

Department of Legislative Services  
2010 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 394  
Judiciary

(Delegate Dumais, *et al.*)

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Juvenile Services - Programming and Services for Females

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This bill requires the Department of Juvenile Services (DJS) to serve children in the juvenile services system with programming that provides females, on a regional basis, with a range and quality of services substantially equivalent to those offered to males.

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Fiscal Summary

**State Effect:** Potential significant increase in general fund expenditures to provide programming for females on a regional basis.

**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.

Chapter 498 of 2007 required DJS to deliver services on a regional basis. Each region must include at least one secure facility solely for children pending court disposition and children awaiting placement after disposition. The region also must include committed facilities for the diagnosis, care, training, education, and rehabilitation of children in DJS custody. A region may include a nonpublic facility only if that facility has a successful record of providing effective care based on the standards of the department. A child may be placed outside of his or her region only if required specialized services are not available in the region.

Accordingly, in 2008, DJS reorganized into six regions as shown in **Exhibit 1**.

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**Exhibit 1**  
**Department of Juvenile Services Regions**

Region I (Baltimore)	Baltimore City
Region II (Central)	Baltimore, Carroll, Harford, and Howard counties
Region III (Western)	Allegany, Frederick, Garrett, and Washington counties
Region IV (Eastern)	Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, and Worcester counties
Region V (Southern)	Anne Arundel, Calvert, Charles, and St. Mary’s counties
Region VI (Metro)	Montgomery and Prince George’s counties

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The majority of State-operated facilities serve only males. Region V includes the Thomas J.S. Waxter Children’s Center, the only State-operated facility devoted exclusively to females, which serves both detention and committed youth. The other State-operated facilities including a female detention population are the Lower Eastern Shore Children’s Center (Region IV), and the Alfred D. Noyes Center (Region VI).

**State Fiscal Effect:** General fund expenditures potentially increase significantly for DJS to provide regional programming for females that offer a range and quality of services substantially equivalent to that offered to males, while still ensuring that females are in appropriate facilities. If DJS is required to provide programming and services on a

regional basis that is substantially equivalent to that offered to males, it will first have to expand placement opportunities for females throughout the six regions. Neither the current structure for delivering services to females in these placements nor the proposed Facilities Masters Plan (FMP) accommodates programming for females on a regional basis.

For example, females in secure detention are currently served in only three regions, therefore providing regional programming for females in detention would also require an expansion of DJS-operated facilities to accommodate females in the remaining regions. FMP does not propose operating female secure detention on a regional basis, but instead proposes using existing beds at two regional detention centers and constructing an additional facility in a third region. Accordingly, females who are in secure detention will not receive programming on a regional basis that is substantially equivalent to that offered to males, due to the continued unavailability of appropriate placement opportunities.

Similarly, females in a secure treatment placement are currently only served at Waxter, and FMP proposes continuing secure treatment programming in only one region. Although DJS currently only operates a secure treatment facility for males in one region, the FMP proposes expanding secure treatment for boys to two additional regions. To provide substantially equal programming and services on a regional basis, while still ensuring that females are in an appropriately secure placement if required, DJS would also need to expand female secure treatment options.

Expenditures associated with expanding or constructing facilities in additional regions to accommodate females in secure treatment or detention, while expected to be significant, cannot be reliably predicted. Because females have generally represented a small proportion of the total youth referred detained, and treated, DJS has generally not provided programming for females in all types of placement on a regional basis. Furthermore, Legislative Services' response to DJS' 2009 Gap Analysis and Facilities Master Plan noted that the proposed development of a separate 12-bed facility for committed females on a statewide, rather than a regional basis, appeared to reflect the reality of being unable to serve such a small population on a regional basis in a cost effective manner.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

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