
By: **Senators Green, Currie, Hogan, and ~~Lawlah~~ Lawlah, Ruben, Hollinger,
Forehand, Garagiola, Giannetti, Jacobs, Jimeno, and Stone**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 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.

25 BY repealing and reenacting, without amendments,
26 Article 83C - Juvenile Services

1 Section 1-101(a), (b), (c), (d), and (g)
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2004 Supplement)

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

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

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

18 **Article 83C - Juvenile Services**

19 1-101.

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

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

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

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

25 (g) "State Advisory Board" means the State Advisory Board for Juvenile
26 Services.

27 2-104.

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

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

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

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

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

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

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

8 2-110.

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

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

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

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

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

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

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

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

22 2-115.

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

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

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

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

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

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

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

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

8 2-122.

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

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

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

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

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

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

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

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

24 2. Referral and information services;

25 3. Crisis intervention, including intervention relating to
26 youth suicide prevention;

27 4. ~~AFTERCARE SERVICES INCLUDING SERVICES TO REDUCE~~
28 ~~RECIDIVISM;~~

29 {4.} ~~5.~~ Alcohol and drug abuse assessment and referral
30 services by staff who have received substance abuse assessment and referral training
31 from the Office of Education and Training for Addictions Services (OETAS) in the
32 Department of Health and Mental Hygiene or from any other entity that the
33 Secretary determines to be qualified to provide substance abuse assessment and
34 referral training;

35 {5.} ~~6.~~ Informal counseling; and

1 ~~{6.}~~ 7. In accordance with particular community needs AND
2 SUBJECT TO THE AVAILABILITY OF FUNDS:

3 A. Tutoring;

4 B. Alternative leisure activities;

5 C. Employment assistance;

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

8 E. AFTERCARE SERVICES; AND

9 F. Other specialized services; and

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

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

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

17 (c) The Department shall:

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

19 (i) Monitor its operations;

20 (ii) Evaluate annually its effectiveness; and

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

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

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

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

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

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

6 2-127.

7 (a) The Secretary shall establish programs for juvenile intake,
 8 PREDELINQUENT DIVERSION SERVICES, community detention, investigation,
 9 probation, and aftercare services.

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

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

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

17 **Article 83C - Juvenile Services**

18 2-111.

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

20 (1) Juvenile intake, detention authorization, community detention,
 21 investigation, probation, protective supervision, PREDELINQUENT DIVERSION
 22 SERVICES, and aftercare services; and

23 (2) The State juvenile, diagnostic, training, detention, and rehabilitation
 24 institutions.

25 (b) The Department shall:

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

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

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

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

5 [(2)] (5) Administer the Summer Opportunity Pilot Program under §
 6 2-134 of this title.

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

9 **Article 83C - Juvenile Services**

10 2-111.

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

12 (1) Juvenile intake, detention authorization, community detention,
 13 investigation, probation, protective supervision, PREDELINQUENT DIVERSION
 14 SERVICES, and aftercare services; and

15 (2) The State juvenile, diagnostic, training, detention, and rehabilitation
 16 institutions.

17 (b) The Department shall:

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

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

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

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

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

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