COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN EMERGENCY ACT to:
(a) [[Establish]] establish the Citizens Review Panel [[as a subcommittee of the Commission on Children and Youth]]; and
(b) [[Generally]] generally provide for a Citizens Review Panel to evaluate state and local agency response to child protection needs.

By adding
Montgomery County Code
Chapter 27, Human Relations and Civil Liberties
Article V, Commission on Children and Youth
Section 27-49A

The County Council for Montgomery County, Maryland approves the following Act:
Section 1. Section 27-49A is added as follows:

27-49A. Citizens Review Panel

(a) Creation. The Citizens Review Panel for Children is [[a subcommittee of the Commission on Children and Youth]] established.

(b) Appointment. The County Executive must appoint the members of the Citizens Review Panel, subject to County Council confirmation. The County Executive must appoint the chair and vice-chair of the Citizens Review Panel, subject to County Council confirmation. A member of the Citizens Review Panel may recommend individuals to the County Executive to serve as the chair and vice-chair.

(c) Membership.

(1) The Citizens Review Panel has [[14]] 9 members.

(A) [[Five]] [[Seven]] [[members appointed by the]] The Executive must appoint 7 members. Up to 3 members may be members of the Commission on Children and Youth who are separately confirmed by the Council as Panel members.

[(B) Seven] [(Two additional members appointed by the Executive should represent the community)] [[and have expertise in the prevention and treatment of child abuse and neglect, such as child advocates, volunteers of the court-appointed special advocate program, attorneys who represent children, parent and consumer representatives, law enforcement representatives, and health and human services professionals]].

(C) One member each must be a County resident appointed
under State law by:

(1) the State Citizens Review Board for Children; and

(2) the State Council on Child Abuse and Neglect.

(2) Each member of the Panel must be a volunteer who:

(A) exercises the member's own free will in all deliberations of the Panel;

(B) acts independently of any outside influence, particularly the member's employer;

(C) does not represent any agency or organization; and

(D) is not a County or State employee, or spouse or domestic partner of an employee, whose participation would be inconsistent with County Council policies regarding appointment of government employees to boards, committees, and commissions.

(d) **Duties.** The Citizens Review Panel must:

(1) implement State law regarding local citizens review boards;

(2) examine the policies and procedures of State and local agencies and, where appropriate, specific cases to evaluate the extent to which [[State and local]] these agencies in the County are effectively fulfilling their responsibilities to implement the child protection standards and State plan under 42 U.S.C. § 5106a(b) and any other criteria that the panel considers important for the protection of children;

(3) report the Panel's findings to the Executive, the Council, the State Citizens Review Board for Children, and the State Council on Child Abuse and Neglect: [[and]]
within 60 days after the end of each fiscal year. prepare and make
available to the public a report summarizing the Panel’s activities
during the fiscal year: and
(5) carry out other duties as requested to assist the County
Department of Health and Human Services, the State Citizens
Review Board for Children, and the State Council on Child
Abuse and Neglect.
(e) Terms of office. The term of a Panel member is [[2]] 3 years.
(f) Compensation. Members of the Panel must not receive compensation
for their services. A member may receive reimbursement for expenses
incurred in connection with the member’s service on the Panel, subject
to appropriations.
(g) Meetings. The Citizens Review Panel must meet at least [[4 times a
year]] once every 3 months at the call of the chair.
(h) Access to information. Federal law requires the State to provide any
case information requested by the Panel that is necessary for the Panel
to carry out its functions. County agencies and employees must provide
any case or other information that the Panel decides is necessary or
useful to carry out its functions. Each member of the Panel is subject to
State laws that restrict or prohibit disclosure of:
(A) identifying information about a specific child protection case; or
(B) certain other information.
(i) Staff. [[The Department of Health and Human Services must]] Federal
law requires the State to provide staff support to the Citizens Review
Panel. The County Department of Health and Human Services may
provide staff support to the Panel if the State reimburses the County for
the full cost of the support.
(i) **Advisory group.**

(A) The County Executive may appoint, subject to confirmation by the County Council, up to 5 members of a Citizens Review Panel Advisory Group to provide technical and professional advice to the Panel about child protective services. Each member of the Advisory Group must have expertise in the prevention and treatment of child abuse and neglect, such as child advocates, volunteers of the court-appointed special advocate program, attorneys who represent children, parent and consumer representatives, and health and human services professionals.

(B) The term of a member of the Advisory Group is 3 years.

(C) A member of the Advisory Group:

1. may participate in a matter before the Panel only at the request of the Panel; and
2. must not participate in a vote or other action by the Panel.

(D) A Panel member should consider advice received from the Advisory Group in response to the Panel’s request, but must exercise independent judgment in evaluating the advice.

sec. 2 Transition.

(a) When making initial appointments to the Citizens Review Panel, the County Executive [[may]] must appoint 2 members to [[staggered terms so that approximately half of the members are appointed each year]] a one-year term, 2 members to a two-year term, and 3 members to a three-year term.

(b) The Executive must appoint the members of the Advisory Group under Code Section 27-49A(i), as added by this Act, to initial terms of 1, 2, or
3 years coincident with the term of a Panel member, so that the terms of no more than 2 members of the group expire in the same calendar year.

(c) A member who serves for 18 months or less in a Panel or Advisory Group position during the position's initial term of one or two years is eligible for reappointment as if the member had not previously served in the position.

Sec. 3. Emergency Effective Date.

The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law.

Approved:

Blair G. Ewing, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council