

SENATE BILL 609

P1, D4

5lr2692
CF HB 1022

By: **Senators Brochin, Benson, Guzzone, Kelley, Lee, Madaleno, Manno, McFadden, Montgomery, Pinsky, Raskin, and Rosapepe**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: April 1, 2015

CHAPTER _____

1 AN ACT concerning

2 **State Government – Office of the Child Welfare Ombudsman – ~~Establishment~~**
3 **Pilot Program**

4 FOR the purpose of establishing the Office of the Child Welfare Ombudsman Pilot Program
5 in the Office of the Attorney General; providing for the purpose ~~and of the Pilot~~
6 Program; providing for the staffing of the Office; providing for the appointment,
7 qualifications, term, and salary of the Child Welfare Ombudsman; requiring the
8 Ombudsman to be a full-time State employee; authorizing the Attorney General to
9 remove the Ombudsman under certain circumstances; providing that the Office shall
10 include certain staff; ~~authorizing~~ requiring the Ombudsman to ~~appoint and employ~~
11 ~~certain staff and hire or contract with certain experts~~ hire certain staff; requiring
12 the Ombudsman, under certain circumstances, to use the services and personnel of
13 certain units; requiring certain units, under certain circumstances, to cooperate with
14 the Ombudsman ~~and certain staff~~; ~~requiring the Attorney General and the Secretary~~
15 ~~of Budget and Management to set minimum salaries, qualifications, and certain~~
16 ~~standards for positions in the Office~~; requiring that the budget for the Office be part
17 of the budget of the Office of the Attorney General; providing that the ~~salaries~~ salary
18 of ~~certain staff~~ the Ombudsman and certain expenses ~~must be~~ shall be as provided
19 for in the State budget; ~~providing that certain personnel are subject to certain~~
20 ~~provisions of law; establishing certain procedures regarding certain salaries;~~
21 requiring the Governor to provide funds in the State budget for the Office to employ
22 certain staff; establishing the duties and powers of the Office and the Ombudsman;
23 requiring the Department of Human Resources to provide additional staff to the
24 Ombudsman under certain circumstances; establishing certain complaint policies

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and procedures; requiring the local departments of social services in certain counties
 2 to include certain information relating to the complaint procedures in the records of
 3 certain children; requiring the Ombudsman to treat certain complaints as
 4 confidential, and to protect the identities of certain persons involved in the
 5 complaint, ~~and to establish certain response times and safety measures~~; requiring
 6 the Office to provide certain training materials to certain individuals and inform
 7 certain children of certain information; exempting from disclosure under the
 8 Maryland Public Information Act records related to certain complaints; requiring the
 9 Ombudsman to submit certain reports to the Governor, ~~Secretary of Budget and~~
 10 ~~Management~~, the Secretary of Human Resources, the Citizens Review Board for
 11 Children, the State Council on Child Abuse and Neglect, and the General Assembly;
 12 requiring the Secretary of Human Resources to submit certain reports to the
 13 Governor, the Ombudsman, the Citizens Review Board for Children, the State
 14 Council on Child Abuse and Neglect, and the General Assembly; requiring the
 15 Ombudsman and the Secretary of Human Resources to remove certain information
 16 before submitting certain reports; ~~prohibiting a person from certain willful~~
 17 ~~interference and discriminatory and retaliatory acts relating to complaints filed with~~
 18 ~~the Office; establishing certain penalties~~; defining certain terms; providing for the
 19 termination of this Act; and generally relating to the Office of the Child Welfare
 20 Ombudsman.

21 BY adding to

22 Article – State Government

23 Section 6–501 through ~~6–511~~ ~~6–509~~ 6–508 to be under the new subtitle “Subtitle 5.

24 Office of the Child Welfare Ombudsman Pilot Program”

25 Annotated Code of Maryland

26 (2014 Replacement Volume)

27 Preamble

28 WHEREAS, Child abuse and neglect is a serious and reprehensible problem in
 29 society; and

30 WHEREAS, The protection of children from abuse and neglect by applying
 31 prevention measures and observing best practices in treating children who are abused and
 32 neglected must be one of Maryland’s highest public policy priorities; and

33 WHEREAS, The child welfare system must protect and serve Maryland’s children in
 34 a manner that keeps them safe and healthy and promotes their well-being; and

35 WHEREAS, The children and families served by the child welfare system, as well as
 36 the public, must have a high level of confidence that the system will act in a child’s best
 37 interests and will respond to the child’s needs in a timely and professional manner; and

38 WHEREAS, To engender this high level of confidence in the child welfare system, it
 39 is important that children and families who become involved in the system, mandatory
 40 reporters, and the general public have a well-publicized, easily accessible, and transparent

1 complaint process for voicing concerns regarding the child welfare system along with the
2 expectation that those concerns, once voiced, will be heard and addressed in a timely and
3 appropriate manner; and

4 WHEREAS, To improve child welfare outcomes and to foster best practices, there
5 must be effective accountability mechanisms, including the review and evaluation of
6 concerns voiced by children and families, mandatory reporters, persons involved in the
7 child welfare system, and members of the general public, that provide policymakers with
8 the information necessary to formulate systemic changes, where appropriate; now,
9 therefore,

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

12 **Article – State Government**

13 **SUBTITLE 5. OFFICE OF THE CHILD WELFARE OMBUDSMAN PILOT PROGRAM.**

14 **6–501.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) “CUSTODY” MEANS:

18 (1) PHYSICAL OR LEGAL CUSTODY OF A CHILD; OR

19 (2) THE RESPONSIBILITY CREATED BY LAW OR A COURT ORDER FOR
20 THE CARE OF A CHILD.

21 (C) “DEPARTMENT” MEANS THE DEPARTMENT OF HUMAN RESOURCES.

22 (D) “LOCAL DEPARTMENT” MEANS:

23 ~~(1) A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR~~

24 ~~(2) IN MONTGOMERY COUNTY, THE COUNTY DEPARTMENT OF~~
25 ~~HEALTH AND HUMAN SERVICES.~~

26 (E) “OFFICE” MEANS THE OFFICE OF THE CHILD WELFARE OMBUDSMAN
27 IN THE OFFICE OF THE ATTORNEY GENERAL.

28 (F) “OMBUDSMAN” MEANS THE CHILD WELFARE OMBUDSMAN.

1 (G) “PILOT PROGRAM” MEANS THE OFFICE OF THE CHILD WELFARE
 2 OMBUDSMAN PILOT PROGRAM.

3 (H) “SECRETARY” MEANS THE SECRETARY OF HUMAN RESOURCES.

4 **6-502.**

5 (A) THERE IS AN OFFICE OF THE CHILD WELFARE OMBUDSMAN PILOT
 6 PROGRAM IN THE OFFICE OF THE ATTORNEY GENERAL.

7 (B) THE PURPOSE OF THE OFFICE PILOT PROGRAM IS TO INVESTIGATE
 8 AND DETERMINE WHETHER:

9 ~~(1) THE NEEDS OF CHILDREN AND FAMILIES UNDER THE~~
 10 ~~JURISDICTION OF THE DEPARTMENT OR A LOCAL DEPARTMENT ARE BEING MET IN~~
 11 ~~COMPLIANCE WITH STATE LAW;~~

12 ~~(2) THE RIGHTS OF CHILDREN AND FAMILIES ARE BEING UPHELD;~~
 13 ~~AND~~

14 ~~(3) THE CHILDREN ARE NOT BEING ABUSED OR NEGLECTED;~~

15 (1) ESTABLISH AN OFFICE OF THE CHILD WELFARE OMBUDSMAN IN
 16 THE OFFICE OF THE ATTORNEY GENERAL;

17 (2) AUTHORIZE THE OFFICE TO INVESTIGATE AND DETERMINE
 18 WHETHER, IN BALTIMORE COUNTY AND PRINCE GEORGE’S COUNTY:

19 (i) THE NEEDS OF CHILDREN AND FAMILIES UNDER THE
 20 JURISDICTION OF THE LOCAL DEPARTMENTS ARE BEING MET IN COMPLIANCE WITH
 21 STATE LAW;

22 (ii) THE RIGHTS OF CHILDREN AND FAMILIES UNDER THE
 23 JURISDICTION OF THE LOCAL DEPARTMENTS ARE BEING UPHELD; AND

24 (iii) CHILDREN UNDER THE JURISDICTION OF THE LOCAL
 25 DEPARTMENTS ARE BEING PROTECTED FROM ABUSE AND NEGLECT; AND

26 (3) AFTER A PERIOD OF 3 YEARS, EVALUATE WHETHER FUNDING AND
 27 STAFFING LEVELS FOR THE OFFICE SHOULD BE INCREASED AND THE SCOPE OF THE
 28 OFFICE’S WORK SHOULD BE EXPANDED.

29 **6-503.**

1 (A) (1) ~~WITH THE ADVICE AND CONSENT OF THE SENATE AND INPUT~~
2 ~~FROM CURRENT OR FORMER FOSTER CHILDREN, SUBJECT TO PARAGRAPH (2) OF~~
3 ~~THIS SUBSECTION, THE~~ THE ATTORNEY GENERAL SHALL APPOINT THE CHILD
4 WELFARE OMBUDSMAN.

5 (2) THE OMBUDSMAN SHALL:

6 (I) HAVE BEEN ADMITTED TO PRACTICE LAW IN THE STATE;
7 AND

8 (II) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN CHILD
9 WELFARE.

10 (B) (1) THE TERM OF THE OMBUDSMAN IS ~~5~~ 4 YEARS.

11 (2) AT THE END OF A TERM, THE OMBUDSMAN CONTINUES TO SERVE
12 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

13 (3) AN OMBUDSMAN WHO IS APPOINTED AFTER A TERM BEGINS
14 SERVES FOR THE REMAINDER OF THE TERM UNTIL A SUCCESSOR IS APPOINTED AND
15 QUALIFIES.

16 (C) BEFORE TAKING OFFICE, THE OMBUDSMAN SHALL TAKE THE OATH
17 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

18 (D) THE OMBUDSMAN SHALL BE A FULL-TIME STATE EMPLOYEE.

19 (E) THE OMBUDSMAN IS ENTITLED TO AN ANNUAL SALARY AS PROVIDED
20 FOR IN THE STATE BUDGET.

21 (F) THE ATTORNEY GENERAL MAY REMOVE THE CHILD WELFARE
22 OMBUDSMAN FOR GOOD CAUSE SHOWN AFTER NOTICE AND AN OPPORTUNITY TO BE
23 HEARD.

24 **6-504.**

25 (A) THE OFFICE SHALL INCLUDE:

26 (1) A FULL-TIME OMBUDSMAN; AND

27 (2) ~~STAFF, INCLUDING ASSISTANT OMBUDSMEN, AS ALLOWED FOR IN~~
28 ~~THE STATE BUDGET~~ A FULL-TIME ADMINISTRATIVE ASSISTANT, AS PROVIDED FOR
29 IN THE STATE BUDGET.

1 (B) ~~(1) THE OMBUDSMAN MAY APPOINT AND EMPLOY THE~~
 2 ~~PROFESSIONAL, INVESTIGATIVE, AND CLERICAL STAFF PROVIDED FOR IN THE~~
 3 ~~STATE BUDGET.~~

4 ~~(2) THE OMBUDSMAN, AS NECESSARY, MAY HIRE OR CONTRACT WITH~~
 5 ~~EXPERTS IN THE FIELD OF CHILD WELFARE.~~

6 ~~(c)~~ (1) TO THE EXTENT PRACTICABLE, THE OMBUDSMAN SHALL USE THE
 7 SERVICES AND PERSONNEL OF:

8 (I) THE OFFICE OF THE ATTORNEY GENERAL;

9 (II) THE DEPARTMENT OF STATE POLICE; AND

10 (III) OTHER STATE AND LAW ENFORCEMENT UNITS.

11 (2) THE UNITS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION
 12 SHALL COOPERATE, TO THE EXTENT PRACTICABLE, WITH THE OMBUDSMAN AND
 13 THE OMBUDSMAN'S ~~STAFF~~ ADMINISTRATIVE ASSISTANT.

14 ~~(D) IN COOPERATION WITH THE SECRETARY OF BUDGET AND~~
 15 ~~MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES,~~
 16 ~~QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS~~
 17 ~~IN THE OFFICE.~~

18 **6-505.**

19 (A) THE BUDGET OF THE OMBUDSMAN AND THE OFFICE SHALL BE A PART
 20 OF THE BUDGET OF THE OFFICE OF THE ATTORNEY GENERAL.

21 (B) ~~SALARIES~~ THE SALARY OF THE OMBUDSMAN ~~AND ASSISTANT~~
 22 ~~OMBUDSMEN~~ AND EXPENSES FOR RENT, EQUIPMENT, SUPPLIES, AND GENERAL
 23 OPERATING EXPENSES NECESSARY FOR THE WORK OF THE OFFICE SHALL BE AS
 24 PROVIDED IN THE STATE BUDGET.

25 (C) THE GOVERNOR SHALL PROVIDE IN THE STATE BUDGET SUFFICIENT
 26 MONEY FOR THE OFFICE TO ~~HIRE NECESSARY STAFF~~ EMPLOY A FULL-TIME
 27 ADMINISTRATIVE ASSISTANT.

28 (D) IF THE BUDGET FOR THE OFFICE IS INSUFFICIENT TO ALLOW THE
 29 OFFICE TO PERFORM THE DUTIES OF THE OFFICE, THE OMBUDSMAN MAY APPLY TO
 30 THE BOARD OF PUBLIC WORKS FOR ADDITIONAL MONEY FROM THE GENERAL
 31 EMERGENCY FUND.

1 ~~6-506.~~

2 ~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) IN THIS SECTION, OR AS~~
3 ~~OTHERWISE PROVIDED BY LAW, ALL PERSONNEL OF THE OFFICE ARE SUBJECT TO~~
4 ~~THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

5 ~~(B) THE COMPENSATION OF THE FOLLOWING PERSONNEL SHALL BE~~
6 ~~DETERMINED BY THE OMBUDSMAN AND, IF POSSIBLE, IN ACCORDANCE WITH THE~~
7 ~~STATE PAY PLAN:~~

8 ~~(1) ASSISTANT OMBUDSMAN;~~

9 ~~(2) ATTORNEYS THAT ARE SPECIAL APPOINTEES OR IN THE~~
10 ~~MANAGEMENT SERVICE; AND~~

11 ~~(3) ALL POSITIONS IN MANAGEMENT, PROFESSIONAL, AND SKILLED~~
12 ~~SERVICE CLASSIFICATIONS UNIQUE TO THE OFFICE.~~

13 ~~(C) (1) AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE OF A CHANGE IN~~
14 ~~SALARY PLAN, THE OMBUDSMAN SHALL SUBMIT TO THE SECRETARY OF BUDGET~~
15 ~~AND MANAGEMENT EACH CHANGE THAT INVOLVES AN INCREASE OR A DECREASE IN~~
16 ~~SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH ROUTINE CLASSIFICATIONS~~
17 ~~AND PROMOTIONS OR GENERAL SALARY INCREASES APPROVED BY THE GENERAL~~
18 ~~ASSEMBLY.~~

19 ~~(2) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:~~

20 ~~(I) REVIEW THE PROPOSED CHANGES; AND~~

21 ~~(II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE~~
22 ~~PROPOSED CHANGES, ADVISE THE OMBUDSMAN WHETHER THE CHANGES WOULD~~
23 ~~HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS.~~

24 ~~(3) FAILURE OF THE SECRETARY TO RESPOND IN A TIMELY MANNER~~
25 ~~MAY NOT BE CONSIDERED A STATEMENT OF ADVERSE EFFECT UNDER PARAGRAPH~~
26 ~~(2)(I) OF THIS SUBSECTION.~~

27 ~~(D) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE OMBUDSMAN SHALL~~
28 ~~REPORT TO THE SECRETARY OF BUDGET AND MANAGEMENT AND, IN ACCORDANCE~~
29 ~~WITH § 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ALL PERSONNEL~~
30 ~~POSITIONS, CLASSIFICATIONS, AND SALARIES IN THE OFFICE AS OF THE END OF THE~~
31 ~~IMMEDIATELY PRECEDING CALENDAR YEAR.~~

32 ~~6-507. 6-506.~~

1 (A) ~~THE OFFICE OMBUDSMAN SHALL:~~

2 ~~(1) IDENTIFY, RECEIVE, INVESTIGATE, AND SEEK THE RESOLUTION~~
3 ~~OR REFERRAL OF COMPLAINTS MADE BY OR ON BEHALF OF A CHILD INVOLVED IN~~
4 ~~CHILD IN NEED OF ASSISTANCE CASES CONCERNING ANY ACT, OMISSION, PRACTICE,~~
5 ~~POLICY, OR PROCEDURE OF A STATE OR LOCAL AGENCY OR ANY PERSON WORKING~~
6 ~~ON BEHALF OF THE AGENCY THAT MAY ADVERSELY AFFECT THE HEALTH, SAFETY,~~
7 ~~OR WELFARE OF THE CHILD;~~

8 ~~(2) INSPECT AND REVIEW THE OPERATION, POLICIES, AND~~
9 ~~PROCEDURES OF FOSTER CARE HOMES, GROUP HOMES, KINSHIP CARE HOMES,~~
10 ~~RESIDENTIAL TREATMENT FACILITIES, SHELTERS FOR THE CARE OF ABUSED OR~~
11 ~~NEGLECTED CHILDREN, AND INDEPENDENT LIVING ARRANGEMENTS OPERATED,~~
12 ~~LICENSED, OR APPROVED FOR PAYMENT BY THE DEPARTMENT OR A LOCAL~~
13 ~~DEPARTMENT OR USED BY THE DEPARTMENT OR BY A LOCAL DEPARTMENT FOR THE~~
14 ~~CARE OF CHILDREN IN ITS CUSTODY;~~

15 ~~(3) REVIEW, EVALUATE, REPORT, AND MAKE RECOMMENDATIONS TO~~
16 ~~A STATE OR LOCAL AGENCY CONCERNING PROCEDURES ESTABLISHED BY THE~~
17 ~~AGENCY TO PROVIDE SERVICES TO CHILDREN AND FAMILIES THAT ARE AT RISK OF~~
18 ~~ABUSE OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR~~
19 ~~CHILDREN AND FAMILIES WHO RECEIVE CHILD PROTECTIVE KINSHIP CARE OR~~
20 ~~FOSTER CARE SERVICES;~~

21 ~~(4) RECEIVE, INVESTIGATE, AND MAKE REFERRALS TO OTHER STATE~~
22 ~~OR LOCAL AGENCIES, OR TAKE OTHER APPROPRIATE ACTIONS WITH RESPECT TO A~~
23 ~~COMPLAINT RECEIVED BY THE OFFICE REGARDING THE ACTIONS OF THE~~
24 ~~DEPARTMENT OR A LOCAL DEPARTMENT OR A STATE FUNDED PRIVATE ENTITY~~
25 ~~THAT PROVIDES SERVICES TO CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE~~
26 ~~OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL CUSTODY, OR CHILDREN AND~~
27 ~~FAMILIES WHO RECEIVE CHILD PROTECTIVE, KINSHIP CARE OR FOSTER CARE~~
28 ~~SERVICES;~~

29 ~~(5) ESTABLISH AND MAINTAIN A 24 HOUR TOLL FREE TELEPHONE~~
30 ~~HELPLINE AND WEB SITE TO RECEIVE AND RESPOND TO CALLS FROM CITIZENS~~
31 ~~REGARDING THE WELFARE OF CHILDREN IN THE STATE;~~

32 ~~(6) CONDUCT UNANNOUNCED SITE VISITS AT REASONABLE TIMES~~
33 ~~AND IN A REASONABLE MANNER TO ANY INSTITUTION OR FACILITY TO WHICH~~
34 ~~CHILDREN ARE COMMITTED OR PLACED, IF:~~

35 ~~(i) THE OMBUDSMAN, BEFORE CONDUCTING AN~~
36 ~~UNANNOUNCED SITE VISIT, HAS INITIATED AN INVESTIGATION INTO THE RESPONSE~~

~~OR DISPOSITION OF AN ALLEGATION OF ABUSE OR NEGLECT AT THE INSTITUTION OR FACILITY; AND~~

~~(H) THERE IS A REASONABLE BASIS TO BELIEVE THAT AN UNANNOUNCED SITE VISIT IS NECESSARY TO CARRY OUT THE OMBUDSMAN'S RESPONSIBILITIES UNDER THIS SUBTITLE;~~

~~(7) CONSULT WITH ANY APPROPRIATE STATE OR COUNTY AGENCY OR STATE FUNDED PRIVATE ENTITY PROVIDING CHILD WELFARE SERVICES TO CHILDREN, AND MAY REQUEST FROM ANY SUCH ENTITY, AND THE ENTITY IS HEREBY AUTHORIZED AND DIRECTED TO PROVIDE, SUCH COOPERATION AND ASSISTANCE AS WILL ENABLE THE CHILD ADVOCATE TO PROPERLY PERFORM ITS RESPONSIBILITIES UNDER THIS SECTION; AND~~

~~(8) ESTABLISH AND IMPLEMENT PROCEDURES FOR RECEIVING, PROCESSING, RESPONDING TO, AND RESOLVING COMPLAINTS MADE BY OR ON BEHALF OF CHILDREN WHO ARE RECIPIENTS OF THE SERVICES OF THE LOCAL DEPARTMENTS, AS PROVIDED FOR IN § 6-509 OF THIS SUBTITLE.~~

~~6-508.~~

(1) ESTABLISH AND IMPLEMENT PROCEDURES FOR RECEIVING, PROCESSING, RESPONDING TO, AND RESOLVING COMPLAINTS OF ABUSE OR NEGLECT MADE BY OR ON BEHALF OF CHILDREN WHO ARE RECIPIENTS OF THE SERVICES OF THE LOCAL DEPARTMENTS IN BALTIMORE COUNTY AND PRINCE GEORGE'S COUNTY, AS PROVIDED IN § 6-507 OF THIS SUBTITLE; AND

(2) ESTABLISH AND MAINTAIN A 24-HOUR VOICE MAIL HELPLINE AND WEB SITE TO RECEIVE AND RESPOND TO COMPLAINTS REGARDING THE SAFETY AND WELFARE OF CHILDREN IN THE CUSTODY OF THE LOCAL DEPARTMENTS IN BALTIMORE COUNTY AND PRINCE GEORGE'S COUNTY.

~~(A)~~ (B) THE OMBUDSMAN MAY:

(1) IDENTIFY, RECEIVE, INVESTIGATE, AND SEEK THE RESOLUTION OR REFERRAL OF A COMPLAINT MADE BY OR ON BEHALF OF A CHILD INVOLVED IN A CHILD IN NEED OF ASSISTANCE CASE IN BALTIMORE COUNTY OR PRINCE GEORGE'S COUNTY CONCERNING ANY ACT, OMISSION, PRACTICE, POLICY, OR PROCEDURE OF A STATE OR LOCAL AGENCY OR ANY PERSON WORKING ON BEHALF OF THE AGENCY THAT MAY ADVERSELY AFFECT THE HEALTH, SAFETY, OR WELFARE OF THE CHILD;

(2) INSPECT AND REVIEW THE OPERATION, POLICIES, AND PROCEDURES OF FOSTER CARE HOMES, GROUP HOMES, KINSHIP HOMES, RESIDENTIAL TREATMENT FACILITIES, SHELTERS FOR THE CARE OF ABUSED OR

1 NEGLECTED CHILDREN, AND INDEPENDENT LIVING ARRANGEMENTS IN BALTIMORE
2 COUNTY AND PRINCE GEORGE'S COUNTY THAT ARE OPERATED, LICENSED, OR
3 APPROVED FOR PAYMENT BY THE DEPARTMENT OR A LOCAL DEPARTMENT OR USED
4 FOR THE CARE OF CHILDREN IN THE CUSTODY OF A LOCAL DEPARTMENT;

5 (3) REVIEW, EVALUATE, REPORT, AND MAKE RECOMMENDATIONS TO
6 A STATE OR LOCAL AGENCY CONCERNING THE AGENCY'S PROCEDURES FOR
7 PROVIDING SERVICES IN BALTIMORE COUNTY OR PRINCE GEORGE'S COUNTY TO
8 CHILDREN AND FAMILIES AT RISK OF ABUSE OR NEGLECT, CHILDREN IN STATE OR
9 INSTITUTIONAL CUSTODY, OR CHILDREN AND FAMILIES WHO RECEIVE CHILD
10 PROTECTIVE KINSHIP CARE OR FOSTER CARE SERVICES;

11 (4) RECEIVE, INVESTIGATE, AND MAKE REFERRALS TO OTHER STATE
12 OR LOCAL AGENCIES, OR TAKE OTHER APPROPRIATE ACTIONS, WITH RESPECT TO
13 COMPLAINTS REGARDING THE ACTIONS OF THE DEPARTMENT, A LOCAL
14 DEPARTMENT, OR A STATE-FUNDED PRIVATE ENTITY IN BALTIMORE COUNTY OR
15 PRINCE GEORGE'S COUNTY THAT PROVIDES SERVICES TO CHILDREN AND FAMILIES
16 WHO ARE AT RISK OF ABUSE OR NEGLECT, CHILDREN IN STATE OR INSTITUTIONAL
17 CUSTODY, OR CHILDREN AND FAMILIES WHO RECEIVE CHILD PROTECTIVE KINSHIP
18 CARE OR FOSTER CARE SERVICES;

19 (5) CONDUCT UNANNOUNCED SITE VISITS AT REASONABLE TIMES
20 AND IN A REASONABLE MANNER TO ANY INSTITUTION OR FACILITY IN BALTIMORE
21 COUNTY OR PRINCE GEORGE'S COUNTY, TO WHICH CHILDREN ARE COMMITTED OR
22 PLACED, IF:

23 (I) THE OMBUDSMAN, BEFORE CONDUCTING AN
24 UNANNOUNCED SITE VISIT, HAS INITIATED AN INVESTIGATION INTO THE RESPONSE
25 OR DISPOSITION OF AN ALLEGATION OF ABUSE OR NEGLECT AT THE INSTITUTION
26 OR FACILITY; AND

27 (II) THERE IS A REASONABLE BASIS TO BELIEVE THAT AN
28 UNANNOUNCED SITE VISIT IS NECESSARY TO CARRY OUT THE OMBUDSMAN'S
29 RESPONSIBILITIES UNDER THIS SUBTITLE;

30 (6) CONSULT WITH ANY APPROPRIATE STATE OR COUNTY AGENCY OR
31 STATE-FUNDED PRIVATE ENTITY PROVIDING CHILD WELFARE SERVICES TO
32 CHILDREN IN BALTIMORE COUNTY OR PRINCE GEORGE'S COUNTY, AND COMPEL
33 THE COOPERATION AND ASSISTANCE NECESSARY TO ENABLE THE OMBUDSMAN TO
34 PROPERLY PERFORM THE OMBUDSMAN'S RESPONSIBILITIES UNDER THIS
35 SUBTITLE;

1 ~~(1)~~ **(7)** REVIEW AND COPY RELEVANT LAWS, POLICIES,
2 PROCEDURES, AND DEPARTMENT AND LOCAL DEPARTMENT RECORDS AND
3 REPORTS, INCLUDING RECORDS RELATING TO AN INDIVIDUAL CHILD;

4 ~~(2)~~ **(8)** CONDUCT INTERVIEWS WITH STAFF, CHILDREN, AND
5 OTHERS;

6 ~~(3)~~ **(9)** ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND
7 TESTIMONY OF WITNESSES OR THE PRODUCTION OF BOOKS, PAPERS, AND OTHER
8 DOCUMENTS;

9 ~~(4)~~ **(10)** ADMINISTER OATHS TO WITNESSES IN ANY MATTER UNDER
10 INVESTIGATION IN THE OFFICE; AND

11 ~~(5)~~ **(11)** IF THE OMBUDSMAN CONSIDERS THAT LEGISLATION
12 WOULD AFFECT THE INTERESTS OF PERSONS UNDER ITS JURISDICTION,
13 RECOMMEND THE LEGISLATION TO THE GENERAL ASSEMBLY.

14 ~~(B)~~ **(C)** **(1)** IF A PERSON TO WHOM A SUBPOENA IS ISSUED UNDER
15 SUBSECTION ~~(A)(3)~~ **(B)(9)** OF THIS SECTION FAILS TO APPEAR OR, HAVING
16 APPEARED, REFUSES TO GIVE TESTIMONY, OR FAILS TO PRODUCE THE BOOKS,
17 PAPERS, OR OTHER DOCUMENTS REQUIRED, THE OMBUDSMAN MAY APPLY TO THE
18 APPROPRIATE CIRCUIT COURT FOR RELIEF.

19 **(2)** THE APPROPRIATE COURT MAY ORDER THE PERSON TO APPEAR
20 AND GIVE TESTIMONY OR PRODUCE THE BOOKS, PAPERS, OR OTHER DOCUMENTS,
21 AS APPLICABLE.

22 **(D) (1)** IF THE OMBUDSMAN REQUIRES ASSISTANCE INVESTIGATING OR
23 RESPONDING TO COMPLAINTS CONCERNING ACTIVITIES OR CONDITIONS THAT
24 PRESENT A SERIOUS RISK OF HARM TO THE SAFETY AND WELL-BEING OF CHILDREN
25 UNDER THE JURISDICTION OF A LOCAL DEPARTMENT, THE OMBUDSMAN MAY
26 REQUEST ADDITIONAL STAFF FROM THE DEPARTMENT.

27 **(2)** THE DEPARTMENT SHALL IMMEDIATELY COMPLY WITH A
28 REQUEST MADE UNDER THIS SUBSECTION.

29 ~~6-509. 6-507.~~

30 **(A)** A CHILD IN BALTIMORE COUNTY OR PRINCE GEORGE'S COUNTY WHO
31 IS A RECIPIENT OF THE SERVICES OF ~~THE DEPARTMENT OR~~ A LOCAL DEPARTMENT
32 OR ~~A CHILD WHO IS~~ IDENTIFIED AS A CHILD IN NEED OF ASSISTANCE UNDER TITLE
33 **3, SUBTITLE 8 OF THE COURTS ARTICLE** MAY FILE A COMPLAINT WITH THE
34 OMBUDSMAN:

1 (1) BY CALLING THE ~~OMBUDSMAN'S 24-HOUR TOLL-FREE HELPLINE~~
 2 OFFICE;

3 (2) BY FILING THE COMPLAINT ELECTRONICALLY WITH THE OFFICE;

4 (3) BY MEETING IN PERSON WITH STAFF FROM THE OFFICE;

5 (4) THROUGH AN ADULT REPRESENTING THE CHILD'S INTERESTS; OR

6 (5) BY ANY OTHER REASONABLE MEANS ESTABLISHED BY THE
 7 OMBUDSMAN.

8 (B) THE COMPLAINT PROCESS SHALL BE CONFIDENTIAL, EXPEDIENT, AND
 9 RESPONSIVE TO THE CHILD'S PERCEPTION OF SAFETY ISSUES AND THE CHILD'S
 10 EMOTIONAL NEEDS.

11 (C) THE OMBUDSMAN ~~SHALL ESTABLISH AND IMPLEMENT APPROPRIATE~~
 12 ~~RESPONSE TIMES AND SAFETY MEASURES FOR DIFFERENT TYPES OF COMPLAINTS;~~

13 (1) SHALL GIVE PRIORITY TO COMPLAINTS CONCERNING ABUSE OR
 14 NEGLECT OR DISCRIMINATION AGAINST CHILDREN UNDER THE JURISDICTION OF A
 15 LOCAL DEPARTMENT; AND

16 (2) FOR COMPLAINTS OTHER THAN THOSE DESCRIBED IN ITEM (1) OF
 17 THIS SUBSECTION, MAY SET PRIORITIES BASED ON THE SUBSTANCE AND LIKELY
 18 SERIOUSNESS OF THE COMPLAINTS RECEIVED BY THE OFFICE.

19 (D) FOR A CHILD WITH SAFETY CONCERNS ABOUT THE CHILD'S
 20 OUT-OF-HOME PLACEMENT, ~~THE CHILD'S SAFETY HAS TO BE PARAMOUNT~~ THE
 21 OMBUDSMAN SHALL PRIORITIZE THE CHILD'S SAFETY SO THAT THE CHILD FEELS
 22 COMFORTABLE REPORTING COMPLAINTS AND FEELS SAFE PENDING THE OUTCOME
 23 OF ANY INVESTIGATION.

24 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LOCAL
 25 ~~DEPARTMENT~~ DEPARTMENTS IN BALTIMORE COUNTY AND PRINCE GEORGE'S
 26 COUNTY SHALL INCLUDE, IN DEVELOPMENTALLY APPROPRIATE LANGUAGE,
 27 INFORMATION IN EACH CHILD'S RECORD ABOUT THE COMPLAINT PROCEDURE.

28 (2) THE INFORMATION SHALL INCLUDE:

29 (I) THE DEFINITION OF A COMPLAINT, INCLUDING SITUATIONS
 30 WHERE IT IS APPROPRIATE TO FILE A COMPLAINT;

1 (II) HOW TO FILE A FORMAL COMPLAINT WITH THE OFFICE;

2 (III) AN EXPLANATION ABOUT THE OFFICE;

3 ~~(IV) THE RESPONSE TIMES ESTABLISHED UNDER SUBSECTION~~
4 ~~(C) OF THIS SECTION;~~

5 ~~(V) (IV)~~ POTENTIAL RESOLUTIONS BASED ON THE TYPE OF
6 COMPLAINTS;

7 ~~(VI) (V)~~ HOW THE CHILD'S SAFETY WILL BE PROTECTED
8 DURING THE INVESTIGATION OF THE COMPLAINT;

9 ~~(VII) (VI)~~ AN EXPLANATION OF THE CHILD'S RIGHTS AS
10 OUTLINED IN ANY DEPARTMENT HANDBOOK FOR CHILDREN IN FOSTER CARE; AND

11 ~~(VIII) (VII)~~ ANY OTHER INFORMATION THE OFFICE REQUIRES.

12 (3) A CHILD SHALL BE GIVEN THE INFORMATION:

13 (I) AT THE CHILD'S INITIAL COURT HEARING;

14 (II) BEFORE ANY SUBSEQUENT COURT HEARINGS; AND

15 (III) BEFORE EVERY NEW PLACEMENT.

16 (F) THE OFFICE SHALL ~~PROVIDE~~ DEVELOP TRAINING MATERIALS ON
17 COMPLAINT POLICIES AND PROCEDURES TO ~~ALL~~ DISTRIBUTE TO LOCAL
18 DEPARTMENT CASEWORKERS, ATTORNEYS FOR CHILDREN, OUT-OF-HOME
19 PLACEMENT PROVIDERS, COURT-APPOINTED SPECIAL ADVOCATES, JUDICIAL
20 OFFICERS, AND OTHER PROFESSIONALS WORKING WITH CHILDREN IN BALTIMORE
21 COUNTY OR PRINCE GEORGE'S COUNTY THROUGH THEIR CHILD IN NEED OF
22 ASSISTANCE CASES AS PART OF THEIR EMPLOYMENT ORIENTATION AND
23 CONTINUING PROFESSIONAL DEVELOPMENT.

24 (G) (1) ON CONCLUSION OF AN INVESTIGATION UNDER THIS SECTION,
25 THE OFFICE SHALL INFORM THE CHILD, IN A DEVELOPMENTALLY APPROPRIATE
26 MANNER, OF THE OUTCOME OF THE INVESTIGATION.

27 (2) IF THE OUTCOME OF THE INVESTIGATION ENTAILS SITE VISITS
28 WITH THE CHILD FOR A SPECIFIED PERIOD OF TIME, THE CHILD SHALL BE
29 INFORMED OF THE SCOPE AND INTENT OF THIS FOLLOW-UP PROCESS.

1 (H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS
 2 SUBSECTION, THE OMBUDSMAN SHALL TREAT ALL COMPLAINTS RECEIVED UNDER
 3 SUBSECTION (A) OF THIS SECTION AS CONFIDENTIAL, INCLUDING THE IDENTITIES
 4 OF COMPLAINANTS AND INDIVIDUALS FROM WHOM INFORMATION IS ACQUIRED.

5 (2) THE OMBUDSMAN MAY DISCLOSE INFORMATION AS NECESSARY
 6 TO ENABLE THE OMBUDSMAN TO PERFORM THE OMBUDSMAN'S DUTIES AND TO
 7 SUPPORT ANY RECOMMENDATIONS RESULTING FROM AN INVESTIGATION.

8 (I) RECORDS RELATING TO COMPLAINTS RECEIVED BY THE OFFICE AND
 9 THE INVESTIGATION OF COMPLAINTS ARE EXEMPT FROM DISCLOSURE UNDER THE
 10 PUBLIC INFORMATION ACT.

11 ~~6-510. 6-508.~~

12 (A) THE OFFICE SHALL REPORT IN A TIMELY MANNER TO THE SECRETARY
 13 AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY:

14 (1) KNOWLEDGE OF ANY SYSTEMIC OR LIFE-THREATENING
 15 PROBLEMS AND ANY FINDINGS, ACTIONS, AND RECOMMENDATIONS RELATING TO
 16 INVESTIGATIONS REGARDING THE CARE, SUPERVISION, AND TREATMENT OF:

17 (I) CHILDREN AND FAMILIES WHO ARE AT RISK OF ABUSE OR
 18 NEGLECT;

19 (II) CHILDREN IN ~~DEPARTMENT OR~~ LOCAL DEPARTMENT
 20 CUSTODY; OR

21 (III) CHILDREN AND FAMILIES WHO RECEIVE CHILD
 22 PROTECTIVE KINSHIP CARE OR FOSTER CARE SERVICES; AND

23 (2) ALL OTHER FINDINGS, ACTIONS, AND RECOMMENDATIONS
 24 RELATED TO THE ACTIVITIES REQUIRED UNDER THIS SUBTITLE.

25 ~~(B) (1) THE OFFICE SHALL REPORT QUARTERLY TO THE SECRETARY.~~

26 ~~(2) A COPY OF THE REPORT SHALL BE PROVIDED TO THE CITIZENS~~
 27 ~~REVIEW BOARD FOR CHILDREN, THE STATE ADVISORY BOARD FOR CHILD ABUSE~~
 28 ~~AND NEGLECT AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE~~
 29 ~~GENERAL ASSEMBLY.~~

30 (B) (1) ON OR BEFORE SEPTEMBER 30 OF EACH YEAR, THE OFFICE
 31 SHALL REPORT TO THE SECRETARY, THE CITIZENS REVIEW BOARD FOR CHILDREN,
 32 THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE GOVERNOR, AND, IN

1 ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON ALL
 2 THE ACTIVITIES OF THE OFFICE.

3 ~~(3)~~ (2) THE REPORT SHALL INCLUDE:

4 (I) ALL ACTIVITIES OF THE OFFICE; AND

5 (II) ALL COMPLAINTS MADE TO THE OFFICE INCLUDING:

6 1. THE JURISDICTION WHERE THE INCIDENT
 7 OCCURRED;

8 2. THE JURISDICTION THAT HAS CARE AND CUSTODY OF
 9 THE CHILD IN NEED OF ASSISTANCE WHOSE CASE IS BEING REVIEWED;

10 3. THE NATURE OF THE COMPLAINT;

11 4. THE DISPOSITION OF THE COMPLAINT;

12 5. WHAT, IF ANY, FOLLOW-UP ACTION THE OFFICE TOOK
 13 AND WHY;

14 6. THE CHILD'S PLACEMENT; AND

15 7. DEMOGRAPHIC INFORMATION ABOUT THE CHILD
 16 INCLUDING AGE, GENDER IDENTITY, RACE, AND ETHNICITY~~;~~.

17 (C) (1) ON OR BEFORE NOVEMBER 30 OF EACH YEAR, THE SECRETARY
 18 SHALL REPORT TO THE OMBUDSMAN, THE CITIZENS REVIEW BOARD FOR
 19 CHILDREN, THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE GOVERNOR,
 20 AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY.

21 ~~(III)~~ (2) THE REPORT SHALL INCLUDE:

22 (I) ACTIONS TAKEN BY THE DEPARTMENT OR A LOCAL
 23 DEPARTMENT RESULTING FROM THE FINDINGS AND RECOMMENDATIONS OF THE
 24 OFFICE, ~~INCLUDING THE RESPONSE BY THE DEPARTMENT OR LOCAL DEPARTMENT;~~
 25 AND

26 ~~(IV)~~ (II) A SUMMARY OF ANY VIOLATIONS OF THE STANDARDS
 27 AND REGULATIONS OF THE DEPARTMENT THAT REMAINED UNABATED FOR 30 DAYS
 28 OR MORE DURING THE REPORTING PERIOD.

~~(C) ON OR BEFORE NOVEMBER 30 OF EACH YEAR, THE OFFICE SHALL REPORT TO THE SECRETARY, THE CITIZENS REVIEW BOARD FOR CHILDREN, THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON ALL THE ACTIVITIES OF THE OFFICE AND THE ACTIONS TAKEN BY THE DEPARTMENT IN RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE OFFICE.~~

(D) BEFORE SUBMITTING A REPORT UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE OFFICE AND THE DEPARTMENT SHALL REMOVE ANY IDENTIFYING INFORMATION AS NECESSARY TO PROTECT THE PRIVACY OF THE CHILD AND THE CHILD'S FAMILY.

~~6-511. 6-509.~~

~~(A) A PERSON MAY NOT:~~

~~(1) DISCRIMINATE OR RETALIATE IN ANY MANNER AGAINST ANY PERSON FOR:~~

~~(I) FILING A COMPLAINT UNDER THIS SUBTITLE; OR~~

~~(II) PROVIDING INFORMATION TO AN ADVOCATE OF A CHILD IN GOOD FAITH; OR~~

~~(2) WILLFULLY INTERFERE WITH AN ADVOCATE OF A CHILD IN THE PERFORMANCE OF THE ADVOCATE'S OFFICIAL DUTIES.~~

~~(B) ANY PERSON IN VIOLATION OF SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period of 4 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.