

SENATE BILL 390

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P1

2003 Regular Session
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By: **The President (By Request - Administration) and Senators Stoltzfus, Stone, Brinkley, Brochin, Colburn, Conway, Currie, Giannetti, Greenip, Hafer, Haines, Harris, Hooper, Jacobs, Jimeno, Kittleman, Lawlah, Munson, Pipkin, and Schrader**

Introduced and read first time: January 31, 2003

Rules suspended

Assigned to: Finance

A BILL ENTITLED

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; specifying that the publisher
16 of the Annotated Code of Maryland, in consultation with the Department of
17 Legislative Services, shall correct terminology in the Code to conform with the
18 changes that are made by this Act; requiring the State Department of Education
19 to develop and implement an educational program designed to meet the
20 particular needs of the population at the Charles H. Hickey, Jr. School; requiring
21 the transmission of certain records under certain circumstances; authorizing the
22 State Superintendent to impose certain corrective actions under certain
23 circumstances; requiring the Department of Juvenile Services to work
24 cooperatively with the State Department of Education to facilitate the
25 implementation of a certain education program and the attendance of students
26 in the program; authorizing the State Department of Education to use nonpublic
27 special education funds for certain purposes; requiring the State Department of
28 Education to develop and implement certain educational programs by a certain
29 date; making stylistic changes; and generally relating to the Department of
30 Juvenile Services.

31 BY renaming

1 Article 83C - Juvenile Justice
2 to be Article 83C - Juvenile Services
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 2002 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article 25B - Home Rule for Code Counties
7 Section 13C-1(i)(2)
8 Annotated Code of Maryland
9 (2001 Replacement Volume and 2002 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article 41 - Governor - Executive and Administrative Departments
12 Section 3-102(b)(6) and 6-803(b)(5) and (c)(2)(iv)
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 49D - Office for Children, Youth, and Families
17 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.
18 and (e), 38(c), (d), (e)(1), and (f), 40(c) and (h), 45(b)(2), and 48(a)(4)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2002 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 83C - Juvenile Services
23 Section 1-101(b), (d), and (g); 2-101(a), 2-106, 2-118(f), 2-119.1(c)(3), and
24 2-134(a)(2) and (3) and (b)(1) and (3)(i) to be under the amended title "Title
25 2. Department of Juvenile Services"; and 4-101(b)
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 2002 Supplement)
28 (As enacted by Section 1 of this Act)

29 BY repealing and reenacting, with amendments,
30 Article 88A - Department of Human Resources
31 Section 3(c)
32 Annotated Code of Maryland
33 (1998 Replacement Volume and 2002 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article 88B - Department of State Police
36 Section 72(b)(1)(ii) and 81(a)(2)(i)1.
37 Annotated Code of Maryland

- 1 (1998 Replacement Volume and 2002 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article - Correctional Services
4 Section 6-102(2), 7-102(2), 8-201(g)(2) and (h), 8-202(8), 8-204(a)(2) and (b)(1),
5 8-208(a)(14) and (b), 8-209(d), 8-706(2), 8-707(2), 8-709(b)(2), 8-710(c),
6 and 10-601(b)(2), (c)(2), and (d)(2)
7 Annotated Code of Maryland
8 (1999 Volume and 2002 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-815(f)(4), 3-8A-01(h)(1) and (o), 3-8A-10(c)(4)(ii)2., (c-1)(4) and (5),
12 (i)(1), (2), and (3), 3-8A-11(b), 3-8A-15(e)(3) and (h)(2), (3), and (4)(i),
13 3-8A-17(a), 3-8A-19(d)(1)(ii) and (3), 3-8A-20.1(a), (b)(1) and (3), (c), and
14 (d)(1), and 3-8A-27(a)(2) and (b)(2) and (3)(i)
15 Annotated Code of Maryland
16 (2002 Replacement Volume)
- 17 BY repealing and reenacting, with amendments,
18 Article - Criminal Law
19 Section 3-314(c)
20 Annotated Code of Maryland
21 (2002 Volume)
- 22 BY repealing and reenacting, with amendments,
23 Article - Criminal Procedure
24 Section 10-201(f)(3)(i), 10-208(a)(14), 10-220(c), 11-113(c)(3)(ix), 11-402(a),
25 11-507, 11-607(a)(2), (b), and (c)(1), 11-616(a), (c), (d), and (e)(1)(ii)1.,
26 11-617(c)(3), (4), and (5) and (d)(2), 11-912(a)(1)(v), and 11-1003(a), (b)(4),
27 and (c)
28 Annotated Code of Maryland
29 (2001 Volume and 2002 Supplement)
- 30 BY repealing and reenacting, without amendments,
31 Article - Education
32 Section 1-101(a) and (f)
33 Annotated Code of Maryland
34 (2001 Replacement Volume and 2002 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article - Education
37 Section 2-303(h)(1)(i), 3-109(e)(8), 3-111(a)(2)(viii), 6-302(a)(1)(i),
38 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),
39 (3)(ii), and (4)(ii) and (b)(2), and 18-1803(b)(3)

- 1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2002 Supplement)
- 3 BY adding to
4 Article - Education
5 Section 23-301 to be under the new subtitle "Subtitle 3. Juvenile Residential
6 Facilities"
7 Annotated Code of Maryland
8 (2001 Replacement Volume and 2002 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article - Family Law
11 Section 5-503(a), 5-508(b)(5)(iii), 5-509(b)(3), 5-509.1(b)(3), 5-527(c)(2),
12 5-560(d)(3), 5-7A-02(a)(6), and 9-403(c)(2)(i)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2002 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article - Health - General
17 Section 2-104(b)(2)(i), 5-703(a)(6), 10-309(a)(1)(ii)1.K., 10-514(d)(2)(ii),
18 10-923(a)(6), 16-206(b), 18-4A-03(a)(8) and (c), and 24-804(b)(4)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2002 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article - State Finance and Procurement
23 Section 3-305(d) and 13-107.1(c)(1)(iv) and (k)(4)
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2002 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article - State Government
28 Section 8-201(b)(10), 9-1107(b)(10), and 10-616(q)(5)(iii)8.
29 Annotated Code of Maryland
30 (1999 Replacement Volume and 2002 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article 49D - Office for Children, Youth, and Families
33 Section 15(a)(6) and (b)(2), 17(2), and 20.1(b)(4)(ii)3. and (f)
34 Annotated Code of Maryland
35 (1998 Replacement Volume and 2002 Supplement)
36 (As enacted by Chapter 282 of the Acts of the General Assembly of 2002)
- 37 BY repealing and reenacting, with amendments,

1 Article - Education
 2 Section 7-305(f)(1)
 3 Annotated Code of Maryland
 4 (2001 Replacement Volume and 2002 Supplement)
 5 (As enacted by Chapter 347 of the Acts of the General Assembly of 1995 and
 6 Chapter 323 of the Acts of the General Assembly of 1996)

7 BY repealing and reenacting, with amendments,
 8 Article - Education
 9 Section 18-2101(b)(2), (c)(2), and (e) and 18-2108
 10 Annotated Code of Maryland
 11 (2001 Replacement Volume and 2002 Supplement)
 12 (As enacted by Chapter 302 of the Acts of the General Assembly of 2002)

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

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

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

19 13C-1.

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

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

26 3-102.

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

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

30 6-803.

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

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

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

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

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

4 4.

5 (b) The Special Secretary shall:

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

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

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

18 4.1.

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

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

21 10.

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

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

28 15.

29 (a) The members of the Council are:

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

32 17.

33 (a) Each local coordinating council shall include:

1 (1) At least one representative from:

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

3 20.1.

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

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

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

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

15 38.

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

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

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

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

1 40.

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

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

4 45.

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

8 48.

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

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

12 **Article 83C - Juvenile Services**

13 1-101.

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

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

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

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

20 2-101.

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

23 2-106.

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

26 2-118.

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

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

- 1 (2) Medical and mental health assessment services;
- 2 (3) Alcohol abuse and drug abuse assessment services;
- 3 (4) Either alcohol abuse and drug abuse referral services or an alcohol
4 abuse and drug abuse treatment program that has been certified in accordance with
5 the requirements of Title 8 of the Health - General Article; and
- 6 (5) Programs that ensure a safe, humane, and caring environment.

7 2-119.1.

8 (c) The Committee shall:

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

13 2-134.

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

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

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

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

23 4-101.

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

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

26 3.

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

Article 88B - Department of State Police

1 72.

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

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

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

7 81.

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

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

Article - Correctional Services

12 6-102.

13 This subtitle does not apply to:

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

16 7-102.

17 This title does not apply to:

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

20 8-201.

21 (g) (2) "Correctional unit" includes those facilities as set forth in Article 83C,
22 § 2-117 and other facilities as designated by the Secretary of Juvenile [Justice]
23 SERVICES.

24 (h) (1) "Department of Juvenile [Justice] SERVICES employee" means a
25 youth supervisor, youth counselor, direct care worker, or other employee of the
26 Department of Juvenile [Justice] SERVICES whose employment responsibility is the
27 investigation, custody, control, or supervision of minors, juvenile delinquents, and
28 youthful offenders who are committed, detained, awaiting placement, adjudicated
29 delinquent, or are otherwise under the supervision of the Department of Juvenile
30 [Justice] SERVICES.

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

6 8-202.

7 The General Assembly finds that:

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

10 8-204.

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

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

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

17 8-208.

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

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

23 (b) For any contract entered on or after July 1, 2000 between the Department
24 of Juvenile [Justice] SERVICES and any nonprofit or for-profit entity, the cost and
25 expenses for any course or training required under subsection (a)(14) of this section
26 for Department of Juvenile [Justice] SERVICES employees of any nonprofit or
27 for-profit entity under contract with the Department of Juvenile [Justice] SERVICES
28 shall be paid for or reimbursed by the nonprofit or for-profit entity, and may not be a
29 part of or reimbursed by funds from the contract with the Department of Juvenile
30 [Justice] SERVICES.

31 8-209.

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

1 8-706.

2 A community service program:

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

5 8-707.

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

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

8 8-709.

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

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

14 8-710.

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

20 (1) as a condition of probation;

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

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

23 10-601.

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

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

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

32 (d) If another state has an existing facility in this State, the other state may
33 not increase the inmate population of that facility by more than 5% unless the other

1 state first submits a written request for the increase to and receives approval for the
2 increase from:

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

5 **Article - Courts and Judicial Proceedings**

6 3-815.

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

13 (i) Health care services;

14 (ii) Mental health care services;

15 (iii) Counseling services;

16 (iv) Education services;

17 (v) Social work services;

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

19 (vii) Visitation with siblings and biological family.

20 3-8A-01.

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

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

29 3-8A-10.

30 (c) (4) (ii) The State's Attorney shall make a preliminary review as to
31 whether the court has jurisdiction and whether judicial action is in the best interests
32 of the public or the child. The need for restitution may be considered as one factor in
33 the public interest. After the preliminary review the State's Attorney shall, within 30

1 days of the receipt of the complaint by the State's Attorney, unless the court extends
2 the time:

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

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

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

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

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

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

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

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

27 3-8A-11.

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

32 3-8A-15.

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

36 1. Shelter care; or

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

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

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

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

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

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

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

23 (i) Health care services;

24 (ii) Counseling services;

25 (iii) Education services;

26 (iv) Social work services; and

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

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

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

32 3-8A-17.

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

1 3-8A-19.

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

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

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

17 3-8A-20.1.

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

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

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

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

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

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

1 3-8A-27.

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

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

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

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

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

22 **Article - Criminal Law**

23 3-314.

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

28 **Article - Criminal Procedure**

29 10-201.

30 (f) (3) Except as provided in §§ 10-215(a)(21) and (22), 10-216(e), and
31 10-220 of this subtitle, "criminal justice unit" does not include:

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

33 10-208.

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

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

3 10-220.

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

7 (1) submit fingerprints to the Criminal Justice Information System
8 Central Repository; and

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

10 11-113.

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

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

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

16 11-402.

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

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

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

26 11-507.

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

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

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

4 11-607.

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

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

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

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

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

16 1. the victim;

17 2. the Department of Health and Mental Hygiene or other
18 governmental unit; or

19 3. the third-party payor; and

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

23 (c) (1) Whenever a restitution obligor fails to make restitution as ordered,
24 the Division or the Department of Juvenile [Justice] SERVICES shall notify the court.
25 11-616.

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

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

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

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

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

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

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

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

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

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

15 1. the date the Division or the Department of Juvenile
16 [Justice] SERVICES directs the restitution obligor to pay restitution or make a
17 restitution payment; or

18 11-617.

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

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

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

23 (iii) the name of the employer;

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

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

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

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

32 (ii) the home address of the restitution obligor on the termination of
33 employment;

1 (iii) information regarding the new place of employment of the
2 restitution obligor; or

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

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

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

10 11-912.

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

12 (1) as ex officio members:

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

15 11-1003.

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

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

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

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

26 **Article - Education**

27 1-101.

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

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

31 2-303.

32 (h) (1) If the program is based on and complies with the standards
33 established by the bylaws, rules, and regulations of the State Board, the State

1 Superintendent shall approve any program of instruction offered by a State
2 institution under the supervision of:

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

4 3-109.

5 (e) There is a School Shared Space Council in Baltimore County consisting of
6 12 employees of the county appointed by the County Executive for a term coterminous
7 with that of the Board as follows:

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

9 3-111.

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

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

14 6-302.

15 (a) An individual who is employed as a teacher, librarian, principal, director of
16 education, or supervisor of vocational education on the staffs of the following
17 institutions or in the following programs, or an individual who is employed as a
18 central office director, superintendent, specialist, or coordinator of education for the
19 following institutions or programs, shall be paid the annual salary determined under
20 subsection (b) of this section:

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

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

23 6-303.

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

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

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

29 7-302.

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

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

4 7-305.

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

7 7-305.1.

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

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

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

19 (2) The selected private agency shall:

20 (i) Provide proof of student progress in reading and mathematics;
21 and

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

24 (d) Except for a student who is adjudicated delinquent and committed by the
25 juvenile court to a public or licensed private agency for placement in a facility under
26 § 3-8A-19 of the Courts Article, a student who is required to attend school under §
27 7-301 of this subtitle and who is suspended, expelled, or identified as being a
28 candidate for suspension or expulsion from a public school in the county designated
29 under subsection (a) of this section shall attend the juvenile [justice] SERVICES
30 alternative education pilot program.

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

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

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

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

3 8-412.

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

11 8-417.

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

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

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

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

23 (ii) Is licensed by the Department of Health and Mental Hygiene,
24 the Department of Human Resources, or the Department of Juvenile [Justice]
25 SERVICES.

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

32 18-1803.

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

35 (3) A youth apprenticeship program approved by the Secretary of
36 Juvenile [Justice] SERVICES that involves clients of the Department of Juvenile
37 [Justice] SERVICES.

1 SUBTITLE 3. JUVENILE RESIDENTIAL FACILITIES.

2 22-301.

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

6 (B) (1) FOR EACH STUDENT PLACED AT THE CHARLES A. HICKEY, JR.
7 SCHOOL, THE LOCAL SCHOOL SYSTEM IN WHICH THE STUDENT WAS LAST ENROLLED
8 SHALL TRANSMIT WITHIN 5 DAYS OF NOTICE OF THE PLACEMENT, THE COMPLETE
9 RECORD OF THE STUDENT INCLUDING MEDICAL INFORMATION IN THE CUSTODY OF
10 THE LOCAL SCHOOL SYSTEM.

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

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

19 (C) THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY
20 WITH THE DEPARTMENT TO:

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

23 (2) MAKE STUDENTS AVAILABLE FOR ATTENDANCE DURING
24 SCHEDULED CLASS TIME.

25 **Article - Family Law**

26 5-503.

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

30 5-508.

31 (b) This section does not apply:

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

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

1 5-509.

2 (b) This section does not apply:

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

5 5-509.1.

6 (b) This section does not apply:

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

9 5-527.

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

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

15 5-560.

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

18 5-7A-02.

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

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

22 9-403.

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

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

26 **Article - Health - General**

27 2-104.

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

1 5-703.

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

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

5 10-309.

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

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

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

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

12 10-514.

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

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

16 10-923.

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

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

22 16-206.

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

27 18-4A-03.

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

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

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

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

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

7 24-804.

8 (b) The oversight committee shall consist of:

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

12 **Article - State Finance and Procurement**

13 3-305.

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

19 13-107.1.

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

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

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

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

26 **Article - State Government**

27 8-201.

28 (b) The principal departments of the Executive Branch of the State
29 government are:

30 (10) Juvenile [Justice] SERVICES;

31 9-1107.

32 (b) Of the 30 Council members:

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

2 10-616.

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

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

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

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

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

14 15.

15 (a) The members of the Council are:

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

18 (b) (2) The Secretary of Health and Mental Hygiene is the chairman of the
19 Council for a term of 12 consecutive months beginning on July 1, 1987. The Secretary
20 of Human Resources shall succeed the Secretary of Health and Mental Hygiene as
21 chairman for a term of 12 consecutive months, the Secretary [of the Department] of
22 Juvenile [Justice] SERVICES shall succeed the Secretary of Human Resources for a
23 term of 12 consecutive months, the State Superintendent of Schools shall succeed the
24 Secretary [of the Department] of Juvenile [Justice] SERVICES for a term of 12
25 consecutive months and the Special Secretary of the Office for Children, Youth, and
26 Families shall succeed the State Superintendent of Schools for a term of 12
27 consecutive months.

28 17.

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

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

31 20.1.

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

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

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

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

7 **Article - Education**

8 7-305.

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

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

13 **Article - Education**

14 18-2101.

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

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

18 (c) "Direct service employee" means:

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

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

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

27 18-2108.

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

31 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the
32 Annotated Code of Maryland, in consultation with and subject to the approval of the
33 Department of Legislative Services, shall correct, with no further action required by
34 the General Assembly, cross references and terminology rendered incorrect by this Act

1 or by any other Act of the General Assembly of 2003 that affects provisions enacted by
2 this Act. The publisher shall adequately describe any such correction in an editor's
3 note following the section affected.

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

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

12 SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act
13 shall take effect on the taking effect of the termination provision specified in Section
14 3 of Chapter 282 of the Acts of the General Assembly of 2002. If that termination
15 provision takes effect, §§ 15, 17, and 20.1 of Article 49D - Office for Children, Youth,
16 and Families as enacted by Section 2 of this Act shall be abrogated and of no further
17 force and effect. This Act may not be interpreted to have any effect on that
18 termination provision.

19 SECTION 10. AND BE IT FURTHER ENACTED, That Section 4 of this Act
20 shall take effect on the taking effect of the contingency specified in Section 2 of
21 Chapter 347 of the Acts of the General Assembly of 1995 and Section 2 of Chapter 323
22 of the Acts of the General Assembly of 1996. If that contingency takes effect, § 7-305
23 of Article - Education as enacted by Section 2 of this Act shall be abrogated and of no
24 further force and effect.

25 SECTION 11. AND BE IT FURTHER ENACTED, That Section 5 of this Act
26 shall take effect October 1, 2003, the effective date of Chapter 302 of the Acts of the
27 General Assembly of 2002. If the effective date of Chapter 302 is amended, Section 5
28 of this Act shall take effect on the taking effect of Chapter 302.

29 SECTION 12. AND BE IT FURTHER ENACTED, That, subject to the
30 provisions of Sections 9, 10, and 11 of this Act, this Act shall take effect July 1, 2003.