

SENATE BILL 543
EMERGENCY BILL

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E3

2004 Regular Session
(4lr1894)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Frosh, Giannetti, Green, and Jimeno Jimeno, and
Forehand**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Department of Juvenile Services - Facilities and Reform Progress Reporting**

3 FOR the purpose of limiting to a certain period of time the term of a certain
4 agreement or contract that the Department of Juvenile Services enters with
5 certain persons for certain services involving the Charles H. Hickey, Jr. School
6 ~~under certain circumstances; requiring the Department to provide to the~~
7 ~~Governor and certain members of the General Assembly a certain Facilities~~
8 ~~Master Plan and a certain status reports report and certain Master Facility~~
9 ~~Plans by certain dates; requiring the Facilities Master Plan to implement a~~
10 ~~certain ideal delivery system and address certain issues; declaring a certain~~
11 ~~intent of the General Assembly; requiring the Department, with the assistance~~
12 ~~and cooperation of the State Department of Education and the Department of~~
13 ~~Health and Mental Hygiene, to provide to the Governor and certain members of~~
14 ~~the General Assembly a certain study and~~ certain plans, assessments,
15 recommendations, and reports on certain juvenile services in the State by a
16 certain date; requiring the Department to adopt certain regulations by a certain

1 date; requiring the Department to contract for a certain evaluation of the
2 Department's procurement and contracting procedures by a certain date;
3 requiring that certain facilities be operated by the Department by a certain date;
4 making this Act an emergency measure; and generally relating to the
5 Department of Juvenile Services and juvenile services in the State.

6 Preamble

7 WHEREAS, ~~The Governor of Maryland has proposed a number of reforms to~~
8 ~~the juvenile services system in this State, including:~~

9 (1) Juvenile facilities reform by the downsizing of the Cheltenham Youth
10 Facility to make it a small, modern, best practice facility; reforming the Charles H.
11 Hickey, Jr. School through an emphasis on education, mental health, drug treatment,
12 and staff training; and conducting a facilities study to include a proposal for a Secure
13 Youth Facility for youths facing incarceration in adult facilities;

14 (2) Educational reform through requirements for the State Department
15 of Education to assume educational programming at all facilities in the Department
16 of Juvenile Services by 2004; adoption of transition plans for youths returning to
17 public school from Department of Juvenile Services facilities; and adoption of a
18 statewide truancy prevention plan to prevent children from entering the juvenile
19 system;

20 (3) Mental health and health care reform through supporting and
21 funding the 3-year Department of Health and Mental Hygiene and Department of
22 Juvenile Services plan for enhanced mental health services; expanding the number of
23 mental health counselors in the juvenile services system to a ratio of 25 children per
24 counselor; implementing suicide prevention training programs; and addressing the
25 links between child welfare and juvenile cases;

26 (4) Prevention of racial injustice and disparities in the juvenile system
27 through the use of an Assistant Secretary for Minority Justice Services to identify and
28 reduce unfair practices, establish cultural competency in training programs for
29 juvenile services personnel, and implement racially neutral screening and
30 assessments of children in the juvenile system; and

31 (5) Management and staffing reforms in the juvenile system through the
32 establishment and enforcement of strict personnel guidelines for Department of
33 Juvenile Services employees to protect against abuse of the children; recruiting,
34 training, and retaining qualified juvenile services staff by offering competitive
35 salaries and manageable caseloads that reflect case manager staffing ratios of 20
36 children per manager for troubled families and 30 children per manager for lesser
37 risk families; evaluating existing Department of Juvenile Services staff functions; and
38 improving information systems coordination to share key data on juvenile case
39 histories with juvenile services systems statewide and to improve data collection
40 policies; and

1 WHEREAS, ~~Chronic overcrowding in unsafe, antiquated, and inadequate~~
2 ~~facilities, the pursuit of flawed juvenile justice management policies, the inability to~~
3 ~~adequately address and prevent abuse of children by juvenile personnel and by other~~
4 ~~youths in various juvenile facilities, and the inadequate funding of alternative~~
5 ~~juvenile treatment programs and adequate, well trained juvenile staff, have~~
6 ~~historically plagued the ability of the State to provide safe, secure, and positive~~
7 ~~environments to help reform and support its troubled juveniles; now, therefore,~~

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the term of any agreement or contract that the Department of
10 Juvenile Services enters with a private vendor or private person for providing
11 juvenile services for the Department at the Charles H. Hickey, Jr. School after the
12 effective date of this Act may not exceed ~~1 year, unless an agreement or contract~~
13 ~~allows the Department to terminate the contract without penalty~~ 3 years.

14 SECTION 2. AND BE IT FURTHER ENACTED, That:

15 (a) The Department of Juvenile Services shall provide to the Governor and, in
16 accordance with § 2-1246 of the State Government Article, the President of the
17 Senate, Speaker of the House of Delegates, and Chairmen of the Senate Budget and
18 Taxation Committee, House Appropriations Committee, Senate Judicial Proceedings
19 Committee, and House Judiciary Committee of the General Assembly:

20 (1) ~~on or before December 31, 2004, a 10 year Master Facility Plan for~~
21 ~~detention; and~~

22 (2) (i) ~~on or before December 31, 2005, a final 10 year Master Facility~~
23 ~~Plan for facilities for all locked and staff secure detention and commitment facilities~~
24 ~~operated or contracted for by the Department, including the Cheltenham Youth~~
25 ~~Facility, the Charles H. Hickey, Jr. School, and the Baltimore City Juvenile Justice~~
26 ~~Center; and~~

27 (ii) ~~on or before December 31, 2004 and June 30, 2005, status~~
28 ~~reports on the development of the 10 year Master Facility Plan for facilities.~~

29 (b) ~~The Master Facility Plans required under this section shall be~~
30 ~~comprehensive analyses of the risks and needs of youth referred to the Department~~
31 ~~and shall reflect a reduced reliance on large locked institutions by:~~

32 (1) ~~planning for smaller, secure facilities located near the areas where~~
33 ~~the youths served by the facilities live; and~~

34 (2) ~~placing appropriate youth in community-based settings or at home~~
35 ~~under adequate supervision.~~

36 (1) ~~on or before January 15, 2006, a Facilities Master Plan that is~~
37 ~~consistent with the principles described in Section 3 of this Act; and~~

38 (2) ~~as part of its development of a Facilities Master Plan, on or before~~
39 ~~December 31, 2004, a report on;~~

1 (i) the total population of youths the Department anticipates
 2 servicing;

3 (ii) the manner in which the Department intends to serve that
 4 population that maximizes the use of regional, community-based settings;

5 (iii) the ideal service delivery system required to serve that
 6 population in regional community-based settings based on best practices, including
 7 an assessment of educational programming, somatic, mental health, and substance
 8 abuse services, family support services, informal supervision, shelter care, aftercare,
 9 care of detained and committed youths, and services to address gender-specific needs;

10 (iv) the justification for any programming that is determined
 11 necessary to be provided statewide, rather than regionally;

12 (v) a description of the outcome measures that the Department
 13 intends to use to assess the efficacy of the service delivery system to be developed; and

14 (vi) a gap analysis of currently available State and
 15 community-based service capacity compared to the ideal service delivery system; and

16 (b) The Facilities Master Plan required under this Section shall implement the
 17 ideal service delivery system identified to serve the anticipated population. That plan
 18 shall address identified gaps in service delivery and specific facility needs, including
 19 both renovation and new construction.

20 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
 21 General Assembly that, to the extent practicable, children in the juvenile services
 22 system be served by programming that meets the following principles:

23 (1) the safety of the community and the children served is ensured,
 24 delinquent children are held accountable to victims and communities, and children
 25 develop competencies to assist them in becoming successful members of society;

26 (2) services are delivered regionally through operational regions;

27 (3) detention and committed facilities do not contain more than 48
 28 children;

29 (4) detention facilities are geographically, physically, and operationally
 30 separate, remote, and distinct from committed facilities; and

31 (5) children awaiting a committed placement after disposition are not
 32 held in a facility with children awaiting court disposition.

33 SECTION ~~2~~ ~~3~~ ~~4~~. AND BE IT FURTHER ENACTED, That the Department of
 34 Juvenile Services, with the assistance and cooperation of the State Department of
 35 Education and the Department of Health and Mental Hygiene as indicated, shall
 36 provide to the Governor and, in accordance with § 2-1246 of the State Government
 37 Article, the President of the Senate, and the Speaker of the House of Delegates, and to

1 the Chairmen of the Senate Budget and Taxation Committee, House Appropriations
 2 Committee, Senate Judicial Proceedings Committee, and the House Judiciary
 3 Committee of the General Assembly, ~~by~~ on or before December 31, 2004, the following:

4 ~~(1)~~ (1) A 10-year Master Facility Plan for all locked and staff secure
 5 detention and commitment facilities operated or contracted for by the Department.
 6 The Master Facility Plan shall be a comprehensive analysis of the risks and needs of
 7 youth referred to the Department and shall reflect a reduced reliance on large locked
 8 institutions by planning for smaller, secure facilities near youths' homes and placing
 9 appropriate youth in community-based settings or at home under adequate
 10 supervision;

11 ~~(2)~~ (1) A comprehensive Reform Plan for the development of *feasibility*
 12 *study of the maximum utilization of* community-based services that will effectively
 13 serve as alternatives to secure detention ~~and institutional placements~~ for at least
 14 ~~two-thirds of the youths in the juvenile justice system~~ who have historically been
 15 placed in secure detention and committed to institutions and the development of
 16 family-centered aftercare case plans for addressing delinquent and at-risk behavior,
 17 including outcome-based evaluations and management of those case plans;

18 ~~(3)~~ (2) A joint recommendation with the State Department of
 19 Education on how the State will provide an equal and adequate education to all youth
 20 in the care and custody of the Department when the youths are isolated from
 21 customary community educational services;

22 ~~(4)~~ (3) A joint assessment with the Department of Health and Mental
 23 Hygiene of the costs and actions necessary to implement the 3-year plan for enhanced
 24 mental health services and to:

25 (i) Integrate this plan into the Department's comprehensive
 26 Health Services Division 3-year plan published in 2003;

27 (ii) Establish assessment and treatment programs in facilities and
 28 prevention and early intervention programs in the community and aftercare services;
 29 and

30 (iii) Identify barriers to funding and means to maximize federal
 31 funds;

32 ~~(5)~~ (4) The identification and evaluation of appropriate somatic health,
 33 mental health, substance abuse, and nutrition services to youth that come within the
 34 jurisdiction of the Department;

35 ~~(6)~~ (5) A joint recommendation with the Department of Health and
 36 Mental Hygiene on how the State will provide appropriate health care to all youth
 37 under the care of the Department;

38 ~~(7)~~ (6) A report on efforts taken to identify and reduce disproportionate
 39 minority confinement in each county in the State, including Baltimore City, and to:

1 (i) Collaborate with local jurisdictions to collect offense data by
2 race, offense, and zip code;

3 (ii) Analyze risk assessment procedures in each jurisdiction; and

4 (iii) If disproportionate minority confinement is found to exist,
5 identify the source or level at which the disproportionality exists and alternatives
6 that are available to decrease or eliminate disproportionate minority confinement;
7 and

8 ~~(8)~~ (7) A management plan for:

9 (i) The evaluation of existing staff functions throughout the
10 Department and all State, local, and private staff functions, including intake, clinical,
11 probation, case management, and aftercare;

12 (ii) The establishment of professional qualifications, competency
13 testing, educational and training requirements, and credentialing for all positions in
14 the Department;

15 (iii) An aggressive recruitment effort to hire the most qualified
16 workers and retention efforts using performance-based evaluations with merit-based
17 incentives and competitive salaries, and to ensure proper caseloads for all public and
18 private employees that are competitive with neighboring states; and

19 (iv) Increasing the grade level and credentials of direct care workers
20 equal to that of field workers.

21 ~~SECTION 3- 4- 5- AND BE IT FURTHER ENACTED, That by December 31,~~
22 ~~2004, the Department of Juvenile Services shall adopt regulations for its programs~~
23 ~~and facilities that are consistent with existing State standards applying to private~~
24 ~~child residential programs and facilities, including meeting all of the requirements of~~
25 ~~Chapter 396 of the Acts of the General Assembly of 2002.~~

26 ~~SECTION 4- 5- AND BE IT FURTHER ENACTED, That the Department of~~
27 ~~Juvenile Services shall contract for an independent evaluation of the efficacy and~~
28 ~~effectiveness of the Department's procurement and contracting procedures and report~~
29 ~~its findings by December 31, 2004. The Department shall ensure that the contractor~~
30 ~~provides a report to the Secretary, the Governor, and the General Assembly not later~~
31 ~~than December 31, 2004.~~

32 SECTION 6. AND BE IT FURTHER ENACTED, That by July 1, 2007, each
33 facility provided for in Article 83C, § 2-117(a)(2) of the Code shall be operated by the
34 Department.

35 ~~SECTION 5- 6- 7- AND BE IT FURTHER ENACTED, That this Act is an~~
36 ~~emergency measure, is necessary for the immediate preservation of the public health~~
37 ~~or safety, has been passed by a yea and nay vote supported by three-fifths of all the~~
38 ~~members elected to each of the two Houses of the General Assembly, and shall take~~
39 ~~effect from the date it is enacted.~~

