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

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Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

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
16 child unless a designated assessment service provider has filed a certain report
17 with the intake officer; prohibiting certain statements made by a participant in
18 certain discussions or conferences incident to a referral to a designated
19 assessment service provider from being admitted in evidence in certain
20 proceedings; defining certain terms; requiring the Department of Juvenile
21 Services and the Office for Children, Youth, and Families to make a certain
22 report to the General Assembly; requiring the Governor to include a certain
23 general fund deficiency appropriation in the budget bill submitted to the
24 General Assembly in the 2006 legislative session for a certain purpose; requiring
25 the Governor to include a certain general fund appropriation in the budget bills
26 for certain fiscal years for a certain purpose; requiring that certain funds be

1 provided as grants to Baltimore County and Baltimore City for a certain
2 purpose; providing for the termination of this Act; and generally relating to the
3 Child in Need of Supervision Pilot Program in Baltimore City and Baltimore
4 County.

5 BY repealing and reenacting, without amendments,
6 Article - Courts and Judicial Proceedings
7 Section 3-8A-01(a), (e), (i), (o), and (t) and 3-8A-10(a), (b), and (c)(1) and (2)
8 Annotated Code of Maryland
9 (2002 Replacement Volume and 2004 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 3-8A-10(c)(3), (d)(1), and (e)(1) and 3-8A-12(a)
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2004 Supplement)

15 BY adding to
16 Article - Courts and Judicial Proceedings
17 Section 3-8A-10.1
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2004 Supplement)

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

22 **Article - Courts and Judicial Proceedings**

23 3-8A-01.

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

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

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

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

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

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

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

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

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

6 3-8A-10.

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

9 (b) An intake officer shall receive:

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

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

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

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

22 (3) [In] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS SUBTITLE,
23 IN accordance with this section, the intake officer may, after such inquiry and within
24 25 days of receiving the complaint:

25 (i) Authorize the filing of a petition or a peace order request or
26 both;

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

28 (iii) Refuse authorization to file a petition or a peace order request
29 or both.

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

35 (e) (1) [The] SUBJECT TO THE PROVISIONS OF § 3-8A-10.1 OF THIS
36 SUBTITLE, THE intake officer may propose an informal adjustment of the matter if,

1 based on the complaint and the inquiry, the intake officer concludes that the court has
2 jurisdiction but that an informal adjustment, rather than judicial action, is in the best
3 interests of the public and the child.

4 3-8A-10.1.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

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

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

15 (3) "PILOT COMMUNITY" MEANS:

16 (I) BALTIMORE CITY; OR

17 (II) BALTIMORE COUNTY.

18 (B) THE SECRETARY OF JUVENILE SERVICES SHALL ESTABLISH A
19 DEPARTMENT OF JUVENILE SERVICES CHILD IN NEED OF SUPERVISION PILOT
20 PROGRAM IN:

21 (1) BALTIMORE CITY; AND

22 (2) BALTIMORE COUNTY.

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

25 (2) THE DESIGNATED ASSESSMENT SERVICE PROVIDERS SHALL BE
26 CONTRACTED AND FUNDED BY THE LOCAL MANAGEMENT BOARD OF EACH PILOT
27 COMMUNITY.

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

1 (E) A DESIGNATED ASSESSMENT SERVICE PROVIDER SHALL:

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

5 (I) SCHOOL PERFORMANCE;

6 (II) FAMILY INTERACTIONS;

7 (III) RELATIONSHIPS WITH PEERS; AND

8 (IV) EMOTIONAL AND PHYSICAL HEALTH, INCLUDING DRUG AND
9 ALCOHOL USE;

10 (2) REVIEW ALL AVAILABLE, RELEVANT RECORDS CONCERNING THE
11 CHILD, INCLUDING:

12 (I) ACADEMIC RECORDS;

13 (II) MEDICAL RECORDS; AND

14 (III) PSYCHIATRIC RECORDS;

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

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

18 (I) FAMILY COUNSELING;

19 (II) EDUCATIONAL ADVOCACY;

20 (III) DRUG AND ALCOHOL COUNSELING;

21 (IV) SEX EDUCATION;

22 (V) AFTER-SCHOOL PROGRAMS;

23 (VI) TRUANCY AND DROPOUT PREVENTION;

24 (VII) TRANSITIONAL LIVING SERVICES;

25 (VIII) MEDIATION SERVICES;

26 (IX) EMPLOYMENT AND JOB TRAINING SERVICES;

27 (X) ALTERNATIVE SCHOOL PLACEMENT; AND

28 (XI) DRUG AND ALCOHOL COUNSELING FOR THE PARENTS,
29 GUARDIANS, OR OTHER FAMILY MEMBERS OF THE CHILD.

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

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

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

10 3-8A-12.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
18 31, 2006, and annually thereafter, the Department of Juvenile Services and the Office
19 for Children, Youth, and Families shall jointly report to the General Assembly in
20 accordance with § 2-1246 of the State Government Article on the implementation of
21 this Act.

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

29 SECTION 4. AND BE IT FURTHER ENACTED, That the Governor shall
30 include a general fund appropriation of \$250,000 for the Department of Juvenile
31 Services in each budget bill for fiscal 2007, fiscal 2008, and fiscal 2009 for the purpose
32 of implementing the provisions of this Act. Of the \$250,000, \$83,000 shall be provided
33 as a grant to Baltimore County and \$167,000 shall be provided as a grant to
34 Baltimore City for the purpose of implementing the provisions of this Act.

35 ~~SECTION 5.~~ SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect October 1, 2005. It shall remain effective for a period of 4 years and, at the end
37 of September 30, 2009, with no further action required by the General Assembly, this
38 Act shall be abrogated and of no further force and effect.

