
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**

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Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

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; providing that a requirement that certain
17 services be provided, including certain aftercare services, is subject to the
18 availability of funding; requiring the Department to collaborate with local
19 governments and youth services bureaus ~~on expanding and obtaining funding~~
20 ~~for to encourage the use of~~ certain predelinquent programs; requiring the
21 Department to provide technical assistance for such programs; making stylistic
22 changes; providing for the effective date of certain provisions of this Act;
23 providing for the termination of certain provisions of this Act; and generally
24 relating to predelinquent diversion services.

1 BY repealing and reenacting, without amendments,
2 Article 83C - Juvenile Services
3 Section 1-101(a), (b), (c), (d), and (g)
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2004 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article 83C - Juvenile Services
8 Section 2-104(e)(3), 2-107(a), 2-110, 2-111(a) and (b), 2-115(b), 2-122, and
9 2-127
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 83C - Juvenile Services
14 Section 2-111(a) and (b)
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2004 Supplement)
17 (As enacted by Chapter 691 of the Acts of the General Assembly of 2001)

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

20 **Article 83C - Juvenile Services**

21 1-101.

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

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

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

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

27 (g) "State Advisory Board" means the State Advisory Board for Juvenile
28 Services.

29 2-104.

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

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

- 1 2. Set out the needs of the various areas of services for clients
2 including alcohol and drug abuse rehabilitation services;
- 3 3. Establish priorities for the different services needed;
- 4 4. Set standards for the quality of residential services and
5 outreach services;
- 6 5. Include a program dedicated to reducing recidivism rates
7 of clients; and
- 8 6. Include any other matters that the Secretary deems
9 appropriate.

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

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

- 16 1. INCLUDE AN INVENTORY OF NONRESIDENTIAL
17 TREATMENT PROGRAMS;
 - 18 2. SET OUT THE NEEDS OF CLIENTS INCLUDING
19 PREDELINQUENT DIVERSION SERVICES PROGRAMS; AND
 - 20 3. INCLUDE PROGRAMS DEDICATED TO DIVERTING
21 CHILDREN FROM THE JUVENILE JUSTICE SYSTEM.
- 22 2-107.

- 23 (a) (1) The State Advisory Board consists of [18] 19 members appointed by
24 the Governor.
- 25 (2) Of the [18] 19 State Advisory Board members:
- 26 (i) 1 shall be a representative of the Department;
 - 27 (ii) 1 shall be a representative of the Department of Health and
28 Mental Hygiene;
 - 29 (iii) 1 shall be a representative of the State Department of
30 Education;
 - 31 (iv) 1 shall be a representative of the Department of State Police;
 - 32 (v) 1 shall be a representative of the State Social Services
33 Administration;

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

2 (vii) 1 SHALL BE A REPRESENTATIVE OF A YOUTH SERVICES
3 BUREAU;

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

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

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

9 2-110.

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

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

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

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

15 (III) PROGRAMS DESIGNED TO DIVERT CHILDREN FROM THE
16 JUVENILE JUSTICE SYSTEM;

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

19 (3) Participate in interpreting for the public the objectives of the
20 Department; and

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

23 2-115.

24 (b) The Department shall have a unit for research and development. The unit
25 shall:

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

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

29 (3) Assess existing programs and activities, INCLUDING YOUTH SERVICE
30 BUREAUS;

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

4 (5) If necessary, initiate studies to help the Secretary in general planning
 5 and program development for the Department; {and}

6 (6) ~~IN COLLABORATION WITH AFFECTED ENTITIES, UNDERTAKE~~
 7 ~~ONGOING QUANTITATIVE ANALYSES OF THE COST EFFECTIVENESS OF~~
 8 ~~PREDELINQUENT DIVERSION SERVICES PROGRAMS; AND~~

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

11 2-122.

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

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

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

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

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

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

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

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

27 2. Referral and information services;

28 3. Crisis intervention, including intervention relating to
 29 youth suicide prevention;

30 4. ~~AFTERCARE SERVICES INCLUDING SERVICES TO REDUCE~~
 31 ~~RECIDIVISM;~~

32 {4.} 5. Alcohol and drug abuse assessment and referral
 33 services by staff who have received substance abuse assessment and referral training
 34 from the Office of Education and Training for Addictions Services (OETAS) in the
 35 Department of Health and Mental Hygiene or from any other entity that the

1 Secretary determines to be qualified to provide substance abuse assessment and
2 referral training;

3 5. Informal counseling; and

4 6. In accordance with particular community needs AND
5 SUBJECT TO THE AVAILABILITY OF FUNDS:

6 A. Tutoring;

7 B. Alternative leisure activities;

8 C. Employment assistance;

9 D. Community education, including training and information
10 relating to youth suicide prevention; ~~and~~

11 E. AFTERCARE SERVICES; AND

12 F. Other specialized services; and

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

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

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

20 (c) The Department shall:

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

22 (i) Monitor its operations;

23 (ii) Evaluate annually its effectiveness; and

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

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

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

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

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

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

11 2-127.

12 (a) The Secretary shall establish programs for juvenile intake,
13 PREDELINQUENT DIVERSION SERVICES, community detention, investigation,
14 probation, and aftercare services.

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

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

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

22 **Article 83C - Juvenile Services**

23 2-111.

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

25 (1) Juvenile intake, detention authorization, community detention,
26 investigation, probation, protective supervision, PREDELINQUENT DIVERSION
27 SERVICES, and aftercare services; and

28 (2) The State juvenile, diagnostic, training, detention, and rehabilitation
29 institutions.

30 (b) The Department shall:

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

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

1 (3) COLLABORATE WITH LOCAL GOVERNMENTS TO ~~ENHANCE AND~~
 2 ~~EXPAND ENCOURAGE THE USE OF~~ PREDELINQUENT PROGRAMS PROVIDED BY
 3 YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE IN RESPONSE TO
 4 IDENTIFIED COMMUNITY NEEDS;

5 (4) PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS AND
 6 YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE TO ~~ENHANCE AND~~
 7 ~~EXPAND IDENTIFY ALTERNATIVE~~ FUNDING SOURCES FOR PREDELINQUENT
 8 PROGRAMS; AND

9 [(2)] (5) Administer the Summer Opportunity Pilot Program under §
 10 2-134 of this title.

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

13 **Article 83C - Juvenile Services**

14 2-111.

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

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

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

21 (b) The Department shall:

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

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

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

31 (4) PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS AND
 32 YOUTH SERVICES BUREAUS UNDER § 2-122 OF THIS SUBTITLE TO ~~ENHANCE AND~~
 33 ~~EXPAND IDENTIFY ALTERNATIVE~~ FUNDING SOURCES FOR PREDELINQUENT
 34 PROGRAMS.

35 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
 36 take effect on the taking effect of the termination provision specified in Section 3 of

1 Chapter 691 of the Acts of the General Assembly of 2001. If that termination provision
2 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.
3 This Act may not be interpreted to have any effect on that termination provision.

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