

SENATE BILL 411

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1999 Regular Session
9r2046
CF 9r0886

By: **Senators Green and Kasemeyer**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

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 a certain mental
6 health and substance abuse screening a child who is the subject of a certain
7 complaint; requiring a comprehensive mental health or substance abuse
8 assessment of a certain child under certain circumstances; requiring an intake
9 officer to take into account a certain assessment in making a certain
10 determination; requiring the Secretary of Juvenile Justice and the Secretary of
11 Health and Mental Hygiene jointly to adopt certain regulations; making certain
12 legislative findings; defining a certain term; and generally relating to a certain
13 mental health and substance abuse screening and assessment for certain
14 children in the State's juvenile justice system.

15 BY repealing and reenacting, without amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-801(a), (o), and (q) and 3-810(a), (b), and (c)
18 Annotated Code of Maryland
19 (1998 Replacement Volume)

20 BY adding to
21 Article - Courts and Judicial Proceedings
22 Section 3-810(c-1)
23 Annotated Code of Maryland
24 (1998 Replacement Volume)

25 BY repealing and reenacting, without amendments,
26 Article - Health - General
27 Section 15-130(a)
28 Annotated Code of Maryland
29 (1994 Replacement Volume and 1998 Supplement)

1 Preamble

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

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

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

9 **Article - Courts and Judicial Proceedings**

10 3-801.

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

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

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

17 3-810.

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

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

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

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

26 (1) File a petition;

27 (2) Authorize the person or agency making the complaint to file a
28 petition; or

29 (3) Deny authorization to file the petition.

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

1 (2) An inquiry need not include an interview of the child who is the
2 subject of the complaint if the complaint alleges the commission of a delinquent act
3 that would be a felony if committed by an adult or alleges a violation of Article 27, §
4 36B of the Code.

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

7 (i) Authorize the filing of a petition;

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

9 (iii) Refuse authorization to file a petition.

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

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

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

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

23 1. File a petition;

24 2. Refer the complaint to the Department of Juvenile Justice
25 for informal disposition; or

26 3. Dismiss the complaint.

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

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

31 (2) (I) WITHIN 5 WORKING DAYS AFTER RECEIPT OF A COMPLAINT,
32 THE INTAKE OFFICER SHALL REFER FOR A MENTAL HEALTH AND SUBSTANCE ABUSE
33 SCREENING A CHILD WHO IS THE SUBJECT OF A COMPLAINT.

34 (II) THE SCREENING REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
35 PARAGRAPH SHALL BE CONDUCTED BY:

1 1. A QUALIFIED HEALTH, MENTAL HEALTH, OR SUBSTANCE
2 ABUSE PROFESSIONAL; OR

3 2. STAFF TRAINED BY A QUALIFIED HEALTH, MENTAL
4 HEALTH, OR SUBSTANCE ABUSE PROFESSIONAL.

5 (3) IF, AS A RESULT OF THE SCREENING REQUIRED UNDER PARAGRAPH
6 (2) OF THIS SUBSECTION, IT IS DETERMINED THAT THE CHILD IS A MENTALLY
7 HANDICAPPED OR SERIOUSLY EMOTIONALLY DISTURBED CHILD, OR IS A
8 SUBSTANCE ABUSER, THE QUALIFIED HEALTH, MENTAL HEALTH, OR SUBSTANCE
9 ABUSE PROFESSIONAL OR STAFF, NO LATER THAN 5 WORKING DAYS AFTER THE
10 SCREENING, SHALL CONDUCT A COMPREHENSIVE MENTAL HEALTH OR SUBSTANCE
11 ABUSE ASSESSMENT OF THE CHILD.

12 (4) IF A COMPREHENSIVE MENTAL HEALTH OR SUBSTANCE ABUSE
13 ASSESSMENT IS CONDUCTED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE
14 INTAKE OFFICER SHALL TAKE THAT ASSESSMENT INTO ACCOUNT IN DETERMINING
15 THE BEST INTEREST OF THE CHILD UNDER SUBSECTION (C) OF THIS SECTION.

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

19 **Article - Health - General**

20 15-130.

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

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

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

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

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