

SB0609/528178/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 609
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Establishment” and substitute “Pilot Program”; in line 3, after “Ombudsman” insert “Pilot Program”; in line 4, strike “and” and substitute “of the Pilot Program; providing for the”; in line 8, strike “authorizing” and substitute “requiring”; strike beginning with “appoint” in line 9 down through “experts” in line 10 and substitute “hire certain staff”; in line 12, after “Ombudsman” insert “and certain staff”; strike beginning with “requiring” in line 12 down through “Office;” in line 14; in line 15, strike “salaries” and substitute “salary”; in line 16, strike “certain staff” and substitute “the Ombudsman”; in the same line, strike “must be” and substitute “shall be as”; strike beginning with “providing” in line 16 down through “salaries;” in line 18 and substitute “requiring the Governor to provide funds in the State budget for the Office to employ certain staff;”; in line 19, after the first semicolon insert “requiring the Department of Human Resources to provide additional staff to the Ombudsman under certain circumstances;”; in line 20, after “services” insert “in certain counties”; in line 22, strike the comma and substitute “and”; strike beginning with the comma in line 23 down through “measures” in line 24; in line 24, after “training” insert “materials”; in line 28, strike “Secretary of Budget and Management;”; in line 30, after “Assembly;” insert “requiring the Secretary of Human Resources to submit certain reports to the Governor, the Ombudsman, the Citizens Review Board for Children, the State Council on Child Abuse and Neglect, and the General Assembly;”; and in the same line, after “Ombudsman” insert “and the Secretary of Human Resources”.

On page 2, in line 3, after “terms;” insert “providing for the termination of this Act;”; in line 7, strike “6-511” and substitute “6-509”; and in line 8, after “Ombudsman” insert “Pilot Program”.

AMENDMENT NO. 2

(Over)

On page 3, in lines 1 and 19, in each instance, after “OMBUDSMAN” insert “PILOT PROGRAM”; strike beginning with the colon in line 10 down through “(1)” in line 11; strike beginning with the semicolon in line 11 down through “SERVICES” in line 13; in line 17, after “(G)” insert ““PILOT PROGRAM” MEANS THE OFFICE OF THE CHILD WELFARE OMBUDSMAN PILOT PROGRAM.”

(H)”;

and in line 21, strike “OFFICE” and substitute “PILOT PROGRAM”.

On pages 3 and 4, strike beginning with “INVESTIGATE” in line 21 on page 3 down through “NEGLECTED” in line 3 on page 4 and substitute “:

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

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

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

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

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

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

AMENDMENT NO. 3

On page 4, strike beginning with “**WITH**” in line 5 down through the first “**THE**” in line 7 and substitute “**THE**”; and in line 14, strike “**5**” and substitute “**4**”.

On page 5, strike beginning with “**STAFF**” in line 3 down through “**BUDGET**” in line 4 and substitute “**A FULL-TIME ADMINISTRATIVE ASSISTANT, AS PROVIDED FOR IN THE STATE BUDGET**”; strike beginning with “**(1)**” in line 5 down through “**(C)**” in line 10; in line 17, strike “**STAFF**” and substitute “**ADMINISTRATIVE ASSISTANT**”; strike in their entirety lines 18 through 21, inclusive; in line 25, strike “**SALARIES**” and substitute “**THE SALARY**”; and in the same line, strike “**AND ASSISTANT OMBUDSMEN**”.

On page 6, in line 2, strike “**HIRE NECESSARY STAFF**” and substitute “**EMPLOY A FULL-TIME ADMINISTRATIVE ASSISTANT**”.

On pages 6 and 7, strike in their entirety the lines beginning with line 7 on page 6 through line 8 on page 7, inclusive.

AMENDMENT NO. 4

On page 7, in line 9, strike “**6-507.**” and substitute “**6-506.**”; in line 10, before “**THE**” insert “**(A)**”; and in the same line, strike “**OFFICE**” and substitute “**OMBUDSMAN**”.

On pages 7 and 8, strike in their entirety the lines beginning with line 11 on page 7 through line 26 on page 8, inclusive, and substitute:

“(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.”.

On page 8, in line 27, strike “(A)” and substitute “(B)”; after line 27, insert:

“(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 NEGLECTED CHILDREN, AND INDEPENDENT LIVING ARRANGEMENTS IN BALTIMORE COUNTY AND PRINCE GEORGE’S COUNTY THAT ARE OPERATED, LICENSED, OR APPROVED FOR PAYMENT BY THE DEPARTMENT OR A LOCAL DEPARTMENT OR USED FOR THE CARE OF CHILDREN IN THE CUSTODY OF A LOCAL DEPARTMENT;

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

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

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

(I) THE OMBUDSMAN, BEFORE CONDUCTING AN 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

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

(Over)

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

in line 28, strike “**(1)**” and substitute “**(7)**”; and in line 31, strike “**(2)**” and substitute “**(8)**”.

On page 9, in lines 1, 3, and 5, strike “**(3)**”, “**(4)**”, and “**(5)**”, respectively, and substitute “**(9)**”, “**(10)**”, and “**(11)**”, respectively; in line 8, strike “**(B)**” and substitute “**(C)**”; in line 9, strike “**(A)(3)**” and substitute “**(B)(9)**”; after line 15, insert:

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

(2) THE DEPARTMENT SHALL IMMEDIATELY COMPLY WITH A REQUEST MADE UNDER THIS SUBSECTION.”;

in line 16, strike “**6-509.**” and substitute “**6-507.**”; in line 17, after “**CHILD**” insert “**IN BALTIMORE COUNTY OR PRINCE GEORGE’S COUNTY**”; in lines 17 and 18, strike “**THE DEPARTMENT OR**”; in line 18, strike “**A CHILD**” and substitute “**WHO IS**”; in line 21, strike “**OMBUDSMAN’S 24-HOUR TOLL-FREE HELPLINE**” and substitute “**OFFICE**”.

On page 10, strike beginning with “SHALL” in line 1 down through “COMPLAINTS” in line 2 and substitute “:

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

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

in line 4, strike “THE CHILD’S SAFETY HAS TO BE PARAMOUNT” and substitute “**THE OMBUDSMAN SHALL PRIORITIZE THE CHILD’S SAFETY**”; in line 8, strike “DEPARTMENT” and substitute “**DEPARTMENTS IN BALTIMORE COUNTY AND PRINCE GEORGE’S COUNTY**”; strike in their entirety lines 15 and 16; and in lines 17, 19, 21, and 23, strike “(v)”, “(vi)”, “(vii)”, and “(viii)”, respectively, and substitute “**(iv)**”, “**(v)**”, “**(vi)**”, and “**(vii)**”, respectively.

On page 11, in line 24, strike “6-510.” and substitute “**6-508.**”; and on page 13, in line 13, strike “6-511.” and substitute “**6-509.**”.

AMENDMENT NO. 5

On page 11, in line 1, strike “PROVIDE” and substitute “**DEVELOP**”; in the same line, after “TRAINING” insert “**MATERIALS**”; in line 2, strike “ALL” and substitute “**DISTRIBUTE TO**”; in line 5, after “CHILDREN” insert “**IN BALTIMORE COUNTY OR PRINCE GEORGE’S COUNTY**”; and in line 32, strike “DEPARTMENT OR”.

On page 12, strike in their entirety lines 5 through 9, inclusive; after line 9, insert:

“(B) (1) ON OR BEFORE SEPTEMBER 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.”;

in line 10, strike “(3)” and substitute “(2)”; in line 11, after “OFFICE;” insert “AND”; in line 23, strike the semicolon and substitute a period; after line 23, insert:

“(C) (1) ON OR BEFORE NOVEMBER 30 OF THE EACH YEAR, THE SECRETARY SHALL REPORT TO THE OMBUDSMAN, 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.”;

in line 24, strike “(III)” and substitute “(2) THE REPORT SHALL INCLUDE:

(1)”;

and in line 26, strike beginning with the comma through “DEPARTMENT”.

On page 13, in line 1, strike “(IV)” and substitute “(II)”; in line 11, after “OFFICE” insert “AND THE DEPARTMENT”; and strike in their entirety lines 4 through 9, inclusive.

AMENDMENT NO. 6

On page 13, in line 26, after the period insert “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.”.