

Chapter 198

(Senate Bill 245)

AN ACT concerning

Juvenile Law – Disposition – Committed ~~Programs~~ Facilities

FOR the purpose of ~~repealing a provision authorizing the juvenile court to designate the type of facility where a certain child is to be accommodated~~ authorizing the Department of Juvenile Services to transfer a child committed for residential placement from a certain facility ~~or program~~ to another facility ~~or program~~ under certain circumstances; *specifying the type of facility to which a child may be transferred under this Act*; requiring the Department of Juvenile Services to notify certain individuals if a child's residential placement is changed; authorizing the juvenile court to conduct a certain hearing; *requiring the Department of Juvenile Services to report to the General Assembly on or before a certain date; providing for the termination of this Act*; and generally relating to juvenile law.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–19(d)(1)(i) and (ii)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–19(d)(1)(ii)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–19(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–19.

(d) (1) In making a disposition on a petition under this subtitle, the court may:

(i) Place the child on probation or under supervision in his own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention;

(ii) Subject to the provisions of paragraph (2) of this subsection, commit the child to the custody or under the guardianship of the Department of Juvenile Services, the Department of Health and Mental Hygiene, or a public or licensed private agency on terms that the court considers appropriate to meet the priorities set forth in § 3-8A-02 of this subtitle~~§~~, including designation of the type of facility where the child is to be accommodated,~~§~~ until custody or guardianship is terminated with approval of the court or as required under § 3-8A-24 of this subtitle;

~~(L) (1) IF THE CHILD'S RESIDENTIAL PLACEMENT IS CHANGED AT ANY TIME AFTER THE COMMITMENT OF THE CHILD TO THE DEPARTMENT OF JUVENILE SERVICES UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE COURT, THE CHILD'S COUNSEL, AND THE CHILD'S PARENT OR GUARDIAN WITHIN 7 DAYS WHEN NECESSARY TO APPROPRIATELY ADMINISTER THE COMMITMENT OF THE CHILD, THE DEPARTMENT OF JUVENILE SERVICES, ON APPROVAL OF THE DIRECTOR OF BEHAVIORAL HEALTH, MAY TRANSFER A CHILD COMMITTED FOR RESIDENTIAL PLACEMENT FROM ONE FACILITY OR PROGRAM TO ANOTHER FACILITY OR PROGRAM THAT IS OPERATED, LICENSED, OR CONTRACTED BY THE DEPARTMENT.~~

(2) A FACILITY TO WHICH A CHILD IS TRANSFERRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) CONSISTENT WITH THE TYPE OF FACILITY DESIGNATED BY THE COURT UNDER SUBSECTION (D)(1)(II) OF THIS SECTION; OR

(II) MORE SECURE THAN THE TYPE OF FACILITY DESIGNATED BY THE COURT UNDER SUBSECTION (D)(1)(II) OF THIS SECTION.

~~(2)~~ (3) PRIOR TO TRANSFER, THE DEPARTMENT SHALL NOTIFY:

(I) THE COURT;

(II) THE COUNSEL FOR THE CHILD;

(III) THE STATE'S ATTORNEY; AND

(IV) THE PARENT OR GUARDIAN OF THE CHILD.

~~(2)~~ ~~(3)~~ (4) THE COURT MAY CONDUCT A HEARING AT ANY TIME FOR THE PURPOSE OF REVIEWING THE COMMITMENT ORDER AND THE TRANSFER OF A CHILD UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2014, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2012. *It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.*

Approved by the Governor, May 2, 2012.