Unofficial Copy E3 2004 Regular Session 4lr2821 CF 4lr1416

By: Senator Giannetti

Introduced and read first time: February 12, 2004

Assigned to: Rules

### 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
- the State Department of Education to make certain determinations of certain
- amounts owed to the State Department of Education by certain counties;
- requiring a certain county to reimburse the State Department of Education
- under certain circumstances; requiring the State Department of Education to
- take certain actions; authorizing an appeal of a certain determination by the
- 15 State Department of Education to the State Superintendent of schools; requiring
- the State Superintendent to decide certain appeals; requiring county boards of
- 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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## 2 **SENATE BILL 767** 1 **Article 83C - Juvenile Services** 2 2-127.1. IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 3 (A) (1) 4 INDICATED. "STEP-DOWN AFTERCARE" MEANS A PROGRAM IN WHICH 5 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. "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. "STEP-DOWN AFTERCARE TEAM" MEANS A GROUP OF CHILD 15 16 WELFARE PROFESSIONALS EMPLOYED BY THE DEPARTMENT AND ASSIGNED TO A 17 PARTICULAR CHILD IN STEP-DOWN AFTERCARE TO: PREPARE THE CHILD FOR REENTRY INTO THE SPECIFIC (I) 19 COMMUNITY TO WHICH THE CHILD WILL RETURN; (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 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; EDUCATIONAL TRAINING OUTSIDE OF THE PUBLIC SCHOOL 30 (III)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

ANY OTHER SERVICES NECESSARY TO IMPLEMENT THE

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

(IV)

35 STEP-DOWN AFTERCARE PLAN.

## SENATE BILL 767

	(1) PREPARE A STEP-DOWN AFTERCARE PLAN FOR EACH CHILD IN AFTERCARE ASSIGNED TO THE STEP-DOWN AFTERCARE TEAM AND FILE THE PLAN WITH THE DEPARTMENT;				
4 5	CHILD;	(2)	KEEP R	EGULAI	R RECORDS CONCERNING THE PROGRESS OF EACH
6 7	DEPARTME	(3) ENT; AN		MONTH	LY PROGRESS REPORT ON EACH CHILD WITH THE
	(4) FILE AN ANNUAL REPORT ON THE OUTCOME OF STEP-DOWN AFTERCARE PLANS FOR THE CHILDREN ASSIGNED TO THE TEAM, THAT SHALL INCLUDE:				
11			(I)	INFORM	MATION ON THE NUMBER OF CHILDREN WHO:
12				1.	ARE REARRESTED;
13 14	VIOLENT (	OFFENSI	ES;	2.	ARE REARRESTED AND CHARGED WITH SERIOUS OR
15				3.	ARE REARRESTED AND WAIVED TO THE ADULT SYSTEM;
16				4.	ARE RE-REFERRED TO THE DEPARTMENT;
17				5.	ARE READJUDICATED AND RECOMMITTED;
6. GRADUATE FROM HIGH SCHOOL OR SUCCESSFULLY COMPLETE A HIGH SCHOOL EQUIVALENCY EXAMINATION; AND					
20				7.	ARE EMPLOYED; AND
21			(II)	OTHER	RELEVANT INFORMATION.
22	2-127.2.				
23 24	(A) INDICATE	(1) D.	IN THIS	SECTIO	ON THE FOLLOWING WORDS HAVE THE MEANINGS
25		(2)	"FINAN	CIALLY	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 29	APART:		(II)	IN A FA	MILY IN WHICH THE PARENTS OF THE CHILD LIVE
30 31		) CUSTO	DY OF		THE COUNTY WHERE THE PARENT WHO HAS BEEN LD RESIDES; OR

### **SENATE BILL 767**

- 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.

### **SENATE BILL 767**

- 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.