

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 322 (Delegate Montague, *et al.*)
Judiciary

Judicial Proceedings

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

This bill provides that a child may not be accommodated 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, 2002.

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.

Analysis

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

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 pending placement juveniles may not be receiving the services that they need.

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 to reduce 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 reports an average length of stay of 27.4 days, a reduction from 27.8 days in fiscal 2000 but an increase over the reported fiscal 1999 average stay of 24.3 days. DJJ notes in the report that youths experiencing the longest waits for appropriate placements are the ones who are assigned to residential treatment centers, which provide specialized treatment services to youths diagnosed with mental disorders. In particular, the report notes the difficulty of placing sex offenders as demonstrated by the fact that 86% of youths who were confined while awaiting placement in fiscal 2000 were placed within 50 days but 150 days passed before 86% of sex offenders were placed. **Exhibit 1** displays data from fiscal 1998 but shows the same pattern of extended stays in pending placement status for sex offenders and for juveniles awaiting transfer to residential treatment centers.

Adding to these concerns, child advocates have recently stepped up pressure on the State to close Cheltenham Youth Facility, the main detention center used by DJJ to house adjudicated delinquents in pending placement status. From July 2000 to January 2001, the average daily population of juveniles held in Cheltenham while awaiting placement ranged from 60 to 65, approximately 50% to 60% of all juveniles in pending placement status.

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

Cost of Confinement While Awaiting Placement

In fiscal 2000, DJJ's overall average length of stay pending placement was 27.8 days. As is shown in Exhibit 1, 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. Children in 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 approximately \$38,000. 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.

Cost of Committed Placements

Often, the reason a juvenile is kept in a detention facility 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 outside of the State. This could increase the costs of committed placements significantly.

Currently, the average annual cost of a committed placement ranges from about \$9,000 for family shelter care or foster care to approximately \$40,000 to \$60,000 for a residential facility. The total increase in costs to implement 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.

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
Total	2,142	24.43

Source: Department of Juvenile Justice

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

Additional Information

Prior Introductions: This bill was introduced in the 2000 session as HB 1095. The bill passed the House 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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