

SENATE BILL 543
EMERGENCY BILL

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2004 Regular Session
4r1894

By: **Senators Frosh, Giannetti, Green, and Jimeno Jimeno, and Forehand**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2004

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Services - 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 certain status reports
8 and certain Master Facility Plans by certain dates; requiring the Department,
9 with the assistance and cooperation of the State Department of Education and
10 the Department of Health and Mental Hygiene, to provide to the Governor and
11 certain members of the General Assembly certain plans, assessments,
12 recommendations, and reports on certain juvenile services in the State by a
13 certain date; requiring the Department to adopt certain regulations by a certain
14 date; requiring the Department to contract for a certain evaluation of the
15 Department's procurement and contracting procedures by a certain date;
16 making this Act an emergency measure; and generally relating to the
17 Department of Juvenile Services and juvenile services in the State.

18 Preamble

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

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

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

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

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

18 (5) Management and staffing reforms in the juvenile system through the
19 establishment and enforcement of strict personnel guidelines for Department of
20 Juvenile Services employees to protect against abuse of the children; recruiting,
21 training, and retaining qualified juvenile services staff by offering competitive
22 salaries and manageable caseloads that reflect case manager staffing ratios of 20
23 children per manager for troubled families and 30 children per manager for lesser
24 risk families; evaluating existing Department of Juvenile Services staff functions; and
25 improving information systems coordination to share key data on juvenile case
26 histories with juvenile services systems statewide and to improve data collection
27 policies; and

28 WHEREAS, Chronic overcrowding in unsafe, antiquated, and inadequate
29 facilities, the pursuit of flawed juvenile justice management policies, the inability to
30 adequately address and prevent abuse of children by juvenile personnel and by other
31 youths in various juvenile facilities, and the inadequate funding of alternative
32 juvenile treatment programs and adequate, well-trained juvenile staff, have
33 historically plagued the ability of the State to provide safe, secure, and positive
34 environments to help reform and support its troubled juveniles; now, therefore,

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
36 MARYLAND, That the term of any agreement or contract that the Department of
37 Juvenile Services enters with a private vendor or private person for providing
38 juvenile services for the Department at the Charles H. Hickey, Jr. School after the
39 effective date of this Act may not exceed 1 year, unless an agreement or contract
40 allows the Department to terminate the contract without penalty.

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

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

6 (1) on or before December 31, 2004, a 10-year Master Facility Plan for
 7 detention; and

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

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

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

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

20 (2) placing appropriate youth in community-based settings or at home
 21 under adequate supervision.

22 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That the Department of
 23 Juvenile Services, with the assistance and cooperation of the State Department of
 24 Education and the Department of Health and Mental Hygiene as indicated, shall
 25 provide to the Governor and, in accordance with § 2-1246 of the State Government
 26 Article, the President of the Senate, and the Speaker of the House of Delegates, and to
 27 the Chairmen of the Senate Budget and Taxation Committee, House Appropriations
 28 Committee, Senate Judicial Proceedings Committee, and the House Judiciary
 29 Committee of the General Assembly, by on or before December 31, 2004, the following:

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

37 ~~(2)~~ (1) A comprehensive Reform Plan for the development of
 38 community-based services that will effectively serve as alternatives to secure
 39 detention and institutional placements for at least two-thirds of the youths in the
 40 juvenile justice system who have historically been placed in secure detention and
 41 committed to institutions and the development of family-centered aftercare case

1 plans for addressing delinquent and at-risk behavior, including outcome-based
2 evaluations and management of those case plans;

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

7 ~~(4)~~ (3) A joint assessment with the Department of Health and Mental
8 Hygiene of the costs and actions necessary to implement the 3-year plan for enhanced
9 mental health services and to:

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

12 (ii) Establish assessment and treatment programs in facilities and
13 prevention and early intervention programs in the community and aftercare services;
14 and

15 (iii) Identify barriers to funding and means to maximize federal
16 funds;

17 ~~(5)~~ (4) The identification and evaluation of appropriate somatic health,
18 mental health, substance abuse, and nutrition services to youth that come within the
19 jurisdiction of the Department;

20 ~~(6)~~ (5) A joint recommendation with the Department of Health and
21 Mental Hygiene on how the State will provide appropriate health care to all youth
22 under the care of the Department;

23 ~~(7)~~ (6) A report on efforts taken to identify and reduce disproportionate
24 minority confinement in each county in the State, including Baltimore City, and to:

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

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

28 (iii) If disproportionate minority confinement is found to exist,
29 identify the source or level at which the disproportionality exists and alternatives
30 that are available to decrease or eliminate disproportionate minority confinement;
31 and

32 ~~(8)~~ (7) A management plan for:

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

1 (ii) The establishment of professional qualifications, competency
2 testing, educational and training requirements, and credentialing for all positions in
3 the Department;

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

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

10 SECTION ~~3~~. 4. AND BE IT FURTHER ENACTED, That by December 31,
11 2004, the Department of Juvenile Services shall adopt regulations for its programs
12 and facilities that are consistent with existing State standards applying to private
13 child residential programs and facilities, including meeting all of the requirements of
14 Chapter 396 of the Acts of the General Assembly of 2002.

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

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