

HOUSE BILL 186

E3

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By: **Delegate Waldstreicher**

Introduced and read first time: January 21, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services – State Board of Juvenile Services – Established**

3 FOR the purpose of establishing the State Board of Juvenile Services; transferring the
4 duties, powers, and responsibilities of the Department of Juvenile Services to
5 the State Board of Juvenile Services; specifying the composition of the Board;
6 providing for the appointment, removal, terms of office, and compensation of
7 members of the Board; requiring the Board to appoint a Superintendent of
8 Juvenile Services; specifying the term of office of the Superintendent;
9 transferring the duties, responsibilities, and authority of the Secretary of
10 Juvenile Services to the Superintendent of Juvenile Services; making
11 conforming changes; repealing references to the Department of Juvenile
12 Services and the Secretary of Juvenile Services; providing for certain
13 transitional provisions; providing for the effective date of certain provisions of
14 this Act; providing for the termination of certain provisions of this Act; and
15 generally relating to the establishment of a State Board of Juvenile Services.

16 BY repealing and reenacting, without amendments,
17 Article – Correctional Services
18 Section 2–401(a) and 8–201(a)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Correctional Services
23 Section 2–401(b)(2)(ii), 2–404, 2–501(b)(9)(ii), 6–102(2), 7–102(2), 8–201(h),
24 8–202(8), 8–204(a)(2) and (b)(1), 8–208(a)(14) and (b), 8–209(d), 8–706(2),
25 8–707, 8–709(b), 8–710(c), and 10–601(b)(2), (c)(2), and (d)(2)
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2009 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Correctional Services
 2 Section 8–201(h)
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2009 Supplement)

5 BY repealing
 6 Article – Correctional Services
 7 Section 8–201(i)
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume and 2009 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Courts and Judicial Proceedings
 12 Section 3–815(f)(4), 3–8A–01(h)(1), 3–8A–10(c)(4)(ii), (c–1)(4) and (5), and (i),
 13 3–8A–10.1(b), 3–8A–11(b), 3–8A–15(e)(3) and (h)(2), (3), and (4),
 14 3–8A–17(a), 3–8A–17.1(b), 3–8A–17.3(c)(1), 3–8A–17.8(c)(2), 3–8A–17.12,
 15 3–8A–19(d)(1)(ii), (3), and (5)(i), 3–8A–20.1(a)(1), (b), (c), and (d)(1), and
 16 3–8A–27(a)(2)(i) and (iii) and (b)(2), (3)(i), and (4)
 17 Annotated Code of Maryland
 18 (2006 Replacement Volume and 2009 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article – Courts and Judicial Proceedings
 21 Section 3–8A–27(a)(2)(i) and (b)(2), (3)(i), and (4)
 22 Annotated Code of Maryland
 23 (2006 Replacement Volume and 2009 Supplement)
 24 (As enacted by Chapter 10 of the Acts of the General Assembly of 2006, as
 25 amended by Chapters 602 and 603 of the Acts of the General Assembly of
 26 2008)

27 BY repealing and reenacting, with amendments,
 28 Article – Criminal Procedure
 29 Section 10–201(f)(3), 10–208(a)(14), 10–220(c), 11–113(c)(3)(ix), 11–402(a),
 30 11–507, 11–607(a)(2), (b), and (c)(1), 11–616(a), (c), (d), and (e)(1),
 31 11–617(c)(3), (4), and (5) and (d)(2), 11–701(m)(13), 11–704(c)(1)(ii) and
 32 (2)(ii), 11–912(a)(1)(v), and 11–1003(c)
 33 Annotated Code of Maryland
 34 (2008 Replacement Volume and 2009 Supplement)

35 BY repealing and reenacting, with amendments,
 36 Article – Education
 37 Section 2–303(h)(1)(i), 3–109(e)(8), 3–6A–05(a)(2)(viii), 6–302(a)(1)(i),
 38 6–303(b)(1)(i)3., 7–302(b)(3), 7–305(h)(1), 7–309(a)(1), 7–4A–03(a)(4),
 39 7–1203(b)(5) and (c)(2)(iv), 8–412(a)(7), 8–417(a) and (b), 8–501(e)(3),
 40 18–1803(b)(3), 18–2101(b)(2) and (d)(2), 22–301, 22–303(a)(1), 22–304(a)
 41 and (c)(5), 22–305(b)(3)(iii), 22–306(d)(1)(i) and (2), 22–308(c), and
 42 22–309

1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2009 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Family Law
5 Section 5–503(a), 5–508(b)(5)(iii), 5–509(b)(3), 5–509.1(b)(3), 5–527(c),
6 5–560(d)(3), 5–7A–02(a)(6), and 9–403(c)(2)(i)
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2009 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 2–104(b)(2)(i), 5–703(a)(6), 8–1001(c)(3), 10–309(a)(1)(ii)1.K.,
12 10–514(d)(2)(ii), 10–923(a)(6), 15–139(e), 16–206(b), 18–4A–03(a)(8) and
13 (c)(2), and 24–804(b)(4)
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Health Occupations
18 Section 4–308(h)(3)(i)4., 20–101(b)(1)(iv) and (i)(2)(i)3., and 20–202(a)(2)(i)2.
19 Annotated Code of Maryland
20 (2009 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article – Human Services
23 Section 1–212(b)(2)(iii), 4–205(c), 8–101(m)(2)(i)3., 8–302(2)(ii), 8–402(4),
24 8–406(a)(1)(i), 8–701(b)(3), 8–703.1(a)(2)(ii), 8–709(2), 8–801(2),
25 8–1001(b)(2)(i), 8–1002(2), 9–101; 9–201 through 9–212 and 9–214
26 through 9–223 to be under the amended subtitle “Subtitle 2. State Board
27 of Juvenile Services” and the amended part “Part I. Organization and
28 Administration of Board”; 9–226 through 9–237, 9–238.1, 9–239 through
29 9–240.1, 9–241 through 9–246, 9–401(c)(1)(ii), 9–402, 9–405(a), and
30 9–410(a)(1)
31 Annotated Code of Maryland
32 (2007 Volume and 2009 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article – Human Services
35 Section 9–219
36 Annotated Code of Maryland
37 (2007 Volume and 2009 Supplement)
38 (As enacted by Chapter 10 of the Acts of the General Assembly of 2006, as
39 amended by Chapters 602 and 603 of the Acts of the General Assembly of
40 2008)

41 BY repealing and reenacting, with amendments,

1 Article – Labor and Employment
 2 Section 11–1003(b)(1)(v)
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2009 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Public Safety
 7 Section 2–702(b)(1)(i)2. and 5–502(b)(2)(i)
 8 Annotated Code of Maryland
 9 (2003 Volume and 2009 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – State Finance and Procurement
 12 Section 3–305(d), 13–107.1(l)(4), and 14–501(b)
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume)

15 BY repealing and reenacting, with amendments,
 16 Article – State Government
 17 Section 6–401, 6–402(b), 6–404(1)(ii), (3), (5), and (8), 6–405(3), 6–406, 8–201(b),
 18 and 10–616(q)(5)(iii)8.
 19 Annotated Code of Maryland
 20 (2009 Replacement Volume)

21 BY repealing and reenacting, with amendments,
 22 Article – State Personnel and Pensions
 23 Section 10–501(c), 10–502, 10–506(b), and 10–507
 24 Annotated Code of Maryland
 25 (2009 Replacement Volume and 2009 Supplement)

26 BY repealing and reenacting, with amendments,
 27 Article 25B – Home Rule for Code Counties
 28 Section 13C–1(i)(2)
 29 Annotated Code of Maryland
 30 (2005 Replacement Volume and 2009 Supplement)

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

33 **Article – Correctional Services**

34 2–401.

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

36 (b) (2) “Correctional unit” includes:

1 (ii) the [Department] **STATE BOARD** of Juvenile Services; and
2 2–404.

3 At the request of the Secretary of Public Safety and Correctional Services, the
4 [Secretary] **SUPERINTENDENT** of Juvenile Services, or the head of any correctional
5 unit, a staff person of a correctional unit who has been trained and certified by the
6 Correctional Training Commission in the care, custody, and control of individuals may
7 function at the location in need under a mutual aid agreement.

8 2–501.

9 (b) The Task Force consists of the following members:

10 (9) the following members, who shall serve ex officio:

11 (ii) the [Secretary] **SUPERINTENDENT** of Juvenile Services, or
12 the [Secretary's] **SUPERINTENDENT'S** designee;

13 6–102.

14 This subtitle does not apply to:

15 (2) a juvenile committed to the jurisdiction of the [Department]
16 **STATE BOARD** of Juvenile Services or an institution or facility under its jurisdiction.

17 7–102.

18 This title does not apply to:

19 (2) a juvenile committed to the jurisdiction of the [Department]
20 **STATE BOARD** of Juvenile Services or an institution or facility under its jurisdiction.

21 8–201.

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

23 **(H) “PERMANENT APPOINTMENT” MEANS AN APPOINTMENT THAT HAS**
24 **PERMANENT STATUS.**

25 **[(h) (I) (1) “[Department] STATE BOARD of Juvenile Services employee”**
26 **means a youth supervisor, youth counselor, direct care worker, or other employee of**
27 **the [Department] STATE BOARD of Juvenile Services whose employment**
28 **responsibility is the investigation, custody, control, or supervision of minors, juvenile**
29 **delinquents, and youthful offenders who are committed, detained, awaiting placement,**

1 adjudicated delinquent, or are otherwise under the supervision of the [Department]
2 **STATE BOARD** of Juvenile Services.

3 (2) “[Department] **STATE BOARD** of Juvenile Services employee”
4 includes an employee of any nonprofit or for-profit entity under contract with the
5 [Department] **STATE BOARD** of Juvenile Services whose employment responsibility is
6 the investigation, custody, control, or supervision of minors, juvenile delinquents, and
7 youthful offenders as described under paragraph (1) of this subsection.

8 [(i) “Permanent appointment” means an appointment that has permanent
9 status.]

10 8–202.

11 The General Assembly finds that:

12 (8) [Department] **STATE BOARD** of Juvenile Services employees
13 should have specific and appropriate training for that population.

14 8–204.

15 (a) The Commission consists of the following 14 members:

16 (2) the [Secretary] **SUPERINTENDENT** of Juvenile Services;

17 (b) (1) The Governor shall appoint, with the advice and consent of the
18 Senate, four correctional officers or officials to be members of the Commission, at least
19 one of whom shall be a [Department] **STATE BOARD** of Juvenile Services employee or
20 official.

21 8–208.

22 (a) Subject to the authority of the Secretary, the Commission has the
23 following powers and duties:

24 (14) subject to subsection (b) of this section, to develop and implement
25 specific program design and appropriate course curriculum and training for
26 [Department] **STATE BOARD** of Juvenile Services employees; and

27 (b) For any contract entered on or after July 1, 2000 between the
28 [Department] **STATE BOARD** of Juvenile Services and any nonprofit or for-profit
29 entity, the cost and expenses for any course or training required under subsection
30 (a)(14) of this section for [Department] **STATE BOARD** of Juvenile Services employees
31 of any nonprofit or for-profit entity under contract with the [Department] **STATE**
32 **BOARD** of Juvenile Services shall be paid for or reimbursed by the nonprofit or

1 for-profit entity, and may not be a part of or reimbursed by funds from the contract
2 with the [Department] **STATE BOARD** of Juvenile Services.

3 8-209.

4 (d) The Commission shall establish the minimum qualifications for
5 probationary or permanent appointment as a [Department] **STATE BOARD** of
6 Juvenile Services employee.

7 8-706.

8 A community service program:

9 (2) for juveniles, shall be administered either by the county or, within
10 the county, by the [Department] **STATE BOARD** of Juvenile Services.

11 8-707.

12 A county may elect to have a community service program monitored by:

13 (1) the Division of Parole and Probation;

14 (2) the [Department] **STATE BOARD** of Juvenile Services; or

15 (3) the county.

16 8-709.

17 (b) The administrator of each community service program shall prepare
18 separate reports containing annual statistical data on all adults and juveniles in the
19 program and submit:

20 (1) the report on adults to the Division of Parole and Probation;

21 (2) the report on juveniles to the [Department] **STATE BOARD** of
22 Juvenile Services; and

23 (3) both reports to the Administrative Office of the Courts.

24 8-710.

25 (c) This subtitle does not limit the authority of a court to direct a juvenile or
26 a defendant, under the supervision of the Division of Parole and Probation, the
27 [Department] **STATE BOARD** of Juvenile Services, or any other unit or individual as
28 directed by the court, to make restitution to the victim of a particular crime or to
29 perform certain services for the victim as an alternative means of restitution:

- 1 (1) as a condition of probation;
- 2 (2) as a condition of suspended sentence; or
- 3 (3) instead of any fines and court costs imposed.

4 10-601.

5 (b) Another state may not begin construction or otherwise locate a facility in
6 this State unless the other state submits a written request for approval to construct or
7 locate the facility to and receives approval from:

8 (2) the [Secretary] **SUPERINTENDENT** of Juvenile Services, in the
9 case of a facility for juveniles.

10 (c) (2) The [Secretary] **SUPERINTENDENT** of Juvenile Services may
11 approve or disapprove a request for approval to construct or locate a facility for
12 juveniles in this State.

13 (d) If another state has an existing facility in this State, the other state may
14 not increase the inmate population of that facility by more than 5% unless the other
15 state first submits a written request for the increase to and receives approval for the
16 increase from:

17 (2) the [Secretary] **SUPERINTENDENT** of Juvenile Services, in the
18 case of a facility for juveniles.

19 **Article – Courts and Judicial Proceedings**

20 3-815.

21 (f) (4) The Secretary of Human Resources, the [Secretary]
22 **SUPERINTENDENT** of Juvenile Services, the Secretary of Health and Mental
23 Hygiene, the State Superintendent of Schools, and the Special Secretary for Children,
24 Youth, and Families, when appropriate, shall jointly adopt regulations to ensure that
25 any child placed in shelter care in accordance with a petition filed under this section is
26 provided appropriate services, including:

- 27 (i) Health care services;
- 28 (ii) Mental health care services;
- 29 (iii) Counseling services;
- 30 (iv) Education services;

- 1 (v) Social work services;
- 2 (vi) Drug and alcohol abuse assessment or treatment services;
- 3 and
- 4 (vii) Visitation with siblings and biological family.

5 3-8A-01.

6 (h) (1) "Community detention" means a program monitored by the
7 [Department] **STATE BOARD** of Juvenile Services in which a delinquent child or a
8 child alleged to be delinquent is placed in the home of a parent, guardian, custodian,
9 or other fit person, or in shelter care, as a condition of probation or as an alternative to
10 detention.

11 3-8A-10.

12 (c) (4) (ii) The State's Attorney shall make a preliminary review as to
13 whether the court has jurisdiction and whether judicial action is in the best interests
14 of the public or the child. The need for restitution may be considered as one factor in
15 the public interest. After the preliminary review the State's Attorney shall, within 30
16 days of the receipt of the complaint by the State's Attorney, unless the court extends
17 the time:

- 18 1. File a petition or a peace order request or both;
- 19 2. Refer the complaint to the [Department] **STATE**
20 **BOARD** of Juvenile Services for informal disposition; or
- 21 3. Dismiss the complaint.

22 (c-1) (4) The [Department] **STATE BOARD** of Juvenile Services and the
23 Department of Health and Mental Hygiene:

24 (i) May not disclose to any person any information received by
25 the [departments] **AGENCIES** relating to a specific mental health and substance abuse
26 screening or assessment conducted under this section that could identify the child who
27 was the subject of the screening or assessment; and

28 (ii) May make public other information unless prohibited by
29 law.

30 (5) The [Secretary] **SUPERINTENDENT** of Juvenile Services and the
31 Secretary of Health and Mental Hygiene jointly shall adopt any regulation necessary
32 to carry out this subsection.

1 (i) (1) If authorization to file a petition for a complaint which alleges a
2 child is in need of supervision or if authorization to file a peace order request is denied,
3 the person or agency that filed the complaint or caused it to be filed, within 15 days of
4 personal notice of the denial to that person or agency or the mailing to the last known
5 address, may submit the denial for review by the [Department] **STATE BOARD** of
6 Juvenile Services Area Director for the area in which the complaint was filed.

7 (2) The [Department] **STATE BOARD** of Juvenile Services Area
8 Director shall review the denial.

9 (3) If, within 15 days, the [Department] **STATE BOARD** of Juvenile
10 Services Area Director concludes that the court has jurisdiction and that judicial
11 action is in the best interests of the public and the child, the [Department] **STATE**
12 **BOARD** of Juvenile Services Area Director may authorize the filing of a petition in
13 writing.

14 (4) The petition shall be filed within 5 days of the decision.

15 3-8A-10.1.

16 (b) The [Secretary] **SUPERINTENDENT** of Juvenile Services shall establish
17 a [Department] **STATE BOARD** of Juvenile Services Child in Need of Supervision
18 Pilot Program in:

19 (1) Baltimore City; and

20 (2) Baltimore County.

21 3-8A-11.

22 (b) The use of the form prescribed by subsection (a) of this section does not
23 preclude the [Department] **STATE BOARD** of Juvenile Services from sending other
24 information, in addition to this form, to explain the intake officer's decision and advise
25 persons of their right to appeal the decision of the intake officer.

26 3-8A-15.

27 (e) (3) (i) If the court has not specifically prohibited community
28 detention, the [Department] **STATE BOARD** of Juvenile Services may release the
29 child from detention into community detention and place the child in:

30 1. Shelter care; or

31 2. The custody of the child's parent, guardian, custodian,
32 or other person able to provide supervision and care for the child and to return the
33 child to court when required.

1 (ii) If a child who has been released by the [Department]
2 **STATE BOARD** of Juvenile Services or the court into community detention violates
3 the conditions of community detention, and it is necessary to protect the child or
4 others, an intake officer may authorize the detention of the child.

5 (iii) The [Department] **STATE BOARD** of Juvenile Services shall
6 promptly notify the court of:

7 1. The release of a child from detention under
8 subparagraph (i) of this paragraph; or

9 2. The return to detention of a child under subparagraph
10 (ii) of this paragraph.

11 (h) (2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be
12 in need of supervision may be placed in shelter care facilities maintained or approved
13 by the Social Services Administration or the [Department] **STATE BOARD** of Juvenile
14 Services or in a private home or shelter care facility approved by the court.

15 (3) The Secretary of Human Resources and the [Secretary]
16 **SUPERINTENDENT** of Juvenile Services together, when appropriate, with the
17 Secretary of Health and Mental Hygiene shall jointly adopt regulations to ensure that
18 any child placed in shelter care pursuant to a petition filed under subsection (d) of this
19 section be provided appropriate services, including:

20 (i) Health care services;

21 (ii) Counseling services;

22 (iii) Education services;

23 (iv) Social work services; and

24 (v) Drug and alcohol abuse assessment or treatment services.

25 (4) In addition to any other provision, the regulations shall require:

26 (i) The [Department] **STATE BOARD** of Juvenile Services to
27 develop a plan within 45 days of placement of a child in a shelter care facility to assess
28 the child's treatment needs; and

29 (ii) The plan to be submitted to all parties to the petition and
30 their counsel.

31 3-8A-17.

1 (a) After a petition or a citation has been filed with the court under this
2 subtitle, the court may direct the [Department] **STATE BOARD** of Juvenile Services or
3 another qualified agency to make a study concerning the child, the child's family, the
4 child's environment, and other matters relevant to the disposition of the case.

5 3-8A-17.1.

6 (b) Any motion questioning the child's competency to proceed, and any
7 subsequent legal pleading relating to the child's competency to proceed, shall be
8 served on the child's counsel, the State's Attorney, the [Department] **STATE BOARD**
9 of Juvenile Services, and the Department of Health and Mental Hygiene.

10 3-8A-17.3.

11 (c) (1) All reports required under this section shall be filed with the court
12 and served on the child's counsel, the State's Attorney, and the [Department] **STATE**
13 **BOARD** of Juvenile Services within 45 days after the court orders the examination.

14 3-8A-17.8.

15 (c) (2) Case management and supervision of the child shall be transferred
16 to the [Department] **STATE BOARD** of Juvenile Services to continue proceedings
17 under this subtitle.

18 3-8A-17.12.

19 The secretaries of Health and Mental [Hygiene,] **HYGIENE AND** Human
20 Resources, [and] **THE SUPERINTENDENT OF** Juvenile Services, and the State
21 Superintendent of Schools shall jointly adopt regulations to carry out the provisions of
22 this subtitle relating to competency.

23 3-8A-19.

24 (d) (1) In making a disposition on a petition under this subtitle, the court
25 may:

26 (ii) Subject to the provisions of paragraph (2) of this subsection,
27 commit the child to the custody or under the guardianship of the [Department] **STATE**
28 **BOARD** of Juvenile Services, the Department of Health and Mental Hygiene, or a
29 public or licensed private agency on terms that the court considers appropriate to meet
30 the priorities set forth in § 3-8A-02 of this subtitle, including designation of the type
31 of facility where the child is to be accommodated, until custody or guardianship is
32 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;

1 (3) A child committed under paragraph (1)(ii) of this subsection may
2 not be accommodated in a facility that has reached budgeted capacity if a bed is
3 available in another comparable facility in the State, unless the placement to the
4 facility that has reached budgeted capacity has been recommended by the
5 [Department] **STATE BOARD** of Juvenile Services.

6 (5) (i) If the court finds that a child is in need of supervision and
7 commits the child to the custody or under the guardianship of the [Department]
8 **STATE BOARD** of Juvenile Services, the court may notify the county superintendent,
9 the supervisor of pupil personnel, or any other official designated by the county
10 superintendent of the fact that the child has been found to be in need of supervision
11 and has been committed to the custody or under the guardianship of the [Department]
12 **STATE BOARD** of Juvenile Services.

13 3–8A–20.1.

14 (a) (1) In this section, “treatment service plan” means a plan
15 recommended at a disposition hearing under § 3–8A–19 of this subtitle or at a
16 disposition review hearing under this section by the [Department] **STATE BOARD** of
17 Juvenile Services to the court proposing specific assistance, guidance, treatment, or
18 rehabilitation of a child.

19 (b) (1) In making a disposition on a petition under § 3–8A–19 of this
20 subtitle, if the court adopts a treatment service plan, the [Department] **STATE**
21 **BOARD** of Juvenile Services shall ensure that implementation of the treatment
22 service plan occurs within 25 days after the date of disposition.

23 (2) If a treatment service plan requires specified supervision,
24 mentoring, mediation, monitoring, or placement, implementation of the treatment
25 service plan is considered to have occurred when the supervision, mentoring,
26 mediation, monitoring, or placement occurs.

27 (3) The [Department] **STATE BOARD** of Juvenile Services shall
28 certify in writing to the court within 25 days after the date of disposition whether
29 implementation of the treatment service plan has occurred.

30 (c) (1) If a treatment service plan is not implemented by the
31 [Department] **STATE BOARD** of Juvenile Services within 25 days under subsection
32 (b)(3) of this section, the court shall schedule, within 7 days after receipt of the
33 certification, a disposition review hearing to be held within 30 days after receipt of the
34 certification.

35 (2) The court shall give at least 7 days’ notice of the date and time of
36 the disposition review hearing to each party and to the [Department] **STATE BOARD**
37 of Juvenile Services.

1 (d) (1) The court shall hold a disposition review hearing unless the
2 [Department] **STATE BOARD** of Juvenile Services certifies in writing to the court
3 prior to the hearing that implementation of the treatment service plan has occurred.

4 Article – Criminal Procedure

5 10–201.

6 (f) (3) Except as provided in §§ 10–215(a)(21) and (22), 10–216(d), and
7 10–220 of this subtitle, “criminal justice unit” does not include:

8 (i) the [Department] **STATE BOARD** of Juvenile Services; or

9 (ii) a juvenile court.

10 10–208.

11 (a) The Advisory Board consists of the following 25 members:

12 (14) one representative of the [Department] **STATE BOARD** of Juvenile
13 Services recommended by the [Secretary] **SUPERINTENDENT** of Juvenile Services;

14 10–220.

15 (c) For juveniles arrested and brought to the Baltimore City Juvenile Justice
16 Center for intake processing, identification, and assessment, the [Department] **STATE**
17 **BOARD** of Juvenile Services may:

18 (1) submit fingerprints to the Criminal Justice Information System
19 Central Repository; and

20 (2) obtain juvenile data described under § 9–229 of the Human
21 Services Article.

22 11–113.

23 (c) The following shall notify a victim of prohibited exposure or the victim’s
24 representative of the provisions of Part II of this subtitle:

25 (3) on the filing of a charging document or delinquency petition for the
26 alleged prohibited exposure:

27 (ix) the [Department] **STATE BOARD** of Juvenile Services; or

28 11–402.

1 (a) A presentence investigation that the Division of Parole and Probation
2 completes under § 6–112 of the Correctional Services Article or a predisposition
3 investigation that the [Department] **STATE BOARD** of Juvenile Services completes
4 shall include a victim impact statement if:

5 (1) the defendant or child respondent caused physical, psychological,
6 or economic injury to the victim in committing a felony or delinquent act that would be
7 a felony if committed by an adult; or

8 (2) the defendant caused serious physical injury or death to the victim
9 in committing a misdemeanor.

10 11–507.

11 The Department or the [Department] **STATE BOARD** of Juvenile Services shall
12 notify the victim or victim’s representative of an alleged violation of a condition of
13 probation whenever:

14 (1) a warrant, subpoena, or writ of attachment is issued for the alleged
15 violation for a person who was convicted of a violent crime or who was adjudged to
16 have committed a delinquent act that would be a violent crime if committed by an
17 adult; and

18 (2) a victim of the crime or delinquent act or a victim’s representative
19 has submitted a written request to the Department for notification or has submitted a
20 notification request form under § 11–104 of this title.

21 11–607.

22 (a) (2) Subject to federal law, the Department or the [Department]
23 **STATE BOARD** of Juvenile Services shall obtain the Social Security number of the
24 restitution obligor to facilitate the collection of restitution.

25 (b) (1) The restitution obligor shall make restitution to the Division or the
26 [Department] **STATE BOARD** of Juvenile Services under the terms and conditions of
27 the judgment of restitution.

28 (2) The Division or the [Department] **STATE BOARD** of Juvenile
29 Services:

30 (i) shall keep records of payments or return of property in
31 satisfaction of the judgment of restitution;

32 (ii) shall forward property or payments in accordance with the
33 judgment of restitution and Part I of this subtitle to the person or governmental unit
34 specified in the judgment of restitution; and

1 (iii) may require the restitution obligor to pay additional fees not
2 exceeding 2% of the amount of the judgment of restitution to pay for the
3 administrative costs of collecting payments or property.

4 (c) (1) Whenever an obligor's restitution payment, as ordered by the court
5 or established by the Division, is overdue, the Division or the [Department] **STATE**
6 **BOARD** of Juvenile Services shall:

7 (i) notify the court; and

8 (ii) if an earnings withholding order is not in effect and the
9 restitution obligor is employed, request an earnings withholding order.

10 11-616.

11 (a) The Division or the [Department] **STATE BOARD** of Juvenile Services:

12 (1) in addition to other actions authorized under Part I of this subtitle,
13 may refer an overdue restitution account for collection to the Central Collection Unit;
14 and

15 (2) if probation or other supervision is terminated and restitution is
16 still owed, shall refer the overdue restitution account for collection to the Central
17 Collection Unit.

18 (c) (1) The Central Collection Unit may not compromise and settle a
19 judgment of restitution unless:

20 (i) the Division or the [Department] **STATE BOARD** of Juvenile
21 Services obtains the consent of the victim; or

22 (ii) the court orders otherwise because a victim cannot be
23 located.

24 (2) The Division or the [Department] **STATE BOARD** of Juvenile
25 Services shall contact the victim to determine whether the victim consents to
26 compromise and settle a judgment of restitution.

27 (d) If complete restitution and interest have been paid or a judgment of
28 restitution has been compromised and settled as provided in subsection (c) of this
29 section, the Division, the [Department] **STATE BOARD** of Juvenile Services, or the
30 Central Collection Unit immediately shall notify:

31 (1) the court that issued the judgment by filing the statement as
32 provided under § 11-608(c) of this subtitle that the judgment has been satisfied; and

1 (2) the last known employer of a restitution obligor to terminate an
2 earnings withholding order issued under § 11–617 of this subtitle.

3 (e) (1) Restitution is overdue if the restitution or a restitution payment is
4 not paid:

5 (i) by the date that the court orders; or

6 (ii) if no date is ordered, by the later of:

7 1. the date the Division or the **[Department] STATE**
8 **BOARD** of Juvenile Services directs the restitution obligor to pay restitution or make a
9 restitution payment; or

10 2. 30 days after the court enters a judgment of
11 restitution.

12 11–617.

13 (c) (3) A restitution obligor immediately shall notify the court, the
14 Central Collection Unit, and the Division or **[Department] STATE BOARD** of Juvenile
15 Services of:

16 (i) any objection to an earnings withholding order;

17 (ii) the current home address of the restitution obligor;

18 (iii) the name of the employer;

19 (iv) the work address of the restitution obligor; and

20 (v) any change of employer, home address, or work address of
21 the restitution obligor.

22 (4) An employer who is served with an earnings withholding order
23 under this section immediately shall notify the court, the Central Collection Unit, and
24 the Division or **[Department] STATE BOARD** of Juvenile Services of:

25 (i) any justification for the employer’s inability to comply with
26 the earnings withholding order;

27 (ii) the home address of the restitution obligor on the
28 termination of employment;

29 (iii) information regarding the new place of employment of the
30 restitution obligor; or

1 (iv) the employer's reemployment of the restitution obligor.

2 (5) Unless the information has been provided to the court, the
3 Division, [Department] **STATE BOARD** of Juvenile Services, or the Central Collection
4 Unit shall notify the court of a current or subsequent home address of the restitution
5 obligor and the employer and work address of the restitution obligor.

6 (d) (2) Each amount withheld in an earnings withholding order under this
7 section is payable to the Division, [Department] **STATE BOARD** of Juvenile Services,
8 or Central Collection Unit.

9 11-701.

10 (m) "Supervising authority" means:

11 (13) the [Secretary] **SUPERINTENDENT** of Juvenile Services, if the
12 registrant was a minor at the time the act was committed for which registration is
13 required.

14 11-704.

15 (c) (1) A person described under § 11-701(c)(5)(i) of this subtitle, or a
16 person described under § 11-701(j)(3)(i) of this subtitle, shall register with the person's
17 supervising authority if:

18 (ii) the State's Attorney or the [Department] **STATE BOARD** of
19 Juvenile Services requests that the person be required to register;

20 (2) If the person has committed a delinquent act that would cause the
21 court to make a determination regarding registration under paragraph (1) of this
22 subsection:

23 (ii) the [Department] **STATE BOARD** of Juvenile Services shall:

24 1. provide the court with any information necessary to
25 make the determination; and

26 2. conduct any follow-up the court requires.

27 11-912.

28 (a) The Board consists of the following 22 members:

29 (1) as ex officio members:

1 (v) the [Secretary] **SUPERINTENDENT** of Juvenile Services or
2 the [Secretary's] **SUPERINTENDENT'S** designee;

3 11-1003.

4 (c) The [Department] **STATE BOARD** of Juvenile Services shall make the
5 guidelines in subsection (b) of this section available to the units involved with carrying
6 out the guidelines.

7 **Article - Education**

8 2-303.

9 (h) (1) If the program is based on and complies with the standards
10 established by the bylaws, rules, and regulations of the State Board, the State
11 Superintendent shall approve any program of instruction offered by a State institution
12 under the supervision of:

13 (i) The [Department] **STATE BOARD** of Juvenile Services;

14 3-109.

15 (e) There is a School Shared Space Council in Baltimore County consisting of
16 12 employees of the county appointed by the County Executive for a term coterminous
17 with that of the board as follows:

18 (8) One from the [Department] **STATE BOARD** of Juvenile Services;

19 3-6A-05.

20 (a) (2) The School Shared Space Council consists of eleven employees of
21 the county appointed by the County Executive for a term coterminous with that of the
22 County Executive as follows:

23 (viii) One from the [Department] **STATE BOARD** of Juvenile
24 Services;

25 6-302.

26 (a) An individual who is employed as a teacher, librarian, principal, director
27 of education, or supervisor of vocational education on the staffs of the following
28 institutions or in the following programs, or an individual who is employed as a
29 central office director, superintendent, specialist, or coordinator of education for the
30 following institutions or programs, shall be paid the annual salary determined under
31 subsection (b) of this section:

1 (1) Any institution that is under the jurisdiction of:

2 (i) The [Department] **STATE BOARD** of Juvenile Services; or

3 6–303.

4 (b) (1) The Advisory Committee shall consist of:

5 (i) Five employee educators whose positions are included in the
6 Institutional Educator Pay Plan established under § 6–302 of this subtitle from each of
7 the following units:

8 3. The [Department] **STATE BOARD** of Juvenile
9 Services;

10 7–302.

11 (b) On receipt of a report from a principal or head teacher of a public school
12 that a student has been habitually truant without lawful excuse, the appropriate
13 representative of the school system:

14 (3) Following the investigation or intervention:

15 (i) May notify the [Department] **STATE BOARD** of Juvenile
16 Services that the student has been habitually truant, without lawful excuse;

17 (ii) Shall notify the appropriate local department that the
18 student has been habitually truant, without lawful excuse, if a court has given the
19 notice authorized by § 3–819(b–1) of the Courts Article; and

20 (iii) Shall notify the [Department] **STATE BOARD** of Juvenile
21 Services that the student has been habitually truant, without lawful excuse, if a court
22 has given the notice authorized by § 3–8A–19(d)(5) of the Courts Article.

23 7–305.

24 (h) (1) This subsection does not apply if the student is referred to the
25 [Department] **STATE BOARD** of Juvenile Services.

26 7–309.

27 (a) (1) In this section, “residential child care program” means a program
28 that:

29 (i) Provides care for children 24 hours a day within a
30 structured set of services and activities designed to achieve objectives related to the
31 needs of the children served; and

1 (ii) Is licensed by the Department of Health and Mental
2 Hygiene, the Department of Human Resources, or the [Department] **STATE BOARD**
3 of Juvenile Services.

4 7-4A-03.

5 (a) The Council consists of the following 25 members:

6 (4) The [Secretary] **SUPERINTENDENT** of Juvenile Services or the
7 [Secretary's] **SUPERINTENDENT'S** designee;

8 7-1203.

9 (b) The Advisory Board shall consist of the following individuals:

10 (5) The Secretaries of Health and Mental [Hygiene, Juvenile
11 Services,] **HYGIENE** and Human Resources **AND THE SUPERINTENDENT OF**
12 **JUVENILE SERVICES** or their designees;

13 (c) (2) The Executive Committee consists of the following individuals:

14 (iv) The [Secretary] **SUPERINTENDENT** of Juvenile Services or
15 the [Secretary's] **SUPERINTENDENT'S** designee;

16 8-412.

17 (a) (7) "Public agency" includes the State Department of Education, local
18 education agencies, and other agencies that are responsible for providing education to
19 a child with a disability, including the Department of Health and Mental Hygiene,
20 Mental Hygiene Administration, the Developmental Disabilities Administration, the
21 [Department] **STATE BOARD** of Juvenile Services, and the Maryland School for the
22 Deaf. For the purpose of this section the Maryland School for the Blind shall be
23 considered a public agency.

24 8-417.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Nonpublic general education school" means a nonpublic school
27 approved under COMAR 13A.09.10 pursuant to § 2-206 of this article and operated in
28 conjunction with residential or nonresidential child care programs licensed or
29 approved by the Department, the Department of Health and Mental Hygiene, the
30 Department of Human Resources, or the [Department] **STATE BOARD** of Juvenile
31 Services.

1 (3) “Nonresidential child care program” means a program that:

2 (i) Provides services for children in a nonresidential setting,
3 designed to achieve objectives related to the needs of children at risk of out-of-home
4 placement; and

5 (ii) Is licensed or approved by the Department of Health and
6 Mental Hygiene, the Department of Human Resources, or the [Department] **STATE**
7 **BOARD** of Juvenile Services.

8 (4) “Residential child care program” means a program that:

9 (i) Provides care for children 24 hours a day within a
10 structured set of services and activities designed to achieve objectives related to the
11 needs of the children served; and

12 (ii) Is licensed by the Department of Health and Mental
13 Hygiene, the Department of Human Resources, or the [Department] **STATE BOARD**
14 of Juvenile Services.

15 (b) (1) The Department of Education, as the fiscal agent of the Children’s
16 Cabinet Fund under Title 8, Subtitle 5 of the Human Services Article, shall administer
17 and implement a redesigned rate setting process for nonpublic general education
18 schools, residential child care programs, and nonresidential child care programs.

19 (2) The Department of Human Resources, the [Department] **STATE**
20 **BOARD** of Juvenile Services, the Department of Budget and Management, the
21 Department of Health and Mental Hygiene, and the Governor’s Office for Children
22 shall participate with the Department in the development and implementation of rates
23 in programs licensed or approved by those agencies to the extent required by federal
24 and State law.

25 8–501.

26 (e) “Placement agency” means:

27 (3) The [Department] **STATE BOARD** of Juvenile Services; or

28 18–1803.

29 (b) A grant recipient shall use the grant in an apprenticeship training
30 program that is:

31 (3) A youth apprenticeship program approved by the [Secretary]
32 **SUPERINTENDENT** of Juvenile Services that involves clients of the [Department]
33 **STATE BOARD** of Juvenile Services.

1 18–2101.

2 (b) “Community–based program” means:

3 (2) Any residential child care program licensed by the Department of
4 Human Resources or the [Department] **STATE BOARD** of Juvenile Services; or

5 (d) “Direct service employee” means:

6 (2) (i) An employee of a community–based program who provides
7 direct care and supervision of children who are in the custody of a local department of
8 social services or the [Department] **STATE BOARD** of Juvenile Services; or

9 (ii) A first–line supervisor of employees who provide direct care
10 and supervision of children who are in the custody of a local department of social
11 services or the [Department] **STATE BOARD** of Juvenile Services; or

12 22–301.

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

14 (b) “Council” means the Education Coordinating Council for Juvenile
15 Services Educational Programs.

16 (c) “Director” means the Director of Juvenile Services Educational Programs.

17 (d) “Facility” means a building or buildings and related physical
18 infrastructure at a geographically distinct location at which the [Department] **STATE**
19 **BOARD** of Juvenile Services operates a program.

20 (e) “Program” means a discrete and defined grouping of services provided to
21 youths in the custody of or under the supervision of the [Department] **STATE BOARD**
22 of Juvenile Services to address predetermined needs.

23 (f) “Residential facility” means a facility established under § 9–226 of the
24 Human Services Article.

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

26 (h)] “State Board” means the State Board of Education.

27 [(i)] **(H)** “State Superintendent” means the State Superintendent of
28 Schools.

1 22-303.

2 (a) (1) The Department shall develop and implement juvenile services
3 educational programs at all residential facilities of the [Department] **STATE BOARD**
4 of Juvenile Services by July 1, 2014.

5 22-304.

6 (a) The State Superintendent, in consultation with the [Secretary]
7 **SUPERINTENDENT OF JUVENILE SERVICES**, shall appoint a director.

8 (c) The Director shall:

9 (5) Consult with the [Secretary] **SUPERINTENDENT OF JUVENILE**
10 **SERVICES** and senior administrator of each residential facility about the operation of
11 educational services for the program.

12 22-305.

13 (b) (3) The following officials shall serve as ex officio members of the
14 Council:

15 (iii) The [Secretary] **SUPERINTENDENT** of Juvenile Services;

16 22-306.

17 (d) (1) (i) The Council shall actively advocate and promote the
18 interests of educational programs and opportunities in programs of the [Department]
19 **STATE BOARD** of Juvenile Services.

20 (2) On a regular basis, the Council shall review the effectiveness of the
21 program of educational instruction used in the residential facilities to ensure that the
22 unique educational needs of the children under the jurisdiction of the [Department]
23 **STATE BOARD** of Juvenile Services are being satisfactorily met.

24 22-308.

25 (c) The [Department] **STATE BOARD** of Juvenile Services shall work
26 cooperatively with the Department to:

27 (1) Facilitate the full implementation of the educational program at
28 the Charles H. Hickey, Jr. School; and

29 (2) Make students available for attendance during scheduled class
30 time.

1 22-309.

2 The [Department] **STATE BOARD** of Juvenile Services shall work cooperatively
3 with the Department to facilitate the implementation of this subtitle.

4 **Article – Family Law**

5 5-503.

6 (a) This section does not limit the powers of the Administration under this
7 subtitle or the [Department] **STATE BOARD** of Juvenile Services under Title 9 of the
8 Human Services Article.

9 5-508.

10 (b) This section does not apply:

11 (5) to an individual with whom the child is placed in foster care by:

12 (iii) the [Department] **STATE BOARD** of Juvenile Services;

13 5-509.

14 (b) This section does not apply:

15 (3) to an institution that accepts only children placed by the
16 Department of Health and Mental Hygiene or the [Department] **STATE BOARD** of
17 Juvenile Services.

18 5-509.1.

19 (b) This section does not apply:

20 (3) to an institution that accepts only children placed by the
21 Department of Health and Mental Hygiene or the [Department] **STATE BOARD** of
22 Juvenile Services.

23 5-527.

24 (c) The Department shall pay for foster care for a child who needs the most
25 demanding special care in a single family home at a monthly rate that is not less than
26 the higher of:

27 (1) the rate that the Department paid in fiscal year 1975; and

1 (2) the rate that the [Department] **STATE BOARD** of Juvenile
2 Services pays for the current fiscal year.

3 5-560.

4 (d) (3) "Employee" does not include any person employed to work for
5 compensation by the [Department] **STATE BOARD** of Juvenile Services.

6 5-7A-02.

7 (a) The Council consists of up to 23 members including:

8 (6) a representative of the [Department] **STATE BOARD** of Juvenile
9 Services, designated by the [Secretary] **SUPERINTENDENT**;

10 9-403.

11 (c) (2) The advisory council shall consist of the following members:

12 (i) 1 person from the [Department] **STATE BOARD** of Juvenile
13 Services, to be designated by the [Secretary] **SUPERINTENDENT** of Juvenile Services;

14 **Article – Health – General**

15 2-104.

16 (b) (2) (i) The Secretary shall adopt regulations, in consultation and
17 cooperation with local governing bodies, to govern the siting of community residences
18 for special populations funded by the Department, the Department of Housing and
19 Community Development, the Department of Human Resources, and the
20 [Department] **STATE BOARD** of Juvenile Services.

21 5-703.

22 (a) The State Team shall be a multidisciplinary and multiagency review
23 team, composed of at least 25 members, including:

24 (6) The [Secretary] **SUPERINTENDENT** of Juvenile Services;

25 8-1001.

26 (c) Except as provided in subsection (b) of this section, a local drug and
27 alcohol abuse council shall consist of the following individuals:

28 (3) The Regional Director of the [Department] **STATE BOARD** of
29 Juvenile Services, or the Director's designee;

1 10-309.

2 (a) (1) The mental health advisory committee of each county shall consist
3 of:

4 (ii) As voting members, appointed by the governing body of the
5 county and representative of the county's major socio-economic and ethnic groups:

6 1. At least 5, but not more than 7, representatives
7 selected from among the following groups or agencies:

8 K. The [Department] **STATE BOARD** of Juvenile
9 Services;

10 10-514.

11 (d) (2) "Private group home" does not include:

12 (ii) Any facility that is regulated by the [Department] **STATE**
13 **BOARD** of Juvenile Services;

14 10-923.

15 (a) Application for placement of a child or adolescent in a private therapeutic
16 group home may be made under this section by:

17 (6) On behalf of a child or adolescent, the [Department] **STATE**
18 **BOARD** of Juvenile Services when the Department has custody or guardianship of the
19 child or adolescent under § 3-819 of the Courts Article; or

20 15-139.

21 (e) (1) Nothing in this section is intended to result in the reduction of
22 federal funds available to the Department of Human Resources or the [Department]
23 **STATE BOARD** of Juvenile Services under Title IV-E of the Social Security Act for the
24 room and board costs of eligible residential care.

25 (2) If, as a result of actions taken under this section, the federal
26 matching funds available to the Department of Human Resources and the
27 [Department] **STATE BOARD** of Juvenile Services under Title IV-E of the Social
28 Security Act are reduced because the percentage of residential care costs allocated to
29 Title IV-E is reduced, the Governor shall adjust the amount of funds provided under
30 subsection (c) of this section to prevent any resulting loss to the Department of Human
31 Resources and the [Department] **STATE BOARD** of Juvenile Services.

1 (h) (3) (i) While it is effective, a general license to practice dental
2 hygiene issued under this title authorizes the licensee to practice dental hygiene under
3 general supervision in:

4 4. A facility owned and operated by the [Department]
5 **STATE BOARD** of Juvenile Services;
6 20–101.

7 (b) (1) “Agency” means:

8 (iv) The [Department] **STATE BOARD** of Juvenile Services; and

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

10 (i) Licensed by:

11 3. The [Department] **STATE BOARD** of Juvenile
12 Services; and
13 20–202.

14 (a) (2) Of the 12 Board members:

15 (i) Six members shall be appointed as follows:

16 2. One by the [Secretary] **SUPERINTENDENT** of
17 Juvenile Services for the agency;

18 **Article – Human Services**

19 1–212.

20 (b) (2) If the person in interest is not reasonably available to give written
21 consent, the following persons, not listed in order of priority, may consent in writing to
22 the release of information or records regarding a minor:

23 (iii) the Department of Health and Mental Hygiene, the
24 [Department] **STATE BOARD** of Juvenile Services, or a local department of social
25 services, that has the care and custody of a minor.

26 4–205.

1 (c) The Administration shall supervise all public and private institutions
2 that have care, custody, or control of abused, abandoned, dependent, or neglected
3 children, except:

4 (1) institutions under the authority of the [Department] **STATE**
5 **BOARD** of Juvenile Services; and

6 (2) agencies, persons, or institutions designated by the [Department]
7 **STATE BOARD** of Juvenile Services under § 9–217 of this article.

8 8–101.

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

10 (i) licensed by:

11 3. the [Department] **STATE BOARD** of Juvenile
12 Services; and

13 8–302.

14 A local management board may be composed of:

15 (2) a senior representative or department head of the:

16 (ii) local office of the [Department] **STATE BOARD** of Juvenile
17 Services;

18 8–402.

19 The Council consists of the following members:

20 (4) the [Secretary] **SUPERINTENDENT** of Juvenile Services, or the
21 [Secretary’s] **SUPERINTENDENT’S** designee;

22 8–406.

23 (a) Each local coordinating council shall include:

24 (1) at least one representative from:

25 (i) the [Department] **STATE BOARD** of Juvenile Services;

26 8–701.

27 (b) “Agency” means:

1 (3) the [Department] **STATE BOARD** of Juvenile Services.

2 8–703.1.

3 (a) (2) “Licensing agency” means:

4 (ii) the [Department] **STATE BOARD** of Juvenile Services.

5 8–709.

6 In this part, “licensing agency”:

7 (2) includes the Department of Health and Mental Hygiene, the
8 Department of Human Resources, and the [Department] **STATE BOARD** of Juvenile
9 Services.

10 8–801.

11 In this subtitle, “licensing agency”:

12 (2) includes the Department of Health and Mental Hygiene, the
13 Department of Human Resources, and the [Department] **STATE BOARD** of Juvenile
14 Services.

15 8–1001.

16 (b) (2) “Cooperating department” includes:

17 (i) the [Department] **STATE BOARD** of Juvenile Services; and

18 8–1002.

19 Except for provisions relating to direct care staff under § 8–1003 of this subtitle,
20 this subtitle does not apply to:

21 (2) a detention center or shelter care facility operated by or under
22 contract with the [Department] **STATE BOARD** of Juvenile Services.

23 9–101.

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

25 (b) “[Department] **BOARD**” means the [Department] **STATE BOARD** of
26 Juvenile Services.

1 (c) ["Secretary" means the Secretary of Juvenile Services.

2 (d) "State Advisory Board" means the State Advisory Board for Juvenile
3 Services.

4 (D) "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF JUVENILE
5 SERVICES.

6 Subtitle 2. [Department] STATE BOARD of Juvenile Services.

7 Part I. Organization and Administration of [Department] BOARD.

8 9–201.

9 There is a [Department] STATE BOARD of Juvenile Services [established as a
10 principal department of State government].

11 9–202.

12 (a) [(1) With] THE BOARD CONSISTS OF SEVEN MEMBERS, APPOINTED
13 BY THE GOVERNOR WITH the advice and consent of the Senate[, the Governor shall
14 appoint the Secretary of Juvenile Services.

15 (2) The Secretary is the head of the Department].

16 [(b) Before taking office, the appointee shall take the oath required by Article
17 I, § 9 of the Maryland Constitution.

18 (c) (1) The Secretary serves at the pleasure of the Governor and is
19 responsible directly to the Governor.

20 (2) The Secretary shall advise the Governor on all matters assigned to
21 the Department and is responsible for carrying out the Governor's policies on those
22 matters.

23 (d) The Secretary is entitled to the compensation provided in the State
24 budget.

25 (e) The Secretary shall have a seal.]

26 (B) (1) EACH MEMBER SERVES FOR A TERM OF 5 YEARS AND UNTIL A
27 SUCCESSOR IS APPOINTED AND QUALIFIES.

28 (2) THE TERMS ARE STAGGERED AS REQUIRED BY THE TERMS OF
29 THE MEMBERS SERVING ON THE BOARD AS OF OCTOBER 1, 2010.

1 **(3) THE GOVERNOR SHALL APPOINT A NEW MEMBER TO FILL ANY**
2 **VACANCY ON THE BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL A**
3 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

4 **(4) A MEMBER IS ELIGIBLE FOR REAPPOINTMENT BUT MAY NOT**
5 **SERVE FOR MORE THAN TWO FULL 5-YEAR TERMS.**

6 **(C) THE GOVERNOR MAY REMOVE A MEMBER OF THE BOARD FOR:**

7 **(1) IMMORALITY;**

8 **(2) MISCONDUCT IN OFFICE;**

9 **(3) INCOMPETENCY; OR**

10 **(4) WILLFUL NEGLECT OF DUTY.**

11 **(D) A MEMBER OF THE BOARD SERVES WITHOUT COMPENSATION BUT**
12 **IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH THE**
13 **STANDARD STATE TRAVEL REGULATIONS.**

14 **(E) (1) THE BOARD SHALL APPOINT A SUPERINTENDENT OF**
15 **JUVENILE SERVICES.**

16 **(2) THE SUPERINTENDENT SERVES FOR A TERM OF 5 YEARS.**

17 **(3) THE SUPERINTENDENT MAY SERVE AN UNLIMITED NUMBER**
18 **OF TERMS AS SUPERINTENDENT.**

19 **(4) THE SUPERINTENDENT IS ENTITLED TO THE COMPENSATION**
20 **PROVIDED IN THE STATE BUDGET.**

21 9-203.

22 (a) The [Secretary] **SUPERINTENDENT** is responsible for the operation of
23 the [Department] **BOARD** and shall establish guidelines and procedures to promote
24 the orderly and efficient administration of the [Department] **BOARD**.

25 (b) The [Secretary] **SUPERINTENDENT** may establish, reorganize, or
26 abolish areas of responsibility in the [Department] **BOARD** as necessary to fulfill the
27 duties assigned to the [Secretary] **SUPERINTENDENT**.

1 9–204.

2 (a) The [Secretary] **SUPERINTENDENT** shall carry out and enforce this title,
3 the regulations of the [Department] **BOARD**, and any other provision of law that
4 relates to the [Secretary] **SUPERINTENDENT** or the [Department] **BOARD**.

5 (b) (1) The [Secretary] **SUPERINTENDENT** may adopt regulations to
6 carry out the provisions of law that are within the jurisdiction of the [Secretary]
7 **SUPERINTENDENT**.

8 (2) The [Secretary] **SUPERINTENDENT** shall review and may revise
9 the regulations of:

10 (i) each unit in the [Department] **BOARD** that is authorized by
11 law to adopt regulations; and

12 (ii) the [Department] **BOARD**.

13 (c) The [Secretary] **SUPERINTENDENT** is responsible for the budget of the
14 [Department] **BOARD** and for the budget of each unit in the [Department] **BOARD**.

15 (d) The [Secretary] **SUPERINTENDENT** may create any advisory council
16 that the [Secretary] **SUPERINTENDENT** considers necessary and assign appropriate
17 functions to it.

18 (e) (1) The [Secretary] **SUPERINTENDENT** is responsible for the
19 coordination and direction of all planning that the office of the [Secretary]
20 **SUPERINTENDENT** initiates.

21 (2) The [Secretary] **SUPERINTENDENT** shall keep fully apprised of
22 plans, proposals, and projects of each unit in the Department and, except as expressly
23 provided otherwise, may approve, disapprove, or modify any of them.

24 (f) (1) The [Secretary] **SUPERINTENDENT** shall develop a State
25 Comprehensive Juvenile Services 3–Year Plan.

26 (2) The Plan shall:

27 (i) include an inventory of all in–day treatment programs and
28 residential care programs and an accounting of the residence of all clients;

29 (ii) include an inventory of nonresidential treatment programs;

30 (iii) specify the needs of the various areas of services for clients,
31 including alcohol and drug abuse rehabilitation services;

1 (iv) specify the needs of clients, including predelinquent
2 diversion services programs;

3 (v) establish priorities for the different services needed;

4 (vi) set standards for the quality of residential services and
5 outreach services;

6 (vii) include a program dedicated to reducing recidivism rates of
7 clients;

8 (viii) include programs dedicated to diverting children from the
9 juvenile justice system; and

10 (ix) include any other matters that the [Secretary]
11 **SUPERINTENDENT** considers appropriate.

12 (3) The Plan shall be revised for each fiscal year and submitted,
13 subject to § 2-1246 of the State Government Article, to the General Assembly by
14 February 1 of each year.

15 (g) (1) The [Secretary] **SUPERINTENDENT** is responsible for the
16 development, implementation, and maintenance of a comprehensive client information
17 system, including an individual current record on each child, that is integrated in and
18 accessible to the various units of the [Department] **BOARD**.

19 (2) The [Secretary] **SUPERINTENDENT** shall undertake efforts to link
20 the system to the Department of Health and Mental Hygiene and the Department of
21 Human Resources for the purpose of allowing the exchange of information on clients
22 served by each department.

23 (3) Each employee using the information shall protect the
24 confidentiality of client records.

25 (h) (1) Except as otherwise expressly provided by law, the [Secretary]
26 **SUPERINTENDENT** may transfer, by regulation or written directive, any function,
27 staff, or funds from any unit in the [Department] **BOARD** to the office of the
28 [Secretary] **SUPERINTENDENT** or another unit in the [Department] **BOARD**.

29 (2) Any staff transferred to the office of the [Secretary]
30 **SUPERINTENDENT** shall be provided space, equipment, and services by the unit from
31 which the staff was transferred, unless the [Secretary] **SUPERINTENDENT** orders
32 removal to another location for the proper and efficient functioning of that office.

1 Each unit in the [Department] **BOARD** shall report to the [Secretary]
2 **SUPERINTENDENT** as provided in the regulations or written directives that the
3 [Secretary] **SUPERINTENDENT** adopts.

4 9–206.

5 (a) With the approval of the Governor, the [Secretary] **SUPERINTENDENT**
6 may appoint two deputy [secretaries] **SUPERINTENDENTS** as necessary.

7 (b) The deputy [secretaries] **SUPERINTENDENTS**:

8 (1) serve at the pleasure of the [Secretary] **SUPERINTENDENT**; and

9 (2) are entitled to the compensation provided in the State budget.

10 (c) The deputy [secretaries] **SUPERINTENDENTS** have the duties provided
11 by law or delegated by the [Secretary] **SUPERINTENDENT**.

12 (d) The [Secretary] **SUPERINTENDENT** shall designate a deputy [secretary]
13 **SUPERINTENDENT** to be the Acting [Secretary] **SUPERINTENDENT** when the
14 [Secretary] **SUPERINTENDENT** is absent from the State or otherwise unavailable.

15 9–207.

16 (a) In accordance with the State budget, the [Secretary] **SUPERINTENDENT**
17 may employ a staff and retain consultants.

18 (b) (1) (i) The [Secretary] **SUPERINTENDENT** shall appoint:

19 1. any assistant [secretary] **SUPERINTENDENT**;

20 2. any director of an institution;

21 3. the superintendent of the youth centers; and

22 4. the managing director, deputy director, and director
23 of detention at the Baltimore City Juvenile Justice Center.

24 (ii) An employee of the [Department] **BOARD** specified in
25 subparagraph (i) of this paragraph:

26 1. is in the executive service or management service of
27 the State Personnel Management System; and

1 2. serves at the pleasure of the [Secretary]
2 **SUPERINTENDENT.**

3 (2) Each teacher who does not hold a certificate under Title 6, Subtitle
4 1 of the Education Article, principal, director of education, and supervisor of vocational
5 education who is employed by an institution managed by the [Department] **BOARD** is
6 in the management service of, or is a special appointment in, the State Personnel
7 Management System.

8 (3) Unless otherwise provided by law, the [Secretary]
9 **SUPERINTENDENT** shall appoint and remove all staff in accordance with the State
10 Personnel and Pensions Article.

11 (c) (1) Unless the [Secretary] **SUPERINTENDENT** grants express
12 permission, an employee of the [Department] **BOARD** who is subject to subsection
13 (b)(1) of this section may not engage in other employment while employed by the
14 [Department] **BOARD.**

15 (2) The [Secretary] **SUPERINTENDENT** may not unreasonably
16 withhold express permission to engage in other employment.

17 (3) If the [Secretary] **SUPERINTENDENT** grants permission to engage
18 in other employment, the employee shall disclose to the [Secretary]
19 **SUPERINTENDENT** the source and amount of all income earned from that other
20 employment.

21 (d) (1) The appointment or removal of staff of a unit in the [Department]
22 **BOARD** is subject to the approval of the [Secretary] **SUPERINTENDENT.**

23 (2) The [Secretary] **SUPERINTENDENT** may delegate the power of
24 approval established under paragraph (1) of this subsection to the head of the unit.

25 (e) The [Department] **BOARD** shall:

26 (1) adopt a code of conduct for staff of the [Department] **BOARD**; and

27 (2) require each private agency under contract with the [Department]
28 **BOARD** to adopt a code of conduct for its staff that is in substantial compliance with
29 the code of conduct for staff of the [Department] **BOARD.**

30 9-208.

31 In cooperation with the Secretary of Budget and Management, the [Secretary]
32 **SUPERINTENDENT** shall:

1 (1) set minimum salaries, qualifications, and standards of training
2 and experience for the positions in the [Department] **BOARD**; and

3 (2) for employees who desire training in addition to in-service training
4 and whose service records show merit, provide:

5 (i) educational subsidies, scholarships, and stipends; and

6 (ii) institutes, conferences, and classes.

7 9–209.

8 (a) (1) On or before the first day of employment with the [Department]
9 **BOARD**, the [Department] **BOARD** shall apply to the Criminal Justice Information
10 System Central Repository in the Department of Public Safety and Correctional
11 Services for a federal and State criminal history records check for each employee of the
12 [Department] **BOARD**.

13 (2) The Criminal Justice Information System Central Repository shall
14 provide the requested information in accordance with Title 10, Subtitle 2 of the
15 Criminal Procedure Article.

16 (3) If criminal history record information is reported to the Criminal
17 Justice Information System Central Repository after the date of the criminal history
18 records check, the Criminal Justice Information System Central Repository shall
19 provide to the [Department] **BOARD** and the employee a revised printed statement of
20 the employee's criminal history record information.

21 (b) As part of the application for a criminal history records check, the
22 [Department] **BOARD** shall submit to the Criminal Justice Information System
23 Central Repository:

24 (1) a complete set of the employee's legible fingerprints taken on
25 standard fingerprint cards;

26 (2) the mandatory processing fee required by the Federal Bureau of
27 Investigation for a federal criminal history records check; and

28 (3) the fee authorized under § 10–221(b)(7) of the Criminal Procedure
29 Article for access to Maryland criminal history records.

30 9–210.

31 (a) The Attorney General is the legal adviser to the [Department] **BOARD**.

1 (b) The Attorney General shall assign to the [Department] **BOARD** the
2 number of assistant Attorneys General that are authorized by law for the
3 [Department] **BOARD** and, as provided in the State budget, any additional assistant
4 Attorneys General necessary to give effective legal advice and counsel.

5 (c) (1) The Attorney General shall designate one of the assistant
6 Attorneys General as counsel to the [Department] **BOARD**.

7 (2) The counsel to the [Department] **BOARD** may have no duty other
8 than to give the legal aid, advice, and counsel required by the [Secretary]
9 **SUPERINTENDENT** and any other official of the [Department] **BOARD**, to supervise
10 the other assistant Attorneys General assigned to the [Department] **BOARD**, and to
11 perform for the [Department] **BOARD** the duties that the Attorney General assigns.

12 (3) The counsel shall perform the duties specified in paragraph (2) of
13 this subsection subject to the control and supervision of the Attorney General.

14 (4) After the Attorney General designates the counsel to the
15 [Department] **BOARD**, the Attorney General may not reassign the counsel without
16 consulting the [Secretary] **SUPERINTENDENT**.

17 9-211.

18 There is a State Advisory Board for Juvenile Services in the [Department]
19 **BOARD**.

20 9-212.

21 (a) The State Advisory Board consists of the following 19 members appointed
22 by the Governor:

23 (1) one representative of the [Department] **BOARD**;

24 (2) one representative of the State Department of Education;

25 (3) one representative of the Department of Health and Mental
26 Hygiene;

27 (4) one representative of the Department of State Police;

28 (5) one representative of the Social Services Administration of the
29 Department of Human Resources;

30 (6) one representative of a private child welfare agency;

31 (7) one representative of a youth services bureau;

1 (8) three representatives of the State judiciary;

2 (9) one representative of the General Assembly recommended by the
3 President of the Senate;

4 (10) one representative of the General Assembly recommended by the
5 Speaker of the House; and

6 (11) seven members of the general public.

7 (b) Of the seven members from the general public:

8 (1) three shall be chosen on the basis of their interest in and
9 experience with minors and juvenile problems;

10 (2) three shall:

11 (i) at the time of appointment to a first term, be at least 16
12 years old and under the age of 25 years; and

13 (ii) include at least one individual who has been under the
14 jurisdiction of the [Department] **BOARD**.

15 (c) (1) The term of a member is 3 years.

16 (2) The terms of the members are staggered as required by the terms
17 provided for members of the State Advisory Board on October 1, 2007.

18 (3) At the end of a term, a member continues to serve until a successor
19 is appointed and qualifies.

20 (4) A member who is appointed after a term has begun serves only for
21 the rest of the term and until a successor is appointed and qualifies.

22 (5) A member who serves two consecutive full 3-year terms may not
23 be reappointed for 3 years after completion of those terms.

24 9-214.

25 (a) The State Advisory Board shall meet regularly at least six times a year
26 on the call of its chair.

27 (b) A member of the State Advisory Board:

28 (1) may not receive compensation as a member of the State Advisory
29 Board; but

1 (2) is entitled to reimbursement for expenses under the Standard
2 State Travel Regulations, as provided in the State budget.

3 (c) A member of the State Advisory Board may not have a direct or indirect
4 interest in any contract for building, repairing, equipping, or providing materials or
5 supplies to the [Department] **BOARD** or have any other financial interest in a contract
6 with the [Department] **BOARD**.

7 9–215.

8 In addition to its other duties specified in this title, the State Advisory Board
9 shall:

10 (1) consult with and advise the [Secretary] **SUPERINTENDENT** on:

11 (i) each aspect of the juvenile services program in the State;

12 (ii) the educational programs and services of the [Department]
13 **BOARD**; and

14 (iii) programs designed to divert children from the juvenile
15 justice system;

16 (2) recommend to the [Secretary] **SUPERINTENDENT** policies and
17 programs to improve juvenile services in the State;

18 (3) participate in interpreting for the public the objectives of the
19 [Department] **BOARD**; and

20 (4) participate in planning the development and use of available
21 resources to meet the needs of the [Department] **BOARD**.

22 9–216.

23 (a) The [Department] **BOARD** is the central administrative department for:

24 (1) juvenile intake, detention authorization, community detention,
25 investigation, probation, protective supervision, predelinquent diversion services, and
26 aftercare services; and

27 (2) the State juvenile diagnostic, training, detention, and
28 rehabilitation institutions.

29 (b) The [Department] **BOARD** shall:

1 (1) develop programs for predelinquent children whose behavior tends
2 to lead to contact with law enforcement agencies;

3 (2) promote predelinquent programs, including greater utilization of
4 youth services bureaus under § 9–234 of this subtitle, that provide services to divert
5 children from the juvenile justice system;

6 (3) collaborate with local governments to encourage the use of
7 predelinquent programs provided by youth services bureaus under § 9–234 of this
8 subtitle in response to identified community needs; and

9 (4) provide technical assistance to local governments and youth
10 services bureaus under § 9–234 of this subtitle to identify alternative funding sources
11 for predelinquent programs.

12 9–217.

13 The [Department] **BOARD** may:

14 (1) designate any public or private agency or organization in the State
15 as its agent for the purposes of this title; and

16 (2) spend funds to aid that agent or to buy services from it or, if
17 adequate services are not available in the State, to buy services from an agency or
18 organization outside the State.

19 9–218.

20 (a) (1) The [Secretary] **SUPERINTENDENT** may apply for, receive, and
21 spend federal funds available for use in carrying out the powers and duties of the
22 [Secretary] **SUPERINTENDENT** or the [Department] **BOARD**.

23 (2) The [Department] **BOARD** may:

24 (i) accept, manage, and dispose of federal funds and
25 commodities; and

26 (ii) take advantage of any available federal program or grant or
27 other public or private assistance that accomplishes or furthers the objectives of this
28 title.

29 (b) (1) With the approval of the Secretary of Budget and Management, the
30 [Department] **BOARD** shall accept, on behalf of the State, a conditional or
31 unconditional gift or grant.

1 (2) The [Department] **BOARD** shall pay all funds collected under
2 paragraph (1) of this subsection into a special fund of the State Treasury and use the
3 special fund to carry out the provisions of this title.

4 (c) Except as provided in subsection (b) of this section or otherwise provided
5 by law, the [Secretary] **SUPERINTENDENT** shall pay all money collected by the
6 [Department] **BOARD** under this title into the General Fund of the State.

7 9–220.

8 The [Department] **BOARD** shall have a unit for research and development that
9 shall:

10 (1) compile accurate statistics and reliable information on all aspects
11 of the juvenile program of the State;

12 (2) monitor current developments in the field of juvenile services;

13 (3) assess existing programs and activities, including youth services
14 bureaus;

15 (4) help develop new or improved means, including greater utilization
16 of youth services bureaus under § 9–233 of this subtitle, to prevent juvenile offenses
17 and control and treat juvenile offenders;

18 (5) if necessary, initiate studies to help the [Secretary]
19 **SUPERINTENDENT** in general planning and program development for the
20 [Department] **BOARD**; and

21 (6) for these and related purposes, use research and information
22 available from all sources.

23 9–221.

24 (a) To carry out the objectives of this title, the following State units shall
25 cooperate fully with the [Department] **BOARD**:

26 (1) the State Department of Education;

27 (2) the Department of General Services;

28 (3) the Department of Health and Mental Hygiene;

29 (4) the Department of Human Resources;

30 (5) the Department of Labor, Licensing, and Regulation;

1 (6) the Department of Public Safety and Correctional Services; and

2 (7) each other agency needed to accomplish these objectives.

3 (b) (1) The [Department] **BOARD** shall cooperate with the Juvenile
4 Justice Monitoring Unit of the Office of the Attorney General established under Title
5 6, Subtitle 4 of the State Government Article by:

6 (i) providing the Unit with access to all facilities, reports, and
7 records relating to a child on request;

8 (ii) allowing the juvenile justice monitors to conduct interviews
9 with staff, children, and any other individuals on request; and

10 (iii) submitting corrective action plans and incident reports to
11 the Unit in response to findings and recommendations made by the juvenile justice
12 monitors regarding a facility.

13 (2) (i) The [Department] **BOARD** shall respond to requests for
14 information from a juvenile justice monitor concerning a facility within 30 days after
15 the date of the request.

16 (ii) If the [Department] **BOARD** does not respond to a request
17 for information, the monitor may conduct a reasonable investigation relating to the
18 original request for information.

19 (c) The [Department] **BOARD** shall cooperate with the State Department of
20 Education to establish educational programs as required under Title 22, Subtitle 3 of
21 the Education Article.

22 9-222.

23 (a) Title 3, Subtitle 8A of the Courts Article governs detention, adjudication,
24 disposition, and place and period of commitment of children in need of supervision and
25 delinquent children.

26 (b) The [Department] **BOARD** shall be subject to State finance and
27 procurement laws under the State Finance and Procurement Article.

28 9-223.

29 It is the policy of the State that the [Department] **BOARD** comply with the
30 provisions of §§ 3-802 and 3-8A-02 of the Courts Article.

31 9-226.

1 (a) The [Department] **BOARD** may establish and operate the facilities that
2 are necessary to properly diagnose, care for, train, educate, and rehabilitate children
3 who need these services.

4 (b) The facilities described in subsection (a) of this section include:

5 (1) the Alfred D. Noyes Children's Center;

6 (2) the Baltimore City Juvenile Justice Center;

7 (3) the Charles H. Hickey, Jr. School;

8 (4) the Cheltenham Youth Facility;

9 (5) the J. DeWeese Carter Center;

10 (6) the Lower Eastern Shore Children's Center;

11 (7) the Thomas J. S. Waxter Children's Center;

12 (8) the Victor Cullen Center;

13 (9) the Western Maryland Children's Center; and

14 (10) the youth centers.

15 9–227.

16 (a) Each facility described in § 9–226 of this subtitle shall operate under the
17 control and general management of the [Department] **BOARD**.

18 (b) The [Department] **BOARD** shall:

19 (1) subject to Title 3, Subtitles 8 and 8A of the Courts Article, adopt
20 regulations that set:

21 (i) policies for detention authorization, community detention,
22 admission, transfer, discharge, and aftercare supervision; and

23 (ii) standards of care, including provisions to administer any
24 early, periodic screening diagnosis and treatment program that the [Department]
25 **BOARD** approves for establishment under 42 U.S.C., § 1396d(a)(4)(B) and to treat
26 appropriately any condition that the screening reveals;

27 (2) adopt regulations applicable to residential facilities it operates
28 that:

1 (i) prohibit the use of locked door seclusion and restraints as
2 punishment and describe the circumstances under which locked door seclusion and
3 restraints may be used; and

4 (ii) prohibit abuse of a child; and

5 (3) except as provided in § 22–308 of the Education Article, adopt
6 regulations that require each State residential program to provide:

7 (i) year–round educational programs that are designed to meet
8 the particular needs of its residents;

9 (ii) medical and mental health assessment services;

10 (iii) alcohol abuse and drug abuse assessment services;

11 (iv) either alcohol abuse and drug abuse referral services or an
12 alcohol abuse and drug abuse treatment program that has been certified in accordance
13 with the requirements of Title 8 of the Health – General Article; and

14 (v) a safe, humane, and caring environment.

15 (c) (1) The [Department] **BOARD** shall adopt a policy to govern
16 disciplinary actions and grievances in its facilities.

17 (2) The policy shall:

18 (i) require preparation of a written report of any disciplinary
19 action taken against a child or of any grievance made by or on behalf of a child;

20 (ii) require that each written report be forwarded to and
21 reviewed by the administrative head of the facility; and

22 (iii) require the [Department] **BOARD** to forward in a timely
23 manner all reports of disciplinary actions, grievances, and grievance dispositions from
24 each facility to the Juvenile Justice Monitoring Unit of the Office of the Attorney
25 General established under Title 6, Subtitle 4 of the State Government Article.

26 (d) In each facility, the [Department] **BOARD** shall develop special programs
27 that are designed to meet the particular needs of its residents.

28 (e) Subject to Title 3, Subtitles 8 and 8A of the Courts Article, the
29 [Department] **BOARD** shall order any necessary changes in the policy, conduct, or
30 management of a State residential program to provide adequate care for the children
31 and adequate services to the courts.

1 9–228.

2 Before the [Department] **BOARD** requests a bond issue from the General
3 Assembly to build or renovate a facility, the [Department] **BOARD** shall consult on the
4 proposed construction or renovation plans with the governing body of:

- 5 (1) the county where the facility is to be built or renovated; and
6 (2) each county to be served by the facility.

7 9–229.

8 (a) The [Department] **BOARD** shall operate and manage the Baltimore City
9 Juvenile Justice Center as a centralized regional juvenile intake, assessment, court,
10 and detention facility for Baltimore City.

11 (b) The Baltimore City Juvenile Justice Center shall include:

- 12 (1) the [Department] **BOARD**;
13 (2) the Juvenile Division of the Circuit Court for Baltimore City;
14 (3) an office of the State’s Attorney for Baltimore City;
15 (4) an office of the Baltimore City Department of Social Services;
16 (5) Baltimore City police services; and
17 (6) courthouse security services of the Sheriff of Baltimore City.

18 (c) If a child who is delinquent or is alleged to have committed a delinquent
19 act is taken into custody by a law enforcement officer and brought to the Baltimore
20 City Juvenile Justice Center, the [Department] **BOARD**, in conjunction with
21 Baltimore City police services, shall:

22 (1) for purposes of positive identification, obtain photographs and
23 fingerprints and submit them to:

24 (i) the Criminal Justice Information System Central
25 Repository; and

26 (ii) any other automated juvenile justice information system or
27 repository approved by the [Secretary] **SUPERINTENDENT**;

28 (2) conduct a criminal and juvenile history records check; and

1 (3) conduct an automated search for outstanding warrants and writs
2 of attachment.

3 (d) (1) After the processing of fingerprints, the Criminal Justice
4 Information System Central Repository shall provide to the [Department] **BOARD**, in
5 accordance with State and federal law, information concerning children taken into
6 custody under subsection (c) of this section.

7 (2) Information concerning a child disseminated from the Criminal
8 Justice Information System Central Repository is a police record under § 10–101(h) of
9 the Criminal Procedure Article and may not be redisseminated except in accordance
10 with § 3–8A–27(a) of the Courts Article.

11 (e) Subject to the authority of the [Secretary] **SUPERINTENDENT**:

12 (1) the managing director of the Baltimore City Juvenile Justice
13 Center is its chief administrator; and

14 (2) the director of detention of the Baltimore City Juvenile Justice
15 Center is its administrator of juvenile detention.

16 9–230.

17 (a) With the consent of the State Advisory Board, the [Secretary]
18 **SUPERINTENDENT** may establish an advisory board for one or more facilities.

19 (b) Each board shall consist of individuals that the [Secretary]
20 **SUPERINTENDENT** and the State Advisory Board consider to be helpful in matters
21 that relate to the effective operation and improvement of the facility.

22 (c) A representative of the Juvenile Justice Monitoring Unit of the Office of
23 the Attorney General established under Title 6, Subtitle 4 of the State Government
24 Article shall be available to attend meetings of each advisory board.

25 9–231.

26 (a) The [Department] **BOARD** may place children in group homes and
27 institutions operated by nonprofit or for–profit entities to provide for their care,
28 diagnosis, training, education, and rehabilitation.

29 (b) (1) The [Department] **BOARD** shall reimburse the entities described
30 in subsection (a) of this section for the cost of the services at appropriate monthly rates
31 that the [Department] **BOARD** determines, as provided in the State budget.

1 (2) The [Department] **BOARD** may establish different reimbursement
2 rates for homes and institutions that provide intermediate services and homes and
3 institutions that provide full services.

4 (c) The [Department] **BOARD** may not place a child in a group home or
5 other residential facility that is not operating in compliance with applicable State
6 licensing laws.

7 9–232.

8 The [Department] **BOARD** shall establish a program to help homes for runaway
9 youths.

10 9–233.

11 (a) In this section, “youth services bureau” means a community–based entity
12 that is operated:

13 (1) to provide community–oriented delinquency prevention, youth
14 suicide prevention, drug and alcohol abuse prevention, and youth development;

15 (2) to ameliorate conditions that contribute to delinquency, youth
16 suicide, drug and alcohol abuse, and family disruption; and

17 (3) to function as an advocate of youth needs.

18 (b) (1) The [Department] **BOARD** shall adopt regulations that set
19 eligibility guidelines for State funding of youth services bureaus under this section.

20 (2) The regulations shall require that each youth services bureau that
21 receives State funding:

22 (i) provide, at convenient hours:

23 1. individual, family, or group counseling;

24 2. referral and information services;

25 3. crisis intervention, including intervention relating to
26 youth suicide prevention;

27 4. alcohol and drug abuse assessment and referral
28 services by staff who have received substance abuse assessment and referral training
29 from the Office of Education and Training for Addiction Services (OETAS) in the
30 Department of Health and Mental Hygiene or from any other entity that the
31 [Secretary] **SUPERINTENDENT** determines to be qualified to provide substance abuse
32 assessment and referral training;

1 5. informal counseling; and

2 6. in accordance with the needs of the community and
3 subject to the availability of funds:

4 A. tutoring;

5 B. alternative leisure activities;

6 C. employment assistance;

7 D. community education, including training and
8 information relating to youth suicide prevention;

9 E. aftercare services; and

10 F. other specialized services;

11 (ii) subject to subsection (c)(2) of this section, provide the
12 services described in item (i) of this paragraph free of charge or at a rate that its board
13 of directors establishes, in consultation with the [Department] **BOARD**, that is based
14 on the client's family income; and

15 (iii) dispose of all information and records on each individual
16 receiving services from the youth services bureau 5 years after services to the
17 individual terminate.

18 (c) (1) A youth services bureau may retain any fees charged under
19 subsection (b)(2)(ii) of this section.

20 (2) The fees authorized under subsection (b)(2)(ii) of this section do not
21 apply to youth referred to a youth services bureau by court order.

22 (d) (1) The [Department] **BOARD** shall:

23 (i) monitor the operations of each youth services bureau that
24 receives State funding;

25 (ii) evaluate annually the effectiveness of each youth services
26 bureau; and

27 (iii) discontinue funding a youth services bureau that is
28 ineffective or that, for 2 years, fails to meet the eligibility guidelines for State funding.

1 (2) The [Department] **BOARD** shall review and approve or disapprove
2 an application for State funding of a youth services bureau or proposed youth services
3 bureau.

4 (e) (1) (i) The State and the local government shall jointly fund an
5 eligible youth services bureau.

6 (ii) The State shall provide 75% of the funding for an eligible
7 youth services bureau, as provided in the State budget.

8 (2) At the times that the [Department] **BOARD** specifies, each eligible
9 youth services bureau shall submit a proposed annual budget to the [Department]
10 **BOARD** for review and approval.

11 (3) The proposed budget of the [Department] **BOARD** shall list the
12 eligible youth services bureaus and estimate the amount of State funds to be allocated
13 to each.

14 (4) (i) The local governing body that provides the matching funds
15 for an eligible youth services bureau may choose to have the State funds for the youth
16 services bureau paid directly to its private sponsor or to the local governing body.

17 (ii) Before the State funds are paid, the fiscal officer of the local
18 government shall certify in writing the source of the matching funds provided by the
19 local government.

20 9–234.

21 (a) The General Assembly intends that:

22 (1) all children whose care is the responsibility of the State shall have
23 similar protection for their health, their safety, and the quality of their care; and

24 (2) the regulations of State units that are charged with child care shall
25 be comparable.

26 (b) The [Department] **BOARD** shall adopt regulations to carry out §§ 9–235
27 and 9–236 of this subtitle.

28 (c) A child care home or child care institution may not be required to obtain
29 a license from more than one State unit.

30 (d) A State unit authorized to license child care homes or child care
31 institutions may make a cooperative licensing arrangement with another State unit.

32 9–235.

1 (a) Except as provided in subsection (b) of this section, a person shall be
2 licensed by the [Department] **BOARD** as a child care home before the person may
3 exercise care, custody, or control over a child who is alleged to be or is adjudicated
4 delinquent or in need of supervision.

5 (b) This section does not apply to:

6 (1) a parent of the child;

7 (2) an individual related to the child by blood or marriage within 4
8 degrees of consanguinity under the civil law rule;

9 (3) a guardian of the child;

10 (4) a person who exercises temporary custody or control over the child
11 at the request of a parent or guardian of the child and who is not required otherwise to
12 be licensed;

13 (5) a person who has the care, custody, or control of the child through
14 placement by a parent or grandparent of the child in contemplation of adoption, if the
15 requirements of § 5–507(b)(2) and (c) of the Family Law Article are met;

16 (6) an institution that has a child care institution license under this
17 subtitle or § 5–509 of the Family Law Article;

18 (7) an institution operated by a unit of the State or a political
19 subdivision; or

20 (8) a foster care provider with whom the child is placed by:

21 (i) a licensed child placement agency;

22 (ii) a local department of social services;

23 (iii) the Secretary of Health and Mental Hygiene;

24 (iv) the [Department] **BOARD**; or

25 (v) a court of competent jurisdiction.

26 9–236.

27 (a) Except as otherwise provided in subsection (b) of this section, a person
28 shall be licensed by the [Department] **BOARD** as a child care institution before the
29 person may operate an institution for the care, custody, or control of a child alleged to
30 be or adjudicated delinquent or in need of supervision.

1 (b) This section does not apply to:

2 (1) an institution or facility operated by a unit of the State or a
3 political subdivision; or

4 (2) a child care home that has a license under this subtitle or § 5–508
5 of the Family Law Article.

6 9–237.

7 (a) The [Department] **BOARD** shall adopt regulations that set standards for
8 juvenile detention facilities operated by the [Department] **BOARD** and by private
9 agencies under contract with the [Department] **BOARD**.

10 (b) The standards shall reflect the following central purposes of juvenile
11 detention:

12 (1) to protect the public;

13 (2) to provide a safe, humane, and caring environment for children;
14 and

15 (3) to provide access to required services for children.

16 (c) The standards shall include provisions establishing:

17 (1) a policy that eliminates the unnecessary use of detention and that
18 prioritizes diversion and appropriate nonsecure alternatives;

19 (2) criteria for the placement of a child in a particular juvenile
20 detention facility;

21 (3) population limits for each juvenile detention facility that may not
22 be exceeded except in emergency circumstances;

23 (4) a requirement that staffing ratios and levels of services be
24 maintained during emergencies;

25 (5) specifications for the architectural structure of a juvenile detention
26 facility;

27 (6) staff qualifications and training, including training in recognizing
28 and reporting child abuse and neglect;

29 (7) the ratio of staff to children in a juvenile detention facility;

1 (8) the rights of children in a juvenile detention facility, including the
2 right to privacy, visitors, telephone use, and mail delivery;

3 (9) prohibitions against the use of excessive force against a child; and

4 (10) internal auditing and monitoring of programs and facilities in the
5 juvenile services system.

6 (d) The standards shall be consistent with this title and Title 3, Subtitle 8A
7 of the Courts Article.

8 9–238.1.

9 (a) The [Department] **BOARD** shall serve children in the juvenile services
10 system with programming that:

11 (1) ensures the safety of the community and the children served;

12 (2) holds delinquent children accountable to victims and communities;

13 (3) assists children to develop competencies to become successful
14 members of society;

15 (4) delivers services on a regional basis through at least four
16 operational regions;

17 (5) ensures that a committed facility owned by the [Department]
18 **BOARD** serves no more than 48 children at one time; and

19 (6) uses detention and committed facilities that are operationally
20 separate from each other and that do not share common program space, including
21 dining halls and educational or recreational facilities.

22 (b) A region shall:

23 (1) include at least one secure facility used solely for children pending
24 court disposition and children awaiting placement after disposition;

25 (2) except for specialized services as provided in subsection (c) of this
26 section, include a number of committed facilities estimated to be necessary to
27 diagnose, care for, train, educate, and properly rehabilitate every child from the region
28 in the custody of the [Department] **BOARD**; and

29 (3) include a nonpublic facility only if the [Department] **BOARD**
30 determines that the facility:

1 (i) has provided or will efficiently and effectively provide
2 adequate care for the children placed in the facility; and

3 (ii) has demonstrated or will demonstrate a record of success
4 based on standards promulgated by the [Department] **BOARD**.

5 (c) The [Department] **BOARD** may place a child into a committed facility
6 outside the child's region if a determination is made by the [Department] **BOARD** that
7 specialized services for the child require the placement in the best interests of the
8 child.

9 9-239.

10 By regulation, the [Department] **BOARD** shall set standards for nonsecure
11 alternatives for the placement of a child committed under § 3-8A-19 of the Courts
12 Article.

13 9-240.

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) "Step-down aftercare" means:

16 (i) a network of programs that provide education and
17 rehabilitation; and

18 (ii) services and treatment to ease the transition of children
19 from the custody of the [Department] **BOARD** to their homes and communities.

20 (3) "Step-down aftercare plan" means an individualized plan for each
21 child in step-down aftercare that proposes specific assistance, guidance, treatment,
22 services, and supervision that:

23 (i) prepares the child for reentry into the specific community to
24 which the child will return;

25 (ii) ensures the delivery of prescribed services to the child in the
26 community; and

27 (iii) monitors conduct in the community to ensure public safety.

28 (b) (1) A child discharged from a committed residential placement shall
29 receive step-down aftercare for the period that the [Department] **BOARD** determines.

30 (2) A child in step-down aftercare shall receive:

- 1 (i) a step-down aftercare plan;
- 2 (ii) supervision by step-down aftercare staff in accordance with
3 the step-down aftercare plan;
- 4 (iii) educational services; and
- 5 (iv) any other services necessary to implement the step-down
6 aftercare plan.

7 (c) The step-down aftercare staff shall:

- 8 (1) prepare a step-down aftercare plan for each child assigned to the
9 step-down aftercare program and file the plan with the [Department] **BOARD**;
- 10 (2) keep regular records concerning the progress of each child;
- 11 (3) file with the [Department] **BOARD** a monthly progress report on
12 each child; and
- 13 (4) file with the [Department] **BOARD** an annual report on the
14 outcome of step-down aftercare plans for the children in the step-down aftercare
15 program, that includes to the extent possible:
 - 16 (i) information on the number of children who:
 - 17 1. are rearrested;
 - 18 2. are rearrested and charged with serious or violent
19 offenses;
 - 20 3. are rearrested and waived to the adult system;
 - 21 4. are re-referred to the [Department] **BOARD**;
 - 22 5. are readjudicated and recommitted;
 - 23 6. graduate from high school or successfully complete a
24 high school equivalency examination; and
 - 25 7. are employed; and
 - 26 (ii) other relevant information.

27 9-240.1.

1 (a) (1) The [Secretary] **SUPERINTENDENT** shall establish a Program to
2 attempt to provide a volunteer mentor for each child in the State who has spent at
3 least 30 days in a committed placement.

4 (2) The Program shall be called “Maryland Rising”.

5 (b) The purpose of the Program is to provide individualized attention to a
6 child:

7 (1) to decrease the child’s delinquent or violent behavior in the
8 community; and

9 (2) to increase the child’s potential for becoming a productive,
10 successful member of the community.

11 (c) (1) To carry out the purpose of the Program, the [Department]
12 **BOARD** shall develop a statewide network of State agencies, community agencies,
13 citizen action groups, social services providers, volunteer organizations, college
14 student groups, and other groups who will recruit volunteer mentors for the Program.

15 (2) A mentor shall have frequent contact with the child and may
16 provide the following services to the child:

17 (i) informal counseling;

18 (ii) tutoring;

19 (iii) assisting the child with life skills training;

20 (iv) working with the child’s family or guardian;

21 (v) interacting with the child’s school or employer, if necessary;
22 and

23 (vi) other individualized support services that help the child
24 avoid negative behaviors and become a successful, productive member of the
25 community.

26 (d) The [Department] **BOARD** may adopt regulations to implement this
27 section.

28 9–241.

29 (a) The [Secretary] **SUPERINTENDENT** shall establish programs for juvenile
30 intake, predelinquent diversion services, community detention, investigation,
31 probation, and aftercare services.

1 (b) (1) Except for predelinquent diversion services, the [Secretary]
2 **SUPERINTENDENT** shall provide sufficient staff to operate the programs described in
3 subsection (a) of this section.

4 (2) The staff of the [Department] **BOARD** is under the immediate
5 direction and control of the [Secretary] **SUPERINTENDENT**.

6 9-242.

7 The [Secretary] **SUPERINTENDENT** shall hold institutes, conferences, and
8 other programs to familiarize the judiciary, the Baltimore City Social Services
9 Commission and other boards of local departments of social services, citizens action
10 groups, and other interested persons with the functions and programs of the
11 [Department] **BOARD**.

12 9-243.

13 (a) If requested by a juvenile court or by any other court in a proceeding that
14 involves the interest of a minor, the [Department] **BOARD** shall provide the services
15 described in this title.

16 (b) The [Department] **BOARD** shall provide the employees necessary for any
17 services that a juvenile court orders.

18 (c) The [Department] **BOARD** shall cooperate with the juvenile court in
19 carrying out the objectives of this title and Title 3, Subtitles 8 and 8A of the Courts
20 Article.

21 9-244.

22 (a) The [Secretary] **SUPERINTENDENT** shall:

23 (1) study the problem of the units of work that are involved in the
24 juvenile courts; and

25 (2) establish a system for units of work.

26 (b) (1) On the basis of the comparative workload of any juvenile court, the
27 [Secretary] **SUPERINTENDENT** shall provide the court with adequate staff and an
28 adequate variety of staff.

29 (2) Unless the judges of the court consent, a juvenile court may not be
30 assigned a smaller staff than authorized as of July 1, 1986.

1 (c) (1) Within the formula described in this section, a judge of any
2 juvenile court may request the additional clerical and professional court service staff
3 that the workload of the court requires.

4 (2) The [Secretary] **SUPERINTENDENT** shall consider and respond to
5 a request under paragraph (1) of this subsection in accordance with §§ 9–241 and
6 9–243 of this subtitle.

7 9–245.

8 (a) In this section, “foster parent” includes an individual who cares for a
9 child on an emergency basis under a shelter care program.

10 (b) (1) The [Department] **BOARD** shall provide liability insurance for
11 foster parents who care for children under foster parent programs.

12 (2) Subject to a reasonable deductible limit that the [Department]
13 **BOARD** sets, the liability insurance shall cover:

14 (i) bodily injury and property damage that a foster child causes
15 to the person or property of a person other than a foster parent; and

16 (ii) actions against a foster parent by a parent for any accidental
17 injury to the foster child.

18 (c) (1) Subject to paragraph (2) of this subsection, the [Secretary]
19 **SUPERINTENDENT** shall reimburse a foster parent for the costs of bodily injury or
20 property damage that the foster child causes to the foster parent and that insurance
21 does not cover, if the [Secretary] **SUPERINTENDENT** is satisfied that the actions of
22 the foster parent did not contribute substantially to the bodily injury or property
23 damage.

24 (2) (i) Reimbursement under this subsection may not exceed
25 \$5,000.

26 (ii) Reimbursement exceeding \$2,000 requires the approval of
27 the Board of Public Works.

28 9–246.

29 (a) In this section, “fund” means a youth welfare fund.

30 (b) (1) There is a youth welfare fund in each facility of the [Department]
31 **BOARD** of Juvenile Services.

1 (2) A fund shall be used for goods and services that benefit the general
2 youth population in the facility.

3 (c) (1) Each fund is a special continuing, nonlapsing fund that is not
4 subject to § 7-302 of the State Finance and Procurement Article.

5 (2) Each fund consists of:

6 (i) profits derived from the sale of goods through the
7 commissary operation and telephone and vending machine commissions for the
8 facility; and

9 (ii) subject to paragraph (3) of this subsection, money received
10 from other sources.

11 (3) Money from the General Fund of the State may not be transferred
12 by budget amendment or other manner to a fund.

13 (d) (1) The Treasurer shall hold each fund separately, and the
14 Comptroller shall account for each fund.

15 (2) Each fund is subject to an audit by the Office of Legislative Audits
16 under § 2-1220 of the State Government Article.

17 (3) (i) Each fund shall be invested and reinvested in the same
18 manner as other State funds.

19 (ii) Any investment earnings are not a part of the fund.

20 (e) The Comptroller shall pay out money from each fund as appropriated in
21 the State budget.

22 9-401.

23 (c) “Juvenile program” means a:

24 (1) program that:

25 (ii) provides residential services to youth placed by the
26 [Department] **BOARD**; or

27 9-402.

28 (a) A county, municipal corporation, for profit organization, or nonprofit
29 organization sponsoring a project involving the planning, design, construction,
30 conversion, acquisition, renovation, and equipping of a juvenile facility in the State
31 may apply to the [Department] **BOARD** for a grant under this subtitle.

1 (b) (1) An application shall be filed with the [Department] **BOARD** in the
2 form the [Department] **BOARD** requires.

3 (2) The applicant shall file with the [Department] **BOARD** a
4 statement that includes:

5 (i) a list of the personnel employed or to be employed at the
6 juvenile facility;

7 (ii) all compensation and other expenses paid or to be paid to
8 the personnel;

9 (iii) all other expenses incurred or to be incurred in operating the
10 juvenile facility; and

11 (iv) a schedule of rates charged or to be charged for services
12 provided at the juvenile facility.

13 (c) If the [Secretary] **SUPERINTENDENT** approves the project and the
14 project plans, the [Secretary] **SUPERINTENDENT** shall promptly:

15 (1) report the application to the Board of Public Works; and

16 (2) recommend that the Board **OF PUBLIC WORKS** make funds
17 available as provided in this subtitle.

18 (d) The amount of the State grant for a project shall be determined after
19 considering:

20 (1) all eligible applications;

21 (2) the total of unallocated State funds available when the application
22 is received; and

23 (3) the priorities of area need that the [Department] **BOARD**
24 establishes.

25 9-405.

26 (a) Before any State funds are paid for an approved project, the
27 [Department] **BOARD** shall cause a notice of the State's right of recovery to be
28 recorded in the land records of the county in which the property is located.

29 9-410.

1 (a) (1) The [Secretary] SUPERINTENDENT shall adopt regulations to
2 carry out this subtitle.

3 Article – Labor and Employment

4 11–1003.

5 (b) The board consists of the following members:

6 (1) as ex officio members:

7 (v) the [Secretary] SUPERINTENDENT of Juvenile Services;

8 Article – Public Safety

9 2–702.

10 (b) (1) The Council consists of the following 13 members appointed by the
11 Governor:

12 (i) as ex officio members of the Council:

13 2. the [Secretary] SUPERINTENDENT of Juvenile
14 Services or a designee;

15 5–502.

16 (b) (2) Of the 11 members of the Council:

17 (i) one shall be the [Secretary] SUPERINTENDENT of Juvenile
18 Services or a designee;

19 Article – State Finance and Procurement

20 3–305.

21 (d) The Central Collection Unit shall deliver the net proceeds of collections
22 from defendants or liable parents in arrears on restitution payments to the Division of
23 Parole and Probation or the [Department] STATE BOARD of Juvenile Services to be
24 forwarded by the Division or [Department] STATE BOARD to the victim or other
25 appropriate person or agency in accordance with the judgment of restitution.

26 13–107.1.

27 (l) The following agencies shall implement an educational outreach
28 campaign on the availability of the unsolicited proposal method of procurement:

1 (4) the [Department] **STATE BOARD** of Juvenile Services;

2 14-501.

3 (b) “Designated procurement unit” means:

4 (1) the State Treasurer;

5 (2) the Department of Information Technology;

6 (3) the Department of Business and Economic Development;

7 (4) the Department of the Environment;

8 (5) the Department of General Services;

9 (6) the Department of Health and Mental Hygiene;

10 (7) the Department of Housing and Community Development;

11 (8) the Department of Human Resources;

12 (9) [the Department of Juvenile Services;

13 (10)] the Department of Labor, Licensing, and Regulation;

14 [(11)] **(10)** the Department of Natural Resources;

15 [(12)] **(11)** the State Department of Education;

16 [(13)] **(12)** the Department of State Police;

17 [(14)] **(13)** the Department of Public Safety and Correctional Services;

18 [(15)] **(14)** the Department of Transportation;

19 [(16)] **(15)** the University System of Maryland;

20 [(17)] **(16)** the Maryland Port Commission;

21 **(17) THE STATE BOARD OF JUVENILE SERVICES;**

22 (18) the State Retirement Agency;

23 (19) the Maryland Insurance Administration;

- 1 (20) the Maryland Stadium Authority;
- 2 (21) the State Lottery Agency;
- 3 (22) the Morgan State University; and
- 4 (23) the Maryland Transportation Authority.

5 **Article – State Government**

6 6–401.

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

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

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

11 [(d)] (C) [“Executive Director” means the Executive Director of the
12 Governor’s Office for Children.

13 [(e)] (D) [“Facility” means:

14 (1) a residential facility operated by the [Department] **STATE**
15 **BOARD**;

16 (2) a residential facility owned by the [Department] **STATE BOARD**
17 but privately operated; and

18 (3) a residential facility licensed by the [Department] **STATE BOARD**.

19 [(f)] (E) (1) [“Grievance” means a complaint made by a child or on behalf
20 of a child due to a circumstance or an action considered to be unjust.

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

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

27 (G) [“**STATE BOARD**” MEANS THE **STATE BOARD OF JUVENILE**
28 **SERVICES**.

1 (h) ["Secretary"] **"SUPERINTENDENT"** means the [Secretary]
2 **SUPERINTENDENT** of Juvenile Services.

3 (i) "Unit" means the Juvenile Justice Monitoring Unit of the Office of the
4 Attorney General.

5 6-402.

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

10 6-404.

11 The Unit shall:

12 (1) evaluate at each facility:

13 (ii) the [Department's] **STATE BOARD'S** monitoring process;

14 (3) receive copies of the grievances submitted to the [Department]
15 **STATE BOARD**;

16 (5) receive and review all incident reports submitted to the
17 [Department] **STATE BOARD** from facilities;

18 (8) collaborate with the [Department] **STATE BOARD**, the
19 Department of Human Resources, the Department of Health and Mental Hygiene, and
20 the Governor's Office for Children in all matters related to the licensing and
21 monitoring of children's residential facilities; and

22 6-405.

23 The Unit may:

24 (3) review investigative reports produced by the [Department] **STATE**
25 **BOARD** relating to youth in facilities; and

26 6-406.

27 (a) The Unit shall report in a timely manner to the Executive Director, the
28 [Secretary] **SUPERINTENDENT**, and, in accordance with § 2-1246 of this article, the
29 Speaker of the House of Delegates and the President of the Senate:

1 (1) knowledge of any problem regarding the care, supervision, and
2 treatment of children in facilities;

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

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

8 (b) (1) The Unit shall report quarterly to the Executive Director and the
9 **[Secretary] SUPERINTENDENT**.

10 (2) A copy of the report shall be provided to the State Advisory Board
11 for Juvenile Services and, in accordance with § 2–1246 of this article, the General
12 Assembly.

13 (3) The report shall include:

14 (i) all activities of the Unit;

15 (ii) actions taken by the **[Department] STATE BOARD** resulting
16 from the findings and recommendations of the Unit, including the **[Department's]**
17 **STATE BOARD'S** response; and

18 (iii) a summary of any violations of the standards and
19 regulations of the **[Department] STATE BOARD** that remained unabated for 30 days
20 or more during the reporting period.

21 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
22 report to the Executive Director, the **[Secretary] SUPERINTENDENT**, the advisory
23 boards established under § 9–230 of the Human Services Article, the Governor, and, in
24 accordance with § 2–1246 of this article, the General Assembly, on all the activities of
25 the Office and the actions taken by the **[Department] STATE BOARD** in response to
26 findings and recommendations of the Unit.

27 8–201.

28 (b) The principal departments of the Executive Branch of the State
29 government are:

30 (1) Aging;

31 (2) Agriculture;

32 (3) Budget and Management;

- 1 (4) Business and Economic Development;
- 2 (5) Disabilities;
- 3 (6) the Environment;
- 4 (7) General Services;
- 5 (8) Health and Mental Hygiene;
- 6 (9) Housing and Community Development;
- 7 (10) Human Resources;
- 8 (11) Information Technology;
- 9 [(12) Juvenile Services;]
- 10 [(13)] **(12)** Labor, Licensing, and Regulation;
- 11 [(14)] **(13)** Natural Resources;
- 12 [(15)] **(14)** Planning;
- 13 [(16)] **(15)** Public Safety and Correctional Services;
- 14 [(17)] **(16)** State Police;
- 15 [(18)] **(17)** Transportation; and
- 16 [(19)] **(18)** Veterans Affairs.

17 10–616.

18 (q) (5) The provisions of paragraphs (1) and (2) of this subsection may not
19 be construed to prohibit:

20 (iii) inspection of files and records, of a court pertaining to an
21 unserved arrest warrant and the charging document upon which the arrest warrant
22 was issued, by:

23 8. the Department of Public Safety and Correctional
24 Services or the [Department] **STATE BOARD** of Juvenile Services for the purpose of
25 notification of a victim under the provisions of § 11–507 of the Criminal Procedure
26 Article; or

1 **Article – State Personnel and Pensions**

2 10–501.

3 (c) “Participating unit” means the Department of Budget and Management,
4 the Department of Legislative Services, or the [Department] **STATE BOARD** of
5 Juvenile Services.

6 10–502.

7 This subtitle applies to an employee of the Department of Budget and
8 Management, the Department of Legislative Services, or the [Department] **STATE**
9 **BOARD** of Juvenile Services who is in:

10 (1) the skilled service or professional service of the State Personnel
11 Management System; or

12 (2) a position in the Legislative Branch of State government that is
13 comparable to a position in the skilled service or professional service of the State
14 Personnel Management System.

15 10–506.

16 (b) The regulations shall be adopted after consultation with the Executive
17 Director of the Department of Legislative Services and the [Secretary]
18 **SUPERINTENDENT** of Juvenile Services.

19 10–507.

20 On or before January 1 of each year, the Secretary of Budget and Management
21 and the [Secretary] **SUPERINTENDENT** of Juvenile Services shall each report to the
22 Governor and, in accordance with § 2–1246 of the State Government Article, to the
23 General Assembly the following information for the immediately preceding fiscal year:

24 (1) the number of employees selected to receive benefits under the
25 program;

26 (2) the position classifications of the employees who received benefits
27 under the program; and

28 (3) the cost of providing the benefits.

29 **Article 25B – Home Rule for Code Counties**

30 13C–1.

1 (i) (2) If the parent or guardian cannot be located or fails to take charge
2 of the minor, then the minor shall be released to the local Department of Social
3 Services, the [Department] **STATE BOARD** of Juvenile Services, or to another adult
4 who will, on behalf of the parent or guardian, assume the responsibility of caring for
5 the minor pending the availability or arrival of the parent or guardian.

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

8 **Article – Courts and Judicial Proceedings**

9 3–8A–27.

10 (a) (2) This subsection does not prohibit:

11 (i) Access to and confidential use of the record by the
12 [Department] **STATE BOARD** of Juvenile Services or in the investigation and
13 prosecution of the child by any law enforcement agency;

14 (iii) A law enforcement agency of the State or of a political
15 subdivision of the State, the [Department] **STATE BOARD** of Juvenile Services, or the
16 criminal justice information system from including in the law enforcement computer
17 information system information about an outstanding juvenile court ordered writ of
18 attachment, for the sole purpose of apprehending a child named in the writ; or

19 (b) (2) This subsection does not prohibit access to and the use of the court
20 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal
21 Procedure Article in a proceeding in the court involving the child, by personnel of the
22 court, the State’s Attorney, counsel for the child, a court–appointed special advocate
23 for the child, or authorized personnel of the [Department] **STATE BOARD** of Juvenile
24 Services.

25 (3) (i) Except as provided in subparagraph (ii) of this paragraph,
26 this subsection does not prohibit access to and confidential use of the court record or
27 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure
28 Article by the [Department] **STATE BOARD** of Juvenile Services or in an investigation
29 and prosecution by a law enforcement agency.

30 (4) (i) The [Department] **STATE BOARD** of Juvenile Services may
31 provide access to and the confidential use of a treatment plan of a child described
32 under Title 10, Subtitle 2 of the Criminal Procedure Article by an agency in the
33 District of Columbia or a state agency in Virginia, if the agency:

34 1. Performs the same functions in the jurisdiction of the
35 agency as described in § 9–216(a) of the Human Services Article; and

1 (f) (1) Notwithstanding the provisions of this section, the [Department]
2 **BOARD** shall disclose to the Baltimore City Health Department, on a written request:

3 (i) a confidential research record concerning a child to whom
4 the Baltimore City Health Department is providing treatment or care, for a purpose
5 relevant to the provision of the treatment or care;

6 (ii) a confidential research record concerning a child convicted of
7 a crime or adjudicated delinquent for an act that caused a death or near fatality; and

8 (iii) a confidential research record concerning a victim of a crime
9 of violence, as defined in § 14–101 of the Criminal Law Article, who is a child residing
10 in Baltimore City, for the purpose of developing appropriate programs and policies
11 aimed at reducing violence against children in Baltimore City.

12 (2) (i) The Baltimore City Health Department shall keep
13 confidential any information provided under paragraph (1) of this subsection.

14 (ii) The Baltimore City Health Department shall be liable for
15 the unauthorized release of information provided under paragraph (1) of this
16 subsection.

17 (3) Within 180 days after the Baltimore City Health Department
18 receives a confidential research record under paragraph (1) of this subsection, the
19 Baltimore City Health Department shall submit a report to the [Department] **BOARD**
20 detailing the purposes for which the confidential record was used.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
22 read as follows:

23 **Article – Courts and Judicial Proceedings**

24 3–8A–27.

25 (a) (2) This subsection does not prohibit:

26 (i) Access to and confidential use of the record by the
27 [Department] **STATE BOARD** of Juvenile Services or in the investigation and
28 prosecution of the child by any law enforcement agency;

29 (b) (2) This subsection does not prohibit access to and the use of the court
30 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal
31 Procedure Article in a proceeding in the court involving the child, by personnel of the
32 court, the State’s Attorney, counsel for the child, a court–appointed special advocate
33 for the child, or authorized personnel of the [Department] **STATE BOARD** of Juvenile
34 Services.

1 (3) (i) Except as provided in subparagraph (ii) of this paragraph,
2 this subsection does not prohibit access to and confidential use of the court record or
3 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure
4 Article by the [Department] **STATE BOARD** of Juvenile Services or in an investigation
5 and prosecution by a law enforcement agency.

6 (4) (i) The [Department] **STATE BOARD** of Juvenile Services may
7 provide access to and the confidential use of a treatment plan of a child described
8 under Title 10, Subtitle 2 of the Criminal Procedure Article by an agency in the
9 District of Columbia or a state agency in Virginia, if the agency:

10 1. Performs the same functions in the jurisdiction of the
11 agency as described in § 9–216(a) of the Human Services Article; and

12 2. Has a reciprocal agreement with the State that
13 provides that the specific information to be shared by the State is the same type of
14 information that will be shared by the agency; and

15 3. Has custody of the child.

16 (ii) A record that is shared under this paragraph may only
17 provide information that is relevant to the supervision, care, and treatment of the
18 child.

19 (iii) The [Department] **STATE BOARD** of Juvenile Services shall
20 be liable for an unauthorized release of a court record under this paragraph.

21 (iv) The [Department] **STATE BOARD** of Juvenile Services shall
22 adopt regulations to implement this paragraph.

23 **Article – Human Services**

24 9–219.

25 (a) (1) In this section, “confidential research record” means a record,
26 report, statement, note, or other information that:

27 (i) is assembled or obtained for research or study by the
28 [Department] **BOARD** or the [Secretary] **SUPERINTENDENT**; and

29 (ii) names or otherwise identifies a person.

30 (2) “Confidential research record” includes a record that was
31 transferred to the custody of the [Department] **BOARD** by a predecessor agency.

1 (b) Each confidential research record shall remain in the custody and control
2 of the [Department] **BOARD**.

3 (c) A confidential research record may be used only for the research and
4 study for which it was assembled or obtained.

5 (d) A person may not disclose a confidential research record to any person
6 who is not engaged in the research or study for which it was assembled or obtained.

7 (e) This section does not apply to or restrict the use or publication of any
8 statistics, information, or other material that summarizes or refers to confidential
9 records in the aggregate, without disclosing the identity of any person who is the
10 subject of a confidential record.

11 SECTION 4. AND BE IT FURTHER ENACTED, That on October 1, 2010, all of
12 the functions, powers, duties, assets, liabilities, accounts, books, records, personal
13 property, contractual obligations, and employees of the Department of Juvenile
14 Services shall be transferred to the State Board of Juvenile Services.

15 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
16 take effect on the taking effect of the termination provision specified in Section 2 of
17 Chapter 10 of the Acts of the General Assembly of 2006, as amended by Chapters 602
18 and 603 of the Acts of the General Assembly of 2008. If that termination provision
19 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.
20 This Act may not be interpreted to have any effect on that termination provision.

21 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
22 of Section 5 of this Act, this Act shall take effect October 1, 2010.