

HOUSE BILL 1141

Unofficial Copy  
E3

2004 Regular Session  
4r1416  
CF 4r2821

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

Introduced and read first time: February 13, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services - Step-Down Aftercare**

3 FOR the purpose of requiring a child discharged from a committed residential  
4 placement to receive certain step-down aftercare for a period to be determined  
5 by the Department of Juvenile Services; requiring a child in a step-down  
6 aftercare program to receive certain services; requiring a step-down aftercare  
7 team to perform certain duties; requiring a child placed in step-down aftercare  
8 to receive an appropriate education from the State Department of Education;  
9 requiring the Department of Juvenile Services to keep certain records; requiring  
10 the State Department of Education to make certain determinations of certain  
11 amounts owed to the State Department of Education by certain counties;  
12 requiring a certain county to reimburse the State Department of Education  
13 under certain circumstances; requiring the State Department of Education to  
14 take certain actions; authorizing an appeal of a certain determination by the  
15 State Department of Education to the State Superintendent of schools; requiring  
16 the State Superintendent to decide certain appeals; requiring county boards of  
17 education to provide certain data to the State Superintendent; authorizing the  
18 State Superintendent to make certain deductions from certain payments of  
19 State aid to certain counties in a certain amount; defining certain terms; and  
20 generally relating to juvenile services.

21 BY adding to  
22 Article 83C - Juvenile Services  
23 Section 2-127.1 and 2-127.2  
24 Annotated Code of Maryland  
25 (2003 Replacement Volume)

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

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**Article 83C - Juvenile Services**

2 2-127.1.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "STEP-DOWN AFTERCARE" MEANS A PROGRAM IN WHICH  
6 INDIVIDUALIZED SERVICES AND SUPERVISION, INCLUDING EDUCATIONAL AND  
7 REHABILITATION SERVICES AND TREATMENT, ARE PROVIDED BY THE DEPARTMENT  
8 TO CHILDREN WHO ARE COMMITTED TO THE CUSTODY OF THE DEPARTMENT AND  
9 WHO ARE DISCHARGED FROM A RESIDENTIAL PLACEMENT TO EASE THE  
10 TRANSITION OF THE CHILDREN FROM THE CUSTODY OF THE DEPARTMENT TO THEIR  
11 HOMES AND COMMUNITIES.

12 (3) "STEP-DOWN AFTERCARE PLAN" MEANS AN INDIVIDUALIZED PLAN  
13 FOR EACH CHILD IN STEP-DOWN AFTERCARE THAT PROPOSES SPECIFIC  
14 ASSISTANCE, GUIDANCE, TREATMENT, SERVICES, AND SUPERVISION.

15 (4) "STEP-DOWN AFTERCARE TEAM" MEANS A GROUP OF CHILD  
16 WELFARE PROFESSIONALS EMPLOYED BY THE DEPARTMENT AND ASSIGNED TO A  
17 PARTICULAR CHILD IN STEP-DOWN AFTERCARE TO:

18 (I) PREPARE THE CHILD FOR REENTRY INTO THE SPECIFIC  
19 COMMUNITY TO WHICH THE CHILD WILL RETURN;

20 (II) ENSURE THE DELIVERY OF PRESCRIBED SERVICES TO THE  
21 CHILD IN THE COMMUNITY; AND

22 (III) MONITOR CONDUCT IN THE COMMUNITY TO ENSURE PUBLIC  
23 SAFETY.

24 (B) (1) A CHILD DISCHARGED FROM A COMMITTED RESIDENTIAL  
25 PLACEMENT SHALL RECEIVE STEP-DOWN AFTERCARE FOR A PERIOD TO BE  
26 DETERMINED BY THE DEPARTMENT.

27 (2) A CHILD IN STEP-DOWN AFTERCARE SHALL RECEIVE:

28 (I) A STEP-DOWN AFTERCARE PLAN;

29 (II) SUPERVISION BY A STEP-DOWN AFTERCARE TEAM;

30 (III) EDUCATIONAL TRAINING OUTSIDE OF THE PUBLIC SCHOOL  
31 SYSTEM IMMEDIATELY FOLLOWING DISCHARGE FROM THE COMMITTED  
32 RESIDENTIAL PLACEMENT FOR A PERIOD TO BE DETERMINED BY THE STEP-DOWN  
33 AFTERCARE TEAM; AND

34 (IV) ANY OTHER SERVICES NECESSARY TO IMPLEMENT THE  
35 STEP-DOWN AFTERCARE PLAN.

36 (C) THE STEP-DOWN AFTERCARE TEAM SHALL:

1 (1) PREPARE A STEP-DOWN AFTERCARE PLAN FOR EACH CHILD IN  
2 AFTERCARE ASSIGNED TO THE STEP-DOWN AFTERCARE TEAM AND FILE THE PLAN  
3 WITH THE DEPARTMENT;

4 (2) KEEP REGULAR RECORDS CONCERNING THE PROGRESS OF EACH  
5 CHILD;

6 (3) FILE A MONTHLY PROGRESS REPORT ON EACH CHILD WITH THE  
7 DEPARTMENT; AND

8 (4) FILE AN ANNUAL REPORT ON THE OUTCOME OF STEP-DOWN  
9 AFTERCARE PLANS FOR THE CHILDREN ASSIGNED TO THE TEAM, THAT SHALL  
10 INCLUDE:

11 (I) INFORMATION ON THE NUMBER OF CHILDREN WHO:

12 1. ARE REARRESTED;

13 2. ARE REARRESTED AND CHARGED WITH SERIOUS OR  
14 VIOLENT OFFENSES;

15 3. ARE REARRESTED AND WAIVED TO THE ADULT SYSTEM;

16 4. ARE RE-REFERRED TO THE DEPARTMENT;

17 5. ARE READJUDICATED AND RECOMMITTED;

18 6. GRADUATE FROM HIGH SCHOOL OR SUCCESSFULLY  
19 COMPLETE A HIGH SCHOOL EQUIVALENCY EXAMINATION; AND

20 7. ARE EMPLOYED; AND

21 (II) OTHER RELEVANT INFORMATION.

22 2-127.2.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (2) "FINANCIALLY RESPONSIBLE COUNTY" MEANS:

26 (I) THE COUNTY WHERE THE PARENT OR LEGAL GUARDIAN OF A  
27 CHILD IN THE CUSTODY OF THE DEPARTMENT RESIDES; OR

28 (II) IN A FAMILY IN WHICH THE PARENTS OF THE CHILD LIVE  
29 APART:

30 1. THE COUNTY WHERE THE PARENT WHO HAS BEEN  
31 AWARDED CUSTODY OF THE CHILD RESIDES; OR

1                                 2.       IF CUSTODY HAS NOT BEEN AWARDED, THE COUNTY  
2 WHERE THE PARENT WITH WHOM THE CHILD LIVES WHEN NOT IN A FOSTER CARE  
3 HOME OR FACILITY RESIDES.

4                 (3)       "LOCAL CURRENT EXPENSE PER STUDENT" MEANS ALL  
5 EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT  
6 STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY  
7 EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL-TIME EQUIVALENT  
8 ENROLLMENT, AS DEFINED IN § 5-202(A) OF THE EDUCATION ARTICLE.

9         (B)       A CHILD WHO IS PLACED IN A STEP-DOWN AFTERCARE PROGRAM, AS  
10 DESCRIBED IN § 2-127.1 OF THIS SUBTITLE, SHALL RECEIVE AN APPROPRIATE  
11 EDUCATION FROM THE STATE DEPARTMENT OF EDUCATION.

12         (C)       (1)       THE DEPARTMENT SHALL KEEP RECORDS CONCERNING:

13                                 (I)       THE NUMBER OF CHILDREN IN THE CUSTODY OF THE  
14 DEPARTMENT;

15                                 (II)       THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD;  
16 AND

17                                 (III)       THE NUMBER OF DAYS THAT EACH CHILD IS IN THE CUSTODY  
18 OF THE DEPARTMENT.

19                 (2)       THE STATE DEPARTMENT OF EDUCATION SHALL DETERMINE THE  
20 AMOUNT EACH FINANCIALLY RESPONSIBLE COUNTY OWES TO THE STATE  
21 DEPARTMENT OF EDUCATION BASED ON THE LOCAL CURRENT EXPENSE PER  
22 STUDENT.

23                 (3)       EACH FINANCIALLY RESPONSIBLE COUNTY SHALL REIMBURSE THE  
24 STATE DEPARTMENT OF EDUCATION FOR THE EDUCATION OF EACH CHILD FROM  
25 THE FINANCIALLY RESPONSIBLE COUNTY BASED ON THE NUMBER OF CHILDREN IN  
26 THE CUSTODY OF THE DEPARTMENT FROM THE PRIOR YEAR.

27         (D)       (1)       EACH YEAR THE STATE DEPARTMENT OF EDUCATION SHALL NOTIFY  
28 THE STATE SUPERINTENDENT OF SCHOOLS OF THE NAME OF EACH CHILD UNDER  
29 THE JURISDICTION OF THE DEPARTMENT WHO IS RECEIVING EDUCATIONAL  
30 SERVICES FROM THE STATE DEPARTMENT OF EDUCATION AND MAKE A  
31 PRELIMINARY DETERMINATION OF THE FINANCIALLY RESPONSIBLE COUNTY FOR  
32 EACH CHILD.

33                                 (2)       THE STATE DEPARTMENT OF EDUCATION SHALL SEND A COPY OF  
34 THE PRELIMINARY DETERMINATION DESCRIBED IN PARAGRAPH (1) OF THIS  
35 SUBSECTION TO THE FINANCIALLY RESPONSIBLE COUNTY AND TO THE STATE  
36 SUPERINTENDENT OF SCHOOLS.

37                                 (3)       THE COUNTY THAT WAS INITIALLY DETERMINED TO BE  
38 FINANCIALLY RESPONSIBLE MAY APPEAL THAT DETERMINATION TO THE STATE  
39 SUPERINTENDENT OF SCHOOLS.

1           (4)     THE STATE SUPERINTENDENT OF SCHOOLS SHALL DECIDE ALL  
2 APPEALS MADE UNDER PARAGRAPH (3) OF THIS SUBSECTION AND MAKE A FINAL  
3 DETERMINATION REGARDING THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH  
4 CHILD IN THE CUSTODY OF THE DEPARTMENT.

5           (5)     THE COUNTY BOARDS OF EDUCATION SHALL PROVIDE THE STATE  
6 SUPERINTENDENT OF SCHOOLS WITH THE DATA NECESSARY TO COMPUTE THE  
7 LOCAL CURRENT EXPENSE PER STUDENT UNDER SUBSECTION (A) OF THIS SECTION  
8 ON AN ANNUAL BASIS.

9           (6)     IF A FINANCIALLY RESPONSIBLE COUNTY FAILS TO MAKE THE  
10 REQUIRED PAYMENT TO THE STATE DEPARTMENT OF EDUCATION, THE STATE  
11 SUPERINTENDENT OF SCHOOLS SHALL:

12                   (I)     DEDUCT FROM THE NEXT PAYMENT OF STATE AID TO THE  
13 FINANCIALLY RESPONSIBLE COUNTY AN AMOUNT EQUAL TO THE AMOUNT OWED  
14 UNDER THIS PARAGRAPH; AND

15                   (II)    PAY THOSE FUNDS TO THE STATE DEPARTMENT OF  
16 EDUCATION.

17     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2004.