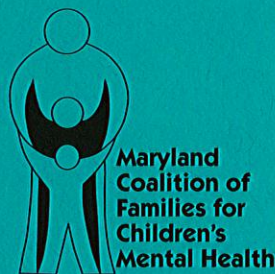


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**Navigating the  
Juvenile Justice System**  
A Handbook for Families

Developed by the  
Maryland Coalition of Families for  
Children's Mental Health



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## ACKNOWLEDGEMENTS

Maryland Department of Health and Mental Hygiene  
Mental Hygiene Administration  
and  
Substance Abuse and Mental Health Services Administration  
Center for Mental Health Services provided funding to produce this handbook.

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## DEDICATION

This handbook is dedicated to all families  
struggling to help their child who is troubled.  
May you find this handbook  
a source of information and empowerment.



The Coalition hopes that this information will be disseminated widely.  
When copying or quoting please credit:

Maryland Coalition of Families  
for Children's Mental Health  
Spring 2006

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## THE MARYLAND COALITION OF FAMILIES FOR CHILDREN'S MENTAL HEALTH

### MISSION

The Maryland Coalition of Families is the statewide voice for children's mental health and is dedicated to:

- Building a family-driven network of information and support and,
- Improving services in all systems of care for children, youth and their families.

**T**he Coalition represents families across Maryland who are caring for a child with mental health needs. Many children have been in a psychiatric hospital, residential treatment center, juvenile justice facility, or special education program.

Families struggle to find appropriate services for their child and many families face staggering costs for treatment and other special services their child may need.

Even with the challenges of raising a child with serious emotional or behavioral needs, families have strengths and want to be full partners with professionals in planning for their child's treatment and care.

### WE BELIEVE

- Children and youth with mental health needs are valued and require individualized services to achieve their full potential.
- Families are a constant in a child's life and are equal partners in planning, implementation, monitoring and evaluation of services.
- Services for children, youth and their families are provided from a strength-based approach and are responsive to the needs of the whole child and entire family.
- Local and state systems of care are family-driven and culturally competent.



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# Navigating the Juvenile Justice System

## A Handbook for Families

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## INTRODUCTION

A knock on the door or a phone call from the police that your child has been arrested is often a family's first introduction to the juvenile justice system. Family members tell us they could have predicted that their child would get in trouble with the law because of earlier signs and behaviors. Many times families have desperately tried to find help that would change the path their child was following.

You will have a mixture of questions and emotions when your child is arrested. First, you are concerned about your child's welfare — Is your child all right? Where is your child now? Can you bring your child home? Second, you are concerned with the circumstances of your child's arrest — What did your child do? Was anyone else involved? Was anyone injured? Was your child unjustly accused?

A natural reaction is fear — fear that your child is not going to be OK or that they may not have the future you dreamed about; fear that anything you say may further harm your child; fear that you may somehow be charged, too. Another natural reaction is anger — anger with the police, the person who filed the complaint, the juvenile justice officer, other youth that may have been involved and . . . even anger at your child for doing such a thing!

You may also feel embarrassed or humiliated by your child's arrest. You may not want to tell relatives or employers, especially if you have to take time from work. In the midst of all of this confusion and emotion, it is difficult to understand what has happened and what lies ahead for your child.

If your child is in the juvenile justice system, this Handbook is for you. It was written to help families whose children are in the juvenile justice system:

- Understand a very complex and confusing system, and
- Participate in the decisions that will be made regarding your child.

We must emphasize that the information contained in this handbook is **not** legal advice. You should always consult a lawyer for legal advice. Refer to Appendix III of this handbook to find a listing of several agencies and organizations that provide, or help you find, a lawyer.

### YOU ARE NOT ALONE

In 2006, approximately 51,450 arrests of youth were made in Maryland. Some youth were arrested more than once. Of these arrests:

- Approximately 32% of the cases were closed at intake and never went any further
- Approximately 23% of the cases were placed on informal supervision, and
- Approximately 43% of the cases went to formal processing

## JUVENILE JUSTICE SYSTEM - HOW IS IT DIFFERENT?

**T**he juvenile justice system for youth is different than the criminal system for adults.

- The juvenile justice system is designed for children and youth under age 18.
- Offenses are considered **delinquent acts** rather than **crimes**.
- Hearings are held in separate Juvenile Courts that are presided over by a Judge or Master in Chancery.
- The criminal justice system is focused on punishment; the juvenile justice system is intended to focus on care, treatment and supervision.
- There is no jury trial in Juvenile Court.
- Children and youth are determined to be **involved** or **not involved** rather than **guilty** or **not guilty**. Some jurisdictions use another term, **facts sustained** or **facts not sustained**.
- A juvenile committing certain offenses may be **waived** or assigned to the criminal court due to the seriousness of the offense and other factors.

In Maryland, the juvenile justice system includes the Juvenile Court and Department of Juvenile Services. The mission of the Department is to:

- Ensure the public safety and protection of the community
- Hold juvenile offenders accountable to victims and communities
- Develop youth competency and character to assist them in becoming responsible and productive members of society.

In addition to the Department's mission, the law requires a balancing to:

- Ensure "care, protection and wholesome mental and physical development of children," and
- A "program of treatment, training, and rehabilitation consistent with the child's best interests and the protection of the public interest."

The juvenile justice system is not simple and each child's experience is different. What happens to your child depends upon many factors:

- The needs of the child
  - The nature of the offense and whether injury or damage was done
  - Whether it is the first arrest
  - Whether there is risk to other people or property.
-

## THE PEOPLE YOU MEET

**D**ecisions are made by different people at various points in the process; you need to be constantly aware of what decisions are being made and who has the authority to make the decision. As the family member or guardian most concerned about your child's future, you need to be informed and involved in the decisions.

**Juvenile Services Staff** - The Department of Juvenile Services employs people to work in a variety of settings. These individuals have different titles and responsibilities within the Department such as intake officer, case manager, juvenile counselor, and probation officer. Be sure to write down the name, title and phone number of the individuals who are working with your child's case.

**Judge** - Judges are attorneys who have been appointed or elected to conduct hearings and trials.

**Master** - Masters are attorneys who are appointed to serve in Juvenile Court. A judge must review and approve the Master's decisions and recommendations. Decisions may be appealed to a Judge.

**State's Attorney or Prosecutor** - Each jurisdiction in Maryland has a State's Attorney who is elected by voters. Depending upon the size of the jurisdiction, additional attorneys may be hired to work in the State's Attorney's office. It is the State's Attorney's responsibility to prosecute, or prove, the charges against the youth.

**Public Defender** - Each jurisdiction in Maryland has an Office of the Public Defender. The Office employs attorneys who are responsible for providing legal representation to people who are unable to afford an attorney. A special unit within each Public Defender's Office is dedicated to representing youth who are charged in Juvenile Court.

**Private Attorney** - Like attorneys in the Public Defender's Office, private attorneys are licensed by the State to practice law in Maryland. These attorneys are hired for a fee. To be referred to a private attorney with specialized training or experience in juvenile law, start by contacting your county's local lawyer referral service (see page 20).

## ADVOCATING FOR YOUR CHILD

**Y**ou are your child's best advocate and the one most concerned about your child's welfare. There are important things you can do that will help your child's case.

1. **Be organized.** Put letters, evaluations, assessments, screenings, and reports from the police, Juvenile Services, courts, lawyers, doctors, mental health professionals and lab results in one folder. This is not the first thing that comes to mind when your child enters the juvenile justice system, but as time goes on it is critical to be able to refer back to papers or letters. Keep the folder for a long time - you never know when you may need it.
2. **Be aware.** You won't remember everything, so keep a notebook to record information from meetings or telephone conversations with Juvenile Services workers or lawyers regarding your child's case. Be sure to include:
  - The date and time
  - Who you spoke with and their title
  - Important information they gave you - repeat it back to the speaker so you have accurate information
  - Next meetings or additional phone calls you must make

3. **Be vigilant.** Ask to read and request copies of everything - including charges, reports, evaluations, assessments, screenings, lab results, court orders, juvenile justice policies and procedures. You may have to make a written request for copies of some reports.
4. **Be prepared.** Help others understand your child by writing down information about your child - not just the information about how your child got into trouble with the law. Include information about any:
  - Problems your child has had such as previous arrests, suspensions or expulsion from school, poor grades, and drug and alcohol abuse
  - Family circumstances such as illness, unemployment, death or divorce, language spoken at home, or cultural or religious background
  - Mental health diagnosis your child may have such as depression, anxiety, learning disabilities, attention deficit disorders, and medication they may be taking
  - Health or physical problems your child may have such as hearing, vision or diabetes
  - Agencies and people you have contacted in the past to seek help for your child
  - Strengths, interests and successes, such as being good at art, sports, computers, music; being funny, considerate, holding a job
  - Needs - You are the best person to understand what your child needs. Write it down so that you can share it with juvenile justice staff, lawyers and Judges or Masters when the time comes. Your child may benefit from drug treatment, mental health services, mentoring, job training, special education or literacy services. Appendix II contains a checklist to help families compile information about their child.
5. **Be present.** Attend and arrive on time for meetings and court hearings. Sometimes this is difficult because of job pressures. Families are often embarrassed to tell an employer that their child has been arrested. Families may also lose wages due to time spent for meetings and court hearings. Remember that your presence is **important**. Your child needs you to be present and if you are not present others may assume you are not interested. If you are not able to attend, write a letter in advance explaining the reasons why you cannot be there and how you want to be involved with your child's case. A responsible adult may attend in your absence but may not make decisions concerning your child.
6. **Be honest.** You will not help your child by making statements that are not true.
7. **Be heard.** While it may feel awkward or intimidating, you should speak up at meetings to provide additional information or to give input on your child's needs. In court, you may have to ask your lawyer to inform the judge or master that you would like to speak. You may also write letters to the judge before the hearing to express your concerns or recommendations.
8. **Be persistent.** The juvenile justice system is overburdened. Stay on top of your child's case by making phone calls or writing letters to keep informed of your child's case. Keep calling or writing until you get an answer. Be sure to record all of your conversations and keep copies of your letters.
9. **Be respectful.** However you may personally feel about your child's situation or the individual juvenile justice staff person, lawyer or judge, you should always be respectful. It may be very difficult at times, but it is for your child's benefit. In turn, you can expect to be treated with respect. You can help foster mutual respect by letting court and Juvenile Services personnel know that you are concerned for the welfare of your child, and that you look forward to working with them to ensure your child's success.
10. **Be good to yourself.** This is a stressful time for you and you need support too. Ask a family member, trusted friend or advocate to come with you to meetings or to court. They can be a support to you and can also be another set of ears to hear what is being said as well as a note taker for you.



## LEGAL REPRESENTATION

The juvenile justice system is complex and the outcome could have serious consequences for your child. Maryland law states that children and youth have the right to counsel (legal representation) at every stage of the juvenile justice process. Therefore, it is important to get competent legal representation for your child.

## PUBLIC DEFENDER AND PRIVATE ATTORNEYS

Your child may be eligible for a Public Defender. Maryland Rules of Procedure state that "an indigent party or an indigent child whose parents are either indigent or unwilling to employ counsel, shall be represented by the Office of the Public Defender in a delinquency case..." You must apply to determine if your child is eligible for a Public Defender. You may apply at any office, not just the county where you have to go to court. You should apply at least ten (10) days in advance. If your child is not eligible to receive legal representation from a Public Defender, you should consult with a private attorney to represent your child. Contact a lawyer referral service and ask for an attorney who has expertise and experience practicing in the juvenile courts. See Appendix III for information on applying for a Public Defender and lawyer referral services through the Maryland Bar Association.

## WAIVER OF COUNSEL

Maryland Rule allows youth to waive or decline legal representation. Studies have shown that a large percentage of youth chose to waive their right to a lawyer. A law passed in 2004 requires that "the court may not accept the waiver unless: the child is in the presence of counsel and has consulted with counsel; and that the waiver is knowing and voluntary." Every effort should be made to convince children that it is in their best interest to have a lawyer representing them at all hearings.

### TALK IT OVER WITH YOUR CHILD'S LAWYER

Always seek legal counsel when your child has been arrested. A lawyer understands the process and will be able to answer your questions. Be sure to discuss all aspects of your child's case including

- The police report
- The "petition" which states exactly what your child has been charged with doing
- Your child's explanation of the situation
- Witnesses to what happened
- Special needs your child has such as physical disabilities or learning disabilities, a history of mental health or drug abuse problems, education needs, medication or treatment your child may be receiving
- Information about other agencies your child may be involved with or private therapists or services you have gotten for your child
- Special situations such as where the child is currently living and with whom
- Immigration status and language spoken

## THE ROLE OF DEFENSE COUNSEL IN DELINQUENCY PROCEEDINGS

**I**t is important to remember that the Public Defender or private attorney only represents the interests of the child, not the parent. The lawyer has a duty to advocate for what the child wants. You may have very good reason to disagree with your child's decision; however, the lawyer is bound to exclusively represent your child's expressed wishes. It is the lawyer's responsibility to fully explain to your child the consequences of their decision.

## WHEN YOUR CHILD HAS BEEN ARRESTED

**Y**ou have just received a phone call from a police officer or Juvenile Services intake officer that your child "has been arrested." Hearing those words, you are in shock and disbelief. You should know that a child can be arrested for:

- A suspected offense
- An outstanding warrant for arrest
- A **status offense** such as truancy from school, running away, or staying out beyond curfew

While it may vary from jurisdiction to jurisdiction, generally, when a child is arrested, the police decide whether to release the child or to take the child to the police station or a juvenile processing center. If taken to the police station or a processing center, the child will be:

- Photographed
- Fingerprinted
- Entered into the police computer system

The date and time of arrest and charges will be noted.

Youth who have not been charged cannot be held for more than six hours. Parents or guardians must be notified when a youth is arrested. Determining when the family is allowed to see their child during this six-hour period is up to the police. Youth must be separated from adults while locked-up.

### HOW SERIOUS IS IT?

**Status Offense** - An act that violates the law only if committed by a juvenile such as truancy, running away, or alcohol violations

**Misdemeanor** - A less serious offense such as shoplifting

**Felony** - A more serious offense such as rape, murder or grand auto theft

The State's Attorney determines whether the youth will be charged with a misdemeanor or felony

## WHAT'S NEXT? HOME OR DETENTION?

One of two things could happen following your child's arrest. Depending upon the charges, the risk to safety or property, and whether this is your child's first arrest:

1. Your child may be released to your custody to return home until a meeting with a Juvenile Services intake officer is scheduled.
2. The police may contact the Department of Juvenile Services and request that your child be **detained** or locked up until the next court date.

If your child is released to your custody . . .

- Some police departments have "First Offender" or "Diversion Programs" to screen out youth who may have committed minor offenses. Youth entering these programs are not referred to the juvenile justice system and the case is closed when the child completes the program.
- The police may forward a report to the Department of Juvenile Services. Within 15 days a Juvenile Services intake officer will send a letter to you with the date, time and place for a meeting to discuss your child's case.

If your child is detained . . .

- It will be in a Juvenile Services detention facility, unless your child has been charged as an adult in which case your child may be detained in a county detention facility and will not enter the juvenile justice system at this time.
- The next day the court is in session, your child will go before a Judge or Master for an **Emergency Arraignment**.

## INTAKE

**I**ntake is the first meeting at which a person from the Department of Juvenile Services will be assigned to your child's case. Intake will occur in the jurisdiction where your child was arrested, not where you live. Be sure to go with your child to the intake meeting and bring the information you have put together to describe your child's history, strengths and needs.

### Screening & Assessment

Part of the intake process is a screening in five areas: physical health, mental health, substance abuse, education, and family. The screening consists of a series of questions you and your child will be asked to answer. The screening is voluntary and you can refuse to answer any questions. However, the purpose of the screening is to determine whether your child may need services such as counseling or drug treatment. It is to your child's advantage to answer the questions. **Information about the charges against the child gathered at intake cannot be used against your child in court.** Information from the assessment will be used to develop a Treatment Service Plan, and will be provided to the court and Juvenile Services personnel for this purpose. This information cannot be shared with other agencies without your written permission.

At the meeting, the Juvenile Services intake officer has 25 days to make a determination to either:

1. **Disapprove** (dismiss) the case due to insufficient information to support the case
2. **Resolve** (close) the case at intake
3. Refer your child for **informal supervision** for 90 days
4. Send the case to the State's Attorney for **formal processing**

## INFORMAL SUPERVISION

**G**enerally, informal supervision is used when the intake officer believes the case does not need to go to court and instead, the child may benefit from services in the community. A requirement of informal supervision is that the youth admits "involvement." Informal supervision could include several possibilities:

- **Community Service** - Your child may be required to work without pay for a local church, agency or service organization. The intake officer will determine how many hours of community service your child must complete. If you are not assigned a community service placement, ask for a list of organizations that have community services projects. You and your child are responsible for contacting the organization, making the arrangements and reporting back to the Juvenile Services staff person.
- **Diversion Programs** - Local communities and Juvenile Services offices may also operate Diversion Programs that divert youth from going to court. Some of these programs are Teen Courts, Community Conferencing, Neighborhood Youth Panels and more. Discuss with your child's Juvenile Services intake officer what programs are available in your jurisdiction and would best serve your child's needs.
- **Accountability** - As part of an order to perform community service, pay restitution, or enter a diversion program, your child may be asked to write a letter of apology to the individual or business victim.
- **Restitution** - If damages were done to property or the victim incurred expenses for repair or replacement of property or lost wages, there may be an agreement to pay the individual or business for the cost of the damages. If the restitution is not paid as agreed, then the case may be referred to court where restitution may be ordered and referred to Central Collections.
- **Competency Programs** - Some programs are intended to develop skills that will prevent youth from getting into trouble again. These programs include anger management classes and victim awareness education classes.
- **Mental Health or Drug Counseling** - If your child's screening indicates a mental health or substance abuse problem, your child may be referred for counseling. The Department of Juvenile Services does not pay for these services. Be prepared to use your private insurance or possibly pay for these services yourself. If your child is covered by Medical Assistance these services should be covered, although a particular program may not be covered. Check with Juvenile Services or the appropriate agency before your child begins treatment.

## FORMAL PROCESSING

**F**ormal processing means that the Department of Juvenile Services sends **charges** to the State's Attorney, which generates a **petition** that must be filed with the court within 30 days.

If charges are filed, there are several possible hearings when a child may be required to appear before the Judge or Master depending upon what is decided at each step of the process.

- **Arraignment Hearing** - At this hearing, formal charges are made against a child. The child can either **deny** (not guilty) or **admit** (guilty) the charges. This hearing is not a trial and does not determine whether the child was "involved" or "not involved" or include disposition (sentencing) or consequences for the child. Before the arraignment hearing, be sure your child is represented by a lawyer and that you have had time to meet with the lawyer prior to the hearing.  
If a child admits to the charges at the arraignment, then the Judge or Master makes a determination of **delinquent** and a disposition hearing is set.
- **Detention Hearing** - If there is a question about whether a child can return home, a detention hearing is held to determine whether the child should be detained in a juvenile facility. Detention hearings may be held after each of the various hearings to determine where the child will reside until the next court hearing. If you and your child want placement back to the home, then be prepared to discuss with the Court how you can provide structured supervision, services and support.
- **Waiver Hearing** - A child 16 years or older charged with a serious offense, such as burglary, assault, rape or murder, may be automatically **waived** to the criminal justice system, or a hearing may be held to determine whether the case should be waived. Five factors are considered when a youth is waived:
  1. Nature of the offense
  2. Age and size of the youth
  3. Youth's mental ability
  4. Ability and willingness to participate in treatment
  5. Previous record of offenses

A child under 16 years charged with committing an offense punishable by death or life in prison may be automatically waived to the criminal justice system.

- **Adjudicatory Hearing** - At this hearing, the State's Attorney presents a case to prove that a child committed the charged offense. The State may present evidence and ask witnesses to testify. The child's attorney can cross-examine the witnesses and present evidence on the child's behalf. After each side has presented its case, the Judge or Master determines whether the child is found to be "involved" (guilty) with the criminal charges. If the child is found "involved," a date is set for a disposition hearing.
- **Disposition Hearing or Sentencing Hearing** - If the Judge or Master found that a child committed the offense and is delinquent, a disposition hearing is held to decide what should happen to the child - probation or commitment to a residential program. Before the Disposition Hearing, the Juvenile Services officer gathers information and may interview the child, parents, teachers, and others to prepare a report with recommendations for the court. The Judge or Master considers the recommendations from the Juvenile Services officer and the State's Attorney. The child's family should also provide information. Families are often given the opportunity to speak at the disposition hearing. You can also write a letter to the Judge or Master.

## DETENTION

**W**hile awaiting hearings in court, a child could be placed in detention. Options for detention are:

**1. Detained in a Juvenile Services facility**

Maryland operates seven detention centers for youth:

- Baltimore City Juvenile Justice Center
- J. DeWeese Carter Center on the Eastern Shore
- Alfred D. Noyes Center in Montgomery County
- Thomas J.S. Waxter Center (females) in Anne Arundel County
- Cheltenham Detention Center in Prince George's County
- Lower Eastern Shore Children's Center in Wicomico County
- Western Maryland Children's Center in Washington County

A youth cannot be detained in a facility for an indefinite period of time. Maryland law requires that a youth must have an hearing within 30 days to continue detention.

**2. Community detention with daily person-to-person contact**

**3. Electronic monitoring by phone or ankle bracelet**

## TREATMENT SERVICE PLAN

**B**ased on the screening and your child's history, the Juvenile Services officer will develop a written **Treatment Service Plan (TSP)**. The plan will identify "the needs, the treatment objectives, and service linkages" for your child. You should be a partner in developing this plan. Be sure to tell the Juvenile Services officer what you think your child needs, based on your experience of what has helped or not helped in the past. Be creative when you develop the TSP and consider all of the services your child might need to succeed when your child returns home. Services might include mentoring, in-home support, anger management classes, mental health counseling, drug counseling, or job coaching.

The Treatment Services Plan must be submitted to the court and implemented within 25 days after the court adopts the TSP. You and your child will be asked to sign the TSP and will be given a copy of the plan. You can refer to it to make sure that your child is receiving all of the services in the plan.

To implement the TSP, your child will be assigned a case manager who is responsible for assisting and ensuring that services ordered by the Court are realized. Any problems in securing services should be discussed with the case manager, and if necessary with a supervisor, Asst. Public Defender or the Judge or Master.

## WHAT COULD HAPPEN AT DISPOSITION?

The Judge or Master has several options for disposition of a child's case:

1. **Probation** - Probation allows the child to return to the community with structured supervision such as curfews, getting mental health or drug counseling, and attending school or work under the supervision of a case manager or Probation Officer.

Conditions of probation may include:

- Regularly reporting to a Probation Officer, in person, or by telephone
- Notifying the Probation Officer of changes to a child's or parent's address or job, and requesting permission to leave the State
- Obeying all laws
- Notifying the Probation Officer right away if the child gets arrested
- Being available when the Probation Officer requests a home visit
- Appearing in court when required
- Not using or selling any illegal drugs
- Additional conditions may be required such as payment of restitution or completing community service hours
- Taking drug tests

A violation of probation could result in the child being sent back to Juvenile Court for another adjudication hearing. The Judge or Master could then "commit" the child to the Department of Juvenile Services and send the child to a residential program.

2. **Commitment to the Department of Juvenile Services** - A commitment order can last up to 3 years and means that the Department of Juvenile Services can make placement decisions for a child throughout this three-year period. Commitments can be repeatedly renewed until the child has turned 21.

- Commitment with Residential Placement** - The court may order that a child be placed in a residential program such as a group home or residential treatment center or Juvenile Services foster care. However, the Judge or Master cannot order the child to a specific program. Residential programs are located throughout the state and most of the programs are privately operated. The Department licenses and contracts with these programs and they are accountable to the Department of Juvenile Services for the safety and quality of their programs. It is the Juvenile Services officer's responsibility, in collaboration with the family, to find an appropriate program for the child. It may take weeks, and sometimes months, to find an opening in a residential program. While waiting, a child may be sent to a detention center until a bed in a residential program becomes available. If a child is placed in detention while awaiting a placement, the child should begin receiving the services the court ordered. The child's lawyer should also remain involved until the child is placed.

Under Maryland law, if a youth is placed in a detention facility pending placement to a residential facility for more than 25 days, the Department of Juvenile Services must submit a report to the Court detailing the reasons for continued detention. Every 25 days, another report must be submitted if the youth is still not placed. Review this report with your child's attorney to determine whether there are legitimate reasons for the delay. Most court-ordered

services for youth are limited in juvenile justice facilities, so it is not in your child's best interest to remain in a detention facility for a prolonged period.

Youth can not satisfy court ordered programs until they are in the program. So, time awaiting placement is "dead time."

☑ **Commitment to a Youth Center** - The Department of Juvenile Services operates four secure youth centers in Western Maryland:

- Backbone Mountain Youth Center
- Meadow Mountain Youth Center
- Green Ridge Youth Center
- Savage Mountain Youth Center

The youth centers have outdoor programs that specialize in certain types of treatment, such as drug abuse or aggressive behavior.

☑ **Commitment to a Secure Facility** - The Department of Juvenile Services operates a secure facility, Thomas J.S. Waxter Center for females in Anne Arundel County. Males were formerly sent to the Charles H. Hickey Jr. School that is now closed. At this time, some males committed to a secure facility may be served in Maryland programs or sent to secure programs out-of-state.

## IF YOUR CHILD IS DETAINED OR COMMITTED TO A DEPARTMENT OF JUVENILE SERVICES FACILITY

### Visiting Your Child

**F**amilies often say that visiting their incarcerated child is the most difficult thing they have ever done. You may find tall barbed wire fences surrounding the facility and you will have to go through security before entering the building. Your child may be wearing a uniform.

This is an emotional time for both you and your child. Since your time together is limited, be supportive and positive. Try not to get into arguments with your child during your visit. Your child may be depressed, scared and angry about what has happened. Focus on helping your child cooperate, with the goal of returning home as soon as possible. Be sure to ask your child about:

- General health and hygiene, such as lice
- School - course work, supplies, attendance and length of school day
- Exercise and recreation opportunities
- Physical conditions of rooms, bathrooms, classrooms
- Fights or other physical altercations
- Meals
- Mental health and drug treatment services and counseling
- Medical treatment
- Access to case manager

A study showed that 92.5% of youth nationwide had experienced 1 or more traumas while in detention facilities. In Maryland, the safety of detention facilities and state-run or contracted secure facilities have been called into question for many years. Reports of the State's Independent Monitor and the United States Department of Justice show that it is extremely important to be vigilant in maintaining communications with your child and making sure your child is free from abuse and neglect and receiving appropriate care and services.



Be sure to ask your child's Juvenile Services counselor about:

- A schedule for visiting days and hours
- Assistance with transportation to visit your child
- Policy on who may visit the child, such as family and friends
- Phone calls
- Personal belongings
- Medication
- Mail
- School
- Facility's phone number and 24 hour emergency number
- Facility Grievance Procedure
- Name and title of the person you should contact for information about your child

### **If Your Child Is Moved to Another Facility**

At times, youth are moved to different facilities due to overcrowding. Your child's Juvenile Services counselor is not required to get your permission before moving your child to another facility. The counselor is responsible for calling to inform you that your child has been moved. Many families have been upset to find that their child has been moved without their knowledge. Stay in continuous contact with your child's Juvenile Services counselor so that you can keep track of your child's whereabouts.

### **Use of Seclusion and Restraint**

Safety is a major concern when your child is in a facility away from home. The Department of Juvenile Services has very clear policies on the use of restraint and seclusion. These policies state that seclusion and restraint may NOT be used as punishment and may only be used if:

- It is clearly necessary to protect your child or other individuals from harm or to prevent escape
- Less restrictive measures have been tried or cannot reasonably be implemented

If you discover that your child has been subject to improper seclusion or locked door seclusion, or has been subjected to abuse or neglect, you should contact the facility superintendent or director, Child Protective Services, and the Office of the Independent Monitor. (See "If There's A Problem" page 15.)

## **ALTERNATIVES TO DETENTION AND PLACEMENT**

**M**aryland's Department of Juvenile Services is making an effort to serve children in their communities rather than removing them to a residential placement far from their home. Programs may include Day Reporting Centers, After School/Evening Reporting Centers, Mentors, and Case Management. Additionally, the State is beginning to implement a "wraparound" approach to serving youth. The intent is to "wrap" the child and family with services designed to meet their individual needs. Ask your child's Juvenile Services counselor if these programs are available in your area and, if not, ask the Judge to approve a "wraparound" program for your child that you propose, or help put together. This should include services for schooling, counseling if needed, and a plan of structured supervision, which can include the assistance of family members or close friends.

## AFTERCARE

**A**ftercare is a term used to describe the services and supervision for children when they return home after a residential placement in order to reintegrate them into the community and reduce their chances of being arrested again. Planning should begin the day a child is committed to the Department of Juvenile Services and the Treatment Service Plan (TSP) is developed. An Individualized Service Plan must be done in conjunction with the aftercare counselor within 30 days of the child's commitment to a facility. The juvenile counselor must:

1. Review prior court-ordered disposition plans
2. Meet with the child and family to identify the child's:
  - Ability to function within the family, communicate and relate effectively with others
  - Educational development
  - Ability to function in the community - considering emotional, intellectual, social, medical and financial needs.

The aftercare team from the Department of Juvenile Services should contact the child's school and other necessary services and programs prior to the youth being released from a facility. After the youth returns home, aftercare team members should visit the youth's home and school to monitor progress.

Some jurisdictions have a Family Interventionist Specialist attached to each Aftercare Team that provides counseling services to the youth and families for up to six months following the child's return to the community.

## EDUCATION

**A**t this time, the Department of Juvenile Services has transferred responsibility for some of the educational programs at certain Juvenile Services facilities to the Maryland State Department of Education. The plan is to gradually transfer responsibility for all educational programs in Juvenile Services residential facilities to the Department of Education.

While being detained in a Juvenile Services facility, youth should receive five hours of instruction each day. Often youth are released from detention before school records can be transferred to the facility.

### Special Education

If your child has an IEP (Individualized Education Plan) through special education, the IEP services should continue to be provided while your child is in the facility. You have the right to attend IEP meetings for your child. Sometimes this can be done by conference call. Youth who have an IEP are entitled to services through age 21 if they have not graduated from school, regardless of where they are placed, such as a group home, detention center or residential treatment center. If you have concerns about your child's IEP, contact the special education coordinator at the facility and request an IEP Team meeting for your child.

### GED

Some facilities may offer General Education Development (GED) programs, however, parents must give permission for their child to drop out of high school and enroll in GED classes. The GED credential is an official high school diploma awarded by the Maryland State Department of Education. The decision to pursue a GED rather than to continue in school is an important decision, as youth who remain in school may be entitled to many services that are not available once a youth has obtained a GED.

### Returning to School in the Community

Returning to school in the community can be difficult after your child is released from a Juvenile Services facility. Each jurisdiction has a **Centralized Transition Team** who will work with you to facilitate your child's return to school. Ideally, the process should begin 30 days in advance of the child's release, so that plans are in place allowing the child to return to school the day after returning home. This may not always happen. If you have received notice that your child will be released or discharged, contact your child's Juvenile Services counselor and the Director of Pupil Services for your school system to make sure that they both know your child is returning home and that a Centralized Transition Team meeting is convened. Families are encouraged to attend the Transition Team meeting.

The Maryland State Department of Education has a school transfer form that must be completed by the facility prior to your child's return to school. The local school district may not permit your child to return to the school previously attended and may require your child to attend a different school.

## DISABILITIES

Nationally, the number of youth with disabilities is three to five times greater in the juvenile justice system than in public school populations. The most common disabilities among youth in the system are emotional or behavioral disorders (EBD), attention deficit hyperactivity disorder (ADHD), learning disabilities (LD), and mild mental retardation (MR). These disabilities often occur together. Other disabilities, including traumatic brain injury and speech and language disorders, are found among incarcerated youth but are less common. If your child has a disability, it is important to inform the Juvenile Services intake officer about the disability and to provide information about your child's diagnosis and treatment including medication your child may be taking.

## HEALTH AND MENTAL HEALTH

Many children in the juvenile justice system have histories of health, mental health and substance abuse problems. Nurses screen upon admission. The Department of Juvenile Services is implementing a new Model of Care for Detention Facilities. It calls for screening of all youth within 24 hours of admission to a detention facility for suicidality or other acute mental health conditions. If your child has been on medication, your child should continue the medication while in the facility. To be sure that your child's medication is continued, contact the nurse at the health center and give them the names and dosage of the medications. If possible, provide the name of the physician who prescribed the medication so that the health center can contact the physician to get a prescription. Each facility also has access to a psychiatrist who comes to the facility on a regular basis. If you think your child may have an undiagnosed mental health disorder, you should share your concerns with your child's counselor.

## IF THERE'S A PROBLEM

**I**f you feel there is a problem, such as your child not receiving court-ordered services, or your child has been harmed in a facility, there are several steps to take.

1. Document your concerns in a letter. Write down the date(s), individuals involved, and circumstances.
2. Each facility is required to have a grievance policy and monitor. Contact the monitor and provide a copy of your letter.
3. Contact Child Protective Services at the Department of Social Services in your community and file a report.
4. Contact the Office of the Independent Monitor and make a report:  
301 West Preston Street, 15<sup>th</sup> Floor  
Baltimore, Maryland 21201  
410.767.4160  
877.MD.YOUTH Toll Free  
410.333.5248 Fax  
711 MD Relay  
<http://www.ocyf.state.md.us>
5. Contact the Department of Juvenile Services Office of Professional Responsibility and Accountability (OPRA). The Child Advocacy Unit within OPRA is responsible for conducting investigations and assisting youth who wish to initiate grievances/complaints. The telephone number for OPRA is 410.230.3148.
6. Send a copy of your letter to the Judge or Master along with the court order.
7. Contact your child's attorney, particularly if he or she is a Public Defender.
8. Contact the State's Attorney for your jurisdiction. It may seem that the State's Attorney is not on your side. However, the State's Attorney is responsible for upholding the law, which includes court orders for services to meet your child's "treatment, guidance and rehabilitation" needs.
9. You should also send a copy of your letter to the Governor and the Secretary of the Department of Juvenile Services and your State legislators to inform them about your concerns and request their assistance.

Address letters to:

Governor  
State Circle  
Annapolis, MD 21401-1925  
410.974.3901  
1.800.811.8336 Toll Free  
1.888.639.7499 Toll Free  
410.974.3275 Fax  
TDD 410.333.3098  
[governor@gov.state.md.us](mailto:governor@gov.state.md.us)

Secretary,  
Dept. of Juvenile Services  
120 W. Fayette Street  
Baltimore, MD 21201  
410.230.3100  
410.333.4197 Fax

## THE POWER OF "THANK YOU"

**J**ust as families are encouraged to write or telephone a child's Juvenile Services counselor or public officials if there is a problem, families should also take the time to telephone or write a letter of thanks when someone has been particularly helpful. This gesture of thanks establishes trust and goodwill and acknowledges those efforts that go above and beyond the call of duty.

## SPECIAL CONSIDERATIONS

### Juvenile Records

Juvenile records are not automatically sealed. When a youth turns age 18, a special motion must be filed to have a juvenile record sealed. The court is not required to seal records even when requested. If a record is sealed, only law enforcement or federal security checks can access the juvenile record. Educational institutions and employers will not have access to the records. Juvenile records may not be expunged or deleted as with some criminal records. Under current law, an individual seeking a copy of their juvenile record needs to petition the juvenile court where the record is kept.

### Emancipation

Maryland law states that the age of majority is 18 years and that a person reaching that age is an adult for all purposes, except when specifically provided otherwise by statute. Unlike some other states, Maryland does not have a youth emancipation act.

### Juvenile Justice And Girls In The System

Girls who enter the juvenile justice system have unique needs. Sixty-eight percent of runaways are girls and it is the only offense that girls commit more than boys. Research shows that almost 85% of girls in the system have been sexually, physically or emotionally abused. Also, some girls may engage in risky sexual behavior which may result in pregnancy. Unfortunately Maryland has very few programs that address the unique needs of girls in the juvenile justice system.

### Minority Over Representation

It is tragic, but true, that nationally and in significant regions of Maryland, minority youth are overrepresented in the juvenile justice system. The National Coalition for Juvenile Justice reports that minorities make up less than one third of the total U.S. youth population. However, minorities make up more than two-thirds of the young offenders behind bars. Maryland is just beginning to address this serious issue and several jurisdictions have developed initiatives to begin tracking data on minority youth entering the system.

## CONCLUSION

Having a child arrested and enter the juvenile justice system is a difficult and frightening experience for any child and family. It is important to know that a majority of youth only have contact with the system one time and never return to the juvenile justice system again. Most of these youth become productive and law-abiding adults.

If you are among the families whose child becomes deeply involved with the juvenile justice system, we wish you strength and applaud your continued courage and dedication to helping your child.

## REFERENCES

"African American Youth and the Juvenile Justice System,"  
Coalition for Juvenile Justice (CJJ) Position Statement on the Treatment of African American Youth,  
Coalition for Juvenile Justice, [www.juvjustice.org](http://www.juvjustice.org)

"Aftercare Strategy," Maryland Department of Juvenile Services, September 1, 2003.

An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings, 2003,  
American Bar Association Juvenile Justice Center and Mid-Atlantic Juvenile Defender Center

Maryland House Bill 511 Juvenile Law - Waiver of Counsel

Maryland Rule (MD Rule 11-106 (b)(2) Waiver of representation - Indigent Cases - Non-Indigent cases

2001-2002 Report of Juveniles in Secure Adult and Juvenile Facilities,  
Governor's Office of Crime Control and Prevention

Standard DJS Policies, Security and Control, Policy Number: .02.09.13

Standard DJS Policies, Rules and Discipline, Policy Number: .03.14.04

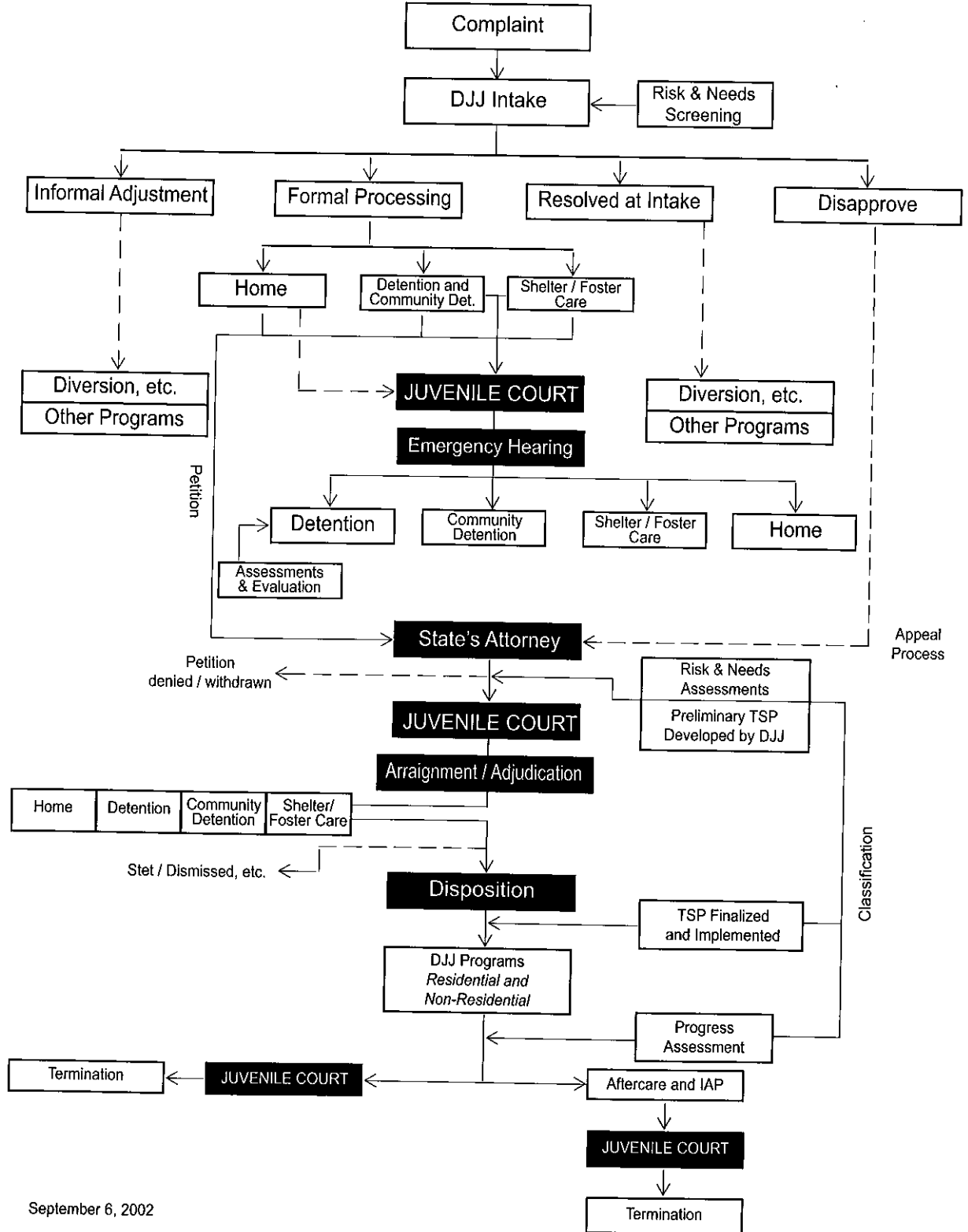
"Youth with Mental Health Disorders: Issues and Emerging Responses,"  
Office of Juvenile Justice and Delinquency Prevention, Volume VII, Number 1.

"Posttraumatic Stress Disorder and Trauma  
in Youth in Juvenile Detention."

Archives of General Psychiatry, 61, 403-410;  
[www.archgenpsychiatry.com](http://www.archgenpsychiatry.com))

**APPENDIX I**

**Juvenile Justice System Case Interaction**



## APPENDIX II - CHECKLIST FOR FAMILIES

One of the most helpful things you can do is to provide information about your child. Use this checklist to prepare for meetings with the Juvenile Services intake officer, your child's lawyer, or the Judge/Master.

### Educational History

- Last school attended
- Last grade completed - on grade level - ahead or behind
- Special education - IEP (Provide a copy)
- Learning Disabilities
- Non-public school, alternative school or residential schools attended
- Assessments done by the school
- GED courses or certificates
- Report cards (Provide a copy)

### Medical History

- Chronic problems - asthma, allergies, diabetes, hepatitis, heart
- Speech/language/hearing disorders
- Attention Deficit Disorder/Mild Mental Retardation
- Sexually transmitted diseases (STDs)
- HIV/AIDS
- Hospitalizations, surgeries - name of hospital
- Doctors, clinics where treated
- Medications and dosages

### Psychiatric History

- Diagnosis - Bipolar Disorder, Attention Deficit Disorder
- Hospitalizations - name of hospital and date of hospitalizations
- Medications and dosages
- Treatment received - psychiatrist, therapist, counselor, clinic
- Family history of mental health problems

### Substance Abuse

- Drugs used
- Frequency of use and last date used
- Alcohol abuse
- Treatment received - place and type of treatment - outpatient -inpatient
- Substance abuse history in family

### Health Insurance Information

- Medical assistance
- Private insurance

### Other

- Language spoken
- Housing
- Employment

### Child's Strengths

- Interests - sports, computers, art, music, cooking
- Personality - outgoing, quiet, good sense of humor, cares about people
- Jobs worked
- Favorite subjects in school
- Favorite activities
- Important people in their life - adults, peers



## APPENDIX III - LEGAL SERVICES

### Public Defender

**Y**outh who have been arrested are eligible for representation by a Public Defender if they are "an indigent child whose parents are either indigent or unwilling to employ counsel . . ." You may apply at any Office of the Public Defender, not just the County where you have to go to court. Every Public Defender Office is open to take applications Monday through Friday from 8:30 a.m. to 4:30 p.m. except State holidays. You should apply at least 10 working days prior to the trial date.

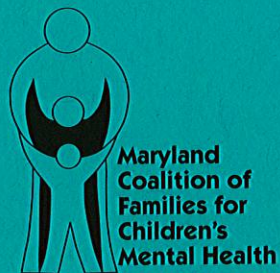
Allegany County 301.777.2142	Caroline 410.479.5756	Frederick 301.694.1987	Montgomery 240.773.9601	Talbot 410.820.6100
Anne Arundel 410.974.2201	Carroll 410.871.3636	Garrett 301.334.9196	Prince George's 301.952.2116	Washington 301.791.4735
Baltimore City 443.263.6360	Cecil 410.996.2850	Harford 410.836.4880	Queen Anne's 410.819.4022	Wicomico 410.548.7077
Baltimore County 410.324.8900	Charles 301.609.9802	Howard 410.480.7777	Somerset 410.651.3271	Worcester 410.632.1951
Calvert 410.535.8810	Dorchester 410.221.2572	Kent 410.778.0809	St. Mary's 301.475.3024	

### Lawyer Referral Services

**M**any counties in Maryland provide lawyer referral services for individuals looking for an attorney. Listed below are the counties that provide lawyer referral services. Please contact these counties directly for information.

County	Contact Number	County	Contact Number
Anne Arundel County	410.280.6961	Harford County	410.836.0123
Baltimore City	410.539.3112	Howard County	410.313.2030
Baltimore County	410.337.9100	Montgomery County	301.279.9100
Calvert County	410.535.9220	Prince George's County	301.952.1440
Caroline County	410.479.1343	Queen Anne's County	410.643.4000
Carroll County	800.649.1090	St. Mary's County	301.862.4400
Charles County	301.609.9350	Talbot County	410.822.3702
Frederick County	800.649.1090	Wicomico County	410.749.7500
Garrett County	301.334.0900	Worcester County	410.957.3465





Maryland Coalition of Families for Children's Mental Health

**CENTRAL OFFICE**

10632 Little Patuxent Parkway, Suite 119  
Columbia, Maryland 21044  
410.730.8267 • 1.888.607.3637 Toll Free  
410.730.8331 Fax

**BALTIMORE OFFICE**

2300 N. Charles Street, 3rd Floor  
Baltimore, Maryland 21218  
410.261.3670 • 410.261.3770 Fax

[info@mdcoalition.org](mailto:info@mdcoalition.org) • [www.mdcoalition.org](http://www.mdcoalition.org)