

HOUSE BILL 1359

J1, O3, E3

4lr2719

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

Introduced and read first time: February 9, 2024

Assigned to: Health and Government Operations

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(c) Each State residential center shall:

(1) Establish and implement [a]:

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

(II) A COMMUNITY RELATIONS PLAN THAT INCLUDES:

1. A DESCRIPTION OF THE PROCESSES AND PROCEDURES FOR:

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

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

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

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

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

7-610.

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

(b) The application shall:

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

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

(i) The name and address of the applicant;

(ii) The street address of the property where the private group home is to be located or, if no address, a description which identifies the property;

(iii) If the applicant does not own the property, the name of the owner;

(iv) A statement that the applicant will comply with the laws, rules, and regulations that relate to the establishing and operating of private group homes under this subtitle;

(v) A statement that the applicant has sufficient resources to establish a private group home, or that those resources are available to the applicant;

(vi) A statement that the applicant's facilities meet the federal regulation requirements on program accessibility (45 C.F.R. §§ 84.21 through 84.23); and

(vii) A statement that the applicant will:

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

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

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

Article – Human Services

9–234.

(a) The General Assembly intends that:

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

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

(b) The Department shall adopt regulations:

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

(2) that require each juvenile care facility to:

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

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

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

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

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

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

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

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

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

9–237.

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

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

(1) to protect the public;

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

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

(c) The standards shall include provisions establishing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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