

CHAPTER 133

(Senate Bill 177)

AN ACT concerning

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

FOR the purpose of requiring the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor's Office for Children to adopt certain regulations to require certain staff members of certain residential child care programs to meet certain qualifications; requiring the Department of Juvenile Services, the Department of Human Resources, and the Governor's Office for Children to develop, coordinate, and implement a certain system of outcomes evaluation; specifying the uses of the system for outcomes evaluation; ~~requiring the system for outcomes evaluation to use certain measures for a certain purpose; requiring the Governor's Office for Children, the Department of Juvenile Services, and the Department of Human Resources to consult with the University of Maryland, Baltimore, in planning and implementing the system for outcomes evaluation;~~ establishing certain requirements for the system for outcomes evaluation; providing that the Department of Juvenile Services and the Department of Human Resources may not disclose personal identifiers and must ensure confidentiality of certain information when reporting certain information and data; requiring the Governor's Office for Children, in coordination with the Department of Juvenile Services and the Department of Human Resources, to submit a certain report to the Governor and the General Assembly on or before a certain date; requiring the Governor's Office for Children, the Department of Juvenile Services, the Department of Human Resources, and the Department of Health and Mental Hygiene, in cooperation with representatives of certain programs and certain groups, to develop certain regulations and certain recommendations; requiring the Governor's Office for Children to report to the General Assembly on certain recommendations on or before a certain date; defining certain terms; and generally relating to residential child care programs.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 8–101(a), (b), (c), (k), and (m)
Annotated Code of Maryland

(As enacted by Chapter 3 (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to

Article – Human Services

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

Annotated Code of Maryland

(As enacted by Chapter 3 (S.B. 6) of the Acts of the General Assembly of 2007)

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

Article – Human Services

8–101.

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

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

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

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

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

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

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

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

(m) (1) “Residential child care program” means an entity that provides 24-hour per day care for children within a structured set of services and activities that are designed to achieve specific objectives relative to the needs of the children served

and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and activities.

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

(i) licensed by:

1. the Department of Health and Mental Hygiene;
2. the Department of Human Resources; or
3. the Department of Juvenile Services; and

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

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

8-1001.

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

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

(2) "COOPERATING DEPARTMENT" INCLUDES:

- (I) THE DEPARTMENT OF JUVENILE SERVICES; AND
- (II) THE DEPARTMENT OF HUMAN RESOURCES.

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

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

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

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

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

8-1002.

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

(1) BE AT LEAST 21 YEARS OLD; AND

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

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

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

8-1003.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(VIII)~~ (8) POSTDISCHARGE TRANSITION DELINQUENCY STATUS.

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

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

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

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

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

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

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

(I) CHILD-SPECIFIC DEMOGRAPHIC INFORMATION; AND

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

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

(1) MAY NOT DISCLOSE PERSONAL IDENTIFIERS; AND

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

Approved by the Governor, April 24, 2007.