
By: **Delegates Zirkin, Cadden, Morhaim, and Quinter**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services - Residential Programs - Use of Departmental Facilities**

3 FOR the purpose of requiring the Department of Juvenile Services to ensure, to the
4 extent practicable, that by a certain date, each child in the custody or under the
5 guardianship of the Department who is in a residential program is in a
6 State-funded, regional facility operated by the Department, under certain
7 circumstances; authorizing the Department to comply with this Act by using
8 certain private providers of residential programs under certain circumstances;
9 establishing the requirements for a private provider of residential programs
10 that can be used by the Department to comply with this Act; declaring it is the
11 intent of the General Assembly that the Governor include certain funds in the
12 annual State budget beginning with a certain fiscal year; and generally relating
13 to residential programs by the Department of Juvenile Services.

14 BY repealing and reenacting, without amendments,
15 Article 49D - Office for Children, Youth, and Families
16 Section 12
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2004 Supplement)

19 BY adding to
20 Article 83C - Juvenile Services
21 Section 2-117.1
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2004 Supplement)

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

26 **Article 49D - Office for Children, Youth, and Families**

27 12.

28 (a) (1) In this section the following words have the meanings indicated.

1 (2) (i) "Cooperating department" means each unit of the State
2 government responsible for out-of-home placement of children.

3 (ii) "Cooperating department" includes the Department of Human
4 Resources, the Department of Juvenile Services, and the Office for Children, Youth,
5 and Families.

6 (3) "Lead agency" means the Office for Children, Youth, and Families.

7 (4) (i) "Out-of-home placement" means:

8 1. The removal of a child from the child's family; and

9 2. The placement of the child by an authorized agency or
10 court in a public or private facility or with other persons who assume responsibility
11 for the daily care, supervision, treatment, and education of the child.

12 (ii) "Out-of-home placement" includes foster care, residential
13 group care, residential treatment care, a residential educational facility, and a private
14 therapeutic group home licensed by the Department of Human Resources or the
15 Department of Juvenile Services.

16 (iii) "Out-of-home placement" does not include kinship care.

17 (5) "System for outcomes evaluation" means an objective and
18 standardized method of measuring the effectiveness of programs serving the needs of
19 children in out-of-home placement.

20 (b) (1) The lead agency is responsible for coordinating the planning and
21 determining the cost of testing and implementing the system for outcomes evaluation.

22 (2) The system for outcomes evaluation shall be planned to allow the
23 State to:

24 (i) Monitor the care, supervision, education, and treatment in
25 State-operated and State-supported programs so that successful services to children
26 in out-of-home placement can be expanded and services that do not produce positive
27 results can be identified;

28 (ii) Assess the capacity of residential child care programs to meet
29 the needs of a child requiring out-of-home placement in the child's community;

30 (iii) Effectively allocate its resources, based on demonstrated
31 outcomes;

32 (iv) Establish an evaluation system for program performance,
33 including measures of safety, quality, and effectiveness; and

34 (v) Complete a statewide assessment of the State's residential child
35 care program capacity that identifies programs in each community to serve the needs
36 of a family that resides in that community.

1 (c) (1) The system of outcomes evaluation shall use standardized measures
2 of function to evaluate the child's:

3 (i) Protection from harm while in out-of-home placement;

4 (ii) Stability of living environment;

5 (iii) Family situation and efforts to treat and counsel the family
6 unit;

7 (iv) Educational or vocational development;

8 (v) Job skills and employment readiness;

9 (vi) Cessation of drug and alcohol abuse;

10 (vii) Learning to not be aggressive; and

11 (viii) Delinquency status.

12 (2) The lead agency and cooperating departments may consult with the
13 University of Maryland, Baltimore in planning and determining the cost of the
14 system of outcomes evaluation.

15 (3) The plan shall ensure that data collected and used in the system
16 maintains confidentiality of information on the children from the cooperating
17 departments.

18 (d) (1) The plan shall ensure that a cooperating department shall facilitate
19 the participation of residential facilities operated by the department or private
20 agencies with which a department has a contract for the placement of children in
21 out-of-home care.

22 (2) The plan shall ensure that a cooperating department shall include in
23 its contract with a private licensed out-of-home placement facility provisions
24 requiring the facility to collect and report to the department:

25 (i) Child specific demographic information; and

26 (ii) Data necessary to evaluate changes in functioning of the child
27 as provided in subsection (c) of this section.

28 (3) When reporting demographic information and data under paragraph
29 (2) of this subsection, a cooperating department:

30 (i) May not disclose personal identifiers; and

31 (ii) Shall ensure the confidentiality of the information about the
32 children under its responsibility.

1 (e) On or before July 31, 2005, the lead agency and the cooperating
2 departments shall have planned and determined the cost of the uniform system for
3 outcomes evaluation.

4 (f) Subject to § 2-1246 of the State Government Article, on or before
5 September 1, 2004, the lead agency and the cooperating departments shall submit a
6 joint report to the General Assembly on the plan for the system for outcomes
7 evaluation and the cost of testing and implementing the system for outcomes
8 evaluation for out-of-home placement of children.

9 **Article 83C - Juvenile Services**

10 2-117.1.

11 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, BY JANUARY
12 1, 2010, THE DEPARTMENT SHALL, TO THE EXTENT PRACTICABLE, ENSURE THAT
13 EACH CHILD IN THE CUSTODY OR UNDER THE GUARDIANSHIP OF THE DEPARTMENT
14 WHO IS IN A RESIDENTIAL PROGRAM IS IN A STATE-FUNDED, REGIONAL FACILITY
15 OPERATED BY THE DEPARTMENT.

16 (B) TO COMPLY WITH SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT
17 MAY USE PRIVATE PROVIDERS OF RESIDENTIAL PROGRAMS THAT:

18 (1) CONFORM WITH THE DEPARTMENT'S REGIONAL PLAN; AND

19 (2) HAVE BEEN EVALUATED AS PERFORMING SATISFACTORILY UNDER A
20 SYSTEM FOR OUTCOMES EVALUATION DESCRIBED IN ARTICLE 49D, § 12 OF THE
21 CODE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
23 General Assembly that, commencing in fiscal year 2006, the Governor include in the
24 annual State budget sufficient funds to fully implement this Act by January 1, 2010.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2005.