

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 530

(Delegate Zirkin, *et al.*)

Judiciary

Judicial Proceedings

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

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This bill provides that, if a child remains in a facility used for detention for more than 25 days after a disposition on the child's petition has been reached, the Department of Juvenile Justice (DJJ) must submit a report to the court explaining the reasons for continued detention. If the child remains in detention after the initial report has been submitted, DJJ must submit additional reports every 25 days thereafter explaining the reasons for continued detention.

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Fiscal Summary

**State Effect:** DJJ could comply with the bill's reporting requirements with existing resources.

**Local Effect:** Circuit courts could record and review the DJJ reports with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** DJJ is not required to submit reports to the court explaining the reasons that children are held in juvenile detention facilities while awaiting placements. By statute, detention is the temporary care of a child who requires secure custody while awaiting a disposition.

**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 placements into court-ordered commitment programs. In addition to the problem of overcrowded conditions at juvenile facilities, there is also a concern that juveniles awaiting placement may not be receiving the services 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 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.

DJJ's fiscal 2004 *Managing for Results* notes the elimination of youth in pending placement status, but this is due to a change in the way DJJ defines pending placements. DJJ has indicated that a youth who is receiving services in detention while awaiting an appropriate commitment facility should not be included in the pending placement count. Using the more traditional definition, however, there has been a significant increase in the average length of stay in pending placements over the last 19 months. From fiscal 2001 to 2002, the average length of stay in pending placement status rose from 28 days to 32 days, and through the first seven months of fiscal 2003, the average length of stay in pending placement status is 39 days. If this average holds for the rest of the year, it would be the longest average length of stay since at least fiscal 1996.

Driven in part by the increase in the number of youths held in detention facilities while in pending placement status, the average daily population in secure DJJ detention facilities has increased from 413 in fiscal 2002 to 463 in the first seven months of fiscal 2003, an increase of 12.1%. The DJJ average daily population estimate for detention facilities in fiscal 2004 is 361.

## **Additional Information**

**Prior Introductions:** Bills that would have instituted statutory limits on the number of days a child may be held in detention while awaiting placement have been introduced in the last three legislative sessions as HB 944 (2002), HB 322 (2001), and HB 1095 (2000). All three bills were passed by the House but were 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 - March 4, 2003  
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