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

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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 22, 2000

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CHAPTER \_\_\_\_\_

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~~ requiring the court to schedule and hold a  
16 disposition review hearing within a certain time period under certain  
17 circumstances; requiring the court to provide certain notice; authorizing the  
18 court, at a disposition review hearing, to revise a disposition previously made or  
19 a treatment service plan previously adopted; authorizing the Court of Appeals to  
20 adopt certain rules; defining a certain term; providing for the application of this  
21 Act; and generally relating to the Department of Juvenile Justice and treatment  
22 service plans.

23 BY repealing and reenacting, with amendments,  
24 Article - Courts and Judicial Proceedings  
25 Section 3-820(a) through (c)  
26 Annotated Code of Maryland

1 (1998 Replacement Volume and 1999 Supplement)

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section 3-820.1

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 1999 Supplement)

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 3-820.

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

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

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

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

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

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

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

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

30 (ii) Subject to the provisions of paragraph (2) of this subsection,  
31 commit the child to the custody or under the guardianship of the Department of  
32 Juvenile Justice, a local department of social services, the Department of Health and  
33 Mental Hygiene, or a public or licensed private agency on terms that the court  
34 considers appropriate to meet the priorities set forth in § 3-802 of this subtitle,  
35 including designation of the type of facility where the child is to be accommodated,

1 until custody or guardianship is terminated with approval of the court or as required  
2 under § 3-825 of this subtitle; or

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

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

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

14 [(3)] (4) The court shall consider any oral address made in accordance  
15 with Article 27, § 780 of the Code or any victim impact statement, as described in  
16 Article 27, § 781 of the Code, in determining an appropriate disposition on a petition.

17 3-820.1.

18 (A) IN THIS SECTION, "TREATMENT SERVICE PLAN" MEANS A PLAN  
19 RECOMMENDED AT A DISPOSITION HEARING UNDER § 3-820 OF THIS SUBTITLE OR AT  
20 A DISPOSITION REVIEW HEARING UNDER THIS SECTION BY THE DEPARTMENT OF  
21 JUVENILE JUSTICE TO THE COURT PROPOSING SPECIFIC ASSISTANCE, GUIDANCE,  
22 TREATMENT, OR REHABILITATION OF A CHILD.

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

27 (2) IF A TREATMENT SERVICE PLAN REQUIRES SPECIFIED  
28 SUPERVISION, MENTORING, MEDIATION, MONITORING, OR PLACEMENT,  
29 IMPLEMENTATION OF THE TREATMENT SERVICE PLAN SHALL BE CONSIDERED TO  
30 OCCUR WHEN THE SUPERVISION, MENTORING, MEDIATION, MONITORING, OR  
31 PLACEMENT OCCURS.

32 (3) THE DEPARTMENT OF JUVENILE JUSTICE SHALL CERTIFY IN  
33 WRITING TO THE COURT WITHIN ~~30~~ 15 DAYS AFTER THE DATE OF DISPOSITION  
34 WHETHER IMPLEMENTATION OF THE TREATMENT SERVICE PLAN HAS OCCURRED.

35 (C) (1) IF A TREATMENT SERVICE PLAN IS NOT IMPLEMENTED BY THE  
36 DEPARTMENT OF JUVENILE JUSTICE WITHIN ~~30~~ 15 DAYS UNDER SUBSECTION (B)(3)  
37 OF THIS SECTION, ~~THE COURT MAY ORDER THAT ANY APPROPRIATE ASSISTANCE,~~  
38 ~~GUIDANCE, TREATMENT, OR REHABILITATION BE PROVIDED TO A CHILD~~  
39 ~~CONSISTENT WITH THE TERMS OF THE DISPOSITION.~~

1           ~~(2) AN ORDER BY THE COURT UNDER PARAGRAPH (1) OF THIS~~  
2 ~~SUBSECTION MAY DIRECT THAT THE CHILD BE PLACED IN AN IDENTIFIED PROGRAM~~  
3 ~~OR FACILITY WITHIN A SPECIFIED TIME PERIOD THE COURT SHALL SCHEDULE,~~  
4 ~~WITHIN 7 DAYS AFTER RECEIPT OF THE CERTIFICATION, A DISPOSITION REVIEW~~  
5 ~~HEARING TO BE HELD WITHIN 30 DAYS AFTER RECEIPT OF THE CERTIFICATION.~~

6           (2) THE COURT SHALL GIVE AT LEAST 7 DAYS' NOTICE OF THE DATE AND  
7 TIME OF THE DISPOSITION REVIEW HEARING TO EACH PARTY AND TO THE  
8 DEPARTMENT OF JUVENILE JUSTICE.

9       (D) (1) THE COURT SHALL HOLD A DISPOSITION REVIEW HEARING UNLESS  
10 THE DEPARTMENT OF JUVENILE JUSTICE CERTIFIES IN WRITING TO THE COURT  
11 PRIOR TO THE HEARING THAT IMPLEMENTATION OF THE TREATMENT SERVICE PLAN  
12 HAS OCCURRED.

13           (2) AT A DISPOSITION REVIEW HEARING, THE COURT MAY:

14                   (I) REVISE, IN ACCORDANCE WITH THE PROVISIONS OF § 3-820(C)  
15 OF THIS SUBTITLE, THE DISPOSITION PREVIOUSLY MADE; AND

16                   (II) REVISE THE TREATMENT SERVICE PLAN PREVIOUSLY  
17 ADOPTED.

18       (E) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THE  
19 PROVISIONS OF THIS SECTION.

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

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