

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 962

(Delegate Montague, *et al.*)

Judiciary

Judicial Proceedings

Juvenile Causes - Treatment Service Plans

This bill authorizes a juvenile court to adopt a “treatment service plan” proposed by the Department of Juvenile Justice (DJJ) when the court makes its disposition in a delinquency or child in need of supervision matter. A treatment service plan is a plan proposing specific assistance, guidance, treatment, or rehabilitation of a child.

If the court adopts a treatment service plan, DJJ must ensure that implementation of the plan occurs within 25 days after the disposition and must certify in writing to the court within 25 days whether implementation of the plan has occurred. If the plan is not implemented by DJJ within 25 days, the court must schedule a disposition review hearing, at which the court may revise the previous disposition and treatment service plan. The court need not hold the hearing if DJJ certified to the court in writing prior to the hearing date that implementation of the treatment service plan has occurred.

The bill may not be applied to any disposition made by a juvenile court on a petition regarding a child before the bill’s October 1, 2002 effective date.

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

Analysis

Current Law: After a petition has been filed in the juvenile court, the court may direct the Department of Juvenile Justice (DJJ) or another qualified agency to make a study concerning the child, the child's family, the child's environment, and other matters relevant to the disposition of the case. The report of the study is admissible as evidence at a disposition hearing. The attorney for each party has the right to inspect the report prior to its presentation to the court, to challenge or impeach its findings, and to present appropriate evidence with respect to it. If a child adjudicated delinquent or in need of supervision is committed to an individual or to a public or private agency or institution, the court may require the custodian to file periodic written progress reports, with recommendations for further supervision, treatment, or rehabilitation.

There is no statutory provision allowing a court to adopt recommendations in the study or in a treatment service plan developed by DJJ at disposition. There is no statutory requirement regarding when DJJ must implement a treatment plan, including placement, for a child adjudicated delinquent or in need of supervision.

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

Over the past calendar year, DJJ has been successful in reducing the overall number of youth in detention. In calendar 2001, there was a net reduction of 51 youth in secure detention (16.3%).

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 of reducing 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 reported an average length of stay of 27.4 days, compared to 27.8 days in fiscal 2000 and 24.3 days in fiscal 1999. DJJ noted in the report that the youths who experience the longest waits for appropriate placements are the ones ordered into residential treatment centers, which provide specialized treatment services to youths diagnosed with serious mental disorders. DJJ's report also noted the particular difficulty of placing sexual offenders, as demonstrated by the fact that 86% of confined youths who were awaiting placement in fiscal 2000 were placed within 50 days, but 150 days passed before 86% of sex offenders were placed.

State Fiscal Effect: The bill requires children to be moved out of detention and into other facilities more quickly than what currently occurs in practice, resulting in a decrease in costs for time spent in detention facilities and an increase in costs for committed placements. The bill requires that DJJ “ensure that implementation of the treatment service plan occurs within 25 days after the date of disposition,” once the court has adopted DJJ’s treatment service plan. A treatment service plan includes proper placement for a youth.

DJJ believes that by initiating the process for locating a proper placement (*i.e.*, sending out the application packets to various residential treatment facilities), DJJ will have complied with this bill’s requirement of ensuring implementation of the treatment service plan within 25 days, regardless of whether or not it has successfully placed a youth within that time. DJJ accordingly states that the bill will have no fiscal impact, because it currently initiates all or nearly all treatment service plans for youths within 25 days of the treatment service plan being developed. If DJJ’s interpretation of the bill is correct -- that initiating the search for a placement constitutes ensuring that implementation of a treatment service plan has occurred -- then Legislative Services agrees that the bill will have no fiscal impact.

However, it seems more logical to interpret “implementation” to mean that youth must be placed within 25 days pursuant to the recommended plan. Legislative Services accordingly believes that this bill will have a significant fiscal impact. The total increase in costs to implement the bill cannot be reliably estimated.

Cost of Confinement While Awaiting Placement

In fiscal 2000, DJJ’s overall average length of stay pending placement was 27.8 days. 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 placements. Ninety-seven (4.3%) of the 2,253 youths in pending placement status in fiscal 2000 spent over three months in detention awaiting placement. DJJ pays the expenditures for juvenile detention, which is estimated to have an annual cost, including overhead, of \$46,700 per child.

Cost of Committed Placements

There were 2,253 total youths placed out of pending placement status in fiscal 2000. Of those youths, DJJ placed approximately 72% within 30 days. During the first 6 months of fiscal 2001, DJJ placed approximately 70% of youths in pending placement status within 30 days. Based on this, currently, about 28% - 30% of youths are not being placed within the timeframe established by this bill.

The average annual cost of a juvenile committed placement varies widely. It ranges from about \$22,500 for treatment foster care up to \$136,000 for a specialized residential treatment program. Often, the reason a juvenile is kept in a detention facility for a longer period of time is that an appropriate committed placement is not readily available from within DJJ's providers. If DJJ were required to place every child within 25 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. The bill would not cause an increase in lengths of stay in committed placements.

Additional Information

Prior Introductions: A similar bill was introduced as HB 171 in the 2001 session. It passed the House but was not reported out of the Senate Judicial Proceedings Committee. A similar bill was also introduced in the 2000 session as HB 1087. HB 1087 passed the House with amendments 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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