
By: **The Speaker (~~By Request - Administration~~)**

Introduced and read first time: January 26, 2005

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 27, 2005

CHAPTER _____

1 AN ACT concerning

2 **~~State Government - Executive Department - Children, Youth, and Family~~**
 3 **~~Services~~**
 4 **Subcabinet for Children, Youth, and Families - Transfer of Services -**
 5 **Department of Health and Mental Hygiene, State Department of Education,**
 6 **and Department of Human Services**

7 FOR the purpose of ~~establishing a coordinated interagency and intergovernmental~~
 8 ~~office for children, youth, and family services; creating a Children's Cabinet~~
 9 ~~within the Governor's Executive Council; providing for an Advisory Council on~~
 10 ~~Children, Youth, and Families; establishing an interagency fund within the~~
 11 ~~Children's Cabinet and providing for allocations from that fund; providing for~~
 12 ~~the duties and responsibilities of the Special Secretary for Children, Youth, and~~
 13 ~~Families; providing for the duties and responsibilities of the Office for Children,~~
 14 ~~Youth, and Families; establishing a Children's Trust Fund and providing for~~
 15 ~~allocations from that Fund; providing for the duties and responsibilities of the~~
 16 ~~Office of the Independent Juvenile Justice Monitor; requiring the Children's~~
 17 ~~Cabinet to report to the Governor on or before a certain date; repealing the~~
 18 ~~Office for Children, Youth, and Families; establishing a Subcabinet for Children,~~
 19 ~~Youth, and Families; providing for the chair of the Subcabinet; establishing the~~
 20 ~~duties of the Subcabinet; providing for the staff of the Subcabinet; establishing a~~
 21 ~~local management board in each county; providing for the duties of the local~~
 22 ~~management boards; establishing a local coordinating council in each county;~~
 23 ~~providing for the duties of the local coordinating council; establishing certain~~
 24 ~~funds; establishing an advisory council; providing for the membership and~~
 25 ~~duties of the advisory council; transferring certain activities, functions, and~~
 26 ~~employees from the Office for Children, Youth, and Families to certain State~~
 27 ~~agencies; defining certain terms; requiring the Governor to appropriate certain~~
 28 ~~funds under certain circumstances; providing for the termination of this Act;~~

1 and generally relating to children, youth, and family services.

2 BY repealing

3 Article 49D - Office for Children, Youth, and Families

4 In its entirety

5 Annotated Code of Maryland

6 (2003 Replacement Volume and 2004 Supplement)

7 ~~BY repealing and reenacting, with amendments,~~

8 ~~Article - State Government~~

9 ~~Section 8-103~~

10 ~~Annotated Code of Maryland~~

11 ~~(2004 Replacement Volume)~~

12 BY adding to

13 ~~Article - State Government~~

14 ~~Section 8-1A-01 through 8-1A-07, inclusive, to be under the new subtitle~~

15 ~~"Subtitle 1A. Children's Cabinet"; 8-2A-01 through 8-2A-08, inclusive, to~~

16 ~~be under the new subtitle "Subtitle 2A. Children, Youth, and Family~~

17 ~~Services"; and 8-3A-01 through 8-3A-07, inclusive, to be under the new~~

18 ~~subtitle "Subtitle 3A. Office of the Independent Juvenile Justice Monitor"~~

19 ~~Annotated Code of Maryland~~

20 ~~(2004 Replacement Volume)~~

21 BY adding to

22 Article - Health - General

23 Section 2-501 through 2-509, inclusive, to be under the new subtitle "Subtitle 5.

24 Subcabinet for Children, Youth, and Families"

25 Annotated Code of Maryland

26 (2000 Replacement Volume and 2004 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

28 MARYLAND, That Article 49D - Office for Children, Youth, and Families of the

29 Annotated Code of Maryland be repealed in its entirety.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland

31 read as follows:

32 ~~Article - State Government~~

33 ~~8-103.~~

34 ~~The Council includes:~~

35 ~~(1) the Governor;~~

3 UNOFFICIAL COPY OF HOUSE BILL 293

- 1 (2) the Lieutenant Governor;
- 2 (3) the Secretary of State;
- 3 (4) the secretary of each principal department of the Executive Branch of
4 the State government;
- 5 (5) the State Superintendent of Schools; [and]
- 6 (6) the Secretary of Higher Education; AND
- 7 (7) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES.

8 SUBTITLE 1A. CHILDREN'S CABINET.

9 8-1A-01.

10 THERE IS A CHILDREN'S CABINET WITHIN THE GOVERNOR'S EXECUTIVE
11 COUNCIL.

12 8-1A-02.

13 (A) THE CHILDREN'S CABINET SHALL CONSIST OF THE FOLLOWING MEMBERS
14 OF THE GOVERNOR'S EXECUTIVE COUNCIL:

- 15 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
- 16 (2) THE SECRETARY OF HUMAN RESOURCES;
- 17 (3) THE SECRETARY OF JUVENILE SERVICES;
- 18 (4) THE STATE SUPERINTENDENT OF SCHOOLS;
- 19 (5) THE SECRETARY OF BUDGET AND MANAGEMENT; AND
- 20 (6) THE SECRETARY OF DISABILITIES.

21 (B) THE GOVERNOR, ON THE GOVERNOR'S OWN INITIATIVE OR AT THE
22 REQUEST OF THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES, MAY
23 DESIGNATE ADDITIONAL REPRESENTATIVES FROM EXECUTIVE AGENCIES TO ASSIST
24 THE CHILDREN'S CABINET IN DISCHARGING ITS DUTIES AND RESPONSIBILITIES.

25 (C) (1) THE SECRETARY OF EACH EXECUTIVE DEPARTMENT SERVING ON
26 THE CHILDREN'S CABINET SHALL SELECT A MEMBER OF THAT DEPARTMENT TO ACT
27 AS THE PRIMARY LIAISON TO THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND
28 FAMILIES.

29 (2) ANY ADDITIONAL PERSONNEL DEEMED NECESSARY BY THE SPECIAL
30 SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES TO ASSIST THE CHILDREN'S
31 CABINET IN DISCHARGING ITS DUTIES AND RESPONSIBILITIES SHALL BE
32 COORDINATED WITH THE SECRETARY OF EACH EXECUTIVE DEPARTMENT AGENCY.

1 ~~8-1A-03.~~

2 (A) (1) ~~THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES~~
3 ~~SHALL SERVE AS THE CHAIR AND BE RESPONSIBLE FOR THE ADMINISTRATION AND~~
4 ~~OPERATION OF THE CHILDREN'S CABINET.~~

5 (2) ~~THE CHAIR OF THE CHILDREN'S CABINET SHALL ALSO SERVE AS A~~
6 ~~MEMBER OF THE EXECUTIVE COUNCIL AND REGULARLY REPORT TO THE EXECUTIVE~~
7 ~~COUNCIL ON THE ACTIVITIES OF THE CHILDREN'S CABINET.~~

8 (3) ~~THE CHILDREN'S CABINET SHALL MEET AT THE CALL OF THE CHAIR,~~
9 ~~NO LESS THAN SIX TIMES PER YEAR.~~

10 (B) ~~THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES SHALL PROVIDE~~
11 ~~STAFF TO THE CHILDREN'S CABINET AS NECESSARY.~~

12 ~~8-1A-04.~~

13 (A) ~~THE CHILDREN'S CABINET IS CHARGED WITH:~~

14 (1) ~~PROMOTING THE STATE'S VISION FOR A STABLE, SAFE, AND~~
15 ~~HEALTHY ENVIRONMENT FOR CHILDREN AND FAMILIES THROUGH:~~

16 (I) ~~THE INTEGRATED AND COLLABORATIVE POLICIES OF STATE~~
17 ~~AGENCIES; AND~~

18 (II) ~~COOPERATION WITH LOCAL AGENCIES AND PRIVATE~~
19 ~~ORGANIZATIONS;~~

20 (2) ~~PROVIDING A REGULAR FORUM FOR STATE AGENCIES RESPONSIBLE~~
21 ~~FOR IMPLEMENTING THE STATE'S VISION TO MEET AND DEVELOP COORDINATED~~
22 ~~POLICY RECOMMENDATIONS FOR THE GOVERNOR; AND~~

23 (3) ~~ENSURING THAT STATE POLICIES AND PROGRAMS FOR INTEGRATED~~
24 ~~PREVENTION, INTERVENTION, AND COMMUNITY BASED SERVICES FOR CHILDREN~~
25 ~~AND FAMILIES ARE OUTCOME BASED AND EFFICIENTLY IMPLEMENTED.~~

26 (B) ~~THE CHILDREN'S CABINET SHALL:~~

27 (1) ~~DEVELOP AND SUBMIT TO THE GOVERNOR A STATE 3-YEAR PLAN~~
28 ~~FOR CHILDREN, YOUTH, AND FAMILY SERVICES THAT:~~

29 (I) ~~IDENTIFIES AND RECOMMENDS POLICIES AND PROGRAMS~~
30 ~~THAT RESULT IN THE COMPREHENSIVE DELIVERY OF EFFECTIVE, EFFICIENT, AND~~
31 ~~INTEGRATED SERVICES TO CHILDREN AND FAMILIES, INCLUDING INDIVIDUALIZED~~
32 ~~SERVICES FOR CHILDREN AT RISK OF RESIDENTIAL PLACEMENT AND FAMILIES~~
33 ~~CARING FOR CHILDREN WITH INTENSIVE NEEDS, AS DEFINED IN § 8-2A-01(D) OF~~
34 ~~THIS TITLE;~~

1 (II) IDENTIFIES AND RECOMMENDS IMPLEMENTATION OF
2 ~~COMPREHENSIVE SYSTEMATIC IMPROVEMENTS IN STATE PROGRAMS THAT PROVIDE~~
3 ~~CHILDREN AND FAMILY SERVICES;~~

4 (III) IDENTIFIES AND RECOMMENDS POLICIES THAT IMPLEMENT
5 ~~INTERAGENCY STRATEGIC BUDGETING AND FACILITATE ORGANIZATIONAL~~
6 ~~DEVELOPMENT, PERFORMANCE MEASURES, AND COORDINATION IN CHILDREN AND~~
7 ~~FAMILY SERVICES;~~

8 (IV) IDENTIFIES APPROPRIATE EXPENDITURES BY DEPARTMENTS
9 ~~IN THE CHILDREN'S CABINET THAT AFFECT FAMILIES AND CHILDREN WITH~~
10 ~~INTENSIVE NEEDS, AS DEFINED IN § 8-2A-01(D) OF THIS TITLE; AND~~

11 (V) RECOMMENDS INTERAGENCY FUNDING SYSTEMS THAT WILL
12 ~~PROMOTE THE EFFICIENT AND COMPREHENSIVE DELIVERY OF INTEGRATED~~
13 ~~SERVICES FOR THE AFFECTED CHILDREN AND FAMILIES;~~

14 (2) MAKE ANY REVISIONS TO THE STATE 3-YEAR PLAN AS MAY BE
15 ~~NECESSARY;~~

16 (3) ANNUALLY IDENTIFY APPROPRIATE PROGRAMS INCLUDED IN THE
17 ~~STATE 3-YEAR PLAN THAT ARE FUNDED BY APPROPRIATIONS OR GRANTS TO THE~~
18 ~~DEPARTMENTS REPRESENTED IN THE CHILDREN'S CABINET BY;~~

19 (4) REVIEWING ANY PROPOSAL SUBMITTED BY A DEPARTMENT TO
20 ~~MODIFY OR ELIMINATE A COMPONENT OF THE 3-YEAR PLAN; AND~~

21 (II) MAKING A RECOMMENDATION TO THE GOVERNOR REGARDING
22 ~~THE PROPOSAL;~~

23 (4) IMPLEMENT THE:

24 (1) STATE 3-YEAR PLAN ADOPTED UNDER ITEM (1) OF THIS
25 ~~SUBSECTION; AND~~

26 (II) POLICIES AND PROGRAMS DEVELOPED FOR COMPREHENSIVE
27 ~~CHILDREN AND FAMILY SERVICES, STRATEGIC BUDGETING, AND INTEGRATED~~
28 ~~SYSTEMS OF CARE AS THE GOVERNOR DIRECTS, AND AS MAY BE ENACTED BY THE~~
29 ~~GENERAL ASSEMBLY;~~

30 (5) DEVELOP AND MAINTAIN A SYSTEM OF STATE INTERAGENCY
31 ~~BUDGETING, FUNDING, AND ACCOUNTABILITY FOR CHILDREN AND FAMILY~~
32 ~~SERVICES, INCLUDING INTEGRATED SYSTEMS OF CARE, AND ADOPT POLICIES AND~~
33 ~~PROCEDURES FOR EXPENDITURE OF THOSE FUNDS CONSISTENT WITH THE STATE~~
34 ~~BUDGET AND STATE LAW;~~

35 (6) DEVELOP AND IMPLEMENT A COMPREHENSIVE PLAN FOR THE
36 ~~RESIDENTIAL PLACEMENT OF CHILDREN WITH INTENSIVE NEEDS, AS DEFINED IN §~~
37 ~~8-2A-01(D) OF THIS TITLE;~~

1 (7) ~~REVIEW AND MAKE RECOMMENDATIONS ON PROPOSALS FOR~~
2 ~~LEGISLATION AFFECTING CHILDREN AND FAMILY SERVICES;~~

3 (8) ~~COORDINATE WITH THE APPROPRIATE EXECUTIVE BRANCH~~
4 ~~AGENCIES TO MAXIMIZE FUNDS FOR PREVENTION, EARLY INTERVENTION, AND~~
5 ~~COMMUNITY BASED SERVICES FOR CHILDREN AND FAMILIES;~~

6 (9) ~~ADOPT REGULATIONS TO IMPLEMENT THE STATE 3-YEAR PLAN; AND~~

7 (10) ~~REVIEW THE REPORTS SUBMITTED BY THE ADVISORY COUNCIL ON~~
8 ~~CHILDREN, YOUTH, AND FAMILIES AND THE SPECIAL SECRETARY FOR CHILDREN,~~
9 ~~YOUTH, AND FAMILIES AND ADOPT THE RECOMMENDATIONS THE CHILDREN'S~~
10 ~~CABINET DETERMINES TO BE NECESSARY AND APPROPRIATE.~~

11 ~~8-1A-05.~~

12 ~~THE CHILDREN'S CABINET SHALL SUBMIT THE STATE 3-YEAR PLAN FOR~~
13 ~~CHILDREN, YOUTH, AND FAMILIES TO THE GOVERNOR ON OR BEFORE OCTOBER 1,~~
14 ~~2006.~~

15 ~~8-1A-06.~~

16 (A) ~~IN ACCORDANCE WITH § 8-1A-04(B)(5) OF THIS SUBTITLE, THE CHILDREN'S~~
17 ~~CABINET SHALL MAINTAIN A CHILDREN, YOUTH, AND FAMILIES INTERAGENCY~~
18 ~~FUND.~~

19 (B) ~~THE FUND CONSISTS OF:~~

20 (1) ~~MONEYS APPROPRIATED, TRANSFERRED, CREDITED, OR PAID INTO~~
21 ~~THE FUND FROM ANY SOURCE; AND~~

22 (2) ~~FEDERAL GRANTS OR ALLOCATIONS ACCEPTED FOR THE BENEFIT~~
23 ~~OF THE FUND.~~

24 (C) ~~FUNDS NOT APPROPRIATED AT THE END OF EACH FISCAL YEAR SHALL~~
25 ~~REVERT TO THE GENERAL FUND OF THE STATE, AS PROVIDED IN § 7-302 OF THE~~
26 ~~STATE FINANCE AND PROCUREMENT ARTICLE.~~

27 (D) ~~THE DEPARTMENT OF EDUCATION SHALL BE THE FISCAL AGENT FOR THE~~
28 ~~FUND.~~

29 (E) ~~EXPENDITURES FROM THE FUND SHALL:~~

30 (1) ~~REFLECT THE PRIORITIES SET FORTH IN THE STATE 3-YEAR PLAN;~~
31 ~~AND~~

32 (2) ~~BE MADE BY THE CHILDREN'S CABINET IN ACCORDANCE WITH~~
33 ~~THOSE PRIORITIES.~~

34 (F) ~~THE CHILDREN'S CABINET SHALL REVIEW AND APPROVE APPLICATIONS~~
35 ~~FOR GRANTS FROM THE INTERAGENCY FUND AND ENSURE THAT ALL PROGRAMS~~

~~1 FUNDED BY THE INTERAGENCY FUND ARE IMPLEMENTED IN ACCORDANCE WITH
2 THE POLICIES AND PROCEDURES ADOPTED IN ACCORDANCE WITH THIS SUBTITLE.~~

~~3 8-1A-07.~~

~~4 (A) IN THIS SECTION, "ADVISORY COUNCIL" MEANS THE ADVISORY COUNCIL
5 ON CHILDREN, YOUTH, AND FAMILIES.~~

~~6 (B) THERE IS AN ADVISORY COUNCIL ON CHILDREN, YOUTH, AND FAMILIES
7 CONSISTING OF NOT MORE THAN 21 VOTING MEMBERS APPOINTED BY THE
8 GOVERNOR.~~

~~9 (C) (1) THE VOTING MEMBERS OF THE ADVISORY COUNCIL SHALL BE
10 REPRESENTATIVE OF INDIVIDUALS WHO HAVE INTEREST OR EXPERTISE IN THE
11 FOLLOWING AREAS:~~

~~12 (I) PREVENTION OF ADOLESCENT PREGNANCY AND INFANT
13 MORTALITY;~~

~~14 (II) EARLY CHILDHOOD INTERVENTIONS;~~

~~15 (III) INTEGRATED SYSTEMS OF CARE;~~

~~16 (IV) SCHOOL-BASED HEALTH POLICIES; AND~~

~~17 (V) COMMUNITY-BASED SERVICES FOR CHILDREN AND FAMILIES.~~

~~18 (2) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE ADVISORY
19 COUNCIL.~~

~~20 (3) WITH THE CONSENT OF THE ADVISORY COUNCIL, THE CHAIR MAY
21 DESIGNATE ADDITIONAL INDIVIDUALS, INCLUDING INTERESTED CITIZENS,
22 ELECTED OFFICIALS, EDUCATORS, OR SPECIALISTS WITH RELEVANT EXPERIENCE
23 TO SERVE AS NONVOTING MEMBERS OF ANY SUBCOMMITTEE OR WORK GROUP OF
24 THE ADVISORY COUNCIL.~~

~~25 (D) (1) THE MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE AT THE
26 PLEASURE OF THE GOVERNOR.~~

~~27 (2) THE TERM OF A MEMBER IS 3 YEARS, WHICH SHALL BE STAGGERED
28 FROM INITIAL APPOINTMENT.~~

~~29 (3) A MEMBER OF THE ADVISORY COUNCIL MAY BE REAPPOINTED, BUT
30 MAY SERVE NO MORE THAN TWO CONSECUTIVE TERMS.~~

~~31 (E) A MEMBER OF THE ADVISORY COUNCIL:~~

~~32 (1) MAY NOT RECEIVE COMPENSATION; BUT~~

~~33 (2) SHALL BE ENTITLED TO REIMBURSEMENT FOR REASONABLE
34 EXPENSES INCURRED IN THE PERFORMANCE OF ADVISORY COUNCIL DUTIES.~~

1 (F) THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES PER YEAR
2 AND ADVISE THE CHILDREN'S CABINET ON:

3 (1) PREVENTION, EARLY INTERVENTION, AND COMMUNITY BASED
4 SERVICES FOR CHILDREN, YOUTH, AND FAMILIES;

5 (2) PREPARATION OF THE STATE 3-YEAR PLAN FOR CHILDREN AND
6 FAMILY SERVICES; AND

7 (3) THE ACTIVITIES OF ANY OTHER BOARD, COUNCIL, COMMISSION OR
8 TASK FORCE CONSIDERING ISSUES THAT RELATE TO PREVENTION, INTERVENTION,
9 OR COMMUNITY-BASED SERVICES FOR CHILDREN, YOUTH, OR FAMILIES.

10 (G) A MAJORITY OF THE MEMBERS OF THE ADVISORY COUNCIL SHALL
11 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS AND THE
12 ADVISORY COUNCIL MAY ADOPT SUCH OTHER PROCEDURES, INCLUDING THE
13 CREATION OF SUBCOMMITTEES OR WORK GROUPS, AS MAY BE NECESSARY TO
14 ENSURE THE ORDERLY TRANSACTION OF BUSINESS.

15 (H) THE ADVISORY COUNCIL SHALL REVIEW GRANT APPLICATIONS FROM THE
16 CHILDREN'S TRUST FUND AND PROVIDE RECOMMENDATIONS TO THE CHILDREN'S
17 CABINET, AS APPROPRIATE.

18 (I) (1) THE ADVISORY COUNCIL SHALL SUBMIT TO THE GOVERNOR AND, IN
19 ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY AN
20 ANNUAL REPORT ON THE ACTIVITIES OF THE ADVISORY COUNCIL.

21 (2) THE REPORT SHALL INCLUDE RECOMMENDATIONS ON:

22 (I) THE STATUS OF EFFORTS TO REDUCE ADOLESCENT
23 PREGNANCY AND INFANT MORTALITY IN THE STATE;

24 (II) THE COSTS AND OUTCOMES OF STATE FUNDED FAMILY
25 PRESERVATION SERVICES; AND

26 (III) SCHOOL-BASED HEALTH PROGRAMS AND ACTIVITIES.

27 (J) NOTHING IN THIS SUBTITLE SHALL AFFECT THE DESIGNATION BY THE
28 GOVERNOR OF A STATE ADMINISTERING AGENCY FOR THE PURPOSES OF GRANTS OR
29 APPROPRIATIONS FROM THE UNITED STATES GOVERNMENT.

30 SUBTITLE 2A. CHILDREN, YOUTH, AND FAMILY SERVICES.

31 ~~8-2A-01.~~

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

34 (B) "ADVISORY COUNCIL" MEANS THE ADVISORY COUNCIL ON CHILDREN,
35 YOUTH, AND FAMILIES ESTABLISHED UNDER § 8-1A-07 OF THIS TITLE.

1 ~~(C) "CHILDREN'S CABINET" MEANS THE CHILDREN'S CABINET ESTABLISHED~~
2 ~~UNDER § 8-1A-01 OF THIS TITLE.~~

3 ~~(D) "INTENSIVE NEEDS" MEANS ANY COMBINATION OF BEHAVIORAL,~~
4 ~~EDUCATIONAL, DEVELOPMENTAL, OR MENTAL HEALTH NEEDS THAT CANNOT BE~~
5 ~~MET BY A SINGLE PUBLIC AGENCY OR BY ANY SINGLE MANDATED FUNDING SOURCE.~~

6 ~~(E) "INTERAGENCY FUND" MEANS THE CHILDREN, YOUTH, AND FAMILIES~~
7 ~~INTERAGENCY FUND ESTABLISHED UNDER § 8-1A-06 OF THIS TITLE.~~

8 ~~(F) "OFFICE" MEANS THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES~~
9 ~~ESTABLISHED UNDER § 8-2A-04 OF THIS SUBTITLE.~~

10 ~~(G) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY FOR CHILDREN,~~
11 ~~YOUTH, AND FAMILIES.~~

12 ~~8-2A-02.~~

13 ~~IT IS THE POLICY OF THE STATE TO PROMOTE A STABLE, SAFE, AND HEALTHY~~
14 ~~ENVIRONMENT FOR CHILDREN AND FAMILIES. THIS POLICY REQUIRES INTEGRATED~~
15 ~~SYSTEMS OF CARE THAT ARE FAMILY AND CHILD-ORIENTED AND EMPHASIZE~~
16 ~~PREVENTION, EARLY INTERVENTION, AND COMMUNITY-BASED SERVICES, WITH~~
17 ~~SPECIAL ATTENTION FOCUSED ON CHILDREN AND FAMILIES WITH INTENSIVE~~
18 ~~NEEDS, AS DEFINED IN § 8-2A-01(D) OF THIS SUBTITLE.~~

19 ~~8-2A-03.~~

20 ~~THERE IS A NEED FOR AN OFFICE WITHIN THE EXECUTIVE DEPARTMENT THAT~~
21 ~~IS RESPONSIBLE FOR THE COMPREHENSIVE IMPLEMENTATION OF THE STATE~~
22 ~~3-YEAR PLAN, INTERAGENCY POLICIES FOR CHILDREN AND FAMILY SERVICES, AND~~
23 ~~EFFICIENT INTERAGENCY USE OF FEDERAL AND STATE FUNDS.~~

24 ~~8-2A-04.~~

25 ~~THERE IS AN OFFICE FOR CHILDREN, YOUTH, AND FAMILIES ESTABLISHED AS~~
26 ~~PART OF THE EXECUTIVE DEPARTMENT.~~

27 ~~8-2A-05.~~

28 ~~(A) THE SPECIAL SECRETARY IS THE HEAD OF THE OFFICE, WHO SHALL BE~~
29 ~~APPOINTED BY AND SERVE AT THE PLEASURE OF THE GOVERNOR.~~

30 ~~(B) THE SPECIAL SECRETARY IS RESPONSIBLE FOR THE OPERATION AND~~
31 ~~ADMINISTRATION OF THE OFFICE AND ITS RELATIONSHIP WITH OTHER STATE~~
32 ~~AGENCIES, LOCAL GOVERNMENTAL AGENCIES, PRIVATE ORGANIZATIONS, AND THE~~
33 ~~GENERAL PUBLIC.~~

34 ~~(C) THE SPECIAL SECRETARY SHALL IS ENTITLED TO THE SALARY PROVIDED~~
35 ~~IN THE STATE BUDGET.~~

1 ~~(D) THE OFFICE SHALL HAVE SUCH STAFF AS SHALL BE PROVIDED FOR IN~~
2 ~~THE STATE BUDGET.~~

3 ~~(E) THE OFFICE SHALL:~~

4 ~~(1) ASSIST THE CHILDREN'S CABINET IN THE DEVELOPMENT AND~~
5 ~~IMPLEMENTATION OF:~~

6 ~~(I) THE STATE 3 YEAR PLAN;~~

7 ~~(II) THE INTERAGENCY POLICIES AND PROGRAMS; AND~~

8 ~~(III) THE COORDINATION OF THE POLICIES AND PROGRAMS WITH~~
9 ~~SIMILAR PROGRAMS IN LOCAL JURISDICTIONS TO PROVIDE A COMPREHENSIVE~~
10 ~~INTEGRATED SERVICES DELIVERY SYSTEM FOR CHILDREN AND FAMILIES;~~

11 ~~(2) ASSIST THE CHILDREN'S CABINET IN THE DEVELOPMENT AND~~
12 ~~IMPLEMENTATION OF INTERAGENCY REGULATIONS, POLICIES, AND PROGRAMS,~~
13 ~~INCLUDING POLICIES FOR THE APPLICATION, REVIEW, EVALUATION, AND AWARD OF~~
14 ~~GRANTS, THAT WILL PROMOTE AN EFFECTIVE AND EFFICIENT APPROACH TO~~
15 ~~ADDRESSING THE NEEDS OF CHILDREN AND FAMILIES;~~

16 ~~(3) ASSIST THE CHILDREN'S CABINET IN THE DEVELOPMENT OF THE~~
17 ~~LOCAL MANAGEMENT BOARDS;~~

18 ~~(4) DEVELOP NOTICES OF FUNDING AVAILABILITY, REQUESTS FOR~~
19 ~~PROPOSALS, AND GRANT APPLICATION FORMS FOR THE AWARD OF FUNDS FROM THE~~
20 ~~INTERAGENCY FUND OR OTHER STATE OR FEDERAL FUNDS AS DIRECTED BY THE~~
21 ~~CHILDREN'S CABINET;~~

22 ~~(5) REVIEW AND EVALUATE APPLICATIONS FOR INTERAGENCY FUNDS~~
23 ~~AND OTHER STATE OR FEDERAL FUNDS, AS THE CHILDREN'S CABINET MAY DIRECT;~~

24 ~~(6) DEVELOP GRANT AWARD DOCUMENTS FOR THOSE GRANTS THAT:~~

25 ~~(I) INCORPORATE PERFORMANCE MEASURES AND APPROPRIATE~~
26 ~~METHODS OF MEASURING THE EFFECTIVENESS OF PROGRAMS THAT RECEIVE~~
27 ~~GRANT FUNDS;~~

28 ~~(II) PROVIDE FOR TECHNICAL ASSISTANCE FOR THE GRANTEEES;~~
29 ~~AND~~

30 ~~(III) PROVIDE CONSEQUENCES FOR FAILURE TO REACH~~
31 ~~PERFORMANCE MEASURES OR TO MEASURE THE EFFECTIVENESS OF PROGRAMS~~
32 ~~THAT RECEIVE GRANT FUNDS FOLLOWING RECEIPT OF TECHNICAL ASSISTANCE;~~

33 ~~(7) PROVIDE PROGRAM MANAGEMENT, FISCAL OVERSIGHT, AND~~
34 ~~TECHNICAL ASSISTANCE, AS MAY BE DIRECTED BY THE CHILDREN'S CABINET, FOR~~
35 ~~ANY APPLICANT OR GRANTEE OF INTERAGENCY FUNDS;~~

1 (8) MONITOR AND REPORT AT EACH MEETING OF THE CHILDREN'S
2 CABINET ON:

3 (I) THE PERFORMANCE AND EFFECTIVENESS OF ANY GRANTEE OF
4 INTERAGENCY FUNDS;

5 (II) ANY TECHNICAL ASSISTANCE PROVIDED TO A GRANTEE; AND

6 (III) ANY RECOMMENDATIONS THE SPECIAL SECRETARY DEEMS
7 NECESSARY WITH RESPECT TO SUCH GRANTEE; AND

8 (9) PROVIDE SUCH STAFF ASSISTANCE TO THE CHILDREN'S CABINET
9 AND THE ADVISORY COUNCIL AS MAY BE REQUIRED AND PROVIDED FOR IN THE
10 STATE BUDGET.

11 8-2A-06.

12 (A) EACH COUNTY SHALL HAVE A LOCAL MANAGEMENT BOARD.

13 (B) ON APPLICATION FROM A COUNTY, THE SPECIAL SECRETARY MAY, WITH
14 THE CONSENT OF THE CHILDREN'S CABINET, DESIGNATE AN EXISTING PUBLIC
15 AGENCY OR OTHER BOARD OR ORGANIZATION AS THE LOCAL MANAGEMENT BOARD
16 FOR THAT COUNTY.

17 (C) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL
18 MANAGEMENT BOARD SHALL BE ESTABLISHED IN ACCORDANCE WITH
19 REGULATIONS ADOPTED BY THE CHILDREN'S CABINET.

20 (D) A LOCAL MANAGEMENT BOARD SHALL:

21 (1) DETERMINE ITS OWN GOVERNING STRUCTURE, INCLUDING
22 SELECTION OR DESIGNATION OF A CHAIR;

23 (2) MAKE APPLICATION FOR FUNDS FROM THE INTERAGENCY FUND TO
24 THE OFFICE, IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE
25 CHILDREN'S CABINET AND UTILIZING SUCH FORMS AS THE OFFICE MAY REQUIRE;
26 AND

27 (3) IN CONNECTION WITH AN APPLICATION FOR FUNDS FROM THE
28 INTERAGENCY FUND, DEVELOP AND SUBMIT TO THE OFFICE A COMMUNITY
29 PARTNERSHIP PLAN THAT:

30 (I) REFLECTS COORDINATION WITH THE STATE 3-YEAR PLAN AND
31 THE LOCAL SUBSTANCE ABUSE PLAN DEVELOPED IN ACCORDANCE WITH TITLE 8,
32 SUBTITLE 10 OF THE HEALTH - GENERAL ARTICLE; AND

33 (II) ADDRESSES THE PRIORITIES AND STRATEGIES OF THE COUNTY
34 FOR MEETING THE IDENTIFIED NEEDS OF CHILDREN AND FAMILIES FOR:

35 1. OUT-OF-HOME PLACEMENT AND TREATMENT;

- 1 2- ~~CRISIS INTERVENTION;~~
- 2 3- ~~SERVICES FOR CHILDREN AT RISK OF OUT OF HOME~~
- 3 ~~PLACEMENT;~~
- 4 4- ~~EARLY INTERVENTION AND DELINQUENCY PREVENTION~~
- 5 ~~SERVICES; AND~~
- 6 5- ~~EDUCATION, HEALTH CARE, OR OTHER CHILD AND~~
- 7 ~~FAMILY SERVICES.~~

8 (E) ~~A GRANT OF FUNDS TO A LOCAL MANAGEMENT BOARD IS SUBJECT TO THE~~

9 ~~CONDITIONS, PERFORMANCE MEASURES, OR OUTCOME EVALUATIONS THAT THE~~

10 ~~CHILDREN'S CABINET SHALL DEEM NECESSARY AND APPROPRIATE, OR AS~~

11 ~~RECOMMENDED BY THE OFFICE AND APPROVED BY THE CHILDREN'S CABINET.~~

12 (F) ~~THE LOCAL MANAGEMENT BOARD IS RESPONSIBLE FOR ENSURING THE~~

13 ~~USE OF INTERAGENCY FUND GRANTS TO IMPLEMENT:~~

14 (1) ~~A LOCAL, INTERAGENCY SERVICE DELIVERY SYSTEM FOR CHILDREN~~

15 ~~AND FAMILY SERVICES IN ACCORDANCE WITH THE PLAN SUBMITTED BY THE BOARD;~~

16 ~~AND~~

17 (2) ~~ANY TERMS, CONDITIONS, PERFORMANCE MEASURES, OR OUTCOME~~

18 ~~EVALUATIONS AS MAY BE MADE A PART OF THE GRANT AWARD.~~

19 (G) ~~THE LOCAL MANAGEMENT BOARD SHALL REVIEW RESIDENTIAL~~

20 ~~PLACEMENT DECISIONS IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE~~

21 ~~CHILDREN'S CABINET.~~

22 (H) ~~THE OFFICE SHALL PROVIDE APPROPRIATE TECHNICAL ASSISTANCE TO A~~

23 ~~LOCAL MANAGEMENT BOARD.~~

24 ~~8-2A-07.~~

25 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~

26 ~~INDICATED:~~

27 (2) ~~"ADULT" MEANS AN INDIVIDUAL AT LEAST 18 YEARS OLD.~~

28 (3) (1) ~~"ADULT WHO HAS CARE AND CONTROL OF THE MINOR" MEANS~~

29 ~~AN INDIVIDUAL WHO IS ACTING AS THE PARENT OF THE CHILD.~~

30 (2) (2) ~~"ADULT WHO HAS CARE AND CONTROL OF THE MINOR" DOES~~

31 ~~NOT INCLUDE A TEACHER OR A BABY SITTER.~~

32 (4) ~~"NOT REASONABLY AVAILABLE" MEANS:~~

33 (1) ~~AFTER REASONABLE ORAL OR WRITTEN INQUIRY, THE~~

34 ~~REQUESTING AGENCY IS UNAWARE OF THE EXISTENCE OF A PERSON IN INTEREST;~~

1 ~~(H) AFTER REASONABLE INQUIRY, THE REQUESTING AGENCY~~
2 ~~CANNOT ASCERTAIN THE LOCATION OF A PERSON IN INTEREST; OR~~

3 ~~(III) AFTER REASONABLE EFFORTS BY THE REQUESTING AGENCY~~
4 ~~TO CONTACT THE PERSON IN INTEREST, THE PERSON IN INTEREST HAS NOT~~
5 ~~RESPONDED IN A TIMELY MANNER, TAKING INTO ACCOUNT THE NEEDS OF THE~~
6 ~~CHILD FOR WHOM SERVICES ARE TO BE PROVIDED.~~

7 ~~(5) "PERSON IN INTEREST" MEANS:~~

8 ~~(I) A MINOR, IF THE INFORMATION REQUESTED CONCERNS~~
9 ~~TREATMENT TO WHICH THE MINOR HAS THE RIGHT TO CONSENT AND HAS~~
10 ~~CONSENTED UNDER TITLE 20, SUBTITLE 1 OF THE HEALTH GENERAL ARTICLE;~~

11 ~~(II) A PARENT, IF THE PARENT'S PARENTAL RIGHTS HAVE NOT~~
12 ~~BEEN TERMINATED;~~

13 ~~(III) A GUARDIAN, CUSTODIAN, OR A REPRESENTATIVE OF THE~~
14 ~~MINOR DESIGNATED BY A COURT IF AUTHORIZED TO ACT ON BEHALF OF OR IN LIEU~~
15 ~~OF A PARENT; OR~~

16 ~~(IV) AN INDIVIDUAL AUTHORIZED TO ACT AS A SURROGATE FOR~~
17 ~~THE PARENT OR GUARDIAN IN ACCORDANCE WITH THE INDIVIDUALS WITH~~
18 ~~DISABILITIES EDUCATION ACT, 20 U.S.C. § 1415(B)(1)(B) AND § 1480(5).~~

19 ~~(6) "PUBLIC AGENCY" MEANS A STATE OR LOCAL GOVERNMENTAL OR~~
20 ~~QUASI GOVERNMENTAL ENTITY, INCLUDING A LOCAL MANAGEMENT BOARD~~
21 ~~ESTABLISHED OR DESIGNATED IN ACCORDANCE WITH § 8-2A-06 OF THIS TITLE.~~

22 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW AND WHERE~~
23 ~~NOT PROHIBITED BY FEDERAL LAW, ON THE WRITTEN REQUEST OF A REQUESTING~~
24 ~~PUBLIC AGENCY, A PUBLIC AGENCY SHALL DISCLOSE INFORMATION AND~~
25 ~~APPROPRIATE PORTIONS OF RECORDS ON THE CHILDREN, YOUTH, AND FAMILIES~~
26 ~~SERVED BY THAT AGENCY TO:~~

27 ~~(1) ANOTHER PUBLIC AGENCY SERVING THE SAME CHILDREN, YOUTH,~~
28 ~~AND FAMILIES;~~

29 ~~(2) ANOTHER PUBLIC AGENCY HAVING CHILDREN OR YOUTH IN A~~
30 ~~PROGRAM, HOME, OR RESIDENTIAL FACILITY FUNDED OR LICENSED BY THAT~~
31 ~~AGENCY; OR~~

32 ~~(3) THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES.~~

33 ~~(C) THE INFORMATION AND PORTIONS OF RECORDS DISCLOSED UNDER THIS~~
34 ~~SECTION ARE LIMITED TO THOSE THAT ARE IDENTIFIED SPECIFICALLY IN THE~~
35 ~~WRITTEN REQUEST.~~

36 ~~(D) EXCEPT WHERE THE CONSENT OF THE PERSON IN INTEREST IS NOT~~
37 ~~REQUIRED BY LAW, INFORMATION AND RECORDS SHALL BE DISCLOSED UNDER~~

~~1 SUBSECTION (C) OF THIS SECTION ONLY AFTER WRITTEN CONSENT HAS BEEN
2 OBTAINED FROM THE PERSON IN INTEREST OR OTHER INDIVIDUAL AUTHORIZED TO
3 GIVE CONSENT IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.~~

~~4 (E) IF THE PERSON IN INTEREST IS NOT REASONABLY AVAILABLE TO GIVE
5 WRITTEN CONSENT, THE FOLLOWING INDIVIDUALS, NOT LISTED IN ORDER OF
6 PRIORITY, MAY CONSENT IN WRITING TO THE RELEASE OF INFORMATION
7 REGARDING A MINOR:~~

~~8 (1) AN ADULT WHO HAS CARE AND CONTROL OF THE MINOR;~~

~~9 (2) A COURT THAT HAS JURISDICTION OVER A PROCEEDING AFFECTING
10 THE PARENT CHILD RELATIONSHIP OF WHICH THE MINOR IS THE SUBJECT; OR~~

~~11 (3) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
12 DEPARTMENT OF JUVENILE SERVICES, OR A LOCAL DEPARTMENT OF SOCIAL
13 SERVICES, FOR MINORS IN THE AGENCY'S CARE AND CUSTODY.~~

~~14 (F) A PERSON AUTHORIZED TO CONSENT TO THE RELEASE OF INFORMATION
15 UNDER SUBSECTION (E) OF THIS SECTION SHALL:~~

~~16 (1) CONFIRM IN WRITING THAT THE PERSON IN INTEREST IS NOT
17 REASONABLY AVAILABLE; AND~~

~~18 (2) INCLUDE THE WRITTEN CONFIRMATION IN THE RECORD FROM
19 WHICH THE INFORMATION IS RELEASED.~~

~~20 (G) (1) CHILD PROTECTIVE SERVICES RECORDS COLLECTED BEFORE
21 OCTOBER 1, 1993, ARE EXCLUDED FROM THE INFORMATION AND RECORDS THAT MAY
22 BE EXCHANGED IN ACCORDANCE WITH THIS SECTION UNLESS THE PERSON IN
23 INTEREST:~~

~~24 (I) IS GIVEN THE OPPORTUNITY TO REVIEW THE RECORDS AND
25 THE INFORMATION TO BE EXCHANGED; AND~~

~~26 (II) GIVES CONSENT.~~

~~27 (2) ON REQUEST, THE PERSON IN INTEREST MAY REVIEW THE ENTIRE
28 CHILD PROTECTIVE SERVICES RECORD ON THE MINOR.~~

~~29 (3) EXCEPT AS REQUIRED BY LAW OR COURT ORDER, THE IDENTITY OF A
30 REPORTER OF ABUSE OR NEGLECT OR ANY OTHER PERSON WHOSE LIFE OR SAFETY
31 IS LIKELY TO BE ENDANGERED BY DISCLOSURE OF THE INFORMATION MAY NOT BE:~~

~~32 (I) DISCLOSED TO THE PERSON IN INTEREST; OR~~

~~33 (II) EXCHANGED WITH THE REQUESTING AGENCY.~~

~~34 (H) INFORMATION AND RECORDS PROVIDED TO ANOTHER AGENCY UNDER
35 THIS SECTION SHALL REMAIN CONFIDENTIAL AND, EXCEPT AS OTHERWISE~~

~~1 PROVIDED FOR IN THIS SECTION, MAY NOT BE DISCLOSED TO ANY PERSON OR
2 ENTITY.~~

~~3 8-2A-08.~~

~~4 (A) IN THIS SECTION, "FUND" MEANS THE CHILDREN'S TRUST FUND.~~

~~5 (B) THERE IS A CHILDREN'S TRUST FUND.~~

~~6 (C) THE PURPOSE OF THE FUND IS TO ALLOW THE CHILDREN'S CABINET TO:~~

~~7 (1) PROVIDE GRANTS TO PUBLIC AND PRIVATE COMMUNITY-BASED
8 ORGANIZATIONS AND AGENCIES IN A COUNTY FOR:~~

~~9 (I) DEVELOPMENT, IMPLEMENTATION, OR EVALUATION OF
10 INNOVATIVE CHILD ABUSE AND NEGLECT PREVENTION, TREATMENT, OR
11 EDUCATION PROGRAMS; OR~~

~~12 (II) OPERATION OF INNOVATIVE SUPPORT PROGRAMS FOR
13 PARENTS, FAMILIES, AND ABUSED OR NEGLECTED CHILDREN; AND~~

~~14 (2) TO THE EXTENT ALLOWED BY LAW OR REGULATION, PROVIDE
15 MATCHING FUNDS FOR ANY FEDERAL GRANT OR APPROPRIATION OR ANY GRANT BY
16 A PRIVATE ORGANIZATION FOR CHILD OR FAMILY SERVICES PROGRAMS.~~

~~17 (D) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §
18 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~19 (E) THE FUND CONSISTS OF:~~

~~20 (1) FUNDS FROM GRANTS OR ALLOCATIONS FROM THE UNITED STATES
21 GOVERNMENT THAT SHALL BE MAINTAINED AND ACCOUNTED FOR IN ACCORDANCE
22 WITH FEDERAL LAW AND REGULATIONS;~~

~~23 (2) FUNDS COLLECTED UNDER § 4-217(A)(2) OF THE HEALTH—GENERAL
24 ARTICLE;~~

~~25 (3) FUNDS PROVIDED IN THE STATE BUDGET; AND~~

~~26 (4) GRANTS OR GIFTS TO THE STATE TO OR FOR THE USE OF THE
27 CHILDREN'S TRUST FUND.~~

~~28 (F) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
29 COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~30 (G) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER
31 AS OTHER STATE FUNDS.~~

~~32 (H) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS
33 DIRECTED BY THE SPECIAL SECRETARY OR AS APPROVED IN THE STATE BUDGET.~~

1 ~~(I) THE FUND SHALL BE MAINTAINED AND ACCOUNTED FOR IN ACCORDANCE~~
2 ~~WITH FEDERAL LAW AND REGULATIONS.~~

3 ~~(J) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS~~
4 ~~UNDER § 2-1220 OF THIS ARTICLE.~~

5 ~~(K) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:~~

6 ~~(1) THE GENERAL FUND OF THE STATE; OR~~

7 ~~(2) ANY OTHER SPECIAL FUND OF THE STATE.~~

8 ~~(L) APPLICATIONS FOR GRANTS FROM THE FUND SHALL:~~

9 ~~(1) BE MADE ON THE FORMS SPECIFIED BY THE CHILDREN'S CABINET~~
10 ~~AND PROVIDE INFORMATION ON THE OUTCOMES OR PERFORMANCE MEASURES OF~~
11 ~~THE PROGRAM, AS THE SPECIAL SECRETARY SHALL DIRECT; AND~~

12 ~~(2) BE REVIEWED BY THE ADVISORY COUNCIL.~~

13 ~~(M) ADMINISTRATIVE EXPENDITURES FROM THE FUND MAY BE MADE ONLY~~
14 ~~IN ACCORDANCE WITH THE STATE BUDGET.~~

15 ~~(N) THE SPECIAL SECRETARY SHALL ADMINISTER THE FUND IN ACCORDANCE~~
16 ~~WITH THIS SECTION AND OTHER APPLICABLE LAWS.~~

17 ~~(O) DISBURSEMENTS FROM THE FUND SHALL SUPPLEMENT, AND MAY NOT~~
18 ~~SUBSTITUTE FOR, ANY FUNDS IN THE STATE BUDGET FOR ENFORCEMENT OF THE~~
19 ~~CHILD ABUSE AND NEGLECT LAWS, SERVICES FOR CHILD PROTECTIVE SERVICES, OR~~
20 ~~CHILD ABUSE AND NEGLECT PREVENTION, TREATMENT, OR EDUCATION PROGRAMS.~~

21 ~~SUBTITLE 3A. OFFICE OF THE INDEPENDENT JUVENILE JUSTICE MONITOR.~~

22 ~~§ 3A-01.~~

23 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
24 ~~INDICATED.~~

25 ~~(B) "DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE SERVICES.~~

26 ~~(C) "OFFICE" MEANS THE OFFICE OF THE INDEPENDENT JUVENILE JUSTICE~~
27 ~~MONITOR.~~

28 ~~(D) "SECRETARY" MEANS THE SECRETARY OF JUVENILE SERVICES.~~

29 ~~§ 3A-02.~~

30 ~~THERE IS AN OFFICE OF THE INDEPENDENT JUVENILE JUSTICE MONITOR.~~

1 ~~8-3A-03.~~

2 (A) ~~THE OFFICE IS INDEPENDENT OF ANY AGENCY OF THE EXECUTIVE~~
 3 ~~DEPARTMENT IN ITS DECISIONS AND RECOMMENDATIONS MADE IN ACCORDANCE~~
 4 ~~WITH THIS SUBTITLE.~~

5 (B) ~~THE OFFICE SHALL BE PART OF THE GOVERNOR'S OFFICE OF CRIME~~
 6 ~~CONTROL AND PREVENTION FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.~~

7 ~~8-3A-04.~~

8 (A) ~~THE OFFICE SHALL INCLUDE:~~

9 (1) ~~A FULL TIME EXECUTIVE DIRECTOR; AND~~

10 (2) ~~STAFF AS PROVIDED FOR IN THE STATE BUDGET.~~

11 (B) ~~ALL SALARIES FOR THE EXECUTIVE DIRECTOR AND INDEPENDENT~~
 12 ~~JUVENILE JUSTICE MONITORS AND EXPENSES FOR RENT, EQUIPMENT, SUPPLIES,~~
 13 ~~AND GENERAL OPERATING EXPENSES NECESSARY FOR THE WORK OF THE OFFICE~~
 14 ~~SHALL BE AS PROVIDED FOR IN THE STATE BUDGET.~~

15 (C) ~~IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT,~~
 16 ~~THE EXECUTIVE DIRECTOR OF THE OFFICE OF CRIME CONTROL AND PREVENTION~~
 17 ~~SHALL SET MINIMUM SALARIES, QUALIFICATIONS, AND STANDARDS OF TRAINING~~
 18 ~~AND EXPERIENCE FOR POSITIONS WITH THE OFFICE.~~

19 ~~8-3A-05.~~

20 (A) ~~FOR EACH RESIDENTIAL FACILITY OWNED OR OPERATED BY THE~~
 21 ~~DEPARTMENT OR ANY OTHER FACILITY TO WHICH JUVENILES ARE REFERRED BY~~
 22 ~~THE DEPARTMENT OR A COURT OF COMPETENT JURISDICTION, THE OFFICE SHALL:~~

23 (1) ~~EVALUATE:~~

24 (I) ~~THE DEPARTMENT'S PROCESS FOR RESPONDING TO~~
 25 ~~COMPLAINTS MADE BY A CHILD OR ON BEHALF OF A CHILD RELATING TO:~~

26 1. ~~TREATMENT OR SERVICES PROVIDED OR NOT PROVIDED~~
 27 ~~TO THE CHILD;~~

28 2. ~~THE CHILD'S PHYSICAL CONDITION; OR~~

29 3. ~~ACTIONS TAKEN WITH RESPECT TO THE CHILD BY~~
 30 ~~FACILITY STAFF;~~

31 (II) ~~THE DEPARTMENT'S MONITORING PROCESS RELATING TO:~~

32 1. ~~THE TREATMENT AND SERVICES PROVIDED TO YOUTH;~~

33 2. ~~THE PHYSICAL CONDITION OF THE FACILITY; AND~~

1

3: ~~THE ADEQUACY OF STAFFING.~~

2

(2) ~~REVIEW ALL REPORTS OF DISCIPLINARY ACTIONS, GRIEVANCES,~~

3

~~AND GRIEVANCE DISPOSITIONS RELATING TO A CHILD IN A FACILITY THAT RESULT~~

4

~~IN MORE SECURITY, ADDITIONAL OBLIGATIONS, LESS PERSONAL FREEDOM, OR~~

5

~~OTHER ALTERATIONS IN THE STATUS OR PLACEMENT OF A CHILD;~~

6

(3) ~~RECEIVE A COPY OF EACH COMPLAINT MADE TO THE DEPARTMENT~~

7

~~BY A CHILD OR ON BEHALF OF A CHILD RELATING TO:~~

8

(I) ~~TREATMENT OR SERVICES PROVIDED OR NOT PROVIDED TO~~

9

~~THE CHILD;~~

10

(II) ~~THE CHILD'S PHYSICAL CONDITION; OR~~

11

(III) ~~ACTIONS TAKEN WITH RESPECT TO THE CHILD BY FACILITY~~

12

~~STAFF;~~

13

(4) ~~PERFORM UNANNOUNCED SITE VISITS AND ON SITE INSPECTIONS~~

14

~~OF THE FACILITY;~~

15

(5) ~~RECEIVE AND REVIEW ALL INCIDENT REPORTS SUBMITTED TO THE~~

16

~~DEPARTMENT FROM THE FACILITY;~~

17

(6) ~~RECEIVE REPORTS OF THE FINDING OF CHILD PROTECTIVE~~

18

~~SERVICES INVESTIGATIONS OF ALLEGATIONS OF ABUSE OR NEGLECT OF A CHILD IN~~

19

~~THE FACILITY; AND~~

20

(7) ~~BE RESPONSIBLE FOR MONITORING STATE COMPLIANCE WITH THE~~

21

~~REQUIREMENTS OF FEDERAL LAW AND REGULATIONS FOR THE HOUSING,~~

22

~~DETENTION, AND TREATMENT OF JUVENILE OFFENDERS.~~

23

(B) ~~NOTHING IN THIS SUBTITLE SHALL AUTHORIZE THE REVIEW BY THE~~

24

~~OFFICE OF ANY GRIEVANCE, DISCIPLINARY APPEAL, OR COMPLAINT FILED OR MADE~~

25

~~BY AN EMPLOYEE OF THE DEPARTMENT.~~

26

~~8-3A-06.~~

27

(A) ~~THE OFFICE MAY REVIEW RELEVANT LAWS, POLICIES, PROCEDURES, AND~~

28

~~JUVENILE JUSTICE RECORDS, INCLUDING RECORDS RELATING TO INDIVIDUAL~~

29

~~YOUTH.~~

30

(B) ~~THE OFFICE MAY, ON REQUEST, CONDUCT INTERVIEWS WITH:~~

31

(1) ~~EMPLOYEES OF THE DEPARTMENT OR A FACILITY;~~

32

(2) ~~A YOUTH HOUSED IN A FACILITY; AND~~

33

(3) ~~ANOTHER PERSON WITH INFORMATION THAT WOULD ASSIST THE~~

34

~~OFFICE IN THE PERFORMANCE OF ITS DUTIES.~~

1 ~~(C) THE OFFICE MAY REVIEW INVESTIGATIVE REPORTS PRODUCED BY THE~~
2 ~~DEPARTMENT RELATING TO YOUTH IN RESIDENTIAL FACILITIES.~~

3 ~~(D) IN CONNECTION WITH A CHILD PROTECTIVE SERVICES INVESTIGATION~~
4 ~~CONDUCTED PURSUANT TO TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE, THE~~
5 ~~EXECUTIVE DIRECTOR MAY DESIGNATE AN EMPLOYEE OF THE OFFICE TO~~
6 ~~PARTICIPATE IN THE LOCAL DEPARTMENT OF SOCIAL SERVICES'~~
7 ~~MULTIDISCIPLINARY TEAM PROCESS.~~

8 ~~(E) THE EXECUTIVE DIRECTOR AND SUCH OTHER EMPLOYEES OF THE~~
9 ~~OFFICE AS MAY BE NECESSARY SHALL BE AVAILABLE TO ATTEND MEETINGS OF THE~~
10 ~~ADVISORY BOARD ESTABLISHED UNDER ARTICLE 83C, § 2-119 OF THE CODE.~~

11 ~~8-3A-07.~~

12 ~~(A) THE OFFICE SHALL REPORT IN A TIMELY MANNER TO THE SECRETARY,~~
13 ~~THE CHILDREN'S CABINET, THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND~~
14 ~~FAMILIES, THE EXECUTIVE DIRECTOR OF THE OFFICE OF CRIME CONTROL AND~~
15 ~~PREVENTION, AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE SPEAKER~~
16 ~~OF THE HOUSE OF DELEGATES AND THE PRESIDENT OF THE SENATE ON:~~

17 ~~(1) KNOWLEDGE OF ANY PROBLEM REGARDING THE CARE,~~
18 ~~SUPERVISION, AND TREATMENT OF CHILDREN IN FACILITIES OWNED OR OPERATED~~
19 ~~BY THE DEPARTMENT;~~

20 ~~(2) FINDINGS, ACTIONS, AND RECOMMENDATIONS RELATED TO THE~~
21 ~~INVESTIGATIONS OF DISCIPLINARY ACTIONS, GRIEVANCES, INCIDENT REPORTS, AND~~
22 ~~ALLEGED CASES OF CHILD ABUSE AND NEGLECT; AND~~

23 ~~(3) ALL OTHER FINDINGS AND ACTIONS RELATED TO THE~~
24 ~~PERFORMANCE OF ITS DUTIES UNDER THIS SUBTITLE.~~

25 ~~(B) THE OFFICE SHALL REPORT QUARTERLY TO THE SECRETARY, THE~~
26 ~~SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES, THE EXECUTIVE~~
27 ~~DIRECTOR OF THE OFFICE OF CRIME CONTROL AND PREVENTION, AND EACH~~
28 ~~MEMBER OF THE CHILDREN'S CABINET ON:~~

29 ~~(1) ALL ACTIVITIES OF THE OFFICE;~~

30 ~~(2) ACTIONS TAKEN OR RESPONSES BY THE DEPARTMENT TO FINDINGS~~
31 ~~AND RECOMMENDATIONS MADE BY THE OFFICE; AND~~

32 ~~(3) ALL VIOLATIONS OF THE STANDARDS AND REGULATIONS OF THE~~
33 ~~DEPARTMENT THAT REMAINED UNABATED FOR 30 DAYS OR MORE DURING THE~~
34 ~~REPORTING PERIOD.~~

35 ~~(C) ON NOVEMBER 30 OF EACH YEAR, THE OFFICE SHALL REPORT TO THE~~
36 ~~GOVERNOR, THE SECRETARY, THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND~~
37 ~~FAMILIES, EACH MEMBER OF THE CHILDREN'S CABINET AND THE ADVISORY BOARD~~
38 ~~OF THE DEPARTMENT, AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE~~

~~1 GENERAL ASSEMBLY, ON ALL ACTIVITIES OF THE OFFICE AND THE ACTIONS TAKEN
2 BY THE DEPARTMENT IN RESPONSE TO FINDINGS AND RECOMMENDATIONS MADE
3 BY THE OFFICE.~~

~~4 (D) ALL REPORTS SUBMITTED IN ACCORDANCE WITH THIS SECTION SHALL BE
5 CONSISTENT WITH ANY AGREEMENT OR MEMORANDUM OF UNDERSTANDING
6 ENTERED INTO BY THE OFFICE WITH ANY OTHER EXECUTIVE AGENCY OR
7 DEPARTMENT.~~

8 **Article - Health - General**
9 **SUBTITLE 5. SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES.**
10 2-501.

11 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

12 (B) "ADVISORY COUNCIL" MEANS THE ADVISORY COUNCIL ON CHILDREN,
13 YOUTH, AND FAMILIES ESTABLISHED UNDER § 4-109 OF THIS TITLE.

14 (C) (1) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" MEANS A CHILD
15 WHO IS RECOMMENDED BY A MEMBER OF THE LOCAL COORDINATING COUNCIL FOR
16 PLACEMENT IN AN OUT-OF-HOME PLACEMENT OUTSIDE OF THE STATE.

17 (2) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" DOES NOT
18 INCLUDE A CHILD PLACED IN FOSTER CARE AS DEFINED UNDER § 5-501 OF THE
19 FAMILY LAW ARTICLE.

20 (D) "CHILD IN NEED OF RESIDENTIAL PLACEMENT" MEANS A CHILD:

21 (1) WHO IS RECOMMENDED BY A MEMBER OF THE LOCAL
22 COORDINATING COUNCIL FOR RESIDENTIAL PLACEMENT;

23 (2) ON WHOSE BEHALF THE MEMBER OF THE LOCAL COORDINATING
24 COUNCIL SEEKS STATE-FUNDING FOR THE PLACEMENT; AND

25 (3) WHO A PUBLIC AGENCY HAS DETERMINED MEETS THE ELIGIBILITY
26 CRITERIA FOR A STATE-FUNDED PLACEMENT.

27 (E) "CHILD WITH INTENSIVE NEEDS" MEANS A CHILD WHO HAS ANY
28 COMBINATION OF BEHAVIORAL, EDUCATIONAL, DEVELOPMENTAL, OR MENTAL
29 HEALTH NEEDS THAT CANNOT BE MET BY A SINGLE PUBLIC AGENCY OR BY ANY
30 SINGLE MANDATED FUNDING SOURCE BECAUSE:

31 (1) THE CHILD'S NEEDS EXCEED THE RESOURCES OF A SINGLE PUBLIC
32 AGENCY; AND

33 (2) THERE IS NO LEGALLY MANDATED FUNDING SOURCE TO MEET THE
34 CHILD'S NEEDS.

1 (F) "LOCAL COORDINATING COUNCIL" MEANS A LOCAL COUNCIL IN EACH
2 COUNTY THAT COORDINATES SERVICES FOR CHILDREN WITH INTENSIVE NEEDS
3 AND CHILDREN IN NEED OF RESIDENTIAL PLACEMENTS.

4 (G) "SUBCABINET" MEANS THE SUBCABINET FOR CHILDREN, YOUTH, AND
5 FAMILIES.

6 2-502.

7 (A) THERE IS A SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES.

8 (B) THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES CONSISTS OF
9 THE FOLLOWING MEMBERS:

10 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

11 (2) THE SECRETARY OF HUMAN RESOURCES;

12 (3) THE SECRETARY OF JUVENILE SERVICES;

13 (4) THE STATE SUPERINTENDENT OF SCHOOLS; AND

14 (5) THE SECRETARY OF DISABILITIES.

15 (C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL SERVE AS
16 CHAIR OF THE SUBCABINET.

17 (D) THE SUBCABINET SHALL HAVE STAFF SUPPORT AS PROVIDED FOR IN THE
18 ANNUAL OPERATING BUDGET.

19 (E) THE CHAIR MAY CALL UPON ANY OF THE SUBCABINET MEMBERS TO
20 PROVIDE ADDITIONAL STAFF ASSISTANCE AS NEEDED.

21 (F) THE SUBCABINET SHALL MEET AT LEAST FOUR TIMES EACH YEAR.

22 (G) THE SUBCABINET SHALL:

23 (1) PROVIDE ONGOING EXAMINATION OF THE STRUCTURE AND
24 ORGANIZATION OF MARYLAND'S SYSTEM OF SERVICES TO CHILDREN, YOUTH, AND
25 FAMILIES;

26 (2) FACILITATE A COMPREHENSIVE, EFFECTIVE, EFFICIENT, AND
27 INTEGRATED SERVICE DELIVERY SYSTEM FOR SERVICES TO CHILDREN, YOUTH, AND
28 FAMILIES;

29 (3) EXCHANGE INFORMATION TO THE EXTENT PERMISSIBLE BY
30 FEDERAL LAW AND REGULATION TO:

31 (I) PROMOTE A STABLE, SAFE, AND HEALTHY ENVIRONMENT FOR
32 CHILDREN AND FAMILIES THROUGH INTEGRATED SYSTEMS OF CARE THAT:

1 1. ARE FAMILY AND CHILD ORIENTED AND EMPHASIZE
2 PREVENTION; AND

3 2. PROVIDE COMMUNITY-BASED SERVICES IN THE LEAST
4 RESTRICTIVE ENVIRONMENT AND MOST INTEGRATED SETTING APPROPRIATE TO
5 MEET THE NEEDS OF THE CHILD AND FAMILY;

6 (II) FACILITATE THE DEVELOPMENT OF A SEAMLESS SYSTEM OF
7 FAMILY FOCUSED SERVICES;

8 (III) ACHIEVE A COMPREHENSIVE AND COORDINATED
9 INTERAGENCY APPROACH TO PROVIDING A CONTINUUM OF CARE THAT IS FAMILY
10 AND CHILD ORIENTED;

11 (IV) DISCLOSE APPROPRIATE PORTIONS OF RECORDS OF CHILDREN,
12 YOUTH, AND FAMILIES SERVED BY THAT AGENCY TO OTHER PUBLIC AGENCIES
13 SERVING THE SAME CHILDREN, YOUTH, AND FAMILIES;

14 (V) PROVIDE A REGULAR FORUM FOR THE PUBLIC AGENCIES
15 RESPONSIBLE FOR IMPLEMENTING THE STATE'S VISION TO MEET AND DEVELOP
16 COORDINATED POLICY RECOMMENDATIONS FOR THE GOVERNOR;

17 (VI) EXAMINE THE INTERAGENCY FUNDING SYSTEMS CONSISTENT
18 WITH § 15-139 OF HEALTH - GENERAL ARTICLE THAT WILL PROMOTE THE EFFICIENT
19 AND COMPREHENSIVE DELIVERY OF INTEGRATED SERVICES FOR THE AFFECTED
20 CHILDREN AND FAMILIES;

21 (VII) UTILIZE THE SUBCABINET FOR CHILDREN, YOUTH, AND
22 FAMILIES INFORMATION SYSTEMS (SCYFIS) TO SHARE INFORMATION; AND

23 (VIII) APPOINT A STAFF DIRECTOR TO PROVIDE THE DAY-TO-DAY
24 STAFFING TO THE SUBCABINET; AND

25 (4) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS
26 OF THIS TITLE.

27 (H) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION,
28 INFORMATION AND RECORDS PROVIDED TO OTHER PUBLIC AGENCIES UNDER THIS
29 SECTION SHALL REMAIN CONFIDENTIAL AND MAY NOT BE DISCLOSED TO ANY
30 OTHER PERSON.

31 (2) FOR THE PURPOSES OF PLANNING, BUDGETING, EVALUATION, AND
32 ANALYSIS, A PUBLIC AGENCY MAY PROVIDE TO THE SUBCABINET INFORMATION
33 REGARDING SERVICES PROVIDED TO CHILDREN, YOUTH, AND FAMILIES, INCLUDING:

34 (I) THE NAME, ADDRESS, DATE OF BIRTH, RACE, AND SEX OF
35 CHILDREN RECEIVING SERVICES; AND

1 (II) A LIST OF THE SERVICES PROVIDED TO THE CHILDREN BY
2 STATE OR LOCAL AGENCIES INCLUDING THE DATES OF SERVICE AND DURATION OF
3 THE SERVICES PROVIDED.

4 2-503.

5 (A) EACH LOCAL JURISDICTION SHALL ESTABLISH AND MAINTAIN A LOCAL
6 MANAGEMENT BOARD TO ENSURE THE IMPLEMENTATION OF A LOCAL
7 INTERAGENCY SERVICE DELIVERY SYSTEM FOR CHILDREN, YOUTH, AND FAMILIES.

8 (B) IN ESTABLISHING THE LOCAL MANAGEMENT BOARD, A LOCAL
9 JURISDICTION MAY ELECT TO:

10 (1) DESIGNATE A QUASI-PUBLIC NONPROFIT CORPORATION THAT IS
11 NOT TO BE CONSIDERED AN INSTRUMENTALITY OF THE LOCAL GOVERNMENT;

12 (2) DESIGNATE A PUBLIC AGENCY THAT IS TO BE CONSIDERED AN
13 INSTRUMENTALITY OF THE LOCAL GOVERNMENT; OR

14 (3) DESIGNATE A REGIONAL NONPROFIT CORPORATION OR PUBLIC
15 AGENCY TO REPRESENT MULTIPLE JURISDICTIONS.

16 (C) A LOCAL MANAGEMENT BOARD SHALL DEVELOP A 3-YEAR COMMUNITY
17 PARTNERSHIP PLAN THAT ADDRESSES THE PRIORITIES AND STRATEGIES OF THE
18 COUNTY FOR MEETING THE NEEDS OF CHILDREN AND FAMILIES FOR:

19 (1) OUT-OF-HOME PLACEMENT AND TREATMENT;

20 (2) CRISIS INTERVENTION;

21 (3) SERVICES FOR CHILDREN AT RISK OF OR RETURNING FROM
22 OUT-OF-HOME PLACEMENT;

23 (4) EARLY INTERVENTION, DELINQUENCY PREVENTION, AND
24 DIVERSION SERVICES; AND

25 (5) EDUCATION, HEALTH CARE, OR OTHER CHILD AND FAMILY
26 SERVICES.

27 (D) THE SUBCABINET SHALL ADOPT REGULATIONS:

28 (1) SPECIFYING THE ROLES AND RESPONSIBILITIES OF LOCAL
29 MANAGEMENT BOARDS;

30 (2) ESTABLISHING MINIMUM STANDARDS FOR THE COMPOSITION OF
31 LOCAL MANAGEMENT BOARDS;

32 (3) ESTABLISHING FISCAL AND PROGRAM ACCOUNTABILITY IN THE
33 IMPLEMENTATION OF COMMUNITY PARTNERSHIP AGREEMENTS AND THE USE OF
34 OTHER STATE RESOURCES BY LOCAL MANAGEMENT BOARDS;

1 (4) ESTABLISHING PROCEDURES TO ENSURE THE CONFIDENTIALITY OF
2 INFORMATION SHARED BY LOCAL MANAGEMENT BOARD MEMBERS AND
3 EMPLOYEES, PURSUANT TO STATE AND FEDERAL LAW; AND

4 (5) GENERALLY RELATING TO THE OPERATION OF LOCAL MANAGEMENT
5 BOARDS.

6 2-504.

7 (A) EACH COUNTY SHALL ESTABLISH A LOCAL COORDINATING COUNCIL.

8 (B) A LOCAL COORDINATING COUNCIL SHALL INCLUDE AT LEAST ONE
9 REPRESENTATIVE FROM:

10 (1) THE DEPARTMENT OF JUVENILE SERVICES;

11 (2) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;

12 (3) THE MENTAL HYGIENE ADMINISTRATION;

13 (4) THE ALCOHOL AND DRUG ABUSE ADMINISTRATION;

14 (5) THE LOCAL BOARD OF EDUCATION;

15 (6) THE LOCAL HEALTH DEPARTMENT;

16 (7) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

17 (8) THE LOCAL OFFICE OF THE DIVISION OF REHABILITATION
18 SERVICES;

19 (9) THE LOCAL MANAGEMENT BOARD, AS DESIGNATED UNDER § 2-503
20 OF THIS SUBTITLE;

21 (10) THE LOCAL CORE SERVICE AGENCY, AS DESIGNATED UNDER TITLE
22 10, SUBTITLE 12 OF THIS ARTICLE; AND

23 (11) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE CHAIR
24 OF THE LOCAL COORDINATING COUNCIL IN CONSULTATION WITH THE CHILD
25 ADVOCACY COMMUNITY.

26 (B) THE LOCAL COORDINATING COUNCIL SHALL SELECT ITS CHAIR BY:

27 (1) ROTATING THE CHAIR ANNUALLY AMONG THE MEMBERS OF THE
28 AGENCIES REPRESENTED ON THE LOCAL COORDINATING COUNCIL; OR

29 (2) APPOINTING THE LOCAL MANAGEMENT BOARD'S DESIGNEE TO THE
30 LOCAL COORDINATING COUNCIL AS ITS CHAIR.

31 (C) (1) THE LOCAL COORDINATING COUNCIL SHALL BE PART OF THE LOCAL
32 MANAGEMENT BOARD FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

1 (2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL
2 MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO
3 THE LOCAL COORDINATING COUNCIL.

4 (3) THE LOCAL COORDINATING COUNCIL SHALL BE INDEPENDENT OF
5 THE LOCAL MANAGEMENT BOARD IN ITS DECISIONS REGARDING:

6 (I) INDIVIDUAL PLANS OF CARE FOR CHILDREN; AND

7 (II) POLICY RECOMMENDATIONS REGARDING SERVICES TO
8 CHILDREN.

9 (D) THE SUBCABINET SHALL MONITOR AND OVERSEE THE LOCAL
10 COORDINATING COUNCIL.

11 2-505.

12 (A) CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, A LOCAL
13 COORDINATING COUNCIL SHALL:

14 (1) DEVELOP AND IMPLEMENT PLANS OF CARE FOR THE RESIDENTIAL
15 PLACEMENT OF CHILDREN IN NEED OF RESIDENTIAL PLACEMENT AND CHILDREN IN
16 NEED OF OUT-OF-STATE PLACEMENT;

17 (2) ACCEPT PLACEMENT REFERRALS FROM THE AGENCIES
18 REPRESENTED ON THE LOCAL COORDINATING COUNCIL;

19 (3) REVIEW RECOMMENDATIONS FOR THE RESIDENTIAL PLACEMENT
20 OF CHILDREN REFERRED TO THE LOCAL COORDINATING COUNCIL IN ACCORDANCE
21 WITH THIS SECTION AS FOLLOWS:

22 (I) REVIEW RESIDENTIAL PLACEMENTS RECOMMENDED IN
23 ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION
24 ACT OR FEDERAL MEDICAID REQUIREMENTS, FOR THE PURPOSE OF PROVIDING
25 TECHNICAL ASSISTANCE TO THE LEAD AGENCY REGARDING THE AVAILABILITY OF
26 COMMUNITY-BASED RESOURCES TO SERVE THE CHILD IN THE LEAST RESTRICTIVE
27 ENVIRONMENT DETERMINED TO BE APPROPRIATE BY THE LEAD AGENCY;

28 (II) REVIEW AND APPROVE OTHER RECOMMENDED RESIDENTIAL
29 PLACEMENTS; AND

30 (III) REVIEW RECOMMENDED OUT-OF-STATE PLACEMENTS AND
31 REFER THE RECOMMENDATIONS TO THE APPROPRIATE AGENCY;

32 (4) PROVIDE AN INTERAGENCY PLAN OF CARE FOR THE CHILD'S
33 RESIDENTIAL PLACEMENT OR APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED
34 SERVICES FOR THE CHILD;

35 (5) CONSISTENT WITH REGULATIONS ADOPTED BY THE SUBCABINET,
36 SUBMIT RECOMMENDED PLANS OF CARE TO THE APPROPRIATE AGENCY; AND

1 (6) ASSIST THE AGENCY PRIMARILY RESPONSIBLE FOR THE CHILD'S
2 CARE IN IMPLEMENTING AND MONITORING THE RESIDENTIAL PLACEMENTS.

3 2-506.

4 (A) A PARENT OR GUARDIAN OF A CHILD AND, IF THE CHILD IS REPRESENTED
5 BY COUNSEL, THE CHILD'S ATTORNEY MAY ATTEND ANY LOCAL COORDINATING
6 COUNCIL MEETING WHERE THE PURPOSE OF THE MEETING IS TO DISCUSS THE
7 CHILD'S RESIDENTIAL PLACEMENT.

8 (B) THE LOCAL COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR
9 GUARDIAN OF THE CHILD AND, IF THE CHILD IS REPRESENTED BY COUNSEL, THE
10 CHILD'S COURT APPOINTED ATTORNEY OF THE DATE, TIME, AND LOCATION OF ANY
11 MEETING THE LOCAL COORDINATING COUNCIL PLANS TO HOLD TO DISCUSS THE
12 CHILD'S RESIDENTIAL PLACEMENT, AT LEAST 10 CALENDAR DAYS BEFORE THE
13 MEETING DATE.

14 (C) THE LOCAL COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR
15 GUARDIAN OF THE CHILD AND, IF THE CHILD IS REPRESENTED BY COUNSEL, THE
16 CHILD'S ATTORNEY IN WRITING OF:

17 (1) ANY DECISION IT MAKES CONCERNING THE CHILD'S RESIDENTIAL
18 PLACEMENT; AND

19 (2) THE RIGHT OF THE PARENT OR GUARDIAN OR THE CHILD'S
20 ATTORNEY TO APPEAL ANY DECISION MADE BY THE LOCAL COORDINATING COUNCIL
21 CONCERNING THE CHILD'S RESIDENTIAL PLACEMENT.

22 2-507.

23 (A) THE SUBCABINET SHALL MAINTAIN A STATEWIDE SYSTEM OF
24 INTERAGENCY BUDGETING AND FUNDING.

25 (B) AS PART OF THE SYSTEM REQUIRED UNDER SUBSECTION (A) OF THIS
26 SECTION, THE SUBCABINET SHALL:

27 (1) MAINTAIN A SUBCABINET FUND THAT:

28 (I) INCLUDES MONEYS FOR OUT-OF-HOME CARE AND SERVICES
29 TO PREVENT OUT-OF-HOME PLACEMENTS;

30 (II) CONSISTS OF ANY OTHER MONEYS APPROPRIATED,
31 TRANSFERRED, CREDITED, OR PAID FROM ANY SOURCE;

32 (III) IS EXPENDED IN ACCORDANCE WITH POLICIES AND
33 PROCEDURES ADOPTED BY THE SUBCABINET AND THE BUDGET AMENDMENT
34 PROCEDURE PROVIDED FOR IN § 7-209 OF THE STATE FINANCE AND PROCUREMENT
35 ARTICLE;

1 (IV) REVERTS TO THE GENERAL FUND OF THE STATE AT THE END
2 OF EACH FISCAL YEAR, AS PROVIDED IN § 7-302 OF THE STATE FINANCE AND
3 PROCUREMENT ARTICLE; AND

4 (V) HAS AS ITS FISCAL AGENT THE STATE DEPARTMENT OF
5 EDUCATION;

6 (2) DEVELOP A PLAN FOR A CONTINUUM OF CARE AND SERVICES THAT
7 IS FAMILY AND CHILD ORIENTED AND EMPHASIZES PREVENTION, EARLY
8 INTERVENTION, AND COMMUNITY-BASED SERVICES;

9 (3) IMPLEMENT AN INTERAGENCY EFFORT TO MAXIMIZE AVAILABLE
10 RESOURCES FROM ALL SOURCES, INCLUDING FEDERAL MONEYS AND PRIVATE
11 THIRD PARTY REIMBURSEMENT;

12 (4) USE OUTCOME MEASURES AND FISCAL INCENTIVES TO ENCOURAGE
13 MORE PRODUCTIVE USE OF STATE FUNDS FOR CHILDREN AND FAMILY SERVICES;
14 AND

15 (5) ENTER INTO COMMUNITY PARTNERSHIP AGREEMENTS EXECUTED
16 BETWEEN THE STATE AND LOCAL MANAGEMENT BOARDS RELATING TO THE
17 PROVISION OF SERVICES FOR CHILDREN, YOUTH, AND FAMILIES THAT;

18 (I) PROVIDE FOR THE USE OF MONEYS FROM THE SUBCABINET
19 FUND TO SUPPORT SERVICES UNDER THE COMMUNITY PARTNERSHIP AGREEMENT
20 DESIGNED TO:

21 1. PREVENT UNNECESSARY OUT-OF-HOME PLACEMENT OF
22 CHILDREN; AND

23 2. IMPLEMENT OTHER INITIATIVES APPROVED BY THE
24 SUBCABINET; AND

25 (II) INCORPORATE REQUIREMENTS ESTABLISHED BY THE
26 SUBCABINET FOR THE ADMINISTRATION AND DELIVERY OF SERVICES SUPPORTED
27 BY THE SUBCABINET FUND.

28 2-508.

29 (A) THERE IS A CHILDREN'S TRUST FUND.

30 (B) IN ADDITION TO ANY FEDERAL FUNDS OR ANY FUNDS PROVIDED IN THE
31 STATE BUDGET, ANY GRANT OR GIFT TO THE STATE TO OR FOR THE USE OF THE
32 CHILDREN'S TRUST FUND SHALL BE CREDITED TO THE CHILDREN'S TRUST FUND TO
33 BE USED FOR THE PURPOSES STATED IN THIS SECTION.

34 (C) THE SUBCABINET MAY EXPEND A GIFT TO THE STATE TO OR FOR THE USE
35 OF THE CHILDREN'S TRUST FUND ONLY IN THE MANNER AND FOR THE PURPOSES
36 STATED IN THIS SECTION.

1 (D) THE SUBCABINET SHALL EXPEND THE FUNDS COLLECTED UNDER §
2 4-217(A)(3)(II) OF THIS ARTICLE FOR THE USE OF THE CHILDREN'S TRUST FUND AS
3 APPROPRIATED IN THE ANNUAL STATE BUDGET AND ONLY IN THE MANNER AND FOR
4 THE PURPOSES STATED IN THIS SECTION.

5 (E) (1) THE SUBCABINET SHALL AUTHORIZE THE USE OF THE FUNDS
6 WITHIN THE CHILDREN'S TRUST FUND TO:

7 (I) PROVIDE GRANTS FOR DEVELOPING, ASSISTING,
8 IMPLEMENTING, OR EVALUATING INNOVATIVE CHILD ABUSE AND NEGLECT
9 PREVENTION, TREATMENT, OR EDUCATION PROGRAMS; AND

10 (II) PROVIDE GRANTS FOR OPERATING INNOVATIVE SUPPORT
11 PROGRAMS FOR PARENTS, FAMILIES, AND ABUSED OR NEGLECTED CHILDREN.

12 (2) GRANTS MADE UNDER THIS SECTION MAY BE MADE TO PUBLIC AND
13 PRIVATE COMMUNITY-BASED ORGANIZATIONS AND AGENCIES IN LOCAL POLITICAL
14 SUBDIVISIONS.

15 (3) THE SUBCABINET SHALL REFER GRANT APPLICATIONS UNDER THIS
16 SECTION TO THE ADVISORY COUNCIL.

17 (4) THE ADVISORY COUNCIL SHALL REVIEW GRANT APPLICATIONS
18 UNDER THIS SECTION AND SHALL MAKE RECOMMENDATIONS FOR FINAL
19 SELECTIONS TO THE SUBCABINET.

20 (5) THE SUBCABINET SHALL AWARD OR DENY GRANT APPLICATIONS
21 UPON REVIEWING THE RECOMMENDATIONS OF THE ADVISORY COUNCIL.

22 (F) (1) THE FUNDS OF THE CHILDREN'S TRUST FUND SHALL SUPPLEMENT
23 AND MAY NOT BE A SUBSTITUTE FOR ANY FUNDS IN THE STATE BUDGET FOR
24 ENFORCEMENT OF THE CHILD ABUSE AND NEGLECT LAWS, SERVICES FOR CHILD
25 PROTECTIVE SERVICES, OR CHILD ABUSE AND NEGLECT PREVENTION, TREATMENT,
26 OR EDUCATION PROGRAMS.

27 (2) THE SUBCABINET MAY USE FUNDS WITHIN THE CHILDREN'S TRUST
28 FUND TO ASSIST IN ADMINISTERING THE FUND.

29 (3) IN ANY FISCAL YEAR, ADMINISTRATIVE COSTS PAID FOR FROM THE
30 FUND MAY NOT EXCEED 5 PERCENT OR \$25,000, WHICHEVER IS LESS, OF THE
31 MONEYS AVAILABLE FOR DISTRIBUTION FROM THE FUND DURING THAT FISCAL
32 YEAR.

33 (G) EACH YEAR THE SUBCABINET SHALL REPORT TO THE GOVERNOR AND,
34 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL
35 ASSEMBLY ON:

36 (1) THE USE OF FUNDS DISBURSED FROM THE CHILDREN'S TRUST
37 FUND; AND

1 (2) THE RECOMMENDATIONS OF THE ADVISORY COUNCIL.

2 (H) ANY UNEXPENDED FUNDS IN THE CHILDREN'S TRUST FUND REMAINING
3 AT THE END OF A FISCAL YEAR MAY NOT REVERT TO THE GENERAL FUND OF THE
4 STATE.

5 2-509.

6 (A) (1) THERE IS AN ADVISORY COUNCIL ON CHILDREN, YOUTH, AND
7 FAMILIES.

8 (2) THE ADVISORY COUNCIL CONSISTS OF 21 VOTING MEMBERS
9 APPOINTED BY THE GOVERNOR FROM AMONG THE GEOGRAPHIC REGIONS OF THE
10 STATE.

11 (B) (1) THE VOTING MEMBERS OF THE ADVISORY COUNCIL SHALL BE
12 REPRESENTATIVE OF MARYLAND-BASED PARENTS' ORGANIZATIONS AND OTHER
13 NONPROFIT ORGANIZATIONS WITH STATEWIDE CONSTITUENCIES AND INDIVIDUALS
14 WHO HAVE INTEREST OR EXPERTISE IN THE FOLLOWING AREAS:

15 (I) PREVENTION OF ADOLESCENT PREGNANCY AND INFANT
16 MORTALITY;

17 (II) EARLY CHILDHOOD INTERVENTIONS;

18 (III) INTEGRATED SYSTEMS OF CARE;

19 (IV) SCHOOL-BASED HEALTH POLICIES;

20 (V) COMMUNITY-BASED SERVICES FOR CHILDREN AND FAMILIES;

21 (VI) EDUCATION, HEALTH CARE, OR OTHER CHILD AND FAMILY
22 SERVICES;

23 (VII) MENTAL HEALTH SERVICES;

24 (VIII) CHILD WELFARE SERVICES; AND

25 (IX) AT LEAST ONE MEMBER SHALL BE A PARENT OF A CHILD WHO
26 HAS A DISABILITY WITH INTENSIVE NEEDS.

27 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS
28 SUBSECTION, THE ADVISORY COUNCIL SHALL CONSIST OF NOT MORE THAN TWO
29 INDIVIDUALS WHO REPRESENT LOCAL GOVERNMENT.

30 (C) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE ADVISORY COUNCIL.

31 (D) WITH THE CONSENT OF THE ADVISORY COUNCIL, THE CHAIR MAY
32 DESIGNATE ADDITIONAL INDIVIDUALS, INCLUDING INTERESTED CITIZENS,
33 ELECTED OFFICIALS, EDUCATORS, OR SPECIALISTS WITH RELEVANT EXPERIENCE

1 TO SERVE AS NONVOTING MEMBERS OF ANY SUBCOMMITTEE OR WORK GROUP OF
2 THE ADVISORY COUNCIL.

3 (E) (1) THE TERM OF A MEMBER IS 3 YEARS.

4 (2) THE TERMS OF THE INITIAL MEMBERS ARE STAGGERED AS
5 FOLLOWS:

6 (I) SEVEN MEMBERS SHALL SERVE A TERM OF 1 YEAR, WITH THE
7 TERM TERMINATING AT THE END OF DECEMBER 1, 2006;

8 (II) SEVEN MEMBERS SHALL SERVE A TERM OF 2 YEARS, WITH THE
9 TERM TERMINATING AT THE END OF DECEMBER 1, 2007; AND

10 (III) SEVEN MEMBERS SHALL SERVE AN INITIAL TERM OF 3 YEARS,
11 WITH THE TERM TERMINATING AT THE END OF DECEMBER 1, 2008.

12 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
13 SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
15 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
16 AND QUALIFIES.

17 (5) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
18 MISCONDUCT, IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT ARTICLE.

19 (F) A MEMBER OF THE ADVISORY COUNCIL MAY NOT SERVE MORE THAN TWO
20 CONSECUTIVE TERMS.

21 (G) A MEMBER OF THE ADVISORY COUNCIL:

22 (1) MAY NOT RECEIVE COMPENSATION; BUT

23 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
24 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

25 (H) THE ADVISORY COUNCIL SHALL MEET AT LEAST SIX TIMES EACH YEAR.

26 (I) THE ADVISORY COUNCIL SHALL ADVISE THE CHILDREN'S SUBCABINET
27 ON:

28 (1) PREVENTION, EARLY INTERVENTION, AND COMMUNITY-BASED
29 SERVICES FOR CHILDREN, YOUTH, AND FAMILIES; AND

30 (2) THE ACTIVITIES OF ANY OTHER BOARD, COUNCIL, COMMISSION, OR
31 TASK FORCE CONSIDERING ISSUES THAT RELATE TO PREVENTION, INTERVENTION,
32 OR COMMUNITY-BASED SERVICES FOR CHILDREN, YOUTH, OR FAMILIES.

33 (J) (1) A MAJORITY OF THE MEMBERS OF THE ADVISORY COUNCIL SHALL
34 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS.

1 (2) THE ADVISORY COUNCIL MAY ADOPT OTHER PROCEDURES,
2 INCLUDING THE CREATION OF SUBCOMMITTEES OR WORK GROUPS, AS MAY BE
3 NECESSARY TO ENSURE THE ORDERLY TRANSACTION OF BUSINESS.

4 (K) THE ADVISORY COUNCIL SHALL REVIEW GRANT APPLICATIONS FROM THE
5 CHILDREN'S TRUST FUND AND PROVIDE RECOMMENDATIONS TO THE SUBCABINET.

6 (L) THE ADVISORY COUNCIL SHALL SUBMIT AN ANNUAL REPORT ON THE
7 ACTIVITIES OF THE ADVISORY COUNCIL TO THE GOVERNOR AND, IN ACCORDANCE
8 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

9 (M) THE REPORT SHALL INCLUDE RECOMMENDATIONS ON:

10 (1) THE STATUS OF EFFORTS TO REDUCE ADOLESCENT PREGNANCY
11 AND INFANT MORTALITY IN THE STATE;

12 (2) THE COSTS AND OUTCOMES OF STATE-FUNDED FAMILY
13 PRESERVATION SERVICES;

14 (3) SCHOOL-BASED HEALTH PROGRAMS AND ACTIVITIES; AND

15 (4) THE STATUS OF CHILDREN SENT OUT OF STATE TO RECEIVE
16 SERVICES, THE REASONS SERVICES WERE NOT PROVIDED IN STATE, THE NUMBER OF
17 CHILDREN IN OUT-OF-STATE PLACEMENT, AND THE COST OF PROVIDING
18 OUT-OF-STATE PLACEMENTS.

19 (N) THE ADVISORY COUNCIL SHALL SEEK THE INPUT OF COMMUNITY
20 ADVOCACY ORGANIZATIONS WITH EXPERTISE ON ISSUES WITHIN THE SCOPE OF THE
21 COUNCIL'S DUTIES AND AUTHORITY.

22 SECTION 3. AND BE IT FURTHER ENACTED, That:

23 (a) The functions and activities of the following programs are transferred from
24 the Office for Children, Youth, and Families to the Department of Health and Mental
25 Hygiene:

26 (1) State Commission on Infant Mortality; and

27 (2) Governor's Council on Adolescent Pregnancy.

28 (b) (1) The functions and activities of the Lisa L program shall be
29 transferred from the Office for Children, Youth, and Families to the Office of the
30 Deputy Secretary for Public Health Services in the Department of Health and Mental
31 Hygiene.

32 (2) The positions for the Lisa L program shall be transferred to the
33 Department of Health and Mental Hygiene.

34 (c) The employees, functions, and activities of the Local Management Board
35 and Monitoring, as provided in the State budget, shall be transferred to the
36 Department of Health and Mental Hygiene.

1 (d) The functions and activities of the following programs are transferred from
2 the Office for Children, Youth, and Families to the State Department of Education:

3 (1) Home Visiting Consortium;

4 (2) Healthy Families Maryland; and

5 (3) School Based Health Care Initiative.

6 (e) Any functions and activities that are not transferred to another unit of
7 government by this Act shall be transferred to the Department of Health and Mental
8 Hygiene.

9 (f) The employees, functions, and activities of the Family Protection and
10 Services are transferred to the Department of Human Resources.

11 (g) The Subcabinet Fund positions shall be transferred to the Department of
12 Health and Mental Hygiene.

13 (h) The positions for the Intensive Needs Youth program shall be transferred
14 to the Department of Health and Mental Hygiene.

15 (i) The Youth Strategies program shall be transferred to the State
16 Department of Education.

17 (j) (1) The Subcabinet for Children, Youth, and Families Information
18 System (SCYFIS) shall be transferred to the Department of Health and Mental
19 Hygiene.

20 (2) The Subcabinet for Children, Youth, and Families shall determine
21 the best method for continuing the integration of SCYFIS among the Department of
22 Human Resources, the Department of Health and Mental Hygiene, the Department of
23 Juvenile Services, the State Department of Education, the local management boards,
24 and any other public agency that has access to SCYFIS on or before July 1, 2005.

25 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
26 General Assembly that the positions and programs moved from the Office for
27 Children, Youth, and Families continue to operate as a cohesive and collective entity
28 to ensure integrated services and cooperation from all of the public agencies that are
29 a part of the Subcabinet for Children, Youth, and Families.

30 SECTION 5. AND BE IT FURTHER ENACTED, That the Governor shall
31 appropriate additional funds to the Department of Health and Mental Hygiene, State
32 Department of Education or Department of Human Resources if there is a need for
33 additional employees to carry out the provisions of this Act.

34 SECTION 3- 6. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect July 1, 2005. It shall remain effective for a period of 3 years and, at the end of
36 June 30, 2008, with no further action required by the General Assembly, this Act shall
37 be abrogated and of no further force and effect.

