

# THE MARYLAND JOINT JUVENILE JUSTICE CONFERENCES

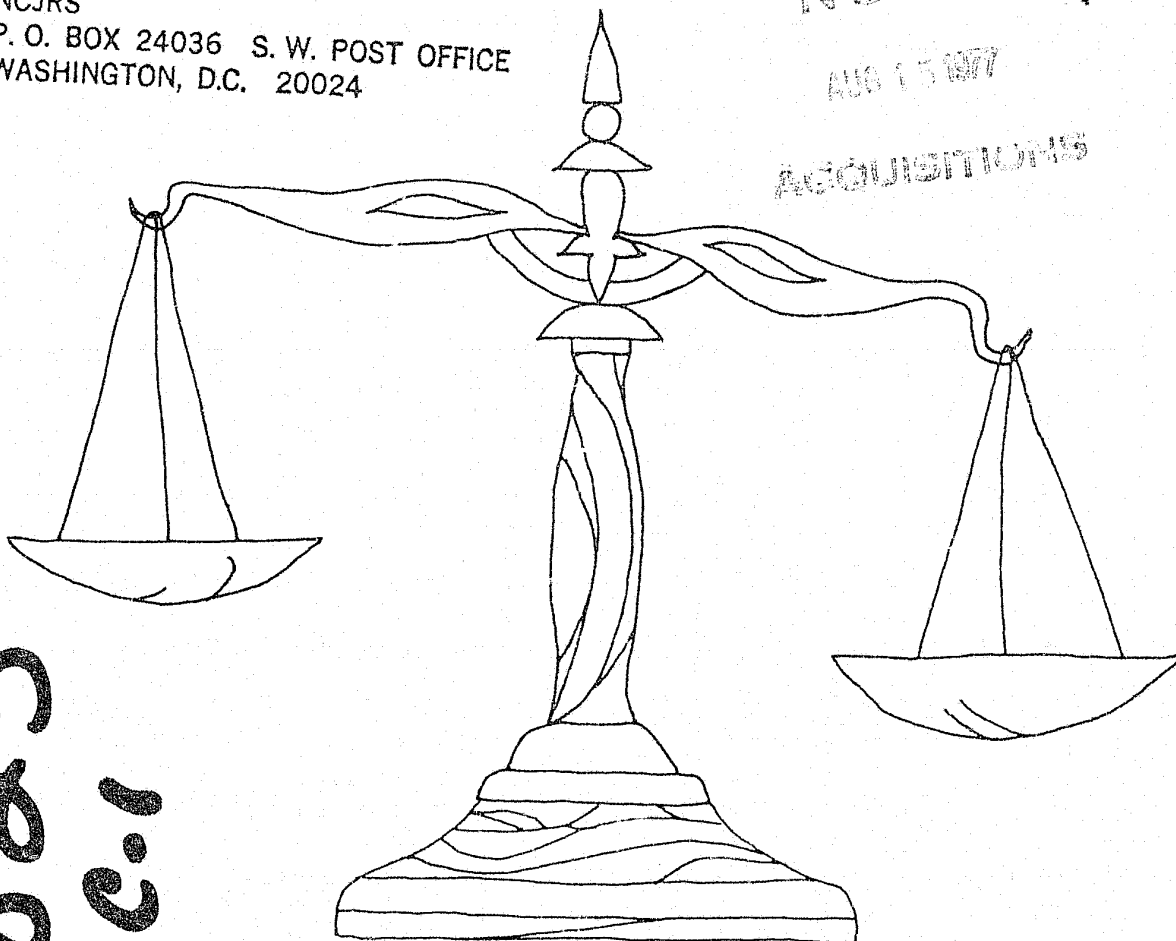
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1977 SUMMARY REPORT

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SUMMARY REPORT

OF THE

MARYLAND JOINT JUVENILE JUSTICE CONFERENCES

TO THE

GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

MAY 1977

PLEASE ADDRESS ALL CORRESPONDENCE CONCERNING THIS REPORT TO

JUVENILE SERVICES ADMINISTRATION  
STAFF TRAINING AND MANPOWER DEVELOPMENT CTR.  
BUILDING #24  
MOUNT WILSON, MARYLAND 21112

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We acknowledge appreciation to the MARYLAND GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, THE JUVENILE AND FAMILY LAW AND PROCEDURES COMMITTEE, THE ADMINISTRATIVE OFFICE OF THE COURTS, THE JUDICIAL CONFERENCES PLANNING COMMITTEE, THE REGIONAL PLANNING COMMITTEES and all those individuals too numerous to mention, without whose support and participation these conferences would not have achieved such success.

They say Justice is its own reward  
The benefits of giving one cannot hoard  
When we can say we've none excluded  
Then indeed justice will have been concluded  
To allot to each other as she deserves  
Is the noblest ambition of she who serves  
To withstand the pressures of being under the gun  
And still to each person say you are the one.

There is ample evidence from current research to suggest that many of the correctional problems, including delinquency, result from a cultural intolerance of diversity and variability and the overly restrictive boundaries that are placed on acceptable behavior.

--Robert L. Smith  
Chief of Planning  
California Youth Authority

When a criminal justice administrator finds himself in the cross fire of these dependency relationships (complex network of formal and informal organizational interactions developed to deal with the criminal and victim), he is faced with the dilemma of satisfying conflicting interests. The situation may lead to his abstaining from innovative solutions to law enforcement and problems.

--Paul Solomon  
National Institute of Law  
Enforcement & Criminal  
Justice

John Gardiner  
LEAA

## ABBREVIATIONS

The following terms are used in abbreviated form in this document:

	C.I.N.S.	-	"Child in Need of Supervision"
	M.C.C.	-	"Maryland Children's Center"
*	D.J.S.	-	"Department of Juvenile Services"
*	J.S.A.	-	"Juvenile Services Administration"
	L.E.A.A.	-	"Law Enforcement Assistance Administration"
	C.I.N.A.	-	"Child in Need of Assistance"

\* - interchangeable

STATEMENT OF THE PROBLEM

Although there have been workshops and seminars involving Judges, Masters and Juvenile Services from time to time over the past seven years, the pace of change has been extremely rapid, and therefore there is an acute need to provide a media for the exchange of information, ideas, attitudes and directions. In carrying out its responsibilities as stated in Article 52 A of the Annotated Code, the Department of Juvenile Services has steadily increased the number and kinds of alternatives available for dealing with problems of delinquent children, children in need of supervision and most recently the pre-delinquent child. Legislative actions have altered the scope of Juvenile Court jurisdictions, the legal process for dealing with children and the treatment alternatives available to be used. National trends away from certain traditional forms of treatment and toward new and innovative approaches have had considerable impact on the Maryland scene. Economic factors have contributed to changes in the delinquency picture. Recent increases in youth crime have resulted in accusations and counter-accusations among public service agencies regarding responsibility for failure to stem the tide of crime especially youth crime. Certainly the fact that more treatment alternatives are now available to deal with juveniles is positive, but it can easily be seen that the Juvenile Court Judge or Master has a tremendous task in just being knowledgeable about all the alternatives available.



Not only must he be knowledgeable, but, probably more important is his need to have a high degree of trust in these alternatives as he considers his need to act in such a way as to both protect the community and rehabilitate the offender. A large number of the new programs are organized so that the child himself never actually comes before the court. Recently various public figures have decried the fact that such a large percentage of cases are dealt with by means other than a formal court appearance. Even though such cases do not appear before the Juvenile Court, the court is held responsible by the public for the subsequent behavior of those children. Therefore, it is of vital importance for the court to understand the programs and have a high degree of faith and trust in their efficacy. In the same sense, the Department needs to fully empathize with the court's position especially in the area of public safety and all the pressures placed upon it. Changes brought about by legislative action need to be understood by all parties and joint efforts to adjust to legislative actions need to be taken. The court is the common focal point of all segments of the Juvenile Justice System, in particular the public and the clients of the system. Each part has a natural concern about its own function and often has trouble understanding and accepting the other parts of the system. Increased understanding of the total system is needed by both Juvenile Services and the Juvenile Court.

There are a number of specific areas in which further clarification is needed:

1. The total impact of S.B. 1064 (The Blount Bill) on the Juvenile Justice System needs to be examined. Important in this issue is an understanding of the history of the concept of children in need of supervision and the philosophical basis for such a category.
2. The controversial movement away from institutional approaches toward community based approaches to dealing with juveniles. Here there is a need to examine the beliefs upon which the movement is based, the current status of Department efforts in the community-based area and some assessment of the workability of the approach.
3. Prevention is a word that usually brings blank looks from just about everyone. The Department has a responsibility to educate the court regarding the concept of prevention. Prevention evolves from the idea of turning to and involving the community in the problems of youths. The involvement is in the form of local development of foster care, shelter care, group homes, youth service bureaus, hot lines, volunteers, day care, purchase of services, diversion programs, such as Community Arbitration, Pre-Trial Intervention, Impact Programs, etc. with the main ingredient being citizen involvement in joint efforts with public and private agencies. When all of these programs are laid out, a picture of what prevention is begins to evolve and it is most important to share this picture.

4. That which remains after all of our efforts to divert, to find treatment alternatives and to prevent, has left us with a numerically small group of youths, for whom formal services need to be provided. This is an area in which it is most vital for the court and the Department to be together.

In conclusion, as we have moved away from the traditional alternatives of probation or training school and have built and continue to build a complicated structure of treatment alternatives and approaches within the community itself, it becomes critical that the court and the Department have a maximum of mutual understanding of the structure and trust in its ability to effect change in the Juvenile Justice System by developing mutual support and understanding.

OBJECTIVES OF THE PROJECT

The purpose of these seminars was to improve communications between the Department and the Juvenile Court Judges and Masters toward more effective problem solving in the area of mutual concern resulting in improved services to the State of Maryland.

Specific objectives were:

1. To brief the Juvenile Court Judges and Masters on the current program alternatives provided through the Department for children, and also to brief them on the most pressing current issues confronting the Department.
2. To identify and discuss major problem areas involving the court and the Department, in particular the recent changes in the Juvenile Code.
3. To examine local problem areas involving the court and the Department.
4. To begin the formulation of plans to attempt to deal with problem areas.
5. To establish a continuing forum for problem solving between the court and the Department.

METHODS

1. Establish a planning committee composed of the several elements involved.
2. Research the previous conferences of this nature by the Governor's Commission, also College Park and Hilltop, and St. Johns Conferences.
3. Establish who the target area of participants shall be.
4. Survey potential participants with an instrument to establish and prioritize a list of key issues.
5. Establish a statement of objectives.
6. Organize a two day statewide session to:
  - a. provide for a broad exchange of information
  - b. set the stage for local sessions of a more specific nature dealing with DJS and courts in that particular locality
7. Facilitate eight local sessions. Local committees would establish membership, agenda, meeting times and places etc.
8. Review project procedure and accomplishments and prepare final report with recommendations for continuing the project.

STRATEGY STATEMENT FOR A JUVENILE JUSTICE SYSTEM CONFERENCE

The title of the grant from the Governor's Commission on Law Enforcement and the Administration of Justice was "Training Seminars for Juvenile Court Judges and Masters and Certain Juvenile Services Staff" #5032-JD-2. It was immediately apparent that the involvement of the judiciary would be essential to the success of the project. This meant that the issues to be dealt with would have to be items that were of concern to the judiciary. Through everyday contacts with the judiciary and through membership on certain committees and commissions, the Deputy Director of JSA introduced the concept of the project to the judiciary. As a result, the Judicial Conference of Maryland, an organization representing all of the judges in the State of Maryland, assigned the project to its Juvenile and Family Law and Procedure sub-committee.

After several meetings, the committee decided that the project would best be utilized as a vehicle to examine certain key issues in juvenile law and procedure in order that these issues be aired across the state toward standardization of interpretation and procedure.

A project planning committee was then appointed representing JSA, the Judiciary, the Department of Health and Mental Hygiene, and the Office of the Public Defender. Membership selection brought the planning committee into direct contact with the "Maryland Commission on Juvenile Justice" which was a useful association for both parties. The Juvenile and Family Law and Procedure sub-committee presented a list of key law and procedures issues to the project planning committee and the planning committee was asked to respond with a proposal for building an initial statewide conference around these issues.

Present on the planning committee were specialists in public relations, training, script writing and audio-visual presentation. The committee proposed to video-tape six vignettes, (see appendix) each one portraying several issues in Juvenile Law and procedure as identified by the Juvenile and Family Law and Procedure Committee. The proposal cleared the Juvenile and Family Law and Procedure Committee and a number of technical issues involved in video-taping were resolved. The taping of the vignettes then proceeded. Judges, Masters, States' Attorneys, Public Defenders, Clerks of the Court, Police and Juvenile Counselors all played the parts of children and family members. Using these role players and selecting a mix of urban, rural, and suburban settings, got many key people involved and committed to the project. Local JSA administrators were involved and consulted on all aspects of the tapings.

The tapes were reviewed, revised and edited with input from all parties concerned and were finally cleared by the Juvenile and Family Law and Procedure Committee. Meanwhile, planning for the Statewide conference proceeded. Attendance selection was based on a desire to (1) get geographical coverage and (2) have representation from all of the disciplines involved. These disciplines included Judges, Masters, States' Attorneys, Public Defenders, Juvenile Services Personnel, Governor's Commission staff, Juvenile Services Advisory Board, the Commission on Juvenile Justice, Department of Social Services, State Board of Education, Department of Health and Mental Hygiene.

The structure that was accepted was an evening introductory session followed by a full-day work session on the issues. Introduction, remarks and speakers were selected to involve key people in the conference. These were: the chairman of the Juvenile and Family Law and Procedure Committee, Director of the Juvenile Services Administration, the Executive Director of the Governor's Commission on Law Enforcement and the Administration of Justice, the Chief Judge of the Maryland Court of Appeals, the President of the Montgomery County Court Committee, along with a nationally known speaker and a nationally known consultant. The full day session was structured to review the six video taped vignettes and get feedback from the participants. The small groups were formed and membership was assigned with the purpose of having a balance of disciplines and a mix of geographical representation in each group. Tape decks and monitors were set up in each room. The JSA Training Division provided group facilitators who ran the tapes and helped the groups focus in on the issues. A wrap-up session directed the attention of the participants to the concept of follow-up regional conferences to deal with these identified issues at the regional level.



PROCEEDINGS: JUDICIAL CONFERENCE 1975  
Baltimore Hilton, November 10,11, 1975

The following are summaries of discussions held at the Judicial Conference 1975, in response to video-taped vignettes highlighting critical issues in the process of adjudication of children in the State of Maryland. This report of these proceedings is divided according to the vignette used for each discussion. Specific points of discussion, issues that were raised, and the discussion surrounding these issues are summarized in paragraph form referenced to the topical outline of each vignette presented to the participants of the conference.

VIGNETTE NUMBER 1

It was the general consensus of the members at this conference that the Maryland Children's Center should not be used to detain CINS children for purposes other than diagnostic evaluations. However, in many instances the Maryland Children's Center is used as an alternative because adequate local detention facilities are not available for juveniles. Although the Maryland Children's Center serves its purpose well, many felt that at least a portion of the Maryland Children's Centers' referrals could be handled on a regional level, if regional detention facilities were made available.

One group recommends that the State run shelter care facilities with 24 hour coverage and some security for children in need of limited detention. It was felt that these facilities with a crisis counseling component could effectively deal with high risk status offenders. As a remedy to this situation, another group recommended that the Juvenile Services Administration provide long term shelter care for children who will not remain at home with an emphasis on the training of staff running this facility in the procedures and practices of secure detention.

Discussion then addressed the length, and time a child stays at M.C.C. for the purpose of evaluation. With the assistance of a grant from the Governor's Commission on Law Enforcement and the Administration of Justice, the Juvenile Services Administration has reduced the amount of time required to complete the study and evaluation of a child at M.C.C. from 30 days to 21 days and some felt that the time could be reduced further, perhaps to two weeks. The group recommended that the M.C.C. evaluation be shortened further if possible.

It was generally agreed that all parties in a juvenile court proceeding are entitled to legal representation. In many CINS matters the court finds itself very much in the middle of serious family problems tending to set up adversary situations between parents and children and making protection of the rights of all parties very difficult under the circumstances. However, albeit that these issues are raised, it was the consensus of the group that nothing should impair the courts responsibility to provide the juvenile with a fair and impartial hearing. This would include representation for the child specifically even though his wishes would be contrary to those of the parent. It was generally felt that "Rule 906-Right to Counsel" provides for representation in all of these cases. There is some difficulty and no agreement as to the mechanism for appointing a different attorney from that of the parents.

There was also discussion as to whether evidence should be heard beyond the child's admission to be in need of supervision. It was put forth that the attorney representing the child is responsible for defending the interests of his client and further evidence is not required. Also at issue was the definition of "Child In Need of Supervision" (section 3-801 (E) ). This section does not separate the offense from the need for guidance, treatment, or rehabilitation and as such makes difficult the separation of the adjudicatory hearing from the dispositional hearing.

A suggestion of a possible remedy for the difficult issue of representation would be that the child be required to attest to "a statement of rights" which could also be made part of the record of the court proceeding possibly preventing higher court reversal of a lower court judicial decision. Also here, it was pointed out that in a CINS case a child usually admits guilt. Having counsel helps insure that the admitting child understands the charges and their possible consequences.

#### VIGNETTE NUMBER II

There was a good deal of discussion as to the meaning of section 3-819. In section 3-819 (A) the adjudicatory hearing determines the merits of the allegations of the petition. Some argued that the term merits goes beyond the facts concerning the act. Also, in section 3-819 (B) there are conflicts with the definition section. Before an adjudication, the allegations and the petition must be proven beyond a reasonable doubt, but depending on how one defines petition one could argue that both the act and the need for guidance, treatment and rehabilitation must be proven beyond a reasonable doubt.

It was concluded that in bifurcating the process one can better separate the degrees of proof required for making a finding of delinquency. Some groups felt that there should be two separate hearings, one for determining whether the offense occurred and one for examining need for treatment, etc. Further, it was suggested that adjudication occurs when the court takes jurisdiction of the case.

Also addressed was the role of a States' Attorney in the disposition phase of the hearing. While the role of the States' Attorney is not clear statewide, it was recommended that he should be involved at the disposition. Furthermore, it was also recommended that defense counsel be actively involved and that copies of records and/or reports pertinent to disposition be made available in advance to both attorneys. It was felt that the States' Attorney could be particularly helpful as public advocate, particularly in cases that involve restitution or where individuals have developed behavioral patterns which represent a threat to public safety. A representative of the Governor's Commission on Law Enforcement and the Administration of Justice stated that it is now a requirement in all LEAA grants to prosecutors' offices that the States' Attorney be actively involved in the disposition hearing in juvenile court.

A procedural question was raised regarding the appropriate docket entry to be made in cases where the child has participated in the act but is not in need of guidance, treatment or rehabilitation; some felt that it should read "delinquent act sustained--not delinquent" and some felt that the docket entry should be "case dismissed." Some participants felt if the latter entry were used the child may feel he has "gotten away" with the offense. In regard to the issue of restitution, it was the view of some participants that civil court should be utilized as a vehicle to assist in restitution cases. However, prior to ordering restitution, the court should consider the individual's financial situation and not order restitution in cases where it is virtually impossible for families to pay. Some delinquency petitions, in fact, are dismissed partly because restitution was paid. This practice tends to discriminate against the poor, and it was the view of many that this practice should be eliminated. Also, that if restitution is ordered against the parents, they should be liable for the restitution until the youth reaches his 21st birthday, if the juvenile court jurisdiction is extended to the youth's 21st birthday.

VIGNETTE NUMBER III

At issue here are problems around waiver of jurisdiction and juvenile court alternatives when a child is 18 at the time of the hearing. Also, if waived, what procedure is used to hold the child awaiting a hearing in criminal court?

Most discussion began around section 3-807 (B) and two dilemmas, first, as to whether the court has discretion regarding waiver of jurisdiction when the respondent is 18 and second, if waiver is denied is there any recourse in juvenile court. Some felt that the age of the child at the time of the offense was overriding, and others, the child's age at the filing of the petition. Argument was generally framed such that, if a petition is filed prior to the child's 18th birthday, then the juvenile court exercises its normal jurisdiction, but if the petition is filed after the 18th birthday, the court must hold a waiver hearing and either waive jurisdiction or upon retaining it, dismiss the case. Generally, throughout the ten groups there was no concensual agreement on this proposition. Several participants suggested legislative change in order to clarify the intent of this section. Specifically, the conflicts regarding sections 3-805 (A), 3-807 (A) and 3-807 (B).

Regarding the issue of placing a child in a juvenile facility after waiving jurisdiction, generally the participants were of the opinion that the accused should be remanded to the sheriff or proceeded against as one who was an adult.

With respect to the issue, whether waiver automatically terminates juvenile court jurisdiction, section 3-806 (C) generally framed the group's discussion and most groups decided that it was discretionary with the court as to termination of prior jurisdiction upon waiver to the adult court automatically terminated juvenile court jurisdiction.

There was also a discussion regarding the criteria for waiver of jurisdiction and specifically, the burden to show amenability to treatment in any institution, facility, or program available to delinquents. It was generally agreed that the wording of that criterion implies resources beyond the State of Maryland. Therefore, representatives of Juvenile Services in preparing a waiver investigation must consider resources beyond the State as well as those institutions and programs within the State. The participants from institutional residential treatment centers such as are operated by the State of Maryland. Juvenile Services Administration, pointed out that the five day waiting period imposed when Masters recommend juveniles be waived, and are not until the order is signed by a judge, creates tremendous problems for the institution called on to hold these children, in effect, they are in limbo between the juvenile and criminal courts. One solution offered for this is that all waiver cases be handled by judges to avoid a five day waiting period, thus the waived person is taken directly to the district court system.

VIGNETTE NUMBER IV

The major issues in this vignette addressed the question of whether CINS should be committed to training school by being found in contempt for failure to follow the order of the court, and further, the appropriateness of definite commitments for a minimum of time.

Discussion as to whether contempt is a delinquent act brought no clear consensus among all the ten groups at the conference. Opinion was divided, some believing that it is not a delinquent act but rather a civil offense as construed in the vignette and still others believe that it was clearly a delinquent act. Generally, however, the groups felt that it was a distortion and/or manipulation of the system which allowed the court to commit the child to a training school based on the contempt of court issue.

Regarding the issue of commitment of this child to a training school, section 3-823 (B) of the code states that a non-delinquent may not be committed or transferred to a facility for the confinement of delinquent children. Several participants suggested that facilities such as Victor Cullen School could be created again and CINS could be committed there legally. Others, felt that since the Juvenile Services Administration is emphasizing community based corrections as well as institutionalization, that they should seek resources in the community to house CINS children.



There was discussion around "probation" and "supervision," two terms used but not defined in the Subtitle. It was felt that "probation" was not defined because the legislature assumed that the term was understood. The group agreed that "probation" should be used for delinquent children and "supervision" for CINS and CINA.

With respect to definite commitments, several groups felt that consistent with section 3-825 of the Code, children could not be committed for a definite period. Several inquired as to what resource existed to handle situations where a child is given a definite commitment. It was suggested that the child's counsel could appeal the matter.

It was the general feeling of most of the participants that the category of CINS and CINA are the children who are and will be the most difficult to deal with in the system since the resources are lagging behind the present need.

#### VIGNETTE NUMBER V

Issues raised in this vignette include the meaning of police custody, the authority of Masters to order 30 day detention and admissability of evidence given without the parents, a guardian, or a lawyer present.

Regarding the issue of police custody, the question was raised "When do the police contact Juvenile Services and the parents upon taking a child into custody?" Section 3-814 states that the officer "...shall immediately notify, or cause to be notified, the child's parent, guardian or custodian of the action...." The issue of time in hours, however, is not explained.

With respect to the issue of the court accepting statements of the youth in the absence of parents or guardians, several judges stated that they would not accept statements made by a child in the absence of a parent, guardian, attorney or close relative.

There was no general consensus regarding this issue.

Regarding the issue of bail for a juvenile, the general consensus was that it was up to the judge to use his discretion in granting bail.

One group discussion centered around the necessity of having 24 hour intake and adequate regional detention facilities available to effectively deal with problems presented by juveniles such as the one that appears on this page. It was felt that the Juvenile Services Administration should provide 24 hour intake coverage in all counties and regions, and should enlist adequate shelter care homes and regional detention facilities to alleviate the handicaps which lack of these resources present.

At issue in one group was the concern expressed that some children are being picked-up off the street by police officers under the procedure called "custodial interrogation" in order to be questioned about offenses allegedly committed by youths outside the view of the arresting officer. Some group members felt that this complied with the law, others had questions about the legality of "custodial interrogation".

One group discussed the 30 day detention rule. One participant pointed out that if a child meets the criteria for detention and through a willful act makes it impossible for the state to prosecute the case, then the 30 day detention rule should begin upon commission of the act.

#### VIGNETTE NUMBER VI

Issues raised in this vignette include, "Who are the parties to an intake decision?" and "What happens on an appeal to the State's Attorney?" Generally, "party" was defined consistent with section 3-801 (N) in the Code. However, this was not the word "party" referred to in section 3-801 (E). The former says "child over whom the court has assumed jurisdiction...." At intake, the court has not assumed jurisdiction over the child, etc. Therefore, in section 3-810 the wording "the parties to the proceedings" does not necessarily include the individuals covered in the definition of "party." In fact, the parties to the intake decision would only be the child, his parent, guardian, custodian and possibly the complainant.

No consensus was reached regarding the issue specifying whether the complainant was a "party to the proceeding" or not. Hence, there was no agreement as to whether the complainant would have to be party to the consent for an informal adjustment to be specified by the intake consultant.

One group addressed the issue of the time when the court assumes jurisdiction of a case; at petitioning or in the pre-petitioning phase. There seemed to be consensus that jurisdiction occurred upon petitioning.

In one group, there seemed to be general consensus that the child and parents should not see actual psychiatric and sociological reports, however, if evaluations are performed on the family the reports should be interpreted to the child and his parents by someone qualified.

One group, especially the prosecutors in the group, advised that if the parents could be held liable for restitution if the child is found delinquent, then the parents should be so advised of this at the arraignment hearing.

One other issue in this regard was one of the wording used in the petition as to the allegations. In rule 903-(2) "the petition shall state the facts in clear and simple language on which the allegations are based. If the commission of a delinquent act or crime is alleged, the petition shall specify the laws allegedly violated by the respondent." Some jurisdictions are reciting the delinquent acts just as though they were criminal indictments. This point is especially critical if there is no attorney involved and some participants felt that there should be uniformity in the interpretation of rule 903.

AGENDA FOR FOLLOW-UP CONFERENCE

This period was devoted to wrapping up any discussion left from the viewing of the tapes in the morning and for formulating a report to the general body for further discussion and action. As a result of this session, the following recommendations were issued to the general conference.

- I. At the conclusion of almost every tape we observed this morning, one point came home very clearly - the issue of the Child In Need of Supervision is a major one in this state. The present law which is designed to provide the child with his rights, handicaps the Department of Juvenile Services and the Judiciary in providing programs to help the Child In Need of Supervision overcome his various problems. These programs that we have the ability to implement are the best weapons in combating the conversion of the Child In Need of Supervision to the Delinquent child.

The non-reader is a causitive factor in the development of the Child In Need of Supervision according to statistics provided by our institutions. Early identification of the non-reader is essential in working out effective programs to aid the Child In Need of Supervision. The involvement of the Board of Education to implement individualized reading programs for our youth is most necessary in bringing our children up to acceptable educational standards. The Courts should hold the Board of Education of our State accountable for their reading programs and the Department of Juvenile Services may, through the use of volunteers, develop their own individualized reading programs for children that are still in the communities and have been adjudicated through our Court System.

Also, a conference should be established among educators, Juvenile Services personnel and the Judiciary in order to provide guidance and the methodology to implement these individualized reading programs.

II. Our group expressed tremendous confusion over the issue of detention throughout the different regions of our State. There should be a meeting of Judges, Juvenile Services personnel, Police departments, Attorneys and State's Attorneys to determine the definitions of police custody, detention, custodial interrogation, and to determine the procedures for the implementation of these defined terms.

III. A public education program should be implemented throughout our State to educate our citizens on the Juvenile Law and the problems inherent in working with our children. This public information program should promote community based programs and explain institutional programs in order for the public to understand what our institutions are trying to accomplish and to help break down the resistance of community people in establishing community based programs within their neighborhoods. We also agree upon the organization of citizens groups to help the Department of Juvenile Services and the Judiciary in trying to combat the increasing problems of our youth today.

IV. It was suggested that youths also be included in some of our discussions. This is a necessary ingredient in obtaining their viewpoint on these vital issues which affect their lives.

#### PRIORITY ISSUES

The groups decided that the most important issues to be resolved were:

\*\*\*Problem of lack of resources for Children In Need of Supervision.

This may be helped by the development of "residential treatment centers." Taking away "labels" may allow more flexibility in service.

\*\*\*Can a CINS child that violates conditions of protective supervision be found in contempt of court and be committed to the training school?

\*\*\*Status of juvenile jurisdiction and criminal jurisdiction immediately following a waiver hearing and when a waiver has been appealed.

\*\*\*Diversities created by the statute in Sections 3-805 (a), 3-807 (a) and 3-807 (b).

\*\*\*Issue of granting bail----consensus needed on whether Gault decision allows bail to be set in all cases or if the judge may use his discretion.

\*\*\*Matter of restitution requires uniformity throughout the State. Clarification needed in area of helping children vs. victim's rights. Is the restitution ordered to appease insurance companies and victims?

\*\*\*More discussion of Children In Need of Assistance.

\*\*\*Extend invitations to Police Department, Board of Education, Community Programs, Health Department--all agencies working with children.

\*\*\*Definite negotiations to expand resources for Children In Need of Supervision.

\*\*\*More discussion on policy of the law.

\*\*\*Conferences should continue to be statewide as opposed to regional--may help eliminate diversities among the regions.

It was agreed that there was a definite need for Mr. Alan Wilner, Chief Legislative Officer, and other legislators, who were involved in writing our laws, to be represented at these conferences.

There is a definite need for them to clarify the intention of some sections of the law. Attendance by more members of the Police and the Attorney General's office would also be helpful.

All felt that these conferences should not be held on a regional level since there are differences in the application of laws and local customs that should be shared on a statewide basis.

From the concerns and agenda developed during the statewide conference, the Committee on Juvenile and Family Law and Procedure developed a consensus of thirty-two points aiming at standardizing resolutions to the problematic areas. The consensus was then used as grist for the local or regional conference in developing resolutions to the dilemmas which local criminal justice agencies have in implementing their programming in concert with the consensus.



CONSENSUS OF THE COMMITTEE  
on  
JUVENILE AND FAMILY LAW AND PROCEDURE  
on  
THE ISSUES RAISED  
at the  
NOVEMBER 10th & 11th JUDICIAL CONFERENCE

At the January 16th meeting of the Juvenile and Family Law and Procedure Committee, the following consensus was reached by committee members regarding the issues raised at the November 10th and 11th Judicial Conference. The consensus reached by this committee will be a focal point of the follow-up regional conferences, scheduled for late spring, in which groups related to the Juvenile Justice System will consider methods and means of implementing the new Juvenile Causes Statute.

Below are the issues raised at the November Judicial Conference, and the consensus on the resolution of these problems that resulted from the January 16th meeting.

1. PROPER USE OF MARYLAND CHILDREN'S CENTER: MCC should be used strictly for diagnosis for alleged delinquents and alleged CINS, but not for CINAs. Placement at MCC should be limited to children on whom diagnosis cannot be made in the community, and who present a danger to themselves or others. The same personal and public safety criteria that are applied to detention orders should be applied to MCC placements, with the added condition of need for diagnosis and evaluation before a proper placement can be made. At no time should MCC be used strictly for detention.

Length of stay at MCC is a Juvenile Services administrative matter, but should be the shortest time possible.

A combination of community evaluation and MCC evaluation is desirable, with MCC evaluating youngsters on an out-patient basis whenever possible.

2. DETENTION: Juveniles will be detained in facilities or resources operated by the Juvenile Services Administration.
3. TRANSPORTATION: It is the responsibility of law enforcement personnel to deliver a child to the detention facility operated by Juvenile Services. Subsequent transportation to and from court is the responsibility of the Juvenile Services Administration. In distant locations, Juvenile Services and law enforcement officers will attempt to assist each other.
4. POLICE CUSTODY: Police custody will not exceed four (4) hours in metropolitan areas, or sixteen (16) hours in outlying counties.  
  
Police should notify parents at least as soon as the youth gets to the police station.
5. POLICE INTERROGATION: It is preferable that the youth be interrogated with parents present; however, if parents are not present, the interrogation is not invalidated. The court must make its own inquiry regarding the fairness of the interrogation. As a general policy, police should not interrogate the youth unless the parents have been notified.

6. SHELTER CARE: Delinquents, CINS, and CINA children can be placed in shelter care. Juvenile Services will provide shelter care for delinquents and CINS; Social Services will provide shelter care for all CINA children with the exception of mentally handicapped. The Mental Health Administration will provide shelter care for mentally handicapped children, and, without such facilities being available, the youths will go to the nearest State facility.
7. LEGAL REPRESENTATION: Anyone party to a proceeding is entitled to representation by a public defender, if no other counsel is available. All parties to a proceeding are entitled to legal representation. The court can appoint an attorney for a party if a conflict exists. Payment by the Public Defender's office to an appointed attorney does not amount to conflict of interest.
8. CHILD'S ADMISSION IN A CINS CASE: Even though a child admits to a charge, the court must make some inquiry to satisfy itself that the child was involved in the act, and should address the question of need for supervision before taking jurisdiction. Separate adjudicatory and dispositional hearings are required in CINS cases, as they are in delinquency cases.
9. CHILD'S ADMISSION IN A DELINQUENCY CASE: The court must advise the child of the consequences of the act admitted, the same as the court must advise an adult of the consequences of his pleading guilty. The court must also advise the child that he may be required to make restitution up to a certain amount.

10. WAIVING COUNSEL: If a youth wishes to proceed without counsel, the court must make inquiry to assure the youth's competency. If competent, the youth has the same right to waive counsel as an adult. No judge or master should make the arbitrary determination that a youth must have an attorney before proceeding.
11. ADJUDICATORY HEARING: A fact-finding hearing only - to determine the merits of the allegation, amount of damage sustained by the victim, and if the act were committed with malice and/or willfulness.
12. DISPOSITIONAL HEARING: Determines: (1) if the child is in need of guidance, treatment and/or rehabilitation; (2) what treatment program the youth will be placed in; (3) whether restitution will be made, and, if so, the amount; and (4) whether restitution will be in the form of a court order or a monetary judgement and against whom (parent or child or both).
13. RESTITUTION: Restitution can be made in the form of a court order or a monetary judgement, against the youth and the parents. Summonses should advise both the youth and the parents that the question of restitution may be brought up at the adjudicatory hearing, and that they have the right to counsel.

In no case shall restitution be the determining factor in whether a case is formalled.

The judge can set a separate hearing for parents if, after the dispositional hearing, the judge decides to issue a show cause order in the question of restitution.

If restitution as ordered as a condition of probation is not made, a show cause order can be issued to determine whether or not a judgement should be entered against the child or the parents.

14. ROLE OF THE STATE'S ATTORNEY: The state's attorney should participate in all phases of delinquency hearings - adjudicatory, dispositional, and restitution.
15. DOCKET ENTRY: When a youth is found to be involved in an offense, but not to be in need of care, treatment and/or rehabilitation, the docket entry should read "case dismissed."
16. WAIVER: The issue of what to do with a youth who commits an offense at age 17, but does not go into court until age 18, should be resolved this year by either legislation or a Court of Appeals ruling.

Waiver does not automatically terminate juvenile jurisdiction. The question of amenability to treatment in available resources includes out-of-state resources.

All waivers should be heard by a judge, not a master.

When a case is waived, the youth should (1) be referred to District Court for setting of bail, and (2) be held in an adult facility while awaiting posting of bond or court hearing.

17. SUMMARY WAIVER: The court does not have to go through a full waiver hearing, but the summary waiver hearing should be conducted in open court, not in the judge's chambers. The court should consider new circumstances that may affect the waiver decision.

18. COMMITTING A CINS CHILD TO AN INSTITUTION ON A CONTEMPT CHARGE:  
Civil and criminal contempt are not crimes, and, therefore, the court cannot commit a youth to a training school on a violation of supervision charge.
19. MAINTAINING JUVENILE JURISDICTION: A person can be maintained in juvenile jurisdiction until age 21. If a person, who is between the ages of 18 and 21 and still under juvenile jurisdiction, commits a crime that leads to conviction in the adult Court, juvenile Court must notify the adult Court of its desire to maintain jurisdiction. Failure to do so will lead to automatic termination of juvenile jurisdiction.
20. LENGTH OF COMMITMENT: Juvenile commitments are for indefinite periods of time.
21. "PROBATION" vs "SUPERVISION": The term "probation" applies to delinquents and adults; the term "supervision" applies to CINS and CINAs.
22. 30 DAY DETENTION RULE: This is not a definite period for a youth to be held in detention. The adjudicatory hearing should be held on the next available court day - not an automatic 30 days later. The adjudicatory hearing must be held within 30 days, unless the youth waives that right. If a youth does waive the right to an adjudicatory hearing within 30 days, the youth should, if at all possible, be in court at the hearing to request continuance of detention.

When a youth is apprehended after making himself unavailable for court, he can be held in detention for another full 30 days before another adjudicatory hearing is scheduled, regardless of the number of days he previously spent in detention.

No definite length of detention should be stated in the detention order.

23. START OF DETENTION/SHELTER CARE: Detention/shelter care begins when the intake officer first authorizes it.
24. BAIL: Can be used to ensure the presence in court of a youth who is not a danger to himself or the community. Both judges and masters can set bail.
25. PARTIES TO A PROCEEDING: Youth, parents/guardians; the petitioner is a party to all proceedings beyond intake.
26. PETITIONER: In delinquency proceedings, the petitioner is the State's Attorney. In CINS or CINA cases, the petitioner is Juvenile Services or the parents. In practice, the Juvenile Services intake officer prepares the petition, but the parents sign it.
27. COMPLAINANT: Never a party to any proceeding unless he is also the petitioner. In no case is the complainant a party to intake proceedings. Must be notified of intake decision.
28. AVAILABILITY OF SOCIAL HISTORY: Available to all counsel. If a youth has no counsel, the court must notify the youth of the factors in the social history that are influencing the decision, even though the court does not make the entire report available to the parties.

29. TERMINOLOGY OF PETITION: Allegations should be written in language understandable by the general public. Specific statute violations - or common law, if that is the case - should also be cited.
30. HANDLING OF SEVERAL YOUTHS INVOLVED IN ONE OFFENSE: Unless there are special circumstances and explanations to all parties and the complainant, if one youth involved in a case appears in court, all those involved in that case should appear in court.
31. PROPER PROCEDURE FOR COMPLAINTS: All complaints must go through Juvenile Services intake. The complainant in a delinquency case cannot take the complaint directly to the State's Attorney.
32. TRUANT CHILD: Even though truancy is a misdemeanor, punishable by a \$50 fine, it is improper to proceed in such a manner against a truant child. Truancy is a CINS offense.



### REGIONAL JOINT JUVENILE JUSTICE CONFERENCES

The project planning committee with assistance from the staff of the JSA Training Division began the process of facilitating eight regional conferences and one final wrap-up conference. JSA regional supervisors emerged as leaders in this effort and they in turn worked closely with the local judiciary. The planning committee gave out broad guidelines such as the budget limits and the 32 points for discussion. Otherwise the role was that of a consultant and each region developed a slightly different approach to setting up a Regional Conference.

Again, the issue was involvement of key people from the several disciplines either through the planning process or by participation through significant program roles. Doubts and fears turned into pride and ownership.

Data was collected from each regional conference for use in the evaluation. Problems that came up were discussed by the planning committee and because of the make-up of the committee, solutions to problems were available and were used. Chart A in the appendix shows attendance figures for the conferences.

### Objectives For The Regional Conferences

1. For participants to develop and use more effective working relationships with each other so as to provide a more just service to the clients of the juvenile justice system.
2. For participants to better utilize each other in providing services to their clients.

3. For participants to identify how their attitudes and manner of dealing with one another effects the services they render to clients.
4. For participants to understand and practice the law as put forth by The Committee on Juvenile and Family Law and Procedure.
5. To clarify the role that each participating agency or segment of The Juvenile Justice System plays in providing services to youths consistent with the goals of The Juvenile Justice System.
6. To identify how participating agencies interact in providing services to youth.
7. To identify how the interest of the law in regard to the provisions outlined by The Juvenile and Family Law and Procedure Committee impact on how the group participants intervene in the client system.
8. To disseminate relevant information resulting from the discussion of the participants.
9. To plan for future conferences.

Program Format

Evening of First Day:

- A) Conference Registration
- B) Dinner
- C) Opening Address to Conference
- D) Homogeneous Work Groups: Participants met with their colleagues from the same or similar agencies or segment of the Juvenile Justice System. Their task was to clarify their role in achieving the mission of the Juvenile Justice System in their region.

Second Day:

- A) Heterogeneous Groups: Participants met in mixed groups with members from other segments of the Juvenile Justice System. Their task was to clarify and address the issue of how they interface in the delivery of services to the clients of the Juvenile Justice System.
- B) Break
- C) Heterogeneous Groups Continued: The task was to identify how the Juvenile Causes statutes, as represented by the thirty-two (32) consensus items clarified by the Juvenile and Family Law and Procedure Committee, effects the interventions of the participants into their client systems.

D) Lunch

E) Heterogeneous Groups Continued: The task was to make and consolidate recommendations for the continued improvement of services delivery and for the future collaboration of agencies and segments of the Juvenile Justice System. These recommendations were recorded and appear in the published reports for each regional conference.

GUIDELINES FOR REGIONAL CONFERENCES

- I Proposal: Eight local circuit conferences and one State-wide follow-up conference.
- II Objective: For participants to understand and practice the law as put forth by the Committee on Juvenile and Family Law and Procedure.
- III Circuit Planning Committee: Circuit Administrative Judge, or his designee, Regional Supervisor and/or others, but including Ms. Terri Diener and two Training Specialists.
- IV Location: (To be determined by Circuit Planning Committee).
- V Recommended Group Size: Fifty to seventy-five people (actual number to be determined by Circuit Planning Committee).
- VI Participants: Line staff, strategic policy makers and middle managers. (The Circuit Planning Committee will make the final determination in regard to attendees).

Suggested Participants Groups:

- A. All Judges and Masters who hear juvenile matters
- B. Department of Juvenile Services (especially Intake Officers, County Supervisors and Regional Supervisors)
- C. Department of Social Services
- D. Board of Education (particularly Pupil Personnel workers)
- E. State, County, and Town Police, and Sheriff's Office personnel
- F. State's Attorney and/or assistants
- G. Public Defenders and/or assistants
- H. Health and/or Mental Health Agency Representatives
- I. Other related parties that have a significant impact on the Juvenile Justice System

VII Time Frame: One and one-half days.

Suggested Formats: (Specific structuring to be determined by Circuit Planning Committee)

- A. First day: Starting with lunch or dinner and continuing throughout the afternoon or evening, respectively.

Second day: Starting with coffee and pastries in the morning, lunch at noon, and continuing throughout the day.

- B. First day: Starting with coffee and pastries in the morning, lunch at noon, and continuing throughout the day.

Second day: Starting with coffee and pastries in the morning and ending at noon.

VIII Structuring: Homogeneous groups (consisting of participants from the same or similar agencies, or segments of the Juvenile Justice System) and heterogeneous groups (consisting of representatives from each of the participating agencies or segments of the Juvenile Justice System). Once the heterogeneous groups are identified, each group will remain together throughout the remainder of the conference. Group Recorders and Facilitators will be designated well in advance of conferences (to be determined by Circuit Planning Committee). A Facilitator will be assigned to work with each group. For a sample agenda - see appendix

#### JOINT JUVENILE JUSTICE CONFERENCES

##### Results By Region

###### Region I

Attendance exceeded expectations. Judicial support was felt lacking. Channels of communication were established between agencies. Inter-agency committees were formed. It was confirmed that people were now looking to Juvenile Services as coordinators of programs and resources. This was the first time one county, much less the entire region, got together to discuss systems problems. Some inter-agency councils that had been inactive were re-established.

## Region II

Resolution/agreement among agencies on legal procedures resulted. Specific recommendations were made for a more effective Juvenile Justice System. Inter-agency meetings were set-up in each county. Three counties established inter-agency committees. Yearly meetings were proposed. Feelings of lack of communication and lack of trust between agencies working with troubled youth were verbalized. A goal of quarterly interdisciplinary meetings in each county and a yearly region wide conference was set.

## Region III

There were no definite conclusions regarding policy and practice. No long term goals were established. Frustration was experienced as to problems being evidenced without any movement toward solutions. The JSA resource manual was shared with the offices of the States Attorney and the Public Defender. The conference opened up some lines of communication.

## Region IV

Attendance doubled expectations. The role of the States Attorney in delinquency cases is under consideration for change. Hagerstown Community College applied \$430,000 grant from LEAA for a community delinquency prevention project which combines specific program proposals from six community agencies working with youth. Transportation of youths is now a shared responsibility between the Sheriff's offices and Juvenile Services. An inter-agency committee for Washington County had already been established with some assistance from JSA Training Division and the conference strengthened the concept of the committee and brought Juvenile Justice System members into it.

Region V

Follow-up conferences have been held in Howard and Carroll counties to address issues raised at the conference. The conference brought about improved communication between the Carroll County JSA office and the Carroll County Board of Education. In Anne Arundel County previously established lines of communication have been strengthened. The participants asked for another conference.

Region VI

Empathy for individual county problems surfaced instead of the expected territoriality issues. Specific concerns of the police in respect to the counties will be addressed at future meetings tentatively set for the fall. There was productive sharing of views especially the interface between Frederick County and Montgomery County.

Region VII

Participants identified common problems. Different agencies began to communicate with each other. A clearer perspective of job responsibilities was reached by participants. An inter-disciplinary speakers bureau was established.

Region VIII

States Attorneys demonstrated an interest in resources and the Juvenile Services manual has been supplied to the office of the States Attorney. Mayor Schaefer has established a juvenile court advisory council. Communication channels were opened.



Representative Conclusion Statements

From Local Conferences Keyed to Project Objectives

Objective I

In order to reach children who are not currently within the purview of the existing legal classification system, a new category of child in need of observation must be established to allow service to be provided to those children who are in need of effective treatment, but who are not yet classifiable. There remains a need for the development of local "free standing" juvenile detention facilities, wherein there is no mingling of adult and juvenile offenders.

The Department of Juvenile Services should provide Training Programs to aid professionals and para-professionals (foster parents, volunteers, etc.) to deal with the frustrations of providing their services.

Multi-organization teams should be developed to service children and families.

The States Attorneys should take an active involvement in all cases presented in Juvenile Court.

The Department of Juvenile Services should increase its Purchase of Care monies to provide more community support for its children and increase community cooperation.

A specific agency to handle CINS children should be legislated. This agency would not be an arm of the court. CINS cases should be taken out of the realm of Criminal Justice Service.

Objective I (continued)

There is a need for a residential treatment and/or detention facility for CINS children. This would be better accomplished by utilizing several local facilities rather than one centrally located facility.

The Department of Juvenile Services should develop pre and post school supervision for children of all working parents. Juvenile Services should develop and implement, at the earliest date possible, twenty-four hour intake in all jurisdictions. Facilities available to the Juvenile Justice System should be broadened to accommodate all children who commit any crime. Social agencies are facing a major test in dealing with CINS without court intervention. If they can't, teeth must be put into the law.

The Anne Arundel Community Arbitration program was endorsed, and consensus reached on the need for more and diversified prevention and diversion programs.

Consensus within the discussion group was that there existed a lack of communication and understanding regarding the intake process among Intake, the State's Attorney's Office, the Court, the Police Department and the community. The need "to know what each other does" and to allow each other to do its assigned functions with support from the others was emphasized.

Objective I (continued)

Specific suggestions were: a) that an effort be made to share with one another the guidelines employed in departmental functions, b) that there be a better system of designating what action is taken at intake (It was noted, for example, that "informal adjustment" or "closed at intake" may be misleading terminology, c) that a standardized method for informing and involving the complainant/victim be instituted in the intake process, d) that an effort be made to stabilize the turnover of personnel within the juvenile area of the prosecutors' office to solidify working relationships, e) that incoming prosecutors assigned to the juvenile area become involved in orientation at Juvenile Services and f) that ongoing communications be effected by monthly meetings during which mutual problems could be shared and discussed among the various offices.

Objective II

Provision should be made for emancipation of children before age 18, if appropriate (region 5).

More alternatives need to be developed to reverse the current trend toward a more punitive, standardized system.

There needs to be more community involvement in planning, monitoring, and advisory roles (region 6).

Objective II (continued)

The Department of Juvenile Services and the Juvenile Court should develop a crisis oriented parent child treatment service. In local areas where detention hearings after intake hearings could take as long as a month, some remedies would be:

- a. Utilization of District Court Judges for Hearings.
- b. Utilization of a District Court Commissioner to hear such cases.

State provided transportation services should be provided to all counties in the state.

The court should hold parents legally responsible for their parenting of their children. The Department and the court should subsidize this responsibility by providing courses in parent education to parents of children, and parenthood education to prospective parents.

The Department of Juvenile Services and the court should make every effort to see that the Maryland Children's Center is used exclusively for treatment and not detention. The emphasis should be to provide diagnostic service in the community of the child's residence.

The Juvenile Court and the Department should look into the possibility of developing a Child Abuse Team to investigate and offer treatment to abused children and their parents.

Objective II (continued)

Guidelines should be developed statewide for determination of eligibility for state-provided legal council.

The Department and Court System should work in harmony to hold parents responsible for their truanting children.

Restitution for all cases should be a function of Civil Court and not the responsibility of Juvenile Court or the Department of Juvenile Services.

A set of guidelines or more clear definition of Mentally Handicapped Children should be developed for the aid of the court and to determine jurisdiction.

The Juvenile Court should issue a support order to hold parents financially liable for their children's care when those children are removed from their homes. This will encourage parental involvement in the rehabilitation of their children by placing this responsibility upon them.

Detention of children should only be made with the provision of immediate diagnostic and treatment services provided.

Objective III

The local communities and the State agencies should engage in a team-effort to provide funds and resources for the placement of children. Especially since most child placements must take place outside the community of residence of the child.

The Department of Juvenile Services should take steps to promote development of more foster homes for all categories of juveniles within its jurisdiction.

Objective III (continued)

The local police departments should be encouraged to provide information to the Department of Juvenile Services regarding the activities of the children under Juvenile Services Supervision. There should be close cooperation among the sheriffs departments of the counties to establish procedures and explore resources. The Department of Juvenile Services and the court should take an active role in the planning of local health services resources. There remains a need to develop local mental health agencies to which parents and children can come on a voluntary basis. The Department of Juvenile Services should develop crisis intervention capability in the new 48 hour holdover facility in Cumberland.

The school system and the Department of Juvenile Services should engage in a dialogue which would result in the development of an Early Identification System to provide counseling and Social Services to troubled youth at the earliest point in their need. The Department of Juvenile Services and the court should engage in community and professional education to see that the public and the professionals (who service court) see the juveniles who enter the Juvenile Justice System as children who require a more intensive concentration of help, rather than juveniles who are beyond help.

The police departments should have more of a role to play in the intake process, i.e. be present at intake hearings, or provide information not contained in the police report to the intake officer by phone or by letter.

Objective III (continued)

The Juvenile Court should look into the possibility of utilizing court ordered Parent Therapy Groups to provide the impetus to parents to share in the rehabilitation of their children.

The Court and the Department of Juvenile Services should provide feedback to the victim of juvenile crime as to the disposition of cases. This would ensure and enhance community support for the Juvenile Justice process.

A youth has the right to waive counsel, and the choice of talking to police without parents being present.

There needs to be clarification as to who has access to a juvenile file. Youths should be informed of the limits of confidentiality.

Juvenile Services needs to be more selective in matching youths to foster homes.

Schools need to be more involved in placements and working with families (schools can purchase excess cost care in residential treatment centers).

Innovative curricula need to be developed for youths not fitting into the regular school program.

Board of Education should check into paying legal fees if a teacher is charged by a parent for making a referral to DSS.

Objective IV

CINA children should have access to residential treatment centers such as Brooklane, therefore, a funding program should be developed by the Department of Social Services for that purpose.

In order to provide more adequate identification of children in need of prevention services, a social worker should be placed in each school to identify and refer these children.

The local communities and the local government should provide support and resources to the development and implementation of community programs of recreation, citizenship, positive television programming, community service etc. for the children in those communities.

The communities and government should develop and implement a jobs program to provide children with positive and meaningful activity after school, in the summertime and on weekends.

Service agencies should engage in mutual orientation of staff and encourage participation by "sister agencies" in each other's departmental meetings.

The Department of Juvenile Services should initiate a grant proposal with the Governor's Commission on Law Enforcement and the Administration of Justice to study the constellation of factors involved in the life of a person who has been charged with CINA with a view to preventing that person from engaging in delinquent behavior.



Objective IV (continued)

A Multi-Agency review board should be established to provide for a review of existing services to children, to provide continuity of services to children under their jurisdiction, and to develop and insure accountability for services to children. The Department of Juvenile Services and the court should mutually plan and evaluate the effects of their individual services to their clients.

The Department of Juvenile Services must notify the police departments of the disposition of cases and the disposition of intake hearings. This will allow improved continuity of service by better communication.

The Department of Juvenile Services should take steps to assure that the Mental Health Administration provide shelter care for mentally handicapped children.

In order to speed up the referral process, police officers should give victims an intake form to be completed later if the victim decides he really wants to prosecute.

The law should be amended to include requirement for periodic reviews, at pre-determined intervals, of each youth coming into the system.

A meeting should be set up between Juvenile Services and the clerk of the court to address the needs and methods used by the military in light of confidentiality (region 6).

Objective IV (continued)

State's Attorney should develop a form letter to notify concerned parties of the proper time for filing.

Police and other agencies should be encouraged to recommend treatment alternatives to Juvenile Services.

Police academies should use Juvenile Justice staff in training programs.

DSS should be trained in preparation of petition.

Meetings should be set up to begin planning an emancipation bill for youths under 18.

Objective V

The Department of Juvenile Services and the court should engage in mutual training and briefing programs to assure cooperation and effective service information to both parties as well as improved continuity of service.

On-going meetings, both county-wide and region-wide should be established. These would include the Judge, DSS, Juvenile Services, Pupil Personnel Worker, State's Attorney, Public Defender, Police and Clerk of the Court. The meetings would provide a forum for discussion of broad, system-wide problems.

Inter-agency councils should either be established or reactivated to handle the multi-problem child.

A juvenile court advisory committee should be established in region 8.

PROGRAMMATIC HIGHLIGHTS

All nine conferences proceeded according to the proposed agenda with the exception of the Region I meeting which was held on one day as opposed to the one day and a half format. The use of homogeneously matched discussion groups early in the conference had the effect of initially putting the participants at ease. The conversation with one's colleagues facilitated the expression and clarification of ideas and feelings concerning the operation of the Juvenile Justice System.

The following heterogeneous groups were then enriched by priority and consensus emanating from the homogenous group discussions. The heterogeneous groups then formed the arena in which the ground work was laid for the resolution of differences. Informed and open discussion enabled participants to make jointly the recommendations which were the fruits of these conferences. Out of those fruits, already have sprung many projects and follow-up meetings on the local levels.

The main differences in content and conclusions were seen between the rural and the metropolitan regions. These differences were also very apparent within regional conferences which were composed of both rural and urban counties. The rural representatives tended to focus on bringing agencies and services together, pooling knowledge and resources and approaching the problems of the Juvenile Justice System as a team. The urban participants seemed to pursue ways in which they could more effectively use one another as resources so as to be more efficient in the distribution of services.

The rural offices expressed great appreciation for the opportunity to find out how things were done in other parts of the region and state. They were able to find much support in identifying with the way things are elsewhere.

The urban offices had the chance to actually confer with representatives from agencies in their region, to personalize their channels of communication. The primary focus of the urban representatives was political; they strongly recommended legislative action, bolstering of support groups and applying pressure to administrators and managers to help them accomplish their goals in the urban setting. The urban environment engenders problems whose enormity generate feelings of helplessness among workers. A more consistent and coordinated effort in juvenile justice administration was called for.

Overall, the conferences did engender a spirit of togetherness toward the accomplishment of specific and shared goals. Areas to be worked on were identified and tasks were undertaken which has moved the Juvenile Justice System of Maryland toward the uniform application of the State Juvenile Code. The conferences have brought the various segments of Maryland Juvenile Justice System into closer harmony and has set it in motion as a system toward the achievement of its goals.

The tenth conference was a relatively small group representing the regional conferences, the planning committee, and the committee on Juvenile and Family Law and Procedure.

Part of the purpose of the final evaluation session was to help the regions take as full ownership as possible for the results achieved and for the problems and tasks that still remain. Also, the final session gives the JSA Training Division a better sense of strengths that exist in the regions and regional efforts that need and should get on-going support toward further accomplishment of the goals and objectives of the project.

In summary, the project began with a general felt need, followed by a consultation with the top levels of the key disciplines involved in the area of felt need with the purpose of verifying the need and more sharply and clearly defining the elements and issues involved. The project planning committee represented power and/or skills for getting the task done. Throughout the project the principles of involvement and commitment and sharing of power were used resulting in a high degree of ownership for the end product by the participants.

EVALUATION ASSESSMENT OF LOCAL CONFERENCES

Urban Areas

1. Improved communication - took some heat out of issues - opened channels of discussion:
  - Juvenile Services invited to serve on task forces and boards on child abuse (region 6), handicapped (region 3), disruptive youth (region 3), mental health (region 3), and to develop policies to address the issue of status offenders remaining in juvenile court (region 6)
  - verbalization of areas of misunderstanding and dissatisfaction in each region - some increased polarization with common problems and frustrations directed toward one or two agencies (e.g., Board of Education with truancy)
  - inter-agency councils re-activated or re-established in nearly every region
  - gave counties a better understanding of state position and problems (especially in region 6)
  - post-conference meetings already held to address issues raised at regional conferences - two in Carroll County, one in Howard County, conferences planned in Frederick and Montgomery counties in September or October
  - increased lobbying activities in Anne Arundel County - inter-county council (ICC), consisting of representatives from Juvenile Services, health department, social services, and education, formed as a direct result of the conference - have already met with local legislators
  - good potential for future payoffs

2. Improved court procedures coincided with the conferences, which helped to meld the procedures and make them better understood:
  - youth squad and diversion program in Baltimore City police department
  - all waiver hearings being heard by a judge
3. Recognition of need to cultivate more active judicial involvement in juvenile justice:
  - three judges now serving in juvenile court in Baltimore City (two are serving one day a week) - this pattern of increased judicial involvement will continue
  - lack of judicial participation a problem in many regions - judiciary sets tone for the region - caused some problems in planning conferences
4. Recognition of need to educate legislators and the rest of the Juvenile Justice System - exchange of information and attitudes was critical in every region
5. Increased flexibility for Juvenile Services - Purchase of Care and Purchase of Services funds are now combined in Region 7 - budget analyst attended the conference and agreed to combining of the funds by the conclusion of the conference - prior to conference, the budget analyst had insisted on separation of the funds - gives Juvenile Services more flexibility in deciding on treatment plans

6. Improvement in community outreach/public education efforts:
  - speakers bureau established in region 7 - using multi-disciplinary panel approach - teams of professionals goes to speaking engagements
  - need for more education efforts within the disciplines in the Juvenile Justice System and to the general public was recognized in each region

#### EVALUATION ASSESSMENT OF LOCAL CONFERENCES

##### Rural Areas

The outcomes reported by the rural subgroup at that meeting:

1. A uniform message regarding the mission of the Juvenile Justice System was delivered throughout the State.
2. A foundation for regional based conferences to continue has been established.
3. The interpretation by The Juvenile and Family Law and Procedure Committee of recent changes in the law was presented to the Juvenile Justice System in all circuits.
4. More refined working relationships were established between Juvenile Justice agencies.
5. Attitudes toward and ways of dealing with other agencies were identified. Ways for separate agencies to work together to conform to the recent changes in The Juvenile Law were explored.
6. An opportunity was provided for the people who make up the system to really sit down and talk to one another.
7. A better understanding of others' points of view.
8. The headquarters' staff became visible in regional activities.
9. Agencies were able to support one another in a semi-open forum.



11. Special resources and successful techniques were shared.

12. A new role for headquarters' staff has been identified.

In summary these outcomes tend to support the accomplishment of these goals:

A. The unification of The Juvenile Justice System.

B. The uniform of the law.

C. The establishment of a vehicle (s) for inter-agency communications.

D. Other valuable incidental outcomes derived from engaging in an interpersonal process of interdisciplinary training resulting in standardization of some procedures and Juvenile Services recognized as a catalyst in the provision of services to children and youth.

RECOMMENDATIONS FOR THE FUTURE

1. Need for separate county meetings as well as regional meetings - each has its function and each can accomplish different goals - regional meetings set a tone, allow people to relax and open up, meet each other on a different basis; county meetings allow specific issues to be worked out.
2. Need for annual meetings, to be held between July and November, to iron out problems of interpretation of legislative changes in the juvenile code.
3. Provide adequate judicial representation to Juvenile Services and the Juvenile Justice System by assignment of an assistant attorney general to each region.
4. Educate and obtain support of legislators, judiciary, and all other participants in the Juvenile Justice System, and build support for the goals and programs of Juvenile Services.
5. Conduct regional analysis of the needs of the Juvenile Justice System, and undertake long range planning to address those needs.
6. Schedule periodic meetings in which top policy makers from the agencies involved in the Juvenile Justice System. (social services, juvenile services, education, states attorney, etc.) iron out policy and procedural stumbling blocks.

## APPENDIX

VIGNETTE SUMMARIES

Tape #1

Taped in Baltimore City, The Honorable Robert L. Karwacki,  
presiding

(First scene is intake interview)

A 14-year old girl, picked up as a runaway, does not want to go home. Her parents refuse to take her home. She is placed in shelter care pending an adjudicatory hearing on runaway and incorrigible charges. A public defender is appointed for the youth and her family. In court for the adjudicatory hearing, youth requests her own attorney. The Judge agrees, and then sends her to Maryland Children's Center to update a recently-completed evaluation. Back in court, approximately 3 weeks later, the attorney for the parents and Juvenile Services staff both recommend she return home with provision of appropriate services, but youth's attorney argues for her placement in a group home. The Judge finds her a CINS, and places her in a group home.

AT ISSUE:    Use of Maryland Children's Center to detain CINS.  
              Right of a CINS to an attorney separate and  
              distinct from parents' attorney.  
              Wishes of the child vs wishes of the parents.

Tape #2

Taped in Kent County, The Honorable George B. Rasin, Jr.  
presiding

In court, at the conclusion of an adjudicatory hearing, the Judge finds a youth to have been involved in the delinquent offenses of unauthorized use and speeding. Considerable personal and property damages were incurred. Parents have paid restitution. At the dispositional hearing, however, the youth is not found to be in need of treatment, rehabilitation, or other services, and therefore cannot be found delinquent. The Judge dismisses the case.

AT ISSUE:     The two facets of the dispositional hearing, requiring findings that the youth both be involved in the offense and be in need of treatment, rehabilitation, or supervision before a delinquency finding can be made. Role of State's Attorney in the dispositional hearing.

At what point in the proceedings does adjudication occur?

Tape #3

Taped in Montgomery County, The Honorable Douglas H. Moore, Jr. presiding

Police pick up a juvenile breaking into a house. The youth commits the offense one week prior to his 18th birthday, and appears in court approximately three weeks after he turns 18. He is on therapeutic leave from Maryland Training School when he commits the offense. A waiver petition is filed. In court, the Judge decides to waive the youth, and then remands him to Maryland Training School, continuing juvenile jurisdiction, until his appearance in criminal court.

AT ISSUE: Does a Judge have any choice but to waive jurisdiction under these circumstances?

Continuing juvenile jurisdiction rather than holding the youth in jail pending posting of bond.

Tape #4

Taped in Prince George's County, The Honorable Graydon S. McKee III, and The Honorable J. Edwin Hutchinson presiding  
A CINS child, placed on supervision three months ago, is brought back to court on a show cause order. The child is alleged to be in contempt of court for violating conditions of her supervision. The Judge finds the youth did willfully violate a court order, finds her to be involved in the delinquent offense of being in contempt of court, and places her at Montrose for at least one year.

AT ISSUE: Committing a CINS to a Training School  
Definite commitments

Tape #5

Taped in Harford and Baltimore Counties, The Honorable  
Christian H. Kahl presiding

Two youths are picked up on a breaking and entering charge.  
Both have long histories of involvement in the system. Both  
youths are held in police custody for about 8 hours before being  
released to their parents. During this 8 hour period, each was  
held in jail for varying lengths of time when not being questioned.  
One youth does not show for the adjudicatory hearing, and the  
Master orders a warrant for the youth's arrest. At the detention  
hearing, the Master orders the youth held in detention until the  
adjudicatory hearing. Defense counsel request bail for the  
youth, to which the Master agrees.

AT ISSUE: What is police custody?

Use of warrants and bail in juvenile proceedings.

The authority of a Master to order 30 day detention.

Tape #6

Taped in Anne Arundel County, The Honorable C. Osborne  
Duval presiding

Parents of one youth file an assault charge against another youth.  
Juvenile Services intake officer decides to informal the case. Parents  
of the assaulted youth demand a court hearing. At the adjudicatory  
hearing, the Master orders further investigation and report on the  
case prior to the dispositional hearing.

AT ISSUE: Differences in services provided and time  
involved in providing those services when  
a case is formalized after the initial intake  
decision to informal the case.

Who are the parties to the proceedings?

SAMPLE AGENDA-REGIONAL CONFERENCE

I First Session

A. Time Frame: 3½ hours

B. Objectives:

1. Review events leading to the local Judicial Conferences, including work of Juvenile and Family Law and Procedure Committee in reaching a consensus regarding the intent of certain provisions of the code.

Method: Address by The Honorable George B. Rasin, Jr., in Regions 1 and 2; The Honorable Robert L. Karwacki in Regions 3 and 8; The Honorable Howard O. Weant in Regions 4 and 5; and The Honorable James Taylor in Regions 6 and 7.

2. Review the purpose and focus of the local conference to enable participants to understand the intent of relevant provisions of the law and to establish consistent practices in implementing its mandate.

Method: Presentation by local conference facilitator.

3. Clarify the role that each participating agency or segment of the Juvenile Justice System plays in providing services to youths, consistent with the goals of the Juvenile Justice System.

Method: Break participants down into homogeneous groups to consider the following:

- 1) Identify their goal (s) in intervening in the client system.



- 2) How does the intent of the provisions of the law outlined affect their intervention?
- 3) How do they respond relative to the intent of the provisions outlined?
- 4) How much of their activity is determined by the intent of these provisions?

## II Second Session

A. Time Frame: 3½ hours

B. Objectives:

1. To address how participating agencies, or segments of the system, interact in providing services to youth.

Method: Break participants into heterogeneous groups, each group consisting of at least one representative from each of the participating segments of the Juvenile Justice System, to consider the following:

- 1) Specifically, how do we work together in providing a service (s) to the client population?
- 2) How do our working relationships affect the client system?
- 3) How do we create problems for each other?
- 4) How do we help each other?
- 5) Who loses or benefits?

2. To consider how the intent of the law in regard to the provisions outlined by the Juvenile and Family Law and Procedure Committee impact on how the group participants intervene in the client system.

Method: Maintain heterogeneous group structuring, to consider the following:

- 1) What implications does the intent of each provision outlined have for the service to be provided by Maryland's Juvenile Justice System?
- 2) How do I/we put the intent of each provision outlined into practice?
- 3) What changes in practices are needed individually and/or collectively?
- 4) What problems might we have in changing our practices?
- 5) How can we help each other?

### III Third Session

A. Time Frame: 3½ hours

B. Objectives

1. Continue Objective 2, above.
2. To provide a report back to the full conference on the consensus of the groups regarding implementing the intent of the Juvenile Causes Statute.

Method: Recorders provide a verbal report on each group's conclusion.

3. To disseminate relevant information resulting from participant input, and to plan for future conferences.

Method: Conference Facilitator solicits suggestions from participants.

ATTENDANCE

	Reg. I	Reg. II	Reg. III	Reg. IV	Reg. V	Reg. VI	Reg. VII	Reg. VIII	Statewide Conference
Juvenile Ser. Admin.	21	12	32	21	49	18	22	38	95
Police	21	23	9	10	5	8	7	4	1
States Attorney	3	8	5	2	4	5	5	17	13
Public Defender	1	3	5		2	2	2	14	2
Education	4	7	4	6	6	7	6	4	
Judge									
Masters									
Health & Mental Hygiene	10	5	4	5		7	3	1	1
D S S.	4	2	3			7	4		
Private Agency	3		5	3	1	3	5		1
Private Attorney	2	2				2	1		1
Local Gov't	7					3	3		1
Clerk of Court	7					3	2		
County Attorney						2			1
Juvenile Court Commission									
JSA Advisory Bd.						1			5
DHMH									8
Legal Aid								10	
Other	3		5		1	1	1	3	6
Total	90	72	81	58	78	72	75	104	190

CHART A  
ATTENDANCE BY AFFILIATION AND REGIONS

**END**