

Department of Legislative Services
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1190

(Delegate Jones, *et al.*)

Judiciary

Judicial Proceedings

Child in Need of Supervision Pilot Program - Expansion

This bill expands the Child in Need of Supervision (CINS) Pilot Program to include Cecil, Montgomery, and Prince George's counties. The bill authorizes the Governor to include a general fund appropriation of \$250,000 for the Department of Juvenile Services (DJS) in fiscal 2013 to expand the pilot program to these counties.

The provision expanding the pilot program takes effect on July 1, 2012.

Fiscal Summary

State Effect: General fund expenditures may increase by \$250,000 in FY 2013 to fund the pilot programs. If State funding is not provided, the local management board (LMB) in each pilot community will be responsible for funding the pilot program. Revenues are not affected.

Local Effect: LMBs in each pilot community will be responsible for funding the pilot program if the FY 2013 State budget does not include an appropriation for the program.

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 the child; (3) behaves so as to injure or endanger himself, herself, or others; or (4) has committed an offense applicable only to children.

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.

Local Management Board

Each county must establish and maintain a LMB to ensure the implementation of a local interagency service delivery system for children, youth, and families. A county may designate as a LMB a quasi-public nonprofit corporation that is not an instrumentality of the county government or a public agency that is an instrumentality of the county government. The LMBs in Cecil and Montgomery counties are nonprofit corporations; the LMB in Prince George's County is a unit of county government.

CINS Pilot Program – Baltimore City and Baltimore County

Chapter 601 of 2005 required the Secretary of Juvenile Services to establish a DJS CINS 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. LMBs 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 LMB 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.

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.

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.

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.

The pilot program terminates June 30, 2013.

Background: During fiscal 2010, the Baltimore City DJS Intake unit made 298 referrals to the CINS Pilot Project. Of the 298 referrals, 279 received some form of program services with most of the 279 referrals receiving the full complement of available services. Baltimore County received 104 referrals from DJS during fiscal 2010. Of the referrals, 67 participated in the assessment and service planning process and 54 of the 67 completed the services.

Each county must establish and maintain a LMB to ensure the implementation of a local interagency service delivery system for children, youth, and families. A county may designate as a LMB a quasi-public nonprofit corporation that is not an instrumentality of the county government or a public agency that is an instrumentality of the county government. The LMBs in Cecil and Montgomery counties are nonprofit corporations; the LMB in Prince George's County is a unit of county government.

State and Local Fiscal Effect: The bill specifies that the Governor may include funding for the pilot programs in the fiscal 2013 State budget, however, such funding is not required. If State funding is not provided, LMBs in each of the pilot jurisdictions will be responsible for funding the pilot programs in fiscal 2013. While local governments may provide some financial support for LMBs, funding also comes from other sources, including general and federal funds, foundations, and corporate donors. The Governor's Office for Children, which oversees funding for LMBs, advises that LMBs in the affected jurisdictions will need to use existing resources or reprioritize commitments for other programs if they do not receive additional State funding to implement the pilot programs. LMBs will contract with community-based providers for provider assessments, intervention, and referral services to children and their families.

Additional Information

Prior Introductions: HB 1500 of 2010, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken. SB 1078 of 2010, another similar bill, was heard in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: SB 890 (Senator Gladden, *et al.*) - Judicial Proceedings.

Information Source(s): Cecil, Montgomery, and Prince George's counties; Department of Budget and Management; Maryland State Department of Education; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Governor's Office for Children; *Baltimore City/Baltimore County CINS Pilot Project Annual Report*; Department of Legislative Services

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