
By: **Delegates O'Donnell, Montague, and Owings**
Introduced and read first time: January 30, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County Child Visitation and Exchange Monitoring Pilot Program**

3 FOR the purpose of establishing the Calvert County Child Visitation and Exchange
4 Monitoring Pilot Program in the Circuit Court for Calvert County to provide
5 exchange monitoring and supervised visitation services to parents and children
6 in Calvert County; requiring the Administrative Judge of the Circuit Court for
7 Calvert County to enter into contracts with eligible providers for certain
8 exchange monitoring and supervised visitation services; requiring contracts for
9 exchange monitoring and supervised visitation services to follow certain
10 contracting procedures and be evaluated based on certain requirements;
11 requiring the Administrative Judge to adopt certain rules establishing
12 qualifications and standards of practice for eligible providers of exchange
13 monitoring and supervised visitation services; requiring the Administrative
14 Judge to develop a certain evaluation instrument and a certain fee schedule for
15 exchange monitoring services; requiring the Administrative Judge to apply for
16 certain grants and make certain reports; establishing a special nonlapsing
17 Calvert County Child Visitation and Exchange Monitoring Pilot Program Fund;
18 establishing funding mechanisms for the Fund; authorizing the Governor to
19 make certain appropriations for the Fund; specifying procedures for holding
20 moneys in the Fund, the accounting of the Fund, and making disbursements
21 and expenditures from the Fund; authorizing the Administrative Judge to
22 expend certain grant money beyond a certain period; defining certain terms;
23 providing for the termination of this Act; and generally relating to the Calvert
24 County Child Visitation and Exchange Monitoring Pilot Program.

25 BY adding to
26 Article - Family Law
27 Section 9-501 through 9-503 to be under the new subtitle "Subtitle 5. Calvert
28 County Child Visitation and Exchange Monitoring Pilot Program"
29 Annotated Code of Maryland
30 (1999 Replacement Volume and 2001 Supplement)

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

1 **Article - Family Law**2 SUBTITLE 5. CALVERT COUNTY CHILD VISITATION AND EXCHANGE MONITORING
3 PILOT PROGRAM.

4 9-501.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.7 (B) "ELIGIBLE PROVIDER" MEANS A LOCAL PUBLIC AGENCY, NONPROFIT
8 ENTITY, OR PRIVATE COMPANY THAT MEETS THE QUALIFICATIONS AND THE
9 STANDARDS OF PRACTICE FOR PROVIDERS OF EXCHANGE MONITORING AND
10 SUPERVISED VISITATION SERVICES ESTABLISHED BY THE ADMINISTRATIVE JUDGE
11 OF THE CIRCUIT COURT FOR CALVERT COUNTY UNDER § 9-502 OF THIS SUBTITLE.12 (C) "EXCHANGE MONITORING" MEANS A THIRD PERSON SUPERVISION OF THE
13 MOVEMENT OF A CHILD BETWEEN THE CUSTODIAL PARENT AND THE
14 NONCUSTODIAL PARENT OR BETWEEN JOINT CUSTODIAL PARENTS AT THE START OF
15 A VISIT AND AT THE END OF A VISIT AS REQUIRED UNDER A COURT ORDER OR WITH
16 THE MUTUAL CONSENT OF THE CHILD'S PARENTS FOR THE PURPOSES OF
17 FACILITATING A VISITATION.18 (D) "FUND" MEANS THE CALVERT COUNTY CHILD VISITATION AND EXCHANGE
19 MONITORING PILOT PROGRAM FUND.20 (E) "PROGRAM" MEANS THE CALVERT COUNTY CHILD VISITATION AND
21 EXCHANGE MONITORING PILOT PROGRAM.22 (F) "SUPERVISED VISITATION" MEANS A COURT ORDERED CONTACT WITH A
23 CHILD BY A NONCUSTODIAL PARENT IN THE PRESENCE OF A THIRD PERSON
24 RESPONSIBLE FOR OBSERVING AND ENSURING THE HEALTH, SAFETY, AND WELFARE
25 OF THE CHILD.

26 9-502.

27 (A) THERE IS A CALVERT COUNTY CHILD VISITATION AND EXCHANGE
28 MONITORING PILOT PROGRAM IN THE CIRCUIT COURT FOR CALVERT COUNTY.29 (B) THE PURPOSE OF THE PROGRAM IS TO AUTHORIZE THE ADMINISTRATIVE
30 JUDGE OF THE CIRCUIT COURT FOR CALVERT COUNTY TO ENTER INTO CONTRACTS
31 WITH ELIGIBLE PROVIDERS TO PROVIDE EXCHANGE MONITORING AND SUPERVISED
32 VISITATION SERVICES TO PARENTS AND CHILDREN IN CALVERT COUNTY IN ORDER
33 TO PROMOTE AND ENCOURAGE HEALTHY PARENT AND CHILD RELATIONSHIPS
34 BETWEEN NONCUSTODIAL OR JOINT CUSTODIAL PARENTS AND THEIR CHILDREN,
35 WHILE ENSURING THE HEALTH, SAFETY, AND WELFARE OF CHILDREN.36 (C) THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR CALVERT
37 COUNTY SHALL:

1 (1) ENTER INTO CONTRACTS WITH ELIGIBLE PROVIDERS TO PROVIDE
2 EXCHANGE MONITORING AND SUPERVISED VISITATION SERVICES TO PARENTS AND
3 CHILDREN IN CALVERT COUNTY;

4 (2) FOLLOW STANDARD CONTRACTING PROCEDURE FOR CALVERT
5 COUNTY THAT INCLUDES AN EVALUATION OF ELIGIBLE PROVIDERS BASED ON:

6 (I) AVAILABILITY OF SERVICES TO A BROAD POPULATION OF
7 INDIVIDUALS;

8 (II) ABILITY TO EXPAND EXISTING SERVICES;

9 (III) COORDINATION WITH OTHER COMMUNITY SERVICES;

10 (IV) HOURS OF SERVICE DELIVERY; AND

11 (V) OVERALL COST EFFECTIVENESS;

12 (3) ADOPT RULES SPECIFYING THE QUALIFICATIONS AND STANDARDS
13 OF PRACTICE FOR ELIGIBLE PROVIDERS;

14 (4) DEVELOP AN EVALUATION INSTRUMENT THAT IS TO BE SUBMITTED
15 BY ELIGIBLE PROVIDERS TO THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT
16 FOR CALVERT COUNTY AND THAT INCLUDES INFORMATION ON:

17 (I) THE DURATION THAT EACH FAMILY USED THE SUPERVISED
18 VISITATION OR EXCHANGE MONITORING SERVICES;

19 (II) WHETHER REQUIRED CHILD SUPPORT PAYMENTS WERE BEING
20 MADE BY A NONCUSTODIAL OR JOINT CUSTODIAL PARENT BEFORE, DURING, AND
21 AFTER THE TIME OF THE SERVICES;

22 (III) THE IMPACT OF THE SERVICES ON FAMILIES, INCLUDING
23 FAMILY REUNIFICATION, TERMINATION OF PARENTAL RIGHTS, AND CONTINUED
24 VISITATION; AND

25 (IV) THE COST TO THE ELIGIBLE PROVIDER FOR THE SERVICES TO
26 EACH FAMILY;

27 (5) DEVELOP A FEE SCHEDULE FOR EXCHANGE MONITORING SERVICES
28 THAT:

29 (I) IS APPLICABLE ONLY TO PARENTS NOT UNDER A COURT ORDER
30 REQUIRING EXCHANGE MONITORING WHO MUTUALLY CONSENT TO THE USE OF THE
31 SERVICES TO FACILITATE A CHILD VISITATION OR CUSTODY ARRANGEMENT;

32 (II) INCORPORATES A SLIDING SCALE OF FEES BASED ON EACH
33 PARENT'S ABILITY TO PAY, INCLUDING A FEE WAIVER FOR LOW INCOME FAMILIES;
34 AND

1 (III) PROVIDES THAT ALL FEES FOR EXCHANGE MONITORING
2 SERVICES SHALL BE PAID TO THE CLERK OF THE CIRCUIT COURT FOR CALVERT
3 COUNTY FOR TRANSMITTAL TO THE STATE COMPTROLLER; AND

4 (6) APPLY FOR FEDERAL OR PRIVATE GRANT MONEY TO SUPPLEMENT
5 OR REPLACE MONEYS APPROPRIATED IN THE STATE BUDGET EACH YEAR FOR THE
6 FUND.

7 (D) ON OR BEFORE OCTOBER 1, 2003, AND ANNUALLY THEREAFTER, THE
8 ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR CALVERT COUNTY SHALL
9 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE
10 GOVERNMENT ARTICLE ON:

11 (1) THE OPERATION AND PERFORMANCE OF THE PROGRAM;

12 (2) THE ESTABLISHED QUALIFICATIONS AND STANDARDS OF PRACTICE
13 FOR ELIGIBLE PROVIDERS;

14 (3) THE INFORMATION OBTAINED FROM THE ELIGIBLE PROVIDER
15 EVALUATION INSTRUMENT;

16 (4) THE REVENUE GENERATED BY THE FEES FOR EXCHANGE
17 MONITORING;

18 (5) THE COST OF MAINTAINING THE PROGRAM AND ANY GRANT
19 MONEYS RECEIVED FOR THE PROGRAM; AND

20 (6) THE EXTENT THE PROGRAM IS ACHIEVING THE GOAL OF
21 PROMOTING AND ENCOURAGING HEALTHY PARENT AND CHILD RELATIONSHIPS
22 BETWEEN NONCUSTODIAL OR JOINT CUSTODIAL PARENTS AND THEIR CHILDREN,
23 WHILE ENSURING THE HEALTH, SAFETY, AND WELFARE OF CHILDREN.

24 9-503.

25 (A) THERE IS A CALVERT COUNTY CHILD VISITATION AND EXCHANGE
26 MONITORING PILOT PROGRAM FUND.

27 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
28 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

29 (C) THE FUND CONSISTS OF MONEYS APPROPRIATED IN THE STATE BUDGET
30 TO THE FUND, ALL EARNINGS FROM INVESTMENT OF MONEYS IN THE FUND,
31 REVENUE GENERATED BY FEES FOR EXCHANGE MONITORING SERVICES, AND ANY
32 OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND FROM ANY
33 GOVERNMENTAL OR PRIVATE SOURCE.

34 (D) THE GOVERNOR:

35 (1) MAY PROVIDE FOR THE FUND A DEFICIENCY APPROPRIATION IN THE
36 STATE BUDGET FOR FISCAL YEAR 2002; AND

1 (2) MAY APPROPRIATE MONEYS TO THE FUND IN THE STATE BUDGET
2 FOR FISCAL YEAR 2003 AND EACH YEAR THEREAFTER.

3 (E) (1) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY.

4 (2) THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND AND
5 SHALL CREDIT TO THE FUND MONEYS FROM EXCHANGE MONITORING SERVICE FEES
6 TRANSMITTED BY THE CLERK OF THE CIRCUIT COURT FOR CALVERT COUNTY.

7 (F) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER
8 AS OTHER STATE FUNDS.

9 (G) THE COMPTROLLER SHALL PAY MONEY FROM THE FUND TO THE CIRCUIT
10 COURT FOR CALVERT COUNTY.

11 (H) MONEY IN THE FUND SHALL ONLY BE EXPENDED TO FACILITATE THE
12 PROGRAM.

13 (I) THE FUND IS SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE
14 AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

15 (J) IF THE TERMS OF A GRANT ALLOW, THE ADMINISTRATIVE JUDGE OF THE
16 CALVERT COUNTY CIRCUIT COURT MAY EXPEND GRANT MONEY BEYOND THE
17 FISCAL YEAR IN WHICH THE GRANT IS RECEIVED.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2002. It shall remain effective for a period of 3 years and, at the end of
20 September 30, 2005, with no further action required by the General Assembly, this
21 Act shall be abrogated and of no further force and effect.