

**Department of Legislative Services**  
 Maryland General Assembly  
 2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 818 (Senator Frosh)  
 Judicial Proceedings

**Community Juvenile Services Program**

This bill establishes a Community Juvenile Services Program. The purpose of the program is to reduce the number of juvenile offenders committed to the Department of Juvenile Services (DJS) by redirecting juvenile offenders to services offered in the counties and to reimburse participating counties for savings to DJS that result from the county’s local plan. The bill also establishes a Community Juvenile Services Committee and specifies its membership and duties.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$70,800 in FY 2014, which accounts for the bill’s October 1, 2013 effective date, for the Governor’s Office of Crime Control and Prevention (GOCCP) to employ a State Coordinator for Community Juvenile Services. Potential minimal reduction in expenditures due to fewer committed juveniles for DJS.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	70,800	91,900	96,200	100,700	105,300
Net Effect	(\$70,800)	(\$91,900)	(\$96,200)	(\$100,700)	(\$105,300)

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

**Local Effect:** Local expenditures increase for counties that choose to participate in the program. Local revenues from reimbursements made by DJS may offset some of those costs to the extent local programs are successful.

**Small Business Effect:** None.

## **Analysis**

**Bill Summary:** The Community Juvenile Services Committee must (1) develop a formula for reimbursement to counties for local plans used to divert juveniles from the custody of DJS; (2) identify resources to support administration of the program; (3) develop a process and identify resources to support ongoing monitoring and evaluation of the program; (4) review proposed county plans and approve the distribution of resources; and (5) report annually by December 1 to the Governor and the General Assembly on the progress of the program.

A county may participate in the Community Juvenile Services Program by developing a local plan to reduce the county's use of DJS resources by (1) reducing the number of juveniles from the county committed to DJS by 25%, based on the average number of commitments for the previous three years; (2) creating a local collaborative organization to conduct dispositional planning and implementation of services for juveniles in the county; and (3) coordinating existing county resources to ensure that juvenile offenders have access to resources in addition to the local plan.

A local plan may include (1) assessment and evaluation services to provide DJS with accurate, individualized case information on each juvenile offender, including mental health, substance abuse, education, and family information; (2) direct services to individual juvenile offenders, including educational, vocational, mental health, substance abuse, supervision, and service coordination; and (3) programs aimed at restoring the juvenile offender to the community, including victim offender panels, teen courts, competency building, enhanced accountability measures, restitution, and community service.

A county must submit a local plan to the State Coordinator for review by the committee. If a county does not meet the 25% reduction in juvenile commitments as required, the county must reimburse DJS for any additional costs to DJS for the additional commitments.

The Governor must appoint a State Coordinator for Community Juvenile Services, to be employed by the Juvenile Justice Policy Unit in GOCCP. The State Coordinator must administer the Community Juvenile Services Program and serve as a liaison between the committee and DJS. The State Coordinator must collect data from community juvenile service programs developed under each local plan and report annually by December 1 on the progress of each local plan. The State Coordinator may adopt regulations to carry out the bill.

**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.

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;
- ensures that each committed facility licensed by DJS serves no more than 48 children at one time, unless the Secretary of Juvenile Services finds good cause for a facility to serve 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.

DJS operates facilities to diagnose, care for, train, educate, and properly rehabilitate children who need services. DJS is also authorized to contract with private providers to place children in other facilities that meet State licensing criteria.

**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.

**State and Local Fiscal Effect:** General fund expenditures increase for GOCCP by \$70,787 in fiscal 2014, which accounts for the bill's October 1, 2013 effective date. This estimate reflects the cost to hire a State Coordinator (to be appointed by the Governor) to administer the Community Juvenile Services Program. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

To the extent that counties develop and successfully implement local plans to divert juveniles from DJS, overall expenditures of DJS may be reduced to account for a smaller committed population. This reduction in expenditures may be partially offset due to increased reimbursements from DJS to counties that successfully implement a diversion plan. An estimate of any expenditure reduction cannot be reliably estimated beforehand for a number of reasons. Although some counties may elect to develop a local plan, they are not required to do so. Participating counties that do not meet specified reductions in juvenile commitments are required to reimburse DJS for any additional costs for the additional commitments. Because a court ultimately makes the determination as to whether or not a child is to be committed to DJS, some counties may elect not to develop a local plan due to the uncertainty of this factor that is beyond their control.

If a county does participate and successfully reduces the number of DJS commitments from its jurisdiction, the bill requires DJS to reimburse the county for any generated savings. The bill specifies that the committee must develop a formula for reimbursement to counties. Depending on the formula that is adopted, it is possible that the reimbursements may not fully offset county expenditures associated with the plan, such as the development of programs and services to juveniles. Because DJS benefits from economies of scale in its service of committed juveniles, the actual savings generated by successful diversion plans may not be significant, particularly without the participation of larger jurisdictions.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Governor's Office of Crime Control and Prevention, Maryland State Department of Education, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Maryland Association of Counties, Kent and Montgomery counties, Office of the Public Defender, State's Attorneys' Association, Department of Legislative Services

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