

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

House Bill 73  
Judiciary

(Delegate Cardin)

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**Department of Juvenile Services - Placement of Children - Home County**

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This bill requires that any child placed in an out-of-home placement by the Department of Juvenile Services (DJS) remain in the county where the child's parent or guardian resides.

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**Fiscal Summary**

**State Effect:** Significant increase in State expenditures to construct facilities and staff programs by the effective date of this bill.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The Juvenile Justice System balances many objectives for children who have committed delinquent acts. Among them are: (1) to conserve and strengthen the child's family ties and to separate a child from his parents only when necessary for the child's welfare or in the interest of public safety; and (2) if necessary to remove a child from the child's home, to secure custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents.

Statute requires that a delinquent child shall not be placed in an out-of-state institution unless the child receives a court hearing on notice to the parent or guardian with an opportunity to be heard, prior to being sent out of the State for institutional care. In order for the child to be sent out of State, the court must find that equivalent facilities are not

available in Maryland, and sending the child out of state for institutional care is in the child's best interest and will not produce undue hardship.

DJS may establish and operate facilities necessary to diagnose, care for, train, educate, and properly rehabilitate children who need these services. DJS may also place children in group homes and institutions that are operated by private providers and reimburse the providers for the services. DJS may not, however, place a child in a facility that is not operating in compliance with State licensing laws.

**Background:** The placement of children under the care and custody of DJS received attention earlier this year when children in DJS custody were sent to out-of-state treatment programs as far away as Iowa. While the State has traditionally sent children in DJS custody out of state when equivalent programs could not be found in Maryland, the number of children sent to out-of-state treatment programs has risen. The closing of the Charles H. Hickey, Jr. School, a 144-bed secure residential facility located in Baltimore County, exacerbated this situation. DJS reports that 79 youth are currently in out-of-state placements.

Youth who have been referred to DJS and are determined through a formal process to be a risk to themselves or others, or a risk to flee the jurisdiction before their court date, are housed in detention centers. Detention centers are State-run facilities. DJS operates detention centers in eight counties (Anne Arundel, Baltimore City, Baltimore, Kent, Montgomery, Prince George's, Washington, and Wicomico). Sixteen jurisdictions in the State do not have detention centers. DJS reports that of the 449 youth currently in detention centers, 288 are detained in their home county. This represents 64% of the current DJS detention population.

DJS also makes out-of-home placements for youth who have been committed by a court to DJS custody (committed placements). Youth in detention centers are not included in this population. While DJS operates State-owned committed facilities in four counties, the majority of these placements are in facilities operated by private, contract service providers. Committed placements consist of a variety of programs. These programs range from foster care to therapeutic group homes. DJS reports that 1,111 youth are currently in committed programs, with 160 youth placed in their home counties. This represents 14% of the DJS committed population.

DJS is moving towards regionalizing out-of-home programming. Pursuant to Chapter 431 of 2004, DJS contracted with Development Services Group (DSG) to complete a Facilities Master Plan.

In Phase I of the DJS Facilities Master Plan (*Gap Analysis Report*), the State was divided into five operational areas (**Exhibit 1**). In 2005, 86% of the DJS detention population

were detained in their home area, and 30% of the committed population were placed in their home area.

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**Exhibit 1**  
**DJS Program and Service Areas**

- Area I: Baltimore City
- Area II: Baltimore, Carroll, Harford, Howard
- Area III: Allegany, Frederick, Garrett, Washington, Montgomery
- Area IV: Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester
- Area V: Anne Arundel, Calvert, Charles, Prince George's, St. Mary's
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In Phase 2 of the Facilities Master Plan (*Implementation Report*), DJS proposes dividing the State into the following four operational regions (**Exhibit 2**):

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**Exhibit 2**  
**Implementation Report Proposed DJS Operational Regions**

- Region 1: Greater Baltimore (Baltimore City and Baltimore County)
- Region 2: Southern Maryland (Anne Arundel, Prince George's, Calvert, Charles, and St. Mary's)
- Region 3: Western Maryland (Montgomery, Howard, Carroll, Frederick, Washington, Allegany, and Garrett)
- Region 4: Eastern Shore (Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset, Harford, and Worcester)
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In the *Implementation Report*, DJS recommends that each region contain shelter care, secure detention, and a youth center.

**State Expenditures:** In order to comply with the provisions of this bill, DJS would have to operate every type of program it offers in each of the State's 24 jurisdictions. The operational implications of this requirement are complex and a thorough and reliable estimate of the fiscal impact would be a lengthy and complex undertaking. In any event, general fund expenditures would increase significantly due to the construction and operation of new facilities. *For illustrative purposes only*, the Lower Eastern Shore Children's Center, a 24-bed detention center, is the most recently built of the State's small detention centers. The facility cost \$9.9 million to construct and has an operating cost of approximately \$1.9 million per year.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services; *Phase 2: Facilities Master Plan Implementation Report*, Development Services Group, Inc., January 15, 2006; "Youth Offender Is Sent To Iowa," Greg Garland, *Baltimore Sun*, October 27, 2005; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2006  
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Analysis by: Amy A. Devadas

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