

BY: House Judiciary Committee and the Committee on Ways and Means

AMENDMENTS TO SENATE BILL NO. 826

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Codification” and substitute “Office”; strike in their entirety lines 4 through 17, inclusive; and after line 3, insert:

“FOR the purpose of altering the units which are included in the Office for Children, Youth, and Families; establishing the Office of the Independent Juvenile Justice Monitor within the Office for Children, Youth, and Families; requiring the Office to employ certain staff; providing for certain salaries and expenses; requiring the Office to set certain salaries, qualifications, and standards in a certain manner; establishing certain duties of the Office; authorizing the Office to take certain actions; requiring certain reports to be provided by the Office; requiring the Department of Juvenile Justice to adopt a certain policy for addressing disciplinary actions and grievances; requiring the Department to cooperate with the Office in a certain manner; requiring the Department to respond to certain requests by the Office in a certain time period; authorizing certain investigations; authorizing the disclosure of certain records concerning child abuse and neglect to the Office under certain circumstances; defining certain terms; and generally relating to the creation of the Office of the Independent Monitor within the Office for Children, Youth, and Families.”

On page 2, in line 2, strike “46” and substitute “45”; in line 3, after “Independent” insert “Juvenile Justice”; and in line 8, strike “and 2-119”.

AMENDMENT NO. 2

On page 2, in line 32, strike “Councils” and substitute “councils”.

On page 3, in line 1, after “INDEPENDENT” insert “JUVENILE JUSTICE”; in line 4, after “INDEPENDENT” insert “JUVENILE JUSTICE”; in line 8, strike “AGAINST” and substitute “OR ALTERATION IN THE STATUS OR PLACEMENT OF”; in lines 13 and 14, in each instance,

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strike “A RESIDENTIAL FACILITY” and substitute “RESIDENTIAL FACILITIES”; in line 17, strike “(1)”; in line 18, after “CHILD” insert “BY A PARENT, GUARDIAN, OR ATTORNEY FOR THE CHILD”; strike in their entirety lines 20 and 21; in line 22, after “INDEPENDENT” insert “JUVENILE JUSTICE”; in lines 22 and 23, strike “INDEPENDENT JUVENILE JUSTICE MONITOR” and substitute “INDIVIDUAL”; and in line 32, after “FOR” insert “THE OFFICE FOR”.

On page 4, in line 8, after “INDEPENDENT” insert “JUVENILE JUSTICE”; in line 10, strike “EXPENSES” and substitute “MATERIALS”; in line 19, strike “PROCESS” and substitute “AND INTERNAL INVESTIGATIVE PROCESSES”; in line 20, strike the second “AND”; in line 21, after “FACILITY” insert “; AND”

(V) THE ADEQUACY OF STAFFING;

in line 22, strike “AND EVALUATE” and substitute “ALL”; in line 23, strike “RELATING TO A CHILD IN A” and substitute “RECEIVED FROM EACH”; in line 24, after “OF” insert “THE”; after line 28, insert:

“(6) RECEIVE FINDINGS OF CHILD PROTECTIVE SERVICES RELATING TO ALLEGATIONS OF ABUSE OR NEGLECT OF A CHILD IN A FACILITY.”;

and strike in their entirety lines 29 and 30.

On page 5, after line 1, insert:

“THE OFFICE OF THE INDEPENDENT JUVENILE JUSTICE MONITOR MAY:

(1) REVIEW RELEVANT LAWS, POLICIES, PROCEDURES, AND JUVENILE JUSTICE RECORDS, INCLUDING RECORDS RELATING TO INDIVIDUAL YOUTH OR STAFF;

(2) ON REQUEST, CONDUCT INTERVIEWS WITH STAFF, YOUTH, AND OTHERS; AND

(3) PARTICIPATE IN AN INVESTIGATION CONCERNING ANY ALLEGATION OF ABUSE OR NEGLECT WITHIN ANY ASSIGNED FACILITY.

45.

(A) THE OFFICE SHALL REPORT IN A TIMELY MANNER TO THE SUBCABINET, SPECIAL SECRETARY, THE SECRETARY, AND IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SPEAKER OF THE HOUSE OF DELEGATES AND THE PRESIDENT OF THE SENATE:

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

(2) FINDINGS, ACTIONS, AND RECOMMENDATIONS, RELATED TO THE INVESTIGATIONS OF DISCIPLINARY ACTIONS, GRIEVANCES, INCIDENT REPORTS, AND ALLEGED CASES OF CHILD ABUSE AND NEGLECT; AND

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

(B) (1) THE OFFICE SHALL REPORT QUARTERLY TO THE SPECIAL SECRETARY AND THE SECRETARY.

(2) A COPY OF THE REPORT SHALL BE PROVIDED TO THE STATE ADVISORY BOARD FOR JUVENILE JUSTICE AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(3) THE REPORT SHALL INCLUDE:

(I) ALL ACTIVITIES OF THE OFFICE; AND

(II) ACTIONS TAKEN BY THE DEPARTMENT IN RESPONSE TO FINDINGS AND RECOMMENDATIONS PRESENTED IN REPORTS REQUIRED UNDER

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THIS SECTION.

(C) (1) THE OFFICE SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SPEAKER OF THE HOUSE OF DELEGATES AND PRESIDENT OF THE SENATE ANY VIOLATIONS OF THE STANDARDS AND REGULATIONS OF THE DEPARTMENT THAT HAVE BEEN UNABATED FOR 30 DAYS OR MORE.

(2) THE SPEAKER OF THE HOUSE OF DELEGATES AND THE PRESIDENT OF THE SENATE MAY REFER THE REPORT TO THE APPROPRIATE COMMITTEE FOR A HEARING.

(D) BEGINNING IN 2003, ON OR BEFORE NOVEMBER 30 OF EACH YEAR, THE OFFICE SHALL REPORT TO THE SPECIAL SECRETARY, THE SECRETARY, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON ALL THE ACTIVITIES OF THE OFFICE AND THE ACTIONS TAKEN BY THE DEPARTMENT IN RESPONSE TO FINDINGS AND RECOMMENDATIONS PRESENTED IN THE REPORTS REQUIRED UNDER THIS SECTION.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 2 on page 5 through line 10 on page 6, inclusive.

On page 6, after line 31, insert:

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

(2) THE POLICY SHALL:

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

(II) REQUIRE THE ADMINISTRATIVE HEAD OF EACH FACILITY

TO REVIEW ALL REPORTS OF DISCIPLINARY ACTIONS AND GRIEVANCES; AND  
(III) REQUIRE THE DEPARTMENT TO FORWARD IN A TIMELY  
MANNER ALL REPORTS OF DISCIPLINARY ACTIONS, GRIEVANCES, AND GRIEVANCE  
DISPOSITIONS FROM EACH FACILITY TO THE OFFICE OF THE INDEPENDENT  
JUVENILE JUSTICE MONITOR UNDER ARTICLE 49D OF THE CODE.”;

and in lines 32 and 34, strike “(d)” and “(e)”, respectively, and substitute “(E)” and “(F)”, respectively.

On page 7, after line 6, insert:

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

(1) PROVIDING THE OFFICE WITH ACCESS TO ALL FACILITIES,  
REPORTS, AND RECORDS RELATING TO INDIVIDUAL YOUTH OR STAFF UPON  
REQUEST;

(2) ALLOWING THE INDEPENDENT JUVENILE JUSTICE MONITORS TO  
CONDUCT INTERVIEWS WITH STAFF, YOUTH, AND ANY OTHER INDIVIDUALS UPON  
REQUEST; AND

(3) SUBMITTING CORRECTIVE ACTION PLANS AND INCIDENT  
REPORTS TO THE OFFICE IN RESPONSE TO FINDINGS AND RECOMMENDATIONS  
MADE BY THE INDEPENDENT JUVENILE JUSTICE MONITORS REGARDING A FACILITY.

(H) (1) THE DEPARTMENT SHALL RESPOND TO REQUESTS FOR  
INFORMATION PERTAINING TO A FACILITY FROM AN INDEPENDENT JUVENILE  
JUSTICE MONITOR WITHIN 7 DAYS OF THE DATE OF THE REQUEST.

(2) IF THE DEPARTMENT DOES NOT RESPOND TO A REQUEST FOR  
INFORMATION, THE MONITOR MAY INVESTIGATE.”;

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and strike in their entirety lines 7 through 21, inclusive.