
By: **Delegates Zirkin, Cadden, Gutierrez, Morhaim, and Quinter**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2005

CHAPTER _____

1 AN ACT concerning

2 **Office for Children, Youth, and Families - Office of the Independent Juvenile**
 3 **Justice Monitor - Jurisdiction**

4 FOR the purpose of altering a certain definition to expand the jurisdiction of the
 5 Office of the Independent Juvenile Justice Monitor to include certain facilities
 6 exercising care, custody, or control over certain children; stating the intent of the
 7 General Assembly that the Governor include certain funding in the budget for
 8 fiscal year 2007; providing for a delayed effective date; making this Act subject
 9 to a certain contingency; and generally relating to the jurisdiction of the Office
 10 of the Independent Juvenile Justice Monitor.

11 BY repealing and reenacting, with amendments,
 12 Article 49D - Office for Children, Youth, and Families
 13 Section 40(d)
 14 Annotated Code of Maryland
 15 (2003 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, without amendments,
 17 Article 49D - Office for Children, Youth, and Families
 18 Section 43
 19 Annotated Code of Maryland
 20 (2003 Replacement Volume and 2004 Supplement)

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

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

2 40.

3 (d) "Facility" means:

4 (1) A residential facility operated by the Department; [and]

5 (2) A residential facility owned by the Department but privately
6 operated; AND7 (3) A GROUP HOME OR CHILD CARE INSTITUTION EXERCISING CARE,
8 CUSTODY, OR CONTROL OVER A CHILD RECEIVING SERVICES FROM THE
9 DEPARTMENT.

10 43.

11 The Office shall:

12 (1) Evaluate at each facility:

13 (i) The child advocacy grievance process;

14 (ii) The Department's monitoring process;

15 (iii) The treatment of and services to youth;

16 (iv) The physical conditions of the facility; and

17 (v) The adequacy of staffing;

18 (2) Review all reports of disciplinary actions, grievances, and grievance
19 dispositions received from each facility and alterations in the status or placement of a
20 child that result in more security, additional obligations, or less personal freedom;

21 (3) Receive copies of the grievances submitted to the Department;

22 (4) Perform unannounced site visits and on-site inspections of facilities;

23 (5) Receive and review all incident reports submitted to the Department
24 from facilities;25 (6) Receive reports of the findings of child protective services
26 investigations of allegations of abuse or neglect of a child in a facility; and27 (7) Be available to attend meetings of the advisory boards established
28 under Article 83C, § 2-119 of the Code.29 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
30 General Assembly that:

1 (a) The Governor include in the budget for fiscal year 2007 authorization and
2 full funding for 6 additional regular positions in the Office of the Juvenile Justice
3 Monitor in order for the Office to perform the additional duties required by the Office
4 under the provisions of this Act; and

5 (b) The funding under this section be in an amount sufficient to provide
6 salaries for the 6 additional regular positions at a salary level consistent with other
7 positions with similar duties in the Department of Juvenile Services.

8 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect ~~October 1, 2005~~ July 1, 2006, contingent on funding being included in the fiscal
10 year 2007 budget for 6 additional regular positions, as provided in Section 2 of this
11 Act. If the fiscal year 2007 budget does not include funding as provided in Section 2 of
12 this Act, this Act shall be null and void without the necessity for further action by the
13 General Assembly.