HOUSE BILL 1010

J1, D1, O4 2lr2637

By: Delegate Kipke

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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Children -	Substance	Ahugo	Court	Ordorod	Fyoluo	tions and	Trootmont
- Uniiaren -	- Substance	Abuse	Court-	-Oraerea	rvalua	tions and	Treatment

- FOR the purpose of requiring a circuit court for a county sitting as the juvenile court to order a child to enter a State-licensed substance abuse treatment program under certain circumstances; requiring the Department of Juvenile Services to provide substance abuse treatment to a child who is ordered to enter a State-licensed substance abuse treatment program; and generally relating to children, substance abuse, and court-ordered treatment.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Courts and Judicial Proceedings
- 11 Section 3–8A–03(a)
- 12 Annotated Code of Maryland
- 13 (2020 Replacement Volume and 2021 Supplement)
- 14 BY adding to
- 15 Article Health General
- Section 8–5A–01 and 8–5A–02 to be under the new subtitle "Subtitle 5A. Substance
- 17 Abuse Children Court–Ordered Evaluations and Treatment"
- 18 Annotated Code of Maryland
- 19 (2019 Replacement Volume and 2021 Supplement)
- 20 BY repealing and reenacting, with amendments,
- 21 Article Human Services
- 22 Section 9–243
- 23 Annotated Code of Maryland
- 24 (2019 Replacement Volume and 2021 Supplement)
- 25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 26 That the Laws of Maryland read as follows:



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Article – Courts and Judicial Proceedings

- 2 3–8A–03.
- 3 (a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has 4 exclusive original jurisdiction over:
- 5 (1) A child who is alleged to be delinquent or in need of supervision or who 6 has received a citation for a violation;
- 7 (2) Except as provided in subsection (d)(6) of this section, a peace order 8 proceeding in which the respondent is a child; [and]
- 9 (3) Proceedings arising under the Interstate Compact on Juveniles; AND
- 10 (4) A CHILD WHO IS IN NEED OF AND MAY BENEFIT FROM INPATIENT
- OR OUTPATIENT SUBSTANCE ABUSE TREATMENT PROVIDED UNDER § 3–8A–15(I)(3)
- 12 OF THIS SUBTITLE OR ORDERED UNDER § 8-5A-02 OF THE HEALTH GENERAL
- 13 ARTICLE.
- 14 Article Health General
- 15 SUBTITLE 5A. SUBSTANCE ABUSE CHILDREN COURT–ORDERED EVALUATIONS
 AND TREATMENT.
- 17 **8–5A–01.**
- IN THIS SUBTITLE, "COURT" MEANS THE CIRCUIT COURT FOR A COUNTY
 19 SITTING AS THE JUVENILE COURT.
- 20 **8–5A–02.**
- 21 (A) IF IT APPEARS TO A COURT THAT A CHILD IS IN NEED OF AND MAY
- 22 BENEFIT FROM INPATIENT OR OUTPATIENT SUBSTANCE ABUSE TREATMENT IN A
- 23 STATE-LICENSED SUBSTANCE ABUSE TREATMENT PROGRAM, THE COURT SHALL
- 24 ORDER THE DEPARTMENT TO EVALUATE THE CHILD.
- 25 (B) THE COURT SHALL SET AND MAY CHANGE THE CONDITIONS UNDER 26 WHICH AN EVALUATION IS TO BE CONDUCTED UNDER THIS SECTION.
- 27 (C) THE DEPARTMENT SHALL ENSURE THAT EACH EVALUATION ORDERED
- 28 UNDER THIS SECTION IS CONDUCTED IN ACCORDANCE WITH REGULATIONS
- 29 ADOPTED BY THE DEPARTMENT.

- 1 (D) IF THE DEPARTMENT FINDS THAT A CHILD EVALUATED UNDER THIS
 2 SECTION WOULD BENEFIT FROM INPATIENT OR OUTPATIENT SUBSTANCE ABUSE
 3 TREATMENT, THE COURT SHALL ORDER THE CHILD TO ENTER A STATE-LICENSED
 4 SUBSTANCE ABUSE TREATMENT PROGRAM.
 - Article Human Services

6 9-243.

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- 7 (a) If requested by a juvenile court or by any other court in a proceeding that 8 involves the interest of a minor, the Department shall provide the services described in this 9 title.
- 10 (b) The Department shall provide the employees necessary for any services that 11 a juvenile court orders.
- 12 (C) (1) THE DEPARTMENT SHALL PROVIDE INPATIENT OR OUTPATIENT
 13 SUBSTANCE ABUSE TREATMENT TO A CHILD WHO IS ORDERED BY A COURT UNDER §
 14 8–5A–01 OF THE HEALTH GENERAL ARTICLE TO ENTER A STATE-LICENSED
 15 SUBSTANCE ABUSE TREATMENT PROGRAM.
- 16 (2) THE DEPARTMENT SHALL REIMBURSE AN ENTITY FOR THE COSTS
 17 OF SERVICES TO PROVIDE SUBSTANCE ABUSE TREATMENT IN ACCORDANCE WITH
 18 PARAGRAPH (1) OF THIS SUBSECTION.
- 19 **[(c)] (D)** The Department shall cooperate with the juvenile court in carrying out 20 the objectives of this title and Title 3, Subtitles 8 and 8A of the Courts Article.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.