
By: **Delegates Zirkin, Brown, Petzold, Quinter, Rosenberg, Simmons,
Sophocleus, and Vallario**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Juvenile Services - Reorganization and Regionalization**

3 FOR the purpose requiring the Department of Juvenile Services to serve children in
4 the juvenile services system by certain programming; requiring the Department
5 to designate at least a certain number of operational regions in the State;
6 requiring each region to include at least a certain number of secure facilities
7 used solely for certain purposes; requiring each region to include a sufficient
8 number of committed facilities to provide certain services to certain children;
9 requiring each region to include a nonpublic facility only under certain
10 circumstances; prohibiting the Department from using a nonpublic facility
11 except under certain circumstances; requiring a certain contract for services to
12 contain a certain provision; requiring the Department, by a certain date, to
13 implement certain step-down aftercare services in each region and to ensure
14 that certain children receive certain educational opportunities; authorizing the
15 Department to place a child into a certain facility if a certain determination is
16 made; requiring the Secretary of Juvenile Services to adopt certain regulations;
17 defining a certain term; and generally relating to juvenile services.

18 BY adding to

19 Article 83C - Juvenile Services
20 Section 1-101(h), 2-101(c), and 2-101.5
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article 83C - Juvenile Services
25 Section 2-104(b)
26 Annotated Code of Maryland
27 (2003 Replacement Volume and 2005 Supplement)

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

1 **Article 83C - Juvenile Services**

2 1-101.

3 (H) "STEP-DOWN AFTERCARE" MEANS:

4 (1) A NETWORK OF PROGRAMS PROVIDING EDUCATION AND
5 REHABILITATION; AND6 (2) SERVICES AND TREATMENT TO EASE THE TRANSITION OF CHILDREN
7 FROM THE CUSTODY OF THE DEPARTMENT TO HOMES AND COMMUNITIES.

8 2-101.

9 (C) THE DEPARTMENT SHALL SERVE CHILDREN IN THE JUVENILE SERVICES
10 SYSTEM BY PROGRAMMING THAT:11 (1) ENSURES THE SAFETY OF THE COMMUNITY AND THE CHILDREN
12 SERVED;13 (2) HOLDS DELINQUENT CHILDREN ACCOUNTABLE TO VICTIMS AND
14 COMMUNITIES;15 (3) ASSISTS CHILDREN TO DEVELOP COMPETENCIES TO BECOME
16 SUCCESSFUL MEMBERS OF SOCIETY;17 (4) DELIVERS SERVICES ON A REGIONAL BASIS THROUGH AT LEAST 5
18 OPERATIONAL REGIONS;19 (5) USES COMMITTED FACILITIES THAT SERVE NO MORE THAN 48
20 CHILDREN AT ONE TIME; AND21 (6) USES DETENTION AND COMMITTED FACILITIES THAT ARE
22 GEOGRAPHICALLY, PHYSICALLY, AND OPERATIONALLY SEPARATE FROM ONE
23 ANOTHER AND THAT DO NOT SHARE COMMON AREAS, INCLUDING ADMINISTRATIVE
24 BUILDINGS, DINING HALLS, AND MEDICAL, EDUCATIONAL, OR RECREATIONAL
25 FACILITIES.

26 2-101.5.

27 (A) (1) THE DEPARTMENT SHALL DESIGNATE AT LEAST 7 OPERATIONAL
28 REGIONS WITHIN THE STATE.

29 (2) A REGION SHALL:

30 (I) INCLUDE AT LEAST ONE SECURE FACILITY USED SOLELY FOR
31 CHILDREN PENDING COURT DISPOSITION AND CHILDREN AWAITING PLACEMENT
32 AFTER DISPOSITION;33 (II) INCLUDE A SUFFICIENT NUMBER OF COMMITTED FACILITIES
34 NECESSARY TO DIAGNOSE, CARE FOR, TRAIN, EDUCATE, AND PROPERLY

1 REHABILITATE EVERY CHILD IN THE CUSTODY OF THE DEPARTMENT FROM THE
2 REGION; AND

3 (III) INCLUDE A NONPUBLIC FACILITY ONLY IF THE DEPARTMENT
4 DETERMINES THAT THE FACILITY:

5 1. HAS OR WILL EFFICIENTLY AND EFFECTIVELY PROVIDE
6 ADEQUATE CARE FOR THE CHILDREN PLACED IN THE FACILITY; AND

7 2. HAS OR WILL DEMONSTRATE A RECORD OF SUCCESS
8 BASED ON STANDARDS PROMULGATED BY THE DEPARTMENT.

9 (3) THE DEPARTMENT MAY ONLY USE A NONPUBLIC FACILITY IF THE
10 RATE USED TO PAY THAT FACILITY AS SET BY THE INTERAGENCY RATES COMMITTEE
11 INCORPORATES PERFORMANCE-BASED INCENTIVES BASED ON OUTCOMES
12 DETERMINED BY THE DEPARTMENT.

13 (4) IF THE DEPARTMENT CONTRACTS WITH A PRIVATE PROVIDER TO
14 DELIVER SERVICES IN A STATE FACILITY, ANY CONTRACT SHALL CONTAIN
15 PERFORMANCE-BASED INCENTIVES BASED ON OUTCOMES DETERMINED BY THE
16 DEPARTMENT.

17 (B) ON OR BEFORE JANUARY 1, 2009, THE DEPARTMENT SHALL:

18 (1) IMPLEMENT STEP-DOWN AFTERCARE IN EACH REGION; AND

19 (2) ENSURE THAT EACH CHILD IN THE CUSTODY OF THE DEPARTMENT
20 RECEIVES YEAR-ROUND EDUCATIONAL OPPORTUNITIES.

21 (C) THE DEPARTMENT MAY PLACE A CHILD INTO A COMMITTED FACILITY
22 OUTSIDE OF THE CHILD'S REGION IF A DETERMINATION IS MADE BY THE
23 DEPARTMENT THAT SPECIALIZED SERVICES FOR THE CHILD REQUIRE THE
24 PLACEMENT IN THE BEST INTERESTS OF THE CHILD.

25 2-104.

26 (b) (1) The Secretary may adopt rules and regulations to carry out the
27 provisions of law that are within the jurisdiction of the Secretary.

28 (2) The Secretary shall review and may revise the rules and regulations
29 of:

30 (i) Each unit in the Department that is authorized by law to adopt
31 rules and regulations; and

32 (ii) The Department.

33 (3) THE SECRETARY SHALL ADOPT REGULATIONS TO:

1 (I) PROVIDE FOR UNIFORM PRACTICES AND STANDARDS FOR THE
2 TRAINING OF EMPLOYEES AT EACH FACILITY IN THE DEPARTMENT WHO PROVIDE
3 DIRECT CARE FOR CHILDREN; AND

4 (II) ESTABLISH UNIFORM PRACTICES AND STANDARDS FOR THE
5 TREATMENT OF CHILDREN AT EACH FACILITY OF THE DEPARTMENT.

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