

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1098

(Delegate Impallaria, *et al.*)

Judiciary

Juveniles - Drug-Related Delinquency - Drug Screening of Parent, Guardian, or
Custodian

This bill authorizes a juvenile court to order a child's parent, guardian, or custodian to submit to a screening for substance abuse and participate in substance abuse treatment or counseling as a condition of a child's probation under community detention, disposition, or treatment service plan if the child has been adjudicated delinquent for committing an act in violation of the State's controlled dangerous substances laws. The bill establishes confidentiality requirements and limits how information obtained as a result of the screening, treatment, or counseling may be used and authorizes the Court of Appeals to adopt rules to implement the provisions.

Fiscal Summary

State Effect: Potential increase in general fund expenditures for the Judiciary associated with the screening, treatment, and counseling for individuals under this bill. Any increase in the workload for the Judiciary could be handled with existing budgeted resources.

Local Effect: Any increase in the workload of the circuit courts could be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A delinquent child is a child who has committed an act which would be a crime if committed by an adult. Generally, once a child has been adjudicated to be delinquent, a court holds a disposition hearing and may:

- place the child on probation or under supervision in the child's own home or in the care of a relative or other fit person upon terms the court deems appropriate;
- commit the child to the custody or under the guardianship of the Department of Juvenile Services, the Department of Health and Mental Hygiene, or a public or licensed private agency on terms that the court considers are appropriate and consistent with the purposes of the Juvenile Justice System; or
- order the child, parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

In addition, a court may also adopt a treatment service plan to propose specific assistance, guidance, treatment, or rehabilitation of a child. In formulating a plan, a juvenile counselor shall meet with the child and the child's parents, guardian, or legal custodian if available. At a minimum, any plan must include • the recommended level of supervision for the child; • specific goals for the child and family to meet, along with timeliness for meeting the goals; • a statement of any condition that the child's parent, guardian, or legal custodian must change in order to alleviate any risks to the child; • a statement of the services to be provided to the child and the child's family; and • any other information necessary to make a disposition consistent with the child's best interests and the protection of the public.

Pursuant to Maryland Rules, a court may make an appropriate order directing, restraining, or otherwise controlling the conduct of a person who is properly before the court in a juvenile cause, if the court finds that the conduct:

- is or may be detrimental or harmful to a child over whom the court has jurisdiction;
- will tend to defeat the execution of an order or disposition made or to be made; or
- will assist in the rehabilitation of or is necessary for the welfare of the child.

Background: In 2007, 226 youths were adjudicated for CDS charges, excluding individuals from Baltimore City, Montgomery County, and Prince George's County.

State Fiscal Effect: Potential increase in general fund expenditures if the courts are required to pay the costs of substance abuse screening, treatment, and/or counseling. The Judiciary advises that they would need to contract with outside agencies to provide the screening, treatment, and/or counseling that is authorized in this bill. The average cost for one adult to be screened for and receive treatment for drugs or alcohol is \$3,300. The overall costs would depend on how often the court exercised the authority to order the screening, treatment, and/or counseling that is permitted under this bill, how often the court paid for the costs of such services, and the number of adults that were affected by each order.

For illustrative purposes only, if 25 individuals are screened for and receive treatment for drugs or alcohol, State expenditures could increase by \$82,500.

The workload of the Judiciary could increase to the extent that additional hearings may be scheduled to verify and monitor compliance with the court's order. Any such increase is assumed to be minimal and could be handled with existing budgeted resources.

Local Fiscal Effect: Potential increase in the workload of the circuit courts to the extent that additional hearings may be scheduled to verify and monitor compliance with the court's order. Any such increase is assumed to be minimal and could be handled with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ncs/hlb

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