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

Introduced and read first time: January 26, 2006

Assigned to: Finance

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A BILL ENTITLED

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 the Children's  
9 Cabinet to adopt certain regulations; requiring a public agency to disclose  
10 certain information and records to another public agency or the Office for  
11 Children under certain circumstances; creating the Children's Cabinet Fund;  
12 requiring a local management board to apply for certain money from the Fund;  
13 requiring the Children's Cabinet to disburse funds under certain circumstances;  
14 defining certain terms; and generally relating to services for children, youth,  
15 and families.

16 BY adding  
17 New Article 49D - Children, Youth, and Family Services  
18 Section 1-101 through 5-104  
19 Annotated Code of Maryland  
20 (2003 Replacement Volume and 2005 Supplement)

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

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

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

25 1-101.

26 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS  
27 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 2 OF THIS TITLE TO ENSURE THE

1 IMPLEMENTATION OF A LOCAL, INTERAGENCY SERVICE DELIVERY SYSTEM FOR  
2 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  
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;

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

12 (III) CORE SERVICE AGENCY;

13 (IV) SCHOOL SYSTEM; AND

14 (V) 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 CHILDREN'S CABINET SHALL ADOPT REGULATIONS THAT:

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

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

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

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

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

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

16 3-101.

17 IN THIS SUBTITLE, "PERSON IN INTEREST" MEANS:

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

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

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

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

29 3-102.

30 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT PUBLIC AGENCIES  
31 THAT SERVE CHILDREN, YOUTH, AND FAMILIES IN THE STATE EXCHANGE  
32 INFORMATION WITH THE WRITTEN CONSENT OF THE PERSON IN INTEREST OR  
33 ANOTHER INDIVIDUAL AUTHORIZED TO GIVE CONSENT UNDER THIS SUBTITLE.

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

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

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

7 (3) ACHIEVING A COMPREHENSIVE AND COORDINATED INTERAGENCY  
8 APPROACH TO PROVIDING A CONTINUUM OF CARE THAT IS FAMILY- AND  
9 CHILD-ORIENTED.

10 3-103.

11 NOTWITHSTANDING ANY OTHER STATE LAW AND EXCEPT AS PROVIDED IN §  
12 3-104 OF THIS TITLE, ON WRITTEN REQUEST, A PUBLIC AGENCY SHALL DISCLOSE  
13 INFORMATION AND RECORDS ON CHILDREN, YOUTH, AND FAMILIES SERVED BY  
14 THAT AGENCY TO:

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

17 (2) ANOTHER PUBLIC AGENCY THAT HAS CHILDREN OR YOUTH IN A  
18 PROGRAM, HOME, OR RESIDENTIAL FACILITY FUNDED OR LICENSED BY THAT  
19 AGENCY; OR

20 (3) THE OFFICE FOR CHILDREN.

21 3-104.

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

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

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

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

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

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

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

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

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

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

9 3-105.

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

13 (1) THE PERSON IN INTEREST; OR

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

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

18 (I) AFTER REASONABLE ORAL OR WRITTEN INQUIRY, THE  
19 REQUESTING PUBLIC AGENCY IS UNAWARE OF THE EXISTENCE OF A PERSON IN  
20 INTEREST;

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

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

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

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

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

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

4 (3) A PERSON AUTHORIZED TO CONSENT TO THE RELEASE OF  
5 INFORMATION OR RECORDS UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL  
6 CONFIRM IN WRITING THAT THE PERSON IN INTEREST IS NOT REASONABLY  
7 AVAILABLE.

8 (4) THE PUBLIC AGENCY RELEASING THE INFORMATION SHALL  
9 INCLUDE THE WRITTEN CONFIRMATION IN THE RECORD FROM WHICH THE  
10 INFORMATION IS RELEASED.

11 (C) (1) THIS SUBSECTION APPLIES:

12 (I) NOTWITHSTANDING ANY OTHER STATE LAW; AND

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

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

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

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

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

23 3-106.

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

27 TITLE 4. SERVICES TO CHILDREN WITH SPECIAL NEEDS.

28 4-101.

29 (A) THERE IS A STATE COORDINATING COUNCIL FOR CHILDREN IN THE  
30 OFFICE FOR CHILDREN.

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

32 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE  
33 SECRETARY'S DESIGNEE;



1 (2) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S  
2 DESIGNEE;

3 (3) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S  
4 DESIGNEE;

5 (4) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR  
6 CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

7 (5) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE  
8 SUPERINTENDENT'S DESIGNEE;

9 (6) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE  
10 SECRETARY'S DESIGNEE;

11 (7) THE SECRETARY OF DISABILITIES; AND

12 (8) A PARENT, PARENT ADVOCATE, OR BOTH, APPOINTED BY THE  
13 GOVERNOR.

14 (C) (1) THE OFFICE OF CHAIR OF THE COUNCIL SHALL ROTATE ANNUALLY  
15 AMONG THE MEMBERS OF THE COUNCIL.

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

17 (3) A MEMBER FROM A UNIT REPRESENTED ON THE COUNCIL MAY NOT  
18 SERVE AS CHAIR MORE THAN ONCE EVERY 5 YEARS.

19 (D) THE OFFICE FOR CHILDREN SHALL PROVIDE STAFF SUPPORT FOR THE  
20 COUNCIL.

21 (E) THE COUNCIL SHALL:

22 (1) ESTABLISH AND OVERSEE THE LOCAL COORDINATING COUNCIL IN  
23 EACH COUNTY;

24 (2) DEVELOP PROCEDURES FOR THE OPERATION OF LOCAL  
25 COORDINATING COUNCILS;

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

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

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

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

3 (7) COORDINATE EVALUATIONS OF RESIDENTIAL FACILITIES FOR  
4 CHILDREN AS REQUIRED BY STATUTE;

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

7 (9) PERFORM OTHER RELATED ACTIVITIES THAT THE CHILDREN'S  
8 CABINET IDENTIFIES.

9 (F) THE COUNCIL SHALL:

10 (1) PLAN AND COORDINATE WITH THE LOCAL COORDINATING  
11 COUNCILS:

12 (I) MULTIPLE UNIT SERVICES TO CHILDREN IN NEED OF  
13 RESIDENTIAL PLACEMENT; AND

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

17 (2) IN COOPERATION WITH THE LOCAL COORDINATING COUNCILS,  
18 MONITOR SERVICES PROVIDED TO CHILDREN PLACED IN RESIDENTIAL  
19 PLACEMENTS.

20 4-102.

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

22 (B) EACH LOCAL COORDINATING COUNCIL SHALL INCLUDE:

23 (1) AT LEAST ONE REPRESENTATIVE FROM:

24 (I) THE DEPARTMENT OF JUVENILE SERVICES;

25 (II) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;

26 (III) THE ALCOHOL AND DRUG ABUSE ADMINISTRATION;

27 (IV) THE LOCAL BOARD OF EDUCATION;

28 (V) THE LOCAL HEALTH DEPARTMENT;

29 (VI) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

30 (VII) THE LOCAL OFFICE OF THE DIVISION OF REHABILITATION  
31 SERVICES;

1 (VIII) THE LOCAL MANAGEMENT BOARD; AND

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

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

8 (C) THE COUNCIL SHALL ESTABLISH THE TERMS OF THE MEMBERS OF THE  
9 LOCAL COORDINATING COUNCILS.

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

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

14 (2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL  
15 MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO  
16 THE LOCAL COORDINATING COUNCIL.

17 (3) THE LOCAL COORDINATING COUNCIL SHALL BE INDEPENDENT OF  
18 THE LOCAL MANAGEMENT BOARD IN ITS DECISIONS REGARDING INDIVIDUAL PLANS  
19 OF CARE FOR CHILDREN AND POLICY RECOMMENDATIONS REGARDING SERVICES TO  
20 CHILDREN.

21 (F) A LOCAL COORDINATING COUNCIL SHALL:

22 (1) ACCEPT PLACEMENT REFERRALS FROM THE UNITS REPRESENTED  
23 ON THE LOCAL COORDINATING COUNCIL;

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

27 (3) PROVIDE AN INTERAGENCY PLAN OF CARE FOR RESIDENTIAL  
28 PLACEMENT OR APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED SERVICES FOR A  
29 CHILD;

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

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

34 (G) A LOCAL COORDINATING COUNCIL SHALL:

35 (1) REVIEW RESIDENTIAL PLACEMENTS RECOMMENDED IN  
36 ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION

1 ACT OR FEDERAL MEDICAID REQUIREMENTS, TO PROVIDE TECHNICAL ASSISTANCE  
2 TO THE LEAD AGENCY REGARDING THE AVAILABILITY OF COMMUNITY-BASED  
3 RESOURCES TO SERVE THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT  
4 DETERMINED TO BE APPROPRIATE BY THE LEAD AGENCY;

5 (2) REVIEW AND APPROVE OTHER RECOMMENDED RESIDENTIAL  
6 PLACEMENTS; AND

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

9 (H) CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, THE  
10 COUNCIL AND THE LOCAL COORDINATING COUNCIL SHALL DEVELOP AND  
11 IMPLEMENT PLANS OF CARE FOR THE RESIDENTIAL PLACEMENT OF CHILDREN IN  
12 NEED OF RESIDENTIAL PLACEMENT AND CHILDREN IN NEED OF OUT-OF-STATE  
13 PLACEMENT.

14 4-103.

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

18 (B) AT LEAST 10 DAYS BEFORE THE MEETING, THE COUNCIL OR LOCAL  
19 COORDINATING COUNCIL SHALL NOTIFY EACH PARENT OR GUARDIAN OF THE CHILD  
20 AND THE CHILD'S ATTORNEY OF THE DATE, TIME, AND LOCATION OF ANY MEETING  
21 THE COUNCIL OR THE LOCAL COORDINATING COUNCIL PLANS TO HOLD TO DISCUSS  
22 THE CHILD'S RESIDENTIAL PLACEMENT.

23 (C) THE COUNCIL OR THE LOCAL COORDINATING COUNCIL SHALL NOTIFY  
24 EACH PARENT OR GUARDIAN OF THE CHILD AND THE CHILD'S ATTORNEY IN  
25 WRITING OF:

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

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

31 TITLE 5. CHILDREN'S CABINET FUND.

32 5-101.

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

34 (B) THE CHILDREN'S CABINET FUND:

35 (1) CONSISTS OF MONEY APPROPRIATED, TRANSFERRED, CREDITED, OR  
36 PAID INTO THE FUND FROM ANY SOURCE; AND

1 (2) INCLUDES MONEY FOR OUT-OF-HOME CARE AND SERVICES TO  
2 PREVENT OUT-OF-HOME PLACEMENTS.

3 5-102.

4 NOTWITHSTANDING THE PROVISIONS OF § 5-103 OF THIS TITLE, EXPENDITURES  
5 FROM THE FUND SHALL BE MADE:

6 (1) IN ACCORDANCE WITH THE BUDGET AMENDMENT PROCEDURE IN §  
7 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

8 (2) TO EACH COUNTY THROUGH THE COUNTY'S LOCAL MANAGEMENT  
9 BOARD TO SUPPORT A LOCALLY-DRIVEN INTERAGENCY EFFORT TO MAXIMIZE ALL  
10 AVAILABLE RESOURCES FOR CHILDREN AND FAMILY SERVICES; AND

11 (3) TO REFLECT THE PRIORITIES, POLICIES, AND PROCEDURES THAT  
12 THE CHILDREN'S CABINET ADOPTS.

13 5-103.

14 (A) A LOCAL MANAGEMENT BOARD SHALL APPLY FOR MONEY FROM THE  
15 FUND IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE CHILDREN'S  
16 CABINET.

17 (B) IN CONNECTION WITH THE APPLICATION FOR MONEY UNDER  
18 SUBSECTION (A) OF THIS SECTION, A LOCAL MANAGEMENT BOARD SHALL DEVELOP  
19 AND SUBMIT A COMMUNITY PARTNERSHIP AGREEMENT THAT:

20 (1) REFLECTS COORDINATION WITH THE STATE'S 3-YEAR PLAN FOR  
21 CHILDREN, YOUTH, AND FAMILIES AND ANY OTHER LOCAL GOVERNMENT PLAN FOR  
22 SERVICES FOR CHILDREN, YOUTH, AND FAMILIES, INCLUDING THE LOCAL  
23 SUBSTANCE ABUSE PLAN DEVELOPED IN ACCORDANCE WITH TITLE 8, SUBTITLE 10  
24 OF THE HEALTH - GENERAL ARTICLE; AND

25 (2) ADDRESSES THE PRIORITIES AND STRATEGIES OF THE COUNTY FOR  
26 MEETING THE IDENTIFIED NEEDS OF CHILDREN AND FAMILIES AS ARTICULATED IN  
27 THE LOCAL MANAGEMENT BOARD'S 5-YEAR STRATEGIC PLAN REGARDING:

28 (I) YOUTH DEVELOPMENT;

29 (II) PREVENTION SERVICES;

30 (III) CRISIS AND EARLY INTERVENTION;

31 (IV) SERVICES FOR CHILDREN AT RISK OF OUT-OF-HOME  
32 PLACEMENT OR RETURNING FROM OUT-OF-HOME PLACEMENT; AND

33 (V) OUT-OF-HOME PLACEMENT AND TREATMENT.

34 (C) THE CHILDREN'S CABINET MAY DISBURSE MONEY TO A LOCAL  
35 MANAGEMENT BOARD SUBJECT TO THE TERMS, CONDITIONS, PERFORMANCE

1 MEASURES, OR OUTCOME EVALUATIONS THAT THE CHILDREN'S CABINET  
2 CONSIDERS NECESSARY.

3 (D) THE LOCAL MANAGEMENT BOARD SHALL USE THE MONEY TO  
4 IMPLEMENT:

5 (1) A LOCAL INTERAGENCY SERVICES DELIVERY SYSTEM FOR  
6 CHILDREN, YOUTH, AND FAMILIES IN ACCORDANCE WITH THE COMMUNITY  
7 PARTNERSHIP AGREEMENT; AND

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

10 5-104.

11 THE DEPARTMENT OF EDUCATION SHALL BE THE FISCAL AGENT FOR THE  
12 FUND.

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