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By: **Prince George's County Delegation**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Department of Juvenile Services - Counseling**  
3 **Program for Delinquent Children**  
4 **PG 320-06**

5 FOR the purpose of requiring the Secretary of Juvenile Services to establish the  
6 Counseling Program for Delinquent Children in Prince George's County;  
7 requiring an intake officer for the Department of Juvenile Services to refer a  
8 certain child and the child's parents or guardians to a counseling service  
9 provider under certain circumstances; requiring a counseling service provider to  
10 perform certain duties; prohibiting certain statements made by a participant in  
11 certain discussions or conferences incident to a referral to a counseling service  
12 provider from being admitted in evidence in certain proceedings; providing for  
13 the effective date of certain provisions of this Act; providing for the termination  
14 of certain provisions of this Act; and generally relating to the Counseling  
15 Program for Delinquent Children.

16 BY adding to  
17 Article - Courts and Judicial Proceedings  
18 Section 3-8A-10.2  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2005 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Courts and Judicial Proceedings  
23 Section 3-8A-12(a)  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2005 Supplement)  
26 (As enacted by Section 1 of Chapter 601 of the Acts of the General Assembly of  
27 2005)

28 BY repealing and reenacting, with amendments,  
29 Article - Courts and Judicial Proceedings  
30 Section 3-8A-12(a)

1 Annotated Code of Maryland  
2 (2002 Replacement Volume and 2005 Supplement)  
3 (As enacted by Section 5 of Chapter 601 of the Acts of the General Assembly of  
4 2005)

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

7 **Article - Courts and Judicial Proceedings**

8 3-8A-10.2.

9 (A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

10 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE SERVICES.

13 (3) "PROGRAM" MEANS THE DEPARTMENT OF JUVENILE SERVICES  
14 COUNSELING PROGRAM FOR DELINQUENT CHILDREN.

15 (C) THE SECRETARY OF JUVENILE SERVICES SHALL ESTABLISH A  
16 DEPARTMENT OF JUVENILE SERVICES COUNSELING PROGRAM FOR DELINQUENT  
17 CHILDREN IN PRINCE GEORGE'S COUNTY.

18 (D) ON RECEIPT OF A COMPLAINT UNDER § 3-8A-10 OF THIS SUBTITLE THAT  
19 ALLEGES THAT A CHILD IN PRINCE GEORGE'S COUNTY HAS COMMITTED A  
20 DELINQUENT ACT, UNLESS THE INTAKE OFFICER CONCLUDES UNDER § 3-8A-10(C)  
21 OF THIS SUBTITLE THAT THE COURT HAS NO JURISDICTION, THE INTAKE OFFICER  
22 SHALL REFER THE CHILD AND THE CHILD'S PARENTS OR GUARDIANS TO AN  
23 APPROPRIATE DEPARTMENT COUNSELING SERVICE PROVIDER FOR BEHAVIORAL  
24 AND LIFE SKILLS COUNSELING.

25 (E) COUNSELING SERVICE PROVIDERS SHALL:

26 (1) MEET WITH THE CHILD AND THE CHILD'S PARENTS TO DISCUSS THE  
27 CHILD'S:

28 (I) SCHOOL PERFORMANCE;

29 (II) FAMILY INTERACTIONS;

30 (III) PEER INTERACTIONS; AND

31 (IV) EMOTIONAL AND PHYSICAL HEALTH, INCLUDING DRUG AND  
32 ALCOHOL USE;

33 (2) CONDUCT AN ASSESSMENT OF THE CHILD; AND

1 (3) ESTABLISH A CASE PLAN FOR THE PROVISION OF SERVICES TO THE  
2 CHILD, INCLUDING:

- 3 (I) FAMILY COUNSELING;  
4 (II) EDUCATIONAL ADVOCACY;  
5 (III) DRUG AND ALCOHOL COUNSELING;  
6 (IV) AFTER-SCHOOL PROGRAMS;  
7 (V) TRANSITIONAL LIVING SERVICES; AND  
8 (VI) EMPLOYMENT AND JOB TRAINING SERVICES.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
10 read as follows:

11 **Article - Courts and Judicial Proceedings**

12 3-8A-12.

13 (a) A statement made by a participant while counsel and advice are being  
14 given, offered, or sought, in the discussions or conferences incident to an informal  
15 adjustment, [or] referral to a designated assessment service provider under §  
16 3-8A-10.1 of this subtitle OR REFERRAL TO A COUNSELING SERVICE PROVIDER  
17 UNDER § 3-8A-10.2 OF THIS SUBTITLE may not be admitted in evidence in any  
18 adjudicatory hearing or peace order proceeding or in a criminal proceeding against  
19 the participant prior to conviction.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
21 read as follows:

22 **Article - Courts and Judicial Proceedings**

23 3-8A-12.

24 (a) A statement made by a participant while counsel and advice are being  
25 given, offered, or sought, in the discussions or conferences incident to an informal  
26 adjustment OR REFERRAL TO A COUNSELING SERVICE PROVIDER UNDER § 3-8A-10.2  
27 OF THIS SUBTITLE may not be admitted in evidence in any adjudicatory hearing or  
28 peace order proceeding or in a criminal proceeding against the participant prior to  
29 conviction.

30 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
31 take effect on the taking effect of the termination provision specified in Section 5 of  
32 Chapter 601 of the Acts of the General Assembly of 2005. If that termination provision  
33 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.  
34 This Act may not be interpreted to have any effect on that termination provision.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions  
2 of Section 4 of this Act, this Act shall take effect October 1, 2006.