

HOUSE BILL 171

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HB 1087/00 - JUD

2001 Regular Session
11r0730

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

Introduced and read first time: January 19, 2001

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 disposition on
5 a petition regarding a child; requiring the Department of Juvenile Justice to
6 ensure that a treatment service plan adopted by the court is implemented
7 within a specified time period; specifying when implementation of a treatment
8 service plan is considered to have occurred; requiring the Department of
9 Juvenile Justice to certify in writing to the court within a certain time period
10 whether implementation of a treatment service plan has occurred; requiring the
11 court to schedule and hold a disposition review hearing within a certain time
12 period under certain circumstances; requiring the court to provide certain
13 notice; authorizing the court, at a disposition review hearing, to revise a
14 disposition previously made and a treatment service plan previously adopted;
15 authorizing the Court of Appeals to adopt certain rules; defining a certain term;
16 providing for the application of this Act; and generally relating to the
17 Department of Juvenile Justice and treatment service plans.

18 BY repealing and reenacting, without amendments,
19 Article - Courts and Judicial Proceedings
20 Section 3-820(b) and (c)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2000 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Courts and Judicial Proceedings
25 Section 3-820(d)
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 2000 Supplement)

28 BY adding to
29 Article - Courts and Judicial Proceedings
30 Section 3-821.1

1 Annotated Code of Maryland
2 (1998 Replacement Volume and 2000 Supplement)

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

5 **Article - Courts and Judicial Proceedings**

6 3-820.

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

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

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

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

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

20 (c) The priorities in making a disposition are consistent with the purposes
21 specified in § 3-802 of this subtitle.

22 (d) (1) In making a disposition on a petition, the court may:

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

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

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

1 (2) IN ADDITION TO THE PROVISIONS OF PARAGRAPH (1) OF THIS
2 SUBSECTION, IN MAKING A DISPOSITION ON A PETITION, THE COURT MAY ADOPT A
3 TREATMENT SERVICE PLAN, AS DEFINED IN § 3-821.1 OF THIS SUBTITLE.

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

9 [(3)] (4) The court shall consider any oral address made in accordance
10 with Article 27, § 780 of the Code or any victim impact statement, as described in
11 Article 27, § 781 of the Code, in determining an appropriate disposition on a petition.

12 3-821.1.

13 (A) IN THIS SECTION, "TREATMENT SERVICE PLAN" MEANS A PLAN
14 RECOMMENDED AT A DISPOSITION HEARING UNDER § 3-820 OF THIS SUBTITLE OR AT
15 A DISPOSITION REVIEW HEARING UNDER THIS SECTION BY THE DEPARTMENT OF
16 JUVENILE JUSTICE TO THE COURT PROPOSING SPECIFIC ASSISTANCE, GUIDANCE,
17 TREATMENT, OR REHABILITATION OF A CHILD.

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

22 (2) IF A TREATMENT SERVICE PLAN REQUIRES SPECIFIED
23 SUPERVISION, MENTORING, MEDIATION, MONITORING, OR PLACEMENT,
24 IMPLEMENTATION OF THE TREATMENT SERVICE PLAN IS CONSIDERED TO HAVE
25 OCCURRED WHEN THE SUPERVISION, MENTORING, MEDIATION, MONITORING, OR
26 PLACEMENT OCCURS.

27 (3) THE DEPARTMENT OF JUVENILE JUSTICE SHALL CERTIFY IN
28 WRITING TO THE COURT WITHIN 15 DAYS AFTER THE DATE OF DISPOSITION
29 WHETHER IMPLEMENTATION OF THE TREATMENT SERVICE PLAN HAS OCCURRED.

30 (C) (1) IF A TREATMENT SERVICE PLAN IS NOT IMPLEMENTED BY THE
31 DEPARTMENT OF JUVENILE JUSTICE WITHIN 15 DAYS UNDER SUBSECTION (B)(3) OF
32 THIS SECTION, THE COURT SHALL SCHEDULE, WITHIN 7 DAYS AFTER RECEIPT OF
33 THE CERTIFICATION, A DISPOSITION REVIEW HEARING TO BE HELD WITHIN 30 DAYS
34 AFTER RECEIPT OF THE CERTIFICATION.

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

38 (D) (1) THE COURT SHALL HOLD A DISPOSITION REVIEW HEARING UNLESS
39 THE DEPARTMENT OF JUVENILE JUSTICE CERTIFIES IN WRITING TO THE COURT

1 PRIOR TO THE HEARING THAT IMPLEMENTATION OF THE TREATMENT SERVICE PLAN
2 HAS OCCURRED.

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

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

6 (II) REVISE THE TREATMENT SERVICE PLAN PREVIOUSLY
7 ADOPTED.

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

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2001.