

Department of Legislative Services
Maryland General Assembly
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FISCAL NOTE
Revised

House Bill 971

(Delegate Montague, *et al.*)

Judiciary and Ways and Means

Judicial Proceedings

**Office for Children, Youth, and Families - Codification of the Office of the
Independent Juvenile Justice Monitor**

This bill establishes an Office of the Independent Juvenile Justice Monitor in the Governor's Office for Children, Youth, and Families (OCYF).

Fiscal Summary

State Effect: This bill codifies existing practice. The FY 2003 State budget includes \$480,400 in funding for the program.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Office of the Independent Juvenile Justice Monitor must include a full-time executive director, staff, salaries, and expenses for rent, equipment, supplies, and general operating expenses as provided in the State budget. The office must set minimum salaries, qualifications, and standards of training and experience for positions.

The office must evaluate the child advocacy grievance process, the Department of Juvenile Justice (DJJ) monitoring process, the treatment of and services to youth, the physical conditions of residential facilities, and the adequacy of staffing at residential facilities. The office must review reports of disciplinary actions, grievances, and grievance dispositions from each facility and changes in the status or placement of a child

that result in more security, additional obligations, or less personal freedom. The office also must receive copies of grievances submitted to DJJ, perform unannounced site visits and on-site inspections of facilities, receive and review all incident reports submitted to DJJ from facilities, and receive reports of findings of child protective services investigations of allegations of abuse or neglect of a child in a facility. The office may also review relevant laws, policies, procedures, juvenile justice records, and DJJ reports relating to youth in facilities. It also may conduct interviews with staff, youth, and other individuals on request and participate in a local department of social services child protective services investigation concerning any allegation of abuse or neglect within any assigned facility.

The office must report in a timely manner to the Subcabinet and Special Secretary for the Office for Children, Youth, and Families; the Speaker of the House of Delegates; and the President of the Senate: (1) knowledge of any problem regarding the care, supervision, and treatment of children in facilities; (2) findings, actions, and recommendations related to investigations of disciplinary actions, grievances, incident reports, and alleged cases of child abuse and neglect; and (3) all other findings and actions related to the monitoring required under this bill.

The office must report quarterly to the Special Secretary for the Office for Children, Youth, and Families and to the DJJ Secretary on all activities of the office and any actions taken by DJJ in response to findings and recommendations presented in the reports. A copy of the report must be provided to the State Advisory Board for Juvenile Justice and the General Assembly.

Beginning in 2003, by November 30 of each year, the office must report to the Special Secretary for the Office for Children, Youth, and Families; the DJJ Secretary; any advisory boards established for juvenile justice facilities; the Governor; and the General Assembly on all of the office's activities and DJJ actions taken in response to the findings and recommendations presented in the reports.

DJJ must adopt a policy for addressing disciplinary actions and grievances within its facilities. The policy must require: (1) a written report on any disciplinary action taken against a child or any grievance which must be forwarded to the administrative head of the facility; (2) the administrative head of each facility to review all reports of disciplinary actions and grievances; and (3) DJJ to forward in a timely manner all reports of disciplinary actions, grievances, and grievance dispositions from each facility to the Office of the Independent Juvenile Justice Monitor.

DJJ must: (1) give the office access to all facilities, reports, and records relating to individual youth upon request; (2) allow the independent juvenile justice monitors to

conduct interviews with staff, youth, and any other individuals upon request; and (3) submit corrective action plans and incident reports to the office in response to findings and recommendations made by the monitors regarding a facility. DJJ must respond to requests for information pertaining to a facility from an independent monitor within 30 days of the request. If DJJ does not respond to a request for information, the monitor may investigate.

Current Law: An Office of the Independent Juvenile Justice Monitor is not statutorily required.

Background: An independent juvenile justice monitor was established through a memorandum of agreement between DJJ and OCYF and has operated since September 2000. The agreement provides funding for two monitors and a part-time administrative assistant. In March 2001, OCYF hired three additional monitors using a federal grant from the Office of Crime Control and Prevention (OCCP).

The independent monitor program: (1) evaluates the child-advocacy grievance process in DJJ operated facilities; (2) monitors DJJ's Office of Professional Responsibility and Accountability activities relative to its investigative standards and contract monitoring functions; (3) evaluates youth treatment and services; and (4) reviews the physical plant of these facilities.

The independent monitor submits reports to the DJJ Secretary and the Subcabinet for Children, Youth, and Families on findings and recommendations for action. The reports are sent to the appropriate facility administrator for the development of a corrective action plan. The independent monitor reviews compliance with the corrective action plans.

State Fiscal Effect: The fiscal 2003 State budget includes \$480,353 in funding for the program. Of this amount, \$413,453 is general funds and \$66,900 is a federal grant from OCCP. A portion of the office's general funds (\$196,020) was transferred from DJJ. This bill is not expected to increase State expenditures. Current funding for the office would be maintained in the future.

Additional Information

Prior Introductions: A similar bill was introduced at the 2001 session as HB 1426. The bill received an unfavorable report by the House Judiciary Committee.

Cross File: While not designated as cross file bills, SB 826/HB 945 are similar.

Information Source(s): Governor's Office (Office for Children, Youth, and Families),
Department of Budget and Management, Department of Legislative Services

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