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By: **Delegates O'Donnell, Montague, and Owings**  
Introduced and read first time: February 10, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County Child Visitation and Exchange Monitoring Pilot Program**

3 FOR the purpose of establishing the Calvert County Child Visitation and Exchange  
4 Monitoring Pilot Program in the Circuit Court for Calvert County to provide  
5 exchange monitoring and supervised visitation services to parents and children  
6 in Calvert County; requiring the Administrative Judge of the Circuit Court for  
7 Calvert County to enter into contracts with eligible providers for certain  
8 exchange monitoring and supervised visitation services; requiring contracts for  
9 exchange monitoring and supervised visitation services to follow certain  
10 contracting procedures and be evaluated based on certain requirements;  
11 requiring the Administrative Judge to adopt certain rules establishing  
12 qualifications and standards of practice for eligible providers of exchange  
13 monitoring and supervised visitation services; requiring the Administrative  
14 Judge to develop a certain evaluation instrument and a certain fee schedule for  
15 exchange monitoring services; requiring the Administrative Judge to apply for  
16 certain grants and make certain reports; establishing a special nonlapsing  
17 Calvert County Child Visitation and Exchange Monitoring Pilot Program Fund;  
18 establishing funding mechanisms for the Fund; authorizing the Governor to  
19 make a certain deficiency appropriation for the Fund; requiring the Governor to  
20 make a certain appropriation to the Fund; specifying procedures for holding  
21 moneys in the Fund, accounting of the Fund, and making disbursements and  
22 expenditures from the Fund; authorizing the Administrative Judge to expend  
23 certain grant money beyond a certain period; defining certain terms; providing  
24 for the termination of this Act; and generally relating to the Calvert County  
25 Child Visitation and Exchange Monitoring Pilot Program.

26 BY adding to  
27 Article - Family Law  
28 Section 9-501 through 9-503 to be under the new subtitle "Subtitle 5. Calvert  
29 County Child Visitation and Exchange Monitoring Pilot Program"  
30 Annotated Code of Maryland  
31 (1999 Replacement Volume and 1999 Supplement)

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

Article - Family Law

SUBTITLE 5. CALVERT COUNTY CHILD VISITATION AND EXCHANGE MONITORING PILOT PROGRAM.

9-501.

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

(B) "ELIGIBLE PROVIDER" MEANS A LOCAL PUBLIC AGENCY, NONPROFIT ENTITY, OR PRIVATE COMPANY THAT MEETS THE QUALIFICATIONS AND THE STANDARDS OF PRACTICE FOR PROVIDERS OF EXCHANGE MONITORING AND SUPERVISED VISITATION SERVICES ESTABLISHED BY THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR CALVERT COUNTY UNDER § 9-502 OF THIS SUBTITLE.

(C) "EXCHANGE MONITORING" MEANS A THIRD PERSON SUPERVISION OF THE MOVEMENT OF A CHILD FROM THE CUSTODIAL TO THE NONCUSTODIAL PARENT OR BETWEEN JOINT CUSTODIAL PARENTS AT THE START OF A VISIT AND AT THE END OF A VISIT AS REQUIRED UNDER A COURT ORDER OR WITH THE MUTUAL CONSENT OF THE CHILD'S PARENTS FOR THE PURPOSES OF FACILITATING A VISITATION.

(D) "FUND" MEANS THE CALVERT COUNTY CHILD VISITATION AND EXCHANGE MONITORING PILOT PROGRAM FUND.

(E) "PROGRAM" MEANS THE CALVERT COUNTY CHILD VISITATION AND EXCHANGE MONITORING PILOT PROGRAM.

(F) "SUPERVISED VISITATION" MEANS A COURT ORDERED CONTACT WITH A CHILD BY A NONCUSTODIAL PARENT IN THE PRESENCE OF A THIRD PERSON RESPONSIBLE FOR OBSERVING AND ENSURING THE HEALTH, SAFETY, AND WELFARE OF THE CHILD.

9-502.

(A) THERE IS A CALVERT COUNTY CHILD VISITATION AND EXCHANGE MONITORING PILOT PROGRAM IN THE CIRCUIT COURT FOR CALVERT COUNTY.

(B) THE PURPOSE OF THE PROGRAM IS TO AUTHORIZE THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR CALVERT COUNTY TO ENTER INTO CONTRACTS WITH ELIGIBLE PROVIDERS TO PROVIDE EXCHANGE MONITORING AND SUPERVISED VISITATION SERVICES TO PARENTS AND CHILDREN IN CALVERT COUNTY IN ORDER TO PROMOTE AND ENCOURAGE HEALTHY PARENT AND CHILD RELATIONSHIPS BETWEEN NONCUSTODIAL OR JOINT CUSTODIAL PARENTS AND THEIR CHILDREN, WHILE ENSURING THE HEALTH, SAFETY, AND WELFARE OF CHILDREN.

(C) THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR CALVERT COUNTY SHALL:

1 (1) ENTER INTO CONTRACTS WITH ELIGIBLE PROVIDERS TO PROVIDE  
2 EXCHANGE MONITORING AND SUPERVISED VISITATION SERVICES TO PARENTS AND  
3 CHILDREN IN CALVERT COUNTY;

4 (2) FOLLOW STANDARD CONTRACTING PROCEDURE FOR CALVERT  
5 COUNTY THAT INCLUDES AN EVALUATION OF ELIGIBLE PROVIDERS BASED ON:

6 (I) AVAILABILITY OF SERVICES TO A BROAD POPULATION OF  
7 PARTIES;

8 (II) ABILITY TO EXPAND EXISTING SERVICES;

9 (III) COORDINATION WITH OTHER COMMUNITY SERVICES;

10 (IV) HOURS OF SERVICE DELIVERY; AND

11 (V) OVERALL COST EFFECTIVENESS;

12 (3) ADOPT RULES SPECIFYING THE QUALIFICATIONS AND STANDARDS  
13 OF PRACTICE FOR ELIGIBLE PROVIDERS;

14 (4) DEVELOP AN EVALUATION INSTRUMENT THAT IS TO BE SUBMITTED  
15 BY ELIGIBLE PROVIDERS TO THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT  
16 FOR CALVERT COUNTY AND THAT INCLUDES INFORMATION ON:

17 (I) THE DURATION THAT EACH FAMILY USED THE SUPERVISED  
18 VISITATION OR EXCHANGE MONITORING SERVICES;

19 (II) WHETHER REQUIRED CHILD SUPPORT PAYMENTS WERE BEING  
20 MADE BY A NONCUSTODIAL OR JOINT CUSTODIAL PARENT BEFORE, DURING, AND  
21 AFTER THE TIME OF THE SERVICES;

22 (III) THE IMPACT OF THE SERVICES ON FAMILIES, INCLUDING  
23 FAMILY REUNIFICATION, TERMINATION OF PARENTAL RIGHTS, AND CONTINUED  
24 VISITATION; AND

25 (IV) THE COST TO THE ELIGIBLE PROVIDER FOR THE SERVICES TO  
26 EACH FAMILY;

27 (5) DEVELOP A FEE SCHEDULE FOR EXCHANGE MONITORING SERVICES  
28 THAT:

29 (I) IS APPLICABLE ONLY TO PARENTS NOT UNDER A COURT ORDER  
30 REQUIRING EXCHANGE MONITORING WHO MUTUALLY CONSENT TO THE USE OF THE  
31 SERVICES TO FACILITATE A CHILD VISITATION OR CUSTODY ARRANGEMENT;

32 (II) INCORPORATES A SLIDING SCALE OF FEES BASED ON EACH  
33 PARENT'S ABILITY TO PAY, INCLUDING A FEE WAIVER FOR LOW INCOME FAMILIES;  
34 AND

1 (III) PROVIDES THAT ALL FEES FOR EXCHANGE MONITORING  
2 SERVICES SHALL BE PAID TO THE CLERK OF THE CIRCUIT COURT FOR CALVERT  
3 COUNTY FOR TRANSMITTAL TO THE STATE COMPTROLLER; AND

4 (6) APPLY FOR FEDERAL OR PRIVATE GRANT MONEY TO SUPPLEMENT  
5 OR REPLACE MONEYS APPROPRIATED IN THE STATE BUDGET EACH YEAR FOR THE  
6 FUND.

7 (D) ON OR BEFORE OCTOBER 1, 2001, AND ANNUALLY THEREAFTER, THE  
8 ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR CALVERT COUNTY SHALL  
9 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
10 GOVERNMENT ARTICLE ON:

11 (1) THE OPERATION AND PERFORMANCE OF THE PROGRAM;

12 (2) THE ESTABLISHED QUALIFICATIONS AND STANDARDS OF PRACTICE  
13 FOR ELIGIBLE PROVIDERS;

14 (3) THE INFORMATION OBTAINED FROM THE ELIGIBLE PROVIDER  
15 EVALUATION INSTRUMENT;

16 (4) THE REVENUE GENERATED BY THE FEES FOR EXCHANGE  
17 MONITORING;

18 (5) THE COST OF MAINTAINING THE PROGRAM AND ANY GRANT  
19 MONEYS RECEIVED FOR THE PROGRAM; AND

20 (6) THE EXTENT THE PROGRAM IS ACHIEVING THE GOAL OF  
21 PROMOTING AND ENCOURAGING HEALTHY PARENT AND CHILD RELATIONSHIPS  
22 BETWEEN NONCUSTODIAL OR JOINT CUSTODIAL PARENTS AND THEIR CHILDREN,  
23 WHILE ENSURING THE HEALTH, SAFETY, AND WELFARE OF CHILDREN.

24 9-503.

25 (A) THERE IS A CALVERT COUNTY CHILD VISITATION AND EXCHANGE  
26 MONITORING PILOT PROGRAM FUND.

27 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §  
28 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

29 (C) THE FUND CONSISTS OF MONEYS APPROPRIATED IN THE STATE BUDGET  
30 TO THE FUND, ALL EARNINGS FROM INVESTMENT OF MONEYS IN THE FUND,  
31 REVENUE GENERATED BY FEES FOR EXCHANGE MONITORING SERVICES, AND ANY  
32 OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND FROM ANY  
33 GOVERNMENTAL OR PRIVATE SOURCE.

34 (D) THE GOVERNOR:

35 (1) MAY PROVIDE FOR THE FUND A DEFICIENCY APPROPRIATION IN THE  
36 STATE BUDGET FOR FISCAL YEAR 2000; AND

1           (2)     SHALL APPROPRIATE MONEYS TO THE FUND IN THE STATE BUDGET  
2 FOR FISCAL YEAR 2001 AND EACH YEAR THEREAFTER.

3     (E)     (1)     THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY.

4           (2)     THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND AND  
5 SHALL CREDIT TO THE FUND MONEYS FROM EXCHANGE MONITORING SERVICE FEES  
6 TRANSMITTED BY THE CLERK OF THE CIRCUIT COURT FOR CALVERT COUNTY.

7     (F)     THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER  
8 AS OTHER STATE FUNDS.

9     (G)     THE COMPTROLLER SHALL PAY MONEY FROM THE FUND TO THE CIRCUIT  
10 COURT FOR CALVERT COUNTY.

11    (H)     MONEY IN THE FUND SHALL ONLY BE EXPENDED TO FACILITATE THE  
12 PROGRAM.

13    (I)     THE FUND IS SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE  
14 AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

15    (J)     IF THE TERMS OF A GRANT ALLOW, THE ADMINISTRATIVE JUDGE OF THE  
16 CALVERT COUNTY CIRCUIT COURT MAY EXPEND GRANT MONEY BEYOND THE  
17 FISCAL YEAR IN WHICH THE GRANT IS RECEIVED.

18    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2000. It shall remain effective for a period of 3 years and, at the end of  
20 September 30, 2003, with no further action required by the General Assembly, this  
21 Act shall be abrogated and of no further force and effect.