

SENATE BILL 480

E3

7lr1659

By: **Senator Zirkin**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Group Homes – Juvenile Justice Monitoring Unit – Expansion of Jurisdiction**

3 FOR the purpose of expanding the jurisdiction of the Juvenile Justice Monitoring Unit
4 of the Office of the Attorney General to include the monitoring of any residential
5 facility licensed by the Department of Juvenile Services and certain group
6 homes licensed by the Department of Human Resources; making certain
7 conforming changes; requiring the Unit to make certain reports to the Secretary
8 of Human Resources; authorizing the Governor to transfer certain positions and
9 funds in a certain manner; altering a certain definition; defining a certain term;
10 making certain provisions of this Act subject to a certain contingency; and
11 generally relating to the Juvenile Justice Monitoring Unit of the Office of the
12 Attorney General.

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 6–401, 6–402, 6–404, 6–405, and 6–406
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2006 Supplement)

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

20 **Article – State Government**

21 6–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(b) “Department” means the Department of Juvenile Services.

(c) “Disciplinary action” means any punitive action against a child that results in more security, additional obligations, or less personal freedom.

(d) “Facility” means:

(1) a residential facility operated by the Department; [and]

(2) a residential facility owned by the Department but privately operated; **OR**

(3) A RESIDENTIAL FACILITY LICENSED BY THE DEPARTMENT.

(e) (1) “Grievance” means a complaint made by a child or on behalf of a child due to a circumstance or an action considered to be unjust.

(2) “Grievance” does not include an employee grievance, disciplinary appeal, or complaint.

(F) “GROUP HOME” MEANS A RESIDENTIAL CHILD CARE PROGRAM LICENSED BY THE DEPARTMENT OF HUMAN RESOURCES AND SUBJECT TO THE LICENSING REGULATIONS OF THE MEMBERS OF THE CHILDREN’S CABINET GOVERNING THE OPERATIONS OF RESIDENTIAL CHILD CARE PROGRAMS.

[(f)] (G) “Juvenile justice monitor” means an individual employed by the Office of the Attorney General to determine whether the needs of children under the jurisdiction of the Department are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

[(g)] (H) “Secretary” means the Secretary of Juvenile Services.

[(h)] (I) “Special Secretary” means the Special Secretary for Children, Youth, and Families.

[(i)] (J) “Unit” means the Juvenile Justice Monitoring Unit of the Office of the Attorney General.

1 (a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney
2 General.

3 (b) The function of the Unit is to investigate and determine whether the
4 needs of children under the jurisdiction of the Department of Juvenile Services **AND**
5 **IN GROUP HOMES LICENSED BY THE DEPARTMENT OF HUMAN RESOURCES** are
6 being met in compliance with State law, that their rights are being upheld, and that
7 they are not being abused.

8 6–404.

9 The Unit shall:

10 (1) evaluate at each facility **AND, IF APPLICABLE, GROUP HOME:**

11 (i) the child advocacy grievance process;

12 (ii) the Department’s monitoring process;

13 (iii) the treatment of and services to youth;

14 (iv) the physical conditions of the facility; and

15 (v) the adequacy of staffing;

16 (2) review all reports of disciplinary actions, grievances, and grievance
17 dispositions received from each facility **AND GROUP HOME** and alterations in the
18 status or placement of a child that result in more security, additional obligations, or
19 less personal freedom;

20 (3) receive copies of the grievances submitted to the Department **OR**
21 **THE DEPARTMENT OF HUMAN RESOURCES;**

22 (4) perform unannounced site visits and on-site inspections of
23 facilities **AND GROUP HOMES;**

24 (5) receive and review all incident reports submitted to the
25 Department from facilities **AND TO THE DEPARTMENT OF HUMAN RESOURCES**
26 **FROM GROUP HOMES;**

(6) receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility **OR GROUP HOME**; and

(7) have a representative available to attend meetings of the advisory boards established under Article 83C, § 2–119 of the Code.

6–405.

The Unit may:

(1) review relevant laws, policies, procedures, and juvenile justice records, including records relating to individual youth;

(2) on request, conduct interviews with staff, youth, and others;

(3) review investigative reports produced by the Department relating to youth in facilities **OR BY THE DEPARTMENT OF HUMAN RESOURCES RELATING TO CHILDREN IN GROUP HOMES**; and

(4) participate, within the context of the local department of social services' multidisciplinary team process, in a child protective services investigation conducted under Title 5, Subtitle 7 of the Family Law Article concerning any allegation of abuse or neglect within any assigned facility.

6–406.

(a) The Unit shall report in a timely manner to the Special Secretary, the Secretary, and, in accordance with § 2–1246 of [the State Government Article] **THIS ARTICLE**, the Speaker of the House of Delegates and the President of the Senate:

(1) knowledge of any problem regarding the care, supervision, and treatment of children in facilities **AND GROUP HOMES**;

(2) findings, actions, and recommendations, related to the investigations of disciplinary actions, grievances, incident reports, and alleged cases of child abuse and neglect; and

(3) all other findings and actions related to the monitoring required under this subtitle.

1 (b) (1) The Unit shall report quarterly to the Special Secretary [and], the
2 Secretary, **AND THE SECRETARY OF HUMAN RESOURCES**.

3 (2) A copy of the report shall be provided to the State Advisory Board
4 for Juvenile Services and, in accordance with § 2-1246 of [the State Government
5 Article] **THIS ARTICLE**, the General Assembly.

6 (3) The report shall include:

7 (i) all activities of the Unit;

8 (ii) actions taken by the Department **OR THE DEPARTMENT**
9 **OF HUMAN RESOURCES** resulting from the findings and recommendations of the
10 Unit, including [the] **EACH** Department's response; and

11 (iii) a summary of any violations of the standards and
12 regulations of the Department **OR THE DEPARTMENT OF HUMAN RESOURCES** that
13 remained unabated for 30 days or more during the reporting period.

14 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
15 report to the Special Secretary, the Secretary, the advisory boards established under
16 Article 83C, § 2-119 of the Code, **THE SECRETARY OF HUMAN RESOURCES**, the
17 Governor, and, in accordance with § 2-1246 of [the State Government Article] **THIS**
18 **ARTICLE**, the General Assembly, on all the activities of the Office and the actions
19 taken by [the] **EACH** Department in response to findings and recommendations of the
20 Unit.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may
22 transfer five regular positions and \$300,000 for those positions from the Department
23 of Juvenile Services and two regular positions and \$120,000 for those positions from
24 the Department of Human Resources to the Juvenile Justice Monitoring Unit of the
25 Office of the Attorney General.

26 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
27 take effect October 1, 2007, contingent on the transfer of positions and funds under
28 Section 2 of this Act. If the positions and funds are not transferred in accordance with
29 Section 2 of this Act on or before October 1, 2007, this Act, with no further action by
30 the General Assembly, shall be null and void and of no force and effect. The Juvenile
31 Justice Monitoring Unit of the Office of the Attorney General, within 5 days of
32 receiving a transfer under Section 2 of this Act, shall forward notice of the transfer to
33 the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
2 Section 3 of this Act, this Act shall take effect June 1, 2007.