

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 900
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Zirkin” and substitute “Delegates Zirkin, Elliott, Frank, Mandel, Morhaim, and Nathan-Pulliam”; in lines 2 and 3, strike “- Reporting on Outcomes Evaluations and Recidivism Rates” and substitute “and System for Outcomes Evaluation”; in lines 6 and 10, in each instance, strike “Office of Group Home Licensing and Monitoring” and substitute “Governor’s Office for Children”; in lines 9 and 10, strike “the Department of Health and Mental Hygiene.”; strike beginning with “requiring” in line 11 down through “intervals” in line 22 and substitute “specifying the uses of the system for outcomes evaluation; requiring the system for outcomes evaluation to use certain measures for a certain purpose; requiring the Governor’s Office for Children, the Department of Juvenile Services, and the Department of Human Resources to consult with the University of Maryland, Baltimore in planning and implementing the system for outcomes evaluation; establishing certain requirements for the system for outcomes evaluation; providing that the Department of Juvenile Services and the Department of Human Resources may not disclose personal identifiers and must ensure confidentiality of certain information when reporting certain information and data; requiring the Governor’s Office for Children, in coordination with the Department of Juvenile Services and the Department of Human Resources, to submit a certain report to the Governor and the General Assembly on or before a certain date; requiring the Governor’s Office for Children, the Department of Juvenile Services, the Department of Human Resources, and the Department of Health and Mental Hygiene, in cooperation with representatives of certain programs and certain groups, to develop certain regulations and certain recommendations; requiring the Governor’s Office for Children to report to the General Assembly on certain recommendations on or before a certain date”; and strike in their entirety lines 24 through 29, inclusive, and substitute:

“BY adding

New Article 49D - Children, Youth, and Family Services

Section 1-101 through 1-103, inclusive, to be under the new title “Title 1. Children in

(Over)

Out-of-Home Placement”
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 4, inclusive, and substitute:

“ARTICLE 49D - CHILDREN, YOUTH, AND FAMILY SERVICES

TITLE 1. CHILDREN IN OUT-OF-HOME PLACEMENT.

1-101.”;

in line 6, after “(B)” insert “(1)”; strike beginning with “THE” in line 7 down through “RESOURCES” in line 9 and substitute “OUT-OF-HOME PLACEMENT OF CHILDREN.

(2) “COOPERATING DEPARTMENT” INCLUDES:

(I) THE DEPARTMENT OF JUVENILE SERVICES; AND

(II) THE DEPARTMENT OF HUMAN RESOURCES”;

in lines 13 and 14, strike “OFFICE OF GROUP HOME LICENSING AND MONITORING” and substitute “GOVERNOR’S OFFICE FOR CHILDREN”; after line 14, insert:

“(E) “OUT-OF-HOME PLACEMENT” MEANS:

(I) THE REMOVAL OF A CHILD FROM THE CHILD’S FAMILY;

AND

(II) THE PLACEMENT OF THE CHILD BY A COOPERATING DEPARTMENT OR COURT IN A PUBLIC OR PRIVATE RESIDENTIAL CHILD CARE PROGRAM.”;

in lines 15 and 28, strike “(E)” and “(F)”, respectively, and substitute “(F)” and “(G)”, respectively; strike beginning with the colon in line 22 down through “(I)” in line 23; in lines 24, 25, and 26, strike “1.”, “2.”, and “3.”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 24, after “DEPARTMENT” insert “OF HEALTH AND MENTAL HYGIENE”; strike beginning with

“; AND” in line 26 down through “OFFICE” in line 27; after line 27, insert:

“(3) “RESIDENTIAL CHILD CARE PROGRAM” DOES NOT INCLUDE:

(I) ALTERNATIVE LIVING UNITS;

(II) NONPUBLIC RESIDENTIAL EDUCATIONAL FACILITIES;

(III) PSYCHIATRIC RESPITE CARE PROGRAMS;

(IV) RESIDENTIAL CRISIS SERVICES PROGRAMS;

(V) STATE-OPERATED RESIDENTIAL EDUCATIONAL FACILITIES;

(VI) SECURE CARE PROGRAMS; OR

(VII) WILDERNESS PROGRAMS.”;

and in lines 28 and 29, strike “, STANDARDIZED, AND UNIFORM METHOD USED BY THE OFFICE TO MEASURE” and substitute “AND STANDARDIZED METHOD OF MEASURING”.

AMENDMENT NO. 3

On page 2, in line 31, strike “21-102.” and substitute “1-102.”; and in line 32, strike “A COOPERATING DEPARTMENT” and substitute “THE DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT OF HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.”.

On pages 2 and 3, strike beginning with the second “OF” in line 33 on page 2 down through “QUALIFICATIONS” in line 2 on page 3 and substitute “TO”.

On page 3, strike beginning with “(I)” in line 4 down through “(II)” in line 9; in line 9, after “PROGRAM” insert “THAT:”.

(Over)

(I) IS”;

and in line 10, after “PROGRAM” insert “; AND”

(II) SUPPORTS THE SPECIFIC MISSION OF THE RESIDENTIAL CHILD CARE PROGRAM IN WHICH THE DIRECT CARE STAFF MEMBER WORKS”.

AMENDMENT NO. 4

On page 3, in line 11, strike “21-103.” and substitute “1-103.”; in line 12, strike “A COOPERATING DEPARTMENT AND” and substitute “ON OR BEFORE JULY 1, 2008.”; in the same line, after “OFFICE” insert “AND THE COOPERATING DEPARTMENTS”; strike beginning with the first “TO” in line 17 down through “CHILDREN” in line 18 and substitute “SO THAT SUCCESSFUL SERVICES CAN BE EXPANDED AND SERVICES THAT DO NOT PRODUCE POSITIVE RESULTS CAN BE IDENTIFIED”; strike in their entirety lines 19 through 22, inclusive, and substitute:

“(2) ASSESS THE CAPACITY OF RESIDENTIAL CHILD CARE PROGRAMS TO MEET THE NEEDS OF A CHILD REQUIRING OUT-OF-HOME PLACEMENT IN THE CHILD’S COMMUNITY.”;

and in line 24, after “OUTCOMES” insert “;”

(4) ESTABLISH AN EVALUATION SYSTEM FOR PROGRAM PERFORMANCE, INCLUDING MEASURES OF SAFETY, QUALITY, AND EFFECTIVENESS; AND

(5) COMPLETE AN ASSESSMENT OF THE STATE’S RESIDENTIAL CHILD CARE PROGRAM CAPACITY THAT IDENTIFIES RESIDENTIAL CHILD CARE PROGRAMS IN EACH COMMUNITY TO SERVE THE NEEDS OF A FAMILY THAT RESIDES IN THE COMMUNITY.

(C) (1) THE SYSTEM FOR OUTCOMES EVALUATION SHALL USE STANDARDIZED MEASURES OF FUNCTION TO EVALUATE THE CHILD’S:

(I) PROTECTION FROM HARM WHILE IN OUT-OF-HOME PLACEMENT;

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(II) STABILITY OF LIVING ENVIRONMENT;

(III) FAMILY SITUATION AND EFFORTS TO TREAT AND COUNSEL THE FAMILY UNIT;

(IV) EDUCATIONAL AND VOCATIONAL DEVELOPMENT;

(V) JOB SKILLS AND EMPLOYMENT READINESS;

(VI) CESSATION OF DRUG AND ALCOHOL ABUSE;

(VII) LEARNING TO NOT BE AGGRESSIVE; AND

(VIII) POSTDISCHARGE TRANSITION.

(2) THE MEASURES OF FUNCTION TO EVALUATE THE CHILD'S POSTDISCHARGE TRANSITION SHALL INCLUDE:

(I) ARREST;

(II) REARREST;

(III) REARREST WITH A CHARGE OF A SERIOUS OR VIOLENT OFFENSE;

(IV) REARREST WITH A WAIVER TO THE ADULT SYSTEM;

(V) RE-REFERRAL TO THE DEPARTMENT OF JUVENILE SERVICES;

(VI) READJUDICATION AND RECOMMITMENT; AND

(Over)

(VII) GRADUATION FROM HIGH SCHOOL OR SUCCESSFUL COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION.

(D) THE OFFICE AND THE COOPERATING DEPARTMENTS SHALL CONSULT WITH THE UNIVERSITY OF MARYLAND, BALTIMORE IN PLANNING AND IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION.

(E) THE SYSTEM FOR OUTCOMES EVALUATION SHALL ENSURE THAT COLLECTION AND USE OF DATA IN THE SYSTEM MAINTAINS CONFIDENTIALITY OF INFORMATION ON THE CHILDREN FROM THE COOPERATING DEPARTMENTS.

(F) THE SYSTEM FOR OUTCOMES EVALUATION SHALL ENSURE THAT A COOPERATING DEPARTMENT SHALL:

(1) FACILITATE THE PARTICIPATION OF RESIDENTIAL CHILD CARE PROGRAMS OPERATED BY THE COOPERATING DEPARTMENT OR PRIVATE AGENCIES WITH WHICH THE COOPERATING DEPARTMENT HAS A CONTRACT FOR THE PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE; AND

(2) INCLUDE IN ITS CONTRACT WITH A PRIVATE RESIDENTIAL CHILD CARE PROGRAM PROVISIONS REQUIRING THE PROGRAM TO COLLECT AND REPORT TO THE COOPERATING DEPARTMENT:

(I) CHILD-SPECIFIC DEMOGRAPHIC INFORMATION; AND

(II) DATA NECESSARY TO EVALUATE CHANGES IN FUNCTIONING OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(G) WHEN REPORTING DEMOGRAPHIC INFORMATION AND DATA UNDER SUBSECTION (F) OF THIS SECTION, A COOPERATING DEPARTMENT:

(1) MAY NOT DISCLOSE PERSONAL IDENTIFIERS; AND

(2) SHALL ENSURE THE CONFIDENTIALITY OF THE INFORMATION ABOUT THE CHILDREN UNDER ITS RESPONSIBILITY.

(H) ON OR BEFORE OCTOBER 1, 2007, AND ANNUALLY THEREAFTER, THE OFFICE, IN COORDINATION WITH THE COOPERATING DEPARTMENTS, SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE PROGRESS OF IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION”.

AMENDMENT NO. 5

On pages 3 and 4, strike beginning with “21-104.” in line 25 on page 3 down through “TITLE.” in line 12 on page 4 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Governor’s Office for Children and the departments that license residential child care programs in the State, in cooperation with representatives of residential child care programs and other advocacy groups for children, shall:

(1) develop the regulations required under § 1-102 of Article 49D, as enacted by Section 1 of this Act; and

(2) develop recommendations for a process and standards for certification of the direct care staff of residential child care programs.

(b) On or before January 1, 2007, the Governor’s Office for Children shall report, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the recommendations for the process and standards for certification of direct care staff.”.

On page 4, in line 13, strike “2.” and substitute “3.”.