

Department of Legislative Services  
 Maryland General Assembly  
 2005 Session

FISCAL AND POLICY NOTE

Senate Bill 920 (Senator Gladden, *et al.*)  
 Judicial Proceedings

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

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 Baltimore County. By December 31, 2006, and annually thereafter, DJS and the Office for Children, Youth, and Families (OCYF) must report to the General Assembly on the implementation of the pilot program.

The bill takes effect October 1, 2005 and terminates September 30, 2009.

**Fiscal Summary**

**State Effect:** General fund expenditures would increase by an estimated \$694,000 in FY 2006 to contract with community-based, not-for-profit providers. Future year expenditure estimates reflect annualization and the termination of the pilot program after September 2009. If other revenue streams for the pilot program can be identified, State costs could be reduced. Revenues would not be affected.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	694,000	924,000	924,000	924,000	231,000
Net Effect	(\$694,000)	(\$924,000)	(\$924,000)	(\$924,000)	(\$231,000)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Baltimore City and Baltimore County expenditures could increase if the bill encourages the jurisdictions to provide additional funding to their local management boards (LMBs).

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

---

## 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 Baltimore County who are alleged to be in need of supervision. The providers must be contracted and funded by LMBs in Baltimore City and Baltimore County.

A juvenile intake officer who receives a complaint alleging that a child in Baltimore 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 a child.

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 2004, the most recent year actual data are available, show that 42% of youths admitted to DJS detention centers received a substance abuse evaluation (down from 63% for fiscal 2003) and 57% received a mental health evaluation (up from 33% for fiscal 2003). MFR outcomes also show that 72% of youth admitted to a DJS residential program received a physical performed by a physician (up from 71% for fiscal 2003), and 100% received a health screening performed by a nurse. For fiscal 2006, DJS projects that all of the youths admitted to detention will receive substance abuse evaluations, mental health evaluations, and physicals performed by physicians.

**State Expenditures:** To ensure that LMBs have funding to contract for the required assessments, general fund expenditures would increase by an estimated \$694,000 in fiscal 2006. This estimate was calculated using the following information and assumptions.

- In fiscal 2004, there were 174 children in need of supervision referrals in Baltimore City and 57 referrals in Baltimore County. DJS estimates that these numbers could double to an annual total of 348 in Baltimore City and 114 in Baltimore County if this bill passes. Due to the bill’s October 1, 2005 effective date, approximately 347 children would be served in fiscal 2006, 261 in the city and 86 in the county.

- Two programs that are similar to the pilot program defined in the bill, one in Baltimore City and one in Harford County, cost an estimated \$1,852 and \$2,394 per child, respectively. A cost of \$2,000 per child was assumed for this estimate.

Future year expenditure estimates reflect annualization of the contract costs in fiscal 2007 through 2009 and contract costs for an additional three months of program operation in fiscal 2010.

LMBs are funded by a variety of sources, including State, federal, and local governments as well as private sources. A fiscal 2004 OCYF report on LMBs notes that the Family League of Baltimore City, Inc., the LMB for the city, received funding from federal sources of at least \$2 million and funding from private sources of \$3.65 million. The report acknowledges that the Baltimore County LMB has secured \$9.5 million in competitive grant funding. To the extent that new revenue from local, federal, and private sources can be obtained and used to fund the pilot program, State general fund costs would be reduced.

Although the number of children in need of supervision requiring intake through DJS would increase by 231 under the assumptions described above, it is assumed that DJS could manage the increased workload with existing budgeted resources.

---

### **Additional Information**

**Prior Introductions:** Similar cross filed bills were introduced in 2004 as SB 595/HB 1327. SB 595 was not reported out of the Judicial Proceedings Committee, and HB 1327 was not reported out of the Judiciary Committee.

**Cross File:** None. However, HB 1339 (Delegate Jones, *et al.*) is identical. That bill has been assigned to Judiciary.

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

**Fiscal Note History:** First Reader - March 21, 2005  
ncs/jr

---

Analysis by: Mark W. Collins

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510