

HOUSE BILL 1083

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2004 Regular Session
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By: **Delegates Zirkin, Amedori, Barve, Brown, Burns, Cardin, Carter, Jones, Morhaim, O'Donnell, Shank, Simmons, Sophocleus, Taylor, and Vallario**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Department of Juvenile Services - Reorganization and Regionalization**

3 FOR the purpose of declaring a certain intent of the General Assembly; requiring that
4 the Department of Juvenile Services designate a certain number of regions in
5 the State and appoint regional directors; requiring a region to include certain
6 facilities and step-down aftercare services; providing for the appointment,
7 salary, duties, and tenure of regional directors; ~~requiring certain policies, plans~~
8 ~~for facilities, and mentoring and other programs for certain children; requiring~~
9 ~~that certain programs be implemented by a certain date~~ requiring the
10 Department to take certain actions; requiring the Secretary of Juvenile Services
11 to report periodically about the children, programs, and effectiveness of certain
12 facilities in the Department; requiring the Secretary of Juvenile Services to
13 adopt certain regulations about develop certain policies concerning training,
14 standards, and uniformity; authorizing the juvenile court to require certain
15 child support payments; requiring certain money generated by State Use
16 Industries to be dedicated to certain facilities; terminating the authority of the
17 Department to make certain contracts with or place certain children in facilities
18 of private service providers; requiring each region to have certain facilities that
19 may be used only for certain purposes; specifying that the facilities may be used
20 only for certain children; prohibiting by a certain date certain placements of
21 children; requiring the Secretary to develop a certain multiyear plan; requiring
22 the Department, through the Facilities Master Plan, to develop a certain
23 timetable to establish and operate certain facilities; requiring certain new
24 facilities of the Department to be established on certain existing properties;
25 requiring by a certain date that the facilities of the Department contain fewer
26 than a certain number of children; requiring certain facilities to have education
27 centers; requiring by a certain date that certain children be placed only in

1 ~~certain facilities; requiring the Department to make certain placements within a~~
 2 ~~certain time; authorizing a certain court action; requiring that the construction~~
 3 ~~of new facilities and the placement of children in the custody of the Department~~
 4 ~~be consistent with the Facilities Master Plan; requiring that certain facilities be~~
 5 ~~operated by the Department by a certain date; requiring the Department to~~
 6 ~~adopt certain regulations; requiring the Department to establish a program for~~
 7 ~~step-down aftercare; requiring the Maryland State Department of Education to~~
 8 ~~evaluate a certain pilot program and report on the results of the evaluation on or~~
 9 ~~before a certain date; requiring the Department to make a certain report on or~~
 10 ~~before a certain date; requiring the Facilities Master Plan to implement a~~
 11 ~~certain ideal service delivery system and address certain issues; defining a~~
 12 ~~certain term; and generally relating to juvenile services.~~

13 BY adding to
 14 Article 83C - Juvenile Services
 15 Section 1-101(h); ~~and 2-101.5, and 2-102(f)~~
 16 Annotated Code of Maryland
 17 (2003 Replacement Volume)

18 BY repealing and reenacting, with amendments,
 19 Article 83C - Juvenile Services
 20 Section ~~2-101, 2-104(b), 2-116~~ and (e)(3), 2-117, 2-118, ~~2-120~~; and 2-127
 21 Annotated Code of Maryland
 22 (2003 Replacement Volume)

23 ~~BY repealing and reenacting, with amendments,~~
 24 ~~Article - Courts and Judicial Proceedings~~
 25 ~~Section 3-8A-15(k) and 3-8A-22~~
 26 ~~Annotated Code of Maryland~~
 27 ~~(2002 Replacement Volume and 2003 Supplement)~~

28 ~~BY adding to~~
 29 ~~Article - Correctional Services~~
 30 ~~Section 3-507(d)~~
 31 ~~Annotated Code of Maryland~~
 32 ~~(1999 Volume and 2003 Supplement)~~

33 BY repealing and reenacting, without amendments,
 34 Article 83C - Juvenile Services
 35 Section 2-120
 36 Annotated Code of Maryland
 37 (2003 Replacement Volume)

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

Article 83C - Juvenile Services

1-101.

(H) "STEP-DOWN AFTERCARE" MEANS:

(1) A NETWORK OF PROGRAMS PROVIDING EDUCATION AND REHABILITATION; AND

(2) SERVICES AND TREATMENT TO EASE THE TRANSITION OF CHILDREN FROM THE CUSTODY OF THE DEPARTMENT TO THEIR HOMES AND COMMUNITIES.

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.

2-101.5.

(A) (1) BY JANUARY 1, 2006, THE THE DEPARTMENT SHALL DESIGNATE AT LEAST FIVE OPERATIONAL REGIONS WITHIN THE STATE.

(2) A REGION SHALL INCLUDE:

1 (I) AT LEAST ONE ~~DETENTION~~ SECURE FACILITY USED SOLELY
 2 FOR CHILDREN ~~AWAITING~~ PENDING COURT DISPOSITION AND CHILDREN AWAITING
 3 PLACEMENT AFTER DISPOSITION;

4 (II) A SUFFICIENT NUMBER OF COMMITTED FACILITIES THAT ARE
 5 NECESSARY TO DIAGNOSE, CARE FOR, TRAIN, EDUCATE, AND REHABILITATE
 6 PROPERLY EVERY CHILD IN THE CUSTODY OF THE DEPARTMENT FROM THAT
 7 REGION, EXCEPT THAT THE DEPARTMENT MAY PLACE A CHILD OUTSIDE OF THAT
 8 CHILD'S REGION IF A DETERMINATION IS MADE BY THE DEPARTMENT THAT:

9 1. SPECIALIZED SERVICES FOR THE CHILD ARE NEEDED;
 10 AND

11 2. THE TRANSFER OF THE CHILD IS IN THE BEST INTEREST
 12 OF THE CHILD; AND

13 (III) STEP-DOWN AFTERCARE SERVICES.

14 (B) (1) THE SECRETARY SHALL APPOINT A REGIONAL DIRECTOR FOR EACH
 15 REGION.

16 (2) A REGIONAL DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN
 17 THE STATE BUDGET.

18 (3) A REGIONAL DIRECTOR SERVES AT THE PLEASURE OF THE
 19 SECRETARY.

20 (C) (4) EACH REGIONAL DIRECTOR HAS THE DUTIES THAT THE SECRETARY
 21 ASSIGNS AND SHALL REPORT TO THE SECRETARY.

22 (2) ~~EACH YEAR, EACH REGIONAL DIRECTOR SHALL CONDUCT AN~~
 23 ~~OUTCOMES EVALUATION FOR EACH FACILITY IN THE REGION AND SHALL REPORT~~
 24 ~~THE FINDINGS TO THE SECRETARY.~~

25 (D) ~~EACH REGIONAL DIRECTOR~~ THE DEPARTMENT SHALL:

26 (1) BY JANUARY 15, 2006, DEVELOP A REGIONAL FACILITIES MASTER
 27 PLAN THAT ENSURES THAT THE REGION HAS FACILITIES TO MEET THE NEEDS OF
 28 CHILDREN AT ALL APPROPRIATE SERVICE LEVELS AND SECURITY LEVELS
 29 CONSISTENT WITH THE PRINCIPLES DESCRIBED IN § 2-101(C) OF THIS SUBTITLE;

30 (2) DEVELOP A PROGRAM OF VOLUNTEER MENTORING FOR ALL
 31 CHILDREN IN FACILITIES IN ~~THAT~~ EACH REGION AND DOCUMENT ~~THE~~ EFFORTS TO
 32 RECRUIT AND TRAIN VOLUNTEER MENTORS; ~~AND~~

33 (3) BY JANUARY 1, 2008, IMPLEMENT; ~~BY JANUARY 1, 2008, STEP-DOWN~~
 34 ~~AFTERCARE-;~~

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

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

6 ~~2-102.~~

7 ~~(F) EACH YEAR, THE SECRETARY SHALL SUBMIT A REPORT TO THE~~
 8 ~~GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE~~
 9 ~~GENERAL ASSEMBLY THAT INCLUDES:~~

10 ~~(1) INFORMATION ON THE CONDITIONS AT EACH FACILITY OF THE~~
 11 ~~DEPARTMENT;~~

12 ~~(2) THE NUMBER OF CHILDREN AT EACH FACILITY OF THE~~
 13 ~~DEPARTMENT;~~

14 ~~(3) AN OUTCOMES ASSESSMENT FOR EACH FACILITY INCLUDING~~
 15 ~~RECIDIVISM RATES; AND~~

16 ~~(4) ANY OTHER APPROPRIATE INFORMATION.~~

17 ~~2-104.~~

18 (b) (1) The Secretary may adopt rules and regulations to carry out the
 19 provisions of law that are within the jurisdiction of the Secretary.

20 (2) The Secretary shall review and may revise the rules and regulations
 21 of:

22 (i) Each unit in the Department that is authorized by law to adopt
 23 rules and regulations; and

24 (ii) The Department.

25 (3) THE SECRETARY SHALL ADOPT REGULATIONS DEVELOP POLICIES
 26 TO:

27 (I) PROVIDE FOR UNIFORM PRACTICES AND STANDARDS OF
 28 TRAINING OF EMPLOYEES AT EACH FACILITY IN THE DEPARTMENT WHO PROVIDE
 29 DIRECT CARE OF CHILDREN; AND

30 (II) ESTABLISH UNIFORM PRACTICES AND STANDARDS FOR THE
 31 TREATMENT OF CHILDREN AT EACH FACILITY OF THE DEPARTMENT.

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

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

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

5 3. Establish priorities for the different services needed;

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

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

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

14 7. FOR EACH DETENTION FACILITY THAT SERVES CHILDREN
 15 IN THE CUSTODY OF THE DEPARTMENT, DETAIL THE SERVICES PROVIDED AT THE
 16 FACILITY AND THE OUTCOMES FOR THE CHILDREN SERVED, INCLUDING THE
 17 PROVISION OF MENTAL HEALTH AND SUBSTANCE ABUSE SCREENINGS AND
 18 PHYSICAL EXAMINATIONS;

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

24 [5.] 9. Include a program dedicated to reducing recidivism
 25 rates of clients; and

26 [6.] 10. Include any other matters that the Secretary deems
 27 appropriate.

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

31 ~~2-116.~~

32 ~~(A) The Department may:~~

33 ~~(1) Accept, manage, and dispose of federal funds and commodities; and~~

34 ~~(2) Take advantage of any available federal program or grant in aid or~~
 35 ~~other public or private assistance that accomplishes or furthers the objectives of this~~
 36 ~~article.~~

1 ~~(B) (1) A COURT MAY ORDER ANY CHILD SUPPORT MONEY TO BE PAID TO~~
 2 ~~THE DEPARTMENT IN ACCORDANCE WITH §§ 3-819(L) AND 3-8A-29 OF THE COURTS~~
 3 ~~ARTICLE.~~

4 ~~(2) ANY SURPLUS MONEY GENERATED UNDER TITLE 3, SUBTITLE 5 OF~~
 5 ~~THE CORRECTIONAL SERVICES ARTICLE SHALL BE DEDICATED TO FACILITIES OF~~
 6 ~~THE DEPARTMENT.~~

7 2-117.

8 (a) (1) [The] ~~BY JANUARY 1, 2008~~ JANUARY 15, 2006, THE Department [may]
 9 SHALL, THROUGH THE FACILITIES MASTER PLAN, DEVELOP A TIMETABLE TO
 10 establish and operate the facilities IN EACH REGION that are necessary to diagnose,
 11 care for, train, educate, and rehabilitate properly ALL children who need these
 12 services IN THAT REGION.

13 {2) These facilities include:

- 14 (i) The Baltimore City Juvenile Justice Center;
- 15 (ii) The J. DeWeese Carter Center;
- 16 (iii) The Charles H. Hickey, Jr. School;
- 17 (iv) The Alfred D. Noyes Children's Center;
- 18 (v) The Cheltenham Youth Facility;
- 19 (vi) The Victor Cullen Center;
- 20 (vii) The Thomas J. S. Waxter Children's Center;
- 21 (viii) The Lower Eastern Shore Children's Center;
- 22 (ix) The Western Maryland Children's Center; and
- 23 (x) The youth centers.}

24 ~~(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BEGINNING ON~~
 25 ~~JANUARY 1, 2006, THE DEPARTMENT MAY NOT INITIATE A NEW CONTRACT WITH A~~
 26 ~~PRIVATE SERVICE PROVIDER TO OPERATE A FACILITY.~~

27 ~~(3) THE DEPARTMENT MAY CONTINUE TO CONTRACT WITH AN EXISTING~~
 28 ~~PRIVATE SERVICE PROVIDER IF:~~

29 ~~(I) THE FACILITY HAS AN EDUCATION CENTER;~~

30 ~~(II) THE FACILITY EXCEEDS THE STANDARDS OF THE DEPARTMENT~~
 31 ~~FOR OUTCOMES AND RECIDIVISM; AND~~

32 ~~(III) THE FACILITY FITS WITHIN THE REGIONAL FACILITIES PLAN.~~

1 (4) ~~SUBJECT TO § 3-8A-15(K) OF THE COURTS ARTICLE, A REGIONAL~~
 2 ~~DETENTION FACILITY MAY BE USED ONLY FOR CHILDREN WHO ARE DETAINED~~
 3 ~~WHILE AWAITING DISPOSITION OR WHO ARE AWAITING PLACEMENT AFTER~~
 4 ~~DISPOSITION.~~

5 (5) ~~EACH FACILITY SHALL HAVE AN EDUCATION CENTER.~~

6 (6) ~~ALL FACILITIES MUST BE GEOGRAPHICALLY SEPARATE, REMOTE,~~
 7 ~~AND DISTINCT FROM OTHER FACILITIES OF THE DEPARTMENT.~~

8 ~~(B) THE DEPARTMENT SHALL ENSURE THAT, BY JANUARY 1, 2008, EACH~~
 9 ~~CHILD IN THE CUSTODY OR UNDER THE GUARDIANSHIP OF THE DEPARTMENT WHO~~
 10 ~~IS IN A RESIDENTIAL PROGRAM IS IN A STATE FUNDED, REGIONAL FACILITY~~
 11 ~~OPERATED BY THE DEPARTMENT OR A FACILITY OPERATED UNDER SUBSECTION~~
 12 ~~(A)(3) OF THIS SECTION.~~

13 ~~(C)~~ (B) (1) WHEN FEASIBLE, A NEW FACILITY SHALL BE ESTABLISHED ON
 14 EXISTING STATE PROPERTY OR IN AN EXISTING STATE BUILDING.

15 (2) FOLLOWING THE APPROVAL OF THE FACILITIES MASTER PLAN BY
 16 THE DEPARTMENT OF BUDGET AND MANAGEMENT, THE CONSTRUCTION OF NEW
 17 FACILITIES AND THE PLACEMENT OF CHILDREN IN THE CUSTODY OF THE
 18 DEPARTMENT SHALL BE CONSISTENT WITH THE FACILITIES MASTER PLAN.

19 [(b)] ~~(D)~~ (C) Before the Department asks the General Assembly for a bond
 20 issue to build or renovate a facility, the Department shall consult on the proposed
 21 construction or renovation plans with the governing body of the county where the
 22 facility is to be built or renovated and with the governing body of each county to be
 23 served.

24 ~~(E) BY JANUARY 1, 2008, THE DEPARTMENT SHALL ENSURE THAT EACH~~
 25 ~~COMMITTED FACILITY OF THE DEPARTMENT CONTAINS 40 OR FEWER CHILDREN.~~

26 2-118.

27 (a) [Each] ~~SUBJECT TO § 2-117(A)(3) OF THIS SUBTITLE BY JULY 1, 2007,~~ EACH
 28 facility provided for in § 2-117 of this article shall [operate under the control and
 29 general management of] BE OPERATED BY the Department.

30 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,
 31 the Department shall:

32 (1) Adopt regulations that set:

33 (i) Policies for REGIONALIZATION, detention authorization,
 34 community detention, admission, transfer, discharge, and aftercare supervision; and

35 (ii) Standards of care, including provisions to administer any early,
 36 periodic screening diagnosis and treatment program that the Department approves

1 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to
2 treat appropriately any condition that the screening reveals; and

3 (2) Order any needed changes in the policy, conduct, or management of a
4 facility to provide adequate care for the children and adequate services to the courts.

5 (c) The Department shall adopt regulations applicable to residential facilities
6 it operates that:

7 (1) Prohibit the use of locked door seclusion and restraints as
8 punishment, and describe the circumstances under which locked door seclusion and
9 restraints may be used; and

10 (2) Prohibit abuse of a child.

11 (d) (1) The Department shall adopt a policy for addressing disciplinary
12 actions and grievances within its facilities.

13 (2) The policy shall:

14 (i) Require preparation of a written report of any disciplinary
15 action taken against a child or any grievance which shall be forwarded to the
16 administrative head of the facility;

17 (ii) Require the administrative head of each facility to review all
18 reports of disciplinary actions and grievances; and

19 (iii) Require the Department to forward in a timely manner all
20 reports of disciplinary actions, grievances, and grievance dispositions from each
21 facility to the Office of the Independent Juvenile Justice Monitor under Article 49D of
22 the Code.

23 (e) The Department shall develop within each facility special programs that
24 are designed to meet the particular needs of its population.

25 (f) The Department shall adopt regulations that require each facility to
26 provide:

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

29 (2) Medical and mental health assessment services;

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

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

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

1 (g) The Department shall cooperate with the Office of the Independent
2 Juvenile Justice Monitor established under Article 49D of the Code by:

3 (1) Providing the Office with access to all facilities, reports, and records
4 relating to individual youth upon request;

5 (2) Allowing the independent juvenile justice monitors to conduct
6 interviews with staff, youth, and any other individuals upon request; and

7 (3) Submitting corrective action plans and incident reports to the Office
8 in response to findings and recommendations made by the independent juvenile
9 justice monitors regarding a facility.

10 (h) (1) The Department shall respond to requests for information pertaining
11 to a facility from an independent juvenile justice monitor within 30 days of the date of
12 the request.

13 (2) If the Department does not respond to a request for information, the
14 monitor may conduct a reasonable investigation relating to the original request for
15 information.

16 2-120.

17 (a) The Department shall provide for care, diagnosis, training, education, and
18 rehabilitation of children by placing them in {group homes and institutions that are
19 operated by any nonprofit or for-profit entity} ~~A FACILITY ESTABLISHED UNDER §~~
20 ~~2-117 OF THIS SUBTITLE.~~

21 (b) {(1) The Department shall reimburse these entities for the cost of these
22 services at appropriate monthly rates that the Department determines, as provided in
23 the State budget.

24 (2) The reimbursement rate may differ between homes and institutions
25 that provide intermediate services, as defined by the Department, and homes and
26 institutions that provide full services.} ~~AFTER JANUARY 1, 2008, ALL CHILDREN IN~~
27 ~~COMMITTED PLACEMENTS SHALL BE PLACED IN A FACILITY ESTABLISHED UNDER §~~
28 ~~2-117 OF THIS SUBTITLE.~~

29 {(c) The Department may not place a child in a group home or other residential
30 facility that is not operating in compliance with applicable State licensing laws.}

31 2-127.

32 (a) The Secretary shall establish ~~FACILITIES AND~~ programs for juvenile
33 intake, community detention, investigation, probation, and STEP-DOWN aftercare
34 services.

35 (b) (1) The Secretary shall provide sufficient staff to operate the programs
36 under subsection (a) of this section.

1 (2) The staff of the Department are under the immediate direction and
2 control of the Secretary.

3 **Article – Courts and Judicial Proceedings**

4 ~~3-8A-15.~~

5 ~~(k) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A CHILD MAY NOT~~
6 ~~REMAIN IN A DETENTION FACILITY FOR THE SPECIFIC ACT FOR WHICH THE CHILD~~
7 ~~HAS BEEN ADJUDICATED DELINQUENT FOR MORE THAN 25 DAYS AFTER THE COURT~~
8 ~~HAS MADE A DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE.~~

9 (2) If a child remains in a [facility used for] detention FACILITY [for the
10 specific act for which the child has been adjudicated delinquent] for more than 25
11 days [after the court has made a disposition on a petition under § 3-8A-19 of this
12 subtitle], the Department of Juvenile Services shall:

13 ~~[(1)] (I) Submit a report to the court explaining the reasons for~~
14 ~~continued detention; and~~

15 ~~[(2)] (II) Every 25 days thereafter, submit another report to the court~~
16 ~~explaining the reasons for continued detention.~~

17 (3) ~~THE COURT MAY EXTEND THE PERIOD OF TIME SPECIFIED IN~~
18 ~~PARAGRAPH (1) OF THIS SUBSECTION FOR NOT MORE THAN 25 ADDITIONAL DAYS IF~~
19 ~~THE COURT FINDS THAT THE EXTENSION IS NECESSARY FOR THE APPROPRIATE~~
20 ~~PLACEMENT OF THE CHILD.~~

21 (4) ~~AN INDIVIDUAL MAY BRING AN ACTION TO ENFORCE THIS~~
22 ~~SUBSECTION IN A COURT OF COMPETENT JURISDICTION.~~

23 ~~3-8A-22.~~

24 (a) ~~A child may not be detained at, or committed or transferred to, a~~
25 ~~correctional facility, as defined in § 1-101 of the Correctional Services Article, except~~
26 ~~in accordance with § 3-8A-16 of this subtitle.~~

27 (b) ~~A child who is not delinquent may not be committed or transferred to a~~
28 ~~facility used for the confinement of delinquent children.~~

29 (c) ~~Unless an individualized treatment plan developed under § 10-706 of the~~
30 ~~Health General Article indicates otherwise:~~

31 (1) ~~A child may not be committed or transferred to any public or private~~
32 ~~facility or institution unless the child is placed in accommodations that are separate~~
33 ~~from other persons 18 years of age or older who are confined to that facility or~~
34 ~~institution; and~~

35 (2) ~~The child may not be treated in any group with persons who are 18~~
36 ~~years of age or older.~~

1 ~~(D) A CHILD MAY NOT BE PLACED IN A FACILITY OF THE DEPARTMENT OF~~
2 ~~JUVENILE SERVICES UNLESS THE CHILD IS COMMITTED TO THE CUSTODY OR~~
3 ~~GUARDIANSHIP OF THE DEPARTMENT OF JUVENILE SERVICES.~~

4 ~~Article – Correctional Services~~

5 ~~3-507.~~

6 ~~(D) ANY SURPLUS MONEY GENERATED UNDER THIS SUBTITLE SHALL BE~~
7 ~~DEDICATED TO FACILITIES OF THE DEPARTMENT OF JUVENILE SERVICES.~~

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That, as part of its
20 development of a Facilities Master Plan, the Department of Juvenile Services shall
21 report to the Senate Budget and Taxation Committee, the Senate Judicial
22 Proceedings Committee, the House Appropriations Committee, and the House
23 Judiciary Committee, on or before December 31, 2004, in accordance with § 2-1246 of
24 the State Government Article, on:

25 (1) the total population of youth the Department anticipates serving;

26 (2) the manner in which the Department intends to serve that
27 population that maximizes the use of regional, community-based settings;

28 (3) the ideal service delivery system required to serve that population in
29 regional community-based settings based on best practices, including an assessment
30 of educational programming, somatic, mental health, and substance abuse services,
31 family support services, informal supervision, shelter care, aftercare, care of detained
32 and committed youth, and services to address gender-specific needs;

33 (4) the justification for any programming that is determined necessary
34 to be provided statewide, rather than regionally;

35 (5) a description of the outcome measures that the Department intends
36 to use to assess the efficacy of the service delivery system to be developed; and

37 (6) a gap analysis of currently available State and community-based
38 service capacity compared to the ideal service delivery system.

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

6 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2004.