
By: **Delegates Montague, Grosfeld, and Love**
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Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Juvenile Justice - Mental Health and Substance Abuse Screening and**
3 **Assessment**

4 FOR the purpose of requiring an intake officer assigned by the Department of
5 Juvenile Justice, within a certain period of time, to ~~refer for~~ discuss with a child
6 and the child's parent or guardian certain information regarding a certain
7 mental health and substance abuse screening of a child who is the subject of a
8 certain complaint; requiring that a screening be conducted by a certain person;
9 requiring an intake officer to document whether the parent or guardian of a
10 certain child made an appointment for a certain mental health or substance
11 abuse screening; requiring a comprehensive mental health or substance abuse
12 assessment of a certain child under certain circumstances; ~~requiring an intake~~
13 ~~officer to take into account a certain assessment in making a certain~~
14 ~~determination~~ prohibiting the Department of Juvenile Justice and the
15 Department of Health and Mental Hygiene from disclosing certain information
16 regarding certain mental health and substance abuse screenings and
17 assessments of certain children; authorizing the Department of Juvenile Justice
18 and the Department of Health and Mental Hygiene to make public certain
19 information under certain circumstances; requiring the Secretary of Juvenile
20 Justice and the Secretary of Health and Mental Hygiene jointly to adopt certain
21 regulations; ~~making certain legislative findings; defining a certain term;~~ and
22 generally relating to a certain mental health and substance abuse screening and
23 assessment for certain children in the State's juvenile justice system.

24 BY repealing and reenacting, without amendments,
25 Article - Courts and Judicial Proceedings
26 Section 3-801(a), (o), and (q) and 3-810(a), (b), and (c)
27 Annotated Code of Maryland

1 (1998 Replacement Volume)

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section 3-810(c-1)

5 Annotated Code of Maryland

6 (1998 Replacement Volume)

7 BY repealing and reenacting, without amendments,

8 Article - Health - General

9 Section 15-130(a)

10 Annotated Code of Maryland

11 (1994 Replacement Volume and 1998 Supplement)

12 **Preamble**

13 ~~WHEREAS, The mental health and substance abuse needs of children~~
14 ~~entering the juvenile justice system should be identified as soon as possible; and~~

15 ~~WHEREAS, Early identification of the mental health and substance abuse~~
16 ~~needs of these children serves to divert those children from going deeper into the~~
17 ~~juvenile and criminal justice systems; now, therefore,~~

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

20 **Article - Courts and Judicial Proceedings**

21 3-801.

22 (a) In this subtitle, the following words have the meanings indicated, unless
23 the context of their use indicates otherwise.

24 (o) "Intake officer" means the person assigned to the court by the Department
25 of Juvenile Justice to provide the intake services set forth in this subtitle.

26 (q) "Mentally handicapped child" means a child who is or may be mentally
27 retarded or mentally ill.

28 3-810.

29 (a) Except as provided in subsection (b) of this section, the intake officer shall
30 receive:

31 (1) Complaints from a person or agency having knowledge of facts which
32 may cause a person to be subject to the jurisdiction of the court; and

33 (2) Citations issued by a police officer under § 3-835 of this article.

1 (b) The local department of social services shall only receive complaints which
2 allege that a child is in need of assistance. Upon receipt and consideration of a
3 complaint, the local department shall:

4 (1) File a petition;

5 (2) Authorize the person or agency making the complaint to file a
6 petition; or

7 (3) Deny authorization to file the petition.

8 (c) (1) Except as otherwise provided in this subsection, in considering the
9 complaint, the intake officer shall make an inquiry within 25 days as to whether the
10 court has jurisdiction and whether judicial action is in the best interests of the public
11 or the child.

12 (2) An inquiry need not include an interview of the child who is the
13 subject of the complaint if the complaint alleges the commission of a delinquent act
14 that would be a felony if committed by an adult or alleges a violation of Article 27, §
15 36B of the Code.

16 (3) In accordance with this section, the intake officer may, after such
17 inquiry and within 25 days of receiving the complaint:

18 (i) Authorize the filing of a petition;

19 (ii) Propose an informal adjustment of the matter; or

20 (iii) Refuse authorization to file a petition.

21 (4) (i) If a complaint is filed that alleges the commission of a
22 delinquent act which would be a felony if committed by an adult or alleges a violation
23 of Article 27, § 36B of the Code, and if the intake officer denies authorization to file a
24 petition or proposes an informal adjustment, the intake officer shall immediately:

25 1. Forward the complaint to the State's Attorney; and

26 2. Forward a copy of the entire intake case file to the State's
27 Attorney with information as to any and all prior intake involvement with the child.

28 (ii) The State's Attorney shall make a preliminary review as to
29 whether the court has jurisdiction and whether judicial action is in the best interests
30 of the public or the child. The need for restitution may be considered as one factor in
31 the public interest. After the preliminary review the State's Attorney shall, within 30
32 days of the receipt of the complaint by the State's Attorney, unless the court extends
33 the time:

34 1. File a petition;

35 2. Refer the complaint to the Department of Juvenile Justice
36 for informal disposition; or

1 3. Dismiss the complaint.

2 (iii) This subsection may not be construed or interpreted to limit the
3 authority of the State's Attorney to seek a waiver under § 3-817 of this subtitle.

4 (C-1) (1) IN THIS SUBSECTION, "SERIOUSLY EMOTIONALLY DISTURBED" HAS
5 THE MEANING STATED IN § 15-130 OF THE HEALTH - GENERAL ARTICLE.

6 (2) (I) ~~WITHIN 5 WORKING DAYS AS SOON AS POSSIBLE AND IN NO~~
7 ~~EVENT LATER THAN 25 DAYS~~ AFTER RECEIPT OF A COMPLAINT, THE INTAKE
8 OFFICER SHALL ~~REFER~~ DISCUSS WITH THE CHILD WHO IS THE SUBJECT OF A
9 COMPLAINT AND THE CHILD'S PARENT OR GUARDIAN INFORMATION REGARDING A
10 REFERRAL FOR A MENTAL HEALTH AND SUBSTANCE ABUSE SCREENING A OF THE
11 CHILD WHO IS THE SUBJECT OF A COMPLAINT.

12 (II) THE SCREENING ~~REQUIRED~~ AUTHORIZED UNDER
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CONDUCTED BY A PERSON WHO:

14 1. HAS BEEN SELECTED BY THE CHILD'S PARENT OR
15 GUARDIAN;

16 2. HAS BEEN APPROVED BY THE CHILD'S HEALTH
17 INSURANCE CARRIER; AND

18 3. IS:

19 4. A. A QUALIFIED HEALTH, MENTAL HEALTH, OR
20 SUBSTANCE ABUSE PROFESSIONAL; OR

21 5. B. STAFF TRAINED BY A QUALIFIED HEALTH, MENTAL
22 HEALTH, OR SUBSTANCE ABUSE PROFESSIONAL.

23 (III) WITHIN 15 DAYS OF THE DATE OF THE DISCUSSION WITH THE
24 CHILD AND THE CHILD'S PARENT OR GUARDIAN, THE INTAKE OFFICER SHALL
25 DOCUMENT WHETHER THE CHILD'S PARENT OR GUARDIAN MADE AN APPOINTMENT
26 FOR A MENTAL HEALTH AND SUBSTANCE ABUSE SCREENING OF THE CHILD WHO IS
27 THE SUBJECT OF A COMPLAINT.

28 (3) IF, AS A RESULT OF THE SCREENING ~~REQUIRED~~ AUTHORIZED UNDER
29 PARAGRAPH (2) OF THIS SUBSECTION, IT IS DETERMINED THAT THE CHILD IS A
30 MENTALLY HANDICAPPED OR SERIOUSLY EMOTIONALLY DISTURBED CHILD, OR IS A
31 SUBSTANCE ABUSER, THE QUALIFIED HEALTH, MENTAL HEALTH, OR SUBSTANCE
32 ABUSE PROFESSIONAL OR STAFF, NO LATER THAN 5 WORKING DAYS AFTER THE
33 SCREENING, SHALL CONDUCT A COMPREHENSIVE MENTAL HEALTH OR SUBSTANCE
34 ABUSE ASSESSMENT OF THE CHILD.

35 (4) ~~IF A COMPREHENSIVE MENTAL HEALTH OR SUBSTANCE ABUSE~~
36 ~~ASSESSMENT IS CONDUCTED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE~~
37 ~~INTAKE OFFICER SHALL TAKE THAT ASSESSMENT INTO ACCOUNT IN DETERMINING~~
38 ~~THE BEST INTEREST OF THE CHILD UNDER SUBSECTION (C) OF THIS SECTION~~ THE

1 DEPARTMENT OF JUVENILE JUSTICE AND THE DEPARTMENT OF HEALTH AND
2 MENTAL HYGIENE:

3 (I) MAY NOT DISCLOSE TO ANY PERSON ANY INFORMATION
4 RECEIVED BY THE DEPARTMENTS RELATING TO A SPECIFIC MENTAL HEALTH AND
5 SUBSTANCE ABUSE SCREENING OR ASSESSMENT CONDUCTED UNDER THIS SECTION
6 THAT COULD IDENTIFY THE CHILD WHO WAS THE SUBJECT OF THE SCREENING OR
7 ASSESSMENT; AND

8 (II) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED
9 BY LAW.

10 (5) THE SECRETARY OF JUVENILE JUSTICE AND THE SECRETARY OF
11 HEALTH AND MENTAL HYGIENE JOINTLY SHALL ADOPT ANY REGULATION
12 NECESSARY TO CARRY OUT THIS SUBSECTION.

13 **Article - Health - General**

14 15-130.

15 (a) In this section, "seriously emotionally disturbed" means a condition that is:

16 (1) Manifest in an individual younger than 18 years or, if the individual
17 is in a residential treatment center, younger than 21 years;

18 (2) Diagnosed according to the current diagnostic classification system
19 that is recognized by the Secretary; and

20 (3) Characterized by a functional impairment that substantially
21 interferes with or limits the child's role or functioning in the family, school, or
22 community activities.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1999.