

HOUSE BILL 1010

J1, D1, O4

2lr2637

By: **Delegate Kipke**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Children – Substance Abuse Court–Ordered Evaluations and Treatment**

3 FOR the purpose of requiring a circuit court for a county sitting as the juvenile court to
4 order a child to enter a State–licensed substance abuse treatment program under
5 certain circumstances; requiring the Department of Juvenile Services to provide
6 substance abuse treatment to a child who is ordered to enter a State–licensed
7 substance abuse treatment program; and generally relating to children, substance
8 abuse, and court–ordered treatment.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–03(a)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Health – General
16 Section 8–5A–01 and 8–5A–02 to be under the new subtitle “Subtitle 5A. Substance
17 Abuse – Children – Court–Ordered Evaluations and Treatment”
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2021 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Human Services
22 Section 9–243
23 Annotated Code of Maryland
24 (2019 Replacement Volume and 2021 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

3–8A–03.

(a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has exclusive original jurisdiction over:

(1) A child who is alleged to be delinquent or in need of supervision or who has received a citation for a violation;

(2) Except as provided in subsection (d)(6) of this section, a peace order proceeding in which the respondent is a child; [and]

(3) Proceedings arising under the Interstate Compact on Juveniles; AND

(4) A CHILD WHO IS IN NEED OF AND MAY BENEFIT FROM INPATIENT OR OUTPATIENT SUBSTANCE ABUSE TREATMENT PROVIDED UNDER § 3–8A–15(I)(3) OF THIS SUBTITLE OR ORDERED UNDER § 8–5A–02 OF THE HEALTH – GENERAL ARTICLE.

Article – Health – General

SUBTITLE 5A. SUBSTANCE ABUSE – CHILDREN – COURT-ORDERED EVALUATIONS AND TREATMENT.

8–5A–01.

IN THIS SUBTITLE, “COURT” MEANS THE CIRCUIT COURT FOR A COUNTY SITTING AS THE JUVENILE COURT.

8–5A–02.

(A) IF IT APPEARS TO A COURT THAT A CHILD IS IN NEED OF AND MAY BENEFIT FROM INPATIENT OR OUTPATIENT SUBSTANCE ABUSE TREATMENT IN A STATE-LICENSED SUBSTANCE ABUSE TREATMENT PROGRAM, THE COURT SHALL ORDER THE DEPARTMENT TO EVALUATE THE CHILD.

(B) THE COURT SHALL SET AND MAY CHANGE THE CONDITIONS UNDER WHICH AN EVALUATION IS TO BE CONDUCTED UNDER THIS SECTION.

(C) THE DEPARTMENT SHALL ENSURE THAT EACH EVALUATION ORDERED UNDER THIS SECTION IS CONDUCTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

