



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 28, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 732 – Department of Juvenile Services and Maryland Department of Health – Inpatient Program for Children – Letter of Opposition

Dear Chair Smith and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of opposition for Senate Bill (SB) 732 – Department of Juvenile Services and Maryland Department of Health – Inpatient Program for Children, which proposes creating an inpatient program for children adjudicated delinquent in Maryland. The bill mandates that the Department of Juvenile Services (DJS) work together with the Department to establish and manage the program, which will offer comprehensive care, rehabilitation, and holistic therapies to address health, mental health, and substance abuse issues.

Many juveniles in the justice system suffer from mental health and substance use disorders, and it is crucial to address these issues.¹ DJS provides residential and community-based services to youth adjudicated as delinquent, contracting with in-state and out-of-state residential programs that provide comprehensive treatment services. If the Judiciary orders behavioral health services for delinquent children, it may refer these children to the Department for treatment. The Judiciary also may specify the type of treatment program required by the youth, such as a Substance Use Disorder Residential Treatment Center program. While DJS contracts with in-state and out-of-state providers, there are not enough beds at these providers to fulfill the direction of the bill to provide inpatient services for children adjudicated delinquent, nor may inpatient services be clinically appropriate for these children.

Complying with the legislation requirements would require the construction of new buildings or renovating existing structures to meet specific needs for facilities such as ligature-free fixtures, hardening of walls and doors, and obtaining a license necessary to provide the required level of treatment. Based on the 2023 Maryland Department of General Services, Facility for Children

¹https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/intsection_between_mental_health_and_the_juvenile_justice_system.pdf

and High-Intensity Residential Treatment Center at Regional Institution for Children and Adolescents conceptual budget scope, a newly constructed facility is estimated to cost \$38,986,846 for forty-eight (48) beds. In addition, the Department has estimated that it would need to hire a significant number of employees to provide for medical, operational, educational, environmental, food service, security, and managerial staffing requirements, as well as 3.5 BHA program staff to oversee the new program.

Completing the construction by the proposed enactment date of December 1, 2024 is not feasible, even with an emergency designation. The state procurement process averages six to nine months. The earliest date that a contract can be approved is October 2024, which would not allow completion of the project by the December 1, 2024 enactment date. The Department has anticipated a construction time table, under normal conditions, of approximately three years with the design period beginning in August of 2025 and the construction being completed in October 2028.²

Given the expense, the infeasibility of the timeline to create these inpatient beds, and the further discussion needed regarding clinical appropriateness of this service line for all children adjudicated as delinquent, the Department respectfully requests an unfavorable report on this bill. Instead, the Department would like the opportunity to engage with the sponsor and child serving agencies on short, intermediate, and longer-term solutions to provide the right setting of care at the right time for these children, including community-based supports and interventions as appropriate.

If you have any further questions, please contact Sarah Case-Herron, Director, Office of Governmental Affairs, at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

² The construction time table has anticipated FY26 funding to begin this project.