
By: **Chairman, Judiciary Committee (By Request - Departmental -
Children, Office for)**

Introduced and read first time: March 6, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect - Councils and Committees - Transfer**

3 FOR the purpose of transferring the duties of the State Council on Child Abuse and
4 Neglect from the Office for Children, Youth, and Families to the Department of
5 Human Resources; altering the number of committees under the State Council
6 on Child Abuse and Neglect; establishing a Children's Justice Act Committee in
7 the Governor's Office on Crime Control and Prevention; establishing the
8 composition of the Committee; providing for the appointment of the chair of the
9 Committee; authorizing the Committee to establish certain meeting schedules;
10 and generally relating to the transfer of the State Council on Child Abuse and
11 Neglect and the Children's Justice Act Committee.

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 5-7A-01 and 5-7A-05
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2005 Supplement)

17 BY adding to
18 Article - Family Law
19 Section 5-7B-01 through 5-7B-07, inclusive, to be under the new subtitle
20 "Subtitle 7B. Children's Justice Act Committee"
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 41 - Governor - Executive and Administrative Departments
25 Section 6-102
26 Annotated Code of Maryland
27 (2003 Replacement Volume and 2005 Supplement)

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

3 **Article - Family Law**

4 5-7A-01.

5 (a) There is a State Council on Child Abuse and Neglect.

6 (b) The Council is part of the [Office for Children, Youth, and Families]
7 DEPARTMENT OF HUMAN RESOURCES for budgetary and administrative purposes.

8 5-7A-05.

9 (a) The Council shall operate with [three] TWO standing committees.

10 (b) The Conference Committee shall be responsible for planning and
11 implementing the Council's annual statewide conference on child abuse and neglect.
12 It shall include representation from the public and private sectors.

13 (c) The Legislative Committee shall be responsible for reviewing and making
14 recommendations concerning legislation to improve the State's response to the
15 problem of child abuse and neglect.

16 [(d) The Federal Children's Justice Act Committee is established in accordance
17 with the requirements of the Federal Children's Justice Act, Public Law 100-294. It
18 shall review and evaluate State investigative, administrative, and judicial handling of
19 child abuse and neglect cases, and make policy and training recommendations to
20 improve system response and intervention. The Committee shall include
21 representatives of the State judiciary with criminal and civil trial court docket
22 experience, law enforcement agencies, the Maryland Public Defender's Office, State's
23 Attorneys, the Court Appointed Special Advocate (CASA) Program, health and mental
24 health professions, child protective services programs, programs that serve children
25 with disabilities, parent groups, and attorneys who represent children.]

26 [(e)] (D) In addition to the [three] TWO standing committees, the Council
27 may establish other ad hoc committees as necessary to carry out the work of the
28 Council.

29 **SUBTITLE 7B. CHILDREN'S JUSTICE ACT COMMITTEE.**

30 5-7B-01.

31 (A) THERE IS A CHILDREN'S JUSTICE ACT COMMITTEE ESTABLISHED IN
32 ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL CHILDREN'S JUSTICE
33 ACT, PUBLIC LAW 100-294.

34 (B) THE COMMITTEE IS PART OF THE GOVERNOR'S OFFICE ON CRIME
35 CONTROL AND PREVENTION, ESTABLISHED BY EXECUTIVE ORDER 01.01.2005.36, FOR
36 BUDGETARY AND ADMINISTRATIVE PURPOSES.

1 5-7B-02.

2 (A) THE COMMITTEE CONSISTS OF UP TO 15 MEMBERS APPOINTED BY THE
3 GOVERNOR, INCLUDING:

4 (1) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME
5 CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

6 (2) REPRESENTATIVES OF THE JUDICIAL BRANCH WITH CRIMINAL AND
7 CIVIL TRIAL COURT DOCKET EXPERIENCE;

8 (3) REPRESENTATIVES OF LAW ENFORCEMENT AGENCIES;

9 (4) A REPRESENTATIVE OF THE OFFICE OF THE PUBLIC DEFENDER;

10 (5) A REPRESENTATIVE OF THE STATE'S ATTORNEY'S OFFICE;

11 (6) A REPRESENTATIVE OF THE COURT APPOINTED SPECIAL ADVOCATE
12 (CASA) PROGRAM;

13 (7) A PHYSICIAN WITH HEALTH OR MENTAL HEALTH EXPERIENCE;

14 (8) A REPRESENTATIVE OF A CHILD PROTECTIVE SERVICES PROGRAM;

15 (9) A REPRESENTATIVE OF A PROGRAM THAT SERVES CHILDREN WITH
16 DISABILITIES;

17 (10) MEMBERS OF THE GENERAL PUBLIC WHO ARE MEMBERS OF PARENT
18 GROUPS; AND

19 (11) REPRESENTATIVES OF ATTORNEYS WHO REPRESENT CHILDREN.

20 (B) (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (A)(6)
21 THROUGH (11) OF THIS SECTION IS 3 YEARS.

22 (2) AN APPOINTED MEMBER MAY SERVE UP TO TWO CONSECUTIVE
23 3-YEAR TERMS.

24 (3) IN CASE OF A VACANCY, THE GOVERNOR SHALL APPOINT A
25 SUCCESSOR FOR THE REMAINDER OF THE UNEXPIRED TERM.

26 (C) ALL OTHER MEMBERS OF THE COMMITTEE SHALL CONTINUE IN OFFICE
27 SO LONG AS THEY HOLD THE REQUIRED QUALIFICATION AND DESIGNATION
28 SPECIFIED IN SUBSECTION (A)(1) THROUGH (5) OF THIS SECTION.

29 5-7B-03.

30 THE GOVERNOR SHALL SELECT A CHAIR FROM AMONG THE MEMBERS OF THE
31 COMMITTEE.

1 5-7B-04.

2 THE COMMITTEE SHALL ESTABLISH THE TIME AND FREQUENCY OF MEETING
3 DATES.

4 5-7B-05.

5 (A) THE MEMBERS AND STAFF OF THE COMMITTEE:

6 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL
7 ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CHILD PROTECTION CASE
8 ABOUT WHICH THE COMMITTEE IS PROVIDED INFORMATION; AND

9 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
10 LAW.

11 (B) A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PROVIDE ANY
12 INFORMATION THAT THE COMMITTEE REQUESTS TO CARRY OUT THE COMMITTEE'S
13 DUTIES UNDER § 5-7B-06 OF THIS SUBTITLE.

14 5-7B-06.

15 THE COMMITTEE SHALL:

16 (1) REVIEW AND EVALUATE STATE INVESTIGATIVE, ADMINISTRATIVE,
17 AND JUDICIAL HANDLING OF CHILD ABUSE AND NEGLECT CASES; AND

18 (2) MAKE POLICY AND TRAINING RECOMMENDATIONS TO IMPROVE
19 SYSTEM RESPONSE AND INTERVENTION.

20 5-7B-07.

21 (A) THE COMMITTEE SHALL REPORT AND MAKE RECOMMENDATIONS EVERY 3
22 YEARS, WITH ANNUAL UPDATES AS NEEDED, TO THE GOVERNOR AND GENERAL
23 ASSEMBLY ON MATTERS RELATING TO THE PREVENTION, DETECTION,
24 PROSECUTION, AND TREATMENT OF CHILD ABUSE AND NEGLECT, INCLUDING
25 POLICY AND TRAINING NEEDS THAT REQUIRE THE ATTENTION AND ACTION OF THE
26 GOVERNOR OR THE GENERAL ASSEMBLY.

27 (B) THE COMMITTEE SHALL ANNUALLY PREPARE AND MAKE AVAILABLE TO
28 THE PUBLIC A REPORT CONTAINING A SUMMARY OF ITS ACTIVITIES UNDER § 5-7B-06
29 OF THIS SUBTITLE.

30 **Article 41 - Governor - Executive and Administrative Departments**

31 6-102.

32 The following boards, commissions, committees, councils, departments,
33 divisions and offices of the State government shall be included within the Department
34 of Human Resources: the Social Services Administration established pursuant to §

1 6-106 of this article, the Department of Human Resources Advisory Council, the
2 Community Services Administration, THE STATE COUNCIL ON CHILD ABUSE AND
3 NEGLECT ESTABLISHED UNDER § 5-7A-01 OF THE FAMILY LAW ARTICLE, and such
4 other agencies, boards, commissions, committees, councils or units of government as
5 may hereafter pursuant to law be declared to be part of the Department of Human
6 Resources.

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