

CHAPTER 499

(Senate Bill 360)

AN ACT concerning

Juvenile Justice Monitoring Unit – Expansion of Jurisdiction

FOR the purpose of expanding the jurisdiction of the Juvenile Justice Monitoring Unit of the Office of the Attorney General to include the monitoring of any *residential* facility licensed by the Department of Juvenile Services; *expanding the duties of the Juvenile Justice Monitoring Unit; requiring the Juvenile Justice Monitoring Unit to make certain reports to the Executive Director of the Governor's Office for Children; defining a certain term; repealing a certain definition;* altering a certain definition; making certain stylistic changes; authorizing the Governor to transfer certain positions and funds in a certain manner; authorizing the Attorney General to transfer a ~~certain~~ position in a certain manner; ~~making~~ providing for a delayed effective date for certain provisions of this Act; making certain provisions of this Act subject to a certain contingency; and generally relating to the Juvenile Justice Monitoring Unit of the Office of the Attorney General.

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–401, ~~6–404~~, and 6–406
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 6–402
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Article – State Government

6–401.

- (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) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE FOR CHILDREN.

~~(d)~~ **(E)** “Facility” means:

- (1) a residential facility operated by the Department; [and]
- (2) a residential facility owned by the Department but privately operated; ~~OR~~ **AND**

(3) A RESIDENTIAL FACILITY LICENSED BY THE DEPARTMENT.

~~(e)~~ **(F)** (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)~~ **(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)~~ ~~“Special Secretary” means the Special Secretary for Children, Youth, and Families.~~

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

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

(b) The function of the Unit is to investigate and determine whether the needs of children under the jurisdiction of the Department of Juvenile Services are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

6-404.

The Unit shall:

- (1) *evaluate at each facility:*
 - (i) *the child advocacy grievance process;*
 - (ii) *the Department's monitoring process;*
 - (iii) *the treatment of and services to youth;*
 - (iv) *the physical conditions of the facility; and*
 - (v) *the adequacy of staffing;*
- (2) *review all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom;*
- (3) *receive copies of the grievances submitted to the Department;*
- (4) *perform unannounced site visits and on-site inspections of facilities;*
- (5) *receive and review all incident reports submitted to the Department from facilities;*
- (6) *receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility; [and]*
- (7) **ENSURE THAT EACH FACILITY IS IN COMPLIANCE WITH THE REGULATIONS APPLICABLE TO RESIDENTIAL FACILITIES;**

(8) COLLABORATE WITH THE DEPARTMENT, THE DEPARTMENT OF HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND THE GOVERNOR'S OFFICE FOR CHILDREN IN ALL MATTERS RELATED TO THE LICENSING AND MONITORING OF CHILDREN'S RESIDENTIAL FACILITIES; AND

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

6-406.

(a) The Unit shall report in a timely manner to the ~~Special Secretary~~ *Executive Director*, 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;

(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.

(b) (1) The Unit shall report quarterly to the ~~Special Secretary~~ *Executive Director* and the Secretary.

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

(3) The report shall include:

(i) all activities of the Unit;

(ii) actions taken by the Department resulting from the findings and recommendations of the Unit, including the Department's response; and

(iii) a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period.

(c) Beginning in 2006, on or before November 30 of each year, the Unit shall report to the ~~Special Secretary~~ *Executive Director*, the Secretary, the advisory boards established under Article 83C, § 2-119 of the Code, the Governor, and, in accordance with § 2-1246 of [the State Government Article] **THIS ARTICLE**, the General Assembly, on all the activities of the Office and the actions taken by the Department in response to findings and recommendations of the Unit.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall transfer 5 regular positions and \$300,000 for those positions from the Department of Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney General.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may transfer two regular positions and \$120,000 for those positions from the Department of Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney General. The Attorney General may transfer one regular position to the Juvenile Justice Monitoring Unit of the Office of the Attorney General.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect ~~October 1, 2007~~ January 1, 2008, contingent on the transfer of positions and funds under Section 2 of this Act. If the positions and funds are not transferred in accordance with Section 2 of this Act on or before ~~October 1, 2007~~ January 1, 2008, this Act, with no further action of the General Assembly, shall be null and void and of no force and effect. The Juvenile Justice Monitoring Unit of the Office of the Attorney General, within 5 days of receiving a transfer under Section 2 of this Act, shall forward notice of the transfer to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

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

Approved by the Governor, May 17, 2007.