

**Department of Legislative Services**  
**Maryland General Assembly**  
**2007 Session**

**FISCAL AND POLICY NOTE**

Senate Bill 480  
 Judicial Proceedings

(Senator Zirkin)

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**Group Homes - Juvenile Justice Monitoring Unit - Expansion of Jurisdiction**

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This bill expands the jurisdiction of the Office of the Attorney General's (OAG) Juvenile Justice Monitoring Unit to include the monitoring of residential facilities licensed by the Department of Juvenile Services (DJS) and residential child care programs licensed by the Department of Human Resources (DHR). In addition, the bill requires the Independent Juvenile Justice Monitor to submit quarterly reports to the Secretary of Human Resources.

The bill authorizes the Governor to transfer to the monitoring unit five regular positions and \$300,000 from DJS and two regular positions and \$120,000 from DHR, effective June 1, 2007. The expansion of the monitoring unit's jurisdiction takes effect on October 1, 2007, contingent on the transfer of positions and funds in the budget.

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**Fiscal Summary**

**State Effect:** General fund expenditures would increase to maintain the current level of services provided by DJS and DHR. Expansion of the OAG unit would not materially affect the workload of departmental units that license and monitor out-of-home placements. 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	420,000	438,900	458,700	479,300	500,900
Net Effect	(\$420,000)	(\$438,900)	(\$458,700)	(\$479,300)	(\$500,900)

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

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Chapter 12 of 2006 transferred the Office of the Independent Juvenile Justice Monitor 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:** Group homes represent one form of out-of-home placements, with an average of 2,690 children residing in group homes each day. Group homes offer home-like settings that provide structure and 24-hour supervision, basic care, social work, and health care services. Many group homes utilize community-based ancillary services and enroll children in the local school system. Depending on the facility and the level of intensity of services, group home placements cost between \$35,000 and \$120,000 per child annually.

DJS, DHR, and the Department of Health and Mental Hygiene license, monitor, and place children in group homes according to individual agency standards. To become licensed as a group home, an applicant begins at the Governor's Office for Children (GOC), which serves as a single point of entry into the system to refer applicants to the appropriate agency. Licenses are issued for two years and must be obtained for each facility. The licensing agencies monitor group homes by reviewing records, inspecting the facility, and interviewing staff and residents. When a child is placed in a group home, a caseworker from that agency (*e.g.*, the local department of social services caseworker for DHR) is assigned to that child and is responsible for visiting the child regularly to monitor the child's progress and the appropriateness of placement.

In response to concerns raised by the General Assembly on standards and oversight, GOC submitted a preliminary report on group home incidents and monitoring deficiencies in July 2006. The office is currently developing a uniform incident and deficiency reporting

system and plans to explore options for obtaining police reports for incidents at group homes. The report indicates that the office will report quarterly to the General Assembly on monitoring deficiencies, incidents that cause harm and/or required law enforcement involvement, and available police reports.

**State Fiscal Effect:** The bill authorizes, but does not require, the Governor to transfer positions and funds from DJS and DHR to the Juvenile Justice Monitoring Unit. The bill does not become effective without the transfer.

Should the Governor transfer resources as authorized in the bill, licensing and monitoring functions at DJS and DHR would be significantly impacted. Additional funds and personnel in the same amounts as are being transferred to OAG would be necessary to maintain the current level of services.

Similar legislation, HB 880, introduced in 2006, provided for transfer of positions and funds from DJS to OAG; 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.

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### **Additional Information**

**Prior Introductions:** A similar 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, Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2007  
bfl/rhh

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