
By: **Delegates Menes, Benson, Bohanan, Boschert, Bromwell, Cadden,
Cardin, C. Davis, DeBoy, Frank, Gaines, Gutierrez, Hubbard, Jameson,
Jones, Leopold, Madaleno, Marriott, McIntosh, Morhaim,
Nathan-Pulliam, Proctor, Shewell, Sossi, Stocksdale, and Weldon**

Introduced and read first time: January 31, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Juvenile Services - Youth Services Bureaus - Predelinquent**
3 **Diversion Services**

4 FOR the purpose of requiring the Department of Juvenile Services, by a certain date
5 and yearly thereafter, to include certain information in the State
6 Comprehensive Juvenile Justice 3-Year Plan; altering the membership of the
7 State Advisory Board for Juvenile Services; requiring the Board to advise the
8 Secretary of Juvenile Services on certain programs; requiring the research unit
9 of the Department to develop new means to prevent juvenile offenses by using
10 certain youth services bureaus; requiring the research unit to undertake certain
11 analyses of certain predelinquent programs; requiring the Secretary to establish
12 certain predelinquent programs without requiring the Secretary to provide staff
13 to operate the programs; requiring the Department to be the central
14 administrative department for certain predelinquent programs; requiring the
15 Department to promote certain predelinquent programs including greater
16 utilization of youth services bureaus; requiring the Department to collaborate
17 with local governments and youth services bureaus on expanding and obtaining
18 funding for certain predelinquent programs; requiring the Department to
19 provide technical assistance for such programs; making stylistic changes;
20 providing for the effective date of certain provisions of this Act; providing for the
21 termination of certain provisions of this Act; and generally relating to
22 predelinquent diversion services.

23 BY repealing and reenacting, without amendments,
24 Article 83C - Juvenile Services
25 Section 1-101(a), (b), (c), (d), and (g)
26 Annotated Code of Maryland
27 (2003 Replacement Volume and 2004 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article 83C - Juvenile Services

1 Section 2-104(e)(3), 2-107(a), 2-110, 2-111(a) and (b), 2-115(b), 2-122, and
2 2-127
3 Annotated Code of Maryland
4 (2003 Replacement Volume and 2004 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article 83C - Juvenile Services
7 Section 2-111(a) and (b)
8 Annotated Code of Maryland
9 (2003 Replacement Volume and 2004 Supplement)
10 (As enacted by Chapter 691 of the Acts of the General Assembly of 2001)

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

13 **Article 83C - Juvenile Services**

14 1-101.

15 (a) In this article the following words have the meanings indicated.

16 (b) "Department" means the Department of Juvenile Services.

17 (c) "County" means a county of this State and, unless expressly provided
18 otherwise, Baltimore City.

19 (d) "Secretary" means the Secretary of Juvenile Services.

20 (g) "State Advisory Board" means the State Advisory Board for Juvenile
21 Services.

22 2-104.

23 (e) (3) (i) Prior to January 1, 1990, the Secretary shall develop a State
24 Comprehensive Juvenile Justice 3-Year Plan. The Plan shall:

25 1. Include an inventory of all in-day treatment programs
26 and residential care programs and an accounting of the residence of all clients;

27 2. Set out the needs of the various areas of services for clients
28 including alcohol and drug abuse rehabilitation services;

29 3. Establish priorities for the different services needed;

30 4. Set standards for the quality of residential services and
31 outreach services;

32 5. Include a program dedicated to reducing recidivism rates
33 of clients; and

1 6. Include any other matters that the Secretary deems
2 appropriate.

3 (ii) The Plan shall be revised for each subsequent calendar year and
4 shall be submitted, subject to § 2-1246 of the State Government Article, to the
5 General Assembly by February 1 of each year.

6 (III) BEGINNING WITH THE PLAN SUBMITTED BY FEBRUARY 1, 2006,
7 IN ADDITION TO THE ITEMS LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE
8 PLAN SHALL:

9 1. INCLUDE AN INVENTORY OF NONRESIDENTIAL
10 TREATMENT PROGRAMS;

11 2. SET OUT THE NEEDS OF CLIENTS INCLUDING
12 PREDELINQUENT DIVERSION SERVICES PROGRAMS; AND

13 3. INCLUDE PROGRAMS DEDICATED TO DIVERTING
14 CHILDREN FROM THE JUVENILE JUSTICE SYSTEM.

15 2-107.

16 (a) (1) The State Advisory Board consists of [18] 19 members appointed by
17 the Governor.

18 (2) Of the [18] 19 State Advisory Board members:

19 (i) 1 shall be a representative of the Department;

20 (ii) 1 shall be a representative of the Department of Health and
21 Mental Hygiene;

22 (iii) 1 shall be a representative of the State Department of
23 Education;

24 (iv) 1 shall be a representative of the Department of State Police;

25 (v) 1 shall be a representative of the State Social Services
26 Administration;

27 (vi) 1 shall be a representative of a voluntary child welfare agency;

28 (vii) 1 SHALL BE A REPRESENTATIVE OF A YOUTH SERVICES
29 BUREAU;

30 (VIII) 3 shall be representatives of the State judiciary;

31 [(viii)] (IX) 2 shall be representatives of the General Assembly
32 with one recommended by the President of the Senate and one recommended by the
33 Speaker of the House; and

1 [(ix)] (X) 7 shall be from the general public.

2 2-110.

3 In addition to the duties set forth elsewhere in this article, the State Advisory
4 Board shall:

5 (1) Consult with and advise the Secretary on:

6 (i) Each aspect of the juvenile justice program in this State; [and]

7 (ii) The educational programs and services of the Department; AND

8 (III) PROGRAMS DESIGNED TO DIVERT CHILDREN FROM THE
9 JUVENILE JUSTICE SYSTEM;

10 (2) Recommend to the Secretary policies and programs to improve
11 juvenile justice in this State;

12 (3) Participate in interpreting for the public the objectives of the
13 Department; and

14 (4) Participate in planning the development and use of available
15 resources to meet the needs of the Department.

16 2-115.

17 (b) The Department shall have a unit for research and development. The unit
18 shall:

19 (1) Compile accurate statistics and reliable information on all aspects of
20 the juvenile program of this State;

21 (2) Monitor current developments in the field of juvenile justice;

22 (3) Assess existing programs and activities;

23 (4) Help develop new or improved means, INCLUDING GREATER
24 UTILIZATION OF YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE, to
25 prevent juvenile offenses and control and treat juvenile offenders;

26 (5) If necessary, initiate studies to help the Secretary in general planning
27 and program development for the Department; [and]

28 (6) IN COLLABORATION WITH AFFECTED ENTITIES, UNDERTAKE
29 ONGOING QUANTITATIVE ANALYSES OF THE COST EFFECTIVENESS OF
30 PREDELINQUENT DIVERSION SERVICES PROGRAMS; AND

31 (7) For these and related purposes, use research and information
32 available from all sources.

1 2-122.

2 (a) In this section, "youth services bureau" means a community-based entity
3 that is operated:

4 (1) To provide community-oriented delinquency prevention, youth
5 suicide prevention, drug and alcohol abuse prevention, and youth development;

6 (2) To ameliorate conditions that breed delinquency, youth suicide, drug
7 and alcohol abuse, and family disruption; and

8 (3) To function as an advocate of youth needs.

9 (b) (1) The Department shall adopt rules and regulations that set eligibility
10 guidelines for State funding of youth services bureaus under this section.

11 (2) The rules and regulations shall require that each State-aided youth
12 services bureau:

13 (i) Provide, free of charge or at a rate established by each youth
14 services bureau's board of directors, in consultation with the Department, that is
15 based upon the client's family income, at convenient hours:

16 1. Individual, family, [and] OR group counseling;

17 2. Referral and information services;

18 3. Crisis intervention, including intervention relating to
19 youth suicide prevention;

20 4. **AFTERCARE SERVICES INCLUDING SERVICES TO REDUCE**
21 **RECIDIVISM;**

22 [4.] 5. Alcohol and drug abuse assessment and referral
23 services by staff who have received substance abuse assessment and referral training
24 from the Office of Education and Training for Addictions Services (OETAS) in the
25 Department of Health and Mental Hygiene or from any other entity that the
26 Secretary determines to be qualified to provide substance abuse assessment and
27 referral training;

28 5. Informal counseling; and

29 6. In accordance with particular community needs:

30 A. Tutoring;

31 B. Alternative leisure activities;

32 C. Employment assistance;

1 D. Community education, including training and information
2 relating to youth suicide prevention; and

3 E. Other specialized services; and

4 (ii) Dispose of all information and records on each individual
5 receiving services from a youth services bureau under this section 5 years after
6 services to the individual are no longer necessary.

7 (3) Any fees charged under paragraph (2) of this subsection may be
8 retained by the youth services bureau for the purposes of the youth services bureau.

9 (4) Fees authorized under paragraph (2) of this subsection do not apply
10 to youth referred to a youth services bureau by court order.

11 (c) The Department shall:

12 (1) As to each youth services bureau receiving State funding:

13 (i) Monitor its operations;

14 (ii) Evaluate annually its effectiveness; and

15 (iii) Stop funding a youth services bureau that is ineffective or that,
16 for 2 years, fails to meet the eligibility guidelines for State funding; and

17 (2) Review and either approve or disapprove the application for State
18 funding of a youth services bureau or proposed youth services bureau.

19 (d) (1) The funding of an eligible youth services bureau shall be a shared
20 responsibility of this State and of local governments. This State's share shall be 75
21 percent of the funding of an eligible youth services bureau, as provided in the State
22 budget.

23 (2) Each eligible youth services bureau shall submit to the Department a
24 proposed annual budget for review and approval, at the times that the Department
25 specifies.

26 (3) The proposed budget of the Department shall list the eligible youth
27 services bureaus and estimate the amount of State funds to be allocated to each.

28 (4) At the option of the local governing body that provides the matching
29 funds for an eligible youth services bureau, the State funds for the support of the
30 eligible youth services bureau shall be paid directly to its private sponsor or to the
31 local governing body. Before the State funds are paid, the fiscal officer of the local
32 government shall certify, in writing, the source of the 25 percent local funds.

1 2-127.

2 (a) The Secretary shall establish programs for juvenile intake,
3 PREDELINQUENT DIVERSION SERVICES, community detention, investigation,
4 probation, and aftercare services.

5 (b) (1) [The] EXCEPT FOR PREDELINQUENT DIVERSION SERVICES, THE
6 Secretary shall provide sufficient staff to operate the programs under subsection (a) of
7 this section.

8 (2) The staff of the Department are under the immediate direction and
9 control of the Secretary.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article 83C - Juvenile Services**

13 2-111.

14 (a) The Department is the central administrative department for:

15 (1) Juvenile intake, detention authorization, community detention,
16 investigation, probation, protective supervision, PREDELINQUENT DIVERSION
17 SERVICES, and aftercare services; and

18 (2) The State juvenile, diagnostic, training, detention, and rehabilitation
19 institutions.

20 (b) The Department shall:

21 (1) Develop programs for the predelinquent child whose behavior tends
22 to lead to contact with law enforcement agencies; [and]

23 (2) PROMOTE PREDELINQUENT PROGRAMS, INCLUDING GREATER
24 UTILIZATION OF YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE, THAT
25 PROVIDE SERVICES TO DIVERT CHILDREN FROM THE JUVENILE JUSTICE SYSTEM;

26 (3) COLLABORATE WITH LOCAL GOVERNMENTS TO ENHANCE AND
27 EXPAND PREDELINQUENT PROGRAMS PROVIDED BY YOUTH SERVICES BUREAUS
28 UNDER § 2-122 OF THIS SUBTITLE IN RESPONSE TO IDENTIFIED COMMUNITY NEEDS;

29 (4) PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS AND
30 YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE TO ENHANCE AND
31 EXPAND FUNDING SOURCES FOR PREDELINQUENT PROGRAMS; AND

32 [(2)] (5) Administer the Summer Opportunity Pilot Program under §
33 2-134 of this title.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article 83C - Juvenile Services**

4 2-111.

5 (a) The Department is the central administrative department for:

6 (1) Juvenile intake, detention authorization, community detention,
7 investigation, probation, protective supervision, PREDELINQUENT DIVERSION
8 SERVICES, and aftercare services; and

9 (2) The State juvenile, diagnostic, training, detention, and rehabilitation
10 institutions.

11 (b) The Department shall:

12 (1) [develop] DEVELOP programs for the predelinquent child whose
13 behavior tends to lead to contact with law enforcement agencies;

14 (2) PROMOTE PREDELINQUENT PROGRAMS, INCLUDING GREATER
15 UTILIZATION OF YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE, THAT
16 PROVIDE SERVICES TO DIVERT CHILDREN FROM THE JUVENILE JUSTICE SYSTEM;

17 (3) COLLABORATE WITH LOCAL GOVERNMENTS TO ENHANCE AND
18 EXPAND PREDELINQUENT PROGRAMS PROVIDED BY YOUTH SERVICES BUREAUS
19 UNDER § 2-122 OF THIS SUBTITLE IN RESPONSE TO IDENTIFIED COMMUNITY NEEDS;
20 AND

21 (4) PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS AND
22 YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE TO ENHANCE AND
23 EXPAND FUNDING SOURCES FOR PREDELINQUENT PROGRAMS.

24 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
25 take effect on the taking effect of the termination provision specified in Section 3 of
26 Chapter 691 of the Acts of the General Assembly of 2001. If that termination provision
27 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.
28 This Act may not be interpreted to have any effect on that termination provision.

29 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
30 of Section 4 of this Act, this Act shall take effect October 1, 2005.