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STATE OF MARYLAND

WILLIAM DONALD SCHAEFER, GOVERNOR

JUVENILE SERVICES AGENCY

LINDA D'AMARIO ROSSI, Director
321 Fallsway
Baltimore, Maryland 21202

Prepared by

Raymond Huber

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EVALUATION PROCESS

This evaluation report contains a summary and eight parts, each part representing a chapter currently codified under the subtitle "Juvenile Services Agency" in the Code of Maryland Regulations, Title 14 - Independent Agencies.

Each part contains four requirements.

A. General Information

Setting forth the citation, title, authority, effective date, and date of last amendment as this information currently appears in COMAR.

B. Evaluation Results

Indicating the conclusions of the reviewers, using the evaluation criteria outlined below and the final recommendations of the Director, Juvenile Services Agency.

C. Proposed Amendments

Containing the language for amending or repealing the regulations.

D. Impact Statement

Setting forth the anticipated impact of the proposals on the economy, the business, and the public safety, health and welfare of the State.

Evaluation Procedures

Juvenile Services Agency staff reviewed each regulation in COMAR 14.22. to determine whether the regulation was (1) obsolete, (2) inconsistent with the statute, (3) inconsistent with judicial authority, (4) inaccurate, (5) ambiguous, (6) inadequate, or otherwise appropriate for repeal or amendment consistent with the criteria set forth in Executive Order .01.01.1986.01.

After the initial assessment and consequent revisions, Juvenile Services Agency staff reviewed each regulation to determine whether current statutory and judicial authority supported the regulation in its proposed amended form.

As a final step, the Director of the Juvenile Services Agency recommended appropriate action with regard to the regulations, including in her consideration the recommendations and suggestions of her staff and the Attorney General. When appropriate the Director discussed the proposed actions with persons who may be affected by the recommended changes.

The following criteria were applied during each chapter review:

1. Are the regulations:
 - (a) in the public interest,

- (b) supported by statutory and judicial authority,
 - (c) current and not in need of repeal,
 - (d) accurate,
 - (e) unambiguous,
 - (f) consistent with federal regulations and other state regulations, and
 - (g) effective in accomplishing their intended purpose?
2. Do the regulations assist the Juvenile Services Agency in being responsible and accountable to the public interest?
 3. Should the regulations be condensed, consolidated, or rewritten to eliminate duplication and achieve simplicity and clarity?

Summary of Recommendations

The regulatory review for the Director of the Juvenile Services Agency was conducted as a cooperative effort among the Executive Staff, staff persons familiar with the development and administration of the regulations, and the Assistant Attorney General. The Assistant Attorney General examined the proposals for legal sufficiency and conformity to statutory and judicial authority.

14.22.01 Vacant.

14.22.02 Youth Services Bureaus.

1. Change the terms:

- a. "Grant" to intergovernmental agreement to reflect the nature of the funding,
- b. "Grantee" to Local Government, and
- c. "Evaluation" to monitoring where appropriate to reflect the Agency's review function.

2. Delete the subsections:

- a. which refer to quarterly reports in the monitoring section, and
- b. on Evaluation.

3. Delete the regulation on Confidentiality of Records and replace it with a requirement consistent with the Juvenile Services Statute.
4. Add youth suicide prevention as a service.
5. Add alcohol and drug counseling as a service.
6. Add criminal background investigation of staff.

14.22.03 Standards for Juvenile Care Facilities.

1. Staff - client ratios were eliminated as an emergency measure and criteria for determination of staffing are being proposed as a permanent amendment.
2. Minimum age for child care workers is changed from 18 years old to 21 years old.

14.22.04 Youth Diversion Programs.

Recommendation: This chapter is satisfactory and no action is required at this time.

14.22.05 Purchase of Care - Services.

Recommendation: Amend this chapter to incorporate the provisions of Purchase of Care - Clinical.

14.22.06 Purchase of Care - Clinical.

Recommendation: Repeal the chapter in its entirety.

14.22.07 Child Advocacy Grievance Procedure.

Repealed in its entirety and new regulations were adopted January 3, 1989 effective January 23, 1989.

14.22.08 Vacant.

14.22.09 Probation and Aftercare Services and Procedures.

A workload analysis study is being planned and will be conducted to assess case management demands. The results will provide information important to the review and revision of these regulations. No changes will be made in these regulations until after the study is completed.

14.22.10 Construction Funds for Public, For Profit, and NonProfit Juvenile Residential Facilities.

New regulations were adopted January 3, 1989 effective January 23, 1989.

YOUTH SERVICES BUREAU

A. General Information

COMAR: 14.22.02

Title: Youth Services Bureau

Authority: Article 83C, Section 2-122, Annotated Code of Maryland.

Effective Date: August 17, 1977 (4:17 Maryland Register 1299).

Date Last Amended: This chapter of regulations has not been amended.

B. Evaluation Results

Based on the procedures outlined in the Evaluation process and the criteria set forth in the Evaluation Procedures, the regulations pertaining to Youth Services Bureau are not satisfactory for the following reasons:

1. The regulations do not include the statutorily mandated requirement that Youth Services Bureaus provide "crisis intervention including intervention relating to youth suicide prevention."

2. The funds for Youth Services Bureaus are not grants, but are a shared responsibility of the State and local governments through an intergovernmental agreement.
3. There is not a grantee involved in Youth Services Bureau funding. The State provides 75 percent of the funding to local governments, which must provide the additional 25 percent.
4. The term "evaluation" does not reflect the Agency's complete review of the Youth Services Bureaus. The statutory mandate is to monitor Youth Services Bureau operations. These programs will be subject to certification as well as periodic monitoring.
5. The requirement that Youth Services Bureaus submit quarterly reports is obsolete.
6. The section on annual evaluation refers to follow up as the primary tool for evaluation and is more restrictive than the actual evaluation process.
7. The National Advisory Commission on Criminal Justice Standards and Goals (1973), on which confidentiality standards were based, no longer exists and its standards are not enforceable.

8. The current regulations do not address provisions which must exist to satisfy the Juvenile Services Agency's mandate to compile and maintain accurate statistics and reliable client specific information to assist in research, assessment monitoring of juvenile programs and for case management purposes.

9. The current regulations do not include alcohol and drug counseling as required services and the requirement that there be a criminal background investigation of staff.

C. Proposed Action

Amend the chapter.

D. Impact Statement

The amendments recommended for this chapter should not have any impact on the economy, the business, or the public health, safety or welfare of the State or its citizens. The addition of youth suicide prevention services is a statutory requirement that was being performed in the provision of crisis intervention services.

Title 14
Independent Agencies
Subtitle 22 Juvenile Services Agency
Chapter .02 Youth Services Bureau
Authority: Article 83C Section 2-122
Annotated Code of Maryland

Notice of Proposed Action

The Director of the Juvenile Services Agency proposes to amend Regulation .01, .04, .05, .06, .07, .08, .09, .10 and .11 and add new regulation .13 under Chapter 14.22.02 Youth Services Bureau. These amendments change some language to reflect the source of funding for the providers and the type of licensing review and delete obsolete review criteria and an obsolete confidentiality standard. Youth suicide prevention is added as a required service and provisions are made for the gathering of client specific information for research, program assessment and case management purposes; provisions are also added for data on staff, data on clients, drug and alcohol counseling, and criminal records check on staff.

Estimate of Economic Impact

The proposed action will not have an impact on the issuing agency or other State and local agencies, or regulated industries, other industries or trade groups or the general public, health, safety or welfare of the State or its citizens.

Opportunity for Public Comments

The Administrator for Research, Policy, Planning & Management Information Services for the Juvenile Services Agency will hold a hearing concerning the adoption of these regulations on _____ at _____ in the first floor Conference Room, 321 Fallsway, Baltimore, MD 21202.

All interested persons are invited to attend and give their views. Any hearing impaired person may request an interpreter to be present at the hearing by giving five working days notice to Dr. Martin Schugam, Administrator: Planning, Policy and Regulations, at 321 Fallsway, Second Floor, Baltimore, Maryland 21202 or call at (301) 333-6335.

Written comments may be sent to Raymond Huber, Policy and Regulations Specialist, Juvenile Services Agency, 321 Fallsway, Baltimore, Maryland 21202. These comments must be received not later than the date of the hearing.

Title 14
INDEPENDENT AGENCIES

Subtitle 22 JUVENILE SERVICES AGENCY

Chapter 02 Youth Services Bureau

Authority: Article 83C, §2-122, Annotated Code of Maryland

Preface

These regulations apply to all youth services bureaus currently being funded by the Juvenile Services Agency, to any program which seeks funding from J.S.A. as a youth services bureau, and to any program which is approved by J.S.A. as a youth services bureau.

Title VI Compliance

The services and facilities of the Juvenile Services Agency are operated on a non-discriminatory basis. This policy prohibits discrimination on the basis of race, color, sex, or national origin and applies to the provision of services, use of facilities, opportunity to participate, practice of employment, and granting of advantages, privileges, and accommodations.

.01 Definition.

"Youth services bureau" means programs which:

A. Are based in communities experiencing juvenile crime, for the purpose of providing community-oriented delinquency prevention, youth development, and an amelioration of conditions which breed delinquency and family disruption; youth suicide prevention,

B. Provide services on a cost-free basis;

C. Function as advocates of youth needs;

including intervention relating to youth suicide prevention,

D. Provide counseling (individual, family, and group), referral and information services, crisis intervention, and informal counseling;

E. Provide, in accordance with particular community needs, tutoring, alternative leisure activities, employment assistance, community education, and other specialized services at convenient hours; and

F. Provide drug and alcohol counseling.

.02 Eligibility for Certification.

A program will be considered eligible for certification as a youth services bureau if it meets all criteria outlined under Regulations .01, .05, and .06, to the satisfaction of the Juvenile Services Agency.

.03 Eligibility for Funding.

Any youth services bureau receiving funding from the Juvenile Services Agency before July 1, 1976, will maintain its eligibility for funding. Any program which is certified as a youth services bureau after July 1, 1976, will be considered eligible for funding only as additional funds are legislatively mandated.

.04 Mutual Obligations.

A. Youth services bureau grantees will be responsible to the Director providers of the Juvenile Services Agency.

B. The youth services bureau will report to the program specialist in charge of prevention. Any problems between these parties which cannot be resolved will be brought to the attention of the Agency's chief of community programs. Disagreements regarding grants which cannot be resolved at this level will be appealed to the Director of Juvenile Services or designee. intergovernmental agreements

C. The youth services bureau records will conform to Juvenile Services Agency confidentiality standards as stated in Regulation .10, Confidentiality of Records.

D. All management, supervision, personnel policies, and operating procedures will be the responsibility of the youth services bureau director, subject to the regulations and policies of units of State and local government and corporations, when applicable. Any change in program emphasis or future direction should be developed in consultation with the bureau's advisory board/board of directors, local units of government where applicable, Juvenile Services Agency regional offices, and the program specialist in charge of prevention. designated JSA staff. shall

E. Meetings between representatives of the Juvenile Services Agency and the youth services bureaus will be held on an as-needed basis, at the request of any of the bureaus or Juvenile Services. At least one meeting will be held each year to establish funding procedures and policy. shall

F. Bureaus will be responsible for submitting quarterly and annual reports using the format contained in the "Guide to Grants Adminis-

designated JSA
Staff

tration"] The Juvenile Services Agency will be responsible for performing on-site visits and case reviews, and for collecting feedback from other agencies making use of bureau services and Juvenile Services Agency regional staff.

Csp

G. Within 15 working days after the completion of any phase of the monitoring/evaluation process, the bureau and grantee will receive local government written comments from the Juvenile Services Agency, on the monitor's findings. If all areas of the bureau's program appear to meet the standard certification specified in the "Guide to Grants Administration" and the grant application, a statement to that effect will be forwarded to the bureau and the grantee.

intergovernmental agreement conditions set in

local government

monitoring

The bureau director or the grantee's representative, or both, will respond within 15 working days after receipt, to any evaluation report they receive from the Juvenile Services Agency. These responses will become part of the bureau's file to be considered as part of the evaluation process. In the event of unresolvable differences of opinion regarding the validity of evaluation findings, the appeals process outlined in §B will be used, and the results of that process will be entered into the bureau's files.

monitoring

H. With the exception of evaluation reports regarding individual bureau program effectiveness, data collected from or disseminated to a bureau by the Juvenile Services Agency is understood to be public information which may be shared by the bureaus or the Agency with other youth services bureaus, agencies, organizations, or individuals, with a copy sent to the bureau concerned.

monitoring

I. Youth services bureaus or the local units of government will establish and maintain such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of bureau funds under their control. Fiscal procedures for grantees are stated in Regulation .11, Fiscal Guidelines. Bureau financial records are subject to fiscal audits by the Juvenile Services Agency.

shall

J. Youth services bureaus will receive pre-payment of grant funds from the Agency at the beginning of each quarter, upon the Agency's receipt of the bureau's report of receipts, expenditures, and request for payment. Lateness in submission of this form may result in a delay of payment of State funds to the bureau.

.05 Services Provided by Youth Services Bureaus.

A. Bureaus shall provide all of the following services regardless of budgetary limitations:

- (1) Individual counseling;
- (2) Family or group counseling, or both;
- (3) General and referral information services;
- (4) Crisis intervention; including intervention relating to youth suicide prevention;
- (5) Informal counseling or drop-in, or both; and
- (6) Alcohol and drug counseling.

B. All of the services indicated in §A(1)—(5) are equally important, and monitoring will examine and equate the performance of all five services. Caseload count will not be measured exclusively on the basis of a single source of referral or frequency of contact.

C. Bureaus should provide within available resources additional community-based youth services as needed in the following areas:

- (1) Tutoring;
- (2) Leisure-time activities;
- (3) Mobilizing community resources;
- (4) Job placement assistance;
- (5) Community education, consultation, or training, or all;
- (6) Drug education.

.06 Guidelines for Youth Services Bureaus Receiving State Grants Agency Funds.

A. Nature of Services Delivered.

(1) Youth services bureaus will provide services in a manner which is appealing and accessible to their community. This will require flexible hours and may entail the use of an outreach approach or satellite centers, or both. shall

(2) Youth services bureaus are responsible for making the community aware of their available services.

(3) Youth services bureaus will accept as participants any youth (and his relatives or friends) who voluntarily seeks service from the bureau, and whose needs can be at least partially met by the bureau. shall

may (4) Bureaus will not systematically deny service to any groups of youths in their communities, nor will they be required to provide services to youths who, in the best judgment of the bureau staff, are in need of services beyond those which the bureau is capable of offering. shall
In the latter case, bureaus will attempt to refer the participant to an appropriate agency for service.

(5) Bureaus will maintain a listing of community services to which participants may be referred. The listing ~~should~~ include at least the name of the referral service, its address, ~~telephone number,~~ and ~~eligibility requirements.~~ shall

(6) Youth services bureaus will make use of existing public and private services in their communities by referring participants to those services which are available and appropriate. Bureaus will provide the participant with whatever assistance he may need to follow through with the referral. In addition, it is the bureau's responsibility to follow-up on each formal case referred to determine whether the service was provided by the agency to which the referral was made.

Juvenile Counselor

(7) Youth services bureaus will provide written or verbal feedback to the ~~worker,~~ making the referral to the bureau regarding the acceptance of referrals. The worker will also be periodically informed of the individual's participation in the bureau's program.

B. Internal Management and Operation.

(1) Internal management, evaluation of staff, and other aspects of the daily operations of the bureau are the responsibility of the bureau director.

and specialized support staff

(2) Youth services bureaus shall be staffed by professional ~~or para-~~ professionals, ~~or both.~~ The use of volunteers to expand services and support the paid staff is ~~recommended,~~ encouraged.

(3) Youth services bureaus ~~will~~ maintain case record files on each formal counseling case where the youth is seen on a regular basis. Bureaus ~~will~~ maintain physical custody of case records at all times. shall

(4) The bureau staff ~~will~~ provide suitable protection for case record files. All information in these files is confidential. Accordingly, client-identifying data from case files will be released only to individuals or agencies outside of the bureau staff if the participant has given his permission in writing, and then only when considered appropriate by the bureau. shall

(5) Youth services bureaus ~~will~~ have an advisory board or a board of directors, or both, which is representative of ~~youth and adult~~ community members, ~~other agency staff,~~ and professionals in the human services field. shall

(6) Youth services bureaus ~~will~~ define the specific geographical areas which the bureau will serve, and make their catchment areas known to all agencies or organizations from which the bureau may re- shall

ceive referrals. Catchment areas will not be so large as to prohibit proper coverage or so small as to ignore natural boundaries. Bureaus ~~shall~~ [will] make sure, at all times, that they are adequately serving the needs of youth in their designated catchment areas before extending their services to youth outside of these areas.

(7) Youth services bureaus [will] be receptive to voluntary referrals from all sources, but may not have more than 75 percent, or less than 25 percent, of their active cases referred from schools, police, and Juvenile Services Agency, combined. ~~shall~~

~~shall~~ (8) Bureaus [will] serve on a priority basis those youth and their families referred by the Juvenile Services Agency.

.07 Program Accountability.

A. Monitoring.

[(1)] The basic task involved in monitoring is to measure the activities of any given program at specific points in time. The primary data collected is quantitative in nature and related to the number being served, the basic characteristics of those served, and what services are being rendered. Additionally, the monitor shall determine whether the bureau is providing services consistent with the [grant application.]

intergovernmental agreement

and that certification standards are met

intergovernmental agreement

[(2) The tools used to monitor bureaus are:

- (a) The quarterly reporting form;
- (b) On-site visits conducted at least once during the grant year;
- (c) Case reviews.

(3) Any irregularities indicated in the quarterly report will be brought to the attention of the bureau. Additional information may be required.]

B. Evaluation.

(1) The Juvenile Services Agency is responsible for determining effectiveness of Youth Services Bureaus.

(2) Youth Services Bureaus shall provide the names, social security numbers and other identifying information on their full time or part time staff providing direct care services to youth in addition to other statistical information necessary for program evaluation.

[(1) The basic evaluative tool to be used for determining bureau effectiveness is the comprehensive follow-up. Data on the adjudication status of a bureau's formal caseload will be reported at the quarter of termination and 6 and 12 months after termination.

(2) The extent of adjudication among the youth intensively served will be verified by examining, when possible, records retained by the Juvenile Services Agency. When this is not possible, records and reports from other agencies on the youth served by the bureau and self-reported information from these youth will be accepted.

(3) The method used to obtain adjudication information will be identified in the evaluation report. For the current fiscal year, this type of evaluation, showing the effect of a program on the delinquent behavior of its participants (as measured by whether they are adjudicated) will be the only required youth services bureau program evaluation. Individual bureaus are encouraged to use their own staff or field work students, and volunteers, to produce evaluations of a more sophisticated nature.

(4) Data will be collected on all services rendered. The effectiveness of some of these services is less measurable, but may be important in examining the long-range impact of bureaus on juvenile behavior.

(5) For purposes of evaluation, "formal caseload" means those cases in which a written intake, service plan, case file, and follow-up are done, and a specific counselor is assigned.]

.08 Review of Records by Local Units of Government.

provider

A. When the [grantee] is a local unit of government, the local unit of government may designate a person knowledgeable about the purpose and practices of youth services bureaus to make on-site visits and review case material as necessary.

B. In reviews by local units of government or their designated person, all identifying case information shall be removed before the review in order to maintain confidentiality, and reasonable notice of these visits shall be given by the local units of government.

.09 Recommendations for Refunding of Bureaus.

A. Bureaus will be recommended for refunding if they have demonstrated that, [during the grant year,] they have performed in accordance with these regulations and have provided services as outlined in the [grant application.] intergovernmental agreement.

B. Any bureau which is in danger of not being refunded due to pro- or de-certified program deficiencies will be so advised in writing by the Juvenile Services Agency at least two quarters in advance of termination of funds for the following fiscal year. Specific deficiencies shall be indicated in writing and technical assistance offered to remedy the problems.

C. Failure to document or provide the required local matching funds shall result in immediate termination of State funding.

10. Information Reporting to the Agency

A. Youth services bureaus shall provide the Juvenile Services Agency any information requested by JSA on any youth services bureau clientele, in any form and manner requested by JSA. Information requested by JSA may include name, other identifying information, demographic information, or information on the services being provided.

B. Youth services bureaus shall inform the youth that this information will be provided to the Agency.

C. Any information given to JSA under this regulation is not a violation of confidentiality.

.11 [.10] Confidentiality of Records.

[A. Regarding confidentiality of records, the youth services bureaus shall comply with the National Advisory Commission on Criminal Justice Standards and Goals (1973) which states that case records maintained by youth services bureaus "shall be confidential and should be revealed to agencies of the juvenile justice system and other community agencies only with the youth's permission."

[B. For purposes of monitoring, evaluation, and general accountability for the expenditure of state funds, some data will be required by the Juvenile Services Agency. This data will usually be in aggregate form except for those cases which are specifically referred to the bureaus by the Juvenile Services Agency. Information required for monitoring purposes may not include information which will identify any individual who is not already known by the J.S.A. This identifying information will be removed or obscured in case records before their review by anyone other than bureau staff.]

- A. Youth services bureau case records and health records are confidential and shall be filed in folders marked confidential.
- B. Records shall be stored inside a locked file cabinet and shall be directly supervised and controlled by an authorized staff member. If a record is removed from the files area, a receipt indicating the reason for removal shall be signed by the authorized staff member.
- C. Unless otherwise provided by law, access to records and files without consent of the juvenile who is the subject of the record shall be restricted to:
1. The juvenile who is the subject of the record;
 2. The parents or guardian of the juvenile named in the record;
 3. Local government for purposes of program monitoring or evaluation; and
 4. Members of the administrative staff of the youth services bureau when essential for authorized internal administrative purposes.

5. The Juvenile Services Agency for purposes of:

(a) Monitoring and evaluation of case records;

(b) General accountability for the expenditure of state funds; and

(c) Compiling accurate statistics and reliable information on all aspects of juvenile programs in the State.

D. Unless otherwise provided by law, prior to the release of information, except to persons or agencies listed in paragraph C, the juvenile shall sign an informed consent statement which contains the:

1. Name of person, agency or organization requesting information;

2. Name of facility releasing the information;

3. Specific information to be disclosed;

4. Purpose for which the information is being released; and

5. Date consent form is signed;

E. Records pertaining to a mental or emotional disorder may only be disclosed as provided in Health General Article Section 20-104 Annotated Code of Maryland.

F. Record Retention.

1. Juvenile records shall be retained until the 21st birthday of the subject of the record.

2. Records shall be destroyed by incineration or shredding.

.12 [.11] Fiscal Guidelines.

A. Youth services bureaus shall adhere to fiscal guidelines as promulgated by the Juvenile Services Agency.

B. The Juvenile Services Agency shall reserve the right to revise its guidelines at any time without notice.

Administrative History

Effective date: August 17, 1977 (4:17 Md. R. 1299)

Chapter recodified from COMAR 10.25.02 to COMAR 14.22.02

.13 Criminal Background Investigation.

Employees and volunteers of youth service bureaus shall be required to apply for a federal and state criminal background investigation.

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Supp. 9

STANDARDS FOR JUVENILE CARE FACILITIES

A. General Information

COMAR: 14.22.03

Title: Standards for Juvenile Care Facilities.

Authority: Article 83C, Section 2-125 the Annotated Code
of Maryland.

Effective Date: June 22, 1977 (4:13 Maryland Register
103)

Date Last Amended: March 25, 1985 (12:6 Maryland
Register 596)

B. Evaluation Results

Based on the procedures outlined in the Evaluation Process and the criteria set forth in the Evaluation Procedures, the regulations pertaining to Standards for Juvenile Care Facilities are unsatisfactory for the following reason:

The regulation required a staff ratio of one child care worker to each three youths. The language was ambiguous and interpreted differently from program to program, as to who was a child care worker and did the ratio mean per shift or per day. There was no differentiation for type of program or the youth being served. The minimum age for staff has been changed to 21 years old from 18 years old.

C. Proposed Action

Amend.

D. Impact Statement

The amendment recommendation for this chapter should have no impact on the issuing Agency, other State and local agencies, regulated industries or trade groups or other industries or trade groups or the public health, safety or welfare of the State or its citizens.

Title 14
INDEPENDENT AGENCIES

Subtitle 22 JUVENILE SERVICES AGENCY
14.22.03 [Standards for Juvenile Care Facilities] Standards for Community Based Residential Programs for Youth

Authority: Article 63C, §2-125,
Annotated Code of Maryland

NOTICE OF PROPOSED ACTION

The Director of Juvenile Services Agency proposes to amend Regulation .14 under COMAR 14.22.03. STANDARDS FOR COMMUNITY BASED RESIDENTIAL PROGRAMS FOR YOUTH. These proposed changes enable the Juvenile Services Agency to develop staffing patterns consistent with the needs of individual programs.

ESTIMATE OF ECONOMIC IMPACT

The proposed action has no economic impact.

OPPORTUNITY FOR PUBLIC COMMENT

The Juvenile Services Agency will hold a hearing concerning the adoption of these regulations on July 5, 1989 at 10:00 a.m. in the JSA conference room, 3451 Courthouse Drive, Ellicott City, Maryland 21043. All interested parties are invited to

attend and give their views. Any hearing impaired person may request an interpreter to be present at the hearing by giving five working days notice to Mr. Walt Wirsching, Juvenile Services Agency, 4th floor, 321 Fallsway, Baltimore, Maryland 21202 or call at (301) 333-6868.

Written comments may be sent to Dr. Martin Schugam, Juvenile Services Agency, 1st floor, 321 Fallsway, Baltimore, Maryland 21202. These comments must be received not later than the date of the hearing.

.14 Staff.

A. Number of Staff.

[(1) The number of staff and the positions required shall be determined by the size and purpose of the juvenile care facility. The number of qualified staff shall be sufficient to perform effectively the tasks required in providing the total service for the youth accepted for care.]

(1) The number of staff and the positions required by a facility shall be determined by an evaluation of the facility's program by the Juvenile Services Agency.

(2) The Juvenile Services Agency shall use the following factors to make a professional judgment as to the appropriate number of staff in relation to the number of youth in the facility's program:

- (a) Type of child care facility;*
- (b) Physical structure;*
- (c) Geographic location;*
- (d) Average daily population of youth;*
- (e) Average length of stay of youth;*
- (f) Frequency and type of off-campus activities;*
- (g) Management oversight and support services;*
- (h) Service requirements of youth accepted for care;*
- (i) Public safety and security;*
- (j) Admission and discharge criteria.*

[(3) There shall be a minimum ratio of one full-time child-care worker to each three youths]

[(2)] (3) (text unchanged)

(4) (text unchanged)

B. — M. (text unchanged)

LINDA D'AMARIO ROSSI
Director of Juvenile
Services Agency

NOTICE OF PROPOSED ACTION

The Director of Juvenile Services Agency proposes to amend Regulation .14 under COMAR 14.22.03. STANDARDS FOR COMMUNITY BASED RESIDENTIAL PROGRAMS FOR YOUTH. These proposed changes increase the minimum age of child care workers from 18 years old to 21 years old.

ESTIMATE OF ECONOMIC IMPACT

The proposed action has no economic impact.

OPPORTUNITY FOR PUBLIC COMMENT

The Juvenile Services Agency will hold a hearing concerning the adoption of these regulations on _____ at in the JSA conference room, 3451 Courthouse Drive, Ellicott City, Maryland 21043. All interested parties are invited to attend

and give their views. Any hearing impaired person may request an interpreter to be present at the hearing by giving five working days notice to Mr. Walt Wirsching, Juvenile Services Agency, 4th floor, 321 Fallsway, Baltimore, Maryland 21202 or call at (301) 333-6868.

Written comments may be sent to Dr. Martin Schugam, Juvenile Services Agency, 1st floor, 321 Fallsway, Baltimore, Maryland 21202. These comments must be received not later than the date of the hearing.

.14 Staff

A - C (text unchanged)

D Child - Care Workers

(1) - (2) (text unchanged)

(3) Selection Criteria.

(a) Child-care workers will be selected through a process of assessing their capacity to understand youth and to develop further knowledge and skills for working with the kind of youth for whom the service is provided. The selection process shall include personal interviews and references.

(b) Child-care staff shall have at least a high-school diploma and preferably additional professional training in the behavioral sciences.

(c) The staff shall be able to withstand the physical work and pressures of caring for a group of active, often aggressive youths; to have the energy to take part in youth's activities; and to be flexible and willing to learn new ways of dealing with situations. Child-care workers shall be at least 18 years old. 21

E - M (text unchanged)

(4) text unchanged

YOUTH DIVERSION PROGRAMS

A. General Information

COMAR: 14.22.04

Title: Youth Diversion Programs

Authority: Article 83C Section 2-111 Annotated Code of Maryland.

Effective Date: March 25, 1985 (12:6 Maryland Register 597).

Date Last Amended: This chapter of regulations has not been amended.

B. Evaluation Results

Based on the procedures outlined in the Evaluation Process and the criteria set forth in the Evaluation Procedures, the regulations pertaining to Youth Diversion Programs are satisfactory as presently written.

There are five diversion programs in Baltimore City and two in Prince Georges County. All of the program requirements are set forth in a contract for services, and are supported by these regulations.

C. Proposed Action

No further action is required.

D. Impact Statement

Because no action will be taken on this Chapter, there will not be any economic impact affecting the general public health, safety or welfare of the State or its citizens.

**Title 14
INDEPENDENT AGENCIES**

Subtitle 22 JUVENILE SERVICES AGENCY

Chapter 04 Youth Diversion Programs

Authority: Article 83C, §2-111, Annotated Code of Maryland

This chapter of regulations does not require any action at this time. The table of contents of this chapter is reproduced for information purposes below.

14.22.04 Youth Diversion Programs

.01	Scope
.02	Purpose
.03	Eligibility for Certification
.04	Fiscal Records
.05	Services Provided by Youth Diversion Programs ..
.06	Guidelines for Youth Diversion Programs Receiv- ing State Funds
.07	Program Accountability
.08	Confidentiality of Records
.09	Fiscal Guidelines

PURCHASE OF CARE-SERVICES

A. General Information

COMAR: 14.22.05

Title: Purchase of Care-Services

Authority: Article 83C Section 2-114 Annotated Code of Maryland.

Effective Date: April 8, 1985 (12:7 Maryland Register 702).

- Date Last Amended: This chapter of regulations has not been amended.

B. Evaluation Results

Based on the procedures outlined in the Evaluation Process and the criteria set forth in the Evaluation Procedures, the regulations pertaining to Purchase of Care-Services are not satisfactory for the following reason: The chapter should establish the requirements for all types of non-residential purchased care including clinical services, which are now a separate chapter.

C. Proposed Action

Amend this chapter to include the provisions of Purchase of Care - Clinical.

D. Impact Statement

The amendment recommended for this chapter of the regulations will have no economic impact.

Title 14
Independent Agencies
Subtitle: 22 Juvenile Services Agency
Chapter 05: Purchase of Care - Services
Authority: Article 83C, Section 2-114
Annotated Code of Maryland

Notice of Proposed Action

The Director of the Juvenile Services Agency proposes to amend Regulation .01 under chapter COMAR 14.22.05 Purchase of Care-Services. The purpose of this amendment is to add screening, diagnostic, classification, and consultation to the type of services provided under purchase of care. These services are currently under chapter .06 Purchase of Care - Clinical which is being repealed in its entirety.

Estimate of Economic Impact

The proposed action will have no economic impact on the issuing agency, other State or local agencies, regulated industries, other industries or trade groups or the public health and safety or welfare of the State or its citizens.

Opportunity for Public Comments

The Administrator for Research, Policy, Planning & Management Information Services for the Juvenile Services Agency will hold a hearing concerning the adoption of these regulations on

_____ at _____ in the first floor Conference Room, 321 Fallsway, Baltimore, MD 21202.

All interested persons are invited to attend and give their views. Any hearing impaired person may request an interpreter to be present at the hearing by giving five working days notice to Dr. Martin Schugam, Administrator: Planning, Policy and Regulations, at 321 Fallsway, Second Floor, Baltimore, Maryland 21202 or call at (301) 333-6335.

Written comments may be sent to Raymond Huber, Policy and Regulations Specialist, Juvenile Services Agency, 321 Fallsway, Baltimore, Maryland 21202. These comments must be received not later than the date of the hearing.

Title 14
INDEPENDENT AGENCIES

Subtitle 22 JUVENILE SERVICES AGENCY

Chapter 05 Purchase of Care-Services

Authority: Article 83C, §2-114, Annotated Code of Maryland

.01 Scope.

screening, diagnostic
evaluation, classification,
case consultation, and

The Juvenile Services Agency shall maintain a Purchase of Care-Services program. This shall be a community-based program that provides [a post-dispositional (court ordered) ongoing treatment or services, which includes psychological and psychiatric counseling or therapy, social work services, tutorial, vocational, and recreational services.] or other support services.

.02 Purpose.

These regulations provide the [Juvenile Courts and] Juvenile Services Agency alternatives to residential care for those children [found] in need of care and rehabilitation.

.03 Providers' Requirements.

referred by the Agency .

These regulations apply to persons who are reimbursed by the Juvenile Services Agency for providing services to youth [who have been adjudicated by the courts and who have been identified as delinquent, in need of supervision or assistance.] The providers shall:

- A. Have a federal tax identification or social security number;
- B. Possess an appropriate degree in their speciality from an accredited college or university;
- C. Be licensed or certified by the appropriate Specialty Board in Maryland;
- D. Provide a mechanism for record keeping, treatment goals and objectives on all clients for the Juvenile Services Agency's purposes, and State audits.

PURCHASE OF CARE-CLINICAL

A. General Information

COMAR: 14.22.06

Title: Purchase of Care-Clinical

Authority: Article 83C Section 2-114 Annotated Code of
Maryland.

Effective Date: April 8, 1985 (12:7 Maryland Register
702).

Date Last Amended: This chapter of regulations has not
been amended.

B. Evaluation Results

Based on the procedures outlined in the Evaluation
Process and the criteria set forth in the Evaluation
Procedures, the regulations pertaining to Purchase of
Care-Clinical Programs are not satisfactory for the
following reason:

The provisions of this chapter will be included in COMAR
14.22.05 Purchase of Care - Services.

C. Proposed Action

Repeal.

D. Impact Statement

The repeal recommended for this chapter of the
regulations will have no economic impact.

Title 14
Independent Agencies
Subtitle: 22 Juvenile Services Agency
Chapter 06: Purchase of Care-Clinical
Authority: Article 83C, Section 2-114
Annotated Code of Maryland

Notice of Proposed Action

The Director of the Juvenile Services Agency proposes to repeal chapter COMAR 14.22.06 Purchase of Care-Clinical in its entirety. The purpose of this repeal is to remove regulations which are not required because the same provisions are included in COMAR 14.22.05.

Estimate of Economic Impact

The proposed action will have no economic impact on the issuing agency, other state or local agencies, regulated industries, other industries or trade groups or the public health, safety or welfare of the State or its citizens.

Opportunity for Public Comments

The Administrator for Research, Policy, Planning & Management Information Services for the Juvenile Services Agency will hold a hearing concerning the repeal of these regulations on _____ at _____ in the first floor Conference Room, 321 Fallsway, Baltimore, MD 21202.

All interested persons are invited to attend and give their views. Any hearing impaired person may request an interpreter to be present at the hearing by giving five working days notice to Dr. Martin Schugam, Administrator: Planning, Policy, and Regulations, at 321 Fallsway, Second Floor, Baltimore, Maryland 21202 or call at (301) 333-6335.

Written comments may be sent to Raymond Huber, Policy and Regulations Specialist, Juvenile Services Agency, 321 Fallsway, Baltimore, Maryland 21202. These comments must be received not later than the date of the hearing.

Title 14
INDEPENDENT AGENCIES

Subtitle 22 JUVENILE SERVICES AGENCY

Chapter 06 [Purchase of Care—Clinical Services VACANT

Authority: Article 83C, §2-114, Annotated Code of Maryland]

Preface

] The Juvenile Services Agency maintains a Purchase of Care—Clinical Services program. This is a community-based interdisciplinary program that provides pre- and post-dispositional screening, diagnostic, classification, consultation, short-term treatment (up to 16 weeks), and includes the following areas; psychological and psychiatric counselor or therapy, social work services, tutorial, vocational and recreational services, and follow-up services for youth referred to Juvenile Services Agency.

.01 Purpose.

The purpose of clinical services is to help the Juvenile Courts and the Juvenile Services counselors to determine if a youth needs treatment, and if so, the appropriate treatment modality.

.02 Clinical Services Providers.

The following Juvenile Services Agency requirements shall be met by all providers of clinical services programs. All providers of clinical services for Juvenile Services Agency shall:

- A. Possess the appropriate degree in their specialty from an accredited college or university, or both;
- B. Be licensed or certified by the appropriate Specialty Board in Maryland;
- C. Have a federal tax identification or social security number;
- D. Provide a mechanism for record keeping, treatment goals and objectives on all clients for Juvenile Services Agency purposes and State audits.]

CHILD ADVOCACY GRIEVANCE PROCEDURE

A. General Information

COMAR: 14.22.07

Title: Child Advocacy Grievance Procedure

Authority: Article 83C, Section 2-118, Annotated Code of
Maryland.

Effective Date: November 4, 1985 (12:22 Maryland Register
2105).

Date Last Amended: Chapter repealed and readopted January
3, 1989 effective January 23, 1989.

B. Evaluation Results

Based on the procedures outlined in the Evaluation
process and the criteria set forth in the Evaluation
Procedures, the regulations pertaining to Child Advocacy
Grievance Procedures are satisfactory as presently written.

C. Proposed Action Regulations were repealed and readopted January 3, 1989.

No further action is recommended.

D. Impact Statement

The action taken on this chapter will have no economic
impact on the issuing agency, other State or local
agencies, regulated industries, other industries or trade
groups or the public health, safety or welfare of the State
or its citizens.

Subtitle 25 JUVENILE SERVICES AGENCY
10.25.07 Child Advocacy Grievance Procedure

Authority: Article 83C, §2-118,
Annotated Code of Maryland

Notice of Proposed Action
(88-481-P)

The Director of the Juvenile Services Agency proposes to repeal Regulations .01 — .10 and to adopt new Regulations .01 — .05 under COMAR 10.25.07 Child Advocacy Grievance Procedure. The purpose of this action is to achieve uniformity and clarity in the administration of the grievance procedure throughout Juvenile Services Agency institutions and youth centers. These regulations will protect the rights of children in a Juvenile Services institution or youth center; ensure the fair treatment of these children; and ensure that children's complaints are resolved in an orderly and timely fashion.

Estimate of Economic Impact

The proposed action has no economic impact.

Opportunity for Public Comment

The Juvenile Services Agency will hold a hearing concerning the adoption of these regulations on December 20, 1988 at 10 a.m. in 1st floor conference room, 321 Fallsway, Baltimore, Maryland 21202. All interested parties are invited to attend and give their views. Any hearing impaired person may request an interpreter to be present at the hearing by giving five working days notice to Walt Wirsching, Juvenile Services Agency, 4th floor, 321 Fallsway, Baltimore, Maryland 21202. Written comments may be sent to Dr. Martin Schugam, Juvenile Services Agency, 1st floor, 321 Fallsway, Baltimore, Maryland 21202. These comments must be received not later than the date of the hearing.

.01 Definitions.

A. In these regulations, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Child advocate" means an individual who works on behalf of children under Juvenile Services Agency's jurisdiction to see that their needs are met and their rights upheld through the operations of the agency;

(2) "Director" means the Director of the Juvenile Services Agency or the Director's designee.

(3) "Grievance" means a complaint due to a circumstance or action considered to be unjust;

(4) "Superintendent" means the chief administrative officer of an institution or a youth center.

.02 Role of Facility Staff.

A. Every employee at the facility shall have the responsibility to assist any child who expresses a desire to initiate a grievance.

B. An employee may not retaliate against children who have filed a grievance.

.03 Role of the Child Advocate.

A. The child advocate shall assist any child who expresses a desire to initiate a grievance.

B. Once a child advocate has been contacted concerning a grievance, the child advocate shall assist the child until the problem has been resolved, even if the child has been transferred or released.

C. The Director shall appoint a substitute child advocate when the grievance is filed against the child advocate.

.04 Grievance Procedures.

A. Initiation of Grievance.

(1) A child may initiate a grievance by contacting the child advocate, or requesting that a staff member contact the child advocate.

(2) The child shall initiate the grievance procedure within 5 working days of the action or incident, unless the child can satisfactorily demonstrate to the child advocate that a time extension is necessary.

B. Response to Grievance.

(1) **Meet with the Child.** The child advocate shall respond to the grievance by meeting with the child as soon as possible to obtain the facts and attempt a prompt solution.

(2) **Grievance Against the Superintendent.** If the child's grievance is against the Superintendent, the Director, after having been notified by the child advocate, shall contact the parties involved in the grievance as soon as possible and attempt to resolve the grievance.

(3) **Investigate and Mediate.** Except as noted in §B (2), above, the child advocate shall contact all parties involved in the grievance as soon as possible and attempt to resolve the grievance.

(4) Confer with All Parties.

(a) If the grievance is not resolved, the Director or Superintendent shall confer with all parties involved.

(b) After hearing all parties, the Director or Superintendent shall give a written decision.

(5) Appeal to the Director.

(a) If the child is not satisfied with the decision of the Superintendent, an appeal may be filed with the child advocate.

(b) After receiving an appeal from the child, the child advocate shall submit the case, in writing, to the Director.

(c) The appeal shall consist of a review of all documents submitted. The Director may request additional information from anyone involved in the grievance.

(d) The Director shall file a written decision on the appeal which shall be final and binding on all parties to the grievance.

.05 Regulation Limitations.

The grievance procedures may not:

A. Offer an administrative hearing;

B. Be governed by the contested case provisions of the State Government Article; and

C. Include decisions made through the Juvenile Services Agency Disciplinary Appeals Process.

LINDA D'AMARIO ROSSI
Director of Juvenile Services Agency

Subtitle 25 JUVENILE SERVICES AGENCY
10.25.07 Child Advocacy Grievance Procedure

Authority: Article 83C, §2-118,
Annotated Code of Maryland

Notice of Final Action
(88-481-F)

On January 3, 1989, the repeal of Regulations .01 — .10 and the adoption of new Regulations .01 — .05 under COMAR 10.25.07 Child Advocacy Grievance Procedure, were adopted by the Director of the Juvenile Services Agency. This repeal and new regulations, which were proposed for adoption in 15:24 Md. R. 2806 — 2807 (November 18, 1988), have been adopted as proposed.

Effective Date: January 23, 1989.

LINDA D'AMARIO ROSSI
Director of Juvenile Services Agency

PROBATION AND AFTERCARE SERVICES AND PROCEDURES

A. General Information

COMAR: 14.22.09

Title: Probation and Aftercare Services and Procedures

Authority: Article 83C, Section 2-111, Annotated Code of
Maryland.

Effective Date: March 10, 1986 (13:5 Maryland Register
544).

Date Last Amended: This Chapter of regulations has not
been amended.

B. Evaluation Results

Based on the procedures outlined in the Evaluation process and the criteria set forth in the Evaluation Procedures, the regulations pertaining to Probation and Aftercare Services and Procedures are satisfactory at this time.

C. Proposed Action

Conduct a workload analysis study before making any changes to existing regulations.

D. Impact Statement

The proposed action will have no economic impact on the economy, the business and public safety, health and welfare of the State.

**Title 14
INDEPENDENT AGENCIES**

Subtitle 22 JUVENILE SERVICES AGENCY

Chapter 09 Probation and Aftercare Services and Procedures

Authority: Article 83C, §2-111, Annotated Code of Maryland

This chapter of regulations does not require any action at this time. The table of contents of this chapter is reproduced for information purposes below.

14.22.09 Probation and Aftercare Services and Procedures

- .01 Purpose
- .02 Definitions
- .03 Court Services Provided by the Juvenile Services Agency
- .04 Orientation Process
- .05 Individualized Service Plan—Probation
- .06 Levels of Supervision
- .07 Implementation of the Individualized Service Plan
- .08 Reassessment of the Individualized Service Plan
- .09 Purchase Of Services
- .10 Purchase Of Care
- .11 Recommending Institutionalization
- .12 Individualized Service Plan—Institution
- .13 Transfer Cases
- .14 Case Termination

CONSTRUCTION FUNDS FOR PUBLIC, FOR PROFIT, AND
NON-PROFIT JUVENILE RESIDENTIAL FACILITIES

A. General Information

COMAR: 14.22.10

Title: Construction Funds for Public, For Profit, and
Non-Profit Juvenile Residential Facilities.

Authority: Chapter 299, Laws of Maryland 1988.

Effective Date: January 23, 1989 (16:1 Maryland Register
71).

Date Last Amended: This Chapter of regulations has not
been amended.

B. Evaluation Results

Based on the procedures outlined in the Evaluation
process and the criteria set forth in the Evaluation
Procedures, the regulations pertaining to Construction
Funds for Public, for Profit, and Non-Profit Juvenile
Residential Facilities are satisfactory.

C. Proposed Action

No action is required at this time.

D. Impact Statement

The proposed action will have no economic impact on the
economy, the business, and public safety, health and
welfare of the State.

Subtitle 25 JUVENILE SERVICES AGENCY
10.25.10 Construction Funds for Public, For-Profit, and Nonprofit Juvenile Residential Facilities

Authority: Chapter 299, Laws of Maryland 1988

Notice of Proposed Action

[88-477-P]

The Director of the Juvenile Services Agency proposes to adopt new Regulations .01 — .09 under a new chapter, **COMAR 10.25.10 Construction Funds for Public, For-Profit, and Nonprofit Juvenile Residential Facilities**. These actions implement the provisions of Chapter 299, Laws of Maryland 1988, and prior or subsequent similar Authorization Acts, which relate to the sale of State bonds to fund Juvenile Residential Facility capital projects.

Estimate of Economic Impact

I. **Summary of Economic Impact.** The grants program to which these regulations apply provides funds for conversion, acquisition, renovation, capital equipment, and construction of Juvenile Residential Facilities in Maryland. The expenditure of these funds by the State supplements funds of sponsoring organizations (both federal and corporate grants) and ultimately is expended on products and services by industries and trade groups.

II. Types of Economic Impacts.	Revenue (+) Expense (-)	Magnitude
A. On issuing agency:		
The grants program to which these regulations apply provides funds for conversion, acquisition, renovation, capital equipment and construction to improve and expand Juvenile Residential Facilities in Maryland	(-)	\$1,100,000 bond appropriation and \$300,000 appropriated in PAYGO (Pay as-you-go capital project funding)
B. On other State or local agencies:		
The expenditure of these funds by the State supplements funds of sponsoring organizations, some of which may be county or city Agencies	(+)	\$1,400,000

	Benefit (+) Cost (-)	Magnitude
C. On regulated industries or trade groups: Funds are ultimately expended on products and services provided by industries and trade groups	(+)	\$1,400,000
D. On other industries or trade groups:	NONE	
E. Direct and indirect effects on public:	Unknown	

III. Assumptions. (Identified by Impact Letter from Section II.)

A. Operational funding is the applicant's responsibility. Juvenile Residential Facilities depend upon per diem and contractual payments by child placement agencies for their operational funding.

B. \$1,400,000 was available to county and city governments in FY 89. Local jurisdictions did not apply for the funds which are all being granted to private providers of residential programs.

C. Capital expenditures for improvement and/or expansion of juvenile residential facilities

E. A State tax on assessable property within the State will be levied in rate and amount sufficient to pay the principal and interest on the bonds issued to provide funds for the purposes stated in the regulations.

Opportunity for Public Comment

The Office of Juvenile Services will hold a hearing concerning the adoption of these regulations on December 20, 1988 at 9 a.m. in the first floor Conference Room, 321 Fallsway, Baltimore, MD 21202.

All interested persons are invited to attend and give their views. Any hearing-impaired person may request an interpreter to be present at the hearing by giving five working days notice to Martin Schugam, Chief of Policy and Regulations, at 321 Fallsway, Second Floor, Baltimore, Maryland 21202 or call at (301 333-6335).

Written comments may be sent to Raymond Huber, Policy and Regulations Specialist, Juvenile Services Agency, 321 Fallsway, Baltimore, Maryland 21202. These comments must be received not later than the date of the hearing.

.01 Scope.

These regulations govern the administration of grants to counties, municipal corporations, and for-profit and nonprofit organizations for conversion, acquisition, renovation, equipping and construction of Juvenile Residential Facilities under the Juvenile Services Facilities Loan of 1988 and prior or subsequent similar acts.

.02 Definitions.

A. The following terms have the meanings indicated when used in these regulations.

B. Terms Defined.

(1) "Acquisition" means purchasing and obtaining ownership of all or part of a building for use as a Juvenile Residential Facility.

(2) "Act" means a bill enacted by the Maryland Legislature which authorizes the disbursement of State grant funds for the purposes of conversion, acquisition, renovation, equipping and construction of a Juvenile Residential Facility.

(3) "Agency" means the Juvenile Services Agency.

(4) "Applicant" means a county, municipal corporation, for-profit, or nonprofit organization that seeks to obtain or has received State grant funds under the Act.

(5) "Board of Public Works" means the Board established by the Constitution of Maryland, Article XII, consisting of the Governor, the Treasurer, and the Comptroller of the State of Maryland.

(6) "Building" means:

(a) All or part of an existing or potential juvenile residential facility and its surrounding real property; or

(b) A facility proposed to be constructed for use as a juvenile residential facility, and its surrounding real property.

(7) "Capital equipment" means essential fixed or moveable equipment and furnishings that have an expected useful life of at least 15 years.

(8) "Construction" means constructing new buildings or additions to existing buildings.

(9) "Conversion" means the work required to transform a building or part of a building for effective use as a juvenile residential facility.

(10) "Director" means the Director of the Juvenile Services Agency.

(11) "Eligible work" means that work for which the use of State funds is authorized under the applicable Act.

(12) "Facility" means a juvenile residential program that is wholly owned by and operated under the authority of a:

(a) County or municipal corporation, or both;

(b) For-profit organization; or

(c) Non-profit organization.

(13) "Grant" means a State grant provided under the Juvenile Residential Facility Loan program, unless the context clearly implies otherwise.

(14) "Juvenile residential program" means any residential program that:

(a) Meets the definition in Article 83C, §§2-120, Annotated Code of Maryland or Article 83C, §§2-121, Annotated Code of Maryland; and

(b) Is licensed by the Agency pursuant to COMAR 10.25.03 which implements the policies of Article 83C §§2-120 - 2-121 and 2-123 - 2-125, Annotated Code of Maryland.

(15) "Non-profit organization" means:

(a) A bona fide religious organization, no part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of the facility, the purchase of equipment to be used in the facility, or the expansion of the facility; or

(b) An organization:

(i) That is chartered as a nonprofit corporation and classified by the Internal Revenue Service as nonprofit; and

(ii) No part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of the facility, the purchase of equipment to be used in the facility, or the expansion of the facility.

(16) "Operating costs" means costs associated with the operation of a juvenile residential facility.

(17) "Project" means an existing or proposed juvenile residential facility which receives or has received a State grant for eligible work.

(18) "Public facility" means a facility that is wholly owned by and operated under the authority of a county or municipal corporation.

(19) "Renovation" means the work required to restore or modernize, or both, an existing or proposed juvenile residential facility and bring it into compliance with federal, State and local standards, codes and requirements, so that it may retain or acquire a license to provide treatment, services, or to increase the number of youths the facility serves.

(20) "Wholly owned" includes leased property, if the:

(a) Lease is for a minimum term of 30 years following project completions; and

(b) Lessor consents to the recording of a notice of the State's right of recovery in the land records of the county or Baltimore City in which the facility is located; and

(c) Lease agreement extends the right of purchase of the lessee.

.03 Eligibility of Applicant for State Grant Funds.

A. To be eligible for a grant, an applicant shall be a county or a municipal corporation, or both, or a for-profit organization; or a nonprofit organization.

B. An applicant shall be eligible for licensing under COMAR 10.25.03.

C. Accessibility to Mobility Impaired Persons.

(1) To be eligible for State funds under the Act, the applicant shall certify that the facility shall be accessible to mobility impaired persons.

(2) The facility is accessible to mobility impaired persons if it meets the requirements of

(a) 29 U.S.C. 79-4 if applicable;

(b) COMAR 05.01.07, promulgated pursuant to Article 41, §257 JK, Annotated Code of Maryland, if applicable as defined in COMAR 05.01.07.02; or

(c) Set forth in COMAR 05.01.07.04 and .06 — .09, and neither §C(2)(a) or (b), above, are applicable.

(3) If neither §C(2)(a) or (b) are applicable and strict compliance with the requirements set forth in §C(2)(c) will cause undue hardship because of the nature of use, occupancy, or other factors, the applicant may request a waiver from some or all of these requirements. The waiver request shall state in detail why §C(2)(a) and (b) does not apply and how strict compliance with §C(2)(c) will cause undue hardship. When §C(2)(b) does not apply, the waiver request shall include a statement of confirmation from the Department of Economic and Community Development. The request shall be submitted to the Director of the Agency who shall make final determination whether to grant the request. Waiver requests may be granted in the following priority:

(a) To an applicant who operates another facility of comparable size and similar purpose, and who will make that other facility accessible, as defined in §C(2), above, instead of the one for which funds are now sought.

(b) To an applicant whose facility has at least one floor that is accessible so that mobility impaired persons can receive the same services as non-mobility impaired persons, for example, a residential facility where all common rooms and at least one accessible bathroom and bedroom are on the first floor, and the first floor has an accessible entrance from the street. A room or floor is accessible if it meets the requirements contained in COMAR 05.01.07.04 and .09.

(c) To an applicant who makes reasonable accommodation to mobility impaired persons so they receive the facility's services from an alternative accessible location. For example, an applicant whose facility is inaccessible may make reasonable accommodation by providing services to mobility impaired persons in a comparable alternative building that is located nearby and is accessible to mobility impaired persons. Similarly, reasonable accommodation is met if services can be provided in another location of the mobility impaired person's choice, for example, the mobility impaired person's home.

(d) If there is another facility or facilities:

(i) Located in the same service area;

(ii) Providing the same type of services;

(iii) Accessible as defined in §C(2)(a), (b) or (c), above, to mobility impaired person;

(iv) With sufficient openings available to serve the number of mobility impaired persons expected to seek these services.

(e) To applicants who otherwise demonstrate undue hardship.

.04 Application Procedure.

A. By filing an application with the Agency on a form provided by the Agency, the applicant may apply for a grant to be used for one or more of the following:

(1) Conversion;

(2) Acquisition;

(3) Renovation;

(4) The purchase of capital equipment; or

(5) Construction.

B. Applications for State grant funds authorized by the Act shall be directed to the Director. Copies of the applications to be funded will be provided to the State Clearinghouse for inter-governmental review in accordance with COMAR 16.02.03.

C. The applicant shall comply with the application procedures in effect at the time of application, as prescribed by applicable federal and State regulations including COMAR 16.02.03, and those other application procedures that may be required by the Agency, including the information required by the Act.

D. Upon approval of the application by the Director, the application will be sent to the Board of Public Works, together with a written report that states that the:

(1) Applicant has been reviewed by the State Clearinghouse;

(2) Application has been approved by the Director for State funds only and when federal funds are involved, by the Secretary of Health and Human Services or other lawful federal authority under provisions of federal regulations; and

(3) Director recommends that the Board of Public Works make available to the applicant State grant funds.

.05 Priority of Awards.

The priority of applicants to be awarded State grant funds shall be established in accordance with the Annual 5-Year Plan as developed and approved by the Director.

.06 Grant Limitations and Provisions.

A. State funds may be used only for the planning, design, construction, conversion, acquisition, renovation, and equipping of facilities, including reports, plans, specifications, site improvements, surveys, and programs in connection therewith.

B. Any federal or other grant that is available for the purpose shall be applied first to the cost of planning, design, construction, conversion, acquisition, renovation, or equipping of a facility before State grant funds are expended.

C. A State grant may not exceed \$600,000 or 50 percent of the cost of eligible work remaining unpaid after all federal and other grants have been applied, whichever is less.

D. The amount of the State grant for any project shall be determined after consideration of all eligible applications, the total of unallocated State funds available at the time the application is received, and such priorities of need as may be established by the Agency.

E. A portion of the proceeds of a State grant may not be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction or any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the applicant shall submit evidence satisfactory to the Board that none of the proceeds of the grant has been or is being used for a purpose prohibited by the Act.

.07 Use of Funds for Site Acquisition and Renovation.

A. If the applicant will be using both State and federal funds for site acquisition and renovation, at least two State-approved appraisers will determine that portion of the total cost applicable to the land site alone. This cost shall be excluded from State participation.

B. If the applicant will be acquiring a site with existing improvements and renovating the improvements for use as a Juvenile Residential Facility, and if the applicant will be using no federal funds, total project costs, including costs applicable to the acquisition of this site and existing improvements, are eligible for State participation. However, at least two State approved appraisers shall determine the value of the site and existing improvements, and State participation shall be limited to the lesser of the average of the approved appraisals, or actual acquisition cost.

C. If an applicant proposes to acquire a land site on which to construct a facility, the cost of the land is not eligible for State participation.

.08 Reporting Requirements of the Applicant.**A. Annual Certified Financial Statement.**

(1) For a period of 30 years following the conversion, acquisition, renovation, capital equipping or construction of a Juvenile Residential Facility involving the State grant funds in this chapter, the Agency shall require the applicants to submit an annual certified financial statement.

(2) The statement shall include the following information:

- (a) A statement of personnel employed and all remunerations, retainers, and expenses currently paid;
- (b) A statement of fees or retainers paid directly or under contract to persons rendering services to the facility;
- (c) A certified profit and loss statement and balance sheet;
- (d) A statement of rates and fees charged for services provided by the facility;
- (e) A statement of gifts or endowments received during the current year;
- (f) A statement of the days of service rendered to clients; and
- (g) Other supplemental information as may be required by the Director.

B. Records of the Juvenile Residential Facility shall be available for verification by representatives of the Agency or its designated agents, such as the Department of Budget and Fiscal Planning or Legislative auditors.

C. Completion of Eligible Work. Except as otherwise provided in this regulation, an applicant shall complete eligible work within 2 years after receiving notification from the Director that its application has been approved by the Board of Public Works.

D. Extension of time for Completion; Other Changes.

(1) If the applicant is unable to complete eligible work in the manner initially approved or within 2 years, the applicant shall promptly notify the Director.

(2) The Director may grant a request by the applicant for a change in the manner or time of completion of eligible work, including an extension of time, for good cause.

E. Insurance Requirements. Any fire or extended coverage insurance payments for damages or losses shall be applied first to the State's interest in the project.

.09 Right of Recovery.

A Juvenile Residential Facility financed pursuant to these Regulations shall be subject to the State's Right of Recovery as set forth in the Act.

LINDA D'AMARIO ROSSI
Director
Juvenile Services Agency

Subtitle 25 JUVENILE SERVICES AGENCY
10.25.10 Construction Funds for Public, For Profit, and Nonprofit Juvenile Residential Facilities

Authority: Chapter 299, Laws of Maryland 1988,
Annotated Code of Maryland

Notice of Final Action
(88-477-F)

On January 3, 1989, new Regulations .01 — .09 under a new chapter, COMAR 10.25.10 Construction Funds for Public, For Profit, and Nonprofit Juvenile Residential Facilities, were adopted by the Director of the Juvenile Services Agency. These new regulations and chapter, which were proposed for adoption in 15:24 Md. R. 2807 — 2810 (November 18, 1988), have been adopted as proposed.

Effective Date: January 23, 1989.

LINDA D'AMARIO ROSSI
Director of Juvenile Services Agency