

(h) (1) (i) A child alleged to be in need of supervision or in need of assistance may not be placed in detention and may not be placed in a State mental health facility.

(ii) If the child is alleged to be in need of assistance by reason of a mental handicap, the child may be placed in shelter care facilities maintained or licensed by the Department of Health and Mental Hygiene or if these facilities are not available, then in a private home or shelter care facility approved by the court.

(iii) If the child is alleged to be in need of assistance for any other reason, or in need of supervision, he may be placed in shelter care facilities maintained or approved by the Social Services Administration, or the Department of Juvenile [Services] JUSTICE, or in a private home or shelter care facility approved by the court.

(2) A child alleged to be in need of supervision or in need of assistance may not be placed in a shelter care facility that is not operating in compliance with applicable State licensing laws.

(3) The Secretary of Human Resources and the Secretary of the Department of Juvenile [Services] JUSTICE together, when appropriate, with the Secretary of Health and Mental Hygiene shall jointly adopt regulations to ensure that any child placed in shelter care pursuant to a petition filed under subsection (d) of this section be provided appropriate services, including:

- (i) Health care services;
- (ii) Counseling services;
- (iii) Education services;
- (iv) Social work services; and
- (v) Drug and alcohol abuse assessment or treatment services.

(4) In addition to any other provision, the regulations shall require:

(i) The local department of social services or the Department of Juvenile [Services] JUSTICE to develop a plan within 45 days of placement of a child in a shelter care facility to assess the child's treatment needs; and

(ii) The plan to be submitted to all parties to the petition and their counsel.

(i) The intake officer or the official who authorized detention or shelter care shall immediately give written notice of the authorization for detention or shelter care to the child's parent, guardian, or custodian, and to the court. The notice shall be accompanied by a statement of the reasons for taking the child into custody and placing him in detention or shelter care. This notice may be combined with the notice required under subsection (d) of this section.