

SENATE BILL 595

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2004 Regular Session
4r1914
CF 4r1743

By: **Senators Gladden, Frosh, Garagiola, Giannetti, Grosfeld, Haines,
Jacobs, Kelley, Klausmeier, McFadden, and Stone**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City and Cecil County - Child in Need of Supervision Pilot**
3 **Program**

4 FOR the purpose of requiring the Secretary of Juvenile Services to establish a Child
5 in Need of Supervision Pilot Program in Baltimore City and Cecil County;
6 requiring the Pilot Program to select Designated Assessment Service Providers
7 to provide certain services to children alleged to be in need of supervision and
8 their parents or guardians; requiring Designated Assessment Service Providers
9 to be contracted and funded by the local management board of each community
10 in the Pilot Program; requiring an intake officer for the Department of Juvenile
11 Services, before taking certain actions, to refer a certain child and the child's
12 parents or guardians to a Designated Assessment Service Provider under
13 certain circumstances; requiring a Designated Assessment Service Provider to
14 perform certain duties; prohibiting an intake officer from authorizing the filing
15 of a petition or peace order request or proposing an informal adjustment for a
16 certain child unless a Designated Assessment Service Provider has filed a
17 certain report with the Juvenile Court; prohibiting certain statements made by
18 a participant in certain discussions or conferences incident to a referral to a
19 Designated Assessment Service Provider from being admitted in evidence in
20 certain proceedings; defining certain terms; requiring the Department of
21 Juvenile Services and the Office for Children, Youth, and Families to make a
22 certain report to the General Assembly; providing for the termination of this Act;
23 and generally relating to a Child in Need of Supervision Pilot Program in
24 Baltimore City and Cecil County.

25 BY repealing and reenacting, without amendments,
26 Article - Courts and Judicial Proceedings
27 Section 3-8A-01(a), (e), (i), (o), and (t) and 3-8A-10(a), (b), (c)(1), and (c)(2)
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2003 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Courts and Judicial Proceedings

1 Section 3-8A-10(c)(3), (d)(1), and (e)(1) and 3-8A-12(a)
2 Annotated Code of Maryland
3 (2002 Replacement Volume and 2003 Supplement)

4 BY adding to
5 Article - Courts and Judicial Proceedings
6 Section 3-8A-10.1
7 Annotated Code of Maryland
8 (2002 Replacement Volume and 2003 Supplement)

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

11 **Article - Courts and Judicial Proceedings**

12 3-8A-01.

13 (a) In this subtitle the following words have the meanings indicated, unless
14 the context of their use indicates otherwise.

15 (e) "Child in need of supervision" is a child who requires guidance, treatment,
16 or rehabilitation and:

17 (1) Is required by law to attend school and is habitually truant;

18 (2) Is habitually disobedient, ungovernable, and beyond the control of
19 the person having custody of him;

20 (3) Departs himself so as to injure or endanger himself or others; or

21 (4) Has committed an offense applicable only to children.

22 (i) "Court" means the circuit court for a county sitting as the juvenile court.

23 (o) "Intake officer" means the person assigned to the court by the Department
24 of Juvenile Services to provide the intake services set forth in this subtitle.

25 (t) "Petition" means the pleading filed with the court under § 3-8A-13 of this
26 subtitle alleging that a child is a delinquent child or a child in need of supervision or
27 that an adult violated § 3-8A-30 of this subtitle.

28 3-8A-10.

29 (a) This section does not apply to allegations that a child is in need of
30 assistance, as defined in § 3-801 of this title.

31 (b) An intake officer shall receive:

1 (1) Complaints from a person or agency having knowledge of facts which
2 may cause a person to be subject to the jurisdiction of the court under this subtitle;
3 and

4 (2) Citations issued by a police officer under § 3-8A-33 of this subtitle.

5 (c) (1) Except as otherwise provided in this subsection, in considering the
6 complaint, the intake officer shall make an inquiry within 25 days as to whether the
7 court has jurisdiction and whether judicial action is in the best interests of the public
8 or the child.

9 (2) An inquiry need not include an interview of the child who is the
10 subject of the complaint if the complaint alleges the commission of an act that would
11 be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the
12 Criminal Law Article.

13 (3) [In] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS SUBTITLE,
14 IN accordance with this section, the intake officer may, after such inquiry and within
15 25 days of receiving the complaint:

16 (i) Authorize the filing of a petition or a peace order request or
17 both;

18 (ii) Propose an informal adjustment of the matter; or

19 (iii) Refuse authorization to file a petition or a peace order request
20 or both.

21 (d) (1) [The] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS
22 SUBTITLE, THE intake officer may authorize the filing of a petition or a peace order
23 request or both if, based upon the complaint and the inquiry, the intake officer
24 concludes that the court has jurisdiction over the matter and that judicial action is in
25 the best interests of the public or the child.

26 (e) (1) [The] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS
27 SUBTITLE, THE intake officer may propose an informal adjustment of the matter if,
28 based on the complaint and the inquiry, the intake officer concludes that the court has
29 jurisdiction but that an informal adjustment, rather than judicial action, is in the best
30 interests of the public and the child.

31 3-8A-10.1.

32 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

34 (2) "DESIGNATED ASSESSMENT SERVICE PROVIDER" MEANS A
35 COMMUNITY-BASED, NOT FOR PROFIT PROVIDER OF ASSESSMENT, INTERVENTION,
36 AND REFERRAL SERVICES TO CHILDREN ALLEGED TO BE IN NEED OF SUPERVISION
37 AND THEIR PARENTS OR GUARDIANS.

1 (3) "PILOT COMMUNITY" MEANS:

2 (I) BALTIMORE CITY; OR

3 (II) CECIL COUNTY.

4 (B) THE SECRETARY OF JUVENILE SERVICES SHALL ESTABLISH A
5 DEPARTMENT OF JUVENILE SERVICES CHILD IN NEED OF SUPERVISION PILOT
6 PROGRAM IN:

7 (1) BALTIMORE CITY; AND

8 (2) CECIL COUNTY.

9 (C) (1) THE PILOT PROGRAM SHALL SELECT DESIGNATED ASSESSMENT
10 SERVICE PROVIDERS IN EACH PILOT COMMUNITY.

11 (2) THE DESIGNATED ASSESSMENT SERVICE PROVIDERS SHALL BE
12 CONTRACTED AND FUNDED BY THE LOCAL MANAGEMENT BOARD OF EACH PILOT
13 COMMUNITY.

14 (D) ON RECEIPT OF A COMPLAINT UNDER § 3-8A-10 OF THIS SUBTITLE THAT
15 ALLEGES THAT A CHILD IN A PILOT COMMUNITY IS IN NEED OF SUPERVISION,
16 UNLESS THE INTAKE OFFICER CONCLUDES UNDER § 3-8A-10(C) OF THIS SUBTITLE
17 THAT THE COURT HAS NO JURISDICTION OR THAT NEITHER AN INFORMAL
18 ADJUSTMENT NOR JUDICIAL ACTION IS APPROPRIATE, THE INTAKE OFFICER SHALL
19 REFER THE CHILD AND THE CHILD'S PARENTS OR GUARDIANS TO A DESIGNATED
20 ASSESSMENT SERVICE PROVIDER FOR THE PILOT COMMUNITY BEFORE THE INTAKE
21 OFFICER MAY AUTHORIZE THE FILING OF A PETITION OR PEACE ORDER REQUEST OR
22 PROPOSE AN INFORMAL ADJUSTMENT.

23 (E) A DESIGNATED ASSESSMENT SERVICE PROVIDER SHALL:

24 (1) MEET WITH A CHILD REFERRED TO THE PROVIDER AND THE CHILD'S
25 PARENTS OR GUARDIANS AT LEAST TWO AND NOT MORE THAN SIX TIMES TO
26 DISCUSS THE CHILD'S:

27 (I) SCHOOL PERFORMANCE;

28 (II) FAMILY INTERACTIONS;

29 (III) RELATIONSHIPS WITH PEERS; AND

30 (IV) EMOTIONAL AND PHYSICAL HEALTH, INCLUDING DRUG AND
31 ALCOHOL USE;

32 (2) REVIEW ALL AVAILABLE, RELEVANT RECORDS CONCERNING THE
33 CHILD, INCLUDING:

34 (I) ACADEMIC RECORDS;

- 1 (II) MEDICAL RECORDS; AND
- 2 (III) PSYCHIATRIC RECORDS;
- 3 (3) CONDUCT AN ASSESSMENT OF THE CHILD; AND
- 4 (4) ESTABLISH A CASE PLAN AND A CASE RECORD FOR THE PROVISION
5 OF SERVICES TO THE CHILD, INCLUDING:
- 6 (I) FAMILY COUNSELING;
- 7 (II) EDUCATIONAL ADVOCACY;
- 8 (III) DRUG AND ALCOHOL COUNSELING;
- 9 (IV) SEX EDUCATION;
- 10 (V) AFTER-SCHOOL PROGRAMS;
- 11 (VI) TRUANCY AND DROPOUT PREVENTION;
- 12 (VII) TRANSITIONAL LIVING SERVICES;
- 13 (VIII) MEDIATION SERVICES;
- 14 (IX) EMPLOYMENT AND JOB TRAINING SERVICES;
- 15 (X) ALTERNATIVE SCHOOL PLACEMENT; AND
- 16 (XI) DRUG AND ALCOHOL COUNSELING FOR THE PARENTS,
17 GUARDIANS, OR OTHER FAMILY MEMBERS OF THE CHILD.

18 (F) AN INTAKE OFFICER MAY NOT AUTHORIZE THE FILING OF A PETITION OR
19 PEACE ORDER REQUEST OR PROPOSE AN INFORMAL ADJUSTMENT FOR A CHILD
20 ALLEGED TO BE IN NEED OF SUPERVISION IN A PILOT COMMUNITY UNLESS THE
21 DESIGNATED ASSESSMENT SERVICE PROVIDER HAS FILED A REPORT WITH THE
22 COURT STATING:

23 (1) THE DATE OF THE INITIAL MEETING WITH THE CHILD AND THE
24 CHILD'S PARENTS OR GUARDIANS REQUIRED UNDER THIS SECTION; AND

25 (2) THAT ALL ATTEMPTS TO PROVIDE ASSESSMENT, INTERVENTION,
26 AND REFERRAL SERVICES HAVE FAILED.

27 3-8A-12.

28 (a) A statement made by a participant while counsel and advice are being
29 given, offered, or sought, in the discussions or conferences incident to an informal
30 adjustment OR REFERRAL TO A DESIGNATED ASSESSMENT SERVICE PROVIDER
31 UNDER § 3-8A-10.1 OF THIS SUBTITLE may not be admitted in evidence in any

1 adjudicatory hearing or peace order proceeding or in a criminal proceeding against
2 the participant prior to conviction.

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
4 31, 2005, and annually thereafter, the Department of Juvenile Services and the Office
5 for Children, Youth, and Families shall jointly report to the General Assembly in
6 accordance with § 2-1246 of the State Government Article on the implementation of
7 this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2004. It shall remain effective for a period of 4 years and, at the end of
10 September 30, 2008, with no further action required by the General Assembly, this
11 Act shall be abrogated and of no further force and effect.