

SENATE BILL 442

D4, O4, E3

3lr0345

By: **Senator Gladden**

Introduced and read first time: January 30, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs – Memorandum of Understanding**

3 FOR the purpose of requiring a contract awarded or renewed between a certain agency
4 and a provider of a residential child care program to require the provider to
5 enter into a memorandum of understanding with a certain community
6 organization and post the memorandum of understanding in a certain location;
7 specifying the contents of a memorandum of understanding; requiring a
8 memorandum of understanding to be in writing and signed by certain
9 representatives; specifying that a memorandum of understanding shall be in
10 effect for a certain period of time; defining a certain term; providing for the
11 application of this Act; and generally relating to memoranda of understanding
12 and residential child care programs.

13 BY repealing and reenacting, without amendments,
14 Article – Human Services
15 Section 8–701 (b) and (e)
16 Annotated Code of Maryland
17 (2007 Volume and 2012 Supplement)

18 BY adding to
19 Article – Human Services
20 Section 8–708
21 Annotated Code of Maryland
22 (2007 Volume and 2012 Supplement)

23 Preamble

24 WHEREAS, Residential child care programs are an integral part of providing
25 services to youth and children throughout the State; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Residential child care programs are located in communities, many
2 of which are represented by not-for-profit organizations; and

3 WHEREAS, Communities and operators of residential child care programs need
4 to collaborate to provide a supportive and safe environment for all community
5 members; now, therefore,

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

8 **Article – Human Services**

9 **8–701.**

10 (b) “Agency” means:

11 (1) the Department of Health and Mental Hygiene;

12 (2) the Department of Human Resources; or

13 (3) the Department of Juvenile Services.

14 (e) “Provider” means a for profit or not for profit entity licensed by an agency
15 to operate a residential child care program.

16 **8–708.**

17 (A) IN THIS SECTION, “COMMUNITY ORGANIZATION” MEANS A
18 NOT-FOR-PROFIT ORGANIZATION THAT REPRESENTS THE INTERESTS OF
19 RESIDENTS OF A LIMITED GEOGRAPHIC AREA.

20 (B) A CONTRACT AWARDED OR RENEWED BETWEEN AN AGENCY AND A
21 PROVIDER SHALL REQUIRE THE PROVIDER TO:

22 (1) ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE
23 COMMUNITY ORGANIZATION LOCATED NEAREST TO THE SITE OF THE
24 PROVIDER’S RESIDENTIAL CHILD CARE PROGRAM; AND

25 (2) POST THE MEMORANDUM OF UNDERSTANDING AT THE SITE
26 OPERATED BY THE PROVIDER IN A CONSPICUOUS LOCATION.

27 (C) (1) A MEMORANDUM OF UNDERSTANDING SHALL CONTAIN ALL
28 MATTERS OF AGREEMENT REACHED BETWEEN A PROVIDER AND A COMMUNITY
29 ORGANIZATION.

1 **(2) A MEMORANDUM OF UNDERSTANDING MAY CONTAIN**
2 **AGREEMENTS REGARDING THE BEHAVIOR OF PARTICIPANTS IN THE**
3 **RESIDENTIAL CHILD CARE PROGRAM OR COLLABORATIONS BETWEEN THE**
4 **PROVIDER AND THE COMMUNITY ORGANIZATION.**

5 **(D) A MEMORANDUM OF UNDERSTANDING SHALL BE IN WRITING AND**
6 **SIGNED BY A REPRESENTATIVE OF THE PROVIDER AND A REPRESENTATIVE OF**
7 **THE COMMUNITY ORGANIZATION.**

8 **(E) A MEMORANDUM OF UNDERSTANDING UNDER THIS SECTION SHALL**
9 **BE IN EFFECT FOR A PERIOD OF AT LEAST 1 YEAR AND NOT MORE THAN 3**
10 **YEARS.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
12 construed to apply only prospectively and may not be applied or interpreted to have
13 any effect on or application to any contract awarded or renewed before the effective
14 date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2013.