

SENATE BILL 177

O4, E3
HB 900/06 – HGO

71r1669
CF HB 53

By: **Senator Zirkin**

Introduced and read first time: January 26, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2007

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
19 confidentiality of certain information when reporting certain information and
20 data; requiring the Governor's Office for Children, in coordination with the
21 Department of Juvenile Services and the Department of Human Resources, to

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

10 BY repealing and reenacting, without amendments,

11 Article – Human Services

12 Section 8–101(a), (b), (c), (k), and (m)

13 Annotated Code of Maryland

14 (As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

15 BY adding to

16 Article – Human Services

17 Section 8–1001 through 8–1003, to be under the new subtitle “Subtitle 10.
18 Residential Child Care Programs – Standards for Staff and System for
19 Outcomes Evaluation”

20 Annotated Code of Maryland

21 (As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

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

24 **Article – Human Services**

25 8–101.

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

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

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

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

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

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

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

7 (k) "Office" means the Governor's Office for Children.

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

13 (2) "Residential child care program" includes a program:

14 (i) licensed by:

15 1. the Department of Health and Mental Hygiene;

16 2. the Department of Human Resources; or

17 3. the Department of Juvenile Services; and

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

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

22 **8-1001.**

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

25 (B) (1) **"COOPERATING DEPARTMENT" MEANS A UNIT OF THE STATE**
26 **GOVERNMENT RESPONSIBLE FOR OUT-OF-HOME PLACEMENT OF CHILDREN.**

27 (2) **"COOPERATING DEPARTMENT" INCLUDES:**

1 (I) THE DEPARTMENT OF JUVENILE SERVICES; AND

2 (II) THE DEPARTMENT OF HUMAN RESOURCES.

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

7 (D) "OUT-OF-HOME PLACEMENT" MEANS:

8 (1) THE REMOVAL OF A CHILD FROM THE CHILD'S FAMILY; AND

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

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

15 **8-1002.**

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

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

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

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

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

26 **8-1003.**

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

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

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

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

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

15 ~~(4)~~ (2) ESTABLISH AN EVALUATION SYSTEM FOR PROGRAM
16 PERFORMANCE, INCLUDING MEASURES OF SAFETY, QUALITY, AND
17 EFFECTIVENESS; AND

18 ~~(5)~~ (3) COMPLETE AN ASSESSMENT OF THE STATE'S RESIDENTIAL
19 CHILD CARE PROGRAM CAPACITY THAT IDENTIFIES RESIDENTIAL CHILD CARE
20 PROGRAMS IN EACH COMMUNITY TO SERVE THE NEEDS OF A FAMILY THAT
21 RESIDES IN THE COMMUNITY.

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

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

26 ~~(II)~~ (2) STABILITY OF LIVING ENVIRONMENT;

27 ~~(III)~~ (3) FAMILY SITUATION AND EFFORTS TO TREAT AND
28 COUNSEL THE FAMILY UNIT;

- 1 ~~(IV)~~ (4) EDUCATIONAL AND VOCATIONAL DEVELOPMENT;
- 2 ~~(V)~~ (5) JOB SKILLS AND EMPLOYMENT READINESS;
- 3 ~~(VI)~~ (6) ~~CESSATION OF DRUG AND ALCOHOL ABUSE~~ LEGAL
4 AND APPROPRIATE USE OF DRUGS AND ALCOHOL;
- 5 ~~(VII)~~ (7) ~~LEARNING TO NOT BE AGGRESSIVE~~ PROGRESS IN
6 LEARNING POSITIVE, NONAGGRESSIVE BEHAVIORAL HABITS; AND
- 7 ~~(VIII)~~ (8) ~~POSTDISCHARGE TRANSITION~~ DELINQUENCY
8 STATUS.

9 ~~(2)~~ (2) ~~THE MEASURES OF FUNCTION TO EVALUATE THE CHILD'S~~
10 POSTDISCHARGE TRANSITION SHALL INCLUDE:

- 11 ~~(I)~~ (I) ARREST;
- 12 ~~(II)~~ (II) REARREST;
- 13 ~~(III)~~ (III) ~~REARREST WITH A CHARGE OF A SERIOUS OR VIOLENT~~
14 OFFENSE;
- 15 ~~(IV)~~ (IV) ~~REARREST WITH A WAIVER TO THE ADULT SYSTEM;~~
- 16 ~~(V)~~ (V) ~~RE-REFERRAL TO THE DEPARTMENT OF JUVENILE~~
17 SERVICES;
- 18 ~~(VI)~~ (VI) ~~READJUDICATION AND RECOMMITMENT; AND~~
- 19 ~~(VII)~~ (VII) ~~GRADUATION FROM HIGH SCHOOL OR SUCCESSFUL~~
20 COMPLETION OF A HIGH SCHOOL EQUIVALENCY EXAMINATION.

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

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

1 ~~(F)~~ **(E) THE SYSTEM FOR OUTCOMES EVALUATION SHALL ENSURE THAT A**
2 **COOPERATING DEPARTMENT SHALL:**

3 **(1) FACILITATE THE PARTICIPATION OF RESIDENTIAL CHILD**
4 **CARE PROGRAMS OPERATED BY THE COOPERATING DEPARTMENT OR PRIVATE**
5 **AGENCIES WITH WHICH THE COOPERATING DEPARTMENT HAS A CONTRACT FOR**
6 **THE PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE; AND**

7 **(2) INCLUDE IN THE COOPERATING DEPARTMENT'S CONTRACT**
8 **WITH A PRIVATE RESIDENTIAL CHILD CARE PROGRAM PROVISIONS REQUIRING**
9 **THE PROGRAM TO COLLECT AND REPORT TO THE COOPERATING DEPARTMENT:**

10 **(I) CHILD-SPECIFIC DEMOGRAPHIC INFORMATION; AND**

11 **(II) DATA NECESSARY TO EVALUATE CHANGES IN**
12 **FUNCTIONING OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS**
13 **SECTION.**

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

16 **(1) MAY NOT DISCLOSE PERSONAL IDENTIFIERS; AND**

17 **(2) SHALL ENSURE THE CONFIDENTIALITY OF THE INFORMATION**
18 **ABOUT THE CHILDREN UNDER ITS RESPONSIBILITY.**

19 ~~(H)~~ **(G) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE OFFICE, IN**
20 **COORDINATION WITH THE COOPERATING DEPARTMENTS, SHALL SUBMIT A**
21 **REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
22 **2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY**
23 **ON THE PROGRESS OF IMPLEMENTING THE SYSTEM FOR OUTCOMES**
24 **EVALUATION.**

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.