

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 791

(Senator Kelley)

Judicial Proceedings

Judiciary

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Juvenile Law - Dispositions - Placement Guidance

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This bill prohibits the juvenile court from committing a child to the Department of Juvenile Services (DJS) for out-of-home placement for specified offenses unless specified conditions are met.

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Fiscal Summary

**State Effect:** General fund expenditures decrease significantly due to a reduction in the number of out-of-home placements. The decrease is partially offset by increased expenditures to supervise juveniles in the community.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** A child may not be committed to DJS for out-of-home placement if the most serious offense is (1) possession of marijuana; (2) possession or purchase of a noncontrolled substance; (3) disturbing the peace or disorderly conduct; (4) malicious destruction of property; (5) an offense involving inhalants; (6) an offense involving prostitution; (7) theft involving amounts less than \$1,000; or (8) trespass.

A child whose most serious offense is one specified above may be committed to DJS for out-of-home placement if (1) the child previously has been adjudicated delinquent for three or more offenses arising from separate and independent circumstances; (2) the child waives the prohibition and the court accepts the waiver as knowing, intelligent, and

voluntary; or (3) the court makes a written finding, including the specific facts supporting the finding, that such placement is necessary for the welfare of the child or in the interest of public safety. The bill may not be construed to prohibit the court from committing the child to another appropriate agency.

**Current Law:** Once a child has been adjudicated delinquent, the juvenile court, at a disposition hearing, may place a child under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention. A child may also be committed to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated. The court may also order the child or the child's parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

**Background:** Out-of-home placements for committed juveniles may include foster homes, group homes, independent living programs, residential treatment centers, and seven DJS-operated facilities. In fiscal 2012, there were 1,783 committed placements and an average daily population of 957 juveniles. Of all youth in committed residential placements, slightly less than 90% remain in-state. In fiscal 2012, of the 12,833 court dispositions, 29.6% received probation.

**State Expenditures:** DJS advises that it is unable to estimate the bill's fiscal impact, but recognizes that savings could be significant. The Department of Legislative Services agrees that general fund expenditures decrease significantly under the bill's provisions. According to DJS' Data Resource Guide for fiscal 2012, approximately 35% of juveniles were in committed placements in 2012 as a result of one of the offenses specified under the bill's provisions being the most serious offense for which they were adjudicated. The bill provides that a juvenile may be committed for out-of-home placements for one of the offenses under specified circumstances, such as if the court makes a written finding that placement is necessary for the safety of the child or the protection of the public. Even accounting for these exceptions, it is reasonable to assume that the number of juveniles in committed placements could be reduced by at least 20%. Furthermore, the reduction of committed placements will allow DJS to more timely move juveniles out of pending placement status in detention facilities and reduce the need for out-of-state placements. The Governor's proposed fiscal 2014 budget for DJS includes about \$62.5 million for private per diem residential placements. *By way of illustration only*, if DJS placements were reduced by 20% as a result of the bill, general fund expenditures decrease by about \$12.5 million. Any savings will be partially mitigated from increased costs to supervise juveniles in the community.

## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 916 (Delegate Valentino-Smith, *et al.*) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2013  
ncs/kdm Revised - Senate Third Reader - April 8, 2013

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