

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1083

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “declaring a certain intent of the General Assembly;”; in line 4, after “directors;” insert “requiring a region to include certain facilities and step-down aftercare services;”; strike beginning with “requiring” in line 5 down through “date” in line 8 and substitute “requiring the Department to take certain actions”; strike beginning with “requiring” in line 8 down through “Department;” in line 9; in line 10, after “Secretary” insert “of Juvenile Services”; in the same line, strike “adopt certain regulations about” and substitute “develop certain policies concerning”; strike beginning with “authorizing” in line 11 down through the second “children;” in line 17 and substitute “requiring the Secretary to develop a certain multiyear plan; requiring the Department, through the Facilities Master Plan, to develop a certain timetable to establish and operate certain facilities;”; strike beginning with “requiring” in line 19 down through “action;” in line 23 and substitute “requiring that the construction of new facilities and the placement of children in the custody of the Department be consistent with the Facilities Master Plan; requiring that certain facilities be operated by the Department by a certain date; requiring the Department to adopt certain regulations; requiring the Department to establish a program for step-down aftercare; requiring the Maryland State Department of Education to evaluate a certain pilot program and report on the results of the evaluation on or before a certain date; requiring the Department to make a certain report on or before a certain date; requiring the Facilities Master Plan to implement a certain ideal service delivery system and address certain issues;”; in line 27, strike the first comma and substitute “and”; and in the same line, strike “, and 2-102(f)”.

On page 2, in line 1, after “Section” insert “2-101,”; in the same line, strike “, 2-116” and substitute “and (e)(3)”; in the same line, strike “2-120,”; and strike in their entirety lines 4 through 13, inclusive, and substitute:

“BY repealing and reenacting, without amendments,
Article 83C - Juvenile Services

(Over)

Section 2-120
Annotated Code of Maryland
(2003 Replacement Volume)".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"2-101.

(a) There is a Department of Juvenile Services established as a principal department of State government.

(b) It is the policy of the State that the Department comply with the provisions of §§ 3-802 and 3-8A-02 of the Courts Article.

(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO THE EXTENT PRACTICABLE, CHILDREN IN THE JUVENILE SERVICES SYSTEM ARE SERVED BY PROGRAMMING THAT MEETS THE FOLLOWING PRINCIPLES:

(1) THE SAFETY OF THE COMMUNITY AND THE CHILDREN SERVED IS ENSURED, DELINQUENT CHILDREN ARE HELD ACCOUNTABLE TO VICTIMS AND COMMUNITIES, AND CHILDREN DEVELOP COMPETENCIES TO ASSIST THEM IN BECOMING SUCCESSFUL MEMBERS OF SOCIETY;

(2) SERVICES ARE DELIVERED REGIONALLY THROUGH AT LEAST FIVE OPERATIONAL REGIONS;

(3) DETENTION AND COMMITTED FACILITIES MAY NOT CONTAIN MORE THAN 48 CHILDREN;

(4) DETENTION AND COMMITTED FACILITIES SHALL BE GEOGRAPHICALLY, PHYSICALLY, AND OPERATIONALLY SEPARATE, REMOTE, AND DISTINCT FROM ONE ANOTHER AND MAY NOT SHARE COMMON AREAS, INCLUDING ADMINISTRATIVE BUILDINGS, DINING HALLS, MEDICAL, EDUCATIONAL, AND RECREATIONAL FACILITIES; AND

(5) CHILDREN AWAITING A COMMITTED PLACEMENT AFTER DISPOSITION MAY NOT BE HELD IN A FACILITY WITH CHILDREN AWAITING COURT

DISPOSITION.

AMENDMENT NO. 3

On page 2, in line 24, strike “BY JANUARY 1, 2006, THE” and substitute “THE”; in line 27, strike “DETENTION” and substitute “SECURE”; in line 28, strike “AWAITING” and substitute “PENDING COURT”; in line 33, after “REGION” insert “, EXCEPT THAT THE DEPARTMENT MAY PLACE A CHILD OUTSIDE OF THAT CHILD’S REGION IF A DETERMINATION IS MADE BY THE DEPARTMENT THAT:

1. SPECIALIZED SERVICES FOR THE CHILD ARE NEEDED; AND

2. THE TRANSFER OF THE CHILD IS IN THE BEST INTEREST OF THE CHILD”;

and in line 34, after “AFTERCARE” insert “SERVICES”.

On page 3, in line 7, strike “(1)”; and strike in their entirety lines 9 through 11, inclusive.

AMENDMENT NO. 4

On page 3, in line 12, strike “EACH REGIONAL DIRECTOR” and substitute “THE DEPARTMENT”; in line 13, after “(1)” insert “BY JANUARY 15, 2006,”; in the same line, strike “REGIONAL”; in the same line, after “FACILITIES” insert “MASTER”; strike beginning with the first “THAT” in line 13 down through the second “LEVELS” in line 15 and substitute “CONSISTENT WITH THE PRINCIPLES DESCRIBED IN § 2-101 (C) OF THIS SUBTITLE”; in line 17, strike “THAT” and substitute “EACH”; in the same line, strike “THE”; in line 18, strike the second “AND”; in line 19, after “(3)” insert “BY JANUARY 1, 2008,”; in the same line, strike “, BY JANUARY 1, 2008,”; in the same line, strike the period and substitute a semicolon; after line 19, insert:

“(4) BY JULY 1, 2006, DEVELOP A PILOT PROGRAM FOR YEAR-ROUND EDUCATIONAL PROGRAMMING FOR CHILDREN IN TWO GROUP HOMES OUTSIDE THE PUBLIC SCHOOL SYSTEM; AND

(Over)

(5) BY JANUARY 1, 2008, ENSURE THAT ALL CHILDREN IN THE CUSTODY OF THE DEPARTMENT RECEIVE YEAR-ROUND EDUCATIONAL OPPORTUNITIES.”;

and strike in their entirety lines 20 through 30, inclusive.

AMENDMENT NO. 5

On page 4, in line 6, strike “ADOPT REGULATIONS” and substitute “DEVELOP POLICIES”; after line 11, insert:

“(e) (3) (i) Prior to [January 1, 1990] FEBRUARY 1, 2005, the Secretary shall develop a State Comprehensive Juvenile [Justice] SERVICES 3-Year Plan. The Plan shall:

1. Include an inventory of all in-day treatment programs and residential care programs and an accounting of the residence of all clients;

2. Set out the needs of the various areas of services for clients including alcohol and drug abuse rehabilitation services;

3. Establish priorities for the different services needed;

4. Set standards for the quality of residential services, and out-reach services;

5. INCLUDE INFORMATION ON THE PHYSICAL PLANT CONDITIONS, STAFFING LEVELS, AND PROGRAMMING AT EACH FACILITY OF THE DEPARTMENT;

6. INCLUDE THE TOTAL NUMBER OF CHILDREN AT EACH FACILITY FOR THE PREVIOUS FISCAL YEAR, INCLUDING MONTHLY POPULATION AVERAGES;

7. FOR EACH DETENTION FACILITY THAT SERVES CHILDREN IN THE CUSTODY OF THE DEPARTMENT, DETAIL THE SERVICES

PROVIDED AT THE FACILITY AND THE OUTCOMES FOR THE CHILDREN SERVED, INCLUDING THE PROVISION OF MENTAL HEALTH AND SUBSTANCE ABUSE SCREENINGS AND PHYSICAL EXAMINATIONS;

8. FOR EACH COMMITTED FACILITY THAT SERVES CHILDREN IN THE CUSTODY OF THE DEPARTMENT, DETAIL THE SERVICES PROVIDED AT THAT FACILITY AND THE OUTCOMES FOR CHILDREN SERVED, INCLUDING RECIDIVISM, IMPROVEMENT IN EDUCATIONAL OUTCOMES, AND REINTEGRATION INTO COMMUNITY SETTINGS;

[5.] 9. Include a program dedicated to reducing recidivism rates of clients; and

[6.] 10. Include any other matters that the Secretary deems appropriate.

(ii) The Plan shall be revised for each subsequent [calendar] FISCAL year and shall be submitted, subject to § 2-1246 of the State Government Article, to the General Assembly by February 1 of each year.”;

strike in their entirety lines 12 through 23, inclusive; in line 25, strike “JANUARY 1, 2008” and substitute “JANUARY 15, 2006”; in the same line, after “SHALL” insert “,THROUGH THE FACILITIES MASTER PLAN, DEVELOP A TIMETABLE TO”; and in line 29, strike the bracket.

AMENDMENT NO. 6

On page 5, in line 6, strike the bracket; strike in their entirety lines 7 through 27, inclusive; in line 28, strike “(C)” and substitute “(B) (1)”; after line 29, insert:

“(2) FOLLOWING THE APPROVAL OF THE FACILITIES MASTER PLAN BY THE DEPARTMENT OF BUDGET AND MANAGEMENT, THE CONSTRUCTION OF NEW FACILITIES AND THE PLACEMENT OF CHILDREN IN THE CUSTODY OF THE DEPARTMENT SHALL BE CONSISTENT WITH THE FACILITIES MASTER PLAN.”;

and in line 30, strike “(D)” and substitute “(C)”.

AMENDMENT NO. 7

On page 6, strike in their entirety lines 1 and 2.

AMENDMENT NO. 8

On page 6, in line 4, strike “SUBJECT TO § 2-117(A)(3) OF THIS SUBTITLE” and substitute “BY JULY 1, 2007”.

AMENDMENT NO. 9

On page 7, in lines 30 and 31, in each instance, strike the bracket; in line 31, strike beginning with “A” in line 31 down through “SUBTITLE” in line 32; and in line 33, strike the bracket.

On page 8, in line 3, strike the bracket; strike beginning with “AFTER” in line 3 down through “SUBTITLE” in line 5; in lines 6 and 7, in each instance, strike the bracket; and in line 9, strike “FACILITIES AND”.

On pages 8 and 9, strike in their entirety the lines beginning with line 16 on page 8 through line 21 on page 9, inclusive.

AMENDMENT NO. 10

On page 9, after line 21, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland State Department of Education shall evaluate the pilot program for year-round educational programming for children in two selected group homes outside of the public school system. That evaluation shall compare educational outcomes for children in the pilot program with outcomes for children committed to the custody of the Department of Juvenile Services who are placed in group homes and educated in the public school system. The Maryland State Department of Education shall report to the Senate Budget and Taxation Committee, the Senate Judicial Proceedings Committee, the House Appropriations Committee, and the House Judiciary Committee, on or before January 1, 2008, in accordance with § 2-1246 of the State Government Article, on the results of the evaluation.

SECTION 3. AND BE IT FURTHER ENACTED, That, as part of its development of a Facilities Master Plan, the Department of Juvenile Services shall report to the Senate Budget and

Taxation Committee, the Senate Judicial Proceedings Committee, the House Appropriations Committee, and the House Judiciary Committee, on or before December 31, 2004, in accordance with § 2-1246 of the State Government Article, on:

- (1) the total population of youth the Department anticipates serving;
- (2) the manner in which the Department intends to serve that population that maximizes the use of regional, community-based settings;
- (3) the ideal service delivery system required to serve that population in regional community-based settings based on best practices, including an assessment of educational programming, somatic, mental health, and substance abuse services, family support services, informal supervision, shelter care, aftercare, care of detained and committed youth, and services to address gender-specific needs;
- (4) the justification for any programming that is determined necessary to be provided statewide, rather than regionally;
- (5) a description of the outcome measures that the Department intends to use to assess the efficacy of the service delivery system to be developed; and
- (6) a gap analysis of currently available State and community-based service capacity compared to the ideal service delivery system.

SECTION 4. AND BE IT FURTHER ENACTED, That the Facilities Master Plan required under Section 1 of this Act shall implement the ideal service delivery system identified to serve the anticipated population. That plan shall address identified gaps in service delivery and specific facility needs, including both renovation and new construction.”;

and in line 22, strike “2.” and substitute “5.”.