
By: ~~Delegate Zirkin~~ Delegates Zirkin, Elliott, Frank, Mandel, Morhaim, and Nathan-Pulliam

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs - Standards for Staff –~~Reporting on~~**
 3 **~~Outcomes Evaluations and Recidivism Rates~~ and System for Outcomes**
 4 **Evaluation**

5 FOR the purpose of requiring the Department of Juvenile Services, the Department of
 6 Human Resources, the Department of Health and Mental Hygiene, and the
 7 ~~Office of Group Home Licensing and Monitoring~~ Governor's Office for Children
 8 to adopt certain regulations to require certain staff members of certain
 9 residential child care programs to meet certain qualifications; requiring the
 10 Department of Juvenile Services, the Department of Human Resources, ~~the~~
 11 ~~Department of Health and Mental Hygiene,~~ and the ~~Office of Group Home~~
 12 ~~Licensing and Monitoring~~ Governor's Office for Children to develop, coordinate,
 13 and implement a certain system of outcomes evaluation; ~~requiring the~~
 14 ~~Department of Juvenile Services, the Department of Human Resources, the~~
 15 ~~Department of Health and Mental Hygiene, and the Office of Group Home~~
 16 ~~Licensing and Monitoring to require, in certain contracts with a private provider~~
 17 ~~of a certain program, that the provider collect certain information; requiring the~~
 18 ~~Department of Juvenile Services, the Department of Human Resources, the~~
 19 ~~Department of Health and Mental Hygiene, and the Office of Group Home~~
 20 ~~Licensing and Monitoring to make certain progress reports to the General~~
 21 ~~Assembly at certain intervals; requiring the Department of Juvenile Services to~~
 22 ~~keep recidivism records on certain children; requiring the Department of~~
 23 ~~Juvenile Services to make certain reports to the General Assembly at certain~~
 24 ~~intervals~~ specifying the uses of the system for outcomes evaluation; requiring
 25 the system for outcomes evaluation to use certain measures for a certain
 26 purpose; requiring the Governor's Office for Children, the Department of
 27 Juvenile Services, and the Department of Human Resources to consult with the

1 University of Maryland, Baltimore in planning and implementing the system for
 2 outcomes evaluation; establishing certain requirements for the system for
 3 outcomes evaluation; providing that the Department of Juvenile Services and
 4 the Department of Human Resources may not disclose personal identifiers and
 5 must ensure confidentiality of certain information when reporting certain
 6 information and data; requiring the Governor's Office for Children, in
 7 coordination with the Department of Juvenile Services and the Department of
 8 Human Resources, to submit a certain report to the Governor and the General
 9 Assembly on or before a certain date; requiring the Governor's Office for
 10 Children, the Department of Juvenile Services, the Department of Human
 11 Resources, and the Department of Health and Mental Hygiene, in cooperation
 12 with representatives of certain programs and certain groups, to develop certain
 13 regulations and certain recommendations; requiring the Governor's Office for
 14 Children to report to the General Assembly on certain recommendations on or
 15 before a certain date; defining certain terms; and generally relating to
 16 residential child care programs.

17 ~~BY adding to~~
 18 ~~Article Health Occupations~~
 19 ~~Section 21-101 through 21-105, inclusive, to be under the new title "Title 21-~~
 20 ~~Residential Child Care Program Staff and Reporting Requirements"~~
 21 ~~Annotated Code of Maryland~~
 22 ~~(2005 Replacement Volume)~~

23 BY adding
 24 New Article 49D - Children, Youth, and Family Services
 25 Section 1-101 through 1-103, inclusive, to be under the new title "Title 1.
 26 Children in Out-of-Home Placement"
 27 Annotated Code of Maryland
 28 (2003 Replacement Volume and 2005 Supplement)

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

31 ~~Article Health Occupations~~

32 ~~TITLE 21. RESIDENTIAL CHILD CARE PROGRAM STAFF AND REPORTING~~
 33 ~~REQUIREMENTS.~~

34 ~~21-101.~~

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

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

37 1-101.

38 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 (B) (1) "COOPERATING DEPARTMENT" MEANS A UNIT OF THE STATE
 2 GOVERNMENT RESPONSIBLE FOR ~~THE PLACEMENT OF CHILDREN IN A RESIDENTIAL~~
 3 ~~CHILD CARE PROGRAM, INCLUDING THE DEPARTMENT, AND THE DEPARTMENTS OF~~
 4 ~~JUVENILE SERVICES AND HUMAN RESOURCES~~ OUT-OF-HOME PLACEMENT OF
 5 CHILDREN.

6 (2) "COOPERATING DEPARTMENT" INCLUDES:

7 (I) THE DEPARTMENT OF JUVENILE SERVICES; AND

8 (II) THE DEPARTMENT OF HUMAN RESOURCES.

9 (C) "DIRECT CARE STAFF" MEANS STAFF ASSIGNED TO PERFORM DIRECT
 10 RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP, AND
 11 SOCIALIZATION SKILLS OF CHILDREN IN A RESIDENTIAL CHILD CARE PROGRAM.

12 (D) "OFFICE" MEANS THE ~~OFFICE OF GROUP HOME LICENSING AND~~
 13 ~~MONITORING~~ GOVERNOR'S OFFICE FOR CHILDREN OR A SUCCESSOR AGENCY.

14 (E) "OUT-OF-HOME PLACEMENT" MEANS:

15 (I) THE REMOVAL OF A CHILD FROM THE CHILD'S FAMILY; AND

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

19 ~~(E)~~ (F) (1) "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT
 20 PROVIDES CARE FOR CHILDREN 24 HOURS PER DAY WITHIN A STRUCTURED SET OF
 21 SERVICES AND ACTIVITIES DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES RELATING
 22 TO THE NEEDS OF THE CHILDREN SERVED, INCLUDING THE PROVISION OF FOOD,
 23 CLOTHING, SHELTER, EDUCATION, SOCIAL SERVICES, HEALTH CARE, MENTAL
 24 HEALTH SERVICES, RECREATION, OR ANY COMBINATION OF THESE SERVICES AND
 25 ACTIVITIES.

26 (2) "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES A PROGRAM THAT:

27 ~~(F)~~ IS LICENSED BY:

28 1- (I) THE DEPARTMENT OF HEALTH AND MENTAL
 29 HYGIENE;

30 2- (II) THE DEPARTMENT OF HUMAN RESOURCES; OR

31 3- (III) THE DEPARTMENT OF JUVENILE SERVICES; AND

32 ~~(F)~~ IS SUBJECT TO THE REGULATIONS OF THE OFFICE.

33 (3) "RESIDENTIAL CHILD CARE PROGRAM" DOES NOT INCLUDE:

34 (I) ALTERNATIVE LIVING UNITS;

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- 1 (II) NONPUBLIC RESIDENTIAL EDUCATIONAL FACILITIES;
 2 (III) PSYCHIATRIC RESPITE CARE PROGRAMS;
 3 (IV) RESIDENTIAL CRISIS SERVICES PROGRAMS;
 4 (V) STATE-OPERATED RESIDENTIAL EDUCATIONAL FACILITIES;
 5 (VI) SECURE CARE PROGRAMS; OR
 6 (VII) WILDERNESS PROGRAMS.

7 ~~(F)~~ (G) "SYSTEM FOR OUTCOMES EVALUATION" MEANS AN OBJECTIVE,
 8 ~~STANDARDIZED, AND UNIFORM METHOD USED BY THE OFFICE TO MEASURE AND~~
 9 ~~STANDARDIZED METHOD OF MEASURING~~ THE EFFECTIVENESS OF RESIDENTIAL
 10 CHILD CARE PROGRAMS.

11 ~~21-102. 1-102.~~

12 ~~A COOPERATING DEPARTMENT~~ THE DEPARTMENT OF JUVENILE SERVICES, THE
 13 ~~DEPARTMENT OF HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL~~
 14 ~~HYGIENE, AND THE OFFICE JOINTLY SHALL ADOPT REGULATIONS REQUIRING EACH~~
 15 MEMBER OF A DIRECT CARE STAFF ~~OF A RESIDENTIAL CHILD CARE PROGRAM TO~~
 16 ~~MEET THE FOLLOWING MINIMUM QUALIFICATIONS TO:~~

17 (1) BE AT LEAST 21 YEARS OLD; AND

18 (2) ~~(1)~~ 1. HAVE AN ASSOCIATE OF ARTS DEGREE FROM AN
 19 ~~ACCREDITED COLLEGE OR UNIVERSITY BASED ON A CURRICULUM APPROVED BY~~
 20 ~~THE MARYLAND HIGHER EDUCATION COMMISSION; OR~~

21 2. HAVE A BACHELOR'S DEGREE FROM AN ACCREDITED
 22 ~~COLLEGE OR UNIVERSITY; AND~~

23 ~~(H)~~ HAVE COMPLETED A TRAINING PROGRAM THAT:

24 (I) IS APPROVED BY THE AGENCY THAT LICENSED THE
 25 RESIDENTIAL CHILD CARE PROGRAM; AND

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

28 ~~21-103. 1-103.~~

29 (A) ~~A COOPERATING DEPARTMENT AND~~ ON OR BEFORE JULY 1, 2008, THE
 30 OFFICE AND THE COOPERATING DEPARTMENTS SHALL DEVELOP, COORDINATE, AND
 31 IMPLEMENT A SYSTEM FOR OUTCOMES EVALUATION.

32 (B) THE SYSTEM FOR OUTCOMES EVALUATION SHALL BE USED TO:

1 (1) MONITOR THE CARE, SUPERVISION, EDUCATION, AND TREATMENT
2 PROVIDED BY STATE-OPERATED AND STATE-SUPPORTED RESIDENTIAL CHILD CARE
3 PROGRAMS ~~TO EXPAND SUCCESSFUL SERVICES TO CHILDREN AND ADJUST OR~~
4 ~~ELIMINATE UNSUCCESSFUL AND INEFFECTIVE SERVICES TO CHILDREN SO THAT~~
5 SUCCESSFUL SERVICES CAN BE EXPANDED AND SERVICES THAT DO NOT PRODUCE
6 POSITIVE RESULTS CAN BE IDENTIFIED;

7 ~~(2) EVALUATE EACH CHILD AT 6-MONTH INTERVALS FOLLOWING THE~~
8 ~~CHILD'S DISCHARGE FROM A RESIDENTIAL CHILD CARE PROGRAM TO DETERMINE~~
9 ~~WHICH SERVICES BEST ENABLED THE CHILD TO MAINTAIN HEALTHY FUNCTIONING~~
10 ~~IN THE COMMUNITY AND REMAIN OUTSIDE THE JUVENILE SERVICES SYSTEM; AND~~

11 (2) ASSESS THE CAPACITY OF RESIDENTIAL CHILD CARE PROGRAMS TO
12 MEET THE NEEDS OF A CHILD REQUIRING OUT-OF-HOME PLACEMENT IN THE
13 CHILD'S COMMUNITY;

14 (3) EFFECTIVELY ALLOCATE RESOURCES BASED ON DEMONSTRATED
15 OUTCOMES;

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

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

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

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

26 (II) STABILITY OF LIVING ENVIRONMENT;

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

29 (IV) EDUCATIONAL AND VOCATIONAL DEVELOPMENT;

30 (V) JOB SKILLS AND EMPLOYMENT READINESS;

31 (VI) CESSATION OF DRUG AND ALCOHOL ABUSE;

32 (VII) LEARNING TO NOT BE AGGRESSIVE; AND

33 (VIII) POSTDISCHARGE TRANSITION.

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

- 1 (I) ARREST;
- 2 (II) REARREST;
- 3 (III) REARREST WITH A CHARGE OF A SERIOUS OR VIOLENT
4 OFFENSE;
- 5 (IV) REARREST WITH A WAIVER TO THE ADULT SYSTEM;
- 6 (V) RE-REFERRAL TO THE DEPARTMENT OF JUVENILE SERVICES;
- 7 (VI) READJUDICATION AND RECOMMITMENT; AND
- 8 (VII) GRADUATION FROM HIGH SCHOOL OR SUCCESSFUL
9 COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION.
- 10 (D) THE OFFICE AND THE COOPERATING DEPARTMENTS SHALL CONSULT
11 WITH THE UNIVERSITY OF MARYLAND, BALTIMORE IN PLANNING AND
12 IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION.
- 13 (E) THE SYSTEM FOR OUTCOMES EVALUATION SHALL ENSURE THAT
14 COLLECTION AND USE OF DATA IN THE SYSTEM MAINTAINS CONFIDENTIALITY OF
15 INFORMATION ON THE CHILDREN FROM THE COOPERATING DEPARTMENTS.
- 16 (F) THE SYSTEM FOR OUTCOMES EVALUATION SHALL ENSURE THAT A
17 COOPERATING DEPARTMENT SHALL:
- 18 (1) FACILITATE THE PARTICIPATION OF RESIDENTIAL CHILD CARE
19 PROGRAMS OPERATED BY THE COOPERATING DEPARTMENT OR PRIVATE AGENCIES
20 WITH WHICH THE COOPERATING DEPARTMENT HAS A CONTRACT FOR THE
21 PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE; AND
- 22 (2) INCLUDE IN ITS CONTRACT WITH A PRIVATE RESIDENTIAL CHILD
23 CARE PROGRAM PROVISIONS REQUIRING THE PROGRAM TO COLLECT AND REPORT
24 TO THE COOPERATING DEPARTMENT:
- 25 (I) CHILD-SPECIFIC DEMOGRAPHIC INFORMATION; AND
- 26 (II) DATA NECESSARY TO EVALUATE CHANGES IN FUNCTIONING
27 OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.
- 28 (G) WHEN REPORTING DEMOGRAPHIC INFORMATION AND DATA UNDER
29 SUBSECTION (F) OF THIS SECTION, A COOPERATING DEPARTMENT:
- 30 (1) MAY NOT DISCLOSE PERSONAL IDENTIFIERS; AND
- 31 (2) SHALL ENSURE THE CONFIDENTIALITY OF THE INFORMATION
32 ABOUT THE CHILDREN UNDER ITS RESPONSIBILITY.
- 33 (H) ON OR BEFORE OCTOBER 1, 2007, AND ANNUALLY THEREAFTER, THE
34 OFFICE, IN COORDINATION WITH THE COOPERATING DEPARTMENTS, SHALL SUBMIT

1 A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
2 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE PROGRESS OF
3 IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION.

4 21-104.

5 ~~(A) A COOPERATING DEPARTMENT AND THE OFFICE SHALL REQUIRE, IN~~
6 ~~CONTRACTS WITH PRIVATE PROVIDERS OF RESIDENTIAL CHILD CARE PROGRAMS,~~
7 ~~THAT THE PROVIDER COLLECT INFORMATION NECESSARY FOR THE SYSTEM FOR~~
8 ~~OUTCOMES EVALUATION UNDER THIS TITLE.~~

9 ~~(B) (1) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY~~
10 ~~SEPTEMBER 1, 2008, THE COOPERATING DEPARTMENTS AND THE OFFICE SHALL~~
11 ~~SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON THE PROGRESS OF DEVELOPING,~~
12 ~~TESTING, AND IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION.~~

13 ~~(2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY~~
14 ~~SEPTEMBER 1, 2009, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THEREAFTER,~~
15 ~~THE COOPERATING DEPARTMENTS AND THE OFFICE SHALL SUBMIT A REPORT TO~~
16 ~~THE GENERAL ASSEMBLY ON THE EFFECTIVENESS OF RESIDENTIAL CHILD CARE~~
17 ~~PROGRAMS AS MEASURED BY THE SYSTEM FOR OUTCOMES EVALUATION.~~

18 21-105.

19 ~~(A) THE DEPARTMENT OF JUVENILE SERVICES SHALL KEEP RECORDS OF~~
20 ~~RECIDIVISM RATES ON ALL CHILDREN SERVED BY THE DEPARTMENT OF JUVENILE~~
21 ~~SERVICES IN A RESIDENTIAL CHILD CARE PROGRAM, INCLUDING THOSE PLACED~~
22 ~~WITH PUBLIC AND PRIVATE PROVIDERS.~~

23 ~~(B) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY~~
24 ~~SEPTEMBER 1, 2008, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THEREAFTER,~~
25 ~~THE DEPARTMENT OF JUVENILE SERVICES SHALL SUBMIT A REPORT TO THE~~
26 ~~GENERAL ASSEMBLY ON THE RECIDIVISM RATE INFORMATION COLLECTED UNDER~~
27 ~~THIS TITLE.~~

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

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

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

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

36 (b) On or before January 1, 2007, the Governor's Office for Children shall
37 report, in accordance with § 2-1246 of the State Government Article, to the General

1 Assembly on the recommendations for the process and standards for certification of
2 direct care staff.

3 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2006.