

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 81

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Juvenile Services)

Judicial Proceedings

Juvenile Law - Continuum of Care - Repeal of Termination Date

This departmental bill repeals the June 30, 2016 termination date for provisions of law that authorize the Department of Juvenile Services (DJS) to transfer a child committed for residential placement from one facility to another facility that is operated, licensed, or contracted by DJS.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: DJS can continue the bill's requirements using existing resources. In addition, the bill may help continue both operational efficiency and the reduction of the pending placement population. The bill does not materially affect the workload of the Judiciary. If the bill is not enacted, general fund expenditures may increase to accommodate a higher pending placement population within detention facilities.

Local Effect: None. The bill does not materially affect the workload of the circuit courts.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: At a disposition hearing, the court determines whether a child who has been adjudicated as delinquent needs or requires the court's guidance, treatment, or rehabilitation, and if so, the nature of the guidance, treatment, or rehabilitation. In making a disposition, the court may:

- place the child on probation or 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;
- subject to statutory limitations relating to the type of offense, commit the child 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; or
- 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.

When necessary to appropriately administer the commitment of a child and on approval of the Director of Behavioral Health, DJS may transfer a child committed for residential placement from one facility to another facility that is operated, licensed, or contracted by DJS. A facility to which a child is transferred must be (1) consistent with the type of facility designated by the court or (2) more secure than the type of facility designated by the court. DJS is required to notify the court, the child's counsel, the State's attorney, and the parent or guardian of the child prior to transfer. The juvenile court may conduct a hearing at any time for the purpose of reviewing the commitment order and the transfer of a child. The provisions authorizing DJS to transfer a child from one facility to another facility under the circumstances set forth above terminate June 30, 2016.

Background: Chapter 198 of 2012 established the provisions authorizing DJS to transfer youth between facilities. The provisions of Chapter 198, referred to as the "continuum of care," were set to terminate June 30, 2014. Chapter 135 of 2014 extended the termination date until June 30, 2016, and required DJS to submit a report regarding the implementation of the continuum of care provisions.

DJS advises that these provisions have had a significant impact on its operations. Prior to Chapter 198, if DJS believed a facility with higher security than what was initially designated by the court was necessary, a juvenile had to be kept in detention until another court hearing could be scheduled to have the type of placement modified. During that time, the juvenile was not receiving the specific treatment services that may be required for rehabilitation. According to the report prepared in response to Chapter 135, DJS reviewed 855 cases under the continuum of care provisions between July 2012 and September 30, 2014. In 34.5% of the cases, the juvenile was able to either transfer directly to a new residential placement without going to detention or the juvenile's placement was preserved. Prior to the continuum of care provisions, these juveniles would have required an indeterminate detention stay.

This bill is intended to allow DJS to maintain continuum of care efforts. These efforts have allowed DJS to maximize current resources by eliminating or reducing a juvenile's time in detention when he or she is ejected from a residential placement, which has helped to significantly reduce the pending placement population. In fiscal 2015, the average daily population of youth pending placement was 66, compared to 198 youth pending placement in fiscal 2011. The continuum of care provisions may decrease the overall length of time a juvenile stays in committed status by allowing DJS to promptly address treatment concerns and issues. The provisions also reduce the likelihood that juveniles will be released from pending placement without the benefit of treatment when they remain in pending placement for long periods of time.

Additional Information

Prior Introductions: SB 116 of 2014, as introduced and passed by the Senate, was identical to this bill. However, SB 116 was amended in the House to extend, rather than repeal, the termination date and require a report. The bill was subsequently enacted as Chapter 135.

Cross File: None.

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

Fiscal Note History: First Reader - January 19, 2016
min/kdm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Disposition – Continuum of Care

BILL NUMBER: SB 81

PREPARED BY: Michael DiBattista

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

☒ WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

☐ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS