

SENATE BILL 336

E3

2lr1383

By: **Senator Conway**

Introduced and read first time: January 27, 2012

Assigned to: Judicial Proceedings and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services – State-Owned Facilities – Repeal of 48-Bed Limit**

3 FOR the purpose of repealing a provision of law that provides that each committed
4 facility owned by the Department of Juvenile Services serves no more than a
5 certain number of children at one time; and generally relating to juvenile
6 services.

7 BY repealing and reenacting, with amendments,
8 Article – Human Services
9 Section 9–238.1
10 Annotated Code of Maryland
11 (2007 Volume and 2011 Supplement)

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

14 **Article – Human Services**

15 9–238.1.

16 (a) The Department shall serve children in the juvenile services system with
17 programming that:

18 (1) ensures the safety of the community and the children served;

19 (2) holds delinquent children accountable to victims and communities;

20 (3) assists children to develop competencies to become successful
21 members of society;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) delivers services on a regional basis through at least four
2 operational regions;

3 (5) [(i) ensures that each committed facility owned by the
4 Department serves no more than 48 children at one time; and

5 (ii)] ensures that each committed facility licensed by the
6 Department serves no more than 48 children at one time, unless the Secretary finds
7 good cause for a committed facility licensed by the Department to serve more than 48
8 children at one time; and

9 (6) uses detention and committed facilities that are operationally
10 separate from each other and that do not share common program space, including
11 dining halls and educational or recreational facilities.

12 (b) A region shall:

13 (1) include at least one secure facility used solely for children pending
14 court disposition and children awaiting placement after disposition;

15 (2) except for specialized services as provided in subsection (c) of this
16 section, include a number of committed facilities estimated to be necessary to
17 diagnose, care for, train, educate, and properly rehabilitate every child from the region
18 in the custody of the Department; and

19 (3) include a nonpublic facility only if the Department determines that
20 the facility:

21 (i) has provided or will efficiently and effectively provide
22 adequate care for the children placed in the facility; and

23 (ii) has demonstrated or will demonstrate a record of success
24 based on standards promulgated by the Department.

25 (c) The Department may place a child into a committed facility outside the
26 child's region if a determination is made by the Department that specialized services
27 for the child require the placement in the best interests of the child.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012.