

ENROLLED BILL
-- Ways and Means/Finance --

Introduced by **Delegate Marriott (Chairman, Joint Committee on Children, Youth, and Families) and Delegates Bates, Benson, Conroy, Eckardt, Gaines, Hubbard, Mandel, Nathan-Pulliam, Oaks, Patterson, Sossi, and ~~Stocksdale~~ Stocksdale, Bartlett, Boschert, Bozman, Cryor, C. Davis, Elmore, Gilleland, Goodwin, Gordon, Healey, Heller, Hixson, Howard, Kaiser, King, McKee, Myers, Ramirez, and Ross**

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 **Children, Youth, and Family Services - Local Management Boards, State**
3 **Coordinating Council, and Local Coordinating Councils - Services for**
4 **Children With Special Needs**

5 FOR the purpose of establishing a local management board and local coordinating
6 council in each county; establishing the State Coordinating Council for children;
7 establishing the duties and composition of the local management board, State
8 Coordinating Council, and local coordinating council; requiring members of the
9 Children's Cabinet to adopt certain regulations; requiring a public agency to
10 disclose certain information and records to another public agency or the Office
11 for Children under certain circumstances; creating the Children's Cabinet Fund;
12 requiring a local management board to apply for certain money from the Fund;

1 requiring the Children's Cabinet to disburse funds under certain circumstances;
2 ~~requiring a local management board~~ the Maryland Association of Local
3 Management Board Directors to submit a certain report to certain committees of
4 the General Assembly; requiring certain unspent money to revert to the general
5 fund at a certain time; making technical and conforming changes; defining
6 certain terms; and generally relating to services for children, youth, and
7 families.

8 BY adding

9 New Article 49D - Children, Youth, and Family Services
10 Section 1-101 through 5-104
11 Annotated Code of Maryland
12 (2003 Replacement Volume and 2005 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article 88A - Department of Human Resources
15 Section 13A(d)
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2005 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article - Education
20 Section 5-217(a)(1)
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article - Education
25 Section 5-217(a)(9), 8-410(b)(2), and 8-417(b)(1)
26 Annotated Code of Maryland
27 (2004 Replacement Volume and 2005 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article - Health - General
30 Section 13-1010(b)(1)(i), 13-1111(b)(1)(i), and 15-139(c)(1) and (2)
31 Annotated Code of Maryland
32 (2005 Replacement Volume and 2005 Supplement)

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

1 RESPONSIBLE FOR THE OVERSIGHT AND IMPLEMENTATION OF A CHILD IN NEED OF
2 RESIDENTIAL PLACEMENT OR A CHILD WITH INTENSIVE NEEDS PLAN OF CARE.

3 (I) "LOCAL COORDINATING COUNCIL" MEANS A LOCAL COUNCIL THAT
4 COORDINATES SERVICES FOR CHILDREN IN NEED OF RESIDENTIAL PLACEMENT AND
5 CHILDREN WITH INTENSIVE NEEDS.

6 (J) "LOCAL MANAGEMENT BOARD" MEANS AN ENTITY ESTABLISHED OR
7 DESIGNATED BY A COUNTY UNDER ~~SUBTITLE~~ TITLE 2 OF THIS ~~TITLE~~ ARTICLE TO
8 ENSURE THE IMPLEMENTATION OF A LOCAL, INTERAGENCY SERVICE DELIVERY
9 SYSTEM FOR CHILDREN, YOUTH, AND FAMILIES.

10 (K) "PUBLIC AGENCY" MEANS A STATE OR LOCAL GOVERNMENT UNIT OR A
11 QUASI-GOVERNMENTAL ENTITY.

12 (L) (1) "RESIDENTIAL PLACEMENT" MEANS A PLACEMENT IN:

13 (I) A HOSPITAL, UNDER CIRCUMSTANCES DESCRIBED IN
14 CHILDREN'S CABINET REGULATIONS;

15 (II) A RESIDENTIAL TREATMENT CENTER;

16 (III) A RESIDENTIAL SCHOOL; OR

17 (IV) ANOTHER OUT-OF-HOME PLACEMENT AS SPECIFIED IN
18 CHILDREN'S CABINET REGULATIONS.

19 (2) "RESIDENTIAL PLACEMENT" DOES NOT INCLUDE A PLACEMENT IN:

20 (I) A FACILITY ESTABLISHED UNDER ARTICLE 83C, § 2-117 OF THE
21 CODE; OR

22 (II) FOSTER CARE, AS DEFINED IN § 5-501 OF THE FAMILY LAW
23 ARTICLE.

24 1-102.

25 IT IS THE POLICY OF THE STATE TO PROMOTE A STABLE, SAFE, AND HEALTHY
26 ENVIRONMENT FOR CHILDREN AND FAMILIES, THEREBY INCREASING
27 SELF-SUFFICIENCY AND FAMILY PRESERVATION, THROUGH A COMPREHENSIVE
28 AND COORDINATED INTERAGENCY APPROACH THAT:

29 (1) PROVIDES A CONTINUUM OF CARE THAT IS FAMILY- AND
30 CHILD-ORIENTED AND EMPHASIZES PREVENTION, EARLY INTERVENTION, AND
31 COMMUNITY-BASED SERVICES; AND

32 (2) GIVES PRIORITY TO CHILDREN AND FAMILIES MOST AT RISK.

TITLE 2. LOCAL MANAGEMENT BOARDS.

2-101.

(A) EACH COUNTY SHALL ESTABLISH AND MAINTAIN A LOCAL MANAGEMENT BOARD TO ENSURE THE IMPLEMENTATION OF A LOCAL INTERAGENCY SERVICE DELIVERY SYSTEM FOR CHILDREN, YOUTH, AND FAMILIES.

(B) A COUNTY MAY DESIGNATE AS THE LOCAL MANAGEMENT BOARD:

(1) A QUASI-PUBLIC NONPROFIT CORPORATION THAT IS NOT AN INSTRUMENTALITY OF THE COUNTY GOVERNMENT; OR

(2) A PUBLIC AGENCY THAT IS AN INSTRUMENTALITY OF THE COUNTY GOVERNMENT.

2-102.

A LOCAL MANAGEMENT BOARD MAY BE COMPOSED OF:

(1) PUBLIC AND PRIVATE COMMUNITY REPRESENTATIVES WHO SHARE THE RESPONSIBILITY FOR IMPLEMENTING A COMMUNITY-BASED, INTERAGENCY, FAMILY-FOCUSED SERVICE DELIVERY SYSTEM FOR CHILDREN, YOUTH, AND FAMILIES; AND

(2) A SENIOR REPRESENTATIVE OR DEPARTMENT HEAD OF THE ~~LOCAL~~:

(I) ~~DEPARTMENT OF HEALTH~~ LOCAL HEALTH DEPARTMENT;

(II) LOCAL OFFICE OF THE DEPARTMENT OF JUVENILE SERVICES;

(III) CORE SERVICE AGENCY;

(IV) LOCAL SCHOOL SYSTEM; AND

(V) LOCAL DEPARTMENT OF SOCIAL SERVICES.

2-103.

A LOCAL MANAGEMENT BOARD SHALL:

(1) STRENGTHEN THE DECISION-MAKING CAPACITY AT THE LOCAL LEVEL;

(2) DESIGN AND IMPLEMENT STRATEGIES THAT ACHIEVE CLEARLY DEFINED RESULTS FOR CHILDREN, YOUTH, AND FAMILIES AS ARTICULATED IN A LOCAL 5-YEAR STRATEGIC PLAN FOR CHILDREN, YOUTH, AND FAMILIES;

(3) MAINTAIN STANDARDS OF ACCOUNTABILITY FOR LOCALLY AGREED UPON RESULTS FOR CHILDREN, YOUTH, AND FAMILIES;

1 (4) INFLUENCE THE ALLOCATION OF RESOURCES ACROSS SYSTEMS AS
2 NECESSARY TO ACCOMPLISH THE DESIRED RESULTS;

3 (5) BUILD LOCAL PARTNERSHIPS TO COORDINATE CHILDREN, YOUTH,
4 AND FAMILY SERVICES WITHIN THE COUNTY TO ELIMINATE FRAGMENTATION AND
5 DUPLICATION OF SERVICES; AND

6 (6) CREATE AN EFFECTIVE SYSTEM OF SERVICES, SUPPORTS, AND
7 OPPORTUNITIES THAT IMPROVE OUTCOMES FOR ALL CHILDREN, YOUTH, AND
8 FAMILIES.

9 2-104.

10 THE MEMBERS OF THE CHILDREN'S CABINET SHALL ADOPT REGULATIONS
11 THAT:

12 (1) SPECIFY THE ROLES AND RESPONSIBILITIES OF LOCAL
13 MANAGEMENT BOARDS;

14 (2) ESTABLISH MINIMUM STANDARDS FOR THE COMPOSITION OF LOCAL
15 MANAGEMENT BOARDS;

16 (3) ESTABLISH FISCAL AND PROGRAM ACCOUNTABILITY IN THE
17 IMPLEMENTATION OF COMMUNITY PARTNERSHIP AGREEMENTS AND THE USE OF
18 OTHER STATE RESOURCES BY LOCAL MANAGEMENT BOARDS;

19 (4) ESTABLISH PROCEDURES TO ENSURE THE CONFIDENTIALITY OF
20 INFORMATION SHARED BY LOCAL MANAGEMENT BOARD MEMBERS AND EMPLOYEES
21 IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND

22 (5) GENERALLY RELATE TO THE OPERATION OF LOCAL MANAGEMENT
23 BOARDS.

24 2-105.

25 ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH LOCAL MANAGEMENT BOARD
26 THE MARYLAND ASSOCIATION OF LOCAL MANAGEMENT BOARD DIRECTORS SHALL,
27 IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT TO
28 THE SENATE FINANCE COMMITTEE, THE HOUSE COMMITTEE ON WAYS AND MEANS,
29 AND THE JOINT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES, A REPORT
30 SUMMARIZING, WITH RESPECT TO THE PROGRAMS IMPLEMENTED UNDER § 5-103(D)
31 OF THIS ARTICLE:

32 (1) THE EACH LOCAL MANAGEMENT BOARD'S ACTIVITIES;

33 (2) THE AMOUNT OF MONEY SPENT ON THE PROGRAMS; AND

34 (3) THE EFFECTIVENESS OF THE PROGRAMS.

1 TITLE 3. DISCLOSURE OF INFORMATION AND RECORDS TO PUBLIC AGENCIES.

2 3-101.

3 IN THIS ~~SUBTITLE~~ TITLE, "PERSON IN INTEREST" MEANS:

4 (1) A MINOR, IF THE INFORMATION REQUESTED CONCERNS TREATMENT
5 TO WHICH THE MINOR HAS THE RIGHT TO CONSENT AND HAS CONSENTED UNDER
6 TITLE 20, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE;

7 (2) A PARENT, IF THE PARENTAL RIGHTS OF THE PARENT HAVE NOT
8 BEEN TERMINATED;

9 (3) A GUARDIAN, CUSTODIAN, OR REPRESENTATIVE OF A MINOR,
10 DESIGNATED BY A COURT, IF AUTHORIZED TO ACT ON BEHALF OF OR INSTEAD OF A
11 PARENT; OR

12 (4) AN INDIVIDUAL AUTHORIZED TO ACT AS A SURROGATE FOR A
13 PARENT OR GUARDIAN IN ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH
14 DISABILITIES EDUCATION ACT.

15 3-102.

16 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT PUBLIC AGENCIES
17 THAT SERVE CHILDREN, YOUTH, AND FAMILIES IN THE STATE EXCHANGE
18 INFORMATION WITH THE WRITTEN CONSENT OF THE PERSON IN INTEREST OR
19 ANOTHER INDIVIDUAL AUTHORIZED TO GIVE CONSENT UNDER THIS ~~SUBTITLE~~
20 TITLE.

21 (B) THE EXCHANGE OF INFORMATION UNDER SUBSECTION (A) OF THIS
22 SECTION IS FOR THE PURPOSE OF:

23 (1) CARRYING OUT THE POLICY ESTABLISHED UNDER § 1-102 OF THIS
24 ARTICLE FOR CHILDREN, YOUTH, AND FAMILY SERVICES;

25 (2) FACILITATING THE DEVELOPMENT OF A SEAMLESS SYSTEM OF
26 FAMILY-FOCUSED SERVICES; AND

27 (3) ACHIEVING A COMPREHENSIVE AND COORDINATED INTERAGENCY
28 APPROACH TO PROVIDING A CONTINUUM OF CARE THAT IS FAMILY- AND
29 CHILD-ORIENTED.

30 3-103.

31 NOTWITHSTANDING ANY OTHER STATE LAW AND EXCEPT AS PROVIDED IN §
32 3-104 OF THIS TITLE, ON WRITTEN REQUEST, A PUBLIC AGENCY SHALL DISCLOSE
33 INFORMATION AND RECORDS ON CHILDREN, YOUTH, AND FAMILIES SERVED BY
34 THAT AGENCY TO:

35 (1) ANOTHER PUBLIC AGENCY THAT SERVES THE SAME CHILDREN,
36 YOUTH, AND FAMILIES;

1 (2) ANOTHER PUBLIC AGENCY THAT HAS CHILDREN OR YOUTH IN A
2 PROGRAM, HOME, OR RESIDENTIAL FACILITY FUNDED OR LICENSED BY THAT
3 AGENCY; OR

4 (3) THE OFFICE FOR CHILDREN.

5 3-104.

6 (A) A PUBLIC AGENCY MAY NOT DISCLOSE INFORMATION OR RECORDS
7 UNDER § 3-103 OF THIS TITLE IF:

8 (1) DISCLOSURE IS PROHIBITED BY FEDERAL LAW; OR

9 (2) THE PUBLIC AGENCY HAS NOT OBTAINED WRITTEN CONSENT IF
10 REQUIRED BY § 3-105 OF THIS TITLE.

11 (B) A PUBLIC AGENCY MAY DISCLOSE ONLY THE INFORMATION AND RECORDS
12 THAT ARE IDENTIFIED SPECIFICALLY IN THE WRITTEN REQUEST.

13 (C) (1) A PUBLIC AGENCY MAY NOT DISCLOSE CHILD PROTECTIVE SERVICES
14 RECORDS COLLECTED BEFORE OCTOBER 1, 1993, UNLESS THE PERSON IN INTEREST
15 GIVES CONSENT AFTER BEING GIVEN AN OPPORTUNITY TO REVIEW THE RECORDS
16 AND THE INFORMATION TO BE DISCLOSED.

17 (2) ON REQUEST, THE PERSON IN INTEREST MAY REVIEW THE ENTIRE
18 CHILD PROTECTIVE SERVICES RECORD ON THE MINOR.

19 (3) A PUBLIC AGENCY MAY NOT DISCLOSE TO THE PERSON IN INTEREST
20 OR A REQUESTING PUBLIC AGENCY THE IDENTITY OF:

21 (I) A REPORTER OF ABUSE OR NEGLECT; OR

22 (II) ANOTHER PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE
23 ENDANGERED BY THE DISCLOSURE.

24 (D) INFORMATION COLLECTED BY THE CHILDREN'S CABINET UNDER § 3-105
25 OF THIS TITLE MAY NOT BE REDISCLOSED IN ANY FORM THAT REVEALS THE
26 IDENTITY OF A RECIPIENT OF SERVICES.

27 3-105.

28 (A) EXCEPT WHERE THE CONSENT OF THE PERSON IN INTEREST IS NOT
29 REQUIRED BY LAW, A PUBLIC AGENCY MAY DISCLOSE INFORMATION OR RECORDS
30 UNDER § 3-103 OF THIS TITLE ONLY AFTER OBTAINING WRITTEN CONSENT FROM:

31 (1) THE PERSON IN INTEREST; OR

32 (2) ANOTHER INDIVIDUAL AUTHORIZED TO GIVE CONSENT UNDER
33 SUBSECTION (B) OF THIS SECTION.

1 (B) (1) FOR THE PURPOSE OF THIS SUBSECTION, A PERSON IN INTEREST IS
2 CONSIDERED NOT REASONABLY AVAILABLE IF:

3 (I) AFTER REASONABLE ORAL OR WRITTEN INQUIRY, THE
4 REQUESTING PUBLIC AGENCY IS UNAWARE OF THE EXISTENCE OF A PERSON IN
5 INTEREST;

6 (II) AFTER REASONABLE INQUIRY, THE REQUESTING PUBLIC
7 AGENCY CANNOT DETERMINE THE LOCATION OF A PERSON IN INTEREST; OR

8 (III) AFTER REASONABLE EFFORTS BY THE REQUESTING PUBLIC
9 AGENCY TO CONTACT THE PERSON IN INTEREST, THE PERSON IN INTEREST HAS NOT
10 RESPONDED IN A TIMELY MANNER, TAKING INTO ACCOUNT THE NEEDS OF THE
11 CHILD FOR WHOM SERVICES ARE TO BE PROVIDED.

12 (2) IF THE PERSON IN INTEREST IS NOT REASONABLY AVAILABLE TO
13 GIVE WRITTEN CONSENT, THE FOLLOWING PERSONS, NOT LISTED IN ORDER OF
14 PRIORITY, MAY CONSENT IN WRITING TO THE RELEASE OF INFORMATION OR
15 RECORDS REGARDING A MINOR:

16 (I) AN ADULT WHO IS ACTING AS THE PARENT OF A CHILD, NOT
17 INCLUDING A TEACHER OR A BABY-SITTER;

18 (II) A COURT THAT HAS JURISDICTION OVER AN ACTION
19 AFFECTING THE PARENT-CHILD RELATIONSHIP OF WHICH THE MINOR IS THE
20 SUBJECT; OR

21 (III) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
22 DEPARTMENT OF JUVENILE SERVICES, OR A LOCAL DEPARTMENT OF SOCIAL
23 SERVICES, FOR A MINOR IN THE CARE AND CUSTODY OF THE RESPECTIVE UNIT.

24 (3) A PERSON AUTHORIZED TO CONSENT TO THE RELEASE OF
25 INFORMATION OR RECORDS UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL
26 CONFIRM IN WRITING THAT THE PERSON IN INTEREST IS NOT REASONABLY
27 AVAILABLE.

28 (4) THE PUBLIC AGENCY RELEASING THE INFORMATION SHALL
29 INCLUDE THE WRITTEN CONFIRMATION IN THE RECORD FROM WHICH THE
30 INFORMATION IS RELEASED.

31 (C) (1) THIS SUBSECTION APPLIES:

32 (I) NOTWITHSTANDING ANY OTHER STATE LAW; AND

33 (II) IF DISCLOSURE IS NOT PROHIBITED BY FEDERAL LAW.

34 (2) WITHOUT THE CONSENT OF THE PERSON IN INTEREST, A PUBLIC
35 AGENCY MAY DISCLOSE TO THE CHILDREN'S CABINET:

1 (I) THE NAME, ADDRESS, DATE OF BIRTH, RACE, AND SEX OF
2 CHILDREN RECEIVING SERVICES; AND

3 (II) THE TYPES, DATES, AND DURATION OF SERVICES PROVIDED TO
4 CHILDREN BY STATE AND LOCAL AGENCIES.

5 (3) THE CHILDREN'S CABINET MAY ONLY USE INFORMATION DISCLOSED
6 UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR PLANNING, BUDGETING,
7 EVALUATION, AND ANALYSIS.

8 3-106.

9 INFORMATION AND RECORDS DISCLOSED TO A PUBLIC AGENCY UNDER THIS
10 TITLE SHALL REMAIN CONFIDENTIAL AND, EXCEPT AS PROVIDED IN § 3-105(C) OF
11 THIS TITLE, MAY NOT BE FURTHER DISCLOSED.

12 TITLE 4. SERVICES TO CHILDREN WITH SPECIAL NEEDS.

13 4-101.

14 (A) THERE IS A STATE COORDINATING COUNCIL FOR CHILDREN IN THE
15 OFFICE FOR CHILDREN.

16 (B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

17 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
18 SECRETARY'S DESIGNEE;

19 (2) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S
20 DESIGNEE;

21 (3) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S
22 DESIGNEE;

23 (4) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR
24 CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

25 (5) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
26 SUPERINTENDENT'S DESIGNEE;

27 (6) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE
28 SECRETARY'S DESIGNEE;

29 (7) THE SECRETARY OF DISABILITIES OR THE SECRETARY'S DESIGNEE;
30 AND

31 (8) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE
32 GOVERNOR.

33 (C) (1) THE OFFICE OF CHAIR OF THE COUNCIL SHALL ROTATE ANNUALLY
34 AMONG THE MEMBERS OF THE COUNCIL.

1 (2) THE TERM OF THE CHAIR IS 1 YEAR.

2 (3) A MEMBER FROM A UNIT REPRESENTED ON THE COUNCIL MAY NOT
3 SERVE AS CHAIR MORE THAN ONCE EVERY 5 YEARS.

4 (D) THE OFFICE FOR CHILDREN SHALL PROVIDE STAFF SUPPORT FOR THE
5 COUNCIL.

6 (E) THE COUNCIL SHALL:

7 (1) ESTABLISH AND OVERSEE THE LOCAL COORDINATING COUNCIL IN
8 EACH COUNTY;

9 (2) DEVELOP PROCEDURES FOR THE OPERATION OF LOCAL
10 COORDINATING COUNCILS;

11 (3) REVIEW PERIODICALLY THE PROCEDURES OF LOCAL
12 COORDINATING COUNCILS FOR MAKING DECISIONS ON RESIDENTIAL PLACEMENT
13 FOR CHILDREN IN NEED OF RESIDENTIAL PLACEMENT;

14 (4) REVIEW RECOMMENDATIONS FOR STATE FUNDING OF THE
15 INDIVIDUAL PLACEMENT OF A CHILD IN NEED OF OUT-OF-STATE PLACEMENT;

16 (5) MONITOR LOCAL COORDINATING COUNCILS TO ENSURE THAT THE
17 LOCAL COORDINATING COUNCILS CONSIDER ALL ALTERNATIVES FOR THE
18 PROVISION OF SERVICES TO CHILDREN AND THEIR FAMILIES IN THE COMMUNITY;

19 (6) ESTABLISH AND MAINTAIN A MULTIPLE UNIT INFORMATION SYSTEM
20 TO ENSURE ACCOUNTABILITY AND PROVIDE STATE SERVICE PLANNING CAPABILITY;

21 (7) COORDINATE EVALUATIONS OF RESIDENTIAL FACILITIES FOR
22 CHILDREN AS REQUIRED BY STATUTE;

23 (8) MAKE RECOMMENDATIONS TO THE APPROPRIATE SECRETARY ON
24 THE DEVELOPMENT OF REGULATIONS TO CARRY OUT THIS TITLE; AND

25 (9) PERFORM OTHER RELATED ACTIVITIES THAT THE CHILDREN'S
26 CABINET IDENTIFIES.

27 (F) THE COUNCIL SHALL:

28 (1) PLAN AND COORDINATE WITH THE LOCAL COORDINATING
29 COUNCILS:

30 (I) MULTIPLE UNIT SERVICES TO CHILDREN IN NEED OF
31 RESIDENTIAL PLACEMENT; AND

32 (II) ENHANCED SERVICES TO CHILDREN WITH INTENSIVE NEEDS,
33 SUBJECT TO THE AVAILABILITY OF FUNDING AND IN ACCORDANCE WITH A PLAN
34 DEVELOPED BY THE CHILDREN'S CABINET; AND

1 (2) IN COOPERATION WITH THE LOCAL COORDINATING COUNCILS,
2 MONITOR SERVICES PROVIDED TO CHILDREN PLACED IN RESIDENTIAL
3 PLACEMENTS.

4 4-102.

5 (A) THERE IS A LOCAL COORDINATING COUNCIL IN EACH COUNTY.

6 (B) EACH LOCAL COORDINATING COUNCIL SHALL INCLUDE:

7 (1) AT LEAST ONE REPRESENTATIVE FROM:

8 (I) THE DEPARTMENT OF JUVENILE SERVICES;

9 (II) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;

10 (III) THE ALCOHOL AND DRUG ABUSE ADMINISTRATION;

11 (IV) THE LOCAL BOARD OF EDUCATION;

12 (V) THE LOCAL HEALTH DEPARTMENT;

13 (VI) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

14 (VII) THE LOCAL OFFICE OF THE DIVISION OF REHABILITATION
15 SERVICES;

16 (VIII) THE LOCAL MANAGEMENT BOARD; AND

17 (IX) THE MENTAL HYGIENE ADMINISTRATION OR THE LOCAL CORE
18 SERVICE AGENCY, AS DESIGNATED UNDER TITLE 10, SUBTITLE 12 OF THE HEALTH -
19 GENERAL ARTICLE; AND

20 (2) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE CHAIR
21 OF THE LOCAL COORDINATING COUNCIL IN CONSULTATION WITH THE CHILD
22 ADVOCACY COMMUNITY.

23 (C) THE COUNCIL SHALL ESTABLISH THE TERMS OF THE MEMBERS OF THE
24 LOCAL COORDINATING COUNCILS.

25 (D) EACH LOCAL COORDINATING COUNCIL SHALL SELECT ITS CHAIR FROM
26 AMONG ITS MEMBERS FOR A DESIGNATED TERM OF OFFICE.

27 (E) (1) THE LOCAL COORDINATING COUNCIL SHALL BE PART OF THE LOCAL
28 MANAGEMENT BOARD FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

29 (2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL
30 MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO
31 THE LOCAL COORDINATING COUNCIL.

1 (3) THE LOCAL COORDINATING COUNCIL SHALL BE INDEPENDENT OF
2 THE LOCAL MANAGEMENT BOARD IN ITS DECISIONS REGARDING INDIVIDUAL PLANS
3 OF CARE FOR CHILDREN AND POLICY RECOMMENDATIONS REGARDING SERVICES TO
4 CHILDREN.

5 (F) A LOCAL COORDINATING COUNCIL SHALL:

6 (1) ACCEPT PLACEMENT REFERRALS FROM THE UNITS REPRESENTED
7 ON THE LOCAL COORDINATING COUNCIL;

8 (2) REVIEW RECOMMENDATIONS FOR THE RESIDENTIAL PLACEMENT
9 OF CHILDREN REFERRED TO THE LOCAL COORDINATING COUNCIL IN ACCORDANCE
10 WITH SUBSECTION (G) OF THIS SECTION;

11 (3) PROVIDE AN INTERAGENCY PLAN OF CARE FOR RESIDENTIAL
12 PLACEMENT OR APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED SERVICES FOR A
13 CHILD;

14 (4) CONSISTENT WITH REGULATIONS ADOPTED BY THE CHILDREN'S
15 CABINET, SUBMIT RECOMMENDED PLANS OF CARE TO THE COUNCIL; AND

16 (5) ASSIST THE UNIT PRIMARILY RESPONSIBLE FOR A CHILD'S CARE IN
17 IMPLEMENTING AND MONITORING THE RESIDENTIAL PLACEMENT OF THE CHILD.

18 (G) A LOCAL COORDINATING COUNCIL SHALL:

19 (1) REVIEW RESIDENTIAL PLACEMENTS RECOMMENDED IN
20 ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION
21 ACT OR FEDERAL MEDICAID REQUIREMENTS, TO PROVIDE TECHNICAL ASSISTANCE
22 TO THE LEAD AGENCY REGARDING THE AVAILABILITY OF COMMUNITY-BASED
23 RESOURCES TO SERVE THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT
24 DETERMINED TO BE APPROPRIATE BY THE LEAD AGENCY;

25 (2) REVIEW AND APPROVE OTHER RECOMMENDED RESIDENTIAL
26 PLACEMENTS; AND

27 (3) REVIEW RECOMMENDED OUT-OF-STATE PLACEMENTS AND REFER
28 THE RECOMMENDATIONS TO THE COUNCIL.

29 (H) CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, THE
30 COUNCIL AND THE LOCAL COORDINATING COUNCIL SHALL DEVELOP AND
31 IMPLEMENT PLANS OF CARE FOR THE RESIDENTIAL PLACEMENT OF CHILDREN IN
32 NEED OF RESIDENTIAL PLACEMENT AND CHILDREN IN NEED OF OUT-OF-STATE
33 PLACEMENT.

34 4-103.

35 (A) A PARENT OR GUARDIAN OF A CHILD AND THE CHILD'S ATTORNEY MAY
36 ATTEND ANY MEETING OF THE COUNCIL OR THE LOCAL COORDINATING COUNCIL AT
37 WHICH THE CHILD'S RESIDENTIAL PLACEMENT IS DISCUSSED.

1 (B) AT LEAST 10 DAYS BEFORE THE MEETING, THE COUNCIL OR LOCAL
2 COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR GUARDIAN OF THE CHILD
3 AND THE CHILD'S ATTORNEY OF THE DATE, TIME, AND LOCATION OF ANY MEETING
4 THE COUNCIL OR THE LOCAL COORDINATING COUNCIL PLANS TO HOLD TO DISCUSS
5 THE CHILD'S RESIDENTIAL PLACEMENT.

6 (C) THE COUNCIL OR THE LOCAL COORDINATING COUNCIL SHALL NOTIFY
7 EACH PARENT OR GUARDIAN OF THE CHILD AND THE CHILD'S ATTORNEY IN
8 WRITING OF:

9 (1) ANY DECISION THE COUNCIL OR LOCAL COORDINATING COUNCIL
10 MAKES CONCERNING THE CHILD'S RESIDENTIAL PLACEMENT; AND

11 (2) THE RIGHT OF THE PARENT, GUARDIAN, OR ATTORNEY TO APPEAL A
12 DECISION MADE BY THE COUNCIL OR THE LOCAL COORDINATING COUNCIL
13 CONCERNING THE CHILD'S RESIDENTIAL PLACEMENT.

14 TITLE 5. CHILDREN'S CABINET FUND.

15 5-101.

16 (A) THERE IS A CHILDREN'S CABINET FUND.

17 (B) THE CHILDREN'S CABINET FUND:

18 (1) CONSISTS OF MONEY APPROPRIATED, TRANSFERRED, CREDITED, OR
19 PAID INTO THE FUND FROM ANY SOURCE; AND

20 (2) INCLUDES MONEY FOR OUT-OF-HOME CARE AND SERVICES TO
21 PREVENT OUT-OF-HOME PLACEMENTS.

22 (C) AT THE END OF EACH FISCAL YEAR ANY UNSPENT MONEY IN THE FUND
23 SHALL REVERT TO THE GENERAL FUND.

24 5-102.

25 NOTWITHSTANDING THE PROVISIONS OF § 5-103 OF THIS TITLE, EXPENDITURES
26 FROM THE FUND SHALL BE MADE:

27 (1) IN ACCORDANCE WITH THE BUDGET AMENDMENT PROCEDURE IN §
28 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

29 (2) TO EACH COUNTY THROUGH THE COUNTY'S LOCAL MANAGEMENT
30 BOARD TO SUPPORT A LOCALLY-DRIVEN INTERAGENCY EFFORT TO MAXIMIZE ALL
31 AVAILABLE RESOURCES FOR CHILDREN AND FAMILY SERVICES; AND

32 (3) TO REFLECT THE PRIORITIES, POLICIES, AND PROCEDURES THAT
33 THE CHILDREN'S CABINET ADOPTS.

1 5-103.

2 (A) A LOCAL MANAGEMENT BOARD SHALL APPLY FOR MONEY FROM THE
3 FUND IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE CHILDREN'S
4 CABINET.

5 (B) IN CONNECTION WITH THE APPLICATION FOR MONEY UNDER
6 SUBSECTION (A) OF THIS SECTION, A LOCAL MANAGEMENT BOARD SHALL DEVELOP
7 AND SUBMIT A COMMUNITY PARTNERSHIP AGREEMENT THAT:

8 (1) REFLECTS COORDINATION WITH THE STATE'S 3-YEAR PLAN FOR
9 CHILDREN, YOUTH, AND FAMILIES AND ANY OTHER LOCAL GOVERNMENT PLAN FOR
10 SERVICES FOR CHILDREN, YOUTH, AND FAMILIES, INCLUDING THE LOCAL
11 SUBSTANCE ABUSE PLAN DEVELOPED IN ACCORDANCE WITH TITLE 8, SUBTITLE 10
12 OF THE HEALTH - GENERAL ARTICLE; AND

13 (2) ADDRESSES THE PRIORITIES AND STRATEGIES OF THE COUNTY FOR
14 MEETING THE IDENTIFIED NEEDS OF CHILDREN AND FAMILIES AS ARTICULATED IN
15 THE LOCAL MANAGEMENT BOARD'S 5-YEAR STRATEGIC PLAN REGARDING:

16 (I) YOUTH DEVELOPMENT;

17 (II) PREVENTION SERVICES;

18 (III) CRISIS AND EARLY INTERVENTION;

19 (IV) SERVICES FOR CHILDREN AT RISK OF OUT-OF-HOME
20 PLACEMENT OR RETURNING FROM OUT-OF-HOME PLACEMENT; AND

21 (V) OUT-OF-HOME PLACEMENT AND TREATMENT.

22 (C) THE CHILDREN'S CABINET MAY DISBURSE MONEY TO A LOCAL
23 MANAGEMENT BOARD SUBJECT TO THE TERMS, CONDITIONS, PERFORMANCE
24 MEASURES, OR OUTCOME EVALUATIONS THAT THE CHILDREN'S CABINET
25 CONSIDERS NECESSARY.

26 (D) THE LOCAL MANAGEMENT BOARD SHALL USE THE MONEY TO
27 IMPLEMENT:

28 (1) A LOCAL INTERAGENCY SERVICES DELIVERY SYSTEM FOR
29 CHILDREN, YOUTH, AND FAMILIES IN ACCORDANCE WITH THE COMMUNITY
30 PARTNERSHIP AGREEMENT; AND

31 (2) ANY TERMS, CONDITIONS, AND PERFORMANCE MEASURES THAT THE
32 CHILDREN'S CABINET REQUIRES.

33 5-104.

34 THE DEPARTMENT OF EDUCATION SHALL BE THE FISCAL AGENT FOR THE
35 FUND.

1

Article 88A - Department of Human Resources2 13A.

3 (d) The use and release of information concerning recipients of State social
4 service and public assistance programs by the Montgomery County Department of
5 Health and Human Services shall be governed by the confidentiality provisions of
6 State law and regulations, including § 6 of this article and Article 49D, [§ 10] TITLE
7 3 of the Code. The Montgomery County Department of Health and Human Services
8 shall be treated as one agency for purposes of confidentiality provisions of State law
9 and regulations.

10

Article - Education11 5-217.

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

13 (9) "Local management board" means a local management board
14 [established under Article 49D, § 11] AS DEFINED UNDER ARTICLE 49D, § 1-101(J) of
15 the Code.

16 8-410.

17 (b) (2) If a local management board established under Article 49D, [§ 11]
18 TITLE 2 of the Code funds the placement of a child in a school that is outside the State
19 or the county in which the child resides without consulting the local school system,
20 the local management board shall certify and pay the cost of the student's daily or
21 other reasonable transportation to school.

22 8-417.

23 (b) (1) The Department of Education, as the fiscal agent of the [Subcabinet
24 Fund for Children, Youth, and Families] CHILDREN'S CABINET FUND under Article
25 49D, TITLE 5 of the Code, shall administer and implement a redesigned rate setting
26 process for nonpublic general education schools, residential child care programs, and
27 nonresidential child care programs.

28

Article - Health - General29 13-1010.

30 (b) The membership of a Community Health Coalition established under §
31 13-1008(b) of this subtitle may include:

32 (1) Representatives of:

1 (i) A local management board established under Article 49D, [§
2 11] TITLE 2 of the Code;

3 13-1111.

4 (b) The membership of a Community Health Coalition established under §
5 13-1109(c) of this subtitle may include:

6 (1) Representatives of:

7 (i) A local management board established under Article 49D, [§
8 11] TITLE 2 of the Code;

9 15-139.

10 (c) (1) For fiscal year 2004 and each subsequent fiscal year, the Governor
11 shall provide funds in the budget for the [Subcabinet] CHILDREN'S CABINET Fund
12 established under Article 49D of the Code in an amount equal to:

13 (i) The amount of federal funds received under subsection (a) of
14 this section during the most recently completed fiscal year;

15 (ii) Less any administrative costs incurred by the Department, the
16 Department of Juvenile Services, and the Department of Human Resources in
17 implementing the programs required under this section; and

18 (iii) Subject to adjustment in accordance with subsection (e) of this
19 section.

20 (2) The funds provided under paragraph (1) of this subsection shall be
21 used by the [Subcabinet for Children, Youth, and Families] CHILDREN'S CABINET to
22 create an interagency pool of funds to provide services to children with disabilities.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2006.