

Justice Matters

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Handling Hard-to-Place Juvenile Offenders

By Hon. Vicki Ballou-Watts

When the courts commit adjudicated youth to the Department of Juvenile Services (DJS) for placement in residential treatment programs or secure facilities, those youth often spend extended time in detention centers before being placed. Delays in treatment and services, crowded detention centers with increased security concerns, and the redirection of limited resources are consequences of the “pending placement” problem.

However, a unique effort in the Circuit Court for Baltimore City has led to a significant reduction in pending placement delays at the Baltimore City Juvenile Justice Center (BCJJC). Recent changes in the funding approval process for the out-of-state placement of youth at greatest risk, the reopening of the Victor Cullen Center, and increased funding for detention and commitment alternatives have also helped to reduce length of stays at BCJJC and system-wide.

The Stuck Kids Committee

Under the leadership of Baltimore City Circuit Judge David Young, members of the “Stuck Kids” Committee meet to review the progress toward placement of youth who have been detained at BCJJC for the longest period of time.

Each month, the committee reviews at least 10 cases. Committee members focus on the progress made toward each youth’s placement since his/her most recent court hearing and the necessary action to finalize placement.

In addition to Judge Young, Stuck Kids Committee participants include a juvenile court master, an assistant state’s attorney, an assistant public defender, each youth’s DJS case manager, DJS supervisors and other DJS staff. Representatives from the Department of Human Resources (DHR), the Attorney General’s office, the Juvenile Detention Alternatives Initiative (JDAl), and other agencies also participate.

The most difficult youth to place continue to be those with a history of violence, sex offenses, setting fires, animal cruelty, or running away. Youth with co-occurring disorders present challenges, too.

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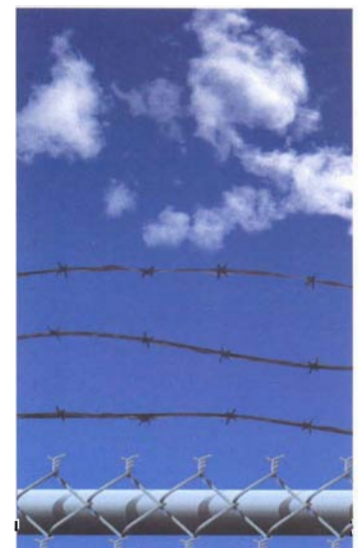
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Court of Special Appeals Welcomes Judges Wright and Zarnoch

Gov. Martin O'Malley appointed former Judge Alexander Wright, Jr., and Robert A. Zarnoch to the Court of Special Appeals on January 28. The State Senate approved the appointments on February 15.

Judge Wright fills the at-large seat made vacant by the elevation of Judge Joseph F. Murphy, Jr., to the Court of Appeals. Judge Wright was appointed to the Baltimore County District Court in 1993, and to the Baltimore County Circuit Court in 1998 and 2001. Most recently he had been in private practice at the Miles and Stockbridge law firm in Towson.

Judge Zarnoch replaces retired Judge James A. Kenney, III, and also serves at-large. He had served as chief counsel for legislation in the Maryland Attorney General's Office since 1979, advising members of the General Assembly. He also has taught at both of Maryland's law schools.

"I think we're fortunate to have them both," Court of Special Appeals Chief Judge Peter B. Krauser said. "The both bring a wealth of expertise and we couldn't be more pleased by the governor's choices."

Judge Wilner leads Rules Committee

Recently retired Court of Appeals Judge Alan M. Wilner will again chair the Court's Standing Committee on Rules of Practice and Procedure, Chief Judge Robert M. Bell announced in January.

"I am absolutely delighted that Judge Wilner has agreed to assume this responsibility in addition to the other projects he has undertaken as a retired judge," Judge Bell said.

Judge Wilner was appointed to the Rules Committee in July 1984, and served as chairperson from March 1985, until October 1996, when he was appointed to the Court of Appeals.

"The Court has been fortunate to have experienced lawyers and judges—both retired and active—serve as Rules Committee chairperson. Alan is the first to have served as chairperson as both an active and a retired judge. I cannot think of anyone better suited for this assignment," Judge Bell said.

The chairperson's vacancy was created when Judge Joseph F. Murphy, Jr., was appointed to the Court of Appeals by Gov. Martin O'Malley in December.

What is the Rules Committee?

The Standing Committee on Rules of Practice and Procedure (the "Rules Committee") helps the Court of Appeals with the administration of Maryland courts and the regulation of practice and procedure in the courts. This administrative power is granted to the Court of Appeals under the Maryland Constitution.

Committee members are appointed by the Court and serve without compensation. Its members consider proposed amendments and additions to the Maryland Rules of Procedure.

Each word in a proposed rule change is carefully considered by the committee and its subcommittees. The committee's meticulously crafted recommendations to the Court of Appeals, including explanatory notes, may total more than 400 pages a year.

For more information on the Rules Committee, visit mdcourts.gov/rules.

Governor Chooses Judges Murphy and Krauser for New Appellate Court Roles

On December 17, Judge Joseph F. Murphy, Jr., became the newest member of the Court of Appeals when he was sworn in to represent the Second Appellate Circuit (Baltimore and Harford counties). As Judge Murphy moved to the Court of Appeals, Governor Martin O'Malley appointed Judge Peter B. Krauser to fill the vacated seat of Chief Judge of the Court of Special Appeals, a position Judge Murphy had served in since 1996.

"I am very pleased with the appointments of both these learned jurists," said Chief Judge Robert M. Bell of the Court of Appeals.

Judge Murphy steps up to the Court of Appeals after serving as Chief Judge of the Court of Special Appeals in the at-large position since 1996 and as judge from 1993-1996. Prior to his service as a judge, Judge Murphy worked for the

Baltimore Legal Aid Bureau, the Baltimore City State's Attorney's Office, and in private practice. He was appointed to the Circuit Court for Baltimore County in 1984 and served until he came to the Court of Special Appeals in 1993. Judge Murphy received his undergraduate degree from Boston College in 1965 and received his Juris Doctor from the University of Maryland School of Law in 1969.

He has taught extensively at the University of Maryland School of Law, the University of Baltimore School of Law, the Maryland Judicial Institute, and the Maryland Institute for

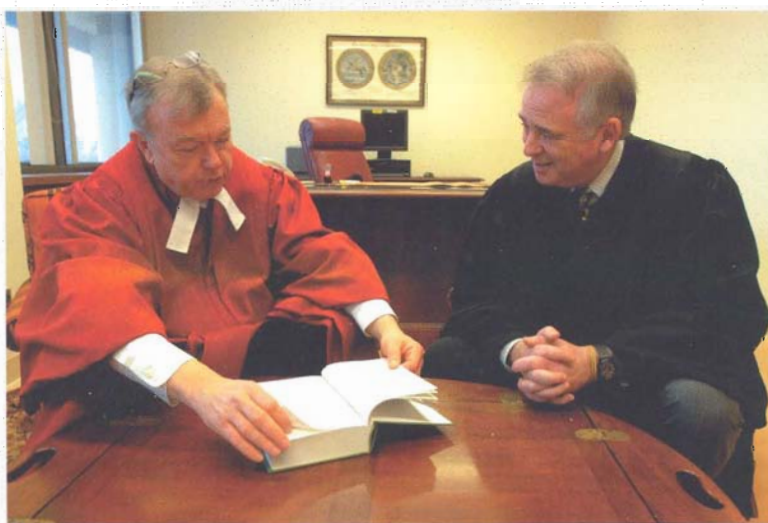
Continuing Professional Education of Lawyers (MICPEL). He is the author of the *Maryland Evidence Handbook* and updates it annually.

"Judge Murphy's career and experience, both as a litigator and a judge, is a great asset to our state and to Maryland's highest court," Judge Bell said.

Judge Krauser has been an at-large member of the Court of Special Appeals since 2000. Before his appointment to the bench, Judge Krauser served as an appellate attorney with the criminal division of the United States Department of Justice and as an attorney in private practice. He is a member of the Judiciary's Civil Law and Procedure Committee. He attended Northwestern University and the University of Pennsylvania School of Law.

The Chief Judge's responsibilities include directing how the three-judge panels are constituted, when they sit, and what cases they hear. The Chief Judge also assigns cases to the members of the court. Judge Krauser's additional responsibilities will include ruling on motions for injunctions pending appeal, entering orders of the Court, and entering orders to dismiss an appeal or deny a motion to dismiss an appeal.

"I fully expect that Judge Krauser will lead the Court of Special Appeals with fairness and integrity, ensuring that the Court continues to operate in the efficient and productive manner it experienced under Judge Murphy's leadership," Judge Bell said.



Jason Clark

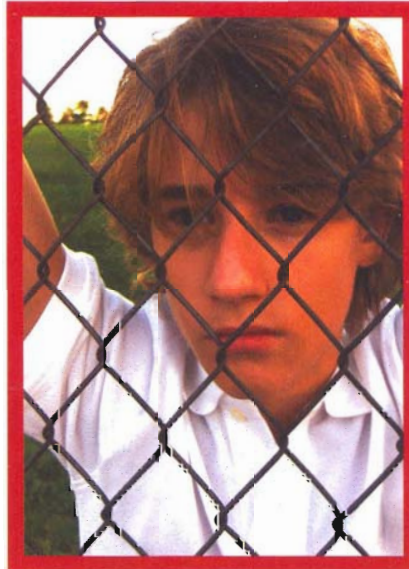
Judge Murphy and Judge Krauser convene after assuming their new roles in the appellate courts. The judges first met 30 years ago as lawyers who represented co-defendants in a multi-county drug conspiracy case (*Salzman, Blinken and Blinken v. State, 1978*). Judge Krauser commented on Judge Murphy: "It's hard to replace such an outstanding Chief Judge who is one of the most admired and beloved figures in the legal community." Judge Murphy said of his colleague, "I don't think a judge can receive a higher compliment than to be compared to the late Judge Ted Bloom of the Court of Special Appeals, who was an outstanding lawyer, an outstanding judge, and an ever more outstanding person. That's the compliment I paid to Chief Judge Krauser."

The most difficult youth to place continue to be those with a history of violence, sex offenses, setting fires, animal cruelty, or running away. Youth with co-occurring disorders present challenges, too.

“It’s difficult to find placement programs which are designed to address behavioral and mental health problems, and those which exist can choose to reject a DJS referral,” according to David Addison, an assistant public defender supervisor. Addison, though not a member of the Stuck Kids Committee, has represented juveniles in Baltimore City and Baltimore County for many years.

Youth who are at least 17 years old are also difficult to place. Often, in-state residential programs licensed solely for juvenile treatment reject adjudicated youth due to concerns that the youth will “age out” (reach age 18) before treatment is completed.

The pending placement problem has existed for years. The original Stuck Kids Committee began in 2000 when Judge Young met informally with various agency representatives to address placement issues. In the summer of 2007, Judge Young, Baltimore City Circuit Juvenile Judge-in-Charge Edward Hargadon and DJS Secretary Donald W. DeVore recognized a need for the committee again, because the majority of youth detained at BCJJC were pending placement.



“Our pending placement population at BCJJC was exploding,” said Judge Hargadon. “Relying on the 25-day review process (under CJP§ 3-8A-19) wasn’t sufficient.” Judge Young agreed. “When we started [the Stuck Kids reviews], some kids had been detained for seven, eight, or nine months. Now, most are down to 70-90 days.”

The Maryland Attorney General’s Juvenile Justice Monitoring Unit has also confirmed a significant reduction in length of stays at BCJJC. According to the Unit’s 2007 annual report, the number of youth in pending placement status for 90 days or more at BCJJC dropped from 52 percent in April 2007 to five percent in December 2007.

Hard-to-Place

The committee has been “very effective,” because members know they will be held accountable, according to Judge Young. Youth pending placement also receive assistance in preparing for interviews with residential programs, which improves their chances for acceptance, Judge Young explained.

“Hardware-Secure” Placement

Recent changes in the State and Local Coordinating Council (SCC/LCC) funding approval process for youth committed to “hardware-secure” facilities (locked residential facilities with increased staff and security) have also led to reduced pending placement times at BCJJC and system-wide.

Under Maryland law, adjudicated youth may be placed in out-of-state facilities only if no in-state facility can provide appropriate services. While this requirement promotes the consideration of important interests (keeping youth closer to family, the possibility of community-based treatment, and reduced costs), the multi-layered statutory and regulatory approval process for out-of-state (OOS) placement has been cited as a factor in pending placement delays.

Typically, once the court commits a youth to DJS for placement, the agency submits a completed referral package to an interagency team known as the Local Coordinating Council (LCC). The LCC is required to review all referrals for in-state and OOS residential placement. If the youth cannot receive appropriate services in Maryland, the LCC approves an OOS placement. The referral (and supporting documentation) is sent to the Governor’s Office for Children which schedules the state funding request for review by the State Coordinating Council (SCC)—a state-level interagency team that also includes a parent advocate. Unless expedited, the approval process could take up to

Juvenile Offenders, from p. 1

60 days—or longer—while a youth is housed at a local detention center.

During the annual conference for juvenile court judges and masters in October 2007, representatives from the Governor's Office for Children and the SCC announced changes in the approval process to expedite placement. For youth awaiting placement in "hardware-secure" facilities, the announced changes were especially significant because there have been no hardware-secure facilities in Maryland since the Charles Hickey School closed in 2005. Under the new streamlined procedure, the exhaustion of in-state options is waived for youth committed to hardware-secure placement.

Judge Young confirms that hardware-secure commitments are now expedited. "The LCC walks it [court order, referral and supporting documents] through to the SCC and the Interstate Compact is prepared."

More Beds and Increased Funding

The Victor Cullen Center in Frederick reopened in July 2007 with a maximum bed space capacity of 48. The reopening of the William Donald Schaefer House, after significant renovations in 2007, has also created more bed space for residential treatment in Maryland.

Increased DJS funding of evidence-based intensive intervention programs for youth and their families such as Family Functional Therapy (FFT) in Baltimore City, Charles County, and the Eastern Shore as well as Multi-Systemic Therapy (MST) in Baltimore County have given judges and masters viable options to secure detention or

committed care in certain cases. Systemwide, the number of youth pending placement for 90 days or more decreased from 33 percent of the total pending placement population in April 2007 to eight percent in December 2007, according to the Juvenile Justice Monitoring Unit 2007 annual report.

Seeking Solutions

The number of youth pending placement, the lack of certain types of in-state programs and facilities (including gender specific programs) and the limited resources for evidence-based detention and commitment alternatives continue to challenge judges, masters, and other key stakeholders as they seek solutions for Maryland's high-risk juvenile offender population.

On January 18, 2008, Gov. Martin O'Malley and Secretary DeVore announced plans to build four new detention and treatment centers (see accompanying article on next page). Plans to build a detention center to house female offenders in Anne Arundel County by 2013 were also announced. If the legislature approves the proposed funding, construction of these in-state facilities could have a dramatic effect on the manner in which youth receive needed services.

In the meantime, the Stuck Kids Committee and other collaborative efforts demonstrate the effectiveness of a consistent, focused interagency approach to critical issues involving public safety and the rehabilitation of Maryland youth. [Judge Ballou-Watts serves on the Circuit Court for Baltimore County.](#)

DJS at a Glance

The Maryland Department of Juvenile Services (DJS) provides care and treatment to youth who have violated the law or who are a danger to themselves or others. DJS works closely with other agencies, including the departments of Education, Human Resources, and Health and Mental Hygiene, and local agencies to help young people and their families.

Gov. Martin O'Malley appointed Donald DeVore as secretary of the department in March 2007. DeVore said his goal was to begin reforming DJS, described by the governor as having been a struggling state agency for years.