

Emergency Bill No. 32-00  
Concerning: Child Protective Services -  
Citizens Review Panel  
Revised: Apr. 10, 2001 Draft No. 7  
Introduced: November 14, 2000  
Enacted: April 10, 2001  
Executive: April 23, 2001  
Effective: April 23, 2001  
Sunset Date: None  
Ch. 5, Laws of Mont. Co. 2001

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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**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

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>[[Single boldface brackets]]</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<del>[[Double boldface brackets]]</del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*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)]~~

(B) One member each must be a County resident appointed

- 28                                   under State law by:  
29                                   (1)   the State Citizens Review Board for Children; and  
30                                   (2)   the State Council on Child Abuse and Neglect.

- 31                   (2)   Each member of the Panel must be a volunteer who:  
32                                   (A)   exercises the member's own free will in all deliberations  
33   of the Panel;  
34                                   (B)   acts independently of any outside influence, particularly  
35   the member's employer;  
36                                   (C)   does not represent any agency or organization; and  
37                                   (D)   is not a County or State employee, or spouse or domestic  
38   partner of an employee, whose participation would be  
39   inconsistent with County Council policies regarding  
40   appointment of government employees to boards,  
41   committees, and commissions.

- 42           (d)   Duties. The Citizens Review Panel must:  
43                                   (1)   implement State law regarding local citizens review boards;  
44                                   (2)   examine the policies and procedures of State and local agencies  
45   and, where appropriate, specific cases to evaluate the extent to  
46   which [[State and local]] these agencies in the County are  
47   effectively fulfilling their responsibilities to implement the  
48   child protection standards and State plan under 42 U.S.C.  
49   § 5106a(b) and any other criteria that the panel considers  
50   important for the protection of children;  
51                                   (3)   report the Panel's findings to the Executive, the Council, the State  
52   Citizens Review Board for Children, and the State Council on  
53   Child Abuse and Neglect; [[and]]

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

- 81            (j) *Advisory group.*
- 82            (A) The County Executive may appoint, subject to confirmation by  
83            the County Council, up to 5 members of a Citizens Review Panel  
84            Advisory Group to provide technical and professional advice to  
85            the Panel about child protective services. Each member of the  
86            Advisory Group must have expertise in the prevention and  
87            treatment of child abuse and neglect, such as child advocates,  
88            volunteers of the court-appointed special advocate program,  
89            attorneys who represent children, parent and consumer  
90            representatives, and health and human services professionals.
- 91            (B) The term of a member of the Advisory Group is 3 years.
- 92            (C) A member of the Advisory Group:
- 93            (1) may participate in a matter before the Panel only at the  
94            request of the Panel; and
- 95            (2) must not participate in a vote or other action by the Panel.
- 96            (D) A Panel member should consider advice received from the  
97            Advisory Group in response to the Panel's request, but must  
98            exercise independent judgment in evaluating the advice.

99            **Sec. 2            Transition.**

- 100           (a) When making initial appointments to the Citizens Review Panel, the  
101           County Executive [[may]] must appoint 2 members to [[staggered terms  
102           so that approximately half of the members are appointed each year]] a  
103           one-year term, 2 members to a two-year term, and 3 members to a three-  
104           year term.
- 105           (b) The Executive must appoint the members of the Advisory Group under  
106           Code Section 27-49A(j), as added by this Act, to initial terms of 1, 2, or

107 3 years, coincident with the term of a Panel member, so that the terms of  
108 no more than 2 members of the group expire in the same calendar year.

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

113 **Sec. 3. Emergency Effective Date.**

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

117 *Approved:*

118 /S/ 4/12/01  
Blair G. Ewing, President, County Council Date

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119 *Approved:*

120 /S/ 4/23/01  
Douglas M. Duncan, County Executive Date

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121 *This is a correct copy of Council action.*

122 /S/ 4/23/01  
Mary A. Edgar, CMC, Clerk of the Council Date

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