

---

By: **Delegate Zirkin**

Introduced and read first time: February 8, 2006

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice Monitoring Unit - Expansion of Jurisdiction**

3 FOR the purpose of expanding the jurisdiction of the Juvenile Justice Monitoring  
4 Unit of the Office of the Attorney General to include the monitoring of any  
5 out-of-home placement; repealing a certain definition; defining a certain term;  
6 making certain conforming changes; making this Act an emergency measure;  
7 and generally relating to the Juvenile Justice Monitoring Unit of the Office of  
8 the Attorney General.

9 BY repealing and reenacting, with amendments,  
10 Article - State Government  
11 Section 6-401, 6-404, 6-405, and 6-406  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2005 Supplement)  
14 (As enacted by Chapter 12 of the Acts of the General Assembly of 2006)

15 BY repealing and reenacting, without amendments,  
16 Article - State Government  
17 Section 6-402  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2005 Supplement)  
20 (As enacted by Chapter 12 of the Acts of the General Assembly of 2006)

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

23 **Article - State Government**

24 6-401.

25 (a) In this subtitle the following words have the meanings indicated.

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

1 (c) "Disciplinary action" means any punitive action against a child that  
2 results in more security, additional obligations, or less personal freedom.

3 [(d) "Facility" means:

4 (1) a residential facility operated by the Department; and

5 (2) a residential facility owned by the Department but privately  
6 operated.]

7 [(e) (D) (1) "Grievance" means a complaint made by a child or on behalf of a  
8 child due to a circumstance or an action considered to be unjust.

9 (2) "Grievance" does not include an employee grievance, disciplinary  
10 appeal, or complaint.

11 [(f) (E) "Juvenile Justice Monitor" means an individual employed by the  
12 Office of the Attorney General to determine whether the needs of children under the  
13 jurisdiction of the Department are being met in compliance with State law, that their  
14 rights are being upheld, and that they are not being abused.

15 (F) "OUT-OF-HOME PLACEMENT" MEANS ANY PLACEMENT OUTSIDE OF THE  
16 HOME INTO WHICH THE DEPARTMENT PLACES CHILDREN.

17 (g) "Secretary" means the Secretary of Juvenile Services.

18 (h) "Special Secretary" means the Special Secretary for Children, Youth, and  
19 Families.

20 (i) "Unit" means the Juvenile Justice Monitoring Unit of the Office of the  
21 Attorney General.

22 6-402.

23 (a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney  
24 General.

25 (b) The function of the Unit is to investigate and determine whether the needs  
26 of children under the jurisdiction of the Department of Juvenile Services are being  
27 met in compliance with State law, that their rights are being upheld, and that they  
28 are not being abused.

29 6-404.

30 The Unit shall:

31 (1) evaluate at each [facility] OUT-OF-HOME PLACEMENT:

32 (i) the child advocacy grievance process;

33 (ii) the Department's monitoring process;

- 1 (iii) the treatment of and services to youth;
- 2 (iv) the physical conditions of the [facility] OUT-OF-HOME  
3 PLACEMENT; and
- 4 (v) the adequacy of staffing;
- 5 (2) review all reports of disciplinary actions, grievances, and grievance  
6 dispositions received from each [facility] OUT-OF-HOME PLACEMENT and  
7 alterations in the status or placement of a child that result in more security,  
8 additional obligations, or less personal freedom;
- 9 (3) receive copies of the grievances submitted to the Department;
- 10 (4) perform unannounced site visits and on-site inspections of  
11 [facilities] OUT-OF-HOME PLACEMENTS;
- 12 (5) receive and review all incident reports submitted to the Department  
13 from [facilities] OUT-OF-HOME PLACEMENTS;
- 14 (6) receive reports of the findings of child protective services  
15 investigations of allegations of abuse or neglect of a child in [a facility] AN  
16 OUT-OF-HOME PLACEMENT; and
- 17 (7) have a representative available to attend meetings of the advisory  
18 boards established under Article 83C, § 2-119 of the Code.

19 6-405.

20 The Unit may:

- 21 (1) review relevant laws, policies, procedures, and juvenile justice  
22 records, including records relating to individual youth;
- 23 (2) on request, conduct interviews with staff, youth, and others;
- 24 (3) review investigative reports produced by the Department relating to  
25 youth in [facilities] OUT-OF-HOME PLACEMENTS; and
- 26 (4) participate, within the context of the local department of social  
27 services' multidisciplinary team process, in a child protective services investigation  
28 conducted under Title 5, Subtitle 7 of the Family Law Article concerning any  
29 allegation of abuse or neglect within any assigned [facility] OUT-OF-HOME  
30 PLACEMENT.

31 6-406.

32 (a) The Unit shall report in a timely manner to the Special Secretary, the  
33 Secretary, and, in accordance with § 2-1246 of [the State Government Article] THIS  
34 ARTICLE, the Speaker of the House of Delegates and the President of the Senate:

1 (1) knowledge of any problem regarding the care, supervision, and  
2 treatment of children in [facilities] OUT-OF-HOME PLACEMENTS;

3 (2) findings, actions, and recommendations, related to the investigations  
4 of disciplinary actions, grievances, incident reports, and alleged cases of child abuse  
5 and neglect; and

6 (3) all other findings and actions related to the monitoring required  
7 under this subtitle.

8 (b) (1) The Unit shall report quarterly to the Special Secretary and the  
9 Secretary.

10 (2) A copy of the report shall be provided to the State Advisory Board for  
11 Juvenile Services and, in accordance with § 2-1246 of [the State Government Article]  
12 THIS ARTICLE, the General Assembly.

13 (3) The report shall include:

14 (i) all activities of the Unit;

15 (ii) actions taken by the Department resulting from the findings  
16 and recommendations of the Unit, including the Department's response; and

17 (iii) a summary of any violations of the standards and regulations of  
18 the Department that remained unabated for 30 days or more during the reporting  
19 period.

20 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall  
21 report to the Special Secretary, the Secretary, the advisory boards established under  
22 Article 83C, § 2-119 of the Code, the Governor, and, in accordance with § 2-1246 of  
23 [the State Government Article] THIS ARTICLE, the General Assembly, on all the  
24 activities of the Office and the actions taken by the Department in response to  
25 findings and recommendations of the Unit.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
27 measure, is necessary for the immediate preservation of the public health or safety,  
28 has been passed by a ye and nay vote supported by three-fifths of all the members  
29 elected to each of the two Houses of the General Assembly, and shall take effect from  
30 the date it is enacted.