

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Jones, Anderson, Branch, Carter, Conway, King, Kirk, Kullen, Marriott, McHale, McIntosh, Nathan-Pulliam, Oaks, Proctor, Rosenberg, and Rudolph**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City and Baltimore County - Child in Need of Supervision Pilot**
3 **Program**

4 FOR the purpose of requiring the Secretary of Juvenile Services to establish a Child
5 in Need of Supervision Pilot Program in Baltimore City and Baltimore County;
6 requiring the Pilot Program to select designated assessment service providers to
7 provide certain services to children alleged to be in need of supervision and their
8 parents or guardians; requiring designated assessment service providers to be
9 contracted and funded by the local management board of each community in the
10 Pilot Program; requiring an intake officer for the Department of Juvenile
11 Services, before taking certain actions, to refer a certain child and the child's
12 parents or guardians to a designated assessment service provider under certain
13 circumstances; requiring a designated assessment service provider to perform
14 certain duties; prohibiting an intake officer from authorizing the filing of a
15 petition or peace order request or proposing an informal adjustment for a certain

1 child unless a designated assessment service provider has filed a certain report
 2 with the intake officer; prohibiting certain statements made by a participant in
 3 certain discussions or conferences incident to a referral to a designated
 4 assessment service provider from being admitted in evidence in certain
 5 proceedings; defining certain terms; requiring the Department of Juvenile
 6 Services and the Office for Children, Youth, and Families to make a certain
 7 report to the General Assembly; ~~requiring the Governor to include a certain~~
 8 ~~general fund deficiency appropriation in the budget bill submitted to the~~
 9 ~~General Assembly in the 2006 legislative session for a certain purpose; requiring~~
 10 ~~the Governor to include a certain general fund appropriation in the budget bills~~
 11 ~~for certain fiscal years for a certain purpose; requiring that certain funds be~~
 12 ~~provided as grants to Baltimore County and Baltimore City for a certain~~
 13 ~~purpose; providing for a delayed effective date for certain provisions of this Act;~~
 14 providing for the termination of this Act; and generally relating to the Child in
 15 Need of Supervision Pilot Program in Baltimore City and Baltimore County.

16 BY repealing and reenacting, without amendments,
 17 Article - Courts and Judicial Proceedings
 18 Section 3-8A-01(a), (e), (i), (o), and (t) and 3-8A-10(a), (b), and (c)(1) and (2)
 19 Annotated Code of Maryland
 20 (2002 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,
 22 Article - Courts and Judicial Proceedings
 23 Section 3-8A-10(c)(3), (d)(1), and (e)(1) and 3-8A-12(a)
 24 Annotated Code of Maryland
 25 (2002 Replacement Volume and 2004 Supplement)

26 BY adding to
 27 Article - Courts and Judicial Proceedings
 28 Section 3-8A-10.1
 29 Annotated Code of Maryland
 30 (2002 Replacement Volume and 2004 Supplement)

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

33 **Article - Courts and Judicial Proceedings**

34 3-8A-01.

35 (a) In this subtitle the following words have the meanings indicated, unless
 36 the context of their use indicates otherwise.

37 (e) "Child in need of supervision" is a child who requires guidance, treatment,
 38 or rehabilitation and:

1 (1) Is required by law to attend school and is habitually truant;

2 (2) Is habitually disobedient, ungovernable, and beyond the control of
3 the person having custody of him;

4 (3) Departs himself so as to injure or endanger himself or others; or

5 (4) Has committed an offense applicable only to children.

6 (i) "Court" means the circuit court for a county sitting as the juvenile court.

7 (o) "Intake officer" means the person assigned to the court by the Department
8 of Juvenile Services to provide the intake services set forth in this subtitle.

9 (t) "Petition" means the pleading filed with the court under § 3-8A-13 of this
10 subtitle alleging that a child is a delinquent child or a child in need of supervision or
11 that an adult violated § 3-8A-30 of this subtitle.

12 3-8A-10.

13 (a) This section does not apply to allegations that a child is in need of
14 assistance, as defined in § 3-801 of this title.

15 (b) An intake officer shall receive:

16 (1) Complaints from a person or agency having knowledge of facts which
17 may cause a person to be subject to the jurisdiction of the court under this subtitle;
18 and

19 (2) Citations issued by a police officer under § 3-8A-33 of this subtitle.

20 (c) (1) Except as otherwise provided in this subsection, in considering the
21 complaint, the intake officer shall make an inquiry within 25 days as to whether the
22 court has jurisdiction and whether judicial action is in the best interests of the public
23 or the child.

24 (2) An inquiry need not include an interview of the child who is the
25 subject of the complaint if the complaint alleges the commission of an act that would
26 be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the
27 Criminal Law Article.

28 (3) [In] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS SUBTITLE,
29 IN accordance with this section, the intake officer may, after such inquiry and within
30 25 days of receiving the complaint:

31 (i) Authorize the filing of a petition or a peace order request or
32 both;

33 (ii) Propose an informal adjustment of the matter; or

1 (iii) Refuse authorization to file a petition or a peace order request
2 or both.

3 (d) (1) [The] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS
4 SUBTITLE, THE intake officer may authorize the filing of a petition or a peace order
5 request or both if, based upon the complaint and the inquiry, the intake officer
6 concludes that the court has jurisdiction over the matter and that judicial action is in
7 the best interests of the public or the child.

8 (e) (1) [The] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS
9 SUBTITLE, THE intake officer may propose an informal adjustment of the matter if,
10 based on the complaint and the inquiry, the intake officer concludes that the court has
11 jurisdiction but that an informal adjustment, rather than judicial action, is in the best
12 interests of the public and the child.

13 3-8A-10.1.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) (I) "DESIGNATED ASSESSMENT SERVICE PROVIDER" MEANS A
17 COMMUNITY-BASED PROVIDER OF ASSESSMENT, INTERVENTION, AND REFERRAL
18 SERVICES TO CHILDREN ALLEGED TO BE IN NEED OF SUPERVISION AND THEIR
19 PARENTS OR GUARDIANS.

20 (II) "DESIGNATED ASSESSMENT SERVICE PROVIDER" INCLUDES
21 COUNTY STAFF, CONTRACTORS, AND RESOURCES THAT MAY PROVIDE ASSESSMENT,
22 INTERVENTION, AND REFERRAL SERVICES TO CHILDREN ALLEGED TO BE IN NEED
23 OF SUPERVISION AND THEIR PARENTS OR GUARDIANS.

24 (3) "PILOT COMMUNITY" MEANS:

25 (I) BALTIMORE CITY; OR

26 (II) BALTIMORE COUNTY.

27 (B) THE SECRETARY OF JUVENILE SERVICES SHALL ESTABLISH A
28 DEPARTMENT OF JUVENILE SERVICES CHILD IN NEED OF SUPERVISION PILOT
29 PROGRAM IN:

30 (1) BALTIMORE CITY; AND

31 (2) BALTIMORE COUNTY.

32 (C) (1) THE PILOT PROGRAM SHALL SELECT DESIGNATED ASSESSMENT
33 SERVICE PROVIDERS IN EACH PILOT COMMUNITY.

34 (2) THE DESIGNATED ASSESSMENT SERVICE PROVIDERS SHALL BE
35 CONTRACTED AND FUNDED BY THE LOCAL MANAGEMENT BOARD OF EACH PILOT
36 COMMUNITY.

1 (D) ON RECEIPT OF A COMPLAINT UNDER § 3-8A-10 OF THIS SUBTITLE THAT
2 ALLEGES THAT A CHILD IN A PILOT COMMUNITY IS IN NEED OF SUPERVISION,
3 UNLESS THE INTAKE OFFICER CONCLUDES UNDER § 3-8A-10(C) OF THIS SUBTITLE
4 THAT THE COURT HAS NO JURISDICTION OR THAT NEITHER AN INFORMAL
5 ADJUSTMENT NOR JUDICIAL ACTION IS APPROPRIATE, THE INTAKE OFFICER SHALL
6 REFER THE CHILD AND THE CHILD'S PARENTS OR GUARDIANS TO A DESIGNATED
7 ASSESSMENT SERVICE PROVIDER FOR THE PILOT COMMUNITY BEFORE THE INTAKE
8 OFFICER MAY AUTHORIZE THE FILING OF A PETITION OR PEACE ORDER REQUEST OR
9 PROPOSE AN INFORMAL ADJUSTMENT.

10 (E) A DESIGNATED ASSESSMENT SERVICE PROVIDER SHALL:

11 (1) MEET WITH A CHILD REFERRED TO THE PROVIDER AND THE CHILD'S
12 PARENTS OR GUARDIANS AT LEAST TWO AND NOT MORE THAN SIX TIMES TO
13 DISCUSS THE CHILD'S:

14 (I) SCHOOL PERFORMANCE;

15 (II) FAMILY INTERACTIONS;

16 (III) RELATIONSHIPS WITH PEERS; AND

17 (IV) EMOTIONAL AND PHYSICAL HEALTH, INCLUDING DRUG AND
18 ALCOHOL USE;

19 (2) REVIEW ALL AVAILABLE, RELEVANT RECORDS CONCERNING THE
20 CHILD, INCLUDING:

21 (I) ACADEMIC RECORDS;

22 (II) MEDICAL RECORDS; AND

23 (III) PSYCHIATRIC RECORDS;

24 (3) CONDUCT AN ASSESSMENT OF THE CHILD; AND

25 (4) ESTABLISH A CASE PLAN AND A CASE RECORD FOR THE PROVISION
26 OF SERVICES TO THE CHILD, INCLUDING:

27 (I) FAMILY COUNSELING;

28 (II) EDUCATIONAL ADVOCACY;

29 (III) DRUG AND ALCOHOL COUNSELING;

30 (IV) SEX EDUCATION;

31 (V) AFTER-SCHOOL PROGRAMS;

32 (VI) TRUANCY AND DROPOUT PREVENTION;

- 1 (VII) TRANSITIONAL LIVING SERVICES;
- 2 (VIII) MEDIATION SERVICES;
- 3 (IX) EMPLOYMENT AND JOB TRAINING SERVICES;
- 4 (X) ALTERNATIVE SCHOOL PLACEMENT; AND
- 5 (XI) DRUG AND ALCOHOL COUNSELING FOR THE PARENTS,
6 GUARDIANS, OR OTHER FAMILY MEMBERS OF THE CHILD.

7 (F) AN INTAKE OFFICER MAY NOT AUTHORIZE THE FILING OF A PETITION OR
8 PEACE ORDER REQUEST OR PROPOSE AN INFORMAL ADJUSTMENT FOR A CHILD
9 ALLEGED TO BE IN NEED OF SUPERVISION IN A PILOT COMMUNITY UNLESS THE
10 DESIGNATED ASSESSMENT SERVICE PROVIDER HAS FILED A REPORT WITH THE
11 INTAKE OFFICER STATING:

12 (1) THE DATE OF THE INITIAL MEETING WITH THE CHILD AND THE
13 CHILD'S PARENTS OR GUARDIANS REQUIRED UNDER THIS SECTION; AND

14 (2) THAT ALL ATTEMPTS TO PROVIDE ASSESSMENT, INTERVENTION,
15 AND REFERRAL SERVICES HAVE FAILED.

16 3-8A-12.

17 (a) A statement made by a participant while counsel and advice are being
18 given, offered, or sought, in the discussions or conferences incident to an informal
19 adjustment OR REFERRAL TO A DESIGNATED ASSESSMENT SERVICE PROVIDER
20 UNDER § 3-8A-10.1 OF THIS SUBTITLE may not be admitted in evidence in any
21 adjudicatory hearing or peace order proceeding or in a criminal proceeding against
22 the participant prior to conviction.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
24 31, 2006, and annually thereafter, the Department of Juvenile Services and the Office
25 for Children, Youth, and Families shall jointly report to the General Assembly in
26 accordance with § 2-1246 of the State Government Article on the implementation of
27 this Act.

28 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall~~
29 ~~include a fiscal 2006 general fund deficiency appropriation of \$250,000 for the~~
30 ~~Department of Juvenile Services in the budget bill submitted to the General Assembly~~
31 ~~in the 2006 legislative session for the purpose of implementing the provisions of this~~
32 ~~Act. Of that appropriation, \$83,000 shall be provided as a grant to Baltimore County~~
33 ~~and \$167,000 shall be provided as a grant to Baltimore City for the purpose of~~
34 ~~implementing the provisions of this Act.~~

35 ~~SECTION 4. 3. AND BE IT FURTHER ENACTED, That the Governor shall~~
36 ~~include a general fund appropriation of \$250,000 for the Department of Juvenile~~
37 ~~Services in each budget bill for fiscal 2007, fiscal 2008, and fiscal 2009, and fiscal~~
38 ~~2010 for the purpose of implementing the provisions of this Act. Of the \$250,000,~~

1 \$83,000 shall be provided as a grant to Baltimore County and \$167,000 shall be
2 provided as a grant to Baltimore City for the purpose of implementing the provisions
3 of this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
5 take effect July 1, 2006.

6 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in
7 Section 4 of this Act, this Act shall take effect October 1, 2005. It shall remain effective
8 ~~for a period of 4 years and, at~~ until the end of September 30, ~~2009, 2010 and, at the~~
9 end of September 30, 2010, with no further action required by the General Assembly,
10 this Act shall be abrogated and of no further force and effect.