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By: Delegates Zirkin and Morhaim

Introduced and read first time: February 6, 2003 Assigned to: Health and Government Operations

#### A BILL ENTITLED

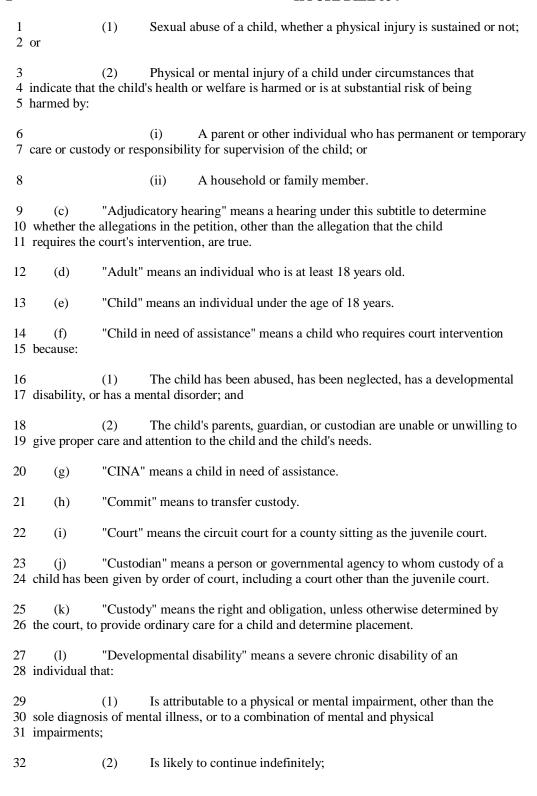
## 1 AN ACT concerning

### 2 Children with Disabilities - Individual Treatment Plans

- 3 FOR the purpose of requiring the juvenile court, in a child in need of assistance
- 4 disposition hearing, to take certain actions if the court finds that a child is in
- 5 need of assistance solely because of a developmental disability or mental
- 6 disorder under certain circumstances; prohibiting the juvenile court from
- 7 changing a child's custody status under certain circumstances; authorizing
- 8 juvenile court to order a local department of social services or the Department of
- 9 Health and Mental Hygiene to take certain actions under certain circumstances;
- defining certain terms; making certain conforming changes; and generally
- relating to children with disabilities.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Courts and Judicial Proceedings
- 14 Section 3-801 and 3-819(b) and (c)
- 15 Annotated Code of Maryland
- 16 (2002 Replacement Volume)
- 17 BY repealing and reenacting, without amendments,
- 18 Article Courts and Judicial Proceedings
- 19 Section 3-819(a)
- 20 Annotated Code of Maryland
- 21 (2002 Replacement Volume)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:

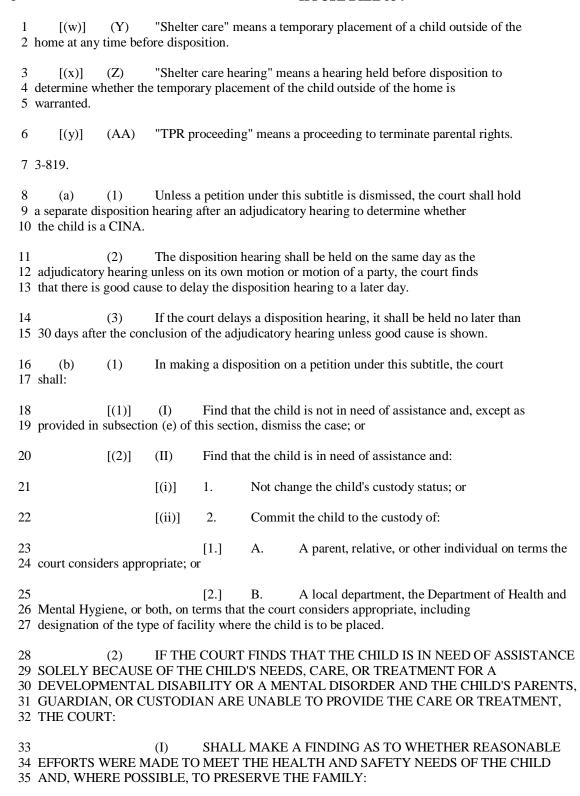
## 24 Article - Courts and Judicial Proceedings

- 25 3-801.
- 26 (a) In this subtitle the following words have the meanings indicated.
- (b) "Abuse" means:



1 2	or continuing	(3) g and regi	Results in an inability to live independently without external support ular assistance; and
			Reflects the need for a combination and sequence of special, eneric care, treatment, or other services that are individually sed for the individual.
6	(m)	"Disposi	tion hearing" means a hearing under this subtitle to determine:
7		(1)	Whether a child is in need of assistance; and
8 9	health, safety	(2) , and we	If so, the nature of the court's intervention to protect the child's ll-being.
10 11			an" means a person to whom guardianship of a child has been rt, including a court other than the juvenile court.
14	the juvenile	court, of are, welfa	anship" means an award by a court, including a court other than the authority to make ordinary and emergency decisions as to are, education, physical and mental health, and the right to
18 19 20	DEVELOPE DISORDER INCLUDING TO MEET T	ED FOR A THAT I G HOME THE NEE	IDUAL TREATMENT PLAN" MEANS A COURT-ORDERED PLAN A CHILD WITH A DEVELOPMENTAL DISABILITY OR MENTAL NCLUDES ALL APPROPRIATE AND NECESSARY SERVICES, E- AND COMMUNITY- BASED SERVICES, TREATMENT, AND SUPPORT EDS OF THE CHILD AND THAT IDENTIFIES EACH STATE OR LOCAL ATE RESOURCE THAT WILL PROVIDE AND PAY FOR EACH SERVICE.
22	(Q)	"LEAST	RESTRICTIVE ENVIRONMENT" MEANS:
23		(1)	THE CHILD'S FAMILY HOME; OR
26 27	BE MET IN A PREFERI SO THE CH	ENCE FO	WHEN THE INDIVIDUAL NEEDS OF THE CHILD CANNOT REASONABLY MILY HOME, THE MOST HOMELIKE SETTING FOR THE CHILD, WITH OR RESIDENCE IN THE SAME COMMUNITY AS THE CHILD'S FAMILY Y CONTINUE TO ATTEND THE SAME SCHOOL AND MAINTAIN ACT WITH THE CHILD'S FAMILY AND COMMUNITY.
29 30	- 1	(R) n which t	"Local department" means the local department of social services for he court is located.
31 32	- 1/3	(S) a psychia	(1) "Mental disorder" means a behavioral or emotional illness that atric or neurological disorder.
35	impairs the i	cessary o	"Mental disorder" includes a mental illness that so substantially emotional functioning of an individual as to make care or or advisable for the welfare of the individual or for the safety of y of another.

1		(3)	"Mental	disorder" does not include mental retardation.				
2	[(r)] impairment o	(T) of a child		injury" means the observable, identifiable, and substantial or psychological ability to function.				
6		r tempora	attention ary care o	t" means the leaving of a child unattended or other failure to to a child by any parent or individual who has or custody or responsibility for supervision of the child ate:				
8 9	risk of harm;	(1) ; or	That the	child's health or welfare is harmed or placed at substantial				
10 11		(2) risk of me	That the child has suffered mental injury or been placed at mental injury.					
12 13	[(t)] have not bee	(V) en termin		means a natural or adoptive parent whose parental rights				
14	[(u)]	(W)	(1)	"Party" means:				
15			(i)	A child who is the subject of a petition;				
16			(ii)	The child's parent, guardian, or custodian;				
17			(iii)	The petitioner; or				
18			(iv)	An adult who is charged under § 3-828 of this subtitle.				
19		(2)	"Party"	does not include a foster parent.				
20 21	[(v)] or sexual ex	(X) ploitation	(1) n of a chi	"Sexual abuse" means an act that involves sexual molestation ld by:				
22 23		ody or res	(i) sponsibili	A parent or other individual who has permanent or temporary ity for supervision of the child; or				
24			(ii)	A household or family member.				
25		(2)	"Sexual	abuse" includes:				
26			(i)	Incest;				
27			(ii)	Rape;				
28			(iii)	Sexual offense in any degree;				
29			(iv)	Sodomy; and				
30			(v)	Unnatural or perverted sexual practices.				



1 2	(II) HYGIENE AS A PARTY;	SHALL JOIN THE DEPARTMENT OF HEALTH AND MENTAL
3	(III)	MAY NOT CHANGE THE CHILD'S CUSTODY STATUS; AND
4 5	(IV) OF HEALTH AND MENTAL	MAY ORDER THE LOCAL DEPARTMENT AND THE DEPARTMENT HYGIENE:
	CHILD, WITH INPUT FROM COURT WITHIN 30 DAYS; A	1. TO DEVELOP AN INDIVIDUAL TREATMENT PLAN FOR THE THE CHILD'S FAMILY, THAT SHALL BE SUBMITTED TO THE AND
9 10	RESTRICTIVE ENVIRONMI	2. TO PROVIDE SERVICES TO THE CHILD IN THE LEAST ENT BASED ON THE CHILD'S INDIVIDUAL TREATMENT PLAN.
11 12	(c) In addition to any court may:	action under subsection [(b)(2)] (B)(1) of this section, the
13 14	(1) (i) department on terms the court	Place a child under the protective supervision of the local considers appropriate;
17	or both for specific purposes in	Grant limited guardianship to the department or an individual acluding medical and educational purposes or for other is unavailable, unwilling, or unable to consent to erest of the child; or
	()	Order the child and the child's parent, guardian, or custodian to vices that are in the best interest of the child and
22 23	(2) Determine accordance with § 3-803(b) of	ne custody, visitation, support, or paternity of a child in this subtitle.
24 25	SECTION 2. AND BE IT October 1, 2003.	FURTHER ENACTED, That this Act shall take effect