

# HOUSE BILL 53

O4, E3  
HB 900/06 – HGO

7lr1014  
CF SB 177

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By: **Delegates Morhaim, Cardin, Elliott, Frank, Hammen, Nathan-Pulliam, and Stein**

Introduced and read first time: January 19, 2007

Assigned to: Health and Government Operations

Reassigned: Health and Government Operations and Appropriations, January 26, 2007

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Residential Child Care Programs – Out-of-Home Placement – Standards for**  
3 **Staff and System for Outcomes Evaluation**

4 FOR the purpose of requiring the Department of Juvenile Services, the Department of  
5 Human Resources, the Department of Health and Mental Hygiene, and the  
6 Governor's Office for Children to adopt certain regulations to require certain  
7 staff members of certain residential child care programs to meet certain  
8 qualifications; requiring the Department of Juvenile Services, the Department  
9 of Human Resources, and the Governor's Office for Children to develop,  
10 coordinate, and implement a certain system of outcomes evaluation; specifying  
11 the uses of the system for outcomes evaluation; ~~requiring the system for~~  
12 ~~outcomes evaluation to use certain measures for a certain purpose; requiring~~  
13 ~~the Governor's Office for Children, the Department of Juvenile Services, and the~~  
14 ~~Department of Human Resources to consult with the University of Maryland,~~  
15 ~~Baltimore, in planning and implementing the system for outcomes evaluation;~~  
16 establishing certain requirements for the system for outcomes evaluation;  
17 providing that the Department of Juvenile Services and the Department of  
18 Human Resources may not disclose personal identifiers and must ensure

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 confidentiality of certain information when reporting certain information and  
 2 data; requiring the Governor's Office for Children, in coordination with the  
 3 Department of Juvenile Services and the Department of Human Resources, to  
 4 submit a certain report to the Governor and the General Assembly on or before  
 5 a certain date; requiring the Governor's Office for Children, the Department of  
 6 Juvenile Services, the Department of Human Resources, and the Department of  
 7 Health and Mental Hygiene, in cooperation with representatives of certain  
 8 programs and certain groups, to develop certain regulations and certain  
 9 recommendations; requiring the Governor's Office for Children to report to the  
 10 General Assembly on certain recommendations on or before a certain date;  
 11 defining certain terms; and generally relating to residential child care  
 12 programs.

13 BY repealing and reenacting, without amendments,  
 14 Article – Human Services  
 15 Section 8–101(a), (b), (c), (k), and (m)  
 16 Annotated Code of Maryland  
 17 (As enacted by Chapter \_\_\_ (S.B. 6) of the Acts of the General Assembly of 2007)

18 BY adding to  
 19 Article – Human Services  
 20 Section 8–1001 through 8–1003, to be under the new subtitle “Subtitle 10.  
 21 Residential Child Care Programs – Standards for Staff and System for  
 22 Outcomes Evaluation”  
 23 Annotated Code of Maryland  
 24 (As enacted by Chapter \_\_\_ (S.B. 6) of the Acts of the General Assembly of 2007)

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

27 **Article – Human Services**

28 8–101.

29 (a) In this title the following words have the meanings indicated.

30 (b) (1) “Child in need of out-of-state placement” means a child who is  
 31 recommended by a unit represented on the local coordinating council for out-of-home  
 32 placement outside of the State.

33 (2) “Child in need of out-of-state placement” does not include a child  
 34 placed in foster care, as defined in § 5–501 of the Family Law Article.

1 (c) “Child in need of residential placement” means a child:

2 (1) who is recommended by a member of the local coordinating council  
3 for residential placement;

4 (2) on whose behalf the member of the local coordinating council seeks  
5 State funding for the placement; and

6 (3) who a unit represented on the local coordinating council has  
7 determined meets eligibility criteria for a State–funded placement.

8 (k) “Office” means the Governor’s Office for Children.

9 (m) (1) “Residential child care program” means an entity that provides  
10 24–hour per day care for children within a structured set of services and activities that  
11 are designed to achieve specific objectives relative to the needs of the children served  
12 and that include the provision of food, clothing, shelter, education, social services,  
13 health, mental health, recreation, or any combination of these services and activities.

14 (2) “Residential child care program” includes a program:

15 (i) licensed by:

16 1. the Department of Health and Mental Hygiene;

17 2. the Department of Human Resources; or

18 3. the Department of Juvenile Services; and

19 (ii) that is subject to the licensing regulations of the members of  
20 the Children’s Cabinet governing the operations of residential child care programs.

21 **SUBTITLE 10. RESIDENTIAL CHILD CARE PROGRAMS – STANDARDS FOR STAFF**  
22 **AND SYSTEM FOR OUTCOMES EVALUATION.**

23 **8–1001.**

24 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
25 **INDICATED.**

26 (B) (1) **“COOPERATING DEPARTMENT” MEANS A UNIT OF THE STATE**  
27 **GOVERNMENT RESPONSIBLE FOR OUT–OF–HOME PLACEMENT OF CHILDREN.**

1           (2)    “COOPERATING DEPARTMENT” INCLUDES:

2                   (I)    THE DEPARTMENT OF JUVENILE SERVICES; AND

3                   (II)   THE DEPARTMENT OF HUMAN RESOURCES.

4           (C)    “DIRECT CARE STAFF” MEANS STAFF ASSIGNED TO PERFORM  
5 DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING,  
6 SELF-HELP, AND SOCIALIZATION SKILLS OF CHILDREN IN A RESIDENTIAL CHILD  
7 CARE PROGRAM.

8           (D)    “OUT-OF-HOME PLACEMENT” MEANS:

9                   (1)    THE REMOVAL OF A CHILD FROM THE CHILD’S FAMILY; AND

10                  (2)    THE PLACEMENT OF THE CHILD BY A COOPERATING  
11 DEPARTMENT OR COURT IN A PUBLIC OR PRIVATE RESIDENTIAL CHILD CARE  
12 PROGRAM FOR MORE THAN 30 DAYS.

13           (E)    “SYSTEM FOR OUTCOMES EVALUATION” MEANS AN OBJECTIVE AND  
14 STANDARDIZED METHOD OF MEASURING THE EFFECTIVENESS OF RESIDENTIAL  
15 CHILD CARE PROGRAMS.

16   **8-1002.**

17           THE DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT OF  
18 HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,  
19 AND THE GOVERNOR’S OFFICE FOR CHILDREN SHALL JOINTLY ADOPT  
20 REGULATIONS REQUIRING EACH MEMBER OF A DIRECT CARE STAFF TO:

21                  (1)    BE AT LEAST 21 YEARS OLD; AND

22                  (2)    ~~HAVE COMPLETED~~ COMPLETE A TRAINING PROGRAM THAT:

23                          ~~(I)~~    IS APPROVED BY THE AGENCY THAT LICENSED THE  
24 RESIDENTIAL CHILD CARE PROGRAM; ~~AND~~

25                          ~~(II)~~   SUPPORTS ~~THE SPECIFIC MISSION OF THE RESIDENTIAL~~  
26 ~~CHILD CARE PROGRAM IN WHICH THE DIRECT CARE STAFF MEMBER WORKS.~~

1 **8-1003.**

2 (A) ON OR BEFORE JULY 1, ~~2009~~ **2008**, THE OFFICE AND THE  
3 COOPERATING DEPARTMENTS SHALL DEVELOP, COORDINATE, AND IMPLEMENT  
4 A SYSTEM FOR OUTCOMES EVALUATION.

5 (B) THE SYSTEM FOR OUTCOMES EVALUATION SHALL BE USED TO:

6 (1) MONITOR THE CARE, SUPERVISION, EDUCATION, AND  
7 TREATMENT PROVIDED BY STATE-OPERATED AND STATE-SUPPORTED  
8 RESIDENTIAL CHILD CARE PROGRAMS SO THAT SUCCESSFUL SERVICES CAN BE  
9 EXPANDED AND SERVICES THAT DO NOT PRODUCE POSITIVE RESULTS CAN BE  
10 IDENTIFIED;

11 ~~(2) ASSESS THE CAPACITY OF RESIDENTIAL CHILD CARE~~  
12 ~~PROGRAMS TO MEET THE NEEDS OF A CHILD REQUIRING OUT-OF-HOME~~  
13 ~~PLACEMENT IN THE CHILD'S COMMUNITY;~~

14 ~~(3) EFFECTIVELY ALLOCATE RESOURCES BASED ON~~  
15 ~~DEMONSTRATED OUTCOMES;~~

16 ~~(4)~~ (2) ESTABLISH AN EVALUATION SYSTEM FOR PROGRAM  
17 PERFORMANCE, INCLUDING MEASURES OF SAFETY, QUALITY, AND  
18 EFFECTIVENESS; AND

19 ~~(5)~~ (3) COMPLETE AN ASSESSMENT OF THE STATE'S  
20 RESIDENTIAL CHILD CARE PROGRAM CAPACITY THAT IDENTIFIES RESIDENTIAL  
21 CHILD CARE PROGRAMS IN EACH COMMUNITY TO SERVE THE NEEDS OF A  
22 FAMILY THAT RESIDES IN THE COMMUNITY.

23 (C) ~~(1)~~ THE SYSTEM FOR OUTCOMES EVALUATION SHALL USE  
24 STANDARDIZED MEASURES OF FUNCTION TO EVALUATE THE CHILD'S:

25 ~~(1)~~ (1) PROTECTION FROM HARM WHILE IN  
26 OUT-OF-HOME PLACEMENT;

27 ~~(1)~~ (2) STABILITY OF LIVING ENVIRONMENT;

1                   ~~(III)~~ (3)    FAMILY SITUATION AND EFFORTS TO TREAT AND  
2 COUNSEL THE FAMILY UNIT;

3                   ~~(IV)~~ (4)    EDUCATIONAL AND VOCATIONAL DEVELOPMENT;

4                   ~~(V)~~ (5)    JOB SKILLS AND EMPLOYMENT READINESS;

5                   ~~(VI)~~ (6)    ~~CESSATION OF DRUG AND ALCOHOL ABUSE~~ LEGAL  
6 AND APPROPRIATE USE OF DRUGS AND ALCOHOL;

7                   ~~(VII)~~ (7)    ~~LEARNING TO NOT BE AGGRESSIVE~~ PROGRESS IN  
8 LEARNING POSITIVE, NONAGGRESSIVE BEHAVIORAL HABITS; AND

9                   ~~(VIII)~~ (8)    ~~POSTDISCHARGE—TRANSITION~~   DELINQUENCY  
10 STATUS.

11                   ~~(2)~~    ~~THE MEASURES OF FUNCTION TO EVALUATE THE CHILD'S~~  
12 ~~POSTDISCHARGE TRANSITION SHALL INCLUDE:~~

13                   ~~(I)~~    ~~ARREST;~~

14                   ~~(II)~~   ~~REARREST;~~

15                   ~~(III)~~   ~~REARREST WITH A CHARGE OF A SERIOUS OR VIOLENT~~  
16 ~~OFFENSE;~~

17                   ~~(IV)~~   ~~REARREST WITH A WAIVER TO THE ADULT SYSTEM;~~

18                   ~~(V)~~    ~~RE-REFERRAL TO THE DEPARTMENT OF JUVENILE~~  
19 ~~SERVICES;~~

20                   ~~(VI)~~   ~~READJUDICATION AND RECOMMITMENT; AND~~

21                   ~~(VII)~~   ~~GRADUATION FROM HIGH SCHOOL OR SUCCESSFUL~~  
22 ~~COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION.~~

23                   ~~(D)~~    ~~THE OFFICE AND THE COOPERATING DEPARTMENTS SHALL~~  
24 ~~CONSULT WITH THE UNIVERSITY OF MARYLAND, BALTIMORE, IN PLANNING~~  
25 ~~AND IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION.~~

1       ~~(E)~~ (D)       THE SYSTEM FOR OUTCOMES EVALUATION SHALL ENSURE  
2 THAT COLLECTION AND USE OF DATA IN THE SYSTEM MAINTAINS  
3 CONFIDENTIALITY OF INFORMATION ON THE CHILDREN FROM THE  
4 COOPERATING DEPARTMENTS.

5       ~~(F)~~ (E)       THE SYSTEM FOR OUTCOMES EVALUATION SHALL ENSURE  
6 THAT A COOPERATING DEPARTMENT SHALL:

7               (1)       FACILITATE THE PARTICIPATION OF RESIDENTIAL CHILD  
8 CARE PROGRAMS OPERATED BY THE COOPERATING DEPARTMENT OR PRIVATE  
9 AGENCIES WITH WHICH THE COOPERATING DEPARTMENT HAS A CONTRACT FOR  
10 THE PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE; AND

11              (2)       INCLUDE IN THE COOPERATING DEPARTMENT'S CONTRACT  
12 WITH A PRIVATE RESIDENTIAL CHILD CARE PROGRAM PROVISIONS REQUIRING  
13 THE PROGRAM TO COLLECT AND REPORT TO THE COOPERATING DEPARTMENT:

14                      (I)       CHILD-SPECIFIC DEMOGRAPHIC INFORMATION; AND

15                      (II)       DATA NECESSARY TO EVALUATE CHANGES IN  
16 FUNCTIONING OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS  
17 SECTION.

18       ~~(G)~~ (F)       WHEN REPORTING DEMOGRAPHIC INFORMATION AND DATA  
19 UNDER SUBSECTION ~~(F)~~ (E) OF THIS SECTION, A COOPERATING DEPARTMENT:

20                      (1)       MAY NOT DISCLOSE PERSONAL IDENTIFIERS; AND

21                      (2)       SHALL ENSURE THE CONFIDENTIALITY OF THE INFORMATION  
22 ABOUT THE CHILDREN UNDER ITS RESPONSIBILITY.

23       ~~(H)~~ (G)       ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE OFFICE, IN  
24 COORDINATION WITH THE COOPERATING DEPARTMENTS, SHALL SUBMIT A  
25 REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE  
26 STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE  
27 PROGRESS OF IMPLEMENTING THE SYSTEM FOR OUTCOMES EVALUATION.

28       SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) The Governor's Office for Children and the departments that license  
2 residential child care programs in the State, in cooperation with representatives of  
3 residential child care programs and other advocacy groups for children, shall:

4 (1) develop the regulations required under § 8-1002 of the Human  
5 Services Article, as enacted by Section 1 of this Act; and

6 (2) develop recommendations for a process and standards for  
7 certification of the direct care staff of residential child care programs, taking into  
8 consideration the needs of children served by each licensing agency.

9 (b) On or before January 1, 2008, the Governor's Office for Children shall  
10 report, in accordance with § 2-1246 of the State Government Article, to the General  
11 Assembly on the recommendations for the process and standards for certification of  
12 direct care staff.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.