

HOUSE BILL 1382

D4, J1

01r0917

By: **Delegates Lierman, McIntosh, Reznik, and Wilson**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

Reassigned: Appropriations, February 10, 2020

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Children in Out-of-Home Placement – Placement in Medical Facilities**

3 FOR the purpose of ~~requiring a court to find that reasonable efforts were not made by a~~
4 ~~local department of social services to prevent placing a child in the custody of the~~
5 ~~department under certain circumstances and providing that the finding shall~~
6 ~~continue for a certain period of time; prohibiting a court from requiring placement of~~
7 ~~a child in need of assistance in a specific facility or requiring a specific facility to~~
8 ~~accept placement of a child in need of assistance; prohibiting a court from committing~~
9 a child for inpatient care and treatment in a psychiatric facility under certain
10 circumstances; providing that certain findings of an administrative law judge are
11 admissible as evidence in certain court proceedings; prohibiting a local department
12 from placing a child in, delivering a child to, or failing to remove a child from a
13 hospital, emergency facility, or inpatient facility under certain circumstances;
14 authorizing a hospital, an emergency facility, or an inpatient facility to petition a
15 court to compel a local department to remove a child from the hospital, emergency
16 facility, or inpatient facility under certain circumstances; requiring the Department
17 to make a certain payment for a certain violation under this Act; requiring a local
18 department to provide to a hospital, emergency facility, or inpatient facility certain
19 information regarding a certain child; requiring a local department to immediately
20 begin placement planning for a child who is evaluated for inpatient care by a hospital
21 or an emergency facility; requiring a local department to provide to the court a
22 placement plan within a certain period of time, subject to a certain exception;
23 ~~requiring the Department of Human Services to reimburse a hospital, an emergency~~
24 ~~facility, or an inpatient facility, for certain costs within a certain period of time under~~

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.



~~certain circumstances; requiring each residential child care program and regional institute for children and adolescents to report certain information concerning certain children monthly to Disability Rights Maryland; requiring a local department to report certain information concerning certain children to a court and a certain attorney weekly under certain circumstances; requiring a local department of social services to report certain information concerning certain children monthly to the Secretary of Human Services; requiring the Department to report certain information to the General Assembly on or before a certain date annually; establishing the Foster Child Support Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Community Health Resources Commission to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying that the Community Health Resources Commission may determine the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; prohibiting an emergency facility from admitting or keeping a certain minor beyond a certain period of time under certain circumstances; establishing the Task Force to Examine the Placement of Foster Children in Emergency Departments; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the interpretation of this Act; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to the placement of certain children in certain medical facilities.~~

BY repealing and reenacting, without amendments,
 Article – Courts and Judicial Proceedings
 Section ~~3-816.1(a) and (b) and 3-819(b)(1)(iii)2.C.~~
 Annotated Code of Maryland
 (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section ~~3-816.1(f) and 3-819(h)~~
 Annotated Code of Maryland
 (2013 Replacement Volume and 2019 Supplement)

~~BY adding to~~
~~Article – Courts and Judicial Proceedings~~
~~Section 3-819(b)(4)~~
~~Annotated Code of Maryland~~
~~(2013 Replacement Volume and 2019 Supplement)~~

BY adding to
 Article – Family Law

1 Section 5-533.1
 2 Annotated Code of Maryland
 3 (2019 Replacement Volume)

4 BY repealing and reenacting, without amendments,
 5 Article – Health – General
 6 Section 10-620(a) and (d) and 10-624(b)
 7 Annotated Code of Maryland
 8 (2019 Replacement Volume)

9 BY adding to
 10 Article – Health – General
 11 Section 10-624(c)
 12 Annotated Code of Maryland
 13 (2019 Replacement Volume)

14 BY repealing and reenacting, without amendments,
 15 Article – State Finance and Procurement
 16 Section 6-226(a)(2)(i)
 17 Annotated Code of Maryland
 18 (2015 Replacement Volume and 2019 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article – State Finance and Procurement
 21 Section 6-226(a)(2)(ii)121. and 122.
 22 Annotated Code of Maryland
 23 (2015 Replacement Volume and 2019 Supplement)

24 BY adding to
 25 Article – State Finance and Procurement
 26 Section 6-226(a)(2)(ii)123.
 27 Annotated Code of Maryland
 28 (2015 Replacement Volume and 2019 Supplement)

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

31 **Article – Courts and Judicial Proceedings**

32 ~~§ 816.1.~~

33 ~~(a) The provisions of this section apply to a hearing conducted in accordance with~~
 34 ~~§ 3-815, § 3-817, § 3-819, or § 3-823 of this subtitle or a review hearing conducted in~~
 35 ~~accordance with § 5-326 of the Family Law Article in which a child is placed under an order~~
 36 ~~of guardianship, commitment, or shelter care.~~

~~(b) (1) In a hearing conducted in accordance with § 3-815, § 3-817, § 3-819, or § 3-823 of this subtitle, the court shall make a finding whether the local department made reasonable efforts to prevent placement of the child into the local department's custody.~~

~~(2) In a review hearing conducted in accordance with § 3-823 of this subtitle or § 5-326 of the Family Law Article, the court shall make a finding whether a local department made reasonable efforts to:~~

~~(i) Finalize the permanency plan in effect for the child;~~

~~(ii) Meet the needs of the child, including the child's health, education, safety, and preparation for independence; and~~

~~(iii) For a child who is at least 18 years of age:~~

~~1. Before the child is emancipated, enroll the child in health insurance that will continue after the child is emancipated;~~

~~2. Before the child is emancipated, screen the child for eligibility for public benefits and assist the child with applications for public benefits;~~

~~3. Work with appropriate individuals to establish a plan for stable housing that is reasonably expected to remain available to the child for at least 12 months after the date of emancipation; and~~

~~4. Work with appropriate individuals to engage the child in education, training, or employment activities that will prepare the child to have appropriate and sufficient income to live independently after emancipation.~~

~~(3) In a hearing conducted in accordance with § 3-815, § 3-817, or § 3-819 of this subtitle, before determining whether a child with a developmental disability or a mental illness is a child in need of assistance, the court shall make a finding whether the local department made reasonable efforts to prevent placement of the child into the local department's custody by determining whether the local department could have placed the child in accordance with a voluntary placement agreement under § 5-525(b)(1)(i) or (iii) of the Family Law Article.~~

~~(4) The court shall require a local department to provide evidence of its efforts before the court makes a finding required under this subsection.~~

~~(5) The court's finding under this subsection shall assess the efforts made since the last adjudication of reasonable efforts and may not rely on findings from prior hearings.~~

~~(f) (1) FOR A CHILD PLACED IN A PSYCHIATRIC CARE FACILITY OR AN EMERGENCY FACILITY, THE COURT SHALL FIND THAT REASONABLE EFFORTS WERE NOT MADE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION IF THE LOCAL~~

1 ~~DEPARTMENT FAILED TO IMMEDIATELY RETRIEVE THE CHILD FROM THE CARE OF~~
 2 ~~THE FACILITY WHEN:~~

3 ~~(I) THE CHILD WAS ORDERED TO BE RELEASED FROM THE~~
 4 ~~FACILITY BY AN ADMINISTRATIVE LAW JUDGE;~~

5 ~~(II) THE CHILD WAS DISCHARGED FROM THE CARE OF THE~~
 6 ~~FACILITY; OR~~

7 ~~(III) A MEDICAL EVALUATION DETERMINED THAT THE CHILD~~
 8 ~~DID NOT REQUIRE CARE AND THE 30 HOUR EVALUATION PERIOD UNDER § 10-624~~
 9 ~~OF THE HEALTH GENERAL ARTICLE ENDED.~~

10 ~~(2) A FINDING UNDER THIS SUBSECTION THAT REASONABLE~~
 11 ~~EFFORTS WERE NOT MADE SHALL CONTINUE THROUGH THE NEXT REVIEW PERIOD.~~

12 ~~(G) If the court finds that reasonable efforts for a child were not made in~~
 13 ~~accordance with subsection (b) OR (F) of this section or finds that reasonable efforts were~~
 14 ~~made but that one of the conditions described in subsection (e) of this section exists, the~~
 15 ~~court promptly shall send its written findings to:~~

16 ~~(1) The director of the local department;~~

17 ~~(2) The Social Services Administration;~~

18 ~~(3) The State Citizens Review Board for Children established under §~~
 19 ~~5-535 of the Family Law Article;~~

20 ~~(4) If applicable, the local citizens review panel established under § 5-539.2~~
 21 ~~of the Family Law Article; and~~

22 ~~(5) Any individual or agency identified by a local department or the court~~
 23 ~~as responsible for monitoring the care and services provided to children in the legal custody~~
 24 ~~or guardianship of the local department on a systematic basis.~~

25 3-819.

26 (b) (1) In making a disposition on a CINA petition under this subtitle, the
 27 court shall:

28 (iii) Subject to paragraph (2) of this subsection, find that the child is
 29 in need of assistance and:

30 2. Commit the child on terms the court considers appropriate
 31 to the custody of:

1 C. A local department, the Maryland Department of Health,
2 or both, including designation of the type of facility where the child is to be placed.

3 ~~(4) FOR PURPOSES OF PARAGRAPH (1)(H)2C OF THIS SUBSECTION,~~
4 ~~THE COURT MAY NOT REQUIRE PLACEMENT IN A SPECIFIC FACILITY OR REQUIRE A~~
5 ~~SPECIFIC FACILITY TO ACCEPT PLACEMENT OF THE CHILD.~~

6 (h) (1) The court may not commit a child for inpatient care and treatment in a
7 psychiatric facility unless the court finds on the record based on clear and convincing
8 evidence PROVIDED BY A LICENSED PSYCHIATRIST OR LICENSED PSYCHOLOGIST
9 WHO HAS EXAMINED THE CHILD WITHIN THE PREVIOUS 48 HOURS that ~~A MENTAL OR~~
10 ~~BEHAVIORAL HEALTH PROFESSIONAL HAS DETERMINED THAT:~~

11 [(1)] (I) The child has a mental disorder;

12 [(2)] (II) The child needs inpatient medical care or treatment for the
13 protection of the child or others;

14 [(3)] (III) The child is unable or unwilling to be voluntarily admitted to
15 such facility; and

16 [(4)] (IV) There is no less restrictive form of intervention available that is
17 consistent with the child's condition and welfare.

18 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
19 SUBSECTION, THE COURT MAY NOT COMMIT A CHILD FOR INPATIENT CARE AND
20 TREATMENT IN A PSYCHIATRIC FACILITY IF:

21 (I) AN ADMINISTRATIVE LAW JUDGE HAS MADE A
22 DETERMINATION THAT THE CHILD DOES NOT REQUIRE SUCH TREATMENT;

23 (II) CLINICAL STAFF OF THE FACILITY CARING FOR THE CHILD
24 HAS DETERMINED THAT THE CHILD DOES NOT MEET THE MEDICAL STANDARD FOR
25 HOSPITALIZATION; OR

26 (III) COMMITMENT IS SOUGHT DUE TO THE INABILITY OF A
27 LOCAL DEPARTMENT TO FIND ANOTHER SUITABLE PLACEMENT FOR THE CHILD.

28 (3) THE FINDINGS OF AN ADMINISTRATIVE LAW JUDGE UNDER
29 PARAGRAPH (2)(I) OF THIS SUBSECTION ARE ADMISSIBLE AS EVIDENCE IN A
30 PROCEEDING UNDER THIS SUBTITLE.

31 Article – Family Law

32 5-533.1.

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) “EMERGENCY FACILITY” HAS THE MEANING STATED IN § 10-620
4 OF THE HEALTH – GENERAL ARTICLE.

5 (3) “INPATIENT FACILITY” MEANS AN INSTITUTION OR A UNIT OF A
6 HOSPITAL THAT PROVIDES INPATIENT, MULTIDAY PSYCHIATRIC EVALUATION,
7 TREATMENT, AND CARE.

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
11 OBJECTIVES RELATED TO THE NEEDS OF THE CHILDREN SERVED; AND

12 (II) IS LICENSED BY THE MARYLAND DEPARTMENT OF HEALTH
13 OR THE DEPARTMENT OF HUMAN SERVICES.

14 (B) (1) A LOCAL DEPARTMENT MAY NOT:

15 (I) FAIL TO REMOVE A CHILD FROM A HOSPITAL, AN
16 EMERGENCY FACILITY, OR AN INPATIENT FACILITY ~~WITHIN 30 HOURS~~ AFTER A
17 MEDICAL EXAMINATION OF THE CHILD THAT RESULTS IN A DETERMINATION THAT
18 THE CHILD DOES NOT REQUIRE MEDICAL INTERVENTION OR CARE; AND

19 (II) DELIVER A CHILD TO A HOSPITAL, AN EMERGENCY
20 FACILITY, OR AN INPATIENT FACILITY IF A MEDICAL EVALUATION OF THE CHILD
21 THAT RESULTED IN A DETERMINATION THAT THE CHILD DID NOT REQUIRE MEDICAL
22 INTERVENTION OR CARE HAS OCCURRED WITHIN THE PREVIOUS 7 CALENDAR DAYS
23 AND THE CHILD DOES NOT EXHIBIT NEW BEHAVIOR OR SYMPTOMS.

24 (2) A LOCAL DEPARTMENT SHALL REMOVE A CHILD FROM AN
25 INPATIENT FACILITY WITHIN 4 HOURS AFTER:

26 (I) THE MEDICAL STAFF AT THE INPATIENT FACILITY
27 DETERMINES THAT THE CHILD NO LONGER MEETS CRITERIA FOR INVOLUNTARY
28 CIVIL COMMITMENT AND DISCHARGES THE CHILD; OR

29 (II) AN ADMINISTRATIVE LAW JUDGE ORDERS THE DISCHARGE
30 AND RELEASE OF THE CHILD FOLLOWING AN INVOLUNTARY COMMITMENT HEARING.

1 **(3) (i) IF A LOCAL DEPARTMENT FAILS TO REMOVE A CHILD FROM**
2 **A HOSPITAL, AN EMERGENCY FACILITY, OR AN INPATIENT FACILITY IN ACCORDANCE**
3 **WITH THIS SUBSECTION, THE HOSPITAL, EMERGENCY FACILITY, OR INPATIENT**
4 **FACILITY MAY PETITION A COURT TO COMPEL THE LOCAL DEPARTMENT TO REMOVE**
5 **THE CHILD.**

6 **(ii) 1. THE DEPARTMENT SHALL PAY \$2,000 FOR EACH DAY**
7 **THAT A CHILD REMAINS AT A HOSPITAL, AN EMERGENCY FACILITY, OR AN**
8 **INPATIENT FACILITY IN VIOLATION OF THIS SUBSECTION TO THE COMMUNITY**
9 **HEALTH RESOURCES COMMISSION.**

10 **2. THE REVENUES FROM THE PENALTY SHALL BE**
11 **DISTRIBUTED TO THE FOSTER CHILDREN SUPPORT FUND.**

12 **(c) IF A LOCAL DEPARTMENT REQUESTS THE ADMISSION OF A CHILD IN ITS**
13 **CUSTODY INTO A HOSPITAL OR EMERGENCY FACILITY, THE LOCAL DEPARTMENT**
14 **SHALL PROVIDE TO THE HOSPITAL OR EMERGENCY FACILITY ANY INFORMATION**
15 **REGARDING ANY HOSPITALIZATION OR ATTEMPTED HOSPITALIZATION OF THE**
16 **CHILD WITHIN THE PREVIOUS 7 CALENDAR DAYS IF THE CHILD WAS RELEASED DUE**
17 **TO:**

18 **(1) THE INABILITY OF A LOCAL DEPARTMENT TO FIND ANOTHER**
19 **SUITABLE PLACEMENT FOR THE CHILD; OR**

20 **(2) A MEDICAL DETERMINATION THAT THE CHILD DID NOT REQUIRE**
21 **HOSPITALIZATION.**

22 **(d) (1) A LOCAL DEPARTMENT SHALL IMMEDIATELY BEGIN PLACEMENT**
23 **PLANNING FOR A CHILD WHO IS EVALUATED FOR INPATIENT MENTAL HEALTH CARE**
24 **BY AN EMERGENCY FACILITY OR INPATIENT FACILITY.**

25 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, WITHIN 7**
26 **CALENDAR DAYS AFTER PLACING A CHILD IN AN EMERGENCY FACILITY OR**
27 **INPATIENT FACILITY FOR MEDICAL EVALUATION, A LOCAL DEPARTMENT SHALL**
28 **PROVIDE TO THE COURT A PLACEMENT PLAN FOR THE CHILD IDENTIFYING:**

29 **(i) PERMANENT, CONTINGENCY, EMERGENCY, OR TEMPORARY**
30 **PLACEMENT PLANS THAT MAY BE IMPLEMENTED WITHIN REQUIRED TIMELINES;**

31 **(ii) FAMILY MEMBERS WILLING TO PARTICIPATE IN CLINICAL**
32 **AND DISCHARGE PLANNING AND IN-PROGRAM ACTIVITIES WITH THE CHILD; AND**

1 (III) IF THE CHILD HAS A DISABILITY, PROVISIONS FOR THE
2 PAYMENT OF ACCOMMODATIONS NEEDED FOR A SUCCESSFUL COMMUNITY
3 PLACEMENT OF THE CHILD.

4 (3) IF A CHILD IS DETERMINED TO REQUIRE INPATIENT
5 HOSPITALIZATION, THE COURT MAY AUTHORIZE AN EXTENSION OF THE TIME FOR
6 SUBMISSION OF THE PLACEMENT PLAN SPECIFIED IN PARAGRAPH (2) OF THIS
7 SUBSECTION.

8 ~~(E) WITHIN 30 DAYS AFTER THE DATE THAT A CHILD WAS MEDICALLY~~
9 ~~EVALUATED OR DISCHARGED, THE DEPARTMENT SHALL REIMBURSE THE~~
10 ~~HOSPITAL, EMERGENCY FACILITY, OR INPATIENT FACILITY FOR ALL COSTS~~
11 ~~ASSOCIATED WITH EVALUATING THE CHILD OR CONTINUING TO CARE FOR THE~~
12 ~~CHILD AFTER DISCHARGE IF:~~

13 ~~(1) THE HOSPITAL OR FACILITY DETERMINES THAT THE CHILD DOES~~
14 ~~NOT REQUIRE INPATIENT HOSPITALIZATION; OR~~

15 ~~(2) THE CHILD IS NOT REMOVED FROM THE HOSPITAL OR FACILITY~~
16 ~~AFTER DISCHARGE AS REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION.~~

17 ~~(F) EACH RESIDENTIAL CHILD CARE PROGRAM AND REGIONAL INSTITUTE~~
18 ~~FOR CHILDREN AND ADOLESCENTS SHALL REPORT MONTHLY TO DISABILITY~~
19 ~~RIGHTS MARYLAND THE NAME OF EACH CHILD IN THE CUSTODY OF A LOCAL~~
20 ~~DEPARTMENT WHO STAYED AT THE FACILITY BEYOND THE LICENSING LIMIT OF THE~~
21 ~~FACILITY OR BEYOND THE TIME DETERMINED TO BE CLINICALLY NECESSARY BY~~
22 ~~MEDICAL EVALUATION.~~

23 ~~(G) A LOCAL DEPARTMENT SHALL:~~

24 ~~(1) FOR ANY CHILD IN NEED OF ASSISTANCE THAT REMAINS~~
25 ~~UNPLACED FOR MORE THAN 7 CONSECUTIVE DAYS, PROVIDE ON A WEEKLY BASIS TO~~
26 ~~THE COURT AND THE CHILD'S CINA ATTORNEY, INFORMATION ON THE PLACEMENT~~
27 ~~EFFORTS OF THE LOCAL DEPARTMENT; AND~~

28 ~~(2) PROVIDE ON A MONTHLY BASIS TO THE SECRETARY OF HUMAN~~
29 ~~SERVICES THE NAME OF EACH CHILD IN THE CUSTODY OF THE LOCAL DEPARTMENT~~
30 ~~WHO WAS NOT PLACED WITH A LICENSED PROVIDER WITHIN 7 DAYS.~~

31 ~~(H) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT~~
32 ~~SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF~~
33 ~~THE STATE GOVERNMENT ARTICLE, ON THE NUMBER OF CHILDREN WHO WERE~~
34 ~~KEPT AT AN EMERGENCY FACILITY OR AN INPATIENT FACILITY AFTER MEDICAL~~

~~STAFF DETERMINED THAT MEDICAL CARE WAS NOT REQUIRED AND REQUIREMENTS FOR INVOLUNTARY CIVIL COMMITMENT WERE NOT MET.~~

~~(2) INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DISAGGREGATED BY:~~

~~(I) COUNTY;~~

~~(II) PLACEMENT TYPE;~~

~~(III) AGE;~~

~~(IV) SEX;~~

~~(V) ETHNICITY; AND~~

~~(VI) AMOUNT OF TIME OVERSTAYED.~~

(E) (1) IN THIS SUBSECTION, "FUND" MEANS THE FOSTER CHILDREN SUPPORT FUND.

(2) THERE IS A FOSTER CHILDREN SUPPORT FUND.

(3) THE PURPOSE OF THE FUND IS TO PROVIDE RESOURCES AND SUPPORT TO CHILDREN IN OUT-OF-HOME PLACEMENTS AND ORGANIZATIONS WITH A FOCUS ON SUPPORTING CHILDREN IN OUT-OF-HOME PLACEMENTS IN THE STATE.

(4) THE COMMUNITY HEALTH RESOURCES COMMISSION SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) REVENUE DISTRIBUTED TO THE FUND UNDER SUBSECTION (B)(3) OF THIS SECTION;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(III) INTEREST EARNINGS; AND

1 (4) An emergency evaluatee may not be kept at an emergency facility for
2 more than 30 hours.

3 (C) FOR A MINOR IN THE CUSTODY OF A LOCAL DEPARTMENT OF SOCIAL
4 SERVICES, AN EMERGENCY FACILITY MAY NOT:

5 (1) KEEP THE MINOR LONGER THAN AUTHORIZED UNDER
6 SUBSECTION (B) OF THIS SECTION DUE TO THE INABILITY OF THE LOCAL
7 DEPARTMENT TO LOCATE AN APPROPRIATE ALTERNATIVE PLACEMENT FOR THE
8 MINOR; OR

9 (2) ADMIT THE MINOR IF THE MINOR IS NOT EXHIBITING NEW
10 BEHAVIOR AND THE MINOR:

11 (I) HAS BEEN DISCHARGED FROM ANOTHER EMERGENCY
12 FACILITY WITHIN THE PAST 7 CALENDAR DAYS AND HAS NOT BEEN PLACED IN AN
13 APPROPRIATE OUT-OF-HOME PLACEMENT BY THE LOCAL DEPARTMENT;

14 (II) HAS BEEN RECENTLY RELEASED FROM AN INPATIENT
15 PSYCHIATRIC HOSPITAL BY ORDER OF AN ADMINISTRATIVE LAW JUDGE; OR

16 (III) HAS BEEN DISCHARGED BY THE INPATIENT PSYCHIATRIC
17 TREATMENT TEAM OF THE FACILITY.

18 Article – State Finance and Procurement

19 6–226.

20 (a) (2) (i) Notwithstanding any other provision of law, and unless
21 inconsistent with a federal law, grant agreement, or other federal requirement or with the
22 terms of a gift or settlement agreement, net interest on all State money allocated by the
23 State Treasurer under this section to special funds or accounts, and otherwise entitled to
24 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
25 Fund of the State.

26 (ii) The provisions of subparagraph (i) of this paragraph do not apply
27 to the following funds:

28 121. the Markell Hendricks Youth Crime Prevention and
29 Diversion Parole Fund; [and]

30 122. the Federal Government Shutdown Employee Assistance
31 Loan Fund; AND

32 123. THE FOSTER CHILDREN SUPPORT FUND.

1 SECTION 2. AND BE IT FURTHER ENACTED, ~~That this Act shall take effect~~
2 ~~October 1, 2020~~ That:

3 (a) There is a Task Force to Examine the Placement of Foster Children in
4 Emergency Departments.

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

6 (1) two members of the Senate of Maryland, appointed by the President of
7 the Senate;

8 (2) two members of the House of Delegates, appointed by the Speaker of
9 the House;

10 (3) the following members, appointed jointly by the President of the Senate
11 and the Speaker of the House:

12 (i) one attorney who serves as counsel for foster children in federal
13 class action litigation;

14 (ii) one representative of Maryland Legal Aid who represents
15 children in need of assistance;

16 (iii) one representative of the Office of the Public Defender;

17 (iv) one representative of the Maryland Association of Resources for
18 Families and Youth; and

19 (v) one representative of Disability Rights Maryland; and

20 (4) the following members, appointed by the Governor:

21 (i) one representative of the Department of Human Services;

22 (ii) one representative of the Department of Juvenile Services;

23 (iii) one representative of the Interagency Rates Committee;

24 (iv) one representative of the Maryland Department of Health;

25 (v) one representative of the State Department of Education; and

26 (vi) one representative of the Maryland Hospital Association.

27 (c) The President of the Senate and the Speaker of the House jointly shall
28 designate the chair of the Task Force.

1 (d) The Department of Human Services shall provide staff for the Task Force.

2 (e) A member of the Task Force:

3 (1) may not receive compensation as a member of the Task Force; but

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

6 (f) The Task Force shall:

7 (1) examine the placement of foster children in hospital emergency
8 departments and other issues related to the placement of children in out-of-home settings,
9 focusing especially on children with disabilities;

10 (2) ascertain the current shortages for appropriate placement settings in
11 the State;

12 (3) assess shortfalls in supportive services; and

13 (4) make recommendations on:

14 (i) resources needed to fill gaps in placement services;

15 (ii) a plan to develop needed resources and services;

16 (iii) a structure to maximize cooperation between the Maryland
17 Department of Health and the Department of Human Services in securing appropriate
18 placement for children in foster care; and

19 (iv) how to appropriately expand services for foster children
20 including intensive respite care, emergency foster homes, and other placement
21 alternatives.

22 (g) On or before December 31, 2020, the Task Force shall report its findings and
23 recommendations to the Governor and, in accordance with § 2-1257 of the State
24 Government Article, the General Assembly.

25 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act may be
26 interpreted to require a hospital, an emergency facility, or an inpatient facility to violate
27 the requirements of the federal Emergency Medical Treatment and Labor Act.

28 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
29 effect October 1, 2020.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
2 4 of this Act, this Act shall take effect June 1, 2020. Section 2 of this Act shall remain
3 effective for a period of 1 year and 1 month and, at the end of June 30, 2021, Section 2 of
4 this Act, with no further action required by the General Assembly, shall be abrogated and
5 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.