
By: **Delegates O'Donnell, Zirkin, Amedori, Burns, Dwyer, Gutierrez, Jones,
Kelly, Lee, McMillan, Morhaim, Nathan-Pulliam, and Shank**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Treatment Service Plans**

3 FOR the purpose of requiring that a juvenile counselor meet with a child and child's
4 parent, guardian, or legal custodian in making a treatment service plan for the
5 child; requiring the juvenile counselor to document when a child's parent,
6 guardian, or legal custodian is unable or refuses to meet with the juvenile
7 counselor and to indicate the reason for the inability or refusal to meet, if
8 known; requiring that a treatment service plan include certain information; and
9 generally relating to treatment service plans.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 3-8A-20.1
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

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

17 **Article - Courts and Judicial Proceedings**

18 3-8A-20.1.

19 (a) (1) In this section, "treatment service plan" means a plan recommended
20 at a disposition hearing under § 3-8A-19 of this subtitle or at a disposition review
21 hearing under this section by the Department of Juvenile Justice to the court
22 proposing specific assistance, guidance, treatment, or rehabilitation of a child.

23 (2) IN MAKING A TREATMENT SERVICE PLAN, A JUVENILE COUNSELOR
24 SHALL MEET WITH THE CHILD WHO IS THE SUBJECT OF THE TREATMENT SERVICE
25 PLAN AND THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO DISCUSS THE
26 TREATMENT SERVICE PLAN.

1 (3) IF A CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN IS UNABLE
2 OR REFUSES TO MEET WITH THE JUVENILE COUNSELOR, THE TREATMENT SERVICE
3 PLAN SHALL INDICATE THAT THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN IS
4 UNABLE OR REFUSES TO MEET, AND THE REASON FOR THE INABILITY OR REFUSAL
5 TO MEET, IF KNOWN.

6 (4) THE TREATMENT SERVICE PLAN SHALL INCLUDE:

7 (I) THE RECOMMENDED LEVEL OF SUPERVISION FOR THE CHILD;

8 (II) SPECIFIC GOALS FOR THE CHILD AND FAMILY TO MEET, ALONG
9 WITH TIMELINES FOR MEETING THOSE GOALS;

10 (III) A STATEMENT OF ANY CONDITION THAT THE CHILD'S PARENT,
11 GUARDIAN, OR LEGAL CUSTODIAN MUST CHANGE IN ORDER TO ALLEVIATE ANY
12 RISKS TO THE CHILD;

13 (IV) A STATEMENT OF THE SERVICES TO BE PROVIDED TO THE
14 CHILD AND CHILD'S FAMILY; AND

15 (V) ANY OTHER INFORMATION THAT MAY BE NECESSARY TO MAKE
16 A DISPOSITION CONSISTENT WITH THE CHILD'S BEST INTERESTS AND THE
17 PROTECTION OF THE PUBLIC INTEREST.

18 (b) (1) In making a disposition on a petition under § 3-8A-19 of this
19 subtitle, if the court adopts a treatment service plan, the Department of Juvenile
20 Justice shall ensure that implementation of the treatment service plan occurs within
21 25 days after the date of disposition.

22 (2) If a treatment service plan requires specified supervision, mentoring,
23 mediation, monitoring, or placement, implementation of the treatment service plan is
24 considered to have occurred when the supervision, mentoring, mediation, monitoring,
25 or placement occurs.

26 (3) The Department of Juvenile Justice shall certify in writing to the
27 court within 25 days after the date of disposition whether implementation of the
28 treatment service plan has occurred.

29 (c) (1) If a treatment service plan is not implemented by the Department of
30 Juvenile Justice within 25 days under subsection (b)(3) of this section, the court shall
31 schedule, within 7 days after receipt of the certification, a disposition review hearing
32 to be held within 30 days after receipt of the certification.

33 (2) The court shall give at least 7 days' notice of the date and time of the
34 disposition review hearing to each party and to the Department of Juvenile Justice.

35 (d) (1) The court shall hold a disposition review hearing unless the
36 Department of Juvenile Justice certifies in writing to the court prior to the hearing
37 that implementation of the treatment service plan has occurred.

1 (2) At a disposition review hearing, the court may:

2 (i) Revise, in accordance with the provisions of § 3-8A-19 of this
3 subtitle, the disposition previously made; and

4 (ii) Revise the treatment service plan previously adopted.

5 (e) This section may not be construed to provide entitlement to services not
6 otherwise provided by law.

7 (f) The Court of Appeals may adopt rules to implement the provisions of this
8 section.

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