

Article 59 - Mental Hygiene
 Section 37
 Annotated Code of Maryland
 (1972 Replacement Volume and 1977 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Courts and Judicial Proceedings

3-823.

(C) UNLESS AN INDIVIDUALIZED TREATMENT PLAN DEVELOPED UNDER SECTION 3A OF ARTICLE 59 OF THE CODE INDICATES OTHERWISE:

(1) A CHILD MAY NOT BE COMMITTED OR TRANSFERRED TO ANY PUBLIC OR PRIVATE FACILITY OR INSTITUTION UNLESS THE CHILD IS PLACED IN ACCOMMODATIONS THAT ARE SEPARATE FROM OTHER PERSONS 18 YEARS OF AGE OR OLDER WHO ARE CONFINED TO THAT FACILITY OR INSTITUTION; AND

(2) THE CHILD MAY NOT BE TREATED IN ANY GROUP WITH PERSONS WHO ARE 18 YEARS OF AGE OR OLDER ~~UNLESS THE TREATMENT PLANS FOR THE PERSONS 18 YEARS OF AGE OR OLDER INDICATE THAT THEY MAY BE TREATED WITH PERSONS UNDER 18 YEARS OF AGE.~~

Article 59 - Mental Hygiene

37.

(A) (1) UNLESS THE INDIVIDUALIZED TREATMENT PLAN DEVELOPED PURSUANT TO SECTION 3A OF ARTICLE 59 OF THE CODE INDICATES OTHERWISE, ANY PERSON UNDER 18 YEARS OF AGE WHO IS ADMITTED, COMMITTED, CONFINED OR IN ANY MANNER HOUSED IN ANY PUBLIC FACILITY UNDER THE GENERAL JURISDICTION OF THE COMMISSIONER OR ANY SIMILAR APPROPRIATE PUBLIC FACILITY PROVIDING RESIDENTIAL PSYCHIATRIC TREATMENT SHALL BE PLACED IN A WARD, UNIT OR OTHER ACCOMMODATIONS FOR MINORS, SEPARATE AND APART FROM PATIENTS 18 YEARS OF AGE OR OLDER, OR IN SOME OTHER MANNER BE PLACED IN ACCOMMODATIONS SEPARATE AND APART FROM PATIENTS 18 YEARS OF AGE AND OLDER.

(2) IN ADDITION UNLESS THE INDIVIDUALIZED TREATMENT PLAN INDICATES OTHERWISE, THE CHILD MAY NOT BE TREATED IN ANY GROUP WITH PERSONS WHO ARE 18 YEARS OF AGE OR OLDER ~~UNLESS THE TREATMENT PLANS FOR ALL THESE PERSONS 18 YEARS OF AGE AND OLDER INDICATES THAT THEY MAY BE TREATED WITH PERSONS UNDER 18 YEARS OF AGE.~~

(B) ~~(1)~~ IF THERE IS A FAILURE TO COMPLY WITH THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, A PETITION MAY BE FILED IN THE APPROPRIATE COURT ON BEHALF OF THE MINOR TO ~~SECURE THE RELEASE OF THE MINOR~~ REQUIRE COMPLIANCE WITH THIS SECTION. THE PETITION SHALL BE FILED IN THE CIRCUIT COURT