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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,**  
**Stocksdale, Stull, Trueschler, Vallario, Walkup, Weldon, and Wood**

Introduced and read first time: February 7, 2003  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2003

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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  
9 the Department of Juvenile Services Summer Opportunity Pilot Program;  
10 renaming the Developmental Disabilities, Mental Health, Child Welfare, and  
11 Juvenile Justice Workforce Tuition Assistance Program to be the Developmental  
12 Disabilities, Mental Health, Child Welfare, and Juvenile Services Workforce  
13 Tuition Assistance Program; renaming the juvenile justice alternative education  
14 pilot program to be the juvenile services alternative education pilot program;  
15 making conforming changes throughout the Code; adding certain facilities to a  
16 list of facilities that the Department of Juvenile Services is authorized to  
17 establish and operate; specifying that the publisher of the Annotated Code of  
18 Maryland, in consultation with the Department of Legislative Services, shall  
19 correct terminology in the Code to conform with the changes that are made by

1 this Act; requiring the State Department of Education to develop and implement  
2 an educational program designed to meet the particular needs of the population  
3 at the Charles H. Hickey, Jr. School; requiring the transmission of certain  
4 records under certain circumstances; authorizing the State Superintendent to  
5 impose certain corrective actions under certain circumstances; requiring the  
6 Department of Juvenile Services to work cooperatively with the State  
7 Department of Education to facilitate the implementation of a certain education  
8 program and the attendance of students in the program; authorizing the State  
9 Department of Education to use nonpublic special education funds for certain  
10 purposes; excluding a certain residential treatment center from the educational  
11 program provisions of this Act; requiring the Department of Juvenile Services  
12 and the State Department of Education to develop a certain implementation  
13 schedule by a certain date; requiring the State Department of Education to  
14 develop and implement certain educational programs by a certain date;  
15 requiring the State Department of Education to engage in certain procurements;  
16 making stylistic changes; making certain provisions of this Act subject to a  
17 certain contingency; and generally relating to the Department of Juvenile  
18 Services.

19 BY renaming

20 Article 83C - Juvenile Justice  
21 to be Article 83C - Juvenile Services  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article 25B - Home Rule for Code Counties  
26 Section 13C-1(i)(2)  
27 Annotated Code of Maryland  
28 (2001 Replacement Volume and 2002 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article 41 - Governor - Executive and Administrative Departments  
31 Section 3-102(b)(6) and 6-803(b)(5) and (c)(2)(iv)  
32 Annotated Code of Maryland  
33 (1997 Replacement Volume and 2002 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article 49D - Office for Children, Youth, and Families  
36 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.  
37 and (e), 38(c), (d), (e)(1), and (f), 40(c) and (h), 45(b)(2), and 48(a)(4)  
38 Annotated Code of Maryland  
39 (1998 Replacement Volume and 2002 Supplement)

40 BY repealing and reenacting, with amendments,

- 1 Article 83C - Juvenile Services  
2 Section 1-101(b), (d), and (g); 2-101(a), 2-106, 2-117(a), 2-118(f), 2-119.1(c)(3),  
3 and 2-134(a)(2) and (3) and (b)(1) and (3)(i) to be under the amended title  
4 "Title 2. Department of Juvenile Services"; and 4-101(b)  
5 Annotated Code of Maryland  
6 (1998 Replacement Volume and 2002 Supplement)  
7 (As enacted by Section 1 of this Act)
- 8 BY repealing and reenacting, with amendments,  
9 Article 88A - Department of Human Resources  
10 Section 3(c)  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2002 Supplement)
- 13 BY repealing and reenacting, with amendments,  
14 Article 88B - Department of State Police  
15 Section 72(b)(1)(ii) and 81(a)(2)(i)1.  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume and 2002 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article - Correctional Services  
20 Section 6-102(2), 7-102(2), 8-201(g)(2) and (h), 8-202(8), 8-204(a)(2) and (b)(1),  
21 8-208(a)(14) and (b), 8-209(d), 8-706(2), 8-707(2), 8-709(b)(2), 8-710(c),  
22 and 10-601(b)(2), (c)(2), and (d)(2)  
23 Annotated Code of Maryland  
24 (1999 Volume and 2002 Supplement)
- 25 BY repealing and reenacting, with amendments,  
26 Article - Courts and Judicial Proceedings  
27 Section 3-815(f)(4), 3-8A-01(h)(1) and (o), 3-8A-10(c)(4)(ii)2., (c-1)(4) and (5),  
28 (i)(1), (2), and (3), 3-8A-11(b), 3-8A-15(e)(3) and (h)(2), (3), and (4)(i),  
29 3-8A-17(a), 3-8A-19(d)(1)(ii) and (3), 3-8A-20.1(a), (b)(1) and (3), (c), and  
30 (d)(1), and 3-8A-27(a)(2) and (b)(2) and (3)(i)  
31 Annotated Code of Maryland  
32 (2002 Replacement Volume)
- 33 BY repealing and reenacting, with amendments,  
34 Article - Criminal Law  
35 Section 3-314(c)  
36 Annotated Code of Maryland  
37 (2002 Volume)
- 38 BY repealing and reenacting, with amendments,

1 Article - Criminal Procedure  
2 Section 10-201(f)(3)(i), 10-208(a)(14), 10-220(c), 11-113(c)(3)(ix), 11-402(a),  
3 11-507, 11-607(a)(2), (b), and (c)(1), 11-616(a), (c), (d), and (e)(1)(ii)1.,  
4 11-617(c)(3), (4), and (5) and (d)(2), 11-912(a)(1)(v), and 11-1003(a), (b)(4),  
5 and (c)  
6 Annotated Code of Maryland  
7 (2001 Volume and 2002 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article - Education  
10 Section 1-101(a) and (f)  
11 Annotated Code of Maryland  
12 (2001 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Education  
15 Section 2-303(h)(1)(i), 3-109(e)(8), 3-111(a)(2)(viii), 6-302(a)(1)(i),  
16 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),  
17 (3)(ii), and (4)(ii) and (b)(2), and 18-1803(b)(3)  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2002 Supplement)

20 BY adding to  
21 Article - Education  
22 Section 23-301 to be under the new subtitle "Subtitle 3. Juvenile Residential  
23 Facilities"  
24 Annotated Code of Maryland  
25 (2001 Replacement Volume and 2002 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Family Law  
28 Section 5-503(a), 5-508(b)(5)(iii), 5-509(b)(3), 5-509.1(b)(3), 5-527(c)(2),  
29 5-560(d)(3), 5-7A-02(a)(6), and 9-403(c)(2)(i)  
30 Annotated Code of Maryland  
31 (1999 Replacement Volume and 2002 Supplement)

32 BY repealing and reenacting, with amendments,  
33 Article - Health - General  
34 Section 2-104(b)(2)(i), 5-703(a)(6), 10-309(a)(1)(ii)1.K., 10-514(d)(2)(ii),  
35 10-923(a)(6), 16-206(b), 18-4A-03(a)(8) and (c), and 24-804(b)(4)  
36 Annotated Code of Maryland  
37 (2000 Replacement Volume and 2002 Supplement)

38 BY repealing and reenacting, with amendments,

1 Article - State Finance and Procurement  
2 Section 3-305(d) and 13-107.1(c)(1)(iv) and (k)(4)  
3 Annotated Code of Maryland  
4 (2001 Replacement Volume and 2002 Supplement)

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

10 BY repealing and reenacting, with amendments,  
11 Article 49D - Office for Children, Youth, and Families  
12 Section 15(a)(6) and (b)(2), 17(2), and 20.1(b)(4)(ii)3. and (f)  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 2002 Supplement)  
15 (As enacted by Chapter 282 of the Acts of the General Assembly of 2002)

16 BY repealing and reenacting, with amendments,  
17 Article - Education  
18 Section 7-305(f)(1)  
19 Annotated Code of Maryland  
20 (2001 Replacement Volume and 2002 Supplement)  
21 (As enacted by Chapter 347 of the Acts of the General Assembly of 1995 and  
22 Chapter 323 of the Acts of the General Assembly of 1996)

23 BY repealing and reenacting, with amendments,  
24 Article - Education  
25 Section 18-2101(b)(2), (c)(2), and (e) and 18-2108  
26 Annotated Code of Maryland  
27 (2001 Replacement Volume and 2002 Supplement)  
28 (As enacted by Chapter 302 of the Acts of the General Assembly of 2002)

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

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

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

1 13C-1.

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

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

9 3-102.

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

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

13 6-803.

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

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

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

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

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

21 4.

22 (b) The Special Secretary shall:

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

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

31 (8) In consultation with the Secretaries of Health and Mental Hygiene,  
32 Human Resources, and Juvenile [Justice] SERVICES, and the State Superintendent

1 of Schools, develop and implement an innovative interagency funding approach for  
2 initiatives and programs for children, youth, and families;

3 4.1.

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

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

6 10.

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

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

13 15.

14 (a) The members of the Council are:

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

17 17.

18 (a) Each local coordinating council shall include:

19 (1) At least one representative from:

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

21 20.1.

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

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

26 1. The child is committed to the Department of Juvenile  
27 [Justice] SERVICES, a local department of social services, or the Department of  
28 Health and Mental Hygiene;

29 (e) The Special Secretary for Children, Youth, and Families, the Secretaries of  
30 Health and Mental Hygiene, Human Resources, Juvenile [Justice] SERVICES, and  
31 Budget and Management, and the State Superintendent of Schools shall implement  
32 the plan developed by the Subcabinet, subject to the availability of funding.

1 38.

2 (c) The Special Secretary for Children, Youth, and Families, the Secretaries of  
3 Health and Mental Hygiene, Human Resources, Juvenile [Justice] SERVICES, and  
4 Budget and Management, and the State Superintendent of Schools may jointly  
5 develop and adopt regulations necessary to implement the provisions of the joint plan  
6 developed under subsection (b) of this section.

7 (d) The Special Secretary for Children, Youth, and Families, the Secretaries of  
8 Health and Mental Hygiene, Human Resources, Juvenile [Justice] SERVICES, and  
9 Budget and Management, and the State Superintendent of Schools shall implement  
10 the plan developed under this section.

11 (e) (1) The Department of Health and Mental Hygiene, the Department of  
12 Human Resources, the Department of Juvenile [Justice] SERVICES, and the  
13 Department of Education may use funds that have been appropriated for  
14 out-of-home placement care and services to provide family preservation services in  
15 accordance with the joint plan and any regulations developed and adopted under this  
16 section.

17 (f) Subject to § 2-1246 of the State Government Article, by July 1, 1994, and  
18 by July 1 of each year thereafter, the Special Secretary for Children, Youth, and  
19 Families, the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile  
20 [Justice] SERVICES, and Budget and Management, and the State Superintendent of  
21 Schools shall submit a joint report to the General Assembly on the costs and outcomes  
22 of State-funded family preservation services for the previous fiscal year.

23 40.

24 (c) "Department" means the Department of Juvenile [Justice] SERVICES.

25 (h) "Secretary" means the Secretary of Juvenile [Justice] SERVICES.

26 45.

27 (b) (2) A copy of the report shall be provided to the State Advisory Board for  
28 Juvenile [Justice] SERVICES and, in accordance with § 2-1246 of the State  
29 Government Article, the General Assembly.

30 48.

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

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



## Article 83C - Juvenile Services

1-101.

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

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

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

Title 2. Department of Juvenile [Justice] SERVICES.

2-101.

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

2-106.

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

2-117.

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

(2) These facilities include:

(i) The Baltimore City Juvenile Justice Center;

(ii) The J. DeWeese Carter Center;

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

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

(v) The Cheltenham Youth Facility;

(vi) The Victor Cullen Center;

(vii) The Thomas J. S. Waxter Children's Center; [and]

(viii) THE LOWER EASTERN SHORE CHILDREN'S CENTER;

(IX) THE WESTERN MARYLAND CHILDREN'S CENTER; AND

(X) The youth centers.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article 83C - Juvenile Services**

4 2-118.

5 (f) [The] EXCEPT AS PROVIDED IN § 22-301 OF THE EDUCATION ARTICLE, THE  
6 Department shall adopt regulations that require each facility to provide:

7 (1) Educational programs that are designed to meet the particular needs  
8 of its population;

9 (2) Medical and mental health assessment services;

10 (3) Alcohol abuse and drug abuse assessment services;

11 (4) Either alcohol abuse and drug abuse referral services or an alcohol  
12 abuse and drug abuse treatment program that has been certified in accordance with  
13 the requirements of Title 8 of the Health - General Article; and

14 (5) Programs that ensure a safe, humane, and caring environment.

15 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
16 read as follows:

17 **Article 83C - Juvenile Services**

18 2-119.1.

19 (c) The Committee shall:

20 (3) Request information when necessary from related agencies including  
21 the Department of State Police, the Charles H. Hickey, Jr. School Administration, the  
22 Baltimore County Police Department, the State's Attorney's Office of Baltimore  
23 County, and the Department of Juvenile [Justice] SERVICES; and

24 2-134.

25 (a) (2) "Fund" means the Department of Juvenile [Justice] SERVICES  
26 Summer Opportunity Pilot Program Fund.

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

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

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

1 4-101.

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

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

4 3.

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

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

12 72.

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

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

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

18 81.

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

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

23 **Article - Correctional Services**

24 6-102.

25 This subtitle does not apply to:

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

28 7-102.

29 This title does not apply to:

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

1 8-201.

2 (g) (2) "Correctional unit" includes those facilities as set forth in Article 83C,  
3 § 2-117 and other facilities as designated by the Secretary of Juvenile [Justice]  
4 SERVICES.

5 (h) (1) "Department of Juvenile [Justice] SERVICES employee" means a  
6 youth supervisor, youth counselor, direct care worker, or other employee of the  
7 Department of Juvenile [Justice] SERVICES whose employment responsibility is the  
8 investigation, custody, control, or supervision of minors, juvenile delinquents, and  
9 youthful offenders who are committed, detained, awaiting placement, adjudicated  
10 delinquent, or are otherwise under the supervision of the Department of Juvenile  
11 [Justice] SERVICES.

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

17 8-202.

18 The General Assembly finds that:

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

21 8-204.

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

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

24 (b) (1) The Governor shall appoint, with the advice and consent of the  
25 Senate, four correctional officers or officials to be members of the Commission, at  
26 least one of whom shall be a Department of Juvenile [Justice] SERVICES employee or  
27 official.

28 8-208.

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

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

34 (b) For any contract entered on or after July 1, 2000 between the Department  
35 of Juvenile [Justice] SERVICES and any nonprofit or for-profit entity, the cost and  
36 expenses for any course or training required under subsection (a)(14) of this section

1 for Department of Juvenile [Justice] SERVICES employees of any nonprofit or  
2 for-profit entity under contract with the Department of Juvenile [Justice] SERVICES  
3 shall be paid for or reimbursed by the nonprofit or for-profit entity, and may not be a  
4 part of or reimbursed by funds from the contract with the Department of Juvenile  
5 [Justice] SERVICES.

6 8-209.

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

10 8-706.

11 A community service program:

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

14 8-707.

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

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

17 8-709.

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

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

23 8-710.

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

29 (1) as a condition of probation;

30 (2) as a condition of suspended sentence; or

31 (3) instead of any fines and court costs imposed.

1 10-601.

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

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

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

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

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

16 **Article - Courts and Judicial Proceedings**

17 3-815.

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

24 (i) Health care services;

25 (ii) Mental health care services;

26 (iii) Counseling services;

27 (iv) Education services;

28 (v) Social work services;

29 (vi) Drug and alcohol abuse assessment or treatment services; and

30 (vii) Visitation with siblings and biological family.

31 3-8A-01.

32 (h) (1) "Community detention" means a program monitored by the  
33 Department of Juvenile [Justice] SERVICES in which a delinquent child or a child  
34 alleged to be delinquent is placed in the home of a parent, guardian, custodian, or

1 other fit person, or in shelter care, as a condition of probation or as an alternative to  
2 detention.

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

6 3-8A-10.

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

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

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

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

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

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

25 (i) (1) If authorization to file a petition for a complaint which alleges a child  
26 is in need of supervision or if authorization to file a peace order request is denied, the  
27 person or agency that filed the complaint or caused it to be filed, within 15 days of  
28 personal notice of the denial to that person or agency or the mailing to the last known  
29 address, may submit the denial for review by the Department of Juvenile [Justice]  
30 SERVICES Area Director for the area in which the complaint was filed.

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

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

1 3-8A-11.

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

6 3-8A-15.

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

10 1. Shelter care; or

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

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

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

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

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

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

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

33 (i) Health care services;

34 (ii) Counseling services;

35 (iii) Education services;

36 (iv) Social work services; and



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

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

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

6 3-8A-17.

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

11 3-8A-19.

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

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

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

27 3-8A-20.1.

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

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

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

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

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

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

11 3-8A-27.

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

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

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

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

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

32 **Article - Criminal Law**

33 3-314.

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

**Article - Criminal Procedure**

1

2 10-201.

3 (f) (3) Except as provided in §§ 10-215(a)(21) and (22), 10-216(e), and  
4 10-220 of this subtitle, "criminal justice unit" does not include:

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

6 10-208.

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

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

10 10-220.

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

14 (1) submit fingerprints to the Criminal Justice Information System  
15 Central Repository; and

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

17 11-113.

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

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

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

23 11-402.

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

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

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

1 11-507.

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

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

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

12 11-607.

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

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

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

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

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

24 1. the victim;

25 2. the Department of Health and Mental Hygiene or other  
26 governmental unit; or

27 3. the third-party payor; and

28 (iii) may require the restitution obligor to pay additional fees not  
29 exceeding 2% of the amount of the judgment of restitution to pay for the  
30 administrative costs of collecting payments or property.

31 (c) (1) Whenever a restitution obligor fails to make restitution as ordered,  
32 the Division or the Department of Juvenile [Justice] SERVICES shall notify the court.  
33 11-616.

34 (a) The Division or the Department of Juvenile [Justice] SERVICES:

1 (1) in addition to other actions authorized under Part I of this subtitle,  
2 may refer an overdue restitution account for collection to the Central Collection Unit;  
3 and

4 (2) if probation or other supervision is terminated and restitution is still  
5 owed, shall refer the overdue restitution account for collection to the Central  
6 Collection Unit.

7 (c) (1) The Central Collection Unit may not compromise and settle a  
8 judgment of restitution unless the Division or the Department of Juvenile [Justice]  
9 SERVICES obtains the consent of the victim.

10 (2) The Division or the Department of Juvenile [Justice] SERVICES shall  
11 contact the victim to determine whether the victim consents to compromise and settle  
12 a judgment of restitution.

13 (d) If complete restitution and interest have been paid or a judgment of  
14 restitution has been compromised and settled as provided in subsection (c) of this  
15 section, the Division, the Department of Juvenile [Justice] SERVICES, or the Central  
16 Collection Unit immediately shall notify:

17 (1) the court that issued the judgment by filing the statement as  
18 provided under § 11-608(3) of this subtitle that the judgment has been satisfied; and

19 (2) the last known employer of a restitution obligor to terminate an  
20 earnings withholding order issued under § 11-617 of this subtitle.

21 (e) (1) Restitution is overdue if the restitution or a restitution payment is  
22 not paid:

23 (ii) if no date is ordered, by the later of:

24 1. the date the Division or the Department of Juvenile  
25 [Justice] SERVICES directs the restitution obligor to pay restitution or make a  
26 restitution payment; or

27 11-617.

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

30 (i) any objection to an earnings withholding order;

31 (ii) the current home address of the restitution obligor;

32 (iii) the name of the employer;

33 (iv) the work address of the restitution obligor; and

34 (v) any change of employer, home address, or work address of the  
35 restitution obligor.

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

4 (i) any justification for the employer's inability to comply with the  
5 earnings withholding order;

6 (ii) the home address of the restitution obligor on the termination of  
7 employment;

8 (iii) information regarding the new place of employment of the  
9 restitution obligor; or

10 (iv) the employer's reemployment of the restitution obligor.

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

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

17 11-912.

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

19 (1) as ex officio members:

20 (v) the Secretary of Juvenile [Justice] SERVICES or the Secretary's  
21 designee;

22 11-1003.

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

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

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

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

**Article - Education**

1

2 1-101.

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

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

6 2-303.

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

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

12 3-109.

13 (e) There is a School Shared Space Council in Baltimore County consisting of  
14 12 employees of the county appointed by the County Executive for a term coterminous  
15 with that of the Board as follows:

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

17 3-111.

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

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

22 6-302.

23 (a) An individual who is employed as a teacher, librarian, principal, director of  
24 education, or supervisor of vocational education on the staffs of the following  
25 institutions or in the following programs, or an individual who is employed as a  
26 central office director, superintendent, specialist, or coordinator of education for the  
27 following institutions or programs, shall be paid the annual salary determined under  
28 subsection (b) of this section:

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

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

31 6-303.

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

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

4 3. The Department of Juvenile [Justice] SERVICES; and  
5 7-302.

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

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

12 7-305.

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

15 7-305.1.

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

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

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

27 (2) The selected private agency shall:

28 (i) Provide proof of student progress in reading and mathematics;  
29 and

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

32 (d) Except for a student who is adjudicated delinquent and committed by the  
33 juvenile court to a public or licensed private agency for placement in a facility under  
34 § 3-8A-19 of the Courts Article, a student who is required to attend school under §  
35 7-301 of this subtitle and who is suspended, expelled, or identified as being a  
36 candidate for suspension or expulsion from a public school in the county designated



1 under subsection (a) of this section shall attend the juvenile [justice] SERVICES  
2 alternative education pilot program.

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

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

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

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

10 8-412.

11 (a) (7) "Public agency" includes the State Department of Education, local  
12 education agencies, and other agencies that are responsible for providing education to  
13 a child with a disability, including the Department of Health and Mental Hygiene,  
14 Mental Hygiene Administration, the Mental Retardation Administration, the  
15 Department of Juvenile [Justice] SERVICES, and the Maryland School for the Deaf.  
16 For the purpose of this section the Maryland School for the Blind shall be considered  
17 a public agency.

18 8-417.

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

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

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

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

30 (ii) Is licensed by the Department of Health and Mental Hygiene,  
31 the Department of Human Resources, or the Department of Juvenile [Justice]  
32 SERVICES.

33 (b) (2) The Department of Human Resources, the Department of Juvenile  
34 [Justice] SERVICES, the Department of Budget and Management, the Office for  
35 Children, Youth, and Families, and the Department of Health and Mental Hygiene  
36 shall participate with the Department of Education in the development and

1 implementation of rates in programs licensed or approved by those agencies to the  
2 extent required by federal and State law.

3 18-1803.

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

6 (3) A youth apprenticeship program approved by the Secretary of  
7 Juvenile [Justice] SERVICES that involves clients of the Department of Juvenile  
8 [Justice] SERVICES.

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

11 **Article - Education**

12 **SUBTITLE 3. JUVENILE RESIDENTIAL FACILITIES.**

13 22-301.

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

17 (B) (1) FOR EACH STUDENT PLACED AT THE CHARLES A. HICKEY, JR.  
18 SCHOOL, THE LOCAL SCHOOL SYSTEM IN WHICH THE STUDENT WAS LAST ENROLLED  
19 SHALL TRANSMIT WITHIN 5 DAYS OF NOTICE OF THE PLACEMENT, THE COMPLETE  
20 RECORD OF THE STUDENT INCLUDING MEDICAL INFORMATION IN THE CUSTODY OF  
21 THE LOCAL SCHOOL SYSTEM.

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

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

30 (C) THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY  
31 WITH THE DEPARTMENT TO:

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

34 (2) MAKE STUDENTS AVAILABLE FOR ATTENDANCE DURING  
35 SCHEDULED CLASS TIME.

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

3 **Article - Family Law**

4 5-503.

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

8 5-508.

9 (b) This section does not apply:

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

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

12 5-509.

13 (b) This section does not apply:

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

16 5-509.1.

17 (b) This section does not apply:

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

20 5-527.

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

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

26 5-560.

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

29 5-7A-02.

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

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

3 9-403.

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

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

7 **Article - Health - General**

8 2-104.

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

14 5-703.

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

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

18 10-309.

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

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

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

24 K. The Department of Juvenile [Justice] SERVICES;

25 10-514.

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

27 (ii) Any facility that is regulated by the Department of Juvenile  
28 [Justice] SERVICES;

29 10-923.

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

1 (6) On behalf of a child or adolescent, the Department of Juvenile  
2 [Justice] SERVICES when the Department has custody or guardianship of the child or  
3 adolescent under § 3-819 of the Courts Article; or

4 16-206.

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

9 18-4A-03.

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

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

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

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

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

22 24-804.

23 (b) The oversight committee shall consist of:

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

27 **Article - State Finance and Procurement**

28 3-305.

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

1 13-107.1.

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

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

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

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

8 **Article - State Government**

9 8-201.

10 (b) The principal departments of the Executive Branch of the State  
11 government are:

12 (10) Juvenile [Justice] SERVICES;

13 9-1107.

14 (b) Of the 30 Council members:

15 (10) 1 shall be from the Department of Juvenile [Justice] SERVICES;

16 10-616.

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

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

22 8. the Department of Public Safety and Correctional Services  
23 or the Department of Juvenile [Justice] SERVICES for the purpose of notification of a  
24 victim under the provisions of § 11-507 of the Criminal Procedure Article; or

25 ~~SECTION 3. 7.~~ AND BE IT FURTHER ENACTED, That the Laws of  
26 Maryland read as follows:

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

28 15.

29 (a) The members of the Council are:

30 (6) The Secretary of the Department of Juvenile [Justice] SERVICES or  
31 the Secretary's designee.

1 (b) (2) The Secretary of Health and Mental Hygiene is the chairman of the  
2 Council for a term of 12 consecutive months beginning on July 1, 1987. The Secretary  
3 of Human Resources shall succeed the Secretary of Health and Mental Hygiene as  
4 chairman for a term of 12 consecutive months, the Secretary [of the Department] of  
5 Juvenile [Justice] SERVICES shall succeed the Secretary of Human Resources for a  
6 term of 12 consecutive months, the State Superintendent of Schools shall succeed the  
7 Secretary [of the Department] of Juvenile [Justice] SERVICES for a term of 12  
8 consecutive months and the Special Secretary of the Office for Children, Youth, and  
9 Families shall succeed the State Superintendent of Schools for a term of 12  
10 consecutive months.

11 17.

12 Each local coordinating council shall include at least 1 representative from:

13 (2) The Department of Juvenile [Justice] SERVICES;

14 20.1.

15 (b) (4) (ii) The Committee shall include:

16 3. The Secretary of Juvenile [Justice] SERVICES;

17 (f) The Special Secretary for Children, Youth, and Families, the Secretaries of  
18 Health and Mental Hygiene, Human Resources, Juvenile [Justice] SERVICES, and  
19 Budget and Management, and the State Superintendent of Schools shall implement  
20 the plan developed under this section.

21 SECTION 4. ~~8.~~ AND BE IT FURTHER ENACTED, That the Laws of  
22 Maryland read as follows:

23 **Article - Education**

24 7-305.

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

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

29 **Article - Education**

30 18-2101.

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

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

1 (c) "Direct service employee" means:

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

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

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

10 18-2108.

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

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

21 ~~SECTION 7. 11.~~ AND BE IT FURTHER ENACTED, That the State  
22 Department of Education may use nonpublic special education funds under § 8-415 of  
23 the Education Article for contractual services as necessary to deliver special  
24 education and related services to identified students with disabilities placed at the  
25 Charles H. Hickey, Jr. School.

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

30 SECTION 13. AND BE IT FURTHER ENACTED, That, by July 15, 2003, the  
31 Department of Juvenile Services and the State Department of Education shall  
32 develop a schedule for implementation of the educational program for the Charles H.  
33 Hickey, Jr. School.

34 ~~SECTION 8. 14.~~ AND BE IT FURTHER ENACTED, That the State  
35 Department of Education shall develop and fully implement the educational program  
36 for the Charles H. Hickey, Jr. School by December 31, 2003.

37 SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding the  
38 standards set forth in § 13-108 of the State Finance and Procurement Article or in  
39 any regulations adopted to implement that section, a procurement necessary to have



1 the educational program at the Charles H. Hickey, Jr. School fully operational by  
2 December 31, 2003, shall constitute an emergency for purposes of authorizing an  
3 emergency procurement.

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

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

17 SECTION ~~44~~. 18. AND BE IT FURTHER ENACTED, That Section ~~5~~ 9 of this  
18 Act shall take effect October 1, 2003, the effective date of Chapter 302 of the Acts of  
19 the General Assembly of 2002. If the effective date of Chapter 302 is amended, Section  
20 ~~5~~ 9 of this Act shall take effect on the taking effect of Chapter 302.

21 SECTION 19. AND BE IT FURTHER ENACTED, That, contingent on funds  
22 being included in the 2004 State budget, as enacted by the General Assembly, for  
23 transferring responsibility for the educational program at the Charles H. Hickey, Jr.  
24 School from the Department of Juvenile Services to the Maryland State Department  
25 of Education, Sections 3, 5, 11, 12, 13, 14, and 15 of this Act shall take effect July 1,  
26 2003. If the funds are not included, Sections 3, 5, 11, 12, 13, 14, and 15 of this Act,  
27 with no further action required by the General Assembly, shall be null and void and of  
28 no force and effect.

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