

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 245

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

Judicial Proceedings

Judiciary

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Juvenile Law - Disposition - Committed Facilities

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This departmental bill authorizes the Department of Juvenile Services (DJS), when necessary to appropriately administer the commitment of a child and on approval of the Director of Behavioral Health, to 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 bill also authorizes the juvenile court to conduct a hearing at any time for the purpose of reviewing the commitment order and the transfer of a child. DJS must report to the General Assembly on the implementation of the bill by January 1, 2014.

The bill takes effect June 1, 2012, and terminates June 30, 2014.

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Fiscal Summary

**State Effect:** None. Although the bill may result in greater operational efficiency for DJS, it is not expected to materially affect State finances. The Judiciary can handle any additional review hearings with existing resources.

**Local Effect:** The circuit courts can handle any additional review hearings with existing resources.

**Small Business Effect:** DJS has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

**Current Law:** A disposition hearing is a hearing to determine 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 on a petition, 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;
- commit the child to the custody or guardianship of the 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.

**Background:** DJS advises that the bill will allow the department to more efficiently manage the committed care system, and reduce its pending placement population. DJS indicates that under current law, if it believes a facility with higher security than what was initially designated by the court is necessary, the child has to be kept in detention until another court hearing can be scheduled to have the type of placement modified. During that time, the child is not receiving the specific treatment services that may be required to rehabilitate the child.

The bill would permit DJS to transition youth to higher security placements, if needed, without the child having to be placed in a detention facility where the child is not receiving the specialized services needed. DJS advises that the child will benefit if changes in placement can be accomplished swiftly to ensure a continuum of care.

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## Additional Information

**Prior Introductions:** None.

**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 - February 14, 2012  
mc/kdm Revised - Senate Third Reader - March 19, 2012  
Revised - Enrolled Bill - May 15, 2012

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Dispositions – Committed Programs

BILL NUMBER: SB 245

PREPARED BY: Department of Juvenile Services

### 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

The proposed legislation will have no impact on small business in Maryland.