

SENATE BILL 245

E3

(2lr0070)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Disposition – Committed ~~Programs~~ Facilities**

3 FOR the purpose of ~~repealing a provision authorizing the juvenile court to designate~~
4 ~~the type of facility where a certain child is to be accommodated~~ authorizing the
5 Department of Juvenile Services to transfer a child committed for residential
6 placement from a certain facility ~~or program~~ to another facility ~~or program~~
7 under certain circumstances; *specifying the type of facility to which a child may*
8 *be transferred under this Act*; requiring the Department of Juvenile Services to
9 notify certain individuals if a child’s residential placement is changed;
10 authorizing the juvenile court to conduct a certain hearing; *requiring the*
11 *Department of Juvenile Services to report to the General Assembly on or before a*
12 *certain date; providing for the termination of this Act*; and generally relating to
13 juvenile law.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,
 2 Article – Courts and Judicial Proceedings
 3 Section 3–8A–19(d)(1)(i) and (ii)
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2011 Supplement)

6 ~~BY repealing and reenacting, with amendments,~~
 7 ~~Article – Courts and Judicial Proceedings~~
 8 ~~Section 3–8A–19(d)(1)(ii)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2006 Replacement Volume and 2011 Supplement)~~

11 BY adding to
 12 Article – Courts and Judicial Proceedings
 13 Section 3–8A–19(l)
 14 Annotated Code of Maryland
 15 (2006 Replacement Volume and 2011 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 3–8A–19.

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

22 (i) Place the child on probation or under supervision in his own
 23 home or in the custody or under the guardianship of a relative or other fit person,
 24 upon terms the court deems appropriate, including community detention;

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

32 ~~(L) (1) IF THE CHILD'S RESIDENTIAL PLACEMENT IS CHANGED AT~~
 33 ~~ANY TIME AFTER THE COMMITMENT OF THE CHILD TO THE DEPARTMENT OF~~
 34 ~~JUVENILE SERVICES UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY~~
 35 ~~THE COURT, THE CHILD'S COUNSEL, AND THE CHILD'S PARENT OR GUARDIAN~~
 36 ~~WITHIN 7 DAYS~~ WHEN NECESSARY TO APPROPRIATELY ADMINISTER THE
 37 COMMITMENT OF THE CHILD, THE DEPARTMENT OF JUVENILE SERVICES, ON

1 APPROVAL OF THE DIRECTOR OF BEHAVIORAL HEALTH, MAY TRANSFER A
 2 CHILD COMMITTED FOR RESIDENTIAL PLACEMENT FROM ONE FACILITY OR
 3 PROGRAM TO ANOTHER FACILITY OR PROGRAM THAT IS OPERATED, LICENSED,
 4 OR CONTRACTED BY THE DEPARTMENT.

5 (2) A FACILITY TO WHICH A CHILD IS TRANSFERRED UNDER
 6 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

7 (I) CONSISTENT WITH THE TYPE OF FACILITY DESIGNATED
 8 BY THE COURT UNDER SUBSECTION (D)(1)(II) OF THIS SECTION; OR

9 (II) MORE SECURE THAN THE TYPE OF FACILITY
 10 DESIGNATED BY THE COURT UNDER SUBSECTION (D)(1)(II) OF THIS SECTION.

11 (2) (3) PRIOR TO TRANSFER, THE DEPARTMENT SHALL
 12 NOTIFY:

13 (I) THE COURT;

14 (II) THE COUNSEL FOR THE CHILD;

15 (III) THE STATE'S ATTORNEY; AND

16 (IV) THE PARENT OR GUARDIAN OF THE CHILD.

17 (2) (3) (4) THE COURT MAY CONDUCT A HEARING AT ANY TIME
 18 FOR THE PURPOSE OF REVIEWING THE COMMITMENT ORDER AND THE
 19 TRANSFER OF A CHILD UNDER THIS SUBSECTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
 21 2014, the Department of Juvenile Services shall report to the General Assembly, in
 22 accordance with § 2-1246 of the State Government Article, on the implementation of
 23 this Act.

24 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 25 effect ~~October~~ June 1, 2012. It shall remain effective for a period of 2 years and 1
 26 month and, at the end of June 30, 2014, with no further action required by the General
 27 Assembly, this Act shall be abrogated and of no further force and effect.