

HOUSE BILL 860

Unofficial Copy
P1

2003 Regular Session
(3lr0155)

ENROLLED BILL
-- Judiciary/Finance --

Introduced by **The Minority Leader (By Request - Administration) and Delegates Amedori, Zirkin, Redmer, Aumann, Bartlett, Bates, Bohanan, Boschert, Boteler, Boutin, Bozman, Branch, Bromwell, Brown, Burns, Cardin, Carter, Conroy, Costa, Cryor, C. Davis, DeBoy, Doory, Dwyer, Eckardt, Edwards, Elliott, Elmore, Feldman, Flanagan, Frank, Fulton, Glassman, Griffith, Hogan, Hutchins, Impallaria, Jennings, Jones, Kach, Kelly, Krebs, Leopold, Love, McComas, McConkey, McDonough, McKee, McMillan, Menes, Minnick, Mitchell, Myers, O'Donnell, Owings, Parrott, Rawlings, Rzepkowski, Schisler, Shank, Smigiel, Sophocleus, Sossi, Stocksdales, Stull, Trueschler, Vallario, Walkup, Weldon, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Government - Department of Juvenile Services - Charles H. Hickey, Jr.**
3 **School Program**

4 FOR the purpose of renaming the Department of Juvenile Justice to be the
5 Department of Juvenile Services; renaming the Secretary of Juvenile Justice to
6 be the Secretary of Juvenile Services; renaming the State Advisory Board for
7 Juvenile Justice to be the State Advisory Board for Juvenile Services; renaming
8 the Department of Juvenile Justice Summer Opportunity Pilot Program to be

1 the Department of Juvenile Services Summer Opportunity Pilot Program;
 2 renaming the Developmental Disabilities, Mental Health, Child Welfare, and
 3 Juvenile Justice Workforce Tuition Assistance Program to be the Developmental
 4 Disabilities, Mental Health, Child Welfare, and Juvenile Services Workforce
 5 Tuition Assistance Program; renaming the juvenile justice alternative education
 6 pilot program to be the juvenile services alternative education pilot program;
 7 making conforming changes throughout the Code; adding certain facilities to a
 8 list of facilities that the Department of Juvenile Services is authorized to
 9 establish and operate; specifying that the publisher of the Annotated Code of
 10 Maryland, in consultation with the Department of Legislative Services, shall
 11 correct terminology in the Code to conform with the changes that are made by
 12 this Act; requiring the State Department of Education to develop and implement
 13 an educational program designed to meet the particular needs of the population
 14 at the Charles H. Hickey, Jr. School; requiring the transmission of certain
 15 records under certain circumstances; authorizing the State Superintendent to
 16 impose certain corrective actions under certain circumstances; requiring the
 17 Department of Juvenile Services to work cooperatively with the State
 18 Department of Education to facilitate the implementation of a certain education
 19 program and the attendance of students in the program; authorizing the State
 20 Department of Education to use nonpublic special education funds for certain
 21 purposes; excluding a certain residential treatment center from the educational
 22 program provisions of this Act; requiring the Department of Juvenile Services
 23 and the State Department of Education to develop a certain implementation
 24 schedule by a certain date; requiring the State Department of Education to report
 25 to the General Assembly on or before a certain date; requiring the State
 26 Department of Education to develop and implement certain educational
 27 programs by a certain date; ~~requiring the State Department of Education to~~
 28 ~~engage in certain procurements~~ establishing that a certain procurement shall
 29 constitute an emergency for purposes of authorizing an emergency procurement;
 30 making stylistic changes; making certain provisions of this Act subject to a
 31 certain contingency; providing for a delayed effective date for certain provisions
 32 of this Act; and generally relating to the Department of Juvenile Services.

33 BY renaming
 34 Article 83C - Juvenile Justice
 35 to be Article 83C - Juvenile Services
 36 Annotated Code of Maryland
 37 (1998 Replacement Volume and 2002 Supplement)

38 BY repealing and reenacting, with amendments,
 39 Article 25B - Home Rule for Code Counties
 40 Section 13C-1(i)(2)
 41 Annotated Code of Maryland
 42 (2001 Replacement Volume and 2002 Supplement)

43 BY repealing and reenacting, with amendments,
 44 Article 41 - Governor - Executive and Administrative Departments

1 Section 3-102(b)(6) and 6-803(b)(5) and (c)(2)(iv)
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article 49D - Office for Children, Youth, and Families
6 Section 4(b)(5), (6), and (8), 4.1(b)(4), 10(f)(3), 15(a)(6), 17(a)(1)(i), 20.1(b)(1)(v)1.
7 and (e), 38(c), (d), (e)(1), and (f), 40(c) and (h), 45(b)(2), and 48(a)(4)
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 2002 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article 83C - Juvenile Services
12 Section 1-101(b), (d), and (g); 2-101(a), 2-106, 2-117(a), 2-118(f), 2-119.1(c)(3),
13 and 2-134(a)(2) and (3) and (b)(1) and (3)(i) to be under the amended title
14 "Title 2. Department of Juvenile Services"; and 4-101(b)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2002 Supplement)
17 (As enacted by Section 1 of this Act)

18 BY repealing and reenacting, with amendments,
19 Article 88A - Department of Human Resources
20 Section 3(c)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 88B - Department of State Police
25 Section 72(b)(1)(ii) and 81(a)(2)(i)1.
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 2002 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article - Correctional Services
30 Section 6-102(2), 7-102(2), 8-201(g)(2) and (h), 8-202(8), 8-204(a)(2) and (b)(1),
31 8-208(a)(14) and (b), 8-209(d), 8-706(2), 8-707(2), 8-709(b)(2), 8-710(c),
32 and 10-601(b)(2), (c)(2), and (d)(2)
33 Annotated Code of Maryland
34 (1999 Volume and 2002 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article - Courts and Judicial Proceedings
37 Section 3-815(f)(4), 3-8A-01(h)(1) and (o), 3-8A-10(c)(4)(ii)2., (c-1)(4) and (5),
38 (i)(1), (2), and (3), 3-8A-11(b), 3-8A-15(e)(3) and (h)(2), (3), and (4)(i),

1 3-8A-17(a), 3-8A-19(d)(1)(ii) and (3), 3-8A-20.1(a), (b)(1) and (3), (c), and
2 (d)(1), and 3-8A-27(a)(2) and (b)(2) and (3)(i)
3 Annotated Code of Maryland
4 (2002 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article - Criminal Law
7 Section 3-314(c)
8 Annotated Code of Maryland
9 (2002 Volume)

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Procedure
12 Section 10-201(f)(3)(i), 10-208(a)(14), 10-220(c), 11-113(c)(3)(ix), 11-402(a),
13 11-507, 11-607(a)(2), (b), and (c)(1), 11-616(a), (c), (d), and (e)(1)(ii)1.,
14 11-617(c)(3), (4), and (5) and (d)(2), 11-912(a)(1)(v), and 11-1003(a), (b)(4),
15 and (c)
16 Annotated Code of Maryland
17 (2001 Volume and 2002 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Education
20 Section 1-101(a) and (f)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Education
25 Section 2-303(h)(1)(i), 3-109(e)(8), 3-111(a)(2)(viii), 6-302(a)(1)(i),
26 6-303(b)(1)(i)3., 7-302(b)(3), 7-305(g)(1), 7-305.1, 8-412(a)(7), 8-417(a)(2),
27 (3)(ii), and (4)(ii) and (b)(2), and 18-1803(b)(3)
28 Annotated Code of Maryland
29 (2001 Replacement Volume and 2002 Supplement)

30 BY adding to
31 Article - Education
32 Section 23-301 to be under the new subtitle "Subtitle 3. Juvenile Residential
33 Facilities"
34 Annotated Code of Maryland
35 (2001 Replacement Volume and 2002 Supplement)

36 BY repealing and reenacting, with amendments,
37 Article - Family Law
38 Section 5-503(a), 5-508(b)(5)(iii), 5-509(b)(3), 5-509.1(b)(3), 5-527(c)(2),

1 5-560(d)(3), 5-7A-02(a)(6), and 9-403(c)(2)(i)
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Health - General
6 Section 2-104(b)(2)(i), 5-703(a)(6), 10-309(a)(1)(ii)1.K., 10-514(d)(2)(ii),
7 10-923(a)(6), 16-206(b), 18-4A-03(a)(8) and (c), and 24-804(b)(4)
8 Annotated Code of Maryland
9 (2000 Replacement Volume and 2002 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - State Finance and Procurement
12 Section 3-305(d) and 13-107.1(c)(1)(iv) and (k)(4)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - State Government
17 Section 8-201(b)(10), 9-1107(b)(10), and 10-616(q)(5)(iii)8.
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2002 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 49D - Office for Children, Youth, and Families
22 Section 15(a)(6) and (b)(2), 17(2), and 20.1(b)(4)(ii)3. and (f)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2002 Supplement)
25 (As enacted by Chapter 282 of the Acts of the General Assembly of 2002)

26 BY repealing and reenacting, with amendments,
27 Article - Education
28 Section 7-305(f)(1)
29 Annotated Code of Maryland
30 (2001 Replacement Volume and 2002 Supplement)
31 (As enacted by Chapter 347 of the Acts of the General Assembly of 1995 and
32 Chapter 323 of the Acts of the General Assembly of 1996)

33 BY repealing and reenacting, with amendments,
34 Article - Education
35 Section 18-2101(b)(2), (c)(2), and (e) and 18-2108
36 Annotated Code of Maryland
37 (2001 Replacement Volume and 2002 Supplement)

1 (As enacted by Chapter 302 of the Acts of the General Assembly of 2002)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That Article 83C - Juvenile Justice of the Annotated Code of Maryland
4 be renamed to be Article 83C - Juvenile Services.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article 25B - Home Rule for Code Counties**

8 13C-1.

9 (i) (2) If the parent or guardian cannot be located or fails to take charge of
10 the minor, then the minor shall be released to the local Department of Social Services,
11 the Department of Juvenile [Justice] SERVICES, or to another adult who will, on
12 behalf of the parent or guardian, assume the responsibility of caring for the minor
13 pending the availability or arrival of the parent or guardian.

14 **Article 41 - Governor - Executive and Administrative Departments**

15 3-102.

16 (b) The Commission consists of the following 19 members:

17 (6) The Secretary of Juvenile [Justice] SERVICES or the Secretary's
18 designee;

19 6-803.

20 (b) The Advisory Board shall consist of the following individuals:

21 (5) The Secretaries of Health and Mental Hygiene, Juvenile [Justice]
22 SERVICES, and Human Resources or their designees;

23 (c) (2) The Executive Committee consists of the following individuals:

24 (iv) The Secretary of Juvenile [Justice] SERVICES or the Secretary's
25 designee;

26 **Article 49D - Office for Children, Youth, and Families**

27 4.

28 (b) The Special Secretary shall:

29 (5) In consultation with the Secretaries of Health and Mental Hygiene,
30 Human Resources, and Juvenile [Justice] SERVICES, and the State Superintendent
31 of Schools, develop an interagency plan that reflects the priorities for children, youth,
32 and family services;

1 (6) In consultation with the Secretaries of Health and Mental Hygiene,
2 Human Resources, and Juvenile [Justice] SERVICES, and the State Superintendent
3 of Schools, develop an interagency budget which identifies and collates all State
4 expenditures for children, youth, and family services;

5 (8) In consultation with the Secretaries of Health and Mental Hygiene,
6 Human Resources, and Juvenile [Justice] SERVICES, and the State Superintendent
7 of Schools, develop and implement an innovative interagency funding approach for
8 initiatives and programs for children, youth, and families;

9 4.1.

10 (b) The Subcabinet for Children, Youth, and Families consists of:

11 (4) The Secretary of Juvenile [Justice] SERVICES;

12 10.

13 (f) If the person in interest is not reasonably available to give written consent,
14 the following individuals, not listed in order of priority, may consent in writing to the
15 release of information regarding a minor:

16 (3) For minors in its care and custody, the Department of Health and
17 Mental Hygiene, the Department of Juvenile [Justice] SERVICES, or a local
18 department of social services.

19 15.

20 (a) The members of the Council are:

21 (6) The Secretary of Juvenile [Justice] SERVICES or the Secretary's
22 designee.

23 17.

24 (a) Each local coordinating council shall include:

25 (1) At least one representative from:

26 (i) The Department of Juvenile [Justice] SERVICES;

27 20.1.

28 (b) (1) A local or State agency may approve a new out-of-state placement of
29 any child only if:

30 (v) The child is hospitalized in an acute care psychiatric hospital
31 under the following circumstances:

1 48.

2 (a) The Council consists of the following 25 members:

3 (4) The Secretary of Juvenile [Justice] SERVICES or the Secretary's
4 designee;

5 **Article 83C - Juvenile Services**

6 1-101.

7 (b) "Department" means the Department of Juvenile [Justice] SERVICES.

8 (d) "Secretary" means the Secretary of [the Department of] Juvenile
9 [Justice] SERVICES.

10 (g) "State Advisory Board" means the State Advisory Board for Juvenile
11 [Justice] SERVICES.

12 Title 2. Department of Juvenile [Justice] SERVICES.

13 2-101.

14 (a) There is a Department of Juvenile [Justice] SERVICES established as a
15 principal department of State government.

16 2-106.

17 There is a State Advisory Board for Juvenile [Justice] SERVICES in the
18 Department.

19 2-117.

20 (a) (1) The Department may establish and operate the facilities that are
21 necessary to diagnose, care for, train, educate, and rehabilitate properly children who
22 need these services.

23 (2) These facilities include:

24 (i) The Baltimore City Juvenile Justice Center;

25 (ii) The J. DeWeese Carter Center;

26 (iii) The Charles H. Hickey, Jr. School;

27 (iv) The Alfred D. Noyes Children's Center;

28 (v) The Cheltenham Youth Facility;

29 (vi) The Victor Cullen Center;

1 (3) "Program" means the Department of Juvenile [Justice] SERVICES
2 Summer Opportunity Pilot Program.

3 (b) (1) There is a Department of Juvenile [Justice] SERVICES Summer
4 Opportunity Pilot Program in not more than three counties in the State selected by
5 the Department.

6 (3) (i) There is a Department of Juvenile [Justice] SERVICES Summer
7 Opportunity Pilot Program Fund to finance the Program.

8 4-101.

9 (b) "Department" means the Department of Juvenile [Justice] SERVICES.

10 **Article 88A - Department of Human Resources**

11 3.

12 (c) The State Social Services Administration shall exercise supervision, as
13 hereinafter set forth, over all public and private institutions having the care, custody
14 or control of dependent, abandoned or neglected children, except those institutions
15 under the authority of the Department of Juvenile [Justice] SERVICES and those
16 agencies, persons, or institutions designated by the Department of Juvenile [Justice]
17 SERVICES as provided for in § 2-114 of Article 83C.

18 **Article 88B - Department of State Police**

19 72.

20 (b) The Council shall consist of the following 13 members appointed by the
21 Governor:

22 (1) As ex officio members of the Council:

23 (ii) The Secretary of Juvenile [Justice] SERVICES or the Secretary's
24 designee;

25 81.

26 (a) (2) (i) The Council shall consist of the following 11 members appointed
27 by the Governor:

28 1. The Secretary [of the Department] of Juvenile [Justice]
29 SERVICES, or the Secretary's designee;

Article - Correctional Services

1

2 6-102.

3 This subtitle does not apply to:

4 (2) a juvenile committed to the jurisdiction of the Department of
5 Juvenile [Justice] SERVICES or an institution or facility under its jurisdiction.

6 7-102.

7 This title does not apply to:

8 (2) a juvenile committed to the jurisdiction of the Department of
9 Juvenile [Justice] SERVICES or an institution or facility under its jurisdiction.

10 8-201.

11 (g) (2) "Correctional unit" includes those facilities as set forth in Article 83C,
12 § 2-117 and other facilities as designated by the Secretary of Juvenile [Justice]
13 SERVICES.

14 (h) (1) "Department of Juvenile [Justice] SERVICES employee" means a
15 youth supervisor, youth counselor, direct care worker, or other employee of the
16 Department of Juvenile [Justice] SERVICES whose employment responsibility is the
17 investigation, custody, control, or supervision of minors, juvenile delinquents, and
18 youthful offenders who are committed, detained, awaiting placement, adjudicated
19 delinquent, or are otherwise under the supervision of the Department of Juvenile
20 [Justice] SERVICES.

21 (2) "Department of Juvenile [Justice] SERVICES employee" includes an
22 employee of any nonprofit or for-profit entity under contract with the Department of
23 Juvenile [Justice] SERVICES whose employment responsibility is the investigation,
24 custody, control, or supervision of minors, juvenile delinquents, and youthful
25 offenders as described under paragraph (1) of this subsection.

26 8-202.

27 The General Assembly finds that:

28 (8) Department of Juvenile [Justice] SERVICES employees should have
29 specific and appropriate training for that population.

30 8-204.

31 (a) The Commission consists of the following 14 members:

32 (2) the Secretary of Juvenile [Justice] SERVICES;

33 (b) (1) The Governor shall appoint, with the advice and consent of the
34 Senate, four correctional officers or officials to be members of the Commission, at

1 least one of whom shall be a Department of Juvenile [Justice] SERVICES employee or
2 official.

3 8-208.

4 (a) Subject to the authority of the Secretary, the Commission has the following
5 powers and duties:

6 (14) subject to subsection (b) of this section, to develop and implement
7 specific program design and appropriate course curriculum and training for
8 Department of Juvenile [Justice] SERVICES employees; and

9 (b) For any contract entered on or after July 1, 2000 between the Department
10 of Juvenile [Justice] SERVICES and any nonprofit or for-profit entity, the cost and
11 expenses for any course or training required under subsection (a)(14) of this section
12 for Department of Juvenile [Justice] SERVICES employees of any nonprofit or
13 for-profit entity under contract with the Department of Juvenile [Justice] SERVICES
14 shall be paid for or reimbursed by the nonprofit or for-profit entity, and may not be a
15 part of or reimbursed by funds from the contract with the Department of Juvenile
16 [Justice] SERVICES.

17 8-209.

18 (d) The Commission shall establish the minimum qualifications for
19 probationary or permanent appointment as a Department of Juvenile [Justice]
20 SERVICES employee.

21 8-706.

22 A community service program:

23 (2) for juveniles, shall be administered either by the county or, within the
24 county, by the Department of Juvenile [Justice] SERVICES.

25 8-707.

26 A county may elect to have a community service program monitored by:

27 (2) the Department of Juvenile [Justice] SERVICES; or

28 8-709.

29 (b) The administrator of each community service program shall prepare
30 separate reports containing annual statistical data on all adults and juveniles in the
31 program and submit:

32 (2) the report on juveniles to the Department of Juvenile [Justice]
33 SERVICES; and

1 8-710.

2 (c) This subtitle does not limit the authority of a court to direct a juvenile or a
3 defendant, under the supervision of the Division of Parole and Probation, the
4 Department of Juvenile [Justice] SERVICES, or any other unit or individual as
5 directed by the court, to make restitution to the victim of a particular crime or to
6 perform certain services for the victim as an alternative means of restitution:

- 7 (1) as a condition of probation;
- 8 (2) as a condition of suspended sentence; or
- 9 (3) instead of any fines and court costs imposed.

10 10-601.

11 (b) Another state may not begin construction or otherwise locate a facility in
12 this State unless the other state submits a written request for approval to construct
13 or locate the facility to and receives approval from:

14 (2) the Secretary of Juvenile [Justice] SERVICES, in the case of a facility
15 for juveniles.

16 (c) (2) The Secretary of Juvenile [Justice] SERVICES may approve or
17 disapprove a request for approval to construct or locate a facility for juveniles in this
18 State.

19 (d) If another state has an existing facility in this State, the other state may
20 not increase the inmate population of that facility by more than 5% unless the other
21 state first submits a written request for the increase to and receives approval for the
22 increase from:

23 (2) the Secretary of Juvenile [Justice] SERVICES, in the case of a facility
24 for juveniles.

25 **Article - Courts and Judicial Proceedings**

26 3-815.

27 (f) (4) The Secretary of Human Resources, the Secretary of Juvenile
28 [Justice] SERVICES, the Secretary of Health and Mental Hygiene, the State
29 Superintendent of Schools, and the Special Secretary for Children, Youth, and
30 Families, when appropriate, shall jointly adopt regulations to ensure that any child
31 placed in shelter care in accordance with a petition filed under this section is provided
32 appropriate services, including:

- 33 (i) Health care services;
- 34 (ii) Mental health care services;

- 1 (iii) Counseling services;
- 2 (iv) Education services;
- 3 (v) Social work services;
- 4 (vi) Drug and alcohol abuse assessment or treatment services; and
- 5 (vii) Visitation with siblings and biological family.

6 3-8A-01.

7 (h) (1) "Community detention" means a program monitored by the
8 Department of Juvenile [Justice] SERVICES in which a delinquent child or a child
9 alleged to be delinquent is placed in the home of a parent, guardian, custodian, or
10 other fit person, or in shelter care, as a condition of probation or as an alternative to
11 detention.

12 (o) "Intake officer" means the person assigned to the court by the Department
13 of Juvenile [Justice] SERVICES to provide the intake services set forth in this
14 subtitle.

15 3-8A-10.

16 (c) (4) (ii) The State's Attorney shall make a preliminary review as to
17 whether the court has jurisdiction and whether judicial action is in the best interests
18 of the public or the child. The need for restitution may be considered as one factor in
19 the public interest. After the preliminary review the State's Attorney shall, within 30
20 days of the receipt of the complaint by the State's Attorney, unless the court extends
21 the time:

22 2. Refer the complaint to the Department of Juvenile
23 [Justice] SERVICES for informal disposition; or

24 (c-1) (4) The Department of Juvenile [Justice] SERVICES and the
25 Department of Health and Mental Hygiene:

26 (i) May not disclose to any person any information received by the
27 Departments relating to a specific mental health and substance abuse screening or
28 assessment conducted under this section that could identify the child who was the
29 subject of the screening or assessment; and

30 (ii) May make public other information unless prohibited by law.

31 (5) The Secretary of Juvenile [Justice] SERVICES and the Secretary of
32 Health and Mental Hygiene jointly shall adopt any regulation necessary to carry out
33 this subsection.

34 (i) (1) If authorization to file a petition for a complaint which alleges a child
35 is in need of supervision or if authorization to file a peace order request is denied, the
36 person or agency that filed the complaint or caused it to be filed, within 15 days of

1 personal notice of the denial to that person or agency or the mailing to the last known
2 address, may submit the denial for review by the Department of Juvenile [Justice]
3 SERVICES Area Director for the area in which the complaint was filed.

4 (2) The Department of Juvenile [Justice] SERVICES Area Director shall
5 review the denial.

6 (3) If, within 15 days, the Department of Juvenile [Justice] SERVICES
7 Area Director concludes that the court has jurisdiction and that judicial action is in
8 the best interests of the public and the child, the Department of Juvenile [Justice]
9 SERVICES Area Director may authorize the filing of a petition in writing.

10 3-8A-11.

11 (b) The use of the form prescribed by subsection (a) of this section does not
12 preclude the Department of Juvenile [Justice] SERVICES from sending other
13 information, in addition to this form, to explain the intake officer's decision and
14 advise persons of their right to appeal the decision of the intake officer.

15 3-8A-15.

16 (e) (3) (i) If the court has not specifically prohibited community
17 detention, the Department of Juvenile [Justice] SERVICES may release the child
18 from detention into community detention and place the child in:

19 1. Shelter care; or

20 2. The custody of the child's parent, guardian, custodian, or
21 other person able to provide supervision and care for the child and to return the child
22 to court when required.

23 (ii) If a child who has been released by the Department of Juvenile
24 [Justice] SERVICES or the court into community detention violates the conditions of
25 community detention, and it is necessary to protect the child or others, an intake
26 officer may authorize the detention of the child.

27 (iii) The Department of Juvenile [Justice] SERVICES shall promptly
28 notify the court of:

29 1. The release of a child from detention under subparagraph
30 (i) of this paragraph; or

31 2. The return to detention of a child under subparagraph (ii)
32 of this paragraph.

33 (h) (2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be in
34 need of supervision may be placed in shelter care facilities maintained or approved by
35 the Social Services Administration or the Department of Juvenile [Justice] SERVICES
36 or in a private home or shelter care facility approved by the court.

1 (3) The Secretary of Human Resources and the Secretary of Juvenile
2 [Justice] SERVICES together, when appropriate, with the Secretary of Health and
3 Mental Hygiene shall jointly adopt regulations to ensure that any child placed in
4 shelter care pursuant to a petition filed under subsection (d) of this section be
5 provided appropriate services, including:

6 (i) Health care services;

7 (ii) Counseling services;

8 (iii) Education services;

9 (iv) Social work services; and

10 (v) Drug and alcohol abuse assessment or treatment services.

11 (4) In addition to any other provision, the regulations shall require:

12 (i) The Department of Juvenile [Justice] SERVICES to develop a
13 plan within 45 days of placement of a child in a shelter care facility to assess the
14 child's treatment needs; and

15 3-8A-17.

16 (a) After a petition or a citation has been filed with the court under this
17 subtitle, the court may direct the Department of Juvenile [Justice] SERVICES or
18 another qualified agency to make a study concerning the child, the child's family, the
19 child's environment, and other matters relevant to the disposition of the case.

20 3-8A-19.

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

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

31 (3) A child committed under paragraph (1)(ii) of this subsection may not
32 be accommodated in a facility that has reached budgeted capacity if a bed is available
33 in another comparable facility in the State, unless the placement to the facility that
34 has reached budgeted capacity has been recommended by the Department of Juvenile
35 [Justice] SERVICES.

1 3-8A-20.1.

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

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

10 (3) The Department of Juvenile [Justice] SERVICES shall certify in
11 writing to the court within 25 days after the date of disposition whether
12 implementation of the treatment service plan has occurred.

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

17 (2) The court shall give at least 7 days' notice of the date and time of the
18 disposition review hearing to each party and to the Department of Juvenile [Justice]
19 SERVICES.

20 (d) (1) The court shall hold a disposition review hearing unless the
21 Department of Juvenile [Justice] SERVICES certifies in writing to the court prior to
22 the hearing that implementation of the treatment service plan has occurred.

23 3-8A-27.

24 (a) (2) This subsection does not prohibit:

25 (i) Access to and confidential use of the record by the Department
26 of Juvenile [Justice] SERVICES or in the investigation and prosecution of the child by
27 any law enforcement agency; or

28 (ii) A law enforcement agency of the State or of a political
29 subdivision of the State, the Department of Juvenile [Justice] SERVICES, or the
30 criminal justice information system from including in the law enforcement computer
31 information system information about an outstanding juvenile court ordered writ of
32 attachment, for the sole purpose of apprehending a child named in the writ.

33 (b) (2) This subsection does not prohibit access to and the use of the court
34 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal
35 Procedure Article in a proceeding in the court involving the child, by personnel of the
36 court, the State's Attorney, counsel for the child, a court-appointed special advocate
37 for the child, or authorized personnel of the Department of Juvenile [Justice]
38 SERVICES.

1 (3) (i) Except as provided in subparagraph (ii) of this paragraph, this
2 subsection does not prohibit access to and confidential use of the court record or
3 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure
4 Article by the Department of Juvenile [Justice] SERVICES or in an investigation and
5 prosecution by a law enforcement agency.

6 **Article - Criminal Law**

7 3-314.

8 (c) An employee or licensee of the Department of Juvenile [Justice] SERVICES
9 may not engage in vaginal intercourse or a sexual act with an individual confined in
10 a child care institution licensed by the Department, a detention center for juveniles,
11 or a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the Code.

12 **Article - Criminal Procedure**

13 10-201.

14 (f) (3) Except as provided in §§ 10-215(a)(21) and (22), 10-216(e), and
15 10-220 of this subtitle, "criminal justice unit" does not include:

16 (i) the Department of Juvenile [Justice] SERVICES; or

17 10-208.

18 (a) The Advisory Board consists of the following 22 members:

19 (14) one representative of the Department of Juvenile [Justice]
20 SERVICES recommended by the Secretary of Juvenile [Justice] SERVICES;

21 10-220.

22 (c) For juveniles arrested and brought to the Baltimore City Juvenile Justice
23 Center for intake processing, identification, and assessment, the Department of
24 Juvenile [Justice] SERVICES may:

25 (1) submit fingerprints to the Criminal Justice Information System
26 Central Repository; and

27 (2) obtain juvenile data described under § 2-118.1 of Article 83C.

28 11-113.

29 (c) The following shall notify a victim of prohibited exposure or the victim's
30 representative of the provisions of Part II of this subtitle:

31 (3) on the filing of a charging document or delinquency petition for the
32 alleged prohibited exposure:

33 (ix) the Department of Juvenile [Justice] SERVICES; or

1 11-402.

2 (a) A presentence investigation that the Division of Parole and Probation
3 completes under § 6-112 of the Correctional Services Article or a predisposition
4 investigation that the Department of Juvenile [Justice] SERVICES completes shall
5 include a victim impact statement if:

6 (1) the defendant or child respondent caused physical, psychological, or
7 economic injury to the victim in committing a felony or delinquent act that would be
8 a felony if committed by an adult; or

9 (2) the defendant caused serious physical injury or death to the victim in
10 committing a misdemeanor.

11 11-507.

12 The Department or the Department of Juvenile [Justice] SERVICES shall notify
13 the victim or victim's representative of an alleged violation of a condition of probation
14 whenever:

15 (1) a warrant, subpoena, or writ of attachment is issued for the alleged
16 violation for a person who was convicted of a violent crime or who was adjudged to
17 have committed a delinquent act that would be a violent crime if committed by an
18 adult; and

19 (2) a victim of the crime or delinquent act or a victim's representative
20 has submitted a written request to the Department for notification or has submitted
21 a notification request form under § 11-104 of this title.

22 11-607.

23 (a) (2) Subject to federal law, the Department or the Department of Juvenile
24 [Justice] SERVICES shall obtain the Social Security number of the restitution obligor
25 to facilitate the collection of restitution.

26 (b) (1) The restitution obligor shall make restitution to the Division or the
27 Department of Juvenile [Justice] SERVICES under the terms and conditions of the
28 judgment of restitution.

29 (2) The Division or the Department of Juvenile [Justice] SERVICES:

30 (i) shall keep records of payments or return of property in
31 satisfaction of the judgment of restitution;

32 (ii) shall forward property or payments in accordance with the
33 judgment of restitution and Part I of this subtitle to:

34 1. the victim;

35 2. the Department of Health and Mental Hygiene or other
36 governmental unit; or

1 11-617.

2 (c) (3) A restitution obligor immediately shall notify the court and the
3 Division or Department of Juvenile [Justice] SERVICES of:

- 4 (i) any objection to an earnings withholding order;
- 5 (ii) the current home address of the restitution obligor;
- 6 (iii) the name of the employer;
- 7 (iv) the work address of the restitution obligor; and
- 8 (v) any change of employer, home address, or work address of the
9 restitution obligor.

10 (4) An employer who is served with an earnings withholding order under
11 this section immediately shall notify the court and the Division or Department of
12 Juvenile [Justice] SERVICES of:

- 13 (i) any justification for the employer's inability to comply with the
14 earnings withholding order;
- 15 (ii) the home address of the restitution obligor on the termination of
16 employment;
- 17 (iii) information regarding the new place of employment of the
18 restitution obligor; or
- 19 (iv) the employer's reemployment of the restitution obligor.

20 (5) Unless the information has been provided to the court, the Division,
21 Department of Juvenile [Justice] SERVICES, or the Central Collection Unit shall
22 notify the court of a current or subsequent home address of the restitution obligor and
23 the employer and work address of the restitution obligor.

24 (d) (2) Each amount withheld in an earnings withholding order under this
25 section is payable to the Division or Department of Juvenile [Justice] SERVICES.

26 11-912.

27 (a) The Board consists of the following 22 members:

- 28 (1) as ex officio members:
- 29 (v) the Secretary of Juvenile [Justice] SERVICES or the Secretary's
30 designee;

1 11-1003.

2 (a) The appropriate juvenile [justice] SERVICES unit should tell a victim of a
3 delinquent act, victim's representative, or witness of the guidelines listed in
4 subsection (b) of this section.

5 (b) A victim of a delinquent act, victim's representative, or witness:

6 (4) should be told by the appropriate juvenile [justice] SERVICES unit of
7 financial help, criminal injuries compensation, and any other social services available
8 to the victim and receive help or information on how to apply for services;

9 (c) The Department of Juvenile [Justice] SERVICES shall make the guidelines
10 in subsection (b) of this section available to the units involved with carrying out the
11 guidelines.

12 **Article - Education**

13 1-101.

14 (a) In this article, unless the context requires otherwise, the following words
15 have the meanings indicated.

16 (f) "Department" means the State Department of Education.

17 2-303.

18 (h) (1) If the program is based on and complies with the standards
19 established by the bylaws, rules, and regulations of the State Board, the State
20 Superintendent shall approve any program of instruction offered by a State
21 institution under the supervision of:

22 (i) The Department of Juvenile [Justice] SERVICES;

23 3-109.

24 (e) There is a School Shared Space Council in Baltimore County consisting of
25 12 employees of the county appointed by the County Executive for a term coterminous
26 with that of the Board as follows:

27 (8) One from the Department of Juvenile [Justice] SERVICES;

28 3-111.

29 (a) (2) The School Shared Space Council consists of eleven employees of the
30 county appointed by the County Executive for a term coterminous with that of the
31 County Executive as follows:

32 (viii) One from the Department of Juvenile [Justice] SERVICES;

1 6-302.

2 (a) An individual who is employed as a teacher, librarian, principal, director of
3 education, or supervisor of vocational education on the staffs of the following
4 institutions or in the following programs, or an individual who is employed as a
5 central office director, superintendent, specialist, or coordinator of education for the
6 following institutions or programs, shall be paid the annual salary determined under
7 subsection (b) of this section:

8 (1) Any institution that is under the jurisdiction of:

9 (i) The Department of Juvenile [Justice] SERVICES; or

10 6-303.

11 (b) (1) The Advisory Committee shall consist of:

12 (i) Four employee educators whose positions are included in the
13 Institutional Educator Pay Plan established under § 6-302 of this subtitle from each
14 of the following units:

15 3. The Department of Juvenile [Justice] SERVICES; and

16 7-302.

17 (b) On receipt of a report from a principal or head teacher of a public school
18 that a student has been habitually truant without lawful excuse, the appropriate
19 representative of the school system:

20 (3) Following the investigation or intervention, may notify the
21 Department of Juvenile [Justice] SERVICES that the student has been habitually
22 truant, without lawful excuse.

23 7-305.

24 (g) (1) This subsection does not apply if the student is referred to the
25 Department of Juvenile [Justice] SERVICES.

26 7-305.1.

27 (a) The State Board shall establish in a county designated by the State
28 Superintendent a juvenile [justice] SERVICES alternative education pilot program for
29 public school students who are suspended, expelled, or identified as being candidates
30 for suspension or expulsion as provided in subsection (d) of this section.

31 (b) The Department or the county board for the county designated under
32 subsection (a) of this section may enter into a partnership with the county's circuit
33 court judges to oversee the juvenile [justice] SERVICES disciplinary alternative
34 education pilot program for public school students who are suspended, expelled, or
35 identified as being candidates for suspension or expulsion.

1 (c) (1) The State Board may select a private agency to administer the
2 juvenile [justice] SERVICES alternative education pilot program.

3 (2) The selected private agency shall:

4 (i) Provide proof of student progress in reading and mathematics;
5 and

6 (ii) Have at least 3 years of experience serving students that are
7 suspended, expelled, or identified as being candidates for suspension or expulsion.

8 (d) Except for a student who is adjudicated delinquent and committed by the
9 juvenile court to a public or licensed private agency for placement in a facility under
10 § 3-8A-19 of the Courts Article, a student who is required to attend school under §
11 7-301 of this subtitle and who is suspended, expelled, or identified as being a
12 candidate for suspension or expulsion from a public school in the county designated
13 under subsection (a) of this section shall attend the juvenile [justice] SERVICES
14 alternative education pilot program.

15 (e) The juvenile [justice] SERVICES alternative education pilot program shall:

16 (1) Provide programs designed to promote self-discipline and reduce
17 disruptive behavior in the school environment;

18 (2) Ensure that the student continues to receive appropriate educational
19 and related services during the term of the suspension or expulsion; and

20 (3) Offer services to facilitate the student's transition back to the school
21 after completion of the term of suspension or expulsion.

22 8-412.

23 (a) (7) "Public agency" includes the State Department of Education, local
24 education agencies, and other agencies that are responsible for providing education to
25 a child with a disability, including the Department of Health and Mental Hygiene,
26 Mental Hygiene Administration, the Mental Retardation Administration, the
27 Department of Juvenile [Justice] SERVICES, and the Maryland School for the Deaf.
28 For the purpose of this section the Maryland School for the Blind shall be considered
29 a public agency.

30 8-417.

31 (a) (2) "Nonpublic general education school" means a nonpublic school
32 approved in COMAR 13A.09.10.07 pursuant to § 2-206 of the Education Article and
33 operated in conjunction with residential or nonresidential child care programs
34 licensed or approved by the Department of Education, the Department of Health and
35 Mental Hygiene, the Department of Human Resources, or the Department of Juvenile
36 [Justice] SERVICES.

37 (3) "Nonresidential child care program" means a program that:

1 (ii) Is licensed or approved by the Department of Health and
 2 Mental Hygiene, the Department of Human Resources, or the Department of Juvenile
 3 [Justice] SERVICES.

4 (4) "Residential child care program" means a program that:

5 (ii) Is licensed by the Department of Health and Mental Hygiene,
 6 the Department of Human Resources, or the Department of Juvenile [Justice]
 7 SERVICES.

8 (b) (2) The Department of Human Resources, the Department of Juvenile
 9 [Justice] SERVICES, the Department of Budget and Management, the Office for
 10 Children, Youth, and Families, and the Department of Health and Mental Hygiene
 11 shall participate with the Department of Education in the development and
 12 implementation of rates in programs licensed or approved by those agencies to the
 13 extent required by federal and State law.

14 18-1803.

15 (b) A grant recipient shall use the grant in an apprenticeship training
 16 program that is:

17 (3) A youth apprenticeship program approved by the Secretary of
 18 Juvenile [Justice] SERVICES that involves clients of the Department of Juvenile
 19 [Justice] SERVICES.

20 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 21 read as follows:

22 **Article - Education**

23 **SUBTITLE 3. JUVENILE RESIDENTIAL FACILITIES.**

24 22-301.

25 (A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT AN EDUCATIONAL
 26 PROGRAM DESIGNED TO MEET THE PARTICULAR NEEDS OF THE POPULATION AT
 27 THE CHARLES H. HICKEY, JR. SCHOOL IN BALTIMORE COUNTY.

28 (B) (1) FOR EACH STUDENT PLACED AT THE CHARLES ~~A.~~ H. HICKEY, JR.
 29 SCHOOL, THE LOCAL SCHOOL SYSTEM IN WHICH THE STUDENT WAS LAST ENROLLED
 30 SHALL TRANSMIT WITHIN 5 DAYS OF NOTICE OF THE PLACEMENT, THE COMPLETE
 31 RECORD OF THE STUDENT INCLUDING MEDICAL INFORMATION IN THE CUSTODY OF
 32 THE LOCAL SCHOOL SYSTEM.

33 (2) THE CHARLES H. HICKEY, JR. SCHOOL SHALL TRANSMIT THE
 34 COMPLETE STUDENT RECORD TO THE LOCAL SCHOOL SYSTEM WHERE A STUDENT
 35 RELEASED FROM THE CHARLES H. HICKEY, JR. SCHOOL IS ENROLLED WITHIN 5 DAYS
 36 OF NOTICE OF THE STUDENT'S ENROLLMENT.

1 (3) THE STATE SUPERINTENDENT MAY IMPOSE APPROPRIATE
2 CORRECTIVE ACTION INCLUDING WITHHOLDING OR REDIRECTION OF FUNDING IF
3 EITHER A LOCAL SCHOOL SYSTEM OR THE CHARLES H. HICKEY, JR. SCHOOL FAILS TO
4 COMPLY WITH THE TIMELY TRANSMISSION OF THE STUDENT RECORD.

5 (C) THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY
6 WITH THE DEPARTMENT TO:

7 (1) FACILITATE THE FULL IMPLEMENTATION OF THE EDUCATIONAL
8 PROGRAM AT THE CHARLES H. HICKEY, JR. SCHOOL; AND

9 (2) MAKE STUDENTS AVAILABLE FOR ATTENDANCE DURING
10 SCHEDULED CLASS TIME.

11 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland
12 read as follows:

13 **Article - Family Law**

14 5-503.

15 (a) This section does not limit the powers of the Administration under this
16 subtitle or the Department of Juvenile [Justice] SERVICES under Article 83C of the
17 Code.

18 5-508.

19 (b) This section does not apply:

20 (5) to an individual with whom the child is placed in foster care by:

21 (iii) the Department of Juvenile [Justice] SERVICES;

22 5-509.

23 (b) This section does not apply:

24 (3) to an institution that accepts only children placed by the Department
25 of Health and Mental Hygiene or the Department of Juvenile [Justice] SERVICES.

26 5-509.1.

27 (b) This section does not apply:

28 (3) to an institution that accepts only children placed by the Department
29 of Health and Mental Hygiene or the Department of Juvenile [Justice] SERVICES.

1 5-527.

2 (c) The Department shall pay for foster care for a child who needs the most
3 demanding special care in a single family home at a monthly rate that is not less than
4 the higher of:

5 (2) the rate that the Department of Juvenile [Justice] SERVICES pays
6 for the current fiscal year.

7 5-560.

8 (d) (3) "Employee" does not include any person employed to work for
9 compensation by the Department of Juvenile [Justice] SERVICES.

10 5-7A-02.

11 (a) The Council consists of up to 23 members including:

12 (6) a representative of the Department of Juvenile [Justice] SERVICES,
13 designated by the Secretary;

14 9-403.

15 (c) (2) The advisory council shall consist of the following members:

16 (i) 1 person from the Department of Juvenile [Justice] SERVICES,
17 to be designated by the Secretary of the Department of Juvenile [Justice] SERVICES;

18 **Article - Health - General**

19 2-104.

20 (b) (2) (i) The Secretary shall adopt regulations, in consultation and
21 cooperation with local governing bodies, to govern the siting of community residences
22 for special populations funded by the Department, the Department of Housing and
23 Community Development, the Department of Human Resources, and the Department
24 of Juvenile [Justice] SERVICES.

25 5-703.

26 (a) The State Team shall be a multidisciplinary and multiagency review team,
27 composed of at least 25 members, including:

28 (6) The Secretary of Juvenile [Justice] SERVICES;

29 10-309.

30 (a) (1) The mental health advisory committee of each county shall consist of:

31 (ii) As voting members, appointed by the governing body of the
32 county and representative of the county's major socio-economic and ethnic groups:

1 1. At least 5, but not more than 7, representatives selected
2 from among the following groups or agencies:

3 K. The Department of Juvenile [Justice] SERVICES;
4 10-514.

5 (d) (2) "Private group home" does not include:

6 (ii) Any facility that is regulated by the Department of Juvenile
7 [Justice] SERVICES;
8 10-923.

9 (a) Application for placement of a child or adolescent in a private therapeutic
10 group home may be made under this section by:

11 (6) On behalf of a child or adolescent, the Department of Juvenile
12 [Justice] SERVICES when the Department has custody or guardianship of the child or
13 adolescent under § 3-819 of the Courts Article; or
14 16-206.

15 (b) The Department of Juvenile [Justice] SERVICES shall pay for juvenile
16 screening and treatment services that any person other than the Department
17 provides under Article 83C, § 2-118 of the Code. However, the Department later shall
18 bill and collect this cost of care as provided in this subtitle.

19 18-4A-03.

20 (a) Subject to the provisions of this section, the following individuals, not in
21 order of priority, may consent to the immunization of a minor if a parent is not
22 reasonably available and the authority to consent is not denied under subsection (b)
23 or (c) of this section:

24 (8) For minors in its care and custody, the Department of Juvenile
25 [Justice] SERVICES.

26 (c) When a parent has been contacted and requested to consent to the
27 immunization of a minor, the Department of Juvenile [Justice] SERVICES may
28 consent to the immunization of a minor in its care and custody if the parent:

29 (1) Has not acted on the request; and

30 (2) Has not expressly denied to the Department of Juvenile [Justice]
31 SERVICES the authority to consent to the immunization of the minor.

32 24-804.

33 (b) The oversight committee shall consist of:

1 (4) Two representatives from the Department of Health and Mental
2 Hygiene, the Department of Juvenile [Justice] SERVICES, or the Department of
3 Education, nominated by the Secretary of Health and Mental Hygiene;

4 **Article - State Finance and Procurement**

5 3-305.

6 (d) The Central Collection Unit shall deliver the net proceeds of collections
7 from defendants or liable parents in arrears on restitution payments to the Division
8 of Parole and Probation or the Department of Juvenile [Justice] SERVICES to be
9 forwarded by the Division or Department to the victim or other appropriate person or
10 agency in accordance with the judgment of restitution.

11 13-107.1.

12 (c) (1) There is an interagency panel consisting of representatives appointed
13 by the Governor from the following:

14 (iv) the Department of Juvenile [Justice] SERVICES;

15 (k) The following agencies shall implement an educational outreach campaign
16 on the availability of the unsolicited proposal method of procurement:

17 (4) the Department of Juvenile [Justice] SERVICES;

18 **Article - State Government**

19 8-201.

20 (b) The principal departments of the Executive Branch of the State
21 government are:

22 (10) Juvenile [Justice] SERVICES;

23 9-1107.

24 (b) Of the 30 Council members:

25 (10) 1 shall be from the Department of Juvenile [Justice] SERVICES;

26 10-616.

27 (q) (5) The provisions of paragraphs (1) and (2) of this subsection may not be
28 construed to prohibit:

29 (iii) inspection of files and records, of a court pertaining to an
30 unserved arrest warrant and the charging document upon which the arrest warrant
31 was issued, by:

1

Article - Education

2 7-305.

3 (f) (1) This subsection does not apply if the student is referred to the
4 Department of Juvenile [Justice] SERVICES.

5 SECTION ~~5. 9.~~ AND BE IT FURTHER ENACTED, That the Laws of
6 Maryland read as follows:

7

Article - Education

8 18-2101.

9 (b) "Community-based program" means:

10 (2) Any residential child care program licensed by the Department of
11 Human Resources or the Department of Juvenile [Justice] SERVICES.

12 (c) "Direct service employee" means:

13 (2) (i) An employee of a community-based program who provides
14 direct care and supervision of children who are in the custody of a local department of
15 social services or the Department of Juvenile [Justice] SERVICES; or

16 (ii) A first-line supervisor of employees who provide direct care and
17 supervision of children who are in the custody of a local department of social services
18 or the Department of Juvenile [Justice] SERVICES.

19 (e) "Program" means the Developmental Disabilities, Mental Health, Child
20 Welfare, and Juvenile [Justice] SERVICES Workforce Tuition Assistance Program.

21 18-2108.

22 Funds for the Developmental Disabilities, Mental Health, Child Welfare, and
23 Juvenile [Justice] SERVICES Workforce Tuition Assistance Program shall be as
24 provided in the State budget.

25 SECTION ~~6. 10.~~ AND BE IT FURTHER ENACTED, That the publisher of the
26 Annotated Code of Maryland, in consultation with and subject to the approval of the
27 Department of Legislative Services, shall correct, with no further action required by
28 the General Assembly, cross references and terminology rendered incorrect by this Act
29 or by any other Act of the General Assembly of 2003 that affects provisions enacted by
30 this Act. The publisher shall adequately describe any such correction in an editor's
31 note following the section affected.

32 SECTION ~~7. 11.~~ AND BE IT FURTHER ENACTED, That the State
33 Department of Education may use nonpublic special education funds under § 8-415 of
34 the Education Article for contractual services as necessary to deliver special

1 education and related services to identified students with disabilities placed at the
2 Charles H. Hickey, Jr. School.

3 SECTION 12. AND BE IT FURTHER ENACTED, That any residential
4 treatment center that is provided for in the State Health Plan and that is located on
5 the grounds of the Charles H. Hickey, Jr. School shall be excluded from the
6 educational program provisions of this Act.

7 SECTION 13. AND BE IT FURTHER ENACTED, That, by July 15, 2003, the
8 Department of Juvenile Services and the State Department of Education shall
9 develop a schedule for implementation of the educational program for the Charles H.
10 Hickey, Jr. School December 1, 2003, the Department of Juvenile Services and the
11 State Department of Education shall develop a schedule for implementation of the
12 educational program for the Charles H. Hickey, Jr. School, which shall include a
13 model for testing the students affected by the provisions of this Act consistent with the
14 federal No Child Left Behind Act of 2001, including measuring the student's ability to:

15 (1) maintain and improve educational achievement in core subject areas;

16 (2) accrue course credits that qualify as State requirements for
17 graduation; and

18 (3) make the transition to a regular program or other educational
19 program operated by a Maryland school system.

20 SECTION 14. AND BE IT FURTHER ENACTED, That the State Department of
21 Education shall report to the General Assembly on or before December 31, 2003, in
22 accordance with § 2-1246 of the State Government Article, on the schedule for
23 implementation and the model for testing described in Section 13 of this Act.

24 ~~SECTION 8-14. 15.~~ AND BE IT FURTHER ENACTED, That the State
25 Department of Education shall develop and fully implement the educational program
26 for the Charles H. Hickey, Jr. School by ~~December 31, 2003~~ July 1, 2004.

27 ~~SECTION 45-16.~~ AND BE IT FURTHER ENACTED, That, notwithstanding
28 the standards set forth in § 13-108 of the State Finance and Procurement Article or in
29 any regulations adopted to implement that section, a procurement necessary to have
30 the educational program at the Charles H. Hickey, Jr. School fully operational by
31 ~~December 31, 2003~~ July 1, 2004, shall constitute an emergency for purposes of
32 authorizing an emergency procurement.

33 ~~SECTION 9-16. 17.~~ AND BE IT FURTHER ENACTED, That Section 3 7 of
34 this Act shall take effect on the taking effect of the termination provision specified in
35 Section 3 of Chapter 282 of the Acts of the General Assembly of 2002. If that
36 termination provision takes effect, §§ 15, 17, and 20.1 of Article 49D - Office for
37 Children, Youth, and Families as enacted by Section 2 of this Act shall be abrogated
38 and of no further force and effect. This Act may not be interpreted to have any effect
39 on that termination provision.

1 SECTION ~~40. 17. 18.~~ AND BE IT FURTHER ENACTED, That Section 4 8 of
2 this Act shall take effect on the taking effect of the contingency specified in Section 2
3 of Chapter 347 of the Acts of the General Assembly of 1995 and Section 2 of Chapter
4 323 of the Acts of the General Assembly of 1996. If that contingency takes effect, §
5 7-305 of Article - Education as enacted by Section ~~2~~ 4 of this Act shall be abrogated
6 and of no further force and effect.

7 SECTION ~~41. 18. 19.~~ AND BE IT FURTHER ENACTED, That Section ~~5~~ 9 of
8 this Act shall take effect October 1, 2003, the effective date of Chapter 302 of the Acts
9 of the General Assembly of 2002. If the effective date of Chapter 302 is amended,
10 Section ~~5~~ 9 of this Act shall take effect on the taking effect of Chapter 302.

11 SECTION ~~49. 20.~~ AND BE IT FURTHER ENACTED, That, contingent on
12 funds being included in the 2004 2005 State budget, as enacted by the General
13 Assembly, for transferring responsibility for the educational program at the Charles
14 H. Hickey, Jr. School from the Department of Juvenile Services to the Maryland State
15 Department of Education, Sections 3, 5, 11, 12, ~~13, 14,~~ and 15 of this Act shall take
16 effect July 1, ~~2003~~ 2004. If the funds are not included in the 2005 State budget,
17 Sections 3, 5, 11, 12, ~~13, 14,~~ and 15 of this Act, with no further action required by the
18 General Assembly, shall be null and void and of no force and effect.

19 SECTION ~~42. 20. 21.~~ AND BE IT FURTHER ENACTED, That, subject to the
20 provisions of Sections ~~9, 10, and 11 of this Act, ~~16, 17, 18, and 19~~ 17, 18, 19, and 20 of~~
21 this Act, this Act shall take effect July 1, 2003.