

~~(3) A CHILD WITH DISABILITIES SERVED WITHIN THE STATE UNDER THIS SUBTITLE MAY NOT BE PLACED IN A STATE RESIDENTIAL CENTER FOR THE DEVELOPMENTALLY DISABLED.~~

(II) AN EQUALLY APPROPRIATE INDIVIDUALIZED IN-STATE PROGRAM CANNOT BE DEVELOPED IS NOT AVAILABLE FOR THE CHILD IN A TIMELY FASHION, FOR UP TO 100% OF THE AVERAGE COST PER PLACEMENT FOR ALL APPROPRIATE OUT-OF-STATE PROGRAMS FOR WHICH APPLICATION WOULD BE MADE ON BEHALF OF THE CHILD; OR

(III) THE CHILD IS CURRENTLY IN DETENTION PURSUANT TO A COURT ORDER.

(2) AT THE TIME OF APPLICATION TO THE STATE COORDINATING COUNCIL FOR AN OUT-OF-STATE PLACEMENT, THE REFERRING AGENCY, IN CONSULTATION WITH THE LOCAL COORDINATING COUNCIL AS DEFINED IN § 13 OF THIS ARTICLE, SHALL BEGIN TO PLAN FOR THE CHILD'S RETURN.

~~(E)~~ (D) EACH DEPARTMENT'S FUNDS AVAILABLE FOR OUT-OF-HOME CARE MAY BE USED FLEXIBLY FOR LESS RESTRICTIVE CARE, IN ACCORDANCE WITH THE PLAN DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION.

~~(F)~~ (E) (1) THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(2) THE REGULATIONS SHALL BE DEVELOPED IN COLLABORATION WITH THE COMMITTEE CREATED UNDER SUBSECTION (C) OF THIS SECTION AND SHALL INCLUDE:

(I) SCHEDULES FOR RETURNING CHILDREN FROM OUT-OF-STATE PLACEMENTS;

(II) SCHEDULES FOR PREVENTING OUT-OF-STATE PLACEMENTS; AND

(III) ANY ALLOWABLE EXCEPTIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ ~~October~~ July 1, 1992.

Approved May 12, 1992.