## By: Delegate Bartlett

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

## A BILL ENTITLED

1 AN ACT concerning

2 3	Education - Children in Need of Assistance - Notice to School Officials of Truancy
4 F 5 6 7 8 9 10 11	OR the purpose of authorizing the juvenile court to forward a copy of a certain order regarding a child in need of assistance to the school principal or head teacher of the public or private school that the child attends; requiring the school principal or head of the school to notify the school's attendance officer or other person charged with tracking student attendance at the school about the order; authorizing certain school officials to notify certain courts that a student is habitually truant; and generally relating to children in need of assistance and school truancy.

12 BY repealing and reenacting, without amendments,

- 13 Article Courts and Judicial Proceedings
- 14 Section 3-819(a) and (b)
- 15 Annotated Code of Maryland
- 16 (2002 Replacement Volume and 2003 Supplement)

17 BY adding to

- 18 Article Courts and Judicial Proceedings
- 19 Section 3-819(b-1)
- 20 Annotated Code of Maryland
- 21 (2002 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,

- 23 Article Education
- 24 Section 7-302
- 25 Annotated Code of Maryland
- 26 (2001 Replacement Volume and 2003 Supplement)
- 27 BY repealing and reenacting, without amendments,
- 28 Article Family Law
- 29 Section 5-525(a), (b), and (f)

(1999 Replacement Volume and 2003 Supplement) 2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 3 4 MARYLAND, That the Laws of Maryland read as follows: 5 **Article - Courts and Judicial Proceedings** 6 3-819. 7 Unless a CINA petition under this subtitle is dismissed, the court (a) (1)shall hold a separate disposition hearing after an adjudicatory hearing to determine 8 whether the child is a CINA. 9 10 (2)The disposition hearing shall be held on the same day as the 11 adjudicatory hearing unless on its own motion or motion of a party, the court finds 12 that there is good cause to delay the disposition hearing to a later day. 13 If the court delays a disposition hearing, it shall be held no later than (3)14 30 days after the conclusion of the adjudicatory hearing unless good cause is shown. In making a disposition on a CINA petition under this subtitle, the court 15 (b) 16 shall: 17 (1)Find that the child is not in need of assistance and, except as 18 provided in subsection (e) of this section, dismiss the case; or Find that the child is in need of assistance and: 19 (2)20 (i) Not change the child's custody status; or 21 (ii) Commit the child to the custody of: 22 1. A parent, relative, or other individual on terms the court considers appropriate; or 23 24 2. A local department, the Department of Health and Mental 25 Hygiene, or both, on terms that the court considers appropriate, including designation

(B-1) (1) IF THE COURT FINDS THAT A CHILD IS IN NEED OF ASSISTANCE AND
COMMITS THE CHILD TO THE CUSTODY OF A LOCAL DEPARTMENT UNDER
SUBSECTION (B)(2) OF THIS SECTION, THE COURT MAY FORWARD A COPY OF ITS
ORDER TO THE SCHOOL PRINCIPAL OR HEAD TEACHER OF THE PUBLIC OR PRIVATE
SCHOOL THAT THE CHILD ATTENDS.

32 (2) ON RECEIPT OF A COPY OF AN ORDER FORWARDED BY A COURT
33 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SCHOOL PRINCIPAL OR HEAD OF
34 THE PUBLIC OR PRIVATE SCHOOL IMMEDIATELY SHALL NOTIFY THE SCHOOL'S

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Annotated Code of Maryland

26 of the type of facility where the child is to be placed.

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# ATTENDANCE OFFICER OR OTHER PERSON CHARGED WITH TRACKING STUDENT ATTENDANCE AT THE SCHOOL.

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### **Article - Education**

4 7-302.

5 (a) The principal or head teacher of each public or private school in this State
6 shall report immediately to the county superintendent, the supervisor of pupil
7 personnel, or any other official designated by the county superintendent the name of
8 each child enrolled in his school who has been absent or irregular in attendance,
9 without lawful excuse, or who shows evidence of maladjustment, so that the causes
10 may be studied and solutions worked out.
11 (b) On receipt of a report from a principal or head teacher of a public school OR

12 PRIVATE SCHOOL that a student has been habitually truant without lawful excuse, 13 the appropriate representative of the school [system]:

14 (1) Shall initiate an investigation into the cause of the child's truancy;

15 (2) May provide counseling regarding the availability of social, health, 16 and educational services; and

17 (3) Following the investigation or intervention, may notify the

18 Department of Juvenile Services, AND ANY COURT FROM WHICH THE PRINCIPAL OR

19 HEAD TEACHER RECEIVED AN ORDER UNDER § 3-819(B-1) OF THE COURTS ARTICLE,

20 that the student has been habitually truant, without lawful excuse.

21 (c) The county superintendent, the superintendent's designee, or the

22 supervisor of pupil personnel shall provide to the local education agency for inclusion

23 in the report of the local education agency under 7-304(f)(1) of this subtitle

24 information regarding the number of students identified as being habitually truant.

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## Article - Family Law

26 5-525.

27 (a) (1) The Administration shall establish a program of out-of-home 28 placement for minor children:

29 (i) who are placed in the custody of a local department, for a period
30 of not more than 180 days, by a parent or legal guardian under a voluntary placement
31 agreement;

32 (ii) who are abused, abandoned, neglected, or dependent, if a33 juvenile court:

has determined that continued residence in the child'shome is contrary to the child's welfare; and

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1 2. has committed the child to the custody or guardianship of 2 a local department; or 3 (iii) who, with the approval of the Administration, are placed in an 4 out-of-home placement by a local department under a voluntary placement 5 agreement subject to paragraph (2) of this subsection. 6 A local department may not seek legal custody of a child under (2)(i) 7 a voluntary placement agreement if the child has a developmental disability or a 8 mental illness and the purpose of the voluntary placement agreement is to obtain 9 treatment or care related to the child's disability that the parent is unable to provide. 10 (ii) A child described in subparagraph (i) of this paragraph may 11 remain in an out-of-home placement under a voluntary placement agreement for 12 more than 180 days if the child's disability necessitates care or treatment in the 13 out-of-home placement and a juvenile court makes a finding that continuation of the 14 placement is in the best interests of the child. 15 (b) In establishing the out-of-home placement program the Administration 16 shall: 17 provide time-limited family reunification services to a child placed in (1)an out-of-home placement and to the parents or guardian of the child, in order to 18 facilitate the child's safe and appropriate reunification within a timely manner; and 19 20 concurrently develop and implement a permanency plan that is in the (2)21 best interests of the child. 22 (f) The local department shall: (1)23 prepare the permanency plan in writing within 60 days of the (i) 24 date the child comes into care; 25 if the child is under the jurisdiction of the juvenile court, (ii) 26 furnish the plan to the child's parents, the child or the child's counsel, and to the 27 juvenile court; and 28 (iii) maintain the plan in the agency's case record. 29 The local department shall amend the plan promptly as necessary in (2)30 light of the child's situation and any court orders which affect the child. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 31 32 October 1, 2004.

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