

SENATE BILL 360

E3

(71r0622)

ENROLLED BILL

— Judicial Proceedings / Judiciary —

Introduced by **Senator Zirkin**

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 Justice Monitoring Unit - Expansion of Jurisdiction**

3 FOR the purpose of expanding the jurisdiction of the Juvenile Justice Monitoring Unit
4 of the Office of the Attorney General to include the monitoring of any *residential*
5 facility licensed by the Department of Juvenile Services; *expanding the duties of*
6 *the Juvenile Justice Monitoring Unit; requiring the Juvenile Justice Monitoring*
7 *Unit to make certain reports to the Executive Director of the Governor's Office for*
8 *Children; defining a certain term; repealing a certain definition; altering a*
9 *certain definition; making certain stylistic changes; authorizing the Governor to*
10 *transfer certain positions and funds in a certain manner; authorizing the*
11 *Attorney General to transfer a ~~certain~~ position in a certain manner; ~~making~~*

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 providing for a delayed effective date for certain provisions of this Act; making
 2 certain provisions of this Act subject to a certain contingency; and generally
 3 relating to the Juvenile Justice Monitoring Unit of the Office of the Attorney
 4 General.

5 BY repealing and reenacting, with amendments,
 6 Article – State Government
 7 Section 6–401, ~~6–404~~, and 6–406
 8 Annotated Code of Maryland
 9 (2004 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, without amendments,
 11 Article – State Government
 12 Section 6–402
 13 Annotated Code of Maryland
 14 (2004 Replacement Volume and 2006 Supplement)

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

17 **Article – State Government**

18 6–401.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) “Department” means the Department of Juvenile Services.

21 (c) “Disciplinary action” means any punitive action against a child that
 22 results in more security, additional obligations, or less personal freedom.

23 **(D) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE**
 24 **GOVERNOR’S OFFICE FOR CHILDREN.**

25 ~~(d)~~ **(E)** “Facility” means:

26 (1) a residential facility operated by the Department; [and]

27 (2) a residential facility owned by the Department but privately
 28 operated; ~~OR~~ **AND**

29 **(3) A RESIDENTIAL FACILITY LICENSED BY THE DEPARTMENT.**

1 ~~(F)~~ **(F)** (1) “Grievance” means a complaint made by a child or on behalf of a
2 child due to a circumstance or an action considered to be unjust.

3 (2) “Grievance” does not include an employee grievance, disciplinary
4 appeal, or complaint.

5 ~~(G)~~ **(G)** “Juvenile justice monitor” means an individual employed by the Office of
6 the Attorney General to determine whether the needs of children under the
7 jurisdiction of the Department are being met in compliance with State law, that their
8 rights are being upheld, and that they are not being abused.

9 ~~(H)~~ **(H)** “Secretary” means the Secretary of Juvenile Services.

10 ~~(h)~~ **(h)** ~~“Special Secretary” means the Special Secretary for Children, Youth, and~~
11 ~~Families.~~

12 (i) “Unit” means the Juvenile Justice Monitoring Unit of the Office of the
13 Attorney General.

14 ~~6-402.~~

15 (a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney
16 General.

17 (b) The function of the Unit is to investigate and determine whether the
18 needs of children under the jurisdiction of the Department of Juvenile Services are
19 being met in compliance with State law, that their rights are being upheld, and that
20 they are not being abused.

21 ~~6-404.~~

22 *The Unit shall:*

23 (1) *evaluate at each facility:*

24 (i) *the child advocacy grievance process;*

25 (ii) *the Department’s monitoring process;*

26 (iii) *the treatment of and services to youth;*

1 (iv) the physical conditions of the facility; and

2 (v) the adequacy of staffing;

3 (2) review all reports of disciplinary actions, grievances, and grievance
 4 dispositions received from each facility and alterations in the status or placement of a
 5 child that result in more security, additional obligations, or less personal freedom;

6 (3) receive copies of the grievances submitted to the Department;

7 (4) perform unannounced site visits and on-site inspections of facilities;

8 (5) receive and review all incident reports submitted to the Department
 9 from facilities;

10 (6) receive reports of the findings of child protective services
 11 investigations of allegations of abuse or neglect of a child in a facility; [and]

12 **(7) ENSURE THAT EACH FACILITY IS IN COMPLIANCE WITH THE**
 13 **REGULATIONS APPLICABLE TO RESIDENTIAL FACILITIES;**

14 **(8) COLLABORATE WITH THE DEPARTMENT, THE DEPARTMENT**
 15 **OF HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,**
 16 **AND THE GOVERNOR'S OFFICE FOR CHILDREN IN ALL MATTERS RELATED TO**
 17 **THE LICENSING AND MONITORING OF CHILDREN'S RESIDENTIAL FACILITIES;**
 18 **AND**

19 ~~[(7)]~~ **(9) have a representative available to attend meetings of the**
 20 **advisory boards established under Article 83C, § 2-119 of the Code.**

21 6-406.

22 (a) The Unit shall report in a timely manner to the ~~Special Secretary~~
 23 Executive Director, the Secretary, and, in accordance with § 2-1246 of [the State
 24 Government Article] **THIS ARTICLE**, the Speaker of the House of Delegates and the
 25 President of the Senate:

26 (1) knowledge of any problem regarding the care, supervision, and
 27 treatment of children in facilities;

1 (2) findings, actions, and recommendations, related to the
2 investigations of disciplinary actions, grievances, incident reports, and alleged cases of
3 child abuse and neglect; and

4 (3) all other findings and actions related to the monitoring required
5 under this subtitle.

6 (b) (1) The Unit shall report quarterly to the ~~Special Secretary~~ *Executive*
7 *Director* and the Secretary.

8 (2) A copy of the report shall be provided to the State Advisory Board
9 for Juvenile Services and, in accordance with § 2-1246 of [the State Government
10 Article] **THIS ARTICLE**, the General Assembly.

11 (3) The report shall include:

12 (i) all activities of the Unit;

13 (ii) actions taken by the Department resulting from the findings
14 and recommendations of the Unit, including the Department's response; and

15 (iii) a summary of any violations of the standards and
16 regulations of the Department that remained unabated for 30 days or more during the
17 reporting period.

18 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
19 report to the ~~Special Secretary~~ *Executive Director*, the Secretary, the advisory boards
20 established under Article 83C, § 2-119 of the Code, the Governor, and, in accordance
21 with § 2-1246 of [the State Government Article] **THIS ARTICLE**, the General
22 Assembly, on all the activities of the Office and the actions taken by the Department
23 in response to findings and recommendations of the Unit.

24 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall~~
25 ~~transfer 5 regular positions and \$300,000 for those positions from the Department of~~
26 ~~Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney~~
27 ~~General.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may
29 transfer two regular positions and \$120,000 for those positions from the Department of
30 Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney
31 General. The Attorney General may transfer one regular position to the Juvenile
32 Justice Monitoring Unit of the Office of the Attorney General.

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
 2 take effect ~~October 1, 2007~~ January 1, 2008, contingent on the transfer of positions
 3 and funds under Section 2 of this Act. If the positions and funds are not transferred in
 4 accordance with Section 2 of this Act on or before ~~October 1, 2007~~ January 1, 2008,
 5 this Act, with no further action of the General Assembly, shall be null and void and of
 6 no force and effect. The Juvenile Justice Monitoring Unit of the Office of the Attorney
 7 General, within 5 days of receiving a transfer under Section 2 of this Act, shall
 8 forward notice of the transfer to the Department of Legislative Services, 90 State
 9 Circle, Annapolis, Maryland 21401.

10 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
 11 Section 3 of this Act, this Act shall take effect ~~June~~ October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.