

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 360

(Senator Zirkin)

Judicial Proceedings

Judiciary

Juvenile Justice Monitoring Unit - Expansion of Jurisdiction

This bill expands the jurisdiction of the Office of the Attorney General’s (OAG) Juvenile Justice Monitoring Unit to include monitoring of any residential facility licensed by the Department of Juvenile Services (DJS). The unit is required to ensure that facilities are in compliance with applicable regulations and collaborate with other State agencies in the licensing and monitoring of these facilities.

The bill authorizes the Governor to transfer two regular positions and \$120,000 for those positions from DJS to the monitoring unit, effective October 1, 2007. The bill also authorizes the transfer of one position within OAG to the monitoring unit. The expansion of the monitoring unit’s jurisdiction takes effect on January 1, 2008, contingent on the transfer of positions and funds in the budget.

Fiscal Summary

State Effect: Provided that funds and positions are transferred, DJS general fund expenditures would increase to maintain the current level of services. Expansion of the OAG unit is not expected to reduce the workload of the DJS unit that licenses and monitors group homes. Out-year expenditures reflect inflation.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	120,000	125,400	131,000	136,900	143,100
Net Effect	(\$120,000)	(\$125,400)	(\$131,000)	(\$136,900)	(\$143,100)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 12 of 2006 transferred the Juvenile Justice Monitoring Unit from the Governor's Office of Children to OAG. This office investigates and determines whether the needs of the children under the jurisdiction of DJS are being met, their rights are being upheld, and they are free from abuse.

The Independent Juvenile Justice Monitor's duties include: (1) evaluating the child advocacy grievance process, the DJS monitoring process, the treatment of and services to youth, the facility's physical conditions, and the adequacy of staffing at each facility owned or operated by DJS; (2) reviewing all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom; (3) performing unannounced site visits and on-site inspections of facilities; and (4) receiving and reviewing all incident reports submitted to DJS from facilities.

Background: The DJS Office of Professional Responsibility and Accountability Monitoring Unit is responsible for licensing out-of-home placement providers. The unit makes visits to out-of-home placements, reviews reports of grievances and disciplinary actions, and makes unannounced site visits. This unit currently licenses 20 group homes and would retain responsibility for licensing providers.

Similar legislation introduced in 2006, HB 880, also provided for transfer of positions and funds; however, vacant positions had already been identified at DJS. Contingent budget bill language provided for the deletion of these positions and funds upon failure of the bill. With the failure of HB 880, five vacant regular positions and \$271,000 were deleted from DJS' fiscal 2007 budget.

State Fiscal Effect: The bill enhances OAG oversight of group homes through the Juvenile Justice Monitoring Unit and authorizes the transfer of resources to meet the unit's expanded mandate. The transfer of two positions and \$120,000 from DJS would reduce staffing in the Office of Professional Responsibility and Accountability Monitoring Unit from seven to five positions. Additional funds and personnel in the same amounts as are transferred to OAG would be necessary for the DJS unit to maintain the current level of services, which would not be reduced by the bill.

OAG advises that the cost of performing the functions required by the bill would exceed the amount transferred from DJS. Should OAG find that the transferred funds and

positions are not sufficient to meet the requirements of the bill, additional resources could be requested through the budget process.

Additional Information

Prior Introductions: A nearly identical bill was introduced in the 2006 session as HB 880 and received an unfavorable report from the Senate Judicial Proceedings Committee. The legislation passed the House.

Cross File: None.

Information Source(s): Department of Juvenile Services, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2007
mll/rhh Revised - Senate Third Reader - April 3, 2007
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Analysis by: Suzanne O. Potts

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