

SENATE BILL 116

E3

(4lr0083)

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 – Committed Facilities – ~~Repeal of Termination~~ *Extension of***
3 ***Termination Date***

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

10 BY repealing and reenacting, without amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–8A–19(l)
13 Annotated Code of Maryland

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 (2013 Replacement Volume and 2013 Supplement)

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

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

7 **Article – Courts and Judicial Proceedings**

8 3–8A–19.

9 (1) (1) When necessary to appropriately administer the commitment of
10 the child, the Department of Juvenile Services, on approval of the Director of
11 Behavioral Health, may transfer a child committed for residential placement from one
12 facility to another facility that is operated, licensed, or contracted by the Department.

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

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

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

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

20 (i) The court;

21 (ii) The counsel for the child;

22 (iii) The State’s Attorney; and

23 (iv) The parent or guardian of the child.

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

26 **Chapter 198 of the Acts of 2012**

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

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

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

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

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

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

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