

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 531

(Senator Zirkin, *et al.*)

Judicial Proceedings

Judiciary

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Juvenile Services - Programming - Private Facilities

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This bill requires the Department of Juvenile Services (DJS) to ensure that a committed facility in the State under contract with DJS constructed on or after October 1, 2009 serves no more than 48 children at one time. DJS is also required to ensure that by 2012, each committed facility in the State under contract with DJS constructed before October 1, 2009 serves no more than 48 children at one time. Residential treatment centers and the Regional Institutes for Children and Adolescents (RICA) are excluded from these requirements.

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Fiscal Summary

**State Effect:** Ensuring that facilities under contract with DJS are in compliance with the maximum program capacity established under the bill will not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** DJS must serve children in the juvenile services system with programming that:

- ensures the safety of the community and the children served;
- holds delinquent children accountable to victims and communities;

- assists children to develop competencies to become successful members of society;
- delivers services on a regional basis through at least four operational regions;
- ensures that a committed facility owned by DJS serves no more than 48 children at one time; and
- uses detention and committed facilities that are operationally separate from each other and that do not share common program space, including dining halls and educational or recreational facilities.

DJS operates facilities to diagnose, care for, train, educate, and properly rehabilitate children who need services. DJS is also authorized to contract with private providers to place children in group homes or other facilities that meet State licensing criteria. No current regulatory provision establishes size requirements for facilities. Committed facilities are for the diagnosis, care, training, education, and rehabilitation of children in DJS custody.

**Background:** Most youth committed to residential placements by DJS are placed in private per diem facilities which can include foster care, group homes, and residential treatment centers. These facilities are not currently restricted by size. The average daily population (ADP) of youth in committed residential programs is 966, which reflects year-to-date caseload in fiscal 2009. DJS currently has contracts with facilities that have an average ADP of over 48 youth, which are primarily residential treatment centers. RICA is a community-based, public residential, clinical, and educational facility serving children and adolescents with severe emotional disabilities. The program has the capacity for 100 day students and 80 residential students.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2009  
ncs/kdm Revised - Senate Third Reader - March 31, 2009

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