

HOUSE BILL 962

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HB 171/01 - JUD

2002 Regular Session
2lr1306

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2002

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 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

1 (1998 Replacement Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Courts and Judicial Proceedings

4 Section 3-8A-19(d)

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2001 Supplement)

7 BY adding to

8 Article - Courts and Judicial Proceedings

9 Section 3-8A-20.1

10 Annotated Code of Maryland

11 (1998 Replacement Volume and 2001 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 3-8A-19.

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

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

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

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

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

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

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

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

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

12 [(3)] (4) The court shall consider any oral address made in accordance
13 with § 11-403 of the Criminal Procedure Article or any victim impact statement, as
14 described in § 11-402 of the Criminal Procedure Article, in determining an
15 appropriate disposition on a petition.

16 3-8A-20.1.

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

22 (B) (1) IN MAKING A DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS
23 SUBTITLE, IF THE COURT ADOPTS A TREATMENT SERVICE PLAN, THE DEPARTMENT
24 OF JUVENILE JUSTICE SHALL ENSURE THAT IMPLEMENTATION OF THE TREATMENT
25 SERVICE PLAN OCCURS WITHIN ~~45~~ 25 DAYS AFTER THE DATE OF DISPOSITION.

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

31 (3) THE DEPARTMENT OF JUVENILE JUSTICE SHALL CERTIFY IN
32 WRITING TO THE COURT WITHIN ~~45~~ 25 DAYS AFTER THE DATE OF DISPOSITION
33 WHETHER IMPLEMENTATION OF THE TREATMENT SERVICE PLAN HAS OCCURRED.

34 (C) (1) IF A TREATMENT SERVICE PLAN IS NOT IMPLEMENTED BY THE
35 DEPARTMENT OF JUVENILE JUSTICE WITHIN ~~45~~ 25 DAYS UNDER SUBSECTION (B)(3)
36 OF THIS SECTION, THE COURT SHALL SCHEDULE, WITHIN 7 DAYS AFTER RECEIPT OF
37 THE CERTIFICATION, A DISPOSITION REVIEW HEARING TO BE HELD WITHIN 30 DAYS
38 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 § 3-8A-19
10 OF 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 to apply only prospectively and may not be applied or interpreted to have
17 any effect on or application to any disposition made by a juvenile court on a petition
18 regarding a child before the effective date of this Act.

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