

AGENDA ITEM #3  
April 16, 2002  
*Introduction*

## MEMORANDUM

April 12, 2002

TO: County Council

FROM: Michael W. Cogan, Legislative Attorney

SUBJECT: *Introduction*: Emergency Bill 15-02, *Domestic Violence Prevention and Victim Assistance*

Councilmembers Andrews, Ewing, Leggett, and Denis intend to introduce Emergency Bill 15-02, *Domestic Violence Prevention and Victim Assistance*, on April 16. The Council's Public Safety and Health and Human Services Committees have been examining significant operational and institutional problems at the Betty Ann Krahnke Center, a residential shelter program for victims of domestic violence and their children. The problems were brought to the Council's attention by some residents and former residents of the Center.

Emergency Bill 15-02 would require the director of Health and Human Services to issue regulations that establish written policies and procedures for domestic violence shelter facilities regarding admission, termination, and the rights of residents. The bill would require the director to establish minimum professional qualifications for program and facility staff, including any licensing requirements to comply with law and any contract under which the facility is operated. The director would have to approve the hiring of, and could dismiss, the clinical director and would have to approve the hiring of other professional staff.

The bill would create a Commission on Domestic Violence, appointed by the Council to advise you on policies, programs, and facilities to prevent domestic violence and assist victims and their children. The Commission would review the operation of each County-supported shelter program each year and advise the Council about the facility's effectiveness. The Commission would also monitor

innovative efforts by other government or non-governmental organizations, national statistical data, and scholarly research.

This packet contains:

Emergency Bill 15-02

Legislative Request Report

© page number

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Emergency Bill No. 15-02  
Concerning: Domestic Violence  
Prevention and Victim Assistance  
Revised: Apr. 12, 2002 Draft No. 5  
Introduced: April 16, 2002  
Expires: October 16, 2003  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Andrews, Ewing, Leggett, and Denis.

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### **AN EMERGENCY ACT** to:

- (1) establish a program to provide temporary shelter, health, and other residential services to victims of domestic violence and their children;
- (2) establish a Commission on Domestic Violence to advise the County Council on domestic violence issues and periodically review each temporary residential facility for victims of domestic violence that receives County funds; and
- (3) generally amend County law regarding programs for victims of domestic violence and their children.

By amending

Montgomery County Code  
Chapter 24, Health and Sanitation  
Article VI

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



1 and a requirement to provide information about alternative  
2 shelter to a **resident** terminated from the program;

3 (2) establish a “bill of rights” for **residents** and their children that  
4 guarantees, in addition to any other right:

5 (A) the right to be treated with consideration, respect, and full  
6 recognition of human dignity and individuality;

7 (B) the right to receive shelter and services that are safe,  
8 adequate, and appropriate and comply with federal, State,  
9 and County laws;

10 (C) the right to privacy;

11 (D) the right to be free from mental and physical abuse;

12 (E) the right to be free from physical and chemical restraints,  
13 except those legally prescribed by a physician for a  
14 clearly indicated medical need;

15 (F) the right to receive respect and privacy in a medical or  
16 mental health care program, including informed consent  
17 to treatment and confidentiality of medical and mental  
18 health records;

19 (G) the right to manage personal financial affairs; and

20 (H) the right to exercise parental rights, and fulfill parental  
21 responsibilities, for the **resident’s** children;

22 (3) guarantee each **resident** the right to present any grievance, or  
23 recommend to the staff or administrator of the **facility**, the  
24 **Commission**, or any other agency or person, a change in policy  
25 or service without fear of reprisal, restraint, interference,  
26 coercion, or discrimination; and

1 (4) require the **facility** to inform a **resident** in writing before or  
2 during admission to the program about the rules and rights that  
3 apply to the **resident** while participating in the program.

4 (b) The **Director** must:

5 (1) establish minimum professional qualifications for program and  
6 **facility** staff, including any licensing requirements to comply  
7 with federal, State, and County law and any contract with the  
8 County;

9 (2) if a **facility** operates under a contract with the County, approve  
10 the hiring, and may require the dismissal, of the executive  
11 director and any clinical director of the **facility**, and approve the  
12 hiring of any other professional staff; and

13 (3) report to the **Commission** at least quarterly on the program  
14 census, staffing, physical **facility**, services provided to  
15 **residents**, finances, any serious incidents, and any other  
16 significant matter affecting **residents** or the **facility** that the  
17 **Commission** determines is necessary to carry out the  
18 **Commission's** responsibilities under this Article.

19 **24-46. Commission on Domestic Violence.**

20 (a) *Established.* The County Council must appoint a Commission on  
21 Domestic Violence to advise the Council on policies, programs, and  
22 **facilities** to prevent domestic violence and assist victims of domestic  
23 violence and their children.

24 (b) *Membership.* The **Commission** includes the following members:

25 (1) Six voting members who are professionals licensed in  
26 Maryland with experience treating or counseling victims of  
27 domestic abuse. The professional members should include:

- 1                   (A) a physician;  
2                   (B) a licensed clinical social worker (LCSW);  
3                   (C) a psychologist or psychiatrist;  
4                   (D) a drug or alcohol abuse counselor;  
5                   (E) a child psychologist or other child therapist; and  
6                   (F) a pediatrician, LCSW, or other professional whose  
7                         primary practice is treating or counseling young victims  
8                         of child abuse or neglect.
- 9           (2) Five voting public members. The public members should  
10                 include at least one former resident of a **facility**, and additional  
11                 members such as:
- 12                   (A) an attorney with experience representing victims of  
13                         domestic abuse or child abuse or neglect;  
14                   (B) an advocate for victims of domestic abuse; and  
15                   (C) a teacher or school counselor.
- 16           (3) Up to 4 non-voting, *ex officio* members. The *ex officio* members  
17                 should include:
- 18                   (A) the **Director** or **Director's** designee;  
19                   (B) the County Health Officer or the Officer's designee;  
20                   (C) a Councilmember or the Council's designee;  
21                   (D) the Sheriff or the Sheriff's designee.
- 22   (c) Duties. The **Commission** must:
- 23           (1) advise the Council on policies and programs to prevent  
24                 domestic violence and help victims and their children,  
25                 including:

- 1                   (A) periodically reviewing innovative efforts by other  
2                                   government or non-governmental organizations, national  
3                                   statistical data, and scholarly research; and
- 4                   (B) proposing for Council consideration a strategic plan, and  
5                                   annual updates to the plan, to address domestic violence  
6                                   in the County; and
- 7                   (2) review the operation of each **facility** at least once a year and  
8                                   advise the Council about the **facility**'s effectiveness in serving  
9                                   victims of domestic violence and their children.
- 10           (d) Term. An appointed professional or public member of the  
11                   **Commission** serves a 3-year term and continues to serve until the  
12                   Council appoints a successor. An *ex officio* member serves as long as  
13                   the member holds (or is designated by the holder of) the qualifying  
14                   office. The Council may remove any member, including an *ex officio*  
15                   member, by a vote of a majority of the Councilmembers in office.
- 16           (e) Officers. The Council annually must designate a public member as  
17                   chair, and a professional member as vice chair of the **Commission**.  
18                   The Council should not appoint an individual to serve as chair or vice  
19                   chair for more than 2 consecutive terms, including any partial term of  
20                   6 months or more.
- 21           (f) Meetings and actions. A majority of the voting members of the  
22                   **Commission** is a quorum for the transaction of business, and a  
23                   majority of voting members participating in a meeting is required for  
24                   any **Commission** action. The **Commission** may meet by telephone or  
25                   video conference, or any other means that allows interactive  
26                   communication. The **Commission** is a public body under the State



1 Open Meetings Act, but may conduct closed sessions or deny access  
2 to records as allowed by law.

3 (g) Access to records. The **Commission** must have prompt access to any  
4 records that the **Commission** determines are necessary to perform its  
5 duties, including confidential records concerning an individual  
6 **resident** or employee of a **facility**. Before a member of the  
7 **Commission** may review a confidential record, the member must sign  
8 an appropriate non-disclosure agreement that includes a statement of  
9 the penalties under State law for improperly disclosing a **resident's**  
10 social service, medical, mental-health, or other record.

11 (h) Other requirements. An appointed **Commission** member:

12 (1) is subject to the requirements of Chapter 19A and must file a  
13 confidential financial disclosure statement limited to human  
14 services activities and interests;

15 (2) must exercise independent judgment; and

16 (3) must serve without compensation, except for reimbursement for  
17 reasonable expenses, subject to appropriations.

## 18 **Sec. 2. Emergency Effective Date.**

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

## 22 **Sec. 3. Transition.**

23 (a) The initial term of 3 professional members and 3 public members of  
24 the Commission on Domestic Violence, appointed under Code  
25 Sections 24-45(a)(1) and (2), respectively, as amended by this Act, is  
26 1 year. The initial term of all other appointed members is 2 years. The  
27 Council must designate whether an appointment is for an initial term

- 1 of 1 or 2 years.
- 2 (b) Within 60 days after this Act becomes law, for each **facility** subject to
- 3 Article VI of Chapter 24 of the Code, as amended by this Act, the
- 4 Director of Health and Human Services must:
- 5 (1) issue as a temporary regulation, and propose to the Council
- 6 under method (2), the regulations referred to in Section 24-45,
- 7 as amended by this Act; and
- 8 (2) (A) certify to the County Council that the **facility** complies
- 9 with the requirements of Article VI; or
- 10 (B) submit to the Council a plan for the **facility** to achieve
- 11 compliance within an additional 60 days.

12 *Approved:*

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Steven A. Silverman, President, County Council Date

14 *Approved:*

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Douglas M. Duncan, County Executive Date

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

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Mary A. Edgar, CMC, Clerk of the Council Date

# LEGISLATIVE REQUEST REPORT

Emergency Bill 15-02

*Domestic Violence Prevention and Victim Assistance*

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<b>DESCRIPTION:</b>	Establishes a program to provide temporary shelter, health, and other residential services to victims of domestic violence and their children. Requires the Director of Health and Human Resources to issue certain written policies and procedures for County-supported residential facilities for victims of domestic violence. Establishes a Commission on Domestic Violence to advise the County Council on domestic violence issues and periodically review each temporary residential facility for victims of domestic violence that receives County support.
<b>PROBLEM:</b>	The County's temporary shelter program for victims of domestic violence and their children is currently operated under a contract. Several current and former residents asked the Council to investigate operational and institutional problems at the County facility. A County Executive advisory panel issued a report detailing many of these problems and making recommendations for resolving the problems.
<b>GOALS AND OBJECTIVES:</b>	To require written policies and institutional improvements to ensure that the County-supported shelter program provides a safe and effective opportunity for victims to escape domestic violence that respects the rights of participants.
<b>COORDINATION:</b>	The Department of Health and Human Services and the Commission on Domestic Violence would implement the legislation.
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Report of the Betty Ann Krahnke Center community review panel (Oct. 15, 2001) and Michael W. Cogan, Council staff, (240) 777-7900.
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	Applies to certain County-supported facilities wherever they are located.
<b>PENALTIES:</b>	N/A.

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