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By: **Delegate Zirkin**

Introduced and read first time: February 8, 2006

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2006

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CHAPTER \_\_\_\_\_

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 facility licensed by the Department of Juvenile Services;~~  
6 ~~repealing altering~~ a certain definition; ~~defining a certain term~~; making certain  
7 conforming changes; ~~making this Act an emergency measure~~; authorizing the  
8 Governor to transfer certain positions and funds in a certain manner; making  
9 certain provisions of this Act subject to a certain contingency; and generally  
10 relating to the Juvenile Justice Monitoring Unit of the Office of the Attorney  
11 General.

12 BY repealing and reenacting, with amendments,  
13 Article - State Government  
14 Section 6-401, ~~6-404~~, ~~6-405~~, and 6-406  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2005 Supplement)  
17 (As enacted by Chapter 12 of the Acts of the General Assembly of 2006)

18 BY repealing and reenacting, without amendments,  
19 Article - State Government  
20 Section 6-402  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2005 Supplement)  
23 (As enacted by Chapter 12 of the Acts of the General Assembly of 2006)

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

3 **Article - State Government**

4 6-401.

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

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

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

9 (d) "Facility" means:

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

11 (2) a residential facility owned by the Department but privately  
12 operated; OR

13 (3) A RESIDENTIAL FACILITY LICENSED BY THE DEPARTMENT.

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

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

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

22 (F) ~~"OUT-OF-HOME PLACEMENT" MEANS ANY PLACEMENT OUTSIDE OF THE~~  
23 ~~HOME INTO WHICH THE DEPARTMENT PLACES CHILDREN.~~

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

25 (h) "Special Secretary" means the Special Secretary for Children, Youth, and  
26 Families.

27 (i) "Unit" means the Juvenile Justice Monitoring Unit of the Office of the  
28 Attorney General.

29 6-402.

30 (a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney  
31 General.

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

5 ~~6-404.~~

6 ~~The Unit shall:~~

7 (1) ~~evaluate at each [facility] OUT OF HOME PLACEMENT:~~

8 (i) ~~the child-advocacy grievance process;~~

9 (ii) ~~the Department's monitoring process;~~

10 (iii) ~~the treatment of and services to youth;~~

11 (iv) ~~the physical conditions of the [facility] OUT OF HOME~~  
 12 ~~PLACEMENT; and~~

13 (v) ~~the adequacy of staffing;~~

14 (2) ~~review all reports of disciplinary actions, grievances, and grievance~~  
 15 ~~dispositions received from each [facility] OUT OF HOME PLACEMENT and~~  
 16 ~~alterations in the status or placement of a child that result in more security,~~  
 17 ~~additional obligations, or less personal freedom;~~

18 (3) ~~receive copies of the grievances submitted to the Department;~~

19 (4) ~~perform unannounced site visits and on-site inspections of~~  
 20 ~~[facilities] OUT OF HOME PLACEMENTS;~~

21 (5) ~~receive and review all incident reports submitted to the Department~~  
 22 ~~from [facilities] OUT OF HOME PLACEMENTS;~~

23 (6) ~~receive reports of the findings of child protective services~~  
 24 ~~investigations of allegations of abuse or neglect of a child in [a facility] AN~~  
 25 ~~OUT OF HOME PLACEMENT; and~~

26 (7) ~~have a representative available to attend meetings of the advisory~~  
 27 ~~boards established under Article 83C, § 2-119 of the Code.~~

28 ~~6-405.~~

29 ~~The Unit may:~~

30 (1) ~~review relevant laws, policies, procedures, and juvenile justice~~  
 31 ~~records, including records relating to individual youth;~~

32 (2) ~~on request, conduct interviews with staff, youth, and others;~~

1           (3)     review investigative reports produced by the Department relating to  
2 youth in ~~[facilities] OUT OF HOME PLACEMENTS;~~ and

3           (4)     participate, within the context of the local department of social  
4 services' multidisciplinary team process, in a child protective services investigation  
5 conducted under Title 5, Subtitle 7 of the Family Law Article concerning any  
6 allegation of abuse or neglect within any assigned ~~[facility] OUT OF HOME~~  
7 ~~PLACEMENT.~~

8 6-406.

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

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

14           (2)     findings, actions, and recommendations, related to the investigations  
15 of disciplinary actions, grievances, incident reports, and alleged cases of child abuse  
16 and neglect; and

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

19       (b)     (1)     The Unit shall report quarterly to the Special Secretary and the  
20 Secretary.

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

24           (3)     The report shall include:

25                   (i)     all activities of the Unit;

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may  
2 transfer 5 regular positions and \$271,000 for those positions from the Department of  
3 Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney  
4 General.

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
6 take effect October 1, 2006, contingent on the transfer of positions and funds under  
7 Section 2 of this Act. If the positions and funds are not transferred in accordance with  
8 Section 2 of this Act on or before October 1, 2006, this Act, with no further action of  
9 the General Assembly, shall be null and void and of no force and effect. The Juvenile  
10 Justice Monitoring Unit of the Office of the Attorney General, within 5 days of  
11 receiving a transfer under Section 2 of this Act, shall forward notice of the transfer to  
12 the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

13 SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That ~~this Act is an~~  
14 emergency measure, is necessary for the immediate preservation of the public health  
15 or safety, has been passed by a yea and nay vote supported by three fifths of all the  
16 members elected to each of the two Houses of the General Assembly, and shall take  
17 effect from the date it is enacted, except as provided in Section 3 of this Act, this Act  
18 shall take effect June 1, 2006.