
By: **Delegates O'Donnell, Zirkin, Amedori, Gutierrez, Kelly, Morhaim,
Quinter, and Shank**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Department of Juvenile Justice—Wilderness Pilot Program**
3 **The Task Force to Study Alternative Living Arrangements for Children in**
4 **Out-of-Home Placement**

5 FOR the purpose of requiring the Department of Juvenile Justice, in cooperation with
6 the Department of Natural Resources, to establish a Wilderness Pilot Program
7 in the State; establishing a certain exception to the requirement that the
8 Department of Juvenile Justice place children in group homes that are operated
9 by a nonprofit or for-profit entity; requiring the Program to be operated by the
10 Department of Juvenile Justice and located in a State park; requiring the
11 Program, in cooperation with the State Department of Education, to provide
12 certain educational instruction; making certain provisions relating to education
13 applicable to the educational instruction provided by the Program; requiring the
14 Program to provide certain services; authorizing the Governor to include funds
15 in the State budget for the Program; authorizing the Department to adopt
16 certain regulations; defining a certain term; providing for the termination of this
17 Act; and generally relating to the Wilderness Pilot Program establishing the
18 Task Force to Study Alternative Living Arrangements for Children in
19 Out-of-Home Placement; providing for the membership of the Task Force;
20 requiring the Governor to designate a chairman of the Task Force; requiring the
21 Department of Juvenile Justice to staff the Task Force; providing that the
22 members of the Task Force may not receive compensation but are entitled to a
23 certain reimbursement; establishing the duties of the Task Force; requiring the
24 Task Force to make a certain report on or before a certain date; providing for the
25 termination of this Act; and generally relating to the Task Force to Study
26 Alternative Living Arrangements for Children in Out-of-Home Placement.

1 ~~BY~~ repealing and reenacting, with amendments,
2 Article 83C—Juvenile Justice
3 Section 2-120
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2002 Supplement)

6 ~~BY~~ adding to
7 Article 83C—Juvenile Justice
8 Section 2-120.1
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 2002 Supplement)

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

13 **~~Article 83C—Juvenile Justice~~**

14 ~~2-120.~~

15 (a) ~~The Department shall provide for care, diagnosis, training, education, and~~
16 ~~rehabilitation of children by placing them in group homes and institutions that,~~
17 ~~EXCEPT AS PROVIDED IN § 2-120.1 OF THIS SUBTITLE, are operated by any nonprofit~~
18 ~~or for-profit entity.~~

19 (b) (1) ~~The Department shall reimburse these entities for the cost of these~~
20 ~~services at appropriate monthly rates that the Department determines, as provided in~~
21 ~~the State budget.~~

22 (2) ~~The reimbursement rate may differ between homes and institutions~~
23 ~~that provide intermediate services, as defined by the Department, and homes and~~
24 ~~institutions that provide full services.~~

25 (c) ~~The Department may not place a child in a group home or other residential~~
26 ~~facility that is not operating in compliance with applicable State licensing laws.~~

27 ~~2-120.1.~~

28 (A) ~~IN THIS SECTION, "WILDERNESS PILOT PROGRAM" MEANS A PROGRAM FOR~~
29 ~~A GROUP HOME IN WHICH THE FACILITY AND ACTIVITIES ARE RELATED TO NATURE~~
30 ~~AS MUCH AS POSSIBLE, IN A SITE THAT IS LEFT ESSENTIALLY IN ITS NATURAL~~
31 ~~STATE, AND WHERE LIVING AND PROGRAM QUARTERS AND ACTIVITIES ARE~~
32 ~~INTEGRATED INTO THE NATURAL ENVIRONMENT.~~

33 (B) (1) ~~THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF~~
34 ~~NATURAL RESOURCES, SHALL ESTABLISH AT LEAST ONE WILDERNESS PILOT~~
35 ~~PROGRAM IN THE STATE.~~

1 (2) ~~THE PROGRAM SHALL BE OPERATED BY THE DEPARTMENT AND~~
2 ~~LOCATED IN A STATE PARK.~~

3 (C) (1) ~~IN COOPERATION WITH THE STATE DEPARTMENT OF EDUCATION,~~
4 ~~THE PROGRAM SHALL PROVIDE EDUCATIONAL INSTRUCTION THAT IS DESIGNED TO~~
5 ~~MEET THE PARTICULAR NEEDS OF THE GROUP HOME POPULATION.~~

6 (2) ~~THE EDUCATIONAL INSTRUCTION SHALL BE CONDUCTED ON SITE,~~
7 ~~FOR 12 MONTHS OF THE YEAR, BY TEACHERS WHO HOLD A CERTIFICATE UNDER~~
8 ~~TITLE 6, SUBTITLE 1 OF THE EDUCATION ARTICLE.~~

9 (3) ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE~~
10 ~~PROVISIONS OF DIVISION I AND DIVISION II OF THE EDUCATION ARTICLE SHALL~~
11 ~~APPLY TO THE EDUCATIONAL INSTRUCTION PROVIDED BY THE PROGRAM~~
12 ~~ESTABLISHED UNDER THIS SECTION.~~

13 (D) ~~IN ADDITION TO THE EDUCATIONAL INSTRUCTION DESCRIBED IN~~
14 ~~SUBSECTION (C) OF THIS SECTION, THE PROGRAM SHALL PROVIDE, AS NECESSARY:~~

15 (1) ~~MEDICAL AND MENTAL HEALTH SERVICES; AND~~

16 (2) ~~ALCOHOL AND DRUG ABUSE SERVICES.~~

17 (E) ~~FOR FISCAL YEAR 2004 AND EACH SUCCEEDING FISCAL YEAR, THE~~
18 ~~GOVERNOR MAY INCLUDE FUNDS IN THE STATE BUDGET FOR THE PROGRAM.~~

19 (F) ~~THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE~~
20 ~~PROVISIONS OF THIS SECTION.~~

21 (a) There is a Task Force to Study Alternative Living Arrangements for
22 Children in Out-of-Home Placement.

23 (b) The Task Force consists of the following members:

24 (1) two members of the Senate of Maryland, appointed by the President
25 of the Senate;

26 (2) two members of the House of Delegates, appointed by the Speaker of
27 the House;

28 (3) the Secretary of Juvenile Justice, or the Secretary's designee;

29 (4) the Secretary of Natural Resources, or the Secretary's designee;

30 (5) the Secretary of Human Resources, or the Secretary's designee;

31 (6) the Secretary of Health and Mental Hygiene, or the Secretary's
32 designee;

33 (7) the State Superintendent of Schools, or the Superintendent's
34 designee;

1 (8) the Special Secretary of the Office for Children, Youth, and Families
2 or the Special Secretary's designee; and

3 (9) the following members appointed by the Governor:

4 (i) one representative of the State Judiciary who is knowledgeable
5 and experienced in juvenile justice issues;

6 (ii) one representative of the Office of the Public Defender who is
7 knowledgeable and experienced in juvenile justice issues;

8 (iii) one representative of a State's Attorney's office who is
9 knowledgeable and experienced in juvenile justice issues;

10 (iv) one representative of law enforcement who is knowledgeable
11 and experienced in juvenile justice issues; and

12 (v) one representative of a community-based advocacy group that
13 deals with juvenile justice issues.

14 (c) The Governor shall designate the chairman of the Task Force.

15 (d) The Department of Juvenile Justice shall provide staff for the Task Force.

16 (e) A member of the Task Force:

17 (1) may not receive compensation; but

18 (2) is entitled to reimbursement for expenses under the Standard State
19 Travel Regulations, as provided in the State budget.

20 (f) The Task Force shall:

21 (1) study and make recommendations regarding the issue of placing
22 children in out-of-home placement appropriately and expeditiously in alternative
23 living arrangements;

24 (2) study and make recommendations regarding the feasibility of
25 alternative living arrangements for children that require the cooperative efforts of the
26 Department of Natural Resources and involve placing children in group homes and
27 providing them with activities related to the Chesapeake Bay and other wilderness
28 activities;

29 (3) study and make recommendations regarding the feasibility of
30 coordinating with the State Department of Education in developing special
31 instructional curricula geared toward the needs of children in alternative living
32 arrangements; and

33 (4) study and make recommendations regarding children in alternative
34 living arrangements and the need for appropriate medical and mental health services
35 and alcohol and drug abuse services.

1 (g) The Task Force shall report its findings and recommendations to the
2 Governor and, subject to § 2-1246 of the State Government Article, to the General
3 Assembly on or before October 1, 2004.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2003. It shall remain effective for a period of ~~3 years~~ 1 year and 1 month
6 and, at the end of ~~September 30, 2006~~ October 31, 2004, with no further action
7 required by the General Assembly, this Act shall be abrogated and of no further force
8 and effect.