

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1338  
Judiciary

(Delegate Ramirez, *et al.*)

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State Government - Office of the Juvenile Justice Monitor

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This bill renames the Juvenile Justice Monitoring Unit in the Office of the Attorney General to be the Office of the Juvenile Justice Monitor and expands the duties of the office. The office must act independently of any State department in the performance of its duties. The function of the office is to (1) investigate and determine whether the needs of children under the jurisdiction of the Department of Juvenile Services (DJS) are being met in compliance with State law and (2) evaluate and make recommendations to improve conditions in facilities and services provided to children under the jurisdiction of DJS.

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Fiscal Summary

**State Effect:** None. Any increase in the workload of DJS or the Office of the Juvenile Justice Monitor within the Office of the Attorney General can be handled using existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary/Current Law:** The Juvenile Justice Monitoring Unit is located within the Office of the Attorney General. The unit's function is to investigate and determine whether the needs of children under the jurisdiction of DJS are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

Under current law, the monitoring unit must:

- evaluate specified items at each facility, including the adequacy of staffing and the child advocacy grievance process;
- review all reports of disciplinary actions, grievances, and dispositions received from each facility and review any material changes in the status or placement of a child;
- receive copies of the grievances submitted to DJS;
- perform unannounced site visits and on-site inspections of facilities;
- receive and review all incident reports submitted to DJS from facilities;
- receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility;
- ensure that each facility is in compliance with the regulations applicable to residential facilities;
- collaborate with DJS, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor's Office for Children in all matters related to the licensing and monitoring of children's residential facilities; and
- have a representative available to attend meetings of the advisory boards.

This bill repeals the specified statutory factors that must be evaluated at each facility and instead generally requires the office to investigate the treatment of and services to children. In addition to the current requirements listed above, this bill specifies that site visits and inspections must include conducting research audits or other studies of case records, policies, procedures, and protocols, as necessary to assess performance. The bill further expands the duties of the office to include a requirement to investigate reports produced by DJS and to participate, within the context of the multidisciplinary team process of a local department of social services, in a child protective services investigation concerning any allegation of abuse or neglect within any assigned facility. The bill requires the unit to designate a member to serve as an *ex officio* member of the State Board of Juvenile Services advisory board and any other advisory boards for DJS facilities. The unit must be promptly notified by local child protective services offices and DJS of all allegations of abuse or neglect of a child in a facility.

The bill requires the office, when evaluating the delivery of services to children and the policies and practices established by DJS, to consider the rights and best interests of the children. The office must make recommendations to improve services to children, including recommending changes in State policies, practices, and systems concerning children. The recommendations developed may be based on research, existing State and national standards, and accepted best practices.

Under current law, the unit may:

- review relevant laws, policies, procedures, and juvenile justice records, including records relating to individual youth;
- on request, conduct interviews with staff, youth, and others;
- review investigative reports produced by DJS relating to youth in facilities; and
- participate, within the context of the local department of social services multidisciplinary team process, in a child protective services investigation concerning any allegation of abuse or neglect within any assigned facility.

This bill expands the permissible activities of the unit to include:

- reviewing records relating to individual children or staff, including personnel records, in compliance with applicable confidentiality laws;
- reviewing electronic records relating to its monitoring duties, including incident reports, grievances, and any other electronic records kept by DJS;
- retaining experts in the field of juvenile justice to assist in its monitoring function, after providing advance notice to DJS and in compliance with relevant confidentiality laws; and
- taking action to advocate for legislative and systemic reform, including conducting programs of public education.

If the office identifies a problem in the provision of services to children, the office must meet with the appropriate agency to discuss the problem and identify possible responses for consideration. The office must report its findings and recommendations to DJS after meeting with the appropriate agency. Within 30 days after receiving a report, DJS must

develop a corrective action response that addresses the findings and recommendations of the office and specifies what actions, if any, DJS has taken or will take in response to the identified problem.

DJS and the office may work cooperatively to develop the response. DJS must report quarterly to the office on the status of the response.

The unit is required by existing law to report in a timely manner to the Executive Director, the Secretary of Juvenile Services, and the Speaker of the House of Delegates and the President of the Senate on specified items, including knowledge of any problem regarding the care, supervision, and treatment of children in facilities. This bill specifies that the office may issue a special report at any time. The office may also issue a special report on the conditions in residential facilities and services provided to children. The bill requires a copy of any report to be provided to the State Advisory Board for Juvenile Services. The bill also requires the office to report quarterly to the General Assembly on investigations or evaluations of services.

The bill establishes that the office must have access to any records necessary to carry out its responsibilities. This access includes the right to inspect and copy relevant records. The director of the office may issue a subpoena for the production of records if access is denied. All information obtained or generated by the office in the course of an investigation and all confidential records obtained by the office are confidential and may not be disclosed or subject to disclosure under the Public Information Act. Information or records other than confidential information concerning a pending law enforcement investigation or criminal prosecution may be disclosed if the director determines that disclosure is in the public interest or necessary to allow the office to carry out its responsibilities.

**Background:** Chapter 255 of 2002 established the Office of the Independent Juvenile Justice Monitor within the Office for Children, Youth, and Families. Chapter 12 of 2006 transferred the office to the Office of the Attorney General and renamed it the Juvenile Justice Monitoring Unit.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 1034 (Senator Muse) - Rules.

**Information Source(s):** Kent and Worcester counties, Baltimore City, Office of the Attorney General, Department of Human Resources, Department of Juvenile Services, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2010  
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