

HOUSE BILL 713

O4

9lr2501
CF SB 690

By: **Delegates Jones, Anderson, Barkley, Bohanan, Branch, Burns, Carter, G. Clagett, Dumais, Eckardt, Gaines, Griffith, Gutierrez, Haynes, Healey, McComas, McHale, Mizeur, Montgomery, Nathan-Pulliam, Niemann, ~~and Taylor~~ Taylor, Benson, Kach, Kipke, Morhaim, and V. Turner**

Introduced and read first time: February 9, 2009
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2009

CHAPTER _____

1 AN ACT concerning

2 **Programs for Children in Out-of-Home Placement – System for Outcomes**
3 **Evaluation**

4 FOR the purpose of expanding the programs to which certain provisions relating to a
5 certain system for outcomes evaluation for certain programs for children in
6 out-of-home placement apply; exempting certain facilities and programs from
7 certain provisions relating to a certain system for outcomes evaluation; altering
8 certain definitions to include certain programs for purposes of certain provisions
9 relating to a certain system for outcomes evaluation; providing for ~~the effective~~
10 ~~dates~~ a delayed effective date for certain provisions of this Act; and generally
11 relating to children in out-of-home placement and a certain system for
12 outcomes evaluation.

13 BY repealing and reenacting, without amendments,
14 Article – Human Services
15 Section 8–101(a) and (m)
16 Annotated Code of Maryland
17 (2007 Volume and 2008 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Human Services

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.



Section 8–1001 through 8–1003 to be under the amended subtitle “Subtitle 10.
Programs for Children in Out-of-Home Placement – Standards for Staff
and System for Outcomes Evaluation”

Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY adding to

Article – Human Services

Section 8–1002

Annotated Code of Maryland

(2007 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services

Section 8–1001(a) and (e)

Annotated Code of Maryland

(2007 Volume and 2008 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 8–1001(d)

Annotated Code of Maryland

(2007 Volume and 2008 Supplement)

(As enacted by Section 1 of this Act)

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.

(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

1 3. the Department of Juvenile Services; and

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

4 Subtitle 10. [Residential Child Care] Programs **FOR CHILDREN IN OUT-OF-HOME**
5 **PLACEMENT** – Standards for Staff and System for Outcomes Evaluation.

6 8–1001.

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

8 (b) (1) “Cooperating department” means a unit of the State government
9 responsible for out-of-home placement of children.

10 (2) “Cooperating department” includes:

11 (i) the Department of Juvenile Services; and

12 (ii) the Department of Human Resources.

13 (c) “Direct care staff” means staff assigned to perform direct responsibilities
14 related to activities of daily living, self-help, and socialization skills of children in a
15 residential child care program.

16 (d) “Out-of-home placement” means:

17 (1) the removal of a child from the child's family; and

18 (2) the placement of the child by a cooperating department or court in
19 a public or private residential child care program **OR TREATMENT FOSTER CARE**
20 **HOME** for more than 30 days.

21 (e) “System for outcomes evaluation” means an objective and standardized
22 method of measuring the effectiveness of [residential child care programs] **THE**
23 **PROGRAMS DESCRIBED IN SUBSECTION (D)(2) OF THIS SECTION.**

24 **8–1002.**

25 **EXCEPT FOR PROVISIONS RELATING TO DIRECT CARE STAFF UNDER §**
26 **8–1003 OF THIS SUBTITLE, THIS SUBTITLE DOES NOT APPLY TO:**

27 **(1) A SHELTER CARE FACILITY OR RESIDENTIAL RESPITE**
28 **PROGRAM LICENSED BY THE DEPARTMENT OF HUMAN RESOURCES; OR**

**(2) A DETENTION CENTER OR SHELTER CARE FACILITY
OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF JUVENILE
SERVICES.**

[8-1002.] 8-1003.

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) complete a training program that is approved by the agency that licensed the residential child care program.

[8-1003.] 8-1004.

(a) On or before July 1, 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] **PROGRAMS DESCRIBED IN § 8-1001(D)(2) OF THIS SUBTITLE** so that successful services can be expanded and services that do not produce positive results can be identified;

(2) establish an evaluation system for program performance, including measures of safety, quality, and effectiveness; and

(3) complete an assessment of the [State's residential child care program] capacity **OF THE PROGRAMS DESCRIBED IN § 8-1001(D)(2) OF THIS SUBTITLE IN THE STATE** that identifies [residential child care] programs in each community to serve the needs of a family that resides in the community.

(c) The system for outcomes evaluation shall use standardized measures of function to evaluate the child's:

(1) protection from harm while in out-of-home placement;

(2) stability of living environment;

(3) family situation and efforts to treat and counsel the family unit;

(4) educational and vocational development;

(5) job skills and employment readiness;

(6) legal and appropriate use of drugs and alcohol;

(7) progress in learning positive, nonaggressive behavioral habits; and

(8) delinquency status.

(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.

(e) The system for outcomes evaluation shall ensure that a cooperating department shall:

(1) facilitate the participation of [residential child care] programs DESCRIBED IN § 8-1001(D)(2) OF THIS SUBTITLE 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.

(f) When reporting demographic information and data under subsection (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.

(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 the Laws of Maryland read as follows:

Article – Human Services

8-1001.

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

(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 [or], **A RESIDENTIAL PROGRAM OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF JUVENILE SERVICES, A FOSTER CARE HOME APPROVED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES, OR A** treatment foster care home for more than 30 days.

(e) “System for outcomes evaluation” means an objective and standardized method of measuring the effectiveness of the programs described in subsection (d)(2) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, ~~2010~~ 2011.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.