

**ENROLLED BILL**  
-- Finance/Ways and Means --

Introduced by **Senator Garagiola (Chairman, Joint Committee on Children, Youth, and Families)** and **Senators Brinkley, Conway, Exum, Forehand, Grosfeld, Jacobs, Jones, Kramer, and Teitelbaum**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Children, Youth, and Family Services - Local Management Boards, State**  
3 **Coordinating Council, and Local Coordinating Councils - Services for**  
4 **Children with Special Needs**

5 FOR the purpose of establishing a local management board and local coordinating  
6 council in each county; establishing the State Coordinating Council for children;  
7 establishing the duties and composition of the local management board, State  
8 Coordinating Council, and local coordinating council; requiring members of the  
9 Children's Cabinet to adopt certain regulations; requiring a public agency to  
10 disclose certain information and records to another public agency or the Office  
11 for Children under certain circumstances; requiring the Maryland Association of  
12 Local Management Board Directors to submit a certain report to certain  
13 committees of the General Assembly; requiring certain unspent money to revert to  
14 the general fund at a certain time; making technical and conforming changes;  
15 creating the Children's Cabinet Fund; requiring a local management board to

1 apply for certain money from the Fund; requiring the Children's Cabinet to  
 2 disburse funds under certain circumstances; defining certain terms; and  
 3 generally relating to services for children, youth, and families.

4 BY adding

5 New Article 49D - Children, Youth, and Family Services  
 6 Section 1-101 through 5-104  
 7 Annotated Code of Maryland  
 8 (2003 Replacement Volume and 2005 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article 88A - Department of Human Resources  
 11 Section 13A(d)  
 12 Annotated Code of Maryland  
 13 (2003 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Education  
 16 Section 5-217(a)(1)  
 17 Annotated Code of Maryland  
 18 (2004 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - Education  
 21 Section 5-217(a)(9), 8-410(b)(2), and 8-417(b)(1)  
 22 Annotated Code of Maryland  
 23 (2004 Replacement Volume and 2005 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - Health - General  
 26 Section 13-1010(b)(1)(i), 13-1111(b)(1)(i), and 15-139(c)(1) and (2)  
 27 Annotated Code of Maryland  
 28 (2005 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 49D - CHILDREN, YOUTH, AND FAMILY SERVICES**

32 **TITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

33 1-101.

34 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 35 INDICATED.

1 (B) (1) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" MEANS A CHILD  
2 WHO IS RECOMMENDED BY A UNIT REPRESENTED ON THE LOCAL COORDINATING  
3 COUNCIL FOR OUT-OF-HOME PLACEMENT OUTSIDE OF THE STATE.

4 (2) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" DOES NOT  
5 INCLUDE A CHILD PLACED IN FOSTER CARE, AS DEFINED IN § 5-501 OF THE FAMILY  
6 LAW ARTICLE.

7 (C) "CHILD IN NEED OF RESIDENTIAL PLACEMENT" MEANS A CHILD:

8 (1) WHO IS RECOMMENDED BY A MEMBER OF THE LOCAL  
9 COORDINATING COUNCIL FOR RESIDENTIAL PLACEMENT;

10 (2) ON WHOSE BEHALF THE MEMBER OF THE LOCAL COORDINATING  
11 COUNCIL SEEKS STATE FUNDING FOR THE PLACEMENT; AND

12 (3) WHO A UNIT REPRESENTED ON THE LOCAL COORDINATING  
13 COUNCIL HAS DETERMINED MEETS ELIGIBILITY CRITERIA FOR A STATE-FUNDED  
14 PLACEMENT.

15 (D) "CHILD WITH INTENSIVE NEEDS" MEANS A CHILD WHO HAS BEHAVIORAL,  
16 EDUCATIONAL, DEVELOPMENTAL, OR MENTAL HEALTH NEEDS THAT CANNOT BE  
17 MET THROUGH AVAILABLE PUBLIC AGENCY RESOURCES BECAUSE:

18 (1) THE CHILD'S NEEDS EXCEED THE RESOURCES OF A SINGLE PUBLIC  
19 AGENCY; AND

20 (2) THERE IS NO LEGALLY MANDATED FUNDING SOURCE TO MEET THE  
21 CHILD'S NEEDS.

22 (E) "CORE SERVICE AGENCY" MEANS THE DESIGNATED COUNTY OR  
23 MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING, MANAGING, AND  
24 MONITORING PUBLICLY FUNDED MENTAL HEALTH SERVICES AS PROVIDED UNDER  
25 TITLE 10, SUBTITLE 12 OF THE HEALTH - GENERAL ARTICLE.

26 (F) "COUNCIL" MEANS THE STATE COORDINATING COUNCIL FOR CHILDREN.

27 (G) "FUND" MEANS THE CHILDREN'S CABINET FUND.

28 (H) "LEAD AGENCY" MEANS THE LOCAL GOVERNMENT UNIT IDENTIFIED BY  
29 FEDERAL OR STATE LAW OR BY THE LOCAL COORDINATING COUNCIL AS  
30 RESPONSIBLE FOR THE OVERSIGHT AND IMPLEMENTATION OF A CHILD IN NEED OF  
31 RESIDENTIAL PLACEMENT OR A CHILD WITH INTENSIVE NEEDS PLAN OF CARE.

32 (I) "LOCAL COORDINATING COUNCIL" MEANS A LOCAL COUNCIL THAT  
33 COORDINATES SERVICES FOR CHILDREN IN NEED OF RESIDENTIAL PLACEMENT AND  
34 CHILDREN WITH INTENSIVE NEEDS.

35 (J) "LOCAL MANAGEMENT BOARD" MEANS AN ENTITY ESTABLISHED OR  
36 DESIGNATED BY A COUNTY UNDER ~~SUBTITLE~~ TITLE 2 OF THIS ~~FILE~~ ARTICLE TO

1 ENSURE THE IMPLEMENTATION OF A LOCAL, INTERAGENCY SERVICE DELIVERY  
2 SYSTEM FOR CHILDREN, YOUTH, AND FAMILIES.

3 (K) "PUBLIC AGENCY" MEANS A STATE OR LOCAL GOVERNMENT UNIT OR A  
4 QUASI-GOVERNMENTAL ENTITY.

5 (L) (1) "RESIDENTIAL PLACEMENT" MEANS A PLACEMENT IN:

6 (I) A HOSPITAL, UNDER CIRCUMSTANCES DESCRIBED IN THE  
7 CHILDREN'S CABINET REGULATIONS;

8 (II) A RESIDENTIAL TREATMENT CENTER;

9 (III) A RESIDENTIAL SCHOOL; OR

10 (IV) ANOTHER OUT-OF-HOME PLACEMENT AS SPECIFIED IN  
11 CHILDREN'S CABINET REGULATIONS.

12 (2) "RESIDENTIAL PLACEMENT" DOES NOT INCLUDE A PLACEMENT IN:

13 (I) A FACILITY ESTABLISHED UNDER ARTICLE 83C, § 2-117 OF THE  
14 CODE; OR

15 (II) FOSTER CARE, AS DEFINED IN § 5-501 OF THE FAMILY LAW  
16 ARTICLE.

17 1-102.

18 IT IS THE POLICY OF THE STATE TO PROMOTE A STABLE, SAFE, AND HEALTHY  
19 ENVIRONMENT FOR CHILDREN AND FAMILIES, THEREBY INCREASING  
20 SELF-SUFFICIENCY AND FAMILY PRESERVATION, THROUGH A COMPREHENSIVE  
21 AND COORDINATED INTERAGENCY APPROACH THAT:

22 (1) PROVIDES A CONTINUUM OF CARE THAT IS FAMILY- AND  
23 CHILD-ORIENTED AND EMPHASIZES PREVENTION, EARLY INTERVENTION, AND  
24 COMMUNITY-BASED SERVICES; AND

25 (2) GIVES PRIORITY TO CHILDREN AND FAMILIES MOST AT RISK.

26 TITLE 2. LOCAL MANAGEMENT BOARDS.

27 2-101.

28 (A) EACH COUNTY SHALL ESTABLISH AND MAINTAIN A LOCAL MANAGEMENT  
29 BOARD TO ENSURE THE IMPLEMENTATION OF A LOCAL INTERAGENCY SERVICE  
30 DELIVERY SYSTEM FOR CHILDREN, YOUTH, AND FAMILIES.

31 (B) A COUNTY MAY DESIGNATE AS THE LOCAL MANAGEMENT BOARD:

32 (1) A QUASI-PUBLIC NONPROFIT CORPORATION THAT IS NOT AN  
33 INSTRUMENTALITY OF THE COUNTY GOVERNMENT; OR

1 (2) A PUBLIC AGENCY THAT IS AN INSTRUMENTALITY OF THE COUNTY  
2 GOVERNMENT.

3 2-102.

4 A LOCAL MANAGEMENT BOARD MAY BE COMPOSED OF:

5 (1) PUBLIC AND PRIVATE COMMUNITY REPRESENTATIVES WHO SHARE  
6 THE RESPONSIBILITY FOR IMPLEMENTING A COMMUNITY-BASED, INTERAGENCY,  
7 FAMILY-FOCUSED SERVICE DELIVERY SYSTEM FOR CHILDREN, YOUTH, AND  
8 FAMILIES; AND

9 (2) A SENIOR REPRESENTATIVE OR DEPARTMENT HEAD OF THE ~~LOCAL~~:

10 (I) ~~DEPARTMENT OF HEALTH~~ LOCAL HEALTH DEPARTMENT;

11 (II) LOCAL OFFICE OF THE DEPARTMENT OF JUVENILE SERVICES;

12 (III) CORE SERVICE AGENCY;

13 (IV) LOCAL SCHOOL SYSTEM; AND

14 (V) LOCAL DEPARTMENT OF SOCIAL SERVICES.

15 2-103.

16 A LOCAL MANAGEMENT BOARD SHALL:

17 (1) STRENGTHEN THE DECISION-MAKING CAPACITY AT THE LOCAL  
18 LEVEL;

19 (2) DESIGN AND IMPLEMENT STRATEGIES THAT ACHIEVE CLEARLY  
20 DEFINED RESULTS FOR CHILDREN, YOUTH, AND FAMILIES AS ARTICULATED IN A  
21 LOCAL 5-YEAR STRATEGIC PLAN FOR CHILDREN, YOUTH, AND FAMILIES;

22 (3) MAINTAIN STANDARDS OF ACCOUNTABILITY FOR LOCALLY AGREED  
23 UPON RESULTS FOR CHILDREN, YOUTH, AND FAMILIES;

24 (4) INFLUENCE THE ALLOCATION OF RESOURCES ACROSS SYSTEMS AS  
25 NECESSARY TO ACCOMPLISH THE DESIRED RESULTS;

26 (5) BUILD LOCAL PARTNERSHIPS TO COORDINATE CHILDREN, YOUTH,  
27 AND FAMILY SERVICES WITHIN THE COUNTY TO ELIMINATE FRAGMENTATION AND  
28 DUPLICATION OF SERVICES; AND

29 (6) CREATE AN EFFECTIVE SYSTEM OF SERVICES, SUPPORTS, AND  
30 OPPORTUNITIES THAT IMPROVE OUTCOMES FOR ALL CHILDREN, YOUTH, AND  
31 FAMILIES.

1 2-104.

2 THE MEMBERS OF THE CHILDREN'S CABINET SHALL ADOPT REGULATIONS  
3 THAT:

4 (1) SPECIFY THE ROLES AND RESPONSIBILITIES OF LOCAL  
5 MANAGEMENT BOARDS;

6 (2) ESTABLISH MINIMUM STANDARDS FOR THE COMPOSITION OF LOCAL  
7 MANAGEMENT BOARDS;

8 (3) ESTABLISH FISCAL AND PROGRAM ACCOUNTABILITY IN THE  
9 IMPLEMENTATION OF COMMUNITY PARTNERSHIP AGREEMENTS AND THE USE OF  
10 OTHER STATE RESOURCES BY LOCAL MANAGEMENT BOARDS;

11 (4) ESTABLISH PROCEDURES TO ENSURE THE CONFIDENTIALITY OF  
12 INFORMATION SHARED BY LOCAL MANAGEMENT BOARD MEMBERS AND EMPLOYEES  
13 IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND

14 (5) GENERALLY RELATE TO THE OPERATION OF LOCAL MANAGEMENT  
15 BOARDS.

16 2-105.

17 ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE MARYLAND ASSOCIATION OF  
18 LOCAL MANAGEMENT BOARD DIRECTORS SHALL, IN ACCORDANCE WITH § 2-1246 OF  
19 THE STATE GOVERNMENT ARTICLE, SUBMIT TO THE SENATE FINANCE COMMITTEE,  
20 THE HOUSE COMMITTEE ON WAYS AND MEANS, AND THE JOINT COMMITTEE ON  
21 CHILDREN, YOUTH, AND FAMILIES, A REPORT SUMMARIZING, WITH RESPECT TO THE  
22 PROGRAMS IMPLEMENTED UNDER § 5-103(D) OF THIS ARTICLE:

23 (1) EACH LOCAL MANAGEMENT BOARD'S ACTIVITIES;

24 (2) THE AMOUNT OF MONEY SPENT ON THE PROGRAMS; AND

25 (3) THE EFFECTIVENESS OF THE PROGRAMS.

26 TITLE 3. DISCLOSURE OF INFORMATION AND RECORDS TO PUBLIC AGENCIES.

27 3-101.

28 IN THIS ~~SUBTITLE~~ TITLE, "PERSON IN INTEREST" MEANS:

29 (1) A MINOR, IF THE INFORMATION REQUESTED CONCERNS TREATMENT  
30 TO WHICH THE MINOR HAS THE RIGHT TO CONSENT AND HAS CONSENTED UNDER  
31 TITLE 20, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE;

32 (2) A PARENT, IF THE PARENTAL RIGHTS OF THE PARENT HAVE NOT  
33 BEEN TERMINATED;

1 (3) A GUARDIAN, CUSTODIAN, OR REPRESENTATIVE OF A MINOR,  
2 DESIGNATED BY A COURT, IF AUTHORIZED TO ACT ON BEHALF OF OR INSTEAD OF A  
3 PARENT; OR

4 (4) AN INDIVIDUAL AUTHORIZED TO ACT AS A SURROGATE FOR A  
5 PARENT OR GUARDIAN IN ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH  
6 DISABILITIES EDUCATION ACT.

7 3-102.

8 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT PUBLIC AGENCIES  
9 THAT SERVE CHILDREN, YOUTH, AND FAMILIES IN THE STATE EXCHANGE  
10 INFORMATION WITH THE WRITTEN CONSENT OF THE PERSON IN INTEREST OR  
11 ANOTHER INDIVIDUAL AUTHORIZED TO GIVE CONSENT UNDER THIS ~~SUBTITLE~~  
12 TITLE.

13 (B) THE EXCHANGE OF INFORMATION UNDER SUBSECTION (A) OF THIS  
14 SECTION IS FOR THE PURPOSE OF:

15 (1) CARRYING OUT THE POLICY ESTABLISHED UNDER § 1-102 OF THIS  
16 ARTICLE FOR CHILDREN, YOUTH, AND FAMILY SERVICES;

17 (2) FACILITATING THE DEVELOPMENT OF A SEAMLESS SYSTEM OF  
18 FAMILY-FOCUSED SERVICES; AND

19 (3) ACHIEVING A COMPREHENSIVE AND COORDINATED INTERAGENCY  
20 APPROACH TO PROVIDING A CONTINUUM OF CARE THAT IS FAMILY- AND  
21 CHILD-ORIENTED.

22 3-103.

23 NOTWITHSTANDING ANY OTHER STATE LAW AND EXCEPT AS PROVIDED IN §  
24 3-104 OF THIS TITLE, ON WRITTEN REQUEST, A PUBLIC AGENCY SHALL DISCLOSE  
25 INFORMATION AND RECORDS ON CHILDREN, YOUTH, AND FAMILIES SERVED BY  
26 THAT AGENCY TO:

27 (1) ANOTHER PUBLIC AGENCY THAT SERVES THE SAME CHILDREN,  
28 YOUTH, AND FAMILIES;

29 (2) ANOTHER PUBLIC AGENCY THAT HAS CHILDREN OR YOUTH IN A  
30 PROGRAM, HOME, OR RESIDENTIAL FACILITY FUNDED OR LICENSED BY THAT  
31 AGENCY; OR

32 (3) THE OFFICE FOR CHILDREN.

33 3-104.

34 (A) A PUBLIC AGENCY MAY NOT DISCLOSE INFORMATION OR RECORDS  
35 UNDER § 3-103 OF THIS TITLE IF:

36 (1) DISCLOSURE IS PROHIBITED BY FEDERAL LAW; OR

1 (2) THE PUBLIC AGENCY HAS NOT OBTAINED WRITTEN CONSENT IF  
2 REQUIRED BY § 3-105 OF THIS TITLE.

3 (B) A PUBLIC AGENCY MAY DISCLOSE ONLY THE INFORMATION AND RECORDS  
4 THAT ARE IDENTIFIED SPECIFICALLY IN THE WRITTEN REQUEST.

5 (C) (1) A PUBLIC AGENCY MAY NOT DISCLOSE CHILD PROTECTIVE SERVICES  
6 RECORDS COLLECTED BEFORE OCTOBER 1, 1993, UNLESS THE PERSON IN INTEREST  
7 GIVES CONSENT AFTER BEING GIVEN AN OPPORTUNITY TO REVIEW THE RECORDS  
8 AND THE INFORMATION TO BE DISCLOSED.

9 (2) ON REQUEST, THE PERSON IN INTEREST MAY REVIEW THE ENTIRE  
10 CHILD PROTECTIVE SERVICES RECORD ON THE MINOR.

11 (3) A PUBLIC AGENCY MAY NOT DISCLOSE TO THE PERSON IN INTEREST  
12 OR A REQUESTING PUBLIC AGENCY THE IDENTITY OF:

13 (I) A REPORTER OF ABUSE OR NEGLECT; OR

14 (II) ANOTHER PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE  
15 ENDANGERED BY THE DISCLOSURE.

16 (D) INFORMATION COLLECTED BY THE CHILDREN'S CABINET UNDER § 3-105  
17 OF THIS TITLE MAY NOT BE REDISCLOSED IN ANY FORM THAT REVEALS THE  
18 IDENTITY OF A RECIPIENT OF SERVICES.

19 3-105.

20 (A) EXCEPT WHERE THE CONSENT OF THE PERSON IN INTEREST IS NOT  
21 REQUIRED BY LAW, A PUBLIC AGENCY MAY DISCLOSE INFORMATION OR RECORDS  
22 UNDER § 3-103 OF THIS TITLE ONLY AFTER OBTAINING WRITTEN CONSENT FROM:

23 (1) THE PERSON IN INTEREST; OR

24 (2) ANOTHER INDIVIDUAL AUTHORIZED TO GIVE CONSENT UNDER  
25 SUBSECTION (B) OF THIS SECTION.

26 (B) (1) FOR THE PURPOSE OF THIS SUBSECTION, A PERSON IN INTEREST IS  
27 CONSIDERED NOT REASONABLY AVAILABLE IF:

28 (I) AFTER REASONABLE ORAL OR WRITTEN INQUIRY, THE  
29 REQUESTING PUBLIC AGENCY IS UNAWARE OF THE EXISTENCE OF A PERSON IN  
30 INTEREST;

31 (II) AFTER REASONABLE INQUIRY, THE REQUESTING PUBLIC  
32 AGENCY CANNOT DETERMINE THE LOCATION OF A PERSON IN INTEREST; OR

33 (III) AFTER REASONABLE EFFORTS BY THE REQUESTING PUBLIC  
34 AGENCY TO CONTACT THE PERSON IN INTEREST, THE PERSON IN INTEREST HAS NOT  
35 RESPONDED IN A TIMELY MANNER, TAKING INTO ACCOUNT THE NEEDS OF THE  
36 CHILD FOR WHOM SERVICES ARE TO BE PROVIDED.



1 (2) IF THE PERSON IN INTEREST IS NOT REASONABLY AVAILABLE TO  
2 GIVE WRITTEN CONSENT, THE FOLLOWING PERSONS, NOT LISTED IN ORDER OF  
3 PRIORITY, MAY CONSENT IN WRITING TO THE RELEASE OF INFORMATION OR  
4 RECORDS REGARDING A MINOR:

5 (I) AN ADULT WHO IS ACTING AS THE PARENT OF A CHILD, NOT  
6 INCLUDING A TEACHER OR A BABY-SITTER;

7 (II) A COURT THAT HAS JURISDICTION OVER AN ACTION  
8 AFFECTING THE PARENT-CHILD RELATIONSHIP OF WHICH THE MINOR IS THE  
9 SUBJECT; OR

10 (III) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE  
11 DEPARTMENT OF JUVENILE SERVICES, OR A LOCAL DEPARTMENT OF SOCIAL  
12 SERVICES, FOR A MINOR IN THE CARE AND CUSTODY OF THE RESPECTIVE UNIT.

13 (3) A PERSON AUTHORIZED TO CONSENT TO THE RELEASE OF  
14 INFORMATION OR RECORDS UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL  
15 CONFIRM IN WRITING THAT THE PERSON IN INTEREST IS NOT REASONABLY  
16 AVAILABLE.

17 (4) THE PUBLIC AGENCY RELEASING THE INFORMATION SHALL  
18 INCLUDE THE WRITTEN CONFIRMATION IN THE RECORD FROM WHICH THE  
19 INFORMATION IS RELEASED.

20 (C) (1) THIS SUBSECTION APPLIES:

21 (I) NOTWITHSTANDING ANY OTHER STATE LAW; AND

22 (II) IF DISCLOSURE IS NOT PROHIBITED BY FEDERAL LAW.

23 (2) WITHOUT THE CONSENT OF THE PERSON IN INTEREST, A PUBLIC  
24 AGENCY MAY DISCLOSE TO THE CHILDREN'S CABINET:

25 (I) THE NAME, ADDRESS, DATE OF BIRTH, RACE, AND SEX OF  
26 CHILDREN RECEIVING SERVICES; AND

27 (II) THE TYPES, DATES, AND DURATION OF SERVICES PROVIDED TO  
28 CHILDREN BY STATE AND LOCAL AGENCIES.

29 (3) THE CHILDREN'S CABINET MAY ONLY USE INFORMATION DISCLOSED  
30 UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR PLANNING, BUDGETING,  
31 EVALUATION, AND ANALYSIS.

32 3-106.

33 INFORMATION AND RECORDS DISCLOSED TO A PUBLIC AGENCY UNDER THIS  
34 TITLE SHALL REMAIN CONFIDENTIAL AND, EXCEPT AS PROVIDED IN § 3-105(C) OF  
35 THIS TITLE, MAY NOT BE FURTHER DISCLOSED.

## 1 TITLE 4. SERVICES TO CHILDREN WITH SPECIAL NEEDS.

2 4-101.

3 (A) THERE IS A STATE COORDINATING COUNCIL FOR CHILDREN IN THE  
4 OFFICE FOR CHILDREN.

5 (B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

6 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE  
7 SECRETARY'S DESIGNEE;8 (2) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S  
9 DESIGNEE;10 (3) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S  
11 DESIGNEE;12 (4) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR  
13 CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;14 (5) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE  
15 SUPERINTENDENT'S DESIGNEE;16 (6) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE  
17 SECRETARY'S DESIGNEE;18 (7) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;  
19 AND20 (8) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE  
21 GOVERNOR.22 (C) (1) THE OFFICE OF CHAIR OF THE COUNCIL SHALL ROTATE ANNUALLY  
23 AMONG THE MEMBERS OF THE COUNCIL.

24 (2) THE TERM OF THE CHAIR IS 1 YEAR.

25 (3) A MEMBER FROM A UNIT REPRESENTED ON THE COUNCIL MAY NOT  
26 SERVE AS CHAIR MORE THAN ONCE EVERY 5 YEARS.27 (D) THE OFFICE FOR CHILDREN SHALL PROVIDE STAFF SUPPORT FOR THE  
28 COUNCIL.

29 (E) THE COUNCIL SHALL:

30 (1) ESTABLISH AND OVERSEE THE LOCAL COORDINATING COUNCIL IN  
31 EACH COUNTY;32 (2) DEVELOP PROCEDURES FOR THE OPERATION OF LOCAL  
33 COORDINATING COUNCILS;

1 (3) REVIEW PERIODICALLY THE PROCEDURES OF LOCAL  
2 COORDINATING COUNCILS FOR MAKING DECISIONS ON RESIDENTIAL PLACEMENT  
3 FOR CHILDREN IN NEED OF RESIDENTIAL PLACEMENT;

4 (4) REVIEW RECOMMENDATIONS FOR STATE FUNDING OF THE  
5 INDIVIDUAL PLACEMENT OF A CHILD IN NEED OF OUT-OF-STATE PLACEMENT;

6 (5) MONITOR LOCAL COORDINATING COUNCILS TO ENSURE THAT THE  
7 LOCAL COORDINATING COUNCILS CONSIDER ALL ALTERNATIVES FOR THE  
8 PROVISION OF SERVICES TO CHILDREN AND THEIR FAMILIES IN THE COMMUNITY;

9 (6) ESTABLISH AND MAINTAIN A MULTIPLE UNIT INFORMATION SYSTEM  
10 TO ENSURE ACCOUNTABILITY AND PROVIDE STATE SERVICE PLANNING CAPABILITY;

11 (7) COORDINATE EVALUATIONS OF RESIDENTIAL FACILITIES FOR  
12 CHILDREN AS REQUIRED BY STATUTE;

13 (8) MAKE RECOMMENDATIONS TO THE APPROPRIATE SECRETARY ON  
14 THE DEVELOPMENT OF REGULATIONS TO CARRY OUT THIS TITLE; AND

15 (9) PERFORM OTHER RELATED ACTIVITIES THAT THE CHILDREN'S  
16 CABINET IDENTIFIES.

17 (F) THE COUNCIL SHALL:

18 (1) PLAN AND COORDINATE WITH THE LOCAL COORDINATING  
19 COUNCILS:

20 (I) MULTIPLE UNIT SERVICES TO CHILDREN IN NEED OF  
21 RESIDENTIAL PLACEMENT; AND

22 (II) ENHANCED SERVICES TO CHILDREN WITH INTENSIVE NEEDS,  
23 SUBJECT TO THE AVAILABILITY OF FUNDING AND IN ACCORDANCE WITH A PLAN  
24 DEVELOPED BY THE CHILDREN'S CABINET; AND

25 (2) IN COOPERATION WITH THE LOCAL COORDINATING COUNCILS,  
26 MONITOR SERVICES PROVIDED TO CHILDREN PLACED IN RESIDENTIAL  
27 PLACEMENTS.

28 4-102.

29 (A) THERE IS A LOCAL COORDINATING COUNCIL IN EACH COUNTY.

30 (B) EACH LOCAL COORDINATING COUNCIL SHALL INCLUDE:

31 (1) AT LEAST ONE REPRESENTATIVE FROM:

32 (I) THE DEPARTMENT OF JUVENILE SERVICES;

33 (II) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;

1 (III) THE ALCOHOL AND DRUG ABUSE ADMINISTRATION;

2 (IV) THE LOCAL BOARD OF EDUCATION;

3 (V) THE LOCAL HEALTH DEPARTMENT;

4 (VI) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

5 (VII) THE LOCAL OFFICE OF THE DIVISION OF REHABILITATION  
6 SERVICES;

7 (VIII) THE LOCAL MANAGEMENT BOARD; AND

8 (IX) THE MENTAL HYGIENE ADMINISTRATION OR THE LOCAL CORE  
9 SERVICE AGENCY, AS DESIGNATED UNDER TITLE 10, SUBTITLE 12 OF THE HEALTH -  
10 GENERAL ARTICLE; AND

11 (2) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE CHAIR  
12 OF THE LOCAL COORDINATING COUNCIL IN CONSULTATION WITH THE CHILD  
13 ADVOCACY COMMUNITY.

14 (C) THE COUNCIL SHALL ESTABLISH THE TERMS OF THE MEMBERS OF THE  
15 LOCAL COORDINATING COUNCILS.

16 (D) EACH LOCAL COORDINATING COUNCIL SHALL SELECT ITS CHAIR FROM  
17 AMONG ITS MEMBERS FOR A DESIGNATED TERM OF OFFICE.

18 (E) (1) THE LOCAL COORDINATING COUNCIL SHALL BE PART OF THE LOCAL  
19 MANAGEMENT BOARD FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

20 (2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL  
21 MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO  
22 THE LOCAL COORDINATING COUNCIL.

23 (3) THE LOCAL COORDINATING COUNCIL SHALL BE INDEPENDENT OF  
24 THE LOCAL MANAGEMENT BOARD IN ITS DECISIONS REGARDING INDIVIDUAL PLANS  
25 OF CARE FOR CHILDREN AND POLICY RECOMMENDATIONS REGARDING SERVICES TO  
26 CHILDREN.

27 (F) A LOCAL COORDINATING COUNCIL SHALL:

28 (1) ACCEPT PLACEMENT REFERRALS FROM THE UNITS REPRESENTED  
29 ON THE LOCAL COORDINATING COUNCIL;

30 (2) REVIEW RECOMMENDATIONS FOR THE RESIDENTIAL PLACEMENT  
31 OF CHILDREN REFERRED TO THE LOCAL COORDINATING COUNCIL IN ACCORDANCE  
32 WITH SUBSECTION (G) OF THIS SECTION;

33 (3) PROVIDE AN INTERAGENCY PLAN OF CARE FOR RESIDENTIAL  
34 PLACEMENT OR APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED SERVICES FOR A  
35 CHILD;

1 (4) CONSISTENT WITH REGULATIONS ADOPTED BY THE CHILDREN'S  
2 CABINET, SUBMIT RECOMMENDED PLANS OF CARE TO THE COUNCIL; AND

3 (5) ASSIST THE UNIT PRIMARILY RESPONSIBLE FOR A CHILD'S CARE IN  
4 IMPLEMENTING AND MONITORING THE RESIDENTIAL PLACEMENT OF THE CHILD.

5 (G) A LOCAL COORDINATING COUNCIL SHALL:

6 (1) REVIEW RESIDENTIAL PLACEMENTS RECOMMENDED IN  
7 ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION  
8 ACT OR FEDERAL MEDICAID REQUIREMENTS, TO PROVIDE TECHNICAL ASSISTANCE  
9 TO THE LEAD AGENCY REGARDING THE AVAILABILITY OF COMMUNITY-BASED  
10 RESOURCES TO SERVE THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT  
11 DETERMINED TO BE APPROPRIATE BY THE LEAD AGENCY;

12 (2) REVIEW AND APPROVE OTHER RECOMMENDED RESIDENTIAL  
13 PLACEMENTS; AND

14 (3) REVIEW RECOMMENDED OUT-OF-STATE PLACEMENTS AND REFER  
15 THE RECOMMENDATIONS TO THE COUNCIL.

16 (H) CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, THE  
17 COUNCIL AND THE LOCAL COORDINATING COUNCIL SHALL DEVELOP AND  
18 IMPLEMENT PLANS OF CARE FOR THE RESIDENTIAL PLACEMENT OF CHILDREN IN  
19 NEED OF RESIDENTIAL PLACEMENT AND CHILDREN IN NEED OF OUT-OF-STATE  
20 PLACEMENT.

21 4-103.

22 (A) A PARENT OR GUARDIAN OF A CHILD AND THE CHILD'S ATTORNEY MAY  
23 ATTEND ANY MEETING OF THE COUNCIL OR THE LOCAL COORDINATING COUNCIL AT  
24 WHICH THE CHILD'S RESIDENTIAL PLACEMENT IS DISCUSSED.

25 (B) AT LEAST 10 DAYS BEFORE THE MEETING, THE COUNCIL OR LOCAL  
26 COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR GUARDIAN OF THE CHILD  
27 AND THE CHILD'S ATTORNEY OF THE DATE, TIME, AND LOCATION OF ANY MEETING  
28 THE COUNCIL OR THE LOCAL COORDINATING COUNCIL PLANS TO HOLD TO DISCUSS  
29 THE CHILD'S RESIDENTIAL PLACEMENT.

30 (C) THE COUNCIL OR THE LOCAL COORDINATING COUNCIL SHALL NOTIFY  
31 EACH PARENT OR GUARDIAN OF THE CHILD AND THE CHILD'S ATTORNEY IN  
32 WRITING OF:

33 (1) ANY DECISION THE COUNCIL OR LOCAL COORDINATING COUNCIL  
34 MAKES CONCERNING THE CHILD'S RESIDENTIAL PLACEMENT; AND

35 (2) THE RIGHT OF THE PARENT, GUARDIAN, OR ATTORNEY TO APPEAL A  
36 DECISION MADE BY THE COUNCIL OR THE LOCAL COORDINATING COUNCIL  
37 CONCERNING THE CHILD'S RESIDENTIAL PLACEMENT.

## TITLE 5. CHILDREN'S CABINET FUND.

1 5-101.

2 (A) THERE IS A CHILDREN'S CABINET FUND.

3 (B) THE CHILDREN'S CABINET FUND:

4 (1) CONSISTS OF MONEY APPROPRIATED, TRANSFERRED, CREDITED, OR  
5 PAID INTO THE FUND FROM ANY SOURCE; AND6 (2) INCLUDES MONEY FOR OUT-OF-HOME CARE AND SERVICES TO  
7 PREVENT OUT-OF-HOME PLACEMENTS.8 (C) AT THE END OF EACH FISCAL YEAR ANY UNSPENT MONEY IN THE FUND  
9 SHALL REVERT TO THE GENERAL FUND.

10 5-102.

11 NOTWITHSTANDING THE PROVISIONS OF § 5-103 OF THIS TITLE, EXPENDITURES  
12 FROM THE FUND SHALL BE MADE:13 (1) IN ACCORDANCE WITH THE BUDGET AMENDMENT PROCEDURE IN §  
14 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;15 (2) TO EACH COUNTY THROUGH THE COUNTY'S LOCAL MANAGEMENT  
16 BOARD TO SUPPORT A LOCALLY-DRIVEN INTERAGENCY EFFORT TO MAXIMIZE ALL  
17 AVAILABLE RESOURCES FOR CHILDREN AND FAMILY SERVICES; AND18 (3) TO REFLECT THE PRIORITIES, POLICIES, AND PROCEDURES THAT  
19 THE CHILDREN'S CABINET ADOPTS.

20 5-103.

21 (A) A LOCAL MANAGEMENT BOARD SHALL APPLY FOR MONEY FROM THE  
22 FUND IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE CHILDREN'S  
23 CABINET.24 (B) IN CONNECTION WITH THE APPLICATION FOR MONEY UNDER  
25 SUBSECTION (A) OF THIS SECTION, A LOCAL MANAGEMENT BOARD SHALL DEVELOP  
26 AND SUBMIT A COMMUNITY PARTNERSHIP AGREEMENT THAT:27 (1) REFLECTS COORDINATION WITH THE STATE'S 3-YEAR PLAN FOR  
28 CHILDREN, YOUTH, AND FAMILIES AND ANY OTHER LOCAL GOVERNMENT PLAN FOR  
29 SERVICES FOR CHILDREN, YOUTH, AND FAMILIES, INCLUDING THE LOCAL  
30 SUBSTANCE ABUSE PLAN DEVELOPED IN ACCORDANCE WITH TITLE 8, SUBTITLE 10  
31 OF THE HEALTH - GENERAL ARTICLE; AND32 (2) ADDRESSES THE PRIORITIES AND STRATEGIES OF THE COUNTY FOR  
33 MEETING THE IDENTIFIED NEEDS OF CHILDREN AND FAMILIES AS ARTICULATED IN  
34 THE LOCAL MANAGEMENT BOARD'S 5-YEAR STRATEGIC PLAN REGARDING:  
35

- 1 (I) YOUTH DEVELOPMENT;
- 2 (II) PREVENTION SERVICES;
- 3 (III) CRISIS AND EARLY INTERVENTION;
- 4 (IV) SERVICES FOR CHILDREN AT RISK OF OUT-OF-HOME  
5 PLACEMENT OR RETURNING FROM OUT-OF-HOME PLACEMENT; AND
- 6 (V) OUT-OF-HOME PLACEMENT AND TREATMENT.

7 (C) THE CHILDREN'S CABINET MAY DISBURSE MONEY TO A LOCAL  
8 MANAGEMENT BOARD SUBJECT TO THE TERMS, CONDITIONS, PERFORMANCE  
9 MEASURES, OR OUTCOME EVALUATIONS THAT THE CHILDREN'S CABINET  
10 CONSIDERS NECESSARY.

11 (D) THE LOCAL MANAGEMENT BOARD SHALL USE THE MONEY TO  
12 IMPLEMENT:

13 (1) A LOCAL INTERAGENCY SERVICES DELIVERY SYSTEM FOR  
14 CHILDREN, YOUTH, AND FAMILIES IN ACCORDANCE WITH THE COMMUNITY  
15 PARTNERSHIP AGREEMENT; AND

16 (2) ANY TERMS, CONDITIONS, AND PERFORMANCE MEASURES THAT THE  
17 CHILDREN'S CABINET REQUIRES.

18 5-104.

19 THE DEPARTMENT OF EDUCATION SHALL BE THE FISCAL AGENT FOR THE  
20 FUND.

21 **Article 88A - Department of Human Resources**

22 13A.

23 *(d) The use and release of information concerning recipients of State social*  
24 *service and public assistance programs by the Montgomery County Department of*  
25 *Health and Human Services shall be governed by the confidentiality provisions of*  
26 *State law and regulations, including § 6 of this article and Article 49D, [§ 10] TITLE*  
27 *3 of the Code. The Montgomery County Department of Health and Human Services*  
28 *shall be treated as one agency for purposes of confidentiality provisions of State law*  
29 *and regulations.*

30 **Article - Education**

31 5-217.

32 (a) (1) In this section the following words have the meanings indicated.

1 (9) *"Local management board" means a local management board*  
2 *[established under Article 49D, § 11] AS DEFINED UNDER ARTICLE 49D, § 1-101(J) of*  
3 *the Code.*

4 *8-410.*

5 (b) (2) *If a local management board established under Article 49D, [§ 11]*  
6 *TITLE 2 of the Code funds the placement of a child in a school that is outside the State*  
7 *or the county in which the child resides without consulting the local school system, the*  
8 *local management board shall certify and pay the cost of the student's daily or other*  
9 *reasonable transportation to school.*

10 *8-417.*

11 (b) (1) *The Department of Education, as the fiscal agent of the [Subcabinet*  
12 *Fund for Children, Youth, and Families] CHILDREN'S CABINET FUND under Article*  
13 *49D, TITLE 5 of the Code, shall administer and implement a redesigned rate setting*  
14 *process for nonpublic general education schools, residential child care programs, and*  
15 *nonresidential child care programs.*

16 *Article - Health - General*

17 *13-1010.*

18 (b) *The membership of a Community Health Coalition established under §*  
19 *13-1008(b) of this subtitle may include:*

20 (1) *Representatives of:*

21 (i) *A local management board established under Article 49D, [§*  
22 *11] TITLE 2 of the Code;*

23 *13-1111.*

24 (b) *The membership of a Community Health Coalition established under §*  
25 *13-1109(c) of this subtitle may include:*

26 (1) *Representatives of:*

27 (i) *A local management board established under Article 49D, [§*  
28 *11] TITLE 2 of the Code;*

29 *15-139.*

30 (c) (1) *For fiscal year 2004 and each subsequent fiscal year, the Governor*  
31 *shall provide funds in the budget for the [Subcabinet] CHILDREN'S CABINET Fund*  
32 *established under Article 49D of the Code in an amount equal to:*

33 (i) *The amount of federal funds received under subsection (a) of this*  
34 *section during the most recently completed fiscal year;*



1                   (ii)     Less any administrative costs incurred by the Department, the  
2 Department of Juvenile Services, and the Department of Human Resources in  
3 implementing the programs required under this section; and

4                   (iii)    Subject to adjustment in accordance with subsection (e) of this  
5 section.

6                   (2)     The funds provided under paragraph (1) of this subsection shall be  
7 used by the [Subcabinet for Children, Youth, and Families] CHILDREN'S CABINET to  
8 create an interagency pool of funds to provide services to children with disabilities.

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