

HOUSE BILL 962

Unofficial Copy  
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HB 171/01 - JUD

2002 Regular Session  
2lr1306

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By: **Delegates Montague, Doory, Getty, Grosfeld, Brown, Pitkin, Dembrow, Franchot, McHale, Menes, Benson, McIntosh, Cole, Gladden, Phillips, V. Jones, Boschert, Owings, Hecht, Marriott, Zirkin, Hutchins, Proctor, D. Davis, R. Baker, Kagan, Hubbard, Leopold, O'Donnell, Sher, Turner, Rosenberg, Petzold, Nathan-Pulliam, Cane, Cryor, Patterson, Shriver, Conway, Shank, W. Baker, Cadden, Rawlings, Hurson, Valderrama, Finifter, McKee, Bobo, Healey, and Eckardt**

Introduced and read first time: February 8, 2002  
Assigned to: Judiciary

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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 certain petition regarding a child; requiring the Department of Juvenile  
6 Justice to ensure that a treatment service plan adopted by the court is  
7 implemented within a specified time period; specifying when implementation of  
8 a treatment service plan is considered to have occurred; requiring the  
9 Department of Juvenile Justice to certify in writing to the court within a certain  
10 time period whether implementation of a treatment service plan has occurred;  
11 requiring the court to schedule and hold a disposition review hearing within a  
12 certain time period under certain circumstances; requiring the court to provide  
13 certain 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 3-8A-19(b) and (c)  
21 Annotated Code of Maryland  
22 (1998 Replacement Volume and 2001 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Courts and Judicial Proceedings  
25 Section 3-8A-19(d)  
26 Annotated Code of Maryland

1 (1998 Replacement Volume and 2001 Supplement)

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section 3-8A-20.1

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2001 Supplement)

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

9 **Article - Courts and Judicial Proceedings**

10 3-8A-19.

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

14 (2) A disposition hearing may be held on the same day as the  
15 adjudicatory hearing if notice of the disposition hearing, as prescribed by the  
16 Maryland Rules, is waived on the record by all of the parties.

17 (c) The priorities in making a disposition are consistent with the purposes  
18 specified in § 3-8A-02 of this subtitle.

19 (d) (1) In making a disposition on a petition under this subtitle, the court  
20 may:

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

24 (ii) Subject to the provisions of paragraph (2) of this subsection,  
25 commit the child to the custody or under the guardianship of the Department of  
26 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or  
27 licensed private agency on terms that the court considers appropriate to meet the  
28 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of  
29 facility where the child is to be accommodated, until custody or guardianship is  
30 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;  
31 or

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

35 (2) IN ADDITION TO THE PROVISIONS OF PARAGRAPH (1) OF THIS  
36 SUBSECTION, IN MAKING A DISPOSITION ON A PETITION, THE COURT MAY ADOPT A  
37 TREATMENT SERVICE PLAN, AS DEFINED IN § 3-8A-20.1 OF THIS SUBTITLE.

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

6 [(3)] (4) The court shall consider any oral address made in accordance  
7 with § 11-403 of the Criminal Procedure Article or any victim impact statement, as  
8 described in § 11-402 of the Criminal Procedure Article, in determining an  
9 appropriate disposition on a petition.

10 3-8A-20.1.

11 (A) IN THIS SECTION, "TREATMENT SERVICE PLAN" MEANS A PLAN  
12 RECOMMENDED AT A DISPOSITION HEARING UNDER § 3-8A-19 OF THIS SUBTITLE OR  
13 AT A DISPOSITION REVIEW HEARING UNDER THIS SECTION BY THE DEPARTMENT OF  
14 JUVENILE JUSTICE TO THE COURT PROPOSING SPECIFIC ASSISTANCE, GUIDANCE,  
15 TREATMENT, OR REHABILITATION OF A CHILD.

16 (B) (1) IN MAKING A DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS  
17 SUBTITLE, IF THE COURT ADOPTS A TREATMENT SERVICE PLAN, THE DEPARTMENT  
18 OF JUVENILE JUSTICE SHALL ENSURE THAT IMPLEMENTATION OF THE TREATMENT  
19 SERVICE PLAN OCCURS WITHIN 15 DAYS AFTER THE DATE OF DISPOSITION.

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

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

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

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

36 (D) (1) THE COURT SHALL HOLD A DISPOSITION REVIEW HEARING UNLESS  
37 THE DEPARTMENT OF JUVENILE JUSTICE CERTIFIES IN WRITING TO THE COURT  
38 PRIOR TO THE HEARING THAT IMPLEMENTATION OF THE TREATMENT SERVICE PLAN  
39 HAS OCCURRED.

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

1 (I) REVISE, IN ACCORDANCE WITH THE PROVISIONS OF § 3-8A-19  
2 OF THIS SUBTITLE, THE DISPOSITION PREVIOUSLY MADE; AND

3 (II) REVISE THE TREATMENT SERVICE PLAN PREVIOUSLY  
4 ADOPTED.

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

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2002.