

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE  
Revised

House Bill 1095 (Delegate Montague, *et al.*)

Judiciary

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**Juvenile Causes - Facilities Used for Detention - Accommodation of Children  
Awaiting Placement After Disposition**

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This bill provides that a child may not be accommodate in a facility used for detention for the specific act for which the child has been adjudicated delinquent for more than 15 days after the court makes a disposition on a petition. The court may order a longer period, not to exceed 45 days from the date of disposition, upon a finding that accommodation in the facility is necessary for the appropriate placement of the child. The court may order additional extensions of up to 30 days for a child for whom the disposition is placement in a secure facility.

The Department of Juvenile Justice (DJJ) must report to the General Assembly on the implementation of the bill by July 1, 2001.

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**Fiscal Summary**

**State Effect:** Minimal detention cost savings and significant increase in expenditures for committed placements.

**Local Effect:** The bill is not expected to significantly impact circuit court caseloads.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Current Law:** There is no statutory limit on the length of time that a child may be kept in detention.

**Background:** In recent years, the General Assembly has been concerned about the extended

periods of time that many adjudicated youths spend pending placement into a committed program. This concern reflects the fact that juveniles pending placement may not receive the services they need and that pending placement increases costs and overcrowding at detention centers.

**State Fiscal Effect:** The bill would result in a decrease in the amount of time spent in detention for some juveniles and an increase in the average cost of committed placements.

In fiscal 1998, DJJ's overall average length of stay pending placement was 24.43 days. As is shown in **Exhibit 1**, however, the average length of stay pending placement for certain specialized categories of placement was well above the overall average. These specialized categories include foster care, group homes, non-residential, residential treatment centers, and sex offender. Children comprising these categories accounted for approximately 16% of the total number of children placed in fiscal 1998.

The average estimated operating cost per bed per year for detention is \$37,928. Based on the data contained in Exhibit 1, reducing the length of stay to under 15 days for all children could result in detention cost savings. DJJ advises that any savings would be minimal, however, because the decreased use of detention beds would be spread across DJJ's facilities and would not significantly impact the population at any one facility. Staffing and fixed costs would remain unchanged.

Often, the reason that a juvenile is kept in detention for a longer period of time is that a suitable committed placement is not readily available. If DJJ were required to place every child within 15 days, it is expected that DJJ would be required to send some children with specialized needs to more expensive facilities, including facilities located out of state. This could increase the costs of committed placements significantly. Currently, the average cost of a committed placement ranges from \$10,000 to \$50,000 annually. The total increase in costs that would occur pursuant to the bill cannot be reliably estimated.

Placement costs would also be incurred sooner than they otherwise would as a result of the bill. The bill would not cause an increase in lengths of stay in committed placement.

**Small Business Effect:** Small businesses that operate juvenile placement facilities could receive additional children as a result of the bill.

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## Exhibit 1

**Pending Placement Average Length of Stay by Placement Type  
FY 1998**

<u>Placement</u>	<u>Number Placed</u>	<u>Average Length of Stay</u>
Community Detention/Electronic Monitoring	23	22.5
Day Treatment	4	13.5
Enhanced Impact	13	15.4
Foster Care	8	52.8
Group Home	169	44.4
Impact	665	13.2
Non-Residential	6	49.7
Residential Treatment Center	122	78.7
Substance Abuse	175	25.7
Secure Placement	173	16.2
Shelter Care	27	20.8
Sex Offender	9	120.4
Treatment Foster Care	28	51.4
Treatment Group Home	9	41.7
Victor Cullen	330	20.4
Youth Centers	381	19.6
<b>Total</b>	<b>2,142</b>	<b>24.43</b>

Source: Department of Juvenile Justice

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Juvenile Justice, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2000  
cm/jr Revised - House Third Reader - March 29, 2000

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Analysis by: Claire E. Rooney

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510