

SENATE BILL 690

O4

9lr2504
CF HB 713

By: **Senators Kelley, Currie, Jones, Kasemeyer, and Madaleno**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 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 of this Act; and generally relating to children in out-of-home placement
11 and a certain system for outcomes evaluation.

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

17 BY repealing and reenacting, with amendments,
18 Article – Human Services
19 Section 8–1001 through 8–1003 to be under the amended subtitle “Subtitle 10.
20 Programs for Children in Out-of-Home Placement – Standards for Staff
21 and System for Outcomes Evaluation”
22 Annotated Code of Maryland
23 (2007 Volume and 2008 Supplement)

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 BY adding to
2 Article – Human Services
3 Section 8–1002
4 Annotated Code of Maryland
5 (2007 Volume and 2008 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Human Services
8 Section 8–1001(a) and (e)
9 Annotated Code of Maryland
10 (2007 Volume and 2008 Supplement)
11 (As enacted by Section 1 of this Act)

12 BY repealing and reenacting, with amendments,
13 Article – Human Services
14 Section 8–1001(d)
15 Annotated Code of Maryland
16 (2007 Volume and 2008 Supplement)
17 (As enacted by Section 1 of this Act)

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

20 **Article – Human Services**

21 8–101.

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

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

28 (2) “Residential child care program” includes a program:

29 (i) licensed by:

30 1. the Department of Health and Mental Hygiene;

31 2. the Department of Human Resources; or

32 3. the Department of Juvenile Services; and

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

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

3 8–1001.

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

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

7 (2) “Cooperating department” includes:

8 (i) the Department of Juvenile Services; and

9 (ii) the Department of Human Resources.

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

13 (d) “Out-of-home placement” means:

14 (1) the removal of a child from the child’s family; and

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

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

21 **8–1002.**

22 **EXCEPT FOR PROVISIONS RELATING TO DIRECT CARE STAFF UNDER §**
23 **8–1003 OF THIS SUBTITLE, THIS SUBTITLE DOES NOT APPLY TO:**

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

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

29 [8–1002.] **8–1003.**

1 The Department of Juvenile Services, the Department of Human Resources, the
2 Department of Health and Mental Hygiene, and the Governor's Office for Children
3 shall jointly adopt regulations requiring each member of a direct care staff to:

4 (1) be at least 21 years old; and

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

7 ~~[8-1003.]~~ **8-1004.**

8 (a) On or before July 1, 2008, the Office and the cooperating departments
9 shall develop, coordinate, and implement a system for outcomes evaluation.

10 (b) The system for outcomes evaluation shall be used to:

11 (1) monitor the care, supervision, education, and treatment provided
12 by State-operated and State-supported [residential child care programs] **PROGRAMS**
13 **DESCRIBED IN § 8-1001(D)(2) OF THIS SUBTITLE** so that successful services can be
14 expanded and services that do not produce positive results can be identified;

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

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

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

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

24 (2) stability of living environment;

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

26 (4) educational and vocational development;

27 (5) job skills and employment readiness;

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

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

30 (8) delinquency status.

1 (d) The system for outcomes evaluation shall ensure that collection and use
2 of data in the system maintains confidentiality of information on the children from the
3 cooperating departments.

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

6 (1) facilitate the participation of [residential child care] programs
7 **DESCRIBED IN § 8-1001(D)(2) OF THIS SUBTITLE** operated by the cooperating
8 department or private agencies with which the cooperating department has a contract
9 for the placement of children in out-of-home care; and

10 (2) include in the cooperating department's contract with a private
11 [residential child care] program provisions requiring the program to collect and report
12 to the cooperating department:

13 (i) child-specific demographic information; and

14 (ii) data necessary to evaluate changes in functioning of the
15 child as provided in subsection (c) of this section.

16 (f) When reporting demographic information and data under subsection (e)
17 of this section, a cooperating department:

18 (1) may not disclose personal identifiers; and

19 (2) shall ensure the confidentiality of the information about the
20 children under its responsibility.

21 (g) On or before October 1 of each year, the Office, in coordination with the
22 cooperating departments, shall submit a report to the Governor and, in accordance
23 with § 2-1246 of the State Government Article, to the General Assembly on the
24 progress of implementing the system for outcomes evaluation.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
26 read as follows:

27 Article - Human Services

28 8-1001.

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

30 (d) "Out-of-home placement" means:

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

1 (2) the placement of the child by a cooperating department or court in
 2 a public or private residential child care program [or], **A RESIDENTIAL PROGRAM**
 3 **OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF JUVENILE**
 4 **SERVICES, A FOSTER CARE HOME APPROVED BY A LOCAL DEPARTMENT OF**
 5 **SOCIAL SERVICES, OR A** treatment foster care home for more than 30 days.

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.