

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 1078

(Senator Gladden)

Judicial Proceedings

Child in Need of Supervision Pilot Program - Expansion and Extension

This bill expands the Child in Need of Supervision (CINS) Pilot Program to include Cecil, Montgomery, and Prince George's counties. The bill requires the Governor to include a general fund appropriation of \$300,000 for the Department of Juvenile Services (DJS) in fiscal 2012 through 2014 to expand the pilot program to these counties. The bill also extends the termination date of the CINS Pilot Program in Baltimore City and Baltimore County, and requires the Governor to include a general fund appropriation of \$250,000 for DJS in fiscal 2014 to continue funding the pilot program in these jurisdictions.

The provisions establishing expansion of the program to Cecil, Montgomery, and Prince George's counties take effect on July 1, 2011.

The bill terminates June 30, 2014.

Fiscal Summary

State Effect: General fund expenditures increase by \$300,000 annually in FY 2012 and 2013 to expand the pilot program to additional jurisdictions. General fund expenditures increase by \$550,000 in FY 2014, which accounts for the expansion of the pilot program and continued funding for the current pilot program jurisdictions. Revenues are not affected. **This bill establishes a mandated appropriation beginning in FY 2012 and terminating at the end of FY 2014.**

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	300,000	300,000	550,000	0
Net Effect	\$0	(\$300,000)	(\$300,000)	(\$550,000)	\$0

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

Local Effect: State grants of \$125,000 for Montgomery and Prince George’s counties and \$50,000 for Cecil County are provided annually from FY 2012 to 2014. State grants of \$167,000 for Baltimore City and \$83,000 for Baltimore County are provided in FY 2014, to continue the pilot programs that have been established.

Small Business Effect: None.

Analysis

Current Law: A “child in need of supervision” is a child who requires guidance, treatment, or rehabilitation and (1) is required by law to attend school and is habitually truant; (2) is habitually disobedient, ungovernable, and beyond the control of the person having custody of him; (3) departs himself so as to injure or endanger himself or others; or (4) has committed an offense applicable only to children. (*See Courts and Judicial Proceedings Article § 3-8A-01.*)

Within 25 days of receiving a complaint alleging that a child is in need of supervision, a juvenile intake officer may (1) authorize the filing of a petition or a peace order request, or both; (2) propose an informal adjustment of the matter; or (3) refuse authorization to file a petition or peace order or both. An intake officer is not required to provide for an assessment and the delivery of services before authorizing action on a complaint. (*See Courts and Judicial Proceedings Article § 3-8A-10.*)

CINS Pilot Program – Baltimore City and Baltimore County

Chapter 601 of 2005 required the Secretary of Juvenile Services to establish a DJS Child in Need of Supervision Pilot Program in Baltimore City and Baltimore County. The Governor was required to include \$250,000 annually in the fiscal 2007 through 2010 State budgets. The program must select community-based providers that offer assessment, intervention, and referral services to children in Baltimore City and Baltimore County who are alleged to be in need of supervision. The designated assessment service providers must be contracted and funded by the local management in Baltimore City and Baltimore County. Chapter 420 of 2009 extended the termination date of the pilot program to June 30, 2013 and continued the requirement for the Governor to include \$250,000 annually in the fiscal 2011 through 2013 State budgets. (*See Courts and Judicial Proceedings Article § 3-8A-10.1.*)

A juvenile intake officer who receives a complaint alleging that a child in Baltimore County or Baltimore City is in need of supervision must refer the child and the child’s parents to one of the selected providers unless the intake officer concludes that the court has no jurisdiction or that neither an informal adjustment nor judicial action is

appropriate. The provider must meet with the child and the child's parents two to six times to discuss the child's school performance, family interactions, peer relationships, and health, including drug and alcohol use. The provider must review all available, relevant records concerning the child, conduct an assessment of the child, and establish a case plan and record for providing services to the child. (*See Courts and Judicial Proceedings Article § 3-8A-10.1.*)

An intake officer may not authorize the filing of a delinquency or CINS petition or peace order request or propose an informal adjustment for the child unless the provider has filed a report with the court stating the date of the initial meeting with the child and that all attempts to provide assessment, intervention, and referral services have failed. (*See Courts and Judicial Proceedings Article § 3-8A-10.1.*)

Any information provided by a child incident to a referral to a selected provider may not be admitted in evidence in any adjudicatory hearing, peace order proceeding, or criminal proceeding against the child. (*See Courts and Judicial Proceedings Article § 3-8A-12.*)

The pilot program terminates June 30, 2013.

Background: During fiscal 2009, the Baltimore City DJS Intake unit made 262 referrals to the CINS Pilot Project. Of the 262 referrals, 231 received some form of program services. Baltimore County received 77 referrals from DJS during fiscal 2009. Of the referrals, 41 completed the assessment and service plan and 34 of the 41 completed the services.

State and Local Fiscal Effect: General fund expenditures increase by \$300,000 annually from fiscal 2012 to 2014 to expand the pilot program. This funding will be provided to DJS to distribute annual grants of \$125,000 to Montgomery County, \$125,000 to Prince George's County, and \$50,000 to Cecil County. Local management boards in these jurisdictions will use the funding to contract with community-based providers for provider assessments, intervention, and referral services to children and their families. General fund expenditures increase by an additional \$250,000 in fiscal 2014 only to continue the existing pilot programs in Baltimore City and Baltimore County. This funding will be provided to DJS to distribute grants of \$167,000 and \$83,000 respectively to the Baltimore City and Baltimore County local management boards in fiscal 2014.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Judiciary (Administrative Office of the Courts),
Montgomery County, Department of Legislative Services

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ncs/kdm

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