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

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Treatment Service Plans**

3 FOR the purpose of authorizing the juvenile court to adopt a treatment service plan
4 recommended by the Department of Juvenile Justice in making a certain
5 disposition on a petition regarding a child; requiring the Department of Juvenile
6 Justice to ensure that a treatment service plan adopted by the court is
7 implemented within a specified time period; specifying when implementation of
8 a treatment service plan occurs; requiring the Department of Juvenile Justice to
9 certify in writing to the court within a certain time period whether
10 implementation of a treatment service plan has occurred; authorizing the court
11 to order that certain assistance, guidance, treatment, or rehabilitation be
12 provided to a child if a treatment service plan is not implemented within a
13 certain time period; authorizing the court to direct certain placement of a child
14 within a certain time period if a treatment service plan is not implemented
15 within a certain time period; defining a certain term; providing for the
16 application of this Act; and generally relating to the Department of Juvenile
17 Justice and treatment service plans.

18 BY repealing and reenacting, with amendments,
19 Article - Courts and Judicial Proceedings
20 Section 3-820(a) through (c)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1999 Supplement)

23 BY adding to
24 Article - Courts and Judicial Proceedings
25 Section 3-820.1
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 1999 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 3-820.

3 (a) (1) After an adjudicatory hearing the court shall hold a separate
4 disposition hearing, unless the petition or citation is dismissed or unless such hearing
5 is waived in writing by all of the parties.

6 (2) Except as provided in paragraph (3) of this subsection, the disposition
7 hearing may be held on the same day as the adjudicatory hearing, if notice of the
8 disposition hearing, as prescribed by the Maryland Rules, is waived on the record by
9 all of the parties.

10 (3) In a child in need of assistance proceeding, the disposition hearing
11 shall be held on the same day as the adjudicatory hearing unless:

12 (i) The court or a party moves that the disposition hearing be
13 delayed; and

14 (ii) The court finds that there is good cause to delay the disposition
15 hearing to a subsequent day.

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

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

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

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

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

33 (2) IN ADDITION TO THE PROVISIONS OF PARAGRAPH (1) OF THIS
34 SUBSECTION, IN MAKING A DISPOSITION ON A PETITION, THE COURT MAY ADOPT A
35 TREATMENT SERVICE PLAN, AS DEFINED IN § 3-820.1 OF THIS SUBTITLE.

36 (3) A child committed under paragraph (1)(ii) of this subsection may not
37 be accommodated in a facility that has reached budgeted capacity if a bed is available

1 in another comparable facility in the State, unless the placement to the facility that
2 has reached budgeted capacity has been recommended by the Department of Juvenile
3 Justice.

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

7 3-820.1.

8 (A) IN THIS SECTION, "TREATMENT SERVICE PLAN" MEANS A PLAN
9 RECOMMENDED AT A DISPOSITION HEARING UNDER § 3-820 OF THIS SUBTITLE BY
10 THE DEPARTMENT OF JUVENILE JUSTICE TO THE COURT PROPOSING SPECIFIC
11 ASSISTANCE, GUIDANCE, TREATMENT, OR REHABILITATION OF A CHILD.

12 (B) (1) IN MAKING A DISPOSITION ON A PETITION UNDER § 3-820 OF THIS
13 SUBTITLE, IF THE COURT ADOPTS A TREATMENT SERVICE PLAN, THE DEPARTMENT
14 OF JUVENILE JUSTICE SHALL ENSURE THAT IMPLEMENTATION OF THE TREATMENT
15 SERVICE PLAN OCCURS WITHIN 30 DAYS AFTER THE DATE OF DISPOSITION.

16 (2) IF A TREATMENT PLAN REQUIRES SPECIFIED SUPERVISION,
17 MENTORING, MEDIATION, MONITORING, OR PLACEMENT, IMPLEMENTATION OF THE
18 TREATMENT SERVICE PLAN SHALL BE CONSIDERED TO OCCUR WHEN THE
19 SUPERVISION, MENTORING, MEDIATION, MONITORING, OR PLACEMENT OCCURS.

20 (3) THE DEPARTMENT OF JUVENILE JUSTICE SHALL CERTIFY IN
21 WRITING TO THE COURT WITHIN 30 DAYS AFTER THE DATE OF DISPOSITION
22 WHETHER IMPLEMENTATION OF THE TREATMENT SERVICE PLAN HAS OCCURRED.

23 (C) (1) IF A TREATMENT SERVICE PLAN IS NOT IMPLEMENTED BY THE
24 DEPARTMENT OF JUVENILE JUSTICE WITHIN 30 DAYS UNDER SUBSECTION (B)(3) OF
25 THIS SECTION, THE COURT MAY ORDER THAT ANY APPROPRIATE ASSISTANCE,
26 GUIDANCE, TREATMENT, OR REHABILITATION BE PROVIDED TO A CHILD
27 CONSISTENT WITH THE TERMS OF THE DISPOSITION.

28 (2) AN ORDER BY THE COURT UNDER PARAGRAPH (1) OF THIS
29 SUBSECTION MAY DIRECT THAT THE CHILD BE PLACED IN AN IDENTIFIED PROGRAM
30 OR FACILITY WITHIN A SPECIFIED TIME PERIOD.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
32 construed only prospectively and may not be applied or interpreted to have any effect
33 on or application to any disposition made by the court on a petition regarding a child
34 before the effective date of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2000.