

HOUSE BILL 245

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2003 Regular Session  
3r1511  
CF 3r0780

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By: **Delegates Jones, Bobo, Boschert, Cane, Howard, Kirk, Madaleno, and Nathan-Pulliam**

Introduced and read first time: January 29, 2003

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs - State-Funded Operators - Licensing**  
3 **Provisions**

4 FOR the purpose of requiring a licensed operator of a residential child care program  
5 who receives State funding to meet certain academic needs of a child in the  
6 operator's care; requiring certain group homes to comply with certain provisions  
7 of law; requiring the department that licenses the group home to notify certain  
8 group homes of certain provisions of law; and generally relating to certain  
9 licensing provisions for State-funded operators of residential child care  
10 programs.

11 BY adding to  
12 Article - Education  
13 Section 7-309  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Family Law  
18 Section 5-526  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 2002 Supplement)

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

23 **Article - Education**

24 7-309.

25 (A) (1) IN THIS SECTION, "RESIDENTIAL CHILD CARE PROGRAM" MEANS A  
26 PROGRAM THAT:

1 (I) PROVIDES CARE FOR CHILDREN 24 HOURS A DAY WITHIN A  
2 STRUCTURED SET OF SERVICES AND ACTIVITIES DESIGNED TO ACHIEVE  
3 OBJECTIVES RELATED TO THE NEEDS OF THE CHILDREN SERVED; AND

4 (II) IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL  
5 HYGIENE, THE DEPARTMENT OF HUMAN RESOURCES, OR THE DEPARTMENT OF  
6 JUVENILE JUSTICE.

7 (2) A "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES:

8 (I) GROUP HOMES;

9 (II) ALTERNATIVE LIVING UNITS; AND

10 (III) EMERGENCY SHELTER CARE.

11 (B) EACH LICENSED OPERATOR OF A RESIDENTIAL CHILD CARE PROGRAM  
12 WHO HAS LEGAL CUSTODY OR CARE AND CONTROL OF A CHILD WHO IS AT LEAST 5  
13 YEARS OLD AND UNDER THE AGE OF 16 YEARS AND RECEIVES STATE FUNDING AS  
14 PROVIDED IN § 5-526 OF THE FAMILY LAW ARTICLE SHALL:

15 (1) EXPEDITIOUSLY RETRIEVE THE ACADEMIC RECORDS OF A CHILD IN  
16 THE OPERATOR'S CARE FROM THE TRANSFERRING SCHOOL AND SEND THE  
17 ACADEMIC RECORDS TO THE SCHOOL THAT THE CHILD WILL BE ATTENDING WHILE  
18 LIVING IN THE OPERATOR'S CARE;

19 (2) MEET THE CHILD'S TEACHERS AT THE TIME OF ENROLLMENT AND  
20 AT ANY OTHER TIME THE SCHOOL OR A TEACHER REQUESTS; AND

21 (3) SIGN THE CHILD'S REPORT CARD AND INSURE THAT THE REPORT  
22 CARD IS RETURNED TO SCHOOL.

23 **Article - Family Law**

24 5-526.

25 (a) (1) The Department shall provide for the care, diagnosis, training,  
26 education, and rehabilitation of children by placing them in group homes and  
27 institutions that are operated by for-profit or nonprofit charitable corporations.

28 (2) Any group home utilized under the provisions of this section shall  
29 comply with the provisions of §§ 5-507 through 5-509 of this subtitle AND § 7-309 OF  
30 THE EDUCATION ARTICLE.

31 (3) THE DEPARTMENT THAT LICENSES THE GROUP HOME SHALL  
32 NOTIFY ANY GROUP HOME UTILIZED UNDER THE PROVISIONS OF THIS SECTION OF  
33 THE REQUIREMENTS OF § 7-309 OF THE EDUCATION ARTICLE.

1 (b) (1) The Department shall reimburse these corporations for the cost of  
2 these services at appropriate monthly rates that the Department determines, as  
3 provided in the State budget.

4 (2) The reimbursement rate may differ between homes and institutions  
5 that provide intermediate services, as defined by the Department, and homes and  
6 institutions that provide full services.

7 (c) The Department, or the Department's designee, may not place a child in a  
8 residential group home or other facility that is not operating in compliance with  
9 applicable State licensing laws.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect July 1, 2003.