
By: **Delegates Zirkin, Cadden, and Morhaim**
 Introduced and read first time: February 10, 2005
 Assigned to: Judiciary

Committee Report: Favorable with amendments
 House action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 **~~Juvenile Services—Detention and Committed Facilities—Maintenance and~~**
 3 **~~Operation~~**
 4 **Department of Juvenile Services Reform Act of 2005**

5 FOR the purpose of requiring the Department of Juvenile Services to appear in court
 6 to explain why a certain child, detained in a certain facility for a certain period
 7 of time after a court has made a disposition on a petition about the child,
 8 remains in the facility; requiring the Department to appear in court in
 9 subsequent hearings, after certain periods of time, to explain the reasons for the
 10 child's continued detention; establishing the Joint Oversight Committee on the
 11 Department of Juvenile Services; establishing the composition of the
 12 Committee; providing for the appointment of co-chairs and for staff assistance
 13 for the Committee; establishing certain powers and duties of the Committee;
 14 requiring the Committee to submit a certain annual report to the General
 15 Assembly on or before certain dates; requiring the Department to provide to the
 16 Governor and certain members of the General Assembly by a certain date a
 17 report on certain specific action taken by the Department in response to certain
 18 recommendations of the Office of the Independent Juvenile Justice Monitor;
 19 requiring the Department to provide to the Governor and certain members of
 20 the General Assembly by a certain date an inventory of all facilities used by the
 21 Department to place certain children under the Department's jurisdiction in
 22 out-of-home placement; requiring the inventory to contain certain information
 23 concerning each facility; requiring the Department, by a certain date, to report
 24 to the Governor and certain members of the General Assembly on the feasibility
 25 of establishing a volunteer mentoring program for certain children; providing for
 26 the termination of certain provisions of this Act; ~~by a certain date, maintain~~
 27 and ~~operate certain detention and committed facilities to meet certain~~
 28 requirements; ~~requiring certain facilities to be maintained and operated so that~~

1 they are distinct from one another in a certain manner and do not share certain
 2 areas; requiring that a certain detention facility be used only for certain
 3 children; declaring a certain intent of the General Assembly; and generally
 4 relating to the maintenance and operation of certain facilities by the
 5 Department of Juvenile Services.

6 ~~BY adding to~~
 7 ~~Article 83C— Juvenile Services~~
 8 ~~Section 2-117(e)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2003 Replacement Volume and 2004 Supplement)~~

11 BY repealing and reenacting, with amendments,
 12 Article - Courts and Judicial Proceedings
 13 Section 3-8A-15(k)
 14 Annotated Code of Maryland
 15 (2002 Replacement Volume and 2004 Supplement)

16 BY adding to
 17 Article - State Government
 18 Section 2-10A-09
 19 Annotated Code of Maryland
 20 (2004 Replacement Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Courts and Judicial Proceedings**

24 3-8A-15.

25 (k) If a child remains in a facility used for detention for the specific act for
 26 which the child has been adjudicated delinquent for more than 25 days after the court
 27 has made a disposition on a petition under § 3-8A-19 of this subtitle, the Department
 28 of Juvenile Services shall:

29 (1) [Submit a report to the court explaining] ON THE FIRST AVAILABLE
 30 COURT DATE AFTER THE 25TH DAY THAT THE CHILD REMAINS IN A FACILITY USED
 31 FOR DETENTION, APPEAR AT A HEARING BEFORE THE COURT WITH THE CHILD TO
 32 EXPLAIN the reasons for continued detention; and

33 (2) Every 25 days thereafter, [submit another report to the court
 34 explaining] APPEAR AT ANOTHER HEARING BEFORE THE COURT WITH THE CHILD TO
 35 EXPLAIN the reasons for continued detention.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 37 read as follows:

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Article - State Government2 2-10A-09.

3 (A) THERE IS A JOINT OVERSIGHT COMMITTEE ON THE DEPARTMENT OF
4 JUVENILE SERVICES.

5 (B) (1) THE COMMITTEE CONSISTS OF 12 MEMBERS.

6 (2) OF THE 12 MEMBERS:

7 (I) SIX SHALL BE MEMBERS OF THE SENATE APPOINTED BY THE
8 PRESIDENT OF THE SENATE; AND

9 (II) SIX SHALL BE MEMBERS OF THE HOUSE OF DELEGATES
10 APPOINTED BY THE SPEAKER OF THE HOUSE.

11 (3) (I) ~~OF THE SIX MEMBERS OF THE SENATE APPOINTED BY THE~~
12 ~~PRESIDENT OF THE SENATE, THREE SHALL BE MEMBERS OF THE MAJORITY PARTY~~
13 ~~AND THREE SHALL BE MEMBERS OF THE MINORITY PARTY SHALL REFLECT THE~~
14 ~~DEMOGRAPHIC AND PARTY COMPOSITION OF THE SENATE AS CLOSELY AS~~
15 ~~PRACTICABLE.~~

16 (II) ~~OF THE SIX MEMBERS OF THE HOUSE OF DELEGATES~~
17 ~~APPOINTED BY THE SPEAKER OF THE HOUSE, THREE SHALL BE MEMBERS OF THE~~
18 ~~MAJORITY PARTY AND THREE SHALL BE MEMBERS OF THE MINORITY PARTY SHALL~~
19 ~~REFLECT THE DEMOGRAPHIC AND PARTY COMPOSITION OF THE HOUSE AS CLOSELY~~
20 ~~AS PRACTICABLE.~~

21 (C) (1) A MEMBER APPOINTED BY THE PRESIDENT SERVES AT THE
22 PLEASURE OF THE PRESIDENT.

23 (2) A MEMBER APPOINTED BY THE SPEAKER SERVES AT THE PLEASURE
24 OF THE SPEAKER.

25 (D) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
26 DELEGATES SHALL APPOINT A SENATOR AND A DELEGATE, RESPECTIVELY, TO
27 SERVE AS CO-CHAIRS.

28 (E) THE DEPARTMENT OF LEGISLATIVE SERVICES, OFFICE OF POLICY
29 ANALYSIS, SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

30 (F) THE COMMITTEE SHALL HOLD:

31 (1) AN ORGANIZATIONAL MEETING PROMPTLY AFTER THE
32 APPOINTMENT OF ITS MEMBERS; AND

33 (2) ANY OTHER MEETINGS THAT THE COMMITTEE CONSIDERS
34 NECESSARY TO CARRY OUT ITS DUTIES EFFICIENTLY.

1 (G) THE COMMITTEE MAY HOLD A HEARING ON ANY MATTER RELATING TO
 2 THE FUNCTIONS OF THE COMMITTEE.

3 (H) THE COMMITTEE:

4 (1) SHALL REVIEW ALL REPORTS FROM THE DEPARTMENT OF JUVENILE
 5 SERVICES REQUIRED TO BE REPORTED TO THE GENERAL ASSEMBLY;

6 (2) SHALL REVIEW THE OPERATIONS OF THE DEPARTMENT OF
 7 JUVENILE SERVICES;

8 (3) SHALL MONITOR THE PROGRESS MADE BY THE DEPARTMENT OF
 9 JUVENILE SERVICES IN DEVELOPING AND IMPLEMENTING THE FACILITIES MASTER
 10 PLAN REQUIRED BY CHAPTER 431 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2004;

11 (4) MAY RECOMMEND LEGISLATION TO IMPROVE THE PROGRAMS AND
 12 OPERATIONS OF THE DEPARTMENT OF JUVENILE SERVICES; AND

13 (5) MAY INVESTIGATE ANY OTHER MATTER CONCERNING THE
 14 DEPARTMENT OF JUVENILE SERVICES OR THE PROVISION OF SERVICES TO
 15 JUVENILES UNDER ITS JURISDICTION.

16 (I) (1) IN ACCORDANCE WITH § 2-1246 OF THIS TITLE, THE COMMITTEE
 17 SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE
 18 DECEMBER 1 OF EACH YEAR.

19 (2) THE REPORT SHALL INCLUDE THE FINDINGS AND
 20 RECOMMENDATIONS OF THE COMMITTEE WITH REGARD TO THE REVIEW AND
 21 MONITORING CARRIED OUT UNDER SUBSECTION (H) OF THIS SECTION.

22 **Article 83C—Juvenile Services**

23 ~~2-117.~~

24 ~~(C) BY JANUARY 1, 2008, THE DEPARTMENT SHALL MAINTAIN AND OPERATE~~
 25 ~~FACILITIES OF THE DEPARTMENT SO THAT:~~

26 ~~(1) DETENTION AND COMMITTED FACILITIES:~~

27 ~~(I) ARE GEOGRAPHICALLY, PHYSICALLY, OPERATIONALLY~~
 28 ~~SEPARATE, REMOTE, AND DISTINCT FROM ONE ANOTHER; AND~~

29 ~~(II) DO NOT SHARE COMMON AREAS, INCLUDING ADMINISTRATIVE~~
 30 ~~BUILDINGS, DINING HALLS, MEDICAL, EDUCATIONAL, OR RECREATIONAL~~
 31 ~~FACILITIES; AND~~

32 ~~(2) A DETENTION FACILITY MAY BE USED ONLY FOR CHILDREN WHO~~
 33 ~~ARE DETAINED WHILE AWAITING COURT DISPOSITION OR WHO ARE AWAITING~~
 34 ~~PLACEMENT AFTER COURT DISPOSITION.~~

1 SECTION 3. AND BE IT FURTHER ENACTED, That:

2 (a) By January 1, 2006, the Department of Juvenile Services shall provide to
3 the Governor and, in accordance with § 2-1246 of the State Government Article, the
4 President of the Senate, the Speaker of the House of Delegates, and chairmen of the
5 Senate Budget and Taxation Committee, House Appropriations Committee, Senate
6 Judicial Proceedings Committee, and House Judiciary Committee of the General
7 Assembly:

8 (1) a report on all specific action taken by the Department in response to
9 the findings and recommendations of the Office of the Independent Juvenile Justice
10 Monitor, including:

11 (i) specific action taken to resolve problems regarding the care,
12 supervision, or treatment of children in facilities as reported by the Monitor; and

13 (ii) specific action taken relating to recommendations of the
14 Monitor on disciplinary action, incident reports, grievances, and alleged cases of child
15 abuse and neglect in Department facilities; and

16 (2) an inventory of all facilities used by the Department to place a child
17 who is under the Department's jurisdiction in an out-of-home placement, including:

18 (i) the name and address of the facility;

19 (ii) the maximum number of children who may be placed in the
20 facility by the Department;

21 (iii) a statement of whether the facility is used by other State
22 departments for placement of children under the other departments' jurisdiction and,
23 if so, the names of the other departments using the facility;

24 (iv) the types of children placed in the facility;

25 (v) the types of services provided by the facility;

26 (vi) the outcome measures used, if any, to evaluate the progress of
27 children in the facility; and

28 (vii) the recidivism rate, if known, of children placed in the facility.

29 (b) By October 1, 2005, the Department shall report to the Governor and, in
30 accordance with § 2-1246 of the State Government Article, the President of the
31 Senate, the Speaker of the House of Delegates, and chairmen of the Senate Budget
32 and Taxation Committee, House Appropriations Committee, Senate Judicial
33 Proceedings Committee, and House Judiciary Committee of the General Assembly, on
34 the feasibility of establishing a volunteer mentoring program for children in
35 committed facilities.

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the~~
2 ~~General Assembly that, commencing in fiscal year 2006, the Governor include in the~~
3 ~~annual State budget sufficient funds to fully implement this Act by January 1, 2008.~~

4 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect ~~October~~ June 1, 2005. Section 2 of this Act shall remain in effect for a period of
6 2 years and 7 months and, at the end of December 31, 2007, with no further action
7 required by the General Assembly, Section 2 of this Act shall be abrogated and of no
8 further force and effect.