
By: **Delegates Montague and Doory**

Introduced and read first time: March 2, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice - Office for Children, Youth, and Families - Office of the**
3 **Independent Monitor**

4 FOR the purpose of establishing the Office of the Independent Monitor within the
5 Office for Children, Youth, and Families; requiring the Office of the Independent
6 Monitor to employ certain staff; providing for certain salaries and expenses;
7 requiring the Office of the Independent Monitor to set certain salaries,
8 qualifications, and standards in a certain manner; establishing certain duties of
9 the Office of the Independent Monitor; requiring certain reports to be provided
10 by the Office of the Independent Monitor; requiring the Department of Juvenile
11 Justice to adopt a certain policy for addressing disciplinary actions and
12 grievances; requiring the Department to cooperate with the Office of the
13 Independent Monitor in a certain manner; defining certain terms; and generally
14 relating to the creation of the Office of the Independent Monitor within the
15 Office for Children, Youth, and Families.

16 BY repealing and reenacting, with amendments,
17 Article 49D - Office for Children, Youth, and Families
18 Section 1
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2000 Supplement)

21 BY adding to
22 Article 49D - Office for Children, Youth, and Families
23 Section 40 through 44, inclusive, to be under the new subtitle "Office of the
24 Independent Monitor"
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article 83C - Juvenile Justice
29 Section 2-118
30 Annotated Code of Maryland

1 (1998 Replacement Volume and 2000 Supplement)

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

4 **Article 49D - Office for Children, Youth, and Families**

5 1.

6 (a) The Office for Children, Youth, and Families is created as part of the
7 Executive Department.

8 (b) The head of the Office is the Special Secretary for Children, Youth, and
9 Families. The Special Secretary is appointed by and serves at the pleasure of the
10 Governor and is directly responsible to him. The Special Secretary shall receive the
11 salary provided in the State budget.

12 (c) The Office shall have a Director and the assistants, fiscal analysts,
13 consultants, and employees provided in the State budget. The Special Secretary may
14 establish areas of responsibility within the Office and may designate staff as
15 necessary to fulfill the duties assigned to the Special Secretary.

16 (d) The following units are in the Office:

17 (1) Advisory Committee for Children, Youth, and Families;

18 (2) Children's councils;

19 (3) Governor's Council on Adolescent Pregnancy;

20 (4) State Coordinating Council for Residential Placement of
21 Handicapped Children; [and]

22 (5) OFFICE OF THE INDEPENDENT MONITOR; AND

23 (6) Other multiple agency initiatives for children, youth, and families
24 that are not reserved by law to another agency.

25 OFFICE OF THE INDEPENDENT MONITOR

26 40.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "DISCIPLINARY ACTION" MEANS ANY PUNITIVE ACTION OR ALTERATION
30 IN THE STATUS OR PLACEMENT OF A CHILD THAT RESULTS IN MORE SECURITY,
31 ADDITIONAL OBLIGATIONS, OR LESS PERSONAL FREEDOM.

32 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE JUSTICE.

1 (D) "FACILITY" MEANS:

2 (1) RESIDENTIAL FACILITIES OPERATED BY THE DEPARTMENT; AND

3 (2) SECURE RESIDENTIAL FACILITIES OPERATED BY PRIVATE ENTITIES
4 UNDER CONTRACT WITH THE DEPARTMENT AS IDENTIFIED IN ARTICLE 83C, § 2-117
5 OF THE CODE.

6 (E) "GRIEVANCE" MEANS A COMPLAINT MADE BY A CHILD OR ON BEHALF OF A
7 CHILD BY A PARENT, GUARDIAN, OR ATTORNEY FOR THE CHILD DUE TO A
8 CIRCUMSTANCE OR ACTION CONSIDERED TO BE UNJUST.

9 (F) "INDEPENDENT MONITOR" MEANS AN INDIVIDUAL EMPLOYED BY THE
10 OFFICE OF THE INDEPENDENT MONITOR TO DETERMINE WHETHER THE NEEDS OF
11 CHILDREN UNDER THE JURISDICTION OF THE DEPARTMENT ARE BEING MET IN
12 COMPLIANCE WITH STATE LAW, THAT THEIR RIGHTS ARE BEING UPHELD, AND THAT
13 THEY ARE NOT BEING ABUSED.

14 (G) "OFFICE" MEANS THE OFFICE OF THE INDEPENDENT MONITOR.

15 (H) "SECRETARY" MEANS THE SECRETARY OF JUVENILE JUSTICE.

16 (I) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY FOR THE OFFICE
17 FOR CHILDREN, YOUTH, AND FAMILIES.

18 41.

19 THERE IS AN OFFICE OF THE INDEPENDENT MONITOR IN THE OFFICE FOR
20 CHILDREN, YOUTH, AND FAMILIES.

21 42.

22 (A) THE OFFICE SHALL EMPLOY:

23 (1) A FULL-TIME EXECUTIVE DIRECTOR; AND

24 (2) UP TO FOUR INDEPENDENT MONITORS.

25 (B) ALL SALARIES FOR THE EXECUTIVE DIRECTOR AND INDEPENDENT
26 MONITORS AND EXPENSES FOR RENT, STATIONERY, POSTAGE, AND MISCELLANEOUS
27 OFFICE MATERIALS NECESSARY FOR THE WORK OF THE OFFICE SHALL BE AS
28 PROVIDED IN THE STATE BUDGET.

29 (C) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT,
30 THE OFFICE SHALL SET MINIMUM SALARIES, QUALIFICATIONS, AND STANDARDS OF
31 TRAINING AND EXPERIENCE FOR POSITIONS WITH THE OFFICE.

1 43.

2 THE OFFICE SHALL:

3 (1) EVALUATE AT EACH FACILITY:

4 (I) THE CHILD ADVOCACY GRIEVANCE PROCESS;

5 (II) THE DEPARTMENT'S MONITORING PROCESS;

6 (III) THE TREATMENT OF AND SERVICES TO YOUTH; AND

7 (IV) THE PHYSICAL CONDITIONS OF THE FACILITY;

8 (2) REVIEW AND INVESTIGATE ALL REPORTS OF DISCIPLINARY
9 ACTIONS, GRIEVANCES, AND GRIEVANCE DISPOSITIONS RECEIVED FROM EACH
10 FACILITY;

11 (3) RECEIVE AND INVESTIGATE GRIEVANCES; AND

12 (4) PERFORM UNANNOUNCED SITE VISITS AND ON-SITE INSPECTIONS
13 OF FACILITIES.

14 44.

15 (A) THE OFFICE SHALL REPORT IN A TIMELY MANNER TO THE SPECIAL
16 SECRETARY AND THE SECRETARY:

17 (1) KNOWLEDGE OF ANY PROBLEM REGARDING THE CARE,
18 SUPERVISION, AND TREATMENT OF CHILDREN IN FACILITIES;

19 (2) FINDINGS, ACTIONS, AND RECOMMENDATIONS, RELATED TO THE
20 INVESTIGATIONS OF DISCIPLINARY ACTIONS AND GRIEVANCES; AND

21 (3) ALL OTHER FINDINGS AND ACTIONS RELATED TO THE MONITORING
22 REQUIRED UNDER THIS SUBTITLE.

23 (B) THE OFFICE SHALL REPORT QUARTERLY TO THE SPECIAL SECRETARY
24 AND THE SECRETARY ON:

25 (1) ALL ACTIVITIES OF THE OFFICE; AND

26 (2) ACTIONS TAKEN BY THE DEPARTMENT IN RESPONSE TO FINDINGS
27 AND RECOMMENDATIONS PRESENTED IN REPORTS REQUIRED UNDER THIS SECTION.

28 (C) BEGINNING IN 2002, ON OR BEFORE NOVEMBER 30 OF EACH YEAR, THE
29 OFFICE SHALL REPORT TO THE SPECIAL SECRETARY, THE SECRETARY, THE
30 GOVERNOR, AND IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
31 ARTICLE, THE GENERAL ASSEMBLY, ON ALL THE ACTIVITIES OF THE OFFICE AND
32 THE ACTIONS TAKEN BY THE DEPARTMENT IN RESPONSE TO FINDINGS AND
33 RECOMMENDATIONS PRESENTED IN THE REPORTS REQUIRED UNDER THIS SECTION.

Article 83C - Juvenile Justice

2 2-118.

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

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

7 (1) Adopt rules and regulations that set:

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

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

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

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

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

21 (2) Prohibit abuse of a child.

22 (D) (1) THE DEPARTMENT SHALL ADOPT A POLICY FOR ADDRESSING
23 DISCIPLINARY ACTIONS AND GRIEVANCES WITHIN ITS FACILITIES.

24 (2) THE POLICY SHALL:

25 (I) REQUIRE PREPARATION OF A WRITTEN REPORT OF ANY
26 DISCIPLINARY ACTION TAKEN AGAINST A CHILD OR ANY GRIEVANCE, WHICH SHALL
27 BE FORWARDED TO THE ADMINISTRATIVE HEAD OF THE FACILITY;

28 (II) REQUIRE THE ADMINISTRATIVE HEAD OF EACH FACILITY TO
29 REVIEW ALL REPORTS OF DISCIPLINARY ACTIONS AND GRIEVANCES; AND

30 (III) REQUIRE THE DEPARTMENT TO FORWARD IN A TIMELY
31 MANNER ALL REPORTS OF DISCIPLINARY ACTIONS, GRIEVANCES, AND GRIEVANCE
32 DISPOSITIONS FROM EACH FACILITY TO THE OFFICE OF THE INDEPENDENT
33 MONITOR UNDER ARTICLE 49D OF THE CODE.

34 [(d)] (E) The Department shall develop within each facility special programs
35 that are designed to meet the particular needs of its population.

1 [(e)] (F) The Department shall develop and provide within each facility:

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

4 (2) Alcohol abuse and drug abuse assessment services; and

5 (3) Either alcohol abuse and drug abuse referral services or an alcohol
6 abuse and drug abuse treatment program that has been certified in accordance with
7 the requirements of Title 8 of the Health - General Article.

8 (G) THE DEPARTMENT SHALL COOPERATE WITH THE OFFICE OF THE
9 INDEPENDENT MONITOR ESTABLISHED IN ARTICLE 49D OF THE CODE BY:

10 (1) PROVIDING THE OFFICE OF THE INDEPENDENT MONITOR WITH
11 ACCESS TO ALL FACILITIES, REPORTS, AND RECORDS RELATING TO INDIVIDUAL
12 YOUTH OR STAFF UPON REQUEST; AND

13 (2) ALLOWING THE INDEPENDENT MONITORS TO CONDUCT
14 INTERVIEWS WITH STAFF, YOUTH, AND ANY OTHER INDIVIDUALS UPON REQUEST.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2001.