SINGLE PUBLIC AGENCY; AND

(2) THERE IS NO LEGALLY MANDATED FUNDING SOURCE TO MEET THE CHILD’S NEEDS.

(F) “LOCAL COORDINATING COUNCIL” MEANS A LOCAL COUNCIL IN EACH COUNTY THAT COORDINATES SERVICES FOR CHILDREN WITH INTENSIVE NEEDS AND CHILDREN IN NEED OF RESIDENTIAL PLACEMENTS.

(G) “SUBCABINET” MEANS THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES.

2-502.

(A) THERE IS A SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES.

(B) THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

(2) THE SECRETARY OF HUMAN RESOURCES;

(3) THE SECRETARY OF JUVENILE SERVICES;

(4) THE STATE SUPERINTENDENT OF SCHOOLS; AND

(Over)

(5) THE SECRETARY OF DISABILITIES.

(C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL SERVE AS CHAIR OF THE SUBCABINET.

(D) THE SUBCABINET SHALL HAVE STAFF SUPPORT AS PROVIDED FOR IN THE ANNUAL OPERATING BUDGET.

(E) THE CHAIR MAY CALL ON ANY OF THE SUBCABINET MEMBERS TO PROVIDE ADDITIONAL STAFF ASSISTANCE AS NEEDED.

(F) THE SUBCABINET SHALL MEET AT LEAST FOUR TIMES EACH YEAR.

(G) THE SUBCABINET SHALL:

(1) PROVIDE ONGOING EXAMINATION OF THE STRUCTURE AND ORGANIZATION OF MARYLAND'S SYSTEM OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES;

(2) FACILITATE A COMPREHENSIVE, EFFECTIVE, EFFICIENT, AND INTEGRATED SERVICE DELIVERY SYSTEM FOR SERVICES TO CHILDREN, YOUTH, AND FAMILIES;

(3) EXCHANGE INFORMATION TO THE EXTENT PERMISSIBLE BY FEDERAL LAW AND REGULATION TO:

(I) PROMOTE A STABLE, SAFE, AND HEALTHY ENVIRONMENT FOR CHILDREN AND FAMILIES THROUGH INTEGRATED SYSTEMS OF CARE THAT:

1. ARE FAMILY AND CHILD ORIENTED AND EMPHASIZE PREVENTION; AND

2. PROVIDE COMMUNITY-BASED SERVICES IN THE

LEAST RESTRICTIVE ENVIRONMENT AND MOST INTEGRATED SETTING APPROPRIATE TO MEET THE NEEDS OF THE CHILD AND FAMILY;

(II) FACILITATE THE DEVELOPMENT OF A SEAMLESS SYSTEM OF FAMILY FOCUSED SERVICES;

(III) ACHIEVE A COMPREHENSIVE AND COORDINATED INTERAGENCY APPROACH TO PROVIDING A CONTINUUM OF CARE THAT IS FAMILY AND CHILD ORIENTED;

(IV) DISCLOSE APPROPRIATE PORTIONS OF RECORDS OF CHILDREN, YOUTH, AND FAMILIES SERVED BY THAT AGENCY TO OTHER PUBLIC AGENCIES SERVING THE SAME CHILDREN, YOUTH, AND FAMILIES;

(V) PROVIDE A REGULAR FORUM FOR THE PUBLIC AGENCIES RESPONSIBLE FOR IMPLEMENTING THE STATE'S VISION TO MEET AND DEVELOP COORDINATED POLICY RECOMMENDATIONS FOR THE GOVERNOR;

(VI) EXAMINE THE INTERAGENCY FUNDING SYSTEMS CONSISTENT WITH § 15-139 OF THIS ARTICLE THAT WILL PROMOTE THE EFFICIENT AND COMPREHENSIVE DELIVERY OF INTEGRATED SERVICES FOR THE AFFECTED CHILDREN AND FAMILIES;

(VII) UTILIZE THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES INFORMATION SYSTEMS (SCYFIS) TO SHARE INFORMATION; AND

(VIII) APPOINT A STAFF DIRECTOR TO PROVIDE THE DAY-TO-DAY STAFFING TO THE SUBCABINET; AND

(4) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

(H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS

SUBSECTION, INFORMATION AND RECORDS PROVIDED TO OTHER PUBLIC AGENCIES UNDER THIS SECTION SHALL REMAIN CONFIDENTIAL AND MAY NOT BE DISCLOSED TO ANY OTHER PERSON.

(2) FOR THE PURPOSES OF PLANNING, BUDGETING, EVALUATION, AND ANALYSIS, A PUBLIC AGENCY MAY PROVIDE TO THE SUBCABINET INFORMATION REGARDING SERVICES PROVIDED TO CHILDREN, YOUTH, AND FAMILIES, INCLUDING:

(I) THE NAME, ADDRESS, DATE OF BIRTH, RACE, AND SEX OF CHILDREN RECEIVING SERVICES; AND

(II) A LIST OF THE SERVICES PROVIDED TO THE CHILDREN BY STATE OR LOCAL AGENCIES INCLUDING THE DATES OF SERVICE AND DURATION OF THE SERVICES PROVIDED.

2-503.

(A) EACH LOCAL JURISDICTION SHALL ESTABLISH AND MAINTAIN A LOCAL MANAGEMENT BOARD TO ENSURE THE IMPLEMENTATION OF A LOCAL INTERAGENCY SERVICE DELIVERY SYSTEM FOR CHILDREN, YOUTH, AND FAMILIES.

(B) IN ESTABLISHING THE LOCAL MANAGEMENT BOARD, A LOCAL JURISDICTION MAY ELECT TO:

(1) DESIGNATE A QUASI-PUBLIC NONPROFIT CORPORATION THAT IS NOT TO BE CONSIDERED AN INSTRUMENTALITY OF THE LOCAL GOVERNMENT;

(2) DESIGNATE A PUBLIC AGENCY THAT IS TO BE CONSIDERED AN INSTRUMENTALITY OF THE LOCAL GOVERNMENT; OR

(3) DESIGNATE A REGIONAL NONPROFIT CORPORATION OR PUBLIC AGENCY TO REPRESENT MULTIPLE JURISDICTIONS.

(C) A LOCAL MANAGEMENT BOARD SHALL DEVELOP A 3-YEAR COMMUNITY PARTNERSHIP PLAN THAT ADDRESSES THE PRIORITIES AND STRATEGIES OF THE COUNTY FOR MEETING THE NEEDS OF CHILDREN AND FAMILIES FOR:

(1) OUT-OF-HOME PLACEMENT AND TREATMENT;

(2) CRISIS INTERVENTION;

(3) SERVICES FOR CHILDREN AT RISK OF OR RETURNING FROM OUT-OF-HOME PLACEMENT;

(4) EARLY INTERVENTION, DELINQUENCY PREVENTION, AND DIVERSION SERVICES; AND

(5) EDUCATION, HEALTH CARE, OR OTHER CHILD AND FAMILY SERVICES.

(D) THE SUBCABINET SHALL ADOPT REGULATIONS:

(1) SPECIFYING THE ROLES AND RESPONSIBILITIES OF LOCAL MANAGEMENT BOARDS;

(2) ESTABLISHING MINIMUM STANDARDS FOR THE COMPOSITION OF LOCAL MANAGEMENT BOARDS;

(3) ESTABLISHING FISCAL AND PROGRAM ACCOUNTABILITY IN THE IMPLEMENTATION OF COMMUNITY PARTNERSHIP AGREEMENTS AND THE USE OF OTHER STATE RESOURCES BY LOCAL MANAGEMENT BOARDS;

(4) ESTABLISHING PROCEDURES TO ENSURE THE CONFIDENTIALITY OF INFORMATION SHARED BY LOCAL MANAGEMENT BOARD MEMBERS AND EMPLOYEES, PURSUANT TO STATE AND FEDERAL LAW; AND

(Over)

(5) GENERALLY RELATING TO THE OPERATION OF LOCAL MANAGEMENT BOARDS.

2-504.

(A) EACH COUNTY SHALL ESTABLISH A LOCAL COORDINATING COUNCIL.

(B) A LOCAL COORDINATING COUNCIL SHALL INCLUDE AT LEAST ONE REPRESENTATIVE FROM:

(1) THE DEPARTMENT OF JUVENILE SERVICES;

(2) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;

(3) THE MENTAL HYGIENE ADMINISTRATION;

(4) THE ALCOHOL AND DRUG ABUSE ADMINISTRATION;

(5) THE LOCAL BOARD OF EDUCATION;

(6) THE LOCAL HEALTH DEPARTMENT;

(7) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

(8) THE LOCAL OFFICE OF THE DIVISION OF REHABILITATION SERVICES;

(9) THE LOCAL MANAGEMENT BOARD, AS DESIGNATED UNDER § 2-503 OF THIS SUBTITLE;

(10) THE LOCAL CORE SERVICE AGENCY, AS DESIGNATED UNDER TITLE 10, SUBTITLE 12 OF THIS ARTICLE; AND

(11) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE CHAIR OF THE LOCAL COORDINATING COUNCIL IN CONSULTATION WITH THE CHILD ADVOCACY COMMUNITY.

(C) THE LOCAL COORDINATING COUNCIL SHALL SELECT ITS CHAIR BY:

(1) ROTATING THE CHAIR ANNUALLY AMONG THE MEMBERS OF THE AGENCIES REPRESENTED ON THE LOCAL COORDINATING COUNCIL; OR

(2) APPOINTING THE LOCAL MANAGEMENT BOARD'S DESIGNEE TO THE LOCAL COORDINATING COUNCIL AS ITS CHAIR.

(D) (1) THE LOCAL COORDINATING COUNCIL SHALL BE PART OF THE LOCAL MANAGEMENT BOARD FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

(2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO THE LOCAL COORDINATING COUNCIL.

(3) THE LOCAL COORDINATING COUNCIL SHALL BE INDEPENDENT OF THE LOCAL MANAGEMENT BOARD IN ITS DECISIONS REGARDING:

(I) INDIVIDUAL PLANS OF CARE FOR CHILDREN; AND

(II) POLICY RECOMMENDATIONS REGARDING SERVICES TO CHILDREN.

(E) THE SUBCABINET SHALL MONITOR AND OVERSEE THE LOCAL COORDINATING COUNCIL.

2-505.

CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, A LOCAL

(Over)

COORDINATING COUNCIL SHALL:

(1) DEVELOP AND IMPLEMENT PLANS OF CARE FOR THE RESIDENTIAL PLACEMENT OF CHILDREN IN NEED OF RESIDENTIAL PLACEMENT AND CHILDREN IN NEED OF OUT-OF-STATE PLACEMENT;

(2) ACCEPT PLACEMENT REFERRALS FROM THE AGENCIES REPRESENTED ON THE LOCAL COORDINATING COUNCIL;

(3) REVIEW RECOMMENDATIONS FOR THE RESIDENTIAL PLACEMENT OF CHILDREN REFERRED TO THE LOCAL COORDINATING COUNCIL IN ACCORDANCE WITH THIS SECTION AS FOLLOWS:

(I) REVIEW RESIDENTIAL PLACEMENTS RECOMMENDED IN ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR FEDERAL MEDICAID REQUIREMENTS, FOR THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO THE LEAD AGENCY REGARDING THE AVAILABILITY OF COMMUNITY-BASED RESOURCES TO SERVE THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT DETERMINED TO BE APPROPRIATE BY THE LEAD AGENCY;

(II) REVIEW AND APPROVE OTHER RECOMMENDED RESIDENTIAL PLACEMENTS; AND

(III) REVIEW RECOMMENDED OUT-OF-STATE PLACEMENTS AND REFER THE RECOMMENDATIONS TO THE APPROPRIATE AGENCY;

(4) PROVIDE AN INTERAGENCY PLAN OF CARE FOR THE CHILD'S RESIDENTIAL PLACEMENT OR APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED SERVICES FOR THE CHILD;

(5) CONSISTENT WITH REGULATIONS ADOPTED BY THE SUBCABINET, SUBMIT RECOMMENDED PLANS OF CARE TO THE APPROPRIATE AGENCY; AND

(6) ASSIST THE AGENCY PRIMARILY RESPONSIBLE FOR THE CHILD'S CARE IN IMPLEMENTING AND MONITORING THE RESIDENTIAL PLACEMENTS.

2-506.

(A) A PARENT OR GUARDIAN OF A CHILD AND, IF THE CHILD IS REPRESENTED BY COUNSEL, THE CHILD'S ATTORNEY MAY ATTEND ANY LOCAL COORDINATING COUNCIL MEETING WHERE THE PURPOSE OF THE MEETING IS TO DISCUSS THE CHILD'S RESIDENTIAL PLACEMENT.

(B) THE LOCAL COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR GUARDIAN OF THE CHILD AND, IF THE CHILD IS REPRESENTED BY COUNSEL, THE CHILD'S COURT APPOINTED ATTORNEY OF THE DATE, TIME, AND LOCATION OF ANY MEETING THE LOCAL COORDINATING COUNCIL PLANS TO HOLD TO DISCUSS THE CHILD'S RESIDENTIAL PLACEMENT, AT LEAST 10 CALENDAR DAYS BEFORE THE MEETING DATE.

(C) THE LOCAL COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR GUARDIAN OF THE CHILD AND, IF THE CHILD IS REPRESENTED BY COUNSEL, THE CHILD'S ATTORNEY IN WRITING OF:

(1) ANY DECISION IT MAKES CONCERNING THE CHILD'S RESIDENTIAL PLACEMENT; AND

(2) THE RIGHT OF THE PARENT OR GUARDIAN OR THE CHILD'S ATTORNEY TO APPEAL ANY DECISION MADE BY THE LOCAL COORDINATING COUNCIL CONCERNING THE CHILD'S RESIDENTIAL PLACEMENT.

2-507.

(A) THE SUBCABINET SHALL MAINTAIN A STATEWIDE SYSTEM OF INTERAGENCY BUDGETING AND FUNDING.

(Over)

(B) AS PART OF THE SYSTEM REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE SUBCABINET SHALL:

(1) MAINTAIN A SUBCABINET FUND THAT:

(I) INCLUDES MONEYS FOR OUT-OF-HOME CARE AND SERVICES TO PREVENT OUT-OF-HOME PLACEMENTS;

(II) CONSISTS OF ANY OTHER MONEYS APPROPRIATED, TRANSFERRED, CREDITED, OR PAID FROM ANY SOURCE;

(III) IS EXPENDED IN ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE SUBCABINET AND THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(IV) REVERTS TO THE GENERAL FUND OF THE STATE AT THE END OF EACH FISCAL YEAR, AS PROVIDED IN § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(V) HAS AS ITS FISCAL AGENT THE STATE DEPARTMENT OF EDUCATION;

(2) DEVELOP A PLAN FOR A CONTINUUM OF CARE AND SERVICES THAT IS FAMILY AND CHILD ORIENTED AND EMPHASIZES PREVENTION, EARLY INTERVENTION, AND COMMUNITY-BASED SERVICES;

(3) IMPLEMENT AN INTERAGENCY EFFORT TO MAXIMIZE AVAILABLE RESOURCES FROM ALL SOURCES, INCLUDING FEDERAL MONEYS AND PRIVATE THIRD PARTY REIMBURSEMENT;

(4) USE OUTCOME MEASURES AND FISCAL INCENTIVES TO ENCOURAGE MORE PRODUCTIVE USE OF STATE FUNDS FOR CHILDREN AND FAMILY SERVICES; AND

(5) ENTER INTO COMMUNITY PARTNERSHIP AGREEMENTS EXECUTED BETWEEN THE STATE AND LOCAL MANAGEMENT BOARDS RELATING TO THE PROVISION OF SERVICES FOR CHILDREN, YOUTH, AND FAMILIES THAT:

(I) PROVIDE FOR THE USE OF MONEYS FROM THE SUBCABINET FUND TO SUPPORT SERVICES UNDER THE COMMUNITY PARTNERSHIP AGREEMENT DESIGNED TO:

1. PREVENT UNNECESSARY OUT-OF-HOME PLACEMENT OF CHILDREN; AND

2. IMPLEMENT OTHER INITIATIVES APPROVED BY THE SUBCABINET; AND

(II) INCORPORATE REQUIREMENTS ESTABLISHED BY THE SUBCABINET FOR THE ADMINISTRATION AND DELIVERY OF SERVICES SUPPORTED BY THE SUBCABINET FUND.

2-508.

(A) THERE IS A CHILDREN'S TRUST FUND.

(B) IN ADDITION TO ANY FEDERAL FUNDS OR ANY FUNDS PROVIDED IN THE STATE BUDGET, ANY GRANT OR GIFT TO THE STATE TO OR FOR THE USE OF THE CHILDREN'S TRUST FUND SHALL BE CREDITED TO THE CHILDREN'S TRUST FUND TO BE USED FOR THE PURPOSES STATED IN THIS SECTION.

(C) THE SUBCABINET MAY EXPEND A GIFT TO THE STATE TO OR FOR THE USE OF THE CHILDREN'S TRUST FUND ONLY IN THE MANNER AND FOR THE PURPOSES STATED IN THIS SECTION.

(D) THE SUBCABINET SHALL EXPEND THE FUNDS COLLECTED UNDER § 4-217(A)(3)(II) OF THIS ARTICLE FOR THE USE OF THE CHILDREN'S TRUST FUND AS

(Over)

APPROPRIATED IN THE ANNUAL STATE BUDGET AND ONLY IN THE MANNER AND FOR THE PURPOSES STATED IN THIS SECTION.

(E) (1) THE SUBCABINET SHALL AUTHORIZE THE USE OF THE FUNDS WITHIN THE CHILDREN'S TRUST FUND TO:

(I) PROVIDE GRANTS FOR DEVELOPING, ASSISTING, IMPLEMENTING, OR EVALUATING INNOVATIVE CHILD ABUSE AND NEGLECT PREVENTION, TREATMENT, OR EDUCATION PROGRAMS; AND

(II) PROVIDE GRANTS FOR OPERATING INNOVATIVE SUPPORT PROGRAMS FOR PARENTS, FAMILIES, AND ABUSED OR NEGLECTED CHILDREN.

(2) GRANTS MADE UNDER THIS SECTION MAY BE MADE TO PUBLIC AND PRIVATE COMMUNITY-BASED ORGANIZATIONS AND AGENCIES IN LOCAL POLITICAL SUBDIVISIONS.

(3) THE SUBCABINET SHALL REFER GRANT APPLICATIONS UNDER THIS SECTION TO THE ADVISORY COUNCIL.

(4) THE ADVISORY COUNCIL SHALL REVIEW GRANT APPLICATIONS UNDER THIS SECTION AND SHALL MAKE RECOMMENDATIONS FOR FINAL SELECTIONS TO THE SUBCABINET.

(5) THE SUBCABINET SHALL AWARD OR DENY GRANT APPLICATIONS UPON REVIEWING THE RECOMMENDATIONS OF THE ADVISORY COUNCIL.

(F) (1) THE FUNDS OF THE CHILDREN'S TRUST FUND SHALL SUPPLEMENT AND MAY NOT BE A SUBSTITUTE FOR ANY FUNDS IN THE STATE BUDGET FOR ENFORCEMENT OF THE CHILD ABUSE AND NEGLECT LAWS, SERVICES FOR CHILD PROTECTIVE SERVICES, OR CHILD ABUSE AND NEGLECT PREVENTION, TREATMENT, OR EDUCATION PROGRAMS.

(2) THE SUBCABINET MAY USE FUNDS WITHIN THE CHILDREN'S TRUST FUND TO ASSIST IN ADMINISTERING THE FUND.

(3) IN ANY FISCAL YEAR, ADMINISTRATIVE COSTS PAID FOR FROM THE FUND MAY NOT EXCEED 5 PERCENT OR \$25,000, WHICHEVER IS LESS, OF THE MONEYS AVAILABLE FOR DISTRIBUTION FROM THE FUND DURING THAT FISCAL YEAR.

(G) EACH YEAR THE SUBCABINET SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

(1) THE USE OF FUNDS DISBURSED FROM THE CHILDREN'S TRUST FUND; AND

(2) THE RECOMMENDATIONS OF THE ADVISORY COUNCIL.

(H) ANY UNEXPENDED FUNDS IN THE CHILDREN'S TRUST FUND REMAINING AT THE END OF A FISCAL YEAR MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

2-509.

(A) (1) THERE IS AN ADVISORY COUNCIL ON CHILDREN, YOUTH, AND FAMILIES.

(2) THE ADVISORY COUNCIL CONSISTS OF 21 VOTING MEMBERS APPOINTED BY THE GOVERNOR FROM AMONG THE GEOGRAPHIC REGIONS OF THE STATE.

(B) (1) THE VOTING MEMBERS OF THE ADVISORY COUNCIL SHALL BE REPRESENTATIVE OF MARYLAND-BASED PARENTS' ORGANIZATIONS AND OTHER NONPROFIT ORGANIZATIONS WITH STATEWIDE CONSTITUENCIES AND INDIVIDUALS

(Over)

WHO HAVE INTEREST OR EXPERTISE IN THE FOLLOWING AREAS:

MORTALITY;

(I) PREVENTION OF ADOLESCENT PREGNANCY AND INFANT

(II) EARLY CHILDHOOD INTERVENTIONS;

(III) INTEGRATED SYSTEMS OF CARE;

(IV) SCHOOL-BASED HEALTH POLICIES;

FAMILIES;

(V) COMMUNITY-BASED SERVICES FOR CHILDREN AND

SERVICES;

(VI) EDUCATION, HEALTH CARE, OR OTHER CHILD AND FAMILY

(VII) MENTAL HEALTH SERVICES;

(VIII) CHILD WELFARE SERVICES; AND

(IX) AT LEAST ONE MEMBER SHALL BE A PARENT OF A CHILD WHO HAS A DISABILITY WITH INTENSIVE NEEDS.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE ADVISORY COUNCIL SHALL CONSIST OF NOT MORE THAN TWO INDIVIDUALS WHO REPRESENT LOCAL GOVERNMENT.

(C) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE ADVISORY COUNCIL.

(D) WITH THE CONSENT OF THE ADVISORY COUNCIL, THE CHAIR MAY DESIGNATE ADDITIONAL INDIVIDUALS, INCLUDING INTERESTED CITIZENS, ELECTED OFFICIALS, EDUCATORS, OR SPECIALISTS WITH RELEVANT EXPERIENCE TO SERVE

AS NONVOTING MEMBERS OF ANY SUBCOMMITTEE OR WORK GROUP OF THE ADVISORY COUNCIL.

(E) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF THE INITIAL MEMBERS ARE STAGGERED AS FOLLOWS:

(I) SEVEN MEMBERS SHALL SERVE A TERM OF 1 YEAR, WITH THE TERM TERMINATING AT THE END OF DECEMBER 1, 2006;

(II) SEVEN MEMBERS SHALL SERVE A TERM OF 2 YEARS, WITH THE TERM TERMINATING AT THE END OF DECEMBER 1, 2007; AND

(III) SEVEN MEMBERS SHALL SERVE AN INITIAL TERM OF 3 YEARS, WITH THE TERM TERMINATING AT THE END OF DECEMBER 1, 2008.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT, IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT ARTICLE.

(F) A MEMBER OF THE ADVISORY COUNCIL MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

(G) A MEMBER OF THE ADVISORY COUNCIL:

(Over)

(1) MAY NOT RECEIVE COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(H) THE ADVISORY COUNCIL SHALL MEET AT LEAST SIX TIMES EACH YEAR.

(I) THE ADVISORY COUNCIL SHALL ADVISE THE CHILDREN'S SUBCABINET ON:

(1) PREVENTION, EARLY INTERVENTION, AND COMMUNITY-BASED SERVICES FOR CHILDREN, YOUTH, AND FAMILIES; AND

(2) THE ACTIVITIES OF ANY OTHER BOARD, COUNCIL, COMMISSION, OR TASK FORCE CONSIDERING ISSUES THAT RELATE TO PREVENTION, INTERVENTION, OR COMMUNITY-BASED SERVICES FOR CHILDREN, YOUTH, OR FAMILIES.

(J) (1) A MAJORITY OF THE MEMBERS OF THE ADVISORY COUNCIL SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS.

(2) THE ADVISORY COUNCIL MAY ADOPT OTHER PROCEDURES, INCLUDING THE CREATION OF SUBCOMMITTEES OR WORK GROUPS, AS MAY BE NECESSARY TO ENSURE THE ORDERLY TRANSACTION OF BUSINESS.

(K) THE ADVISORY COUNCIL SHALL REVIEW GRANT APPLICATIONS FROM THE CHILDREN'S TRUST FUND AND PROVIDE RECOMMENDATIONS TO THE SUBCABINET.

(L) THE ADVISORY COUNCIL SHALL SUBMIT AN ANNUAL REPORT ON THE ACTIVITIES OF THE ADVISORY COUNCIL TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(M) THE REPORT SHALL INCLUDE RECOMMENDATIONS ON:

(1) THE STATUS OF EFFORTS TO REDUCE ADOLESCENT PREGNANCY AND INFANT MORTALITY IN THE STATE;

(2) THE COSTS AND OUTCOMES OF STATE-FUNDED FAMILY PRESERVATION SERVICES;

(3) SCHOOL-BASED HEALTH PROGRAMS AND ACTIVITIES; AND

(4) THE STATUS OF CHILDREN SENT OUT OF STATE TO RECEIVE SERVICES, THE REASONS SERVICES WERE NOT PROVIDED IN STATE, THE NUMBER OF CHILDREN IN OUT-OF-STATE PLACEMENT, AND THE COST OF PROVIDING OUT-OF-STATE PLACEMENTS.

(N) THE ADVISORY COUNCIL SHALL SEEK THE INPUT OF COMMUNITY ADVOCACY ORGANIZATIONS WITH EXPERTISE ON ISSUES WITHIN THE SCOPE OF THE COUNCIL'S DUTIES AND AUTHORITY."

AMENDMENT NO. 3

On page 21, after line 31, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The functions and activities of the following programs are transferred from the Office for Children, Youth, and Families to the Department of Health and Mental Hygiene:

(1) State Commission on Infant Mortality; and

(2) Governor's Council on Adolescent Pregnancy.

(b) (1) The functions and activities of the Lisa L program shall be transferred from the Office for Children, Youth, and Families to the Office of the Deputy Secretary for Public Health Services in the Department of Health and Mental Hygiene.

(Over)

(2) The positions for the Lisa L program shall be transferred to the Department of Health and Mental Hygiene.

(c) The employees, functions, and activities of the Local Management Board and Monitoring, as provided in the State budget, shall be transferred to the Department of Health and Mental Hygiene.

(d) The functions and activities of the following programs are transferred from the Office for Children, Youth, and Families to the State Department of Education:

(1) Home Visiting Consortium;

(2) Healthy Families Maryland; and

(3) School Based Health Care Initiative.

(e) Any functions and activities that are not transferred to another unit of government by this Act shall be transferred to the Department of Health and Mental Hygiene.

(f) The employees, functions, and activities of the Family Protection and Services are transferred to the Department of Human Resources.

(g) The Subcabinet Fund positions shall be transferred to the Department of Health and Mental Hygiene.

(h) The positions for the Intensive Needs Youth program shall be transferred to the Department of Health and Mental Hygiene.

(i) (1) The Subcabinet for Children, Youth, and Families Information System (SCYFIS) shall be transferred to the Department of Health and Mental Hygiene.

(2) The Subcabinet for Children, Youth, and Families shall determine the best method for continuing the integration of SCYFIS among the Department of Human Resources, the Department of Health and Mental Hygiene, the Department of Juvenile Services, the State

Department of Education, the local management boards, and any other public agency that has access to SCYFIS on or before July 1, 2005.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the positions and programs moved from the Office for Children, Youth, and Families continue to operate as a cohesive and collective entity to ensure integrated services and cooperation from all of the public agencies that are a part of the Subcabinet for Children, Youth, and Families.

SECTION 5. AND BE IT FURTHER ENACTED, That the Governor shall appropriate additional funds to the Department of Health and Mental Hygiene, State Department of Education, or Department of Human Resources if there is a need for additional employees to carry out the provisions of this Act.”;

in line 32, strike “3.” and substitute “6.”; and in line 33, after “2005.” insert “It shall remain effective for a period of 3 years and one month and, at the end of June 30, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.