

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 945 (Chairman, Judiciary Committee, *et al.*)  
(Departmental – Children, Youth, and Families)

Judiciary and Ways and Means

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

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

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Fiscal Summary

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

**Local Effect:** None.

**Small Business Effect:** OCYF has determined that this bill has minimal or no impact on small businesses (attached). Legislative Services concurs with this assessment.

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Analysis

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

The office must evaluate the child advocacy grievance process, the Department of Juvenile Justice's (DJJ) monitoring process, the treatment of and services to youth, and the physical conditions at each residential facility operated by DJJ or a private entity under contract with DJJ. The office must review reports of disciplinary actions,

grievances, and grievance dispositions relating to a child in a facility. 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 be available to attend meetings of the State advisory boards.

The office may review relevant laws, policies, procedures, and juvenile justice records relating to individual youth and conduct interviews with staff, youth, and others on request. It also may review DJJ investigative reports relating to youth in facilities, participate in a child protective services investigation concerning any allegation of abuse or neglect within any assigned facility, and receive findings of child protective services investigations.

The office must report at least bimonthly to the Subcabinet and Special Secretary for the Office for Children, Youth, and Families: (1) any problem regarding the care, supervision, and treatment of children in facilities; (2) findings, actions, and recommendations related to 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 Children, Youth, and Families and to the DJJ Secretary on all activities of the office and any actions taken by DJJ resulting from the monitors' findings and recommendations, including DJJ's response.

Beginning in 2003, by November 30 of each year the office must report to the Special Secretary for Children, Youth, and Families, the DJJ Secretary, the Governor, the State advisory councils, and the General Assembly on all of the office's activities and DJJ actions taken in response to the monitors' findings and recommendations.

DJJ must cooperate with the independent monitor and respond to requests for information within a reasonable time, submit incident reports to the independent monitor, and submit corrective action plans to the monitor based on findings and recommendations made by the monitor and approved by the DJJ Secretary.

DJJ must give the office access to all facilities, reports, and records relating to individual youth or staff upon request and allow the independent juvenile justice monitors to conduct interviews with staff, youth, and any other individuals upon request.

**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, the 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.

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### **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:** SB 826 (Chairman, Judicial Proceedings Committee) – Judicial Proceedings. HB 971 also introduced this session is similar but not identical.

**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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Analysis by: Lisa A. Daigle

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