

Department of Fiscal Services  
Maryland General Assembly

**FISCAL NOTE**

House Bill 289 (Delegate Menes)  
Judiciary

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**Juvenile Causes - Children in Need of Supervision - Detention**

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This bill allows a juvenile court or an intake officer to authorize detention for a child taken into custody who may be in need of supervision, if (1) detention is required to protect the child or the person or property of others; (2) the child is likely to leave the jurisdiction of the court; or (3) there are no parents or guardians to supervise the child. A child in need of supervision may not be placed in a State mental health facility or in a jail or other facility for the detention of adults.

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**Fiscal Summary**

**State Effect:** FY 1997 federal fund revenues could decrease by up to \$1.1 million, depending on whether lack of State compliance with federal law results in the loss of grant funds. General fund expenditures could increase by an indeterminate but minimal amount to the extent that children in need of supervision are placed in detention facilities rather than in sheltered care while awaiting adjudication.

**Local Effect:** Local revenues could decrease by an indeterminate amount, depending on whether the lack of State compliance with federal law results in the loss of federal pass-through grant funds.

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**Fiscal Analysis**

**Background:** A child in need of supervision (CINS) is one who has committed a status offense (an offense applicable only to children) such as running away from home or truancy from school or who is habitually beyond the control of the person who has custody of him.

Detention is the temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community, in physically restricting facilities.

There are four alternatives to secure detention: structured shelter care (non-secure group home setting), family shelter care (similar to foster care), community detention (home supervision), and electronic monitoring. A shelter care placement is less secure than a detention facility and is used for youth who pose a less serious threat to the community.

**State Revenues:** Federal revenues could decrease by up to \$1.1 million, depending on whether the lack of State compliance with federal law results in the loss of grant funds. Federal law prohibits a child in need of supervision from being placed in a secure correctional facility. Lack of compliance with federal law could result in the loss of \$1.1 million in federal grant funds (Juvenile Justice and Delinquency Prevention-Allocation to States) currently anticipated in the fiscal 1997 budget allowance of the Governor's Office of Crime Control and Prevention. The office generally makes awards to the Department of Juvenile Justice, the Office of Children, Youth, and Families, local jurisdictions, and community services providers.

**State Expenditures:** General fund expenditures could increase by an indeterminate but minimal amount to the extent that children in need of supervision are placed in detention facilities rather than in sheltered care while awaiting adjudication. Detention care is generally more expensive than most, but not all, types of shelter care. It is not possible to reliably estimate the extent to which children in need of supervision would be placed in detention facilities rather than in shelter care or whether the detention facilities would be a more expensive type of care than the type of shelter care that might have been provided.

**Local Revenues:** Revenues could decrease by an indeterminate amount, depending on whether lack of State compliance with federal law results in the loss of federal grant funds (Juvenile Justice and Delinquency Prevention-Allocation to States) currently anticipated in the fiscal 1997 budget allowance of the Governor's Office of Crime Control and Prevention. The office generally makes awards to the Department of Juvenile Justice, the Office of Children, Youth, and Families, local jurisdictions, and community services providers.

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

**Fiscal Note History:** First Reader - February 5, 1996  
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