
By: **Delegates Montague, Grosfeld, Gladden, Cole, Dembrow, Dobson,
Rawlings, Marriott, Menes, and Doory**

Introduced and read first time: February 11, 2000
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2000

CHAPTER _____

1 AN ACT concerning

2 **Department of Juvenile Justice - ~~Detention Facilities and Nonsecure~~**
3 **~~Placement Alternatives~~ Juvenile Justice System - Standards**

4 FOR the purpose of requiring the Department of Juvenile Justice to adopt certain
5 regulations regarding juvenile detention standards and nonsecure placement
6 alternatives; requiring the Department to ~~develop~~ adopt a code of conduct;
7 requiring the Department to require private agencies under contract with the
8 Department to adopt a certain code of conduct; requiring the Department to
9 terminate its contract with certain private agencies under certain
10 circumstances; requiring certain facilities to conform to certain standards;
11 requiring community participation in the selection of a location for a residential
12 facility; requiring certain group homes and institutions to comply with certain
13 juvenile detention standards; requiring the Department to make certain
14 considerations before placing a certain child in a certain facility requiring the
15 Department to adopt regulations that require certain facilities to provide certain
16 programs; providing for the purposes of juvenile detention standards; requiring
17 the Department to develop certain nonsecure alternatives for the placement of
18 certain children; altering the purposes of the Juvenile Causes Subtitle to
19 provide for certain children in juvenile detention; and generally relating to the
20 Department of Juvenile Justice and juvenile detention standards and nonsecure
21 placement alternatives the juvenile justice system.

22 BY repealing and reenacting, with amendments,
23 Article 83C - Juvenile Justice
24 Section 2-118, 2-120, and 2-125
25 Annotated Code of Maryland

1 (1998 Replacement Volume and 1999 Supplement)

2 BY adding to

3 Article 83C - Juvenile Justice

4 Section 2-103(c)(7), 2-134, ~~2-135, and 2-136~~ and 2-135

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 1999 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Courts and Judicial Proceedings

9 Section 3-802(a)

10 Annotated Code of Maryland

11 (1998 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article - Courts and Judicial Proceedings

14 Section 3-820(b) and (c)(1) and (2)

15 Annotated Code of Maryland

16 (1998 Replacement Volume and 1999 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19

Article 83C - Juvenile Justice

20 2-103.

21 (c) (7) ~~(A)~~ THE DEPARTMENT SHALL:

22 ~~(I) DEVELOP ADOPT A CODE OF CONDUCT;~~

23 ~~(II) THE CODE OF CONDUCT SHALL BE GIVEN TO FOR ALL~~
 24 ~~PERSONNEL OF THE DEPARTMENT AND TO STAFF WORKING IN PRIVATE AGENCIES~~
 25 ~~UNDER CONTRACT WITH THE DEPARTMENT.~~

26 ~~(III) IF PRIVATE AGENCY STAFF ARE NOT ABLE TO MEET THE~~
 27 ~~STANDARDS OF THE CODE OF CONDUCT, THE DEPARTMENT SHALL TERMINATE THE~~
 28 ~~DEPARTMENT'S CONTRACT WITH THE AGENCY IN ACCORDANCE WITH STATE~~
 29 ~~PROCUREMENT LAW; AND~~

30 ~~(II) REQUIRE PRIVATE AGENCIES UNDER CONTRACT WITH THE~~
 31 ~~DEPARTMENT TO ADOPT A CODE OF CONDUCT FOR PRIVATE AGENCY STAFF THAT IS~~
 32 ~~IN SUBSTANTIAL COMPLIANCE WITH THE CODE OF CONDUCT FOR PERSONNEL OF~~
 33 ~~THE DEPARTMENT.~~

1 2-118.

2 (a) Each facility provided for in § 2-117 of this article shall operate under the
3 control and general management of the Department.

4 (b) Subject to the provisions of Title 3, Subtitle 8 of the Courts Article, the
5 Department shall:

6 (1) Adopt rules and regulations that set:

7 (i) Policies for admission, transfer, discharge, and aftercare
8 supervision; and

9 (ii) Standards of care, including provisions to administer any early,
10 periodic screening diagnosis and treatment program that the Department approves
11 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to
12 treat appropriately any condition that the screening reveals; and

13 (2) Order any needed changes in the policy, conduct, or management of a
14 facility to provide adequate care for the children and adequate services to the courts.

15 (c) The Department shall adopt regulations applicable to residential facilities
16 it operates that:

17 (1) Prohibit the use of locked door seclusion and restraints as
18 punishment, and describe the circumstances under which locked door seclusion and
19 restraints may be used; and

20 (2) Prohibit abuse of a child.

21 (d) The Department shall develop within each facility special programs that
22 are designed to meet the particular needs of its population.

23 (e) The Department shall [develop and provide within] **ADOPT REGULATIONS**
24 **THAT REQUIRE** each facility **TO PROVIDE**:

25 (1) Educational programs that are designed to meet the particular needs
26 of its population;

27 (2) Alcohol abuse and drug abuse assessment services; [and]

28 (3) Either alcohol abuse and drug abuse referral services or an alcohol
29 abuse and drug abuse treatment program that has been certified in accordance with
30 the requirements of Title 8 of the Health - General Article; **AND**

31 (4) **PROGRAMS THAT ENSURE A SAFE, HUMANE, AND CARING**
32 **ENVIRONMENT.**

33 ~~(F) THE DEPARTMENT SHALL SELECT THE LOCATION FOR A RESIDENTIAL~~
34 ~~FACILITY WITH PARTICIPATION FROM THE COMMUNITY IN WHICH THE FACILITY IS~~
35 ~~TO BE LOCATED.~~

1 ~~2-120.~~

2 (a) The Department shall provide for care, diagnosis, training, education, and
3 rehabilitation of children by placing them in group homes and institutions that are
4 operated by any nonprofit or for-profit entity.

5 (b) (1) The Department shall reimburse these entities for the cost of these
6 services at appropriate monthly rates that the Department determines, as provided in
7 the State budget.

8 (2) The reimbursement rate may differ between homes and institutions
9 that provide intermediate services, as defined by the Department, and homes and
10 institutions that provide full services.

11 (c) The Department may not place a child in a group home or other residential
12 facility that is not operating in compliance with applicable State licensing laws.

13 (d) ~~THE JUVENILE DETENTION STANDARDS ADOPTED BY THE DEPARTMENT~~
14 ~~UNDER § 2-135 OF THIS TITLE SHALL APPLY TO ANY GROUP HOME OR INSTITUTION~~
15 ~~DESCRIBED IN THIS SECTION.~~

16 ~~2-125.~~

17 (a) The General Assembly intends that:

18 (1) All children whose care is the responsibility of this State shall have
19 similar protection for their health, their safety, and the quality of their care; and

20 (2) The rules and regulations of agencies that are charged with child care
21 shall be [comparable] STANDARDIZED.

22 (b) The Department shall adopt rules and regulations to carry out §§ 2-123
23 and 2-124 of this article.

24 (c) (1) A child care home or institution may not be required to obtain a
25 license from more than 1 State agency.

26 (2) Any State agency authorized to license child care homes or
27 institutions may make cooperative arrangements with any other State agency to this
28 end.

29 2-134.

30 ~~IF A CHILD IS COMMITTED TO THE CUSTODY OR UNDER THE GUARDIANSHIP OF~~
31 ~~THE DEPARTMENT UNDER § 3-820 OF THE COURTS ARTICLE, UNLESS OTHERWISE~~
32 ~~ORDERED BY THE COURT, THE DEPARTMENT SHALL CONSIDER PLACEMENT IN A~~
33 ~~NONSECURE ALTERNATIVE BEFORE PLACEMENT IN A SECURE FACILITY.~~

1 ~~2-135.~~

2 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE
3 STANDARDS FOR JUVENILE DETENTION FACILITIES OPERATED BY THE
4 DEPARTMENT AND PRIVATE AGENCIES UNDER CONTRACT WITH THE DEPARTMENT.

5 (B) THE STANDARDS SHALL REFLECT THE CENTRAL PURPOSES OF JUVENILE
6 DETENTION, WHICH ARE TO:

7 (1) PROTECT THE PUBLIC;

8 (2) PROVIDE A SAFE, HUMANE, AND CARING ENVIRONMENT FOR
9 CHILDREN; AND

10 (3) PROVIDE ACCESS TO REQUIRED SERVICES FOR CHILDREN.

11 (C) THE STANDARDS SHALL BE CONSISTENT WITH THIS ARTICLE AND TITLE 3,
12 SUBTITLE 8 OF THE COURTS ARTICLE.

13 (D) THE STANDARDS SHALL INCLUDE PROVISIONS ESTABLISHING:

14 (1) A POLICY THAT ELIMINATES THE UNNECESSARY USE OF DETENTION
15 AND PLACES A PRIORITY ON THE USE OF DIVERSION AND APPROPRIATE NONSECURE
16 ALTERNATIVES;

17 (2) CRITERIA FOR THE PLACEMENT OF A CHILD IN A PARTICULAR
18 JUVENILE DETENTION FACILITY;

19 ~~(2)~~ (3) POPULATION LIMITS FOR EACH JUVENILE DETENTION
20 FACILITY THAT MAY NOT BE EXCEEDED EXCEPT IN EMERGENCY CIRCUMSTANCES
21 DURING WHICH TIME STAFFING RATIOS AND LEVELS OF SERVICES SHALL BE
22 MAINTAINED;

23 ~~(3)~~ (4) SPECIFICATIONS FOR THE ARCHITECTURAL STRUCTURE OF A
24 JUVENILE DETENTION FACILITY;

25 ~~(4)~~ (5) STAFF QUALIFICATIONS, TRAINING, INCLUDING TRAINING IN
26 RECOGNIZING AND REPORTING CHILD ABUSE AND NEGLECT, AND THE RATIO OF
27 STAFF TO CHILDREN IN A JUVENILE DETENTION FACILITY;

28 ~~(5)~~ (6) PROVISIONS REGARDING THE RIGHTS OF CHILDREN IN A
29 JUVENILE DETENTION FACILITY, INCLUDING THE RIGHT TO PRIVACY, VISITORS,
30 TELEPHONE USE, AND MAIL DELIVERY;

31 ~~(6)~~ (7) PROHIBITIONS AGAINST THE USE OF EXCESSIVE FORCE
32 AGAINST A CHILD; AND

33 ~~(7)~~ ADVOCACY REVIEW BOARDS TO REVIEW ALL DISCIPLINARY ACTIONS
34 AND GRIEVANCES; AND

1 (7) TO PROVIDE TO CHILDREN IN ~~JUVENILE DETENTION~~ STATE CARE
2 AND CUSTODY:

3 (I) A SAFE, HUMANE, AND CARING ENVIRONMENT; AND

4 (II) ACCESS TO REQUIRED SERVICES; AND

5 (8) To provide judicial procedures for carrying out the provisions of this
6 subtitle.

7 3-820.

8 (b) The priorities in making a disposition are consistent with the purposes
9 specified in § 3-802 of this subtitle.

10 (c) (1) In making a disposition on a petition, the court may:

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

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

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

25 (2) A child committed under paragraph (1)(ii) of this subsection may not
26 be accommodated in a facility that has reached budgeted capacity if a bed is available
27 in another comparable facility in the State, unless the placement to the facility that
28 has reached budgeted capacity has been recommended by the Department of Juvenile
29 Justice.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 ~~July~~ October 1, 2000.

