

Chapter 135

(Senate Bill 116)

AN ACT concerning

Juvenile Law – Committed Facilities – ~~Repeal of Termination~~ Extension of Termination Date

FOR the purpose of ~~repealing~~ extending the termination of certain provisions of law authorizing the Department of Juvenile Services to transfer a child committed to residential placement from a certain facility to another facility under certain circumstances; requiring the Department of Juvenile Services to report to the General Assembly on or before a certain date; specifying the contents of the report; and generally relating to juvenile law.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–19(l)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Chapter 198 of the Acts of the General Assembly of 2012
Section 3

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

Article – Courts and Judicial Proceedings

3–8A–19.

(1) (1) When necessary to appropriately administer the commitment of the child, the Department of Juvenile Services, on approval of the Director of Behavioral Health, may transfer a child committed for residential placement from one facility to another facility that is operated, licensed, or contracted by the Department.

(2) A facility to which a child is transferred under paragraph (1) of this subsection shall be:

(i) Consistent with the type of facility designated by the court under subsection (d)(1)(ii) of this section; or

(ii) More secure than the type of facility designated by the court under subsection (d)(1)(ii) of this section.

(3) Prior to transfer, the Department shall notify:

- (i) The court;
- (ii) The counsel for the child;
- (iii) The State's Attorney; and
- (iv) The parent or guardian of the child.

(4) The court may conduct a hearing at any time for the purpose of reviewing the commitment order and the transfer of a child under this subsection.

Chapter 198 of the Acts of 2012

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012. ~~¶~~It shall remain effective for a period of ~~2~~ 4 years and 1 month and, at the end of June 30, ~~2014~~ 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. ~~¶~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2015, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

(b) The report shall specifically provide information on the process for removing youth from committed residential placements, including who is responsible for making the decision to remove youth and how those decisions are reviewed.

(c) In addition, the Department shall provide the following data for each fiscal year, beginning with fiscal 2011:

(1) the number of youth ejected from committed residential placements;

(2) the number of referrals to the Department's Central Review Committee;

(3) the number of youth transferred to a new residential placement under Chapter 198 of 2012;

(4) the number of youth transferred to a new committed program who are placed in detention pending relocation;

(5) the average length of stay for pending placement youth who are placed in detention pending relocation to a new committed residential placement;

(6) the number of pending placement youth held in detention for more than 30 days due to ejection from a committed residential placement;

(7) the number of youth who request and receive a hearing as a result of a proposed change to the residential placement; and

(8) the reasons for ejection of youth from committed residential placements.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

Approved by the Governor, April 14, 2014.