

# HOUSE BILL 1359

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By: **Delegates Rosenberg, Attar, and Ruff**

Introduced and read first time: February 9, 2024

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Facilities – Disabilities and Juveniles – Community Relations Plans**

3 FOR the purpose of requiring certain State residential centers and private group homes to  
4 establish, implement, and revise certain community relations plans; requiring that  
5 certain regulations adopted by the Department of Juvenile Services governing  
6 juvenile care facilities and juvenile detention facilities include a requirement for the  
7 establishment, implementation, and review of certain community relations plans;  
8 and generally relating to the establishment, implementation, and revision of  
9 community relations plans.

10 BY repealing and reenacting, with amendments,

11 Article – Health – General  
12 Section 7–501 and 7–610  
13 Annotated Code of Maryland  
14 (2023 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article – Human Services  
17 Section 9–234 and 9–237  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume and 2023 Supplement)

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

22 **Article – Health – General**

23 7–501.

24 (a) There are State residential centers for individuals with an intellectual  
25 disability in the Developmental Disabilities Administration.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The Deputy Secretary shall appoint an administrative head for each State  
2 residential center.

3 (c) Each State residential center shall:

4 (1) Establish and implement [a]:

5 (I) A safety plan for the safety of the individuals served by the State  
6 residential center; and

7 (II) A COMMUNITY RELATIONS PLAN THAT INCLUDES:

8 1. A DESCRIPTION OF THE PROCESSES AND  
9 PROCEDURES FOR:

10 A. THE RESIDENTIAL CENTER TO PROVIDE TO  
11 COMMUNITIES IDENTIFIED BY THE LOCAL JURISDICTION REGULAR UPDATES  
12 REGARDING COMMUNITY RELATIONS ISSUES, INCLUDING PARKING, TRAFFIC,  
13 COMPLAINTS, CONSTRUCTION, AND GENERAL ACTIVITY AROUND THE RESIDENTIAL  
14 CENTER; AND

15 B. COMMUNITIES TO PROVIDE FEEDBACK REGARDING  
16 THE COMMUNITY RELATIONS PLAN; AND

17 2. THE TIMING, FORMAT, AND CONTENT OF THE  
18 REGULAR UPDATES PROVIDED UNDER ITEM 1A OF THIS ITEM; AND

19 (2) Revise the safety plan AND COMMUNITY RELATIONS PLAN not less  
20 than every 5 years.

21 (d) A State residential center may satisfy the requirement under subsection [(c)]  
22 (C)(1)(I) of this section by implementing a safety or emergency plan established for the  
23 center for another purpose.

24 7-610.

25 (a) An applicant for certificate of approval shall submit an application to the  
26 Department on the form that the Secretary requires.

27 (b) The application shall:

28 (1) Be signed and verified by the applicant; and

29 (2) Provide the information that the Secretary requires, including:

- 1 (i) The name and address of the applicant;
- 2 (ii) The street address of the property where the private group home  
3 is to be located or, if no address, a description which identifies the property;
- 4 (iii) If the applicant does not own the property, the name of the  
5 owner;
- 6 (iv) A statement that the applicant will comply with the laws, rules,  
7 and regulations that relate to the establishing and operating of private group homes under  
8 this subtitle;
- 9 (v) A statement that the applicant has sufficient resources to  
10 establish a private group home, or that those resources are available to the applicant;
- 11 (vi) A statement that the applicant's facilities meet the federal  
12 regulation requirements on program accessibility (45 C.F.R. §§ 84.21 through 84.23); and
- 13 (vii) A statement that the applicant will:

14 1. **A.** Establish and implement a safety plan for the  
15 safety of individuals served by the private group home; or

16 [2.] **B.** Implement a safety or emergency plan established  
17 for the private group home for another purpose; **AND**

18 **2. ESTABLISH AND IMPLEMENT A COMMUNITY**  
19 **RELATIONS PLAN THAT MEETS THE REQUIREMENTS OF § 7-501(C)(1)(II) OF THIS**  
20 **TITLE.**

### 21 **Article – Human Services**

22 9–234.

23 (a) The General Assembly intends that:

24 (1) all children whose care is the responsibility of the State shall have  
25 similar protection for their health, their safety, and the quality of their care; and

26 (2) the regulations of State units that are charged with child care shall be  
27 comparable.

28 (b) The Department shall adopt regulations:

29 (1) to carry out §§ 9–235 and 9–236 of this subtitle; and

1 (2) that require each juvenile care facility to:

2 (i) 1. **A.** establish and implement a safety plan for the safety  
3 of juveniles under the care of the facility; or

4 **[2.] B.** implement a safety or emergency plan established  
5 for the facility for another purpose; and

6 **2. ESTABLISH AND IMPLEMENT A COMMUNITY**  
7 **RELATIONS PLAN THAT INCLUDES:**

8 **A. A DESCRIPTION OF THE PROCESSES AND**  
9 **PROCEDURES FOR THE JUVENILE CARE FACILITY TO PROVIDE COMMUNITIES**  
10 **IDENTIFIED BY THE LOCAL JURISDICTION REGULAR UPDATES REGARDING**  
11 **COMMUNITY RELATIONS ISSUES, INCLUDING PARKING, TRAFFIC, COMPLAINTS,**  
12 **CONSTRUCTION, AND GENERAL ACTIVITY AROUND THE JUVENILE CARE FACILITY;**

13 **B. A DESCRIPTION OF THE PROCESSES AND**  
14 **PROCEDURES FOR COMMUNITIES TO PROVIDE FEEDBACK REGARDING THE**  
15 **COMMUNITY RELATIONS PLAN; AND**

16 **C. THE TIMING, FORMAT, AND CONTENT OF THE**  
17 **REGULAR UPDATES PROVIDED UNDER ITEM A OF THIS ITEM; AND**

18 (ii) revise the safety plan **AND COMMUNITY RELATIONS PLAN** not  
19 less than every 5 years.

20 (c) A child care home or child care institution may not be required to obtain a  
21 license from more than one State unit.

22 (d) A State unit authorized to license child care homes or child care institutions  
23 may make a cooperative licensing arrangement with another State unit.

24 9–237.

25 (a) The Department shall adopt regulations that set standards for juvenile  
26 detention facilities operated by the Department and by private agencies under contract  
27 with the Department.

28 (b) The standards shall reflect the following central purposes of juvenile  
29 detention:

30 (1) to protect the public;

1 (2) to provide a safe, humane, and caring environment for children; and

2 (3) to provide access to required services for children.

3 (c) The standards shall include provisions establishing:

4 (1) a policy that eliminates the unnecessary use of detention and that  
5 prioritizes diversion and appropriate nonsecure alternatives;

6 (2) criteria for the placement of a child in a particular juvenile detention  
7 facility;

8 (3) population limits for each juvenile detention facility that may not be  
9 exceeded except in emergency circumstances;

10 (4) a requirement that staffing ratios and levels of services be maintained  
11 during emergencies;

12 (5) specifications for the architectural structure of a juvenile detention  
13 facility;

14 (6) staff qualifications and training, including training in recognizing and  
15 reporting child abuse and neglect;

16 (7) the ratio of staff to children in a juvenile detention facility;

17 (8) the rights of children in a juvenile detention facility, including the right  
18 to privacy, visitors, telephone use, and mail delivery;

19 (9) prohibitions against the use of excessive force against a child;

20 (10) internal auditing and monitoring of programs and facilities in the  
21 juvenile services system;

22 (11) prohibitions against the use of physical restraints on an individual  
23 known to be in the third trimester of pregnancy or during labor, delivery, or postpartum  
24 recovery, including during all transports, unless a facility superintendent or the facility  
25 superintendent's designee determines that a physical restraint is necessary to protect the  
26 individual from harming herself or others or to prevent the individual's escape from  
27 custody; [and]

28 (12) a policy concerning a safety plan for the safety of juveniles detained in  
29 a facility, including:

30 (i) the means to implement the safety plan or a safety or emergency  
31 plan established for the facility for another purpose; and

1 (ii) a requirement that the safety plan be revised not less than every  
2 5 years; AND

3 (13) A POLICY CONCERNING A COMMUNITY RELATIONS PLAN,  
4 INCLUDING:

5 (I) THE MEANS TO IMPLEMENT THE COMMUNITY RELATIONS  
6 PLAN;

7 (II) 1. A DESCRIPTION OF THE PROCESSES AND  
8 PROCEDURES FOR:

9 A. THE JUVENILE DETENTION FACILITY TO PROVIDE TO  
10 COMMUNITIES IDENTIFIED BY THE LOCAL JURISDICTION REGULAR UPDATES  
11 REGARDING COMMUNITY RELATIONS ISSUES, INCLUDING PARKING, TRAFFIC,  
12 COMPLAINTS, CONSTRUCTION, AND GENERAL ACTIVITY AROUND THE JUVENILE  
13 DETENTION FACILITY; AND

14 B. COMMUNITIES TO PROVIDE FEEDBACK REGARDING  
15 THE COMMUNITY RELATIONS PLAN; AND

16 2. THE TIMING, FORMAT, AND CONTENT OF THE  
17 REGULAR UPDATES PROVIDED UNDER ITEM 1A OF THIS ITEM; AND

18 (III) A REQUIREMENT THAT THE COMMUNITY RELATIONS PLAN  
19 BE REVISED NOT LESS THAN EVERY 5 YEARS.

20 (d) The standards shall be consistent with this title and Title 3, Subtitle 8A of the  
21 Courts Article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2024.