

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 1327

(Delegate Zirkin, *et al.*)

Judiciary

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**Baltimore City and Cecil County - Child in Need of Supervision Pilot Program**

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This bill requires the Secretary of Juvenile Services to establish a Department of Juvenile Services (DJS) Child in Need of Supervision Pilot Program in Baltimore City and Cecil County. By December 31, 2005, and annually thereafter, DJS and the Office for Children, Youth, and Families must report on the implementation of the pilot program.

The bill takes effect October 1, 2004 and sunsets September 30, 2008.

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**Fiscal Summary**

**State Effect:** General fund expenditures would increase by an estimated \$2,500 per youth served to contract with providers that offer assessment, intervention, and referral services. Assuming 500 youths are served each year, expenditures would increase by \$1.25 million annually during the four years of the pilot program. Expenditure increases would be offset by potential reductions in the services currently offered to children in need of supervision in Baltimore City and Cecil County. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. Small business assessment, intervention, and referral providers in Baltimore City and Cecil County could be selected to participate in the pilot program.

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## **Analysis**

**Bill Summary:** The DJS Child in Need of Supervision Pilot Program must select for participation community-based, not-for-profit providers that offer assessment, intervention, and referral services to children in Baltimore City and Cecil County who are alleged to be in need of supervision. The providers must be contracted and funded by the local management boards in Baltimore City and Cecil County.

A juvenile intake officer who receives a complaint alleging that a child in Cecil County or Baltimore City is in need of supervision must refer the child and the child's parents to one of the selected providers unless the intake officer concludes that the court has no jurisdiction or that neither an informal adjustment nor judicial action is appropriate. The provider must meet with the child and the child's parents two to six times to discuss the child's school performance, family interactions, peer relationships, and health, including drug and alcohol use. The provider must review all available, relevant records concerning the child, conduct an assessment of the child, and establish a case plan for the provision of services to the child. An intake officer may not authorize the filing of a petition or peace order request or propose an informal adjustment for the child unless the provider has filed a report with the court stating the date of the initial meeting with the child and that all attempts to provide assessment, intervention, and referral services have failed.

Any information provided by a child incident to a referral to a selected provider may not be admitted in evidence in any adjudicatory hearing, peace order proceeding, or criminal proceeding against the child.

**Current Law:** Within 25 days of receiving a complaint alleging that a child is in need of supervision, a juvenile intake officer may: (1) authorize the filing of a petition or a peace order request or both; (2) propose an informal adjustment of the matter; or (3) refuse authorization to file a petition or peace order or both. An intake officer is not required to provide for an assessment and the delivery of services before authorizing action on a complaint.

A "child in need of supervision" is a child who requires guidance, treatment, or rehabilitation and: (1) is required by law to attend school and is habitually truant; (2) is habitually disobedient, ungovernable, and beyond the control of the person having custody of him; (3) deports himself so as to injure or endanger himself or others; or (4) has committed an offense applicable only to children.

A juvenile intake officer must discuss a referral for mental health and substance abuse screening with a child who is the subject of a complaint within 25 days of receiving the

complaint. The screening must be conducted by a qualified health, mental health, or substance abuse professional or staff trained by a qualified health, mental health, or substance abuse professional. If the screening shows that the child is mentally handicapped, seriously emotionally disturbed, or a substance abuser, the screener must conduct a comprehensive mental health or substance abuse assessment of the child.

**Background:** In its *Three Year Plan: 2003 – 2005*, released in December 2002, DJS noted that “Appropriate screening and assessment of each youth’s risk and needs is crucial to supporting the Department’s principles.” The report goes on to say that results from the screening process are used in the development of treatment service plans, which ensure that appropriate treatment in least restrictive environments is provided to all children. According to the report, DJS developed a risk and needs screening tool and implemented it statewide in July 2002. The tool is used to gauge risk to the community and assess needs across five dimensions: mental health, physical health, substance abuse, family environment, and education.

DJS Managing for Results (MFR) outcomes for fiscal 2003, the most recent year actual data are available, show that 63% of youths admitted to DJS detention centers received a substance abuse evaluation, 33% received a mental health evaluation, 71% received a physical performed by a physician, and 100% received a health screening performed by a nurse. For fiscal 2005, DJS projects that nearly all (99%) of the youths admitted to detention will receive substance abuse evaluations, mental health evaluations, and physicals performed by physicians.

**State Expenditures:** *DJS has not responded to requests for fiscal information on the bill. If DJS provides relevant information by which cost estimates can be made, a revised fiscal note will be prepared.*

Based on experiences with similar existing programs, the cost of contracting for this type of program would be approximately \$1,500 to \$3,000 per youth served. The Department of Legislative Services has been unable to acquire information on the number of children alleged to be in need of supervision in Baltimore City and Cecil County each year. These data are important because the bill requires all children alleged to be in need of supervision to be referred to the pilot program unless the intake officer concludes that the court has no jurisdiction or that neither an informal adjustment nor judicial action is appropriate.

Assuming an average contract cost of \$2,500 per youth, it would cost \$1.25 million to serve 500 youths per year through the pilot program. The \$2,500 per youth estimate assumes that the length of involvement with each youth would average 60 to 90 days. To serve 500 youths in a year, a total of 100 to 125 treatment “slots” would be needed for the

programs. Regardless of the total number of youths served, it is assumed that approximately 90% of the total number would be from Baltimore City and the remaining 10% would be from Cecil County.

The bill clearly requires new State expenditures for local management boards to contract with private intake, assessment, and referral providers. Without additional information, however, it is not clear whether the pilot program would result in a similar reduction in current expenditures for the intake and treatment of children in need of supervision. Any existing expenses that could be avoided as a result of the program would offset the costs of implementing the program.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 595 (Senator Gladden, *et al.*) – Judicial Proceedings.

**Information Source(s):** Department of Human Resources, Judiciary (Administrative Office of the Courts), Governor’s Office (Office for Children, Youth, and Families), Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2004  
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