

1 [(2)] (II) Authorize the person or agency making the complaint to
2 file a petition; or

3 [(3)] (III) Deny authorization to file the petition.

4 (3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (2) OF THIS
5 SUBSECTION OR ANY OTHER PROVISION OF THIS SECTION, THE LOCAL DEPARTMENT
6 SHALL FILE A PETITION:

7 (I) WITHIN 15 DAYS AFTER THE RECEIPT OF A COMPLAINT
8 ALLEGING THAT A MENTALLY HANDICAPPED CHILD IS OR WILL BE READY FOR
9 DISCHARGE FROM A HOSPITAL AND THAT THE CHILD'S PARENTS, GUARDIAN, OR
10 CUSTODIAN HAVE BEEN NOTIFIED AND ARE UNABLE OR UNWILLING TO HAVE THE
11 CHILD RETURN HOME; OR

12 (II) WITHIN 30 DAYS AFTER THE RECEIPT OF A COMPLAINT
13 ALLEGING THAT A MENTALLY HANDICAPPED CHILD IS OR WILL BE READY FOR
14 DISCHARGE FROM AN OUT-OF-HOME PLACEMENT, AS DEFINED IN § 5-501 OF THE
15 FAMILY LAW ARTICLE, AND THAT THE CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN
16 HAVE BEEN NOTIFIED AND ARE UNABLE OR UNWILLING TO HAVE THE CHILD
17 RETURN HOME.

18 3-812.

19 (g) Whenever a child in need of assistance petition is filed by the local
20 department of social services[,]:

21 (1) [the] THE local department shall be a party to the proceeding and
22 shall present to the court the evidence in support of the petition; AND

23 (2) IF THE PETITION ALLEGES THAT THE CHILD IS A MENTALLY
24 HANDICAPPED CHILD, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL
25 ALSO BE A PARTY TO THE PROCEEDING.

26 (h) (1) The court shall hear and rule on a petition seeking an order for
27 emergency medical treatment on an expedited basis.

28 (2) THE COURT SHALL HEAR AND RULE ON A PETITION FOR A CHILD
29 DESCRIBED IN § 3-810(B)(3)(I) OF THIS SUBTITLE ON AN EXPEDITED BASIS.

30 3-820.

31 (c) (1) IN THIS SUBSECTION, "OUT-OF-HOME PLACEMENT" HAS THE
32 MEANING STATED IN § 5-501 OF THE FAMILY LAW ARTICLE.

33 [(1)] (2) In making a disposition on a petition, the court may:

34 (i) Place the child on probation or under supervision in his own
35 home or in the custody or under the guardianship of a relative or other fit person,
36 upon terms the court deems appropriate;

1 (ii) Subject to the provisions of paragraph [(2)] (3) of this
2 subsection, commit the child to the custody or under the guardianship of the
3 Department of Juvenile Justice, a local department of social services, the Department
4 of Health and Mental Hygiene, or a public or licensed private agency on terms that
5 the court considers appropriate to meet the priorities set forth in § 3-802 of this
6 subtitle, including designation of the type of facility where the child is to be
7 accommodated, until custody or guardianship is terminated with approval of the
8 court or as required under § 3-825 of this subtitle; or

9 (iii) Order the child, parents, guardian, or custodian of the child to
10 participate in rehabilitative services that are in the best interest of the child and the
11 family.

12 [(2)] (3) A child committed under paragraph [(1)(ii)] (2)(II) of this
13 subsection may not be accommodated in a facility that has reached budgeted capacity
14 if a bed is available in another comparable facility in the State, unless the placement
15 to the facility that has reached budgeted capacity has been recommended by the
16 Department of Juvenile Justice.

17 [(3)] (4) The court shall consider any oral address made in accordance
18 with Article 27, § 780 of the Code or any victim impact statement, as described in
19 Article 27, § 781 of the Code, in determining an appropriate disposition on a petition.

20 (5) IN MAKING A DISPOSITION ON A FINDING THAT A MENTALLY
21 HANDICAPPED CHILD IS A CHILD IN NEED OF ASSISTANCE, THE COURT:

22 (I) SHALL ORDER THE DEPARTMENT OF HEALTH AND MENTAL
23 HYGIENE TO PROVIDE THE FAMILY AND THE CHILD WITH ANY SERVICE, INCLUDING
24 AN IN-HOME SERVICE, THAT WOULD PREVENT THE NEED FOR AN OUT-OF-HOME
25 PLACEMENT;

26 (II) SHALL ORDER THAT THE CHILD BE PLACED IN THE LEAST
27 RESTRICTIVE SETTING, IF THE COURT DETERMINES THAT AN OUT-OF-HOME
28 PLACEMENT IS NECESSARY; AND

29 (III) MAY NOT PLACE THE CHILD IN THE CUSTODY OF A LOCAL
30 DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF HEALTH AND MENTAL
31 HYGIENE SOLELY BECAUSE THE CHILD REQUIRES AN OUT-OF-HOME PLACEMENT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2000.