

HOUSE BILL 840

O4

11r0058

By: **Chair, Ways and Means Committee (By Request – Departmental – Children, Office for)**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

2 **Children, Youth, and Families – Services to Children with Special Needs**

3 FOR the purpose of altering a certain State policy relating to children and families;
4 altering the membership of local management boards; altering the membership
5 and chairmanship of the State Coordinating Council for Children; altering the
6 duties of the Council; renaming local coordinating councils to be local care
7 teams; altering the membership of local care teams; altering the duties of local
8 care teams; providing for the administration of local care teams; providing for
9 compensation for certain members of local care teams; altering and repealing
10 certain definitions; defining certain terms; making certain conforming changes;
11 and generally relating to services to children with special needs.

12 BY repealing and reenacting, with amendments,

13 Article – Human Services

14 Section 8–101, 8–102, 8–302, 8–402, 8–403, 8–404, 8–405, 8–406, 8–408, and
15 8–409

16 Annotated Code of Maryland

17 (2007 Volume and 2010 Supplement)

18 BY repealing

19 Article – Human Services

20 Section 8–407

21 Annotated Code of Maryland

22 (2007 Volume and 2010 Supplement)

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.



1 BY repealing and reenacting, with amendments,
2 Article – Family Law
3 Section 5–525(b)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2010 Supplement)

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

8 **Article – Human Services**

9 8–101.

10 (a) In this title the following words have the meanings indicated.

11 (b) (1) “Child in need of out-of-state placement” means a child who is
12 recommended by a [unit represented on the local coordinating council] **PUBLIC**
13 **AGENCY** for out-of-home placement outside of the State.

14 (2) “Child in need of out-of-state placement” does not include a child:

15 (I) placed in foster care, as defined in § 5–501 of the Family
16 Law Article; **OR**

17 (II) **WHO IS IN A HOSPITAL FOR 30 CONTINUOUS DAYS OR**
18 **LESS.**

19 (c) [“Child in need of residential placement” means a child:

20 (1) who is recommended by a member of the local coordinating council
21 for residential placement;

22 (2) on whose behalf the member of the local coordinating council seeks
23 State funding for the placement; and

24 (3) who a unit represented on the local coordinating council has
25 determined meets eligibility criteria for a State-funded placement.

26 (d)] “Child with intensive needs” means a child who has behavioral,
27 educational, developmental, or mental health needs that cannot be met through
28 available public agency resources because:

29 (1) the child’s needs exceed the resources of a single public agency;
30 **[and] OR**

1 (2) there is no legally mandated funding source to meet the child's
2 needs.

3 [(e)] (D) “Core service agency” means the designated county or multicounty
4 authority that is responsible for planning, managing, and monitoring publicly funded
5 mental health services as provided under Title 10, Subtitle 12 of the Health – General
6 Article.

7 [(f)] (E) “Council” means the State Coordinating Council for Children.

8 [(g)] (F) “Executive Director” means the Executive Director of the
9 Governor's Office for Children.

10 (G) (1) **“FAMILY” MEANS AN ELIGIBLE CHILD’S NATURAL, ADOPTIVE,
11 OR FOSTER PARENTS.**

12 (2) **“FAMILY” INCLUDES:**

13 (I) A GUARDIAN;

14 (II) A PERSON ACTING AS A PARENT OF A CHILD; AND

15 (III) A RELATIVE OR STEPPARENT WITH WHOM A CHILD
16 LIVES.

17 (h) [“Lead agency” means the local government unit identified by federal or
18 State law or by the local coordinating council as responsible for the oversight and
19 implementation of a plan of care for a child in need of residential placement or a child
20 with intensive needs.] **“HOSPITAL” HAS THE MEANING STATED IN § 19–301 OF
21 THE HEALTH – GENERAL ARTICLE.**

22 (i) [“Local coordinating council” means a local council that coordinates
23 services for children in need of residential placement and children with intensive
24 needs.

25 (j)] “Local management board” means an entity established or designated by
26 a county under Subtitle 3 of this title to ensure the implementation of a local,
27 interagency service delivery system for children, youth, and families.

28 [(k)] (J) “Office” means the Governor's Office for Children.

29 [(l)] (K) “Public agency” means a State or local government unit or a
30 quasi-governmental entity.

1 [(m)] (L) (1) “Residential child care program” means an entity that
2 provides 24-hour per day care for children within a structured set of services and
3 activities that are designed to achieve specific objectives relative to the needs of the
4 children served and that include the provision of food, clothing, shelter, education,
5 social services, health, mental health, recreation, or any combination of these services
6 and activities.

7 (2) “Residential child care program” includes a program:

8 (i) licensed by:

- 9 1. the Department of Health and Mental Hygiene;
10 2. the Department of Human Resources; or
11 3. the Department of Juvenile Services; and

12 (ii) that is subject to the licensing regulations of the members of
13 the Children’s Cabinet governing the operations of residential child care programs.

14 [(n) (1) “Residential placement” means a placement in:

15 (i) a hospital, under circumstances described in Children’s
16 Cabinet regulations;

17 (ii) a residential treatment center;

18 (iii) a residential school; or

19 (iv) another out-of-home placement as specified in Children’s
20 Cabinet regulations.

21 (2) “Residential placement” does not include a placement in:

22 (i) a facility established under § 9–226 of this article; or

23 (ii) foster care, as defined in § 5–501 of the Family Law Article.]

24 8–102.

25 (A) It is the policy of the State to promote a stable, safe, and healthy
26 environment for children and families **THAT PROVIDES ACCESS TO NECESSARY**
27 **SERVICES AND SUPPORTS IN THE LEAST RESTRICTIVE, MOST APPROPRIATE,**
28 **AND MOST EFFECTIVE ENVIRONMENT POSSIBLE,** thereby increasing
29 self-sufficiency and family preservation[.].

1 **(B) THIS POLICY SHALL BE ACHIEVED** through a comprehensive and
2 coordinated interagency approach that:

3 (1) IS FAMILY-DRIVEN, CHILD-GUIDED, HOME- AND
4 COMMUNITY-BASED, CULTURALLY AND LINGUISTICALLY COMPETENT,
5 INDIVIDUALIZED, AND EFFECTIVE;

6 (2) provides a continuum of care [that is family- and
7 child-oriented and emphasizes], **OPPORTUNITIES, AND SUPPORTS THAT**
8 **EMPHASIZE** prevention, early intervention, and community-based services, **AS WELL**
9 **AS NATURAL SUPPORTS; [and]**

10 **[(2)] (3)** gives priority to children and families most at risk; **AND**

11 (4) **ENGAGES AND EMPOWERS FAMILIES AND CHILDREN SO THAT,**
12 **TO THE EXTENT POSSIBLE, THEY WILL BE WELL-REPRESENTED IN EVERY FACET**
13 **OF THE CHILD-FAMILY SERVING SYSTEM AND PARTNERS IN THEIR OWN CARE**
14 **PLANNING.**

15 8-302.

16 A local management board may be composed of:

17 (1) public and private community representatives who share the
18 responsibility for implementing a community-based, interagency, family-focused
19 service delivery system for children, youth, and families; [and]

20 (2) a senior representative or department head of the:

21 (i) local health department;

22 (ii) local office of the Department of Juvenile Services;

23 (iii) core service agency;

24 (iv) local school system; and

25 (v) local department of social services;

26 (3) **FAMILY MEMBERS OR FAMILY ADVOCATES; AND**

27 (4) **YOUTH OR YOUTH ADVOCATES.**

28 8-402.

1 **(A)** The Council consists of the following members:

2 (1) the Executive Director of the Governor's Office for Children, or the
3 Executive Director's designee;

4 [(2) the Secretary of Budget and Management, or the Secretary's
5 designee;

6 (3) the Secretary of Disabilities, or the Secretary's designee;]

7 [(4) **(2)** the Secretary of Juvenile Services, or the Secretary's
8 designee;

9 [(5) **(3)** the Secretary of Health and Mental Hygiene, or the
10 Secretary's designee;

11 [(6) **(4)** the Secretary of Human Resources, or the Secretary's
12 designee; **AND**

13 [(7) **(5)** the State Superintendent of Schools, or the Superintendent's
14 designee]; and

15 (8) a parent, parent advocate, or both, appointed by the Governor].

16 **(B) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**
17 **SECRETARY'S DESIGNEE, SHALL SERVE AS A NONVOTING EX OFFICIO COUNCIL**
18 **MEMBER.**

19 **(C) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S**
20 **DESIGNEE, SHALL SERVE AS A NONVOTING EX OFFICIO COUNCIL MEMBER.**

21 **(D) THE CHILDREN'S CABINET SHALL DESIGNATE UP TO THREE**
22 **INDIVIDUALS TO SERVE ON THE COUNCIL ON A ROTATING BASIS TO REPRESENT**
23 **EACH OF THE FOLLOWING STAKEHOLDER GROUPS:**

24 **(1) FAMILY MEMBERS OR FAMILY ADVOCATES; AND**

25 **(2) YOUTH OR YOUTH ADVOCATES.**

26 8-403.

27 (a) (1) The office of chair of the Council shall rotate annually among the
28 members of the Council **APPOINTED UNDER § 8-402(A) OF THIS SUBTITLE, IN THE**
29 **ORDER LISTED IN THAT SUBSECTION.**

1 (2) The term of the chair is 1 year.

2 **[(3) A member from a unit represented on the Council may not serve as**
3 **chair more than once every 5 years.]**

4 (b) The Office shall provide staff support for the Council.

5 8-404.

6 **[(a)] The Council shall ADDRESS THE POPULATION OF CHILDREN WHO ARE**
7 **IN OUT-OF-STATE PLACEMENTS OR ARE RECOMMENDED FOR OUT-OF-STATE**
8 **PLACEMENTS, INCLUDING:**

9 (1) [establish and oversee the local coordinating council in each
10 county;

11 (2) develop procedures for the operation of local coordinating councils;

12 (3) review periodically the procedures of local coordinating councils for
13 making decisions on residential placement for children in need of residential
14 placement;

15 (4) review] **REVIEWING** recommendations for State funding of the
16 individual placement of a child in need of out-of-state placement;

17 **[(5)] monitor local coordinating councils to ensure that the local**
18 **coordinating councils consider all alternatives for the provision of services to children**
19 **and their families in the community;**

20 (6) establish and maintain a multiple unit information system to
21 ensure accountability and provide State service planning capability;

22 **(7)] (2) [coordinate evaluations of] COORDINATING THE**
23 **MONITORING OF OUT-OF-STATE** residential facilities for children as required by
24 statute;

25 **(3) TRACKING THE TYPES, COSTS, AND EFFECTIVENESS OF**
26 **SERVICES REQUIRED TO MEET THE NEEDS OF CHILDREN WHO ARE**
27 **RECOMMENDED FOR OUT-OF-STATE PLACEMENTS;**

28 **(4) PROVIDING TRAINING AND TECHNICAL ASSISTANCE TO LOCAL**
29 **AGENCY AND COMMUNITY PARTNERS;**

30 **[(8)] (5) [make] MAKING** recommendations to the appropriate
31 secretary on the development of regulations to carry out this subtitle; and

1 (2) a parent, parent advocate, or both, appointed by the chair of the
2 local [coordinating council] CARE TEAM in consultation with the child advocacy
3 community; and

4 (3) a nonvoting representative of the local office of the division of
5 rehabilitative services to represent individuals who are 16 years old and older.

6 (b) [The Council] EACH LOCAL CARE TEAM shall establish the terms of
7 [the] ITS members [of the local coordinating councils].

8 (c) Each local [coordinating council] CARE TEAM shall select its chair from
9 among its members for a designated term of office.

10 (D) ~~THE ADMINISTRATIVE FUNCTIONS OF EACH CARE TEAM SHALL~~
11 ~~ROTATE AMONG ITS MEMBERS~~ EACH LOCAL CARE TEAM:

12 (1) SHALL DETERMINE WHICH OF ITS MEMBERS WILL HAVE
13 RESPONSIBILITY FOR ITS ADMINISTRATIVE FUNCTIONS; AND

14 (2) IF TWO OR MORE MEMBERS WILL SHARE THE
15 RESPONSIBILITY, SHALL DETERMINE THE ROTATION OF THE ADMINISTRATIVE
16 FUNCTIONS.

17 (E) SUBJECT TO THE AVAILABILITY OF FUNDS, A PARENT OR PARENT
18 ADVOCATE WHO IS A MEMBER OF A LOCAL CARE TEAM MAY RECEIVE:

19 (1) THE COMPENSATION PROVIDED IN THE STATE OR LOCAL
20 BUDGET; AND

21 (2) REIMBURSEMENT FOR EXPENSES, IN ACCORDANCE WITH THE
22 STANDARD STATE TRAVEL REGULATIONS.

23 [8-407.

24 (a) (1) A local coordinating council shall be part of the local management
25 board for administrative and budgetary purposes.

26 (2) The local coordinating council shall be independent of the local
27 management board in its decisions regarding individual plans of care for children and
28 policy recommendations regarding services to children.

29 (b) Subject to the availability of funding, the local management board shall
30 provide administrative staff and support to the local coordinating council.]

31 [8-408.] 8-407.

1 **[(a)]** A local **[coordinating council]** **CARE TEAM** shall:

2 **[(1)** accept placement referrals from the units represented on the local
3 coordinating council;

4 **(2)** review recommendations for the residential placement of children
5 referred to the local coordinating council in accordance with subsection (b) of this
6 section;

7 **(3)** provide an interagency plan of care for residential placement or
8 appropriate, alternative, community-based services for a child;

9 **(4)** consistent with regulations adopted by the Children's Cabinet,
10 submit recommended plans of care to the Council; and

11 **(5)** assist the unit primarily responsible for a child's care in
12 implementing and monitoring the residential placement of the child.]

13 **(1) BE A FORUM FOR:**

14 **(I) FAMILIES OF CHILDREN WITH INTENSIVE NEEDS TO**
15 **RECEIVE ASSISTANCE WITH THE IDENTIFICATION OF INDIVIDUAL NEEDS AND**
16 **POTENTIAL RESOURCES TO MEET IDENTIFIED NEEDS; AND**

17 **(II) INTERAGENCY DISCUSSIONS AND PROBLEM SOLVING**
18 **FOR INDIVIDUAL CHILD AND FAMILY NEEDS AND SYSTEMIC NEEDS;**

19 **(2) REFER CHILDREN AND FAMILIES TO:**

20 **(I) CARE MANAGEMENT ENTITIES WHEN APPROPRIATE;**
21 **AND**

22 **(II) AVAILABLE LOCAL AND COMMUNITY RESOURCES;**

23 **(3) PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO LOCAL**
24 **AGENCY AND COMMUNITY PARTNERS;**

25 **(4) IDENTIFY AND SHARE RESOURCE DEVELOPMENT NEEDS AND**
26 **COMMUNICATE WITH THE CARE MANAGEMENT ENTITY, LOCAL CORE SERVICE**
27 **AGENCIES, PROVIDER NETWORKS, LOCAL MANAGEMENT BOARDS, AND OTHER**
28 **LOCAL CARE TEAMS IN SURROUNDING JURISDICTIONS; AND**

1 5-525.

2 (b) (1) The Administration shall establish a program of out-of-home
3 placement for minor children:

4 (i) who are placed in the custody of a local department, for a
5 period of not more than 180 days, by a parent or legal guardian under a voluntary
6 placement agreement;

7 (ii) who are abused, abandoned, neglected, or dependent, if a
8 juvenile court:

9 1. has determined that continued residence in the child's
10 home is contrary to the child's welfare; and

11 2. has committed the child to the custody or
12 guardianship of a local department; or

13 (iii) who, with the approval of the Administration, are placed in
14 an out-of-home placement by a local department under a voluntary placement
15 agreement subject to paragraph (2) of this subsection.

16 (2) (i) A local department may not seek legal custody of a child
17 under a voluntary placement agreement if the child has a developmental disability or
18 a mental illness and the purpose of the voluntary placement agreement is to obtain
19 treatment or care related to the child's disability that the parent is unable to provide.

20 (ii) A child described in subparagraph (i) of this paragraph may
21 remain in an out-of-home placement under a voluntary placement agreement for
22 more than 180 days if the child's disability necessitates care or treatment in the
23 out-of-home placement and a juvenile court makes a finding that continuation of the
24 placement is in the best interests of the child.

25 (iii) Each local department shall designate, from existing staff, a
26 staff person to administer requests for voluntary placement agreements for children
27 with developmental disabilities or mental illnesses.

28 (iv) Each local department shall report annually to the
29 Administration on the number of requests for voluntary placement agreements for
30 children with developmental disabilities or mental illnesses that have been received,
31 the outcome of each request, and the reason for each denial.

32 (v) On receipt of a request for a voluntary placement agreement
33 for a child with a developmental disability or a mental illness, a local department shall
34 discuss the child's case at the next meeting of the local [coordinating council] CARE

1 **TEAM** for the purpose of determining whether any alternative or interim services for
2 the child and family may be provided by any agency.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.