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

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Assigned to: Judiciary

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Committee Report: Favorable  
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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 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

1 Section 3-820(d)  
2 Annotated Code of Maryland  
3 (1998 Replacement Volume and 2000 Supplement)

4 BY adding to  
5 Article - Courts and Judicial Proceedings  
6 Section 3-821.1  
7 Annotated Code of Maryland  
8 (1998 Replacement Volume and 2000 Supplement)

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

11 **Article - Courts and Judicial Proceedings**

12 3-820.

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

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

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

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

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

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

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

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

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

1 including designation of the type of facility where the child is to be accommodated,  
2 until custody or guardianship is terminated with approval of the court or as required  
3 under § 3-825 of this subtitle; or

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

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

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

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

18 3-821.1.

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

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

28 (2) IF A TREATMENT SERVICE PLAN REQUIRES SPECIFIED  
29 SUPERVISION, MENTORING, MEDIATION, MONITORING, OR PLACEMENT,  
30 IMPLEMENTATION OF THE TREATMENT SERVICE PLAN IS CONSIDERED TO HAVE  
31 OCCURRED WHEN THE SUPERVISION, MENTORING, MEDIATION, MONITORING, OR  
32 PLACEMENT OCCURS.

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

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

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

4       (D)       (1)       THE COURT SHALL HOLD A DISPOSITION REVIEW HEARING UNLESS  
5 THE DEPARTMENT OF JUVENILE JUSTICE CERTIFIES IN WRITING TO THE COURT  
6 PRIOR TO THE HEARING THAT IMPLEMENTATION OF THE TREATMENT SERVICE PLAN  
7 HAS OCCURRED.

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

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

11                   (II)       REVISE THE TREATMENT SERVICE PLAN PREVIOUSLY  
12 ADOPTED.

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

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

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