

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 961

(Delegate Montague, *et al.*)

Judiciary

Judicial Proceedings

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**Department of Juvenile Justice - Juvenile Justice System - Standards**

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This bill requires the Department of Juvenile Justice (DJJ) to:

- adopt a code of conduct for its employees and require private agencies under contract with DJJ to adopt a code of conduct for private agency staff that is in substantial compliance with the code of conduct for personnel of DJJ;
- adopt regulations that require each facility to provide specified services and programs;
- adopt regulations that provide standards for juvenile detention facilities operated by DJJ and private agencies under contract with DJJ; and
- develop and adopt regulations providing standards for nonsecure alternatives for the placement of committed children.

Providing children in State care and custody with a safe, humane, and caring environment and access to required services is also added as one of the central purposes of juvenile detention.

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**Fiscal Summary**

**State Effect:** It is assumed that the Department of Juvenile Justice could develop and adopt the necessary codes and regulations with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Under current law, if a child is taken into custody, a child may be placed in detention prior to a hearing if:

- such action is required to protect the child or person and property of others;
- the child is likely to leave the jurisdiction of the court; or
- there are no parents, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required.

DJJ is required to develop and provide within each facility certain educational programs, alcohol and drug abuse assessment services, and either referral services or a treatment program for alcohol and drug abuse.

**Background:** Chapter 432 of the Acts of 1999 required DJJ to conduct a study of juvenile detention in the State. The purpose of the study was to develop standards for juvenile detention in facilities operated by the department and private agencies under contract with the department that are used to temporarily detain children who are awaiting: (1) an adjudicatory hearing; (2) a disposition hearing; and (3) placement by the juvenile court after a disposition hearing.

In conducting the study, the department was required to review the juvenile detention standards articulated in the *Institute of Juvenile Administration -- American Bar Association, Juvenile Justice Standards* and develop standards based upon this review. In addition, DJJ was required to submit to the Governor and the General Assembly a final report of the department's recommendations on or before November 15, 1999.

However, in the fall of 1999, reports of abusive behavior by staff at DJJ Youth Camps in Western Maryland appeared in several *Baltimore Sun* articles. The reports led to the removal of DJJ's Secretary and Deputy Secretary. Since then, a new management team has established the Office of Professional Responsibility and Accountability (OPRA) "for the purpose of ensuring that DJJ employees and private service providers perform their duties and responsibilities in accordance with professional standards and practices, applicable law, rules of conduct, regulations, policy, procedure, and written directives." OPRA has four units, one of which is the Investigations and Child Advocacy Unit. This unit is charged with investigating allegations of abuse or misconduct and assisting juveniles who express a desire to initiate a grievance.

As a result of the events that took place in the fall of 1999, DJJ's final report that was required by Chapter 432 of 1999, entitled *Maryland Standards for Juvenile Detention Facilities* was never officially submitted. However, under the leadership of Secretary Robinson, DJJ has issued the "Maryland Standards for Juvenile Detention Facilities" to provide guidance regarding administration/support services, admission processes, the provision of restorative services, residential operations, architectural design, and program responsibility and accountability. This bill would require that the standards for detention articulated under its provisions be delineated by regulation and continue despite any changes in the leadership of the department with the next Administration.

**State Fiscal Effect:** It is assumed that DJJ could develop a code of conduct, adopt regulations, and meet the bill's other requirements using existing budgeted resources. Depending on the particular regulations that are developed and other eventual effects of the bill, significant costs could be incurred in the future.

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### Additional Information

**Prior Introductions:** HB 474 of 2001 passed the House but was not reported out of the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Justice, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2002  
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Analysis by: Anne E. Gawthrop

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