

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 116

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Juvenile Services)

Judicial Proceedings

Judiciary

Juvenile Law - Committed Facilities - Extension of Termination Date

This departmental bill extends (from June 30, 2014, to June 30, 2016) the termination date for provisions of law that authorize the Department of Juvenile Services (DJS) to transfer a child committed for residential placement from one facility to another facility that is operated, licensed, or contracted by DJS. The bill also establishes a reporting requirement for DJS.

The bill takes effect June 1, 2014.

Fiscal Summary

State Effect: DJS can continue the bill's requirements and write the required report using existing resources. In addition, the bill may help continue both operational efficiency and the reduction of the pending placement population. The bill does not materially affect the workload of the Judiciary.

Local Effect: None. The bill does not materially affect the workload of the circuit courts.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: By January 1, 2015, DJS must report to the General Assembly on the bill's implementation. The report must specifically provide information on the process for removing youth from committed residential placements, including who is responsible

for making the decision to remove youth and how those decisions are reviewed. In addition, DJS must provide the following data for each fiscal year, beginning with fiscal 2011: (1) the number of youth ejected from committed residential placements; (2) the number of referrals to the Department's Central Review Committee; (3) the number of youth transferred to a new residential placement under the provisions of Chapter 198 of 2012 (the legislation originally establishing the authority for DJS to transfer youth between facilities); (4) the number of youth transferred to a new committed program who are placed in detention pending relocation; (5) the average length of stay for pending placement youth who are placed in detention pending relocation to a new committed residential placement; (6) the number of pending placement youth held in detention for more than 30 days due to ejection from a committed residential placement; (7) the number of youth who request and receive a hearing as a result of a proposed change to the residential placement; and (8) the reasons for ejection of youth from committed residential placements.

Current Law: At a disposition hearing, the court determines whether a child who has been adjudicated as delinquent needs or requires the court's guidance, treatment, or rehabilitation, and if so, the nature of the guidance, treatment, or rehabilitation. In making a disposition, the court may:

- place the child on probation or under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- subject to statutory limitations relating to the type of offense, commit the child to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or
- order the child or the child's parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

When necessary to appropriately administer the commitment of a child and on approval of the Director of Behavioral Health, DJS may transfer a child committed for residential placement from one facility to another facility that is operated, licensed, or contracted by DJS. A facility to which a child is transferred must be (1) consistent with the type of facility designated by the court or (2) more secure than the type of facility designated by the court. DJS is required to notify the court, the child's counsel, the State's attorney, and the parent or guardian of the child prior to transfer. The juvenile court may conduct a hearing at any time for the purpose of reviewing the commitment order and the transfer of a child. The provisions authorizing DJS to transfer a child from one facility to another facility under the circumstances set forth above terminate June 30, 2014.

Background: Chapter 198 of 2012 established the provisions authorizing DJS to transfer youth between facilities. DJS advises that these provisions, referred to as the “continuum of care,” have had a significant impact on its operations. Prior to Chapter 198, if DJS believed a facility with higher security than what was initially designated by the court was necessary, a juvenile had to be kept in detention until another court hearing could be scheduled to have the type of placement modified. During that time, the juvenile was not receiving the specific treatment services that may be required for rehabilitation.

This bill is intended to allow DJS to maintain continuum of care efforts. These efforts have allowed DJS to maximize current resources by eliminating a juvenile’s time in detention when he or she is ejected from a residential placement, which has helped reduce the pending placement population. In fiscal 2013, the average daily population of youth pending placement was 110, compared to 158 youth pending placement in fiscal 2012. The continuum of care provisions may also decrease the overall length of time a juvenile stays in committed status by allowing DJS to promptly address treatment concerns and issues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, State’s Attorneys’ Association, Department of Legislative Services

Fiscal Note History: First Reader - January 7, 2014
mc/kdm Revised - Enrolled Bill - May 14, 2014

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Committed Facilities – Repeal of Termination

BILL NUMBER: SB 116

PREPARED BY: Department of Juvenile Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS