

Department of Legislative Services
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 395 (Senator Zirkin)
Education, Health, and Environmental Affairs

Juvenile Services - State-Licensed Facilities - Size Limit Exception - Repeal

This bill alters an exception that allows a committed facility licensed by the Department of Juvenile Services (DJS) to serve more than 48 children at one time if the Secretary of Juvenile Services finds good cause. If the Secretary finds good cause for a committed facility owned or licensed by DJS to serve more than the number of children authorized to be served at one time, the facility, until June 30, 2017, may be allowed to serve up to 10% more children.

Fiscal Summary

State Effect: The bill's provisions do not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: DJS must serve children in the juvenile services system with programming that:

- ensures the safety of the community and the children served;
- holds delinquent children accountable to victims and communities;
- assists children to develop competencies to become successful members of society;
- delivers services on a regional basis through at least four operational regions;
- ensures that a committed facility owned by DJS serves no more than 48 children at one time;

- ensures that each committed facility licensed by DJS serves no more than 48 children at one time, unless the Secretary of Juvenile Services finds good cause for a facility to serve more than 48 children at one time; and
- uses detention and committed facilities that are operationally separate from each other and that do not share common program space, including dining halls and educational or recreational facilities.

DJS operates facilities to diagnose, care for, train, educate, and properly rehabilitate children who need services. DJS is also authorized to contract with private providers to place children in other facilities that meet State licensing criteria. No current regulatory provision establishes size requirements for these facilities. Committed facilities are for the diagnosis, care, training, education, and rehabilitation of children in DJS custody.

Background: Out-of-home placements for committed juveniles may include foster homes, group homes, independent living programs, residential treatment centers, and seven DJS-operated facilities. In fiscal 2012, there were 1,783 committed placements and an average daily population of 957 juveniles. Of all juveniles in committed residential placements, slightly less than 90% remain in-state.

State Fiscal Effect: DJS advises that it does not have adequate staff to accommodate additional juveniles at the facilities it owns; therefore the bill has no material impact. DJS also advises that there are no plans at this time to substantially increase capacity at a DJS-licensed facility, so restricting a licensed facility to only serve up to 10% more children on a finding of good cause has no material impact.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2013
ncs/kdm

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