
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**

Introduced and read first time: January 25, 2006
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 14, 2006

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;
13 requiring the Children's Cabinet to disburse funds under certain circumstances;
14 requiring a local management board to submit a certain report to certain
15 committees of the General Assembly; requiring certain unspent money to revert
16 to the general fund at a certain time; making technical and conforming changes;
17 defining certain terms; and generally relating to services for children, youth,
18 and families.

19 BY adding
20 New Article 49D - Children, Youth, and Family Services
21 Section 1-101 through 5-104
22 Annotated Code of Maryland

1 (2003 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article 88A - Department of Human Resources

4 Section 13A(d)

5 Annotated Code of Maryland

6 (2003 Replacement Volume and 2005 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - Education

9 Section 5-217(a)(1)

10 Annotated Code of Maryland

11 (2004 Replacement Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Education

14 Section 5-217(a)(9), 8-410(b)(2), and 8-417(b)(1)

15 Annotated Code of Maryland

16 (2004 Replacement Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Health - General

19 Section 13-1010(b)(1)(i), 13-1111(b)(1)(i), and 15-139(c)(1) and (2)

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2005 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

24 **ARTICLE 49D - CHILDREN, YOUTH, AND FAMILY SERVICES**

25 TITLE 1. DEFINITIONS; GENERAL PROVISIONS.

26 1-101.

27 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS

28 INDICATED.

29 (B) (1) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" MEANS A CHILD

30 WHO IS RECOMMENDED BY A UNIT REPRESENTED ON THE LOCAL COORDINATING

31 COUNCIL FOR OUT-OF-HOME PLACEMENT OUTSIDE OF THE STATE.

32 (2) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" DOES NOT

33 INCLUDE A CHILD PLACED IN FOSTER CARE, AS DEFINED IN § 5-501 OF THE FAMILY

34 LAW ARTICLE.

1 (C) "CHILD IN NEED OF RESIDENTIAL PLACEMENT" MEANS A CHILD:

2 (1) WHO IS RECOMMENDED BY A MEMBER OF THE LOCAL
3 COORDINATING COUNCIL FOR RESIDENTIAL PLACEMENT;

4 (2) ON WHOSE BEHALF THE MEMBER OF THE LOCAL COORDINATING
5 COUNCIL SEEKS STATE FUNDING FOR THE PLACEMENT; AND

6 (3) WHO A UNIT REPRESENTED ON THE LOCAL COORDINATING
7 COUNCIL HAS DETERMINED MEETS ELIGIBILITY CRITERIA FOR A STATE-FUNDED
8 PLACEMENT.

9 (D) "CHILD WITH INTENSIVE NEEDS" MEANS A CHILD WHO HAS BEHAVIORAL,
10 EDUCATIONAL, DEVELOPMENTAL, OR MENTAL HEALTH NEEDS THAT CANNOT BE
11 MET THROUGH AVAILABLE PUBLIC AGENCY RESOURCES BECAUSE:

12 (1) THE CHILD'S NEEDS EXCEED THE RESOURCES OF A SINGLE PUBLIC
13 AGENCY; AND

14 (2) THERE IS NO LEGALLY MANDATED FUNDING SOURCE TO MEET THE
15 CHILD'S NEEDS.

16 (E) "CORE SERVICE AGENCY" MEANS THE DESIGNATED COUNTY OR
17 MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING, MANAGING, AND
18 MONITORING PUBLICLY FUNDED MENTAL HEALTH SERVICES AS PROVIDED UNDER
19 TITLE 10, SUBTITLE 12 OF THE HEALTH - GENERAL ARTICLE.

20 (F) "COUNCIL" MEANS THE STATE COORDINATING COUNCIL FOR CHILDREN.

21 (G) "FUND" MEANS THE CHILDREN'S CABINET FUND.

22 (H) "LEAD AGENCY" MEANS THE LOCAL GOVERNMENT UNIT IDENTIFIED BY
23 FEDERAL OR STATE LAW OR BY THE LOCAL COORDINATING COUNCIL AS
24 RESPONSIBLE FOR THE OVERSIGHT AND IMPLEMENTATION OF A CHILD IN NEED OF
25 RESIDENTIAL PLACEMENT OR A CHILD WITH INTENSIVE NEEDS PLAN OF CARE.

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

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

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

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

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

3 (II) A RESIDENTIAL TREATMENT CENTER;

4 (III) A RESIDENTIAL SCHOOL; OR

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

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

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

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

12 1-102.

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

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

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

21 TITLE 2. LOCAL MANAGEMENT BOARDS.

22 2-101.

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

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

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

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

1 2-102.

2 A LOCAL MANAGEMENT BOARD MAY BE COMPOSED OF:

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

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

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

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

10 (III) CORE SERVICE AGENCY;

11 (IV) LOCAL SCHOOL SYSTEM; AND

12 (V) LOCAL DEPARTMENT OF SOCIAL SERVICES.

13 2-103.

14 A LOCAL MANAGEMENT BOARD SHALL:

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

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

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

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

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

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

30 2-104.

31 THE MEMBERS OF THE CHILDREN'S CABINET SHALL ADOPT REGULATIONS
32 THAT:

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

3 (2) ESTABLISH MINIMUM STANDARDS FOR THE COMPOSITION OF LOCAL
4 MANAGEMENT BOARDS;

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

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

11 (5) GENERALLY RELATE TO THE OPERATION OF LOCAL MANAGEMENT
12 BOARDS.

13 2-105.

14 ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH LOCAL MANAGEMENT BOARD
15 SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
16 SUBMIT TO THE SENATE FINANCE COMMITTEE, THE HOUSE COMMITTEE ON WAYS
17 AND MEANS, AND THE JOINT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES, A
18 REPORT SUMMARIZING, WITH RESPECT TO THE PROGRAMS IMPLEMENTED UNDER §
19 5-103(D) OF THIS ARTICLE:

20 (1) THE LOCAL MANAGEMENT BOARD'S ACTIVITIES;

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

22 (3) THE EFFECTIVENESS OF THE PROGRAMS.

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

24 3-101.

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

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

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

31 (3) A GUARDIAN, CUSTODIAN, OR REPRESENTATIVE OF A MINOR,
32 DESIGNATED BY A COURT, IF AUTHORIZED TO ACT ON BEHALF OF OR INSTEAD OF A
33 PARENT; OR

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

4 3-102.

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

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

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

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

16 (3) ACHIEVING A COMPREHENSIVE AND COORDINATED INTERAGENCY
17 APPROACH TO PROVIDING A CONTINUUM OF CARE THAT IS FAMILY- AND
18 CHILD-ORIENTED.

19 3-103.

20 NOTWITHSTANDING ANY OTHER STATE LAW AND EXCEPT AS PROVIDED IN §
21 3-104 OF THIS TITLE, ON WRITTEN REQUEST, A PUBLIC AGENCY SHALL DISCLOSE
22 INFORMATION AND RECORDS ON CHILDREN, YOUTH, AND FAMILIES SERVED BY
23 THAT AGENCY TO:

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

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

29 (3) THE OFFICE FOR CHILDREN.

30 3-104.

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

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

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

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

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

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

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

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

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

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

17 3-105.

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

21 (1) THE PERSON IN INTEREST; OR

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

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

26 (I) AFTER REASONABLE ORAL OR WRITTEN INQUIRY, THE
27 REQUESTING PUBLIC AGENCY IS UNAWARE OF THE EXISTENCE OF A PERSON IN
28 INTEREST;

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

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

35 (2) IF THE PERSON IN INTEREST IS NOT REASONABLY AVAILABLE TO
36 GIVE WRITTEN CONSENT, THE FOLLOWING PERSONS, NOT LISTED IN ORDER OF

1 PRIORITY, MAY CONSENT IN WRITING TO THE RELEASE OF INFORMATION OR
2 RECORDS REGARDING A MINOR:

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

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

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

11 (3) A PERSON AUTHORIZED TO CONSENT TO THE RELEASE OF
12 INFORMATION OR RECORDS UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL
13 CONFIRM IN WRITING THAT THE PERSON IN INTEREST IS NOT REASONABLY
14 AVAILABLE.

15 (4) THE PUBLIC AGENCY RELEASING THE INFORMATION SHALL
16 INCLUDE THE WRITTEN CONFIRMATION IN THE RECORD FROM WHICH THE
17 INFORMATION IS RELEASED.

18 (C) (1) THIS SUBSECTION APPLIES:

19 (I) NOTWITHSTANDING ANY OTHER STATE LAW; AND

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

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

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

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

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

30 3-106.

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

TITLE 4. SERVICES TO CHILDREN WITH SPECIAL NEEDS.

2 4-101.

3 (A) THERE IS A STATE COORDINATING COUNCIL FOR CHILDREN IN THE
4 OFFICE FOR CHILDREN.

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

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

8 (2) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S
9 DESIGNEE;

10 (3) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S
11 DESIGNEE;

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

14 (5) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
15 SUPERINTENDENT'S DESIGNEE;

16 (6) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE
17 SECRETARY'S DESIGNEE;

18 (7) THE SECRETARY OF DISABILITIES OR THE SECRETARY'S DESIGNEE;
19 AND

20 (8) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE
21 GOVERNOR.

22 (C) (1) THE OFFICE OF CHAIR OF THE COUNCIL SHALL ROTATE ANNUALLY
23 AMONG THE MEMBERS OF THE COUNCIL.

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

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

27 (D) THE OFFICE FOR CHILDREN SHALL PROVIDE STAFF SUPPORT FOR THE
28 COUNCIL.

29 (E) THE COUNCIL SHALL:

30 (1) ESTABLISH AND OVERSEE THE LOCAL COORDINATING COUNCIL IN
31 EACH COUNTY;

32 (2) DEVELOP PROCEDURES FOR THE OPERATION OF LOCAL
33 COORDINATING COUNCILS;

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

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

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

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

11 (7) COORDINATE EVALUATIONS OF RESIDENTIAL FACILITIES FOR
12 CHILDREN AS REQUIRED BY STATUTE;

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

15 (9) PERFORM OTHER RELATED ACTIVITIES THAT THE CHILDREN'S
16 CABINET IDENTIFIES.

17 (F) THE COUNCIL SHALL:

18 (1) PLAN AND COORDINATE WITH THE LOCAL COORDINATING
19 COUNCILS:

20 (I) MULTIPLE UNIT SERVICES TO CHILDREN IN NEED OF
21 RESIDENTIAL PLACEMENT; AND

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

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

28 4-102.

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

30 (B) EACH LOCAL COORDINATING COUNCIL SHALL INCLUDE:

31 (1) AT LEAST ONE REPRESENTATIVE FROM:

32 (I) THE DEPARTMENT OF JUVENILE SERVICES;

33 (II) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;

1 (III) THE ALCOHOL AND DRUG ABUSE ADMINISTRATION;

2 (IV) THE LOCAL BOARD OF EDUCATION;

3 (V) THE LOCAL HEALTH DEPARTMENT;

4 (VI) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

5 (VII) THE LOCAL OFFICE OF THE DIVISION OF REHABILITATION
6 SERVICES;

7 (VIII) THE LOCAL MANAGEMENT BOARD; AND

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

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

14 (C) THE COUNCIL SHALL ESTABLISH THE TERMS OF THE MEMBERS OF THE
15 LOCAL COORDINATING COUNCILS.

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

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

20 (2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL
21 MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO
22 THE LOCAL COORDINATING COUNCIL.

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

27 (F) A LOCAL COORDINATING COUNCIL SHALL:

28 (1) ACCEPT PLACEMENT REFERRALS FROM THE UNITS REPRESENTED
29 ON THE LOCAL COORDINATING COUNCIL;

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

33 (3) PROVIDE AN INTERAGENCY PLAN OF CARE FOR RESIDENTIAL
34 PLACEMENT OR APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED SERVICES FOR A
35 CHILD;

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

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

5 (G) A LOCAL COORDINATING COUNCIL SHALL:

6 (1) REVIEW RESIDENTIAL PLACEMENTS RECOMMENDED IN
7 ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION
8 ACT OR FEDERAL MEDICAID REQUIREMENTS, TO PROVIDE TECHNICAL ASSISTANCE
9 TO THE LEAD AGENCY REGARDING THE AVAILABILITY OF COMMUNITY-BASED
10 RESOURCES TO SERVE THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT
11 DETERMINED TO BE APPROPRIATE BY THE LEAD AGENCY;

12 (2) REVIEW AND APPROVE OTHER RECOMMENDED RESIDENTIAL
13 PLACEMENTS; AND

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

16 (H) CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, THE
17 COUNCIL AND THE LOCAL COORDINATING COUNCIL SHALL DEVELOP AND
18 IMPLEMENT PLANS OF CARE FOR THE RESIDENTIAL PLACEMENT OF CHILDREN IN
19 NEED OF RESIDENTIAL PLACEMENT AND CHILDREN IN NEED OF OUT-OF-STATE
20 PLACEMENT.

21 4-103.

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

25 (B) AT LEAST 10 DAYS BEFORE THE MEETING, THE COUNCIL OR LOCAL
26 COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR GUARDIAN OF THE CHILD
27 AND THE CHILD'S ATTORNEY OF THE DATE, TIME, AND LOCATION OF ANY MEETING
28 THE COUNCIL OR THE LOCAL COORDINATING COUNCIL PLANS TO HOLD TO DISCUSS
29 THE CHILD'S RESIDENTIAL PLACEMENT.

30 (C) THE COUNCIL OR THE LOCAL COORDINATING COUNCIL SHALL NOTIFY
31 EACH PARENT OR GUARDIAN OF THE CHILD AND THE CHILD'S ATTORNEY IN
32 WRITING OF:

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

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

TITLE 5. CHILDREN'S CABINET FUND.

1 5-101.

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

3 (B) THE CHILDREN'S CABINET FUND:

4 (1) CONSISTS OF MONEY APPROPRIATED, TRANSFERRED, CREDITED, OR
5 PAID INTO THE FUND FROM ANY SOURCE; AND6 (2) INCLUDES MONEY FOR OUT-OF-HOME CARE AND SERVICES TO
7 PREVENT OUT-OF-HOME PLACEMENTS.8 (C) AT THE END OF EACH FISCAL YEAR ANY UNSPENT MONEY IN THE FUND
9 SHALL REVERT TO THE GENERAL FUND.

10 5-102.

11 NOTWITHSTANDING THE PROVISIONS OF § 5-103 OF THIS TITLE, EXPENDITURES
12 FROM THE FUND SHALL BE MADE:13 (1) IN ACCORDANCE WITH THE BUDGET AMENDMENT PROCEDURE IN §
14 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;15 (2) TO EACH COUNTY THROUGH THE COUNTY'S LOCAL MANAGEMENT
16 BOARD TO SUPPORT A LOCALLY-DRIVEN INTERAGENCY EFFORT TO MAXIMIZE ALL
17 AVAILABLE RESOURCES FOR CHILDREN AND FAMILY SERVICES; AND18 (3) TO REFLECT THE PRIORITIES, POLICIES, AND PROCEDURES THAT
19 THE CHILDREN'S CABINET ADOPTS.

20 5-103.

21 (A) A LOCAL MANAGEMENT BOARD SHALL APPLY FOR MONEY FROM THE
22 FUND IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE CHILDREN'S
23 CABINET.24 (B) IN CONNECTION WITH THE APPLICATION FOR MONEY UNDER
25 SUBSECTION (A) OF THIS SECTION, A LOCAL MANAGEMENT BOARD SHALL DEVELOP
26 AND SUBMIT A COMMUNITY PARTNERSHIP AGREEMENT THAT:27 (1) REFLECTS COORDINATION WITH THE STATE'S 3-YEAR PLAN FOR
28 CHILDREN, YOUTH, AND FAMILIES AND ANY OTHER LOCAL GOVERNMENT PLAN FOR
29 SERVICES FOR CHILDREN, YOUTH, AND FAMILIES, INCLUDING THE LOCAL
30 SUBSTANCE ABUSE PLAN DEVELOPED IN ACCORDANCE WITH TITLE 8, SUBTITLE 10
31 OF THE HEALTH - GENERAL ARTICLE; AND32 (2) ADDRESSES THE PRIORITIES AND STRATEGIES OF THE COUNTY FOR
33 MEETING THE IDENTIFIED NEEDS OF CHILDREN AND FAMILIES AS ARTICULATED IN
34 THE LOCAL MANAGEMENT BOARD'S 5-YEAR STRATEGIC PLAN REGARDING:
35

- 1 (I) YOUTH DEVELOPMENT;
- 2 (II) PREVENTION SERVICES;
- 3 (III) CRISIS AND EARLY INTERVENTION;
- 4 (IV) SERVICES FOR CHILDREN AT RISK OF OUT-OF-HOME
- 5 PLACEMENT OR RETURNING FROM OUT-OF-HOME PLACEMENT; AND
- 6 (V) OUT-OF-HOME PLACEMENT AND TREATMENT.

7 (C) THE CHILDREN'S CABINET MAY DISBURSE MONEY TO A LOCAL
8 MANAGEMENT BOARD SUBJECT TO THE TERMS, CONDITIONS, PERFORMANCE
9 MEASURES, OR OUTCOME EVALUATIONS THAT THE CHILDREN'S CABINET
10 CONSIDERS NECESSARY.

11 (D) THE LOCAL MANAGEMENT BOARD SHALL USE THE MONEY TO
12 IMPLEMENT:

13 (1) A LOCAL INTERAGENCY SERVICES DELIVERY SYSTEM FOR
14 CHILDREN, YOUTH, AND FAMILIES IN ACCORDANCE WITH THE COMMUNITY
15 PARTNERSHIP AGREEMENT; AND

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

18 5-104.

19 THE DEPARTMENT OF EDUCATION SHALL BE THE FISCAL AGENT FOR THE
20 FUND.

21 **Article 88A - Department of Human Resources**

22 13A.

23 (d) The use and release of information concerning recipients of State social
24 service and public assistance programs by the Montgomery County Department of
25 Health and Human Services shall be governed by the confidentiality provisions of
26 State law and regulations, including § 6 of this article and Article 49D, [§ 10] TITLE
27 3 of the Code. The Montgomery County Department of Health and Human Services
28 shall be treated as one agency for purposes of confidentiality provisions of State law
29 and regulations.

30 **Article - Education**

31 5-217.

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

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

4 8-410.

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

10 8-417.

11 (b) (1) The Department of Education, as the fiscal agent of the [Subcabinet
12 Fund for Children, Youth, and Families] CHILDREN'S CABINET FUND under Article
13 49D, TITLE 5 of the Code, shall administer and implement a redesigned rate setting
14 process for nonpublic general education schools, residential child care programs, and
15 nonresidential child care programs.

16 **Article - Health - General**

17 13-1010.

18 (b) The membership of a Community Health Coalition established under §
19 13-1008(b) of this subtitle may include:

20 (1) Representatives of:

21 (i) A local management board established under Article 49D, [§
22 11] TITLE 2 of the Code;

23 13-1111.

24 (b) The membership of a Community Health Coalition established under §
25 13-1109(c) of this subtitle may include:

26 (1) Representatives of:

27 (i) A local management board established under Article 49D, [§
28 11] TITLE 2 of the Code;

29 15-139.

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

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

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

4 (iii) Subject to adjustment in accordance with subsection (e) of this
5 section.

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

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