

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 944

(Delegate Montague, *et al.*)

Judiciary

Judicial Proceedings

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

This bill provides that generally a child adjudicated delinquent may not remain in a detention facility for more than 15 days after the court makes a disposition on a petition. However, 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 in 30-day increments for a child for whom the disposition is placement in a secure facility.

The Department of Juvenile Justice must report to the General Assembly on the implementation of the bill by July 1, 2003.

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

Analysis

Current Law: There is no statutory limit on the length of time that a child may be kept in a juvenile detention facility while awaiting placement.

Background: In recent years, the General Assembly has expressed a concern about the extended periods of time that many adjudicated youths spend in juvenile facilities while awaiting placement into a court-ordered commitment program. In addition to concerns associated with the high costs of stays in secure confinement and overcrowded conditions at juvenile facilities, there is also a concern that juveniles awaiting placement may not be receiving the services that they need.

Over the past calendar year, the Department of Juvenile Justice (DJJ) has been successful in reducing the overall number of youth in detention. In calendar 2001, there was a net reduction of 51 youth in secure detention (16.3%).

The 2000 *Joint Chairmen's Report* requested that DJJ provide data on juveniles in pending placement status and encouraged DJJ, where appropriate, to aggressively pursue alternatives to placement as a means of reducing pending placement periods. DJJ's report was released in February 2001 and established a benchmark of 30 days for the average length of stay in pending placement status. Through the first six months of fiscal 2001, DJJ reported an average length of stay of 27.4 days, compared to 27.8 days in fiscal 2000 and 24.3 days in fiscal 1999. DJJ noted in the report that the youths who experience the longest waits for appropriate placements are the ones ordered into residential treatment centers, which provide specialized treatment services to youths diagnosed with serious mental disorders. DJJ's report also noted the particular difficulty of placing sexual offenders, as demonstrated by the fact that 86% of confined youths who were awaiting placement in fiscal 2000 were placed within 50 days, but 150 days passed before 86% of sex offenders were placed.

State Fiscal Effect: The bill would require children to be moved out of detention and into other facilities more quickly than what currently occurs in practice, resulting in a decrease in costs for time spent in detention facilities and an increase in the cost of committed placements. The total increase in costs to implement the bill cannot be reliably estimated.

Cost of Confinement While Awaiting Placement

In fiscal 2000, DJJ's overall average length of stay pending placement was 27.8 days. However, the average length of stay pending placement for certain specialized categories of placement is well above the overall average. These specialized categories include

foster care, group homes, non-residential, residential treatment centers, and sex offender placements.

DJJ pays the expenditures for juvenile detention, which is estimated to have an annual cost, including overhead, of \$46,700 per child.

Cost of Committed Placements

The average annual cost of a juvenile committed placement varies widely. It ranges from about \$22,500 for treatment foster care up to \$136,000 for a specialized residential treatment program.

Often, the reason a juvenile is kept in a detention facility for a longer period of time is that an appropriate committed placement is not readily available from within the list of DJJ's providers. 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 outside of the State. This could increase the costs of committed placements significantly. The bill would not cause an increase in lengths of stay in committed placements.

Additional Information

Prior Introductions: A similar bill was introduced in the 2001 session as HB 322. HB 322 passed the House but was not reported out of the Senate Judicial Proceedings Committee. A similar bill was also introduced in the 2000 session as HB 1095. HB 1095 passed the House with amendments but was not reported out of the Senate Judicial Proceedings Committee.

Cross File: None.

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

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