



Isiah Leggett
County Executive

Uma Ahluwalia
Director

COMMISSION ON JUVENILE JUSTICE

Tuesday, April 16, 2019

7:50 p.m. to 9:00 p.m.

101 Monroe Street 9th floor conference room, Rockville, MD

CITIZEN MEMBERS PRESENT: Kimberly Alfriend, Diana Barney, Chris Fogleman, Tracey Friedlander, Dan Gaskill, Erynn Penn, Kevin Redden, Vernon Scott, and Gwen Williams.

AGENCY MEMBERS PRESENT: Joanna Bonner, Francha Davis, Frank Duncan, Susan Farag, Cary Fellows, Sean Gagen, Mary Siegfried, Michael Subin, and Carlotta Woodward.

ABSENT MEMBERS: Bonnie DeWitt, Carole Brown, Karen Francis, Kelly Harper, Christopher Jennison, Steve Neff, Wendy Pulliam, Ebony Stoutmiles, Thomas Squire, Elijah Wheeler, and Molly Vogel.

STAFF LIASON PRESENT: Diane Lininger

SPEAKERS: Honorable Cynthia Callahan, Family Judge in Charge, Honorable Ann K. Albright, Honorable Gary E. Bair, Honorable Robert A. Greenberg, Honorable Kevin G. Hessler, Honorable Margaret M. Schweitzer, Honorable Karla N. Smith

GUESTS: Marji Josh, Jennifer Gauthier, Josh Pestaner, Liana Ventimiglia

I. Francha Davis started with introductions.

Judges Introduced themselves

Francha gave synopsis of what CJJ does.

- II. Q. In your day to day experience what gaps are you seeing in service?**
Judge Smith, relatively new to Juvenile rotation answered. Previously did CINA. Compared parents in two systems. Spoke of needing to get kids assessed for things like attention deficit hyperactivity disorder and learning disabilities. Most glaring thing to her is that if youth really want to engage in a system of rehabilitation, we need to have social workers who are trained to recognize these issues. Parents don't have it together enough to help kids be compliant. One of the more successful programs is the evening reporting center. Would like to see it modeled after the Family Justice Center which is a one-stop shop for services. Mental health services, drug treatment.

Parents must take the youth to SASCA and intake. Therapy — kids aren't compliant. Everything could be done at evening reporting center if we put all these services in one place. Mentoring, after school programs. The alternative schools — the kids at highest risk don't have after school programs. Number one thing she'd like to see is a one stop shop, and that there would be more than one in the county.

No place to refer person who is 18 and in juvenile system. DJS worker said the kid must go on their own to services and enroll in their own. Judge Smith said if they are still in the juvenile system, we need to have places to refer them.

Need additional services for girls. Trauma informed care.

Immigrant children. No structured response for these kids.

III. Q. There was legislation proposed (HB0418) this session that would have made some changes to the considerations for juvenile court waiving jurisdiction to adult court and/or the transfer of jurisdiction from adult to juvenile court. What are the judges' thoughts on that proposed legislation?

Judge Callahan - proposed legislation. House Bill 418. Has been introduced before. At least 10 years back. This bill attempted to keep juveniles in juvenile system. If the child ends up in the adult court, they don't get any access to services. This is not DJS' fault. It's the legislature's fault. These kids don't vote, and they often are not citizens. They are not popular. They are kids who do bad things. This bill places burden of proof on state. The point is to provide services. Once a kid has been waived up to adult court, a second arrest isn't an automatic referral. Must have waiver hearing again.

IV. Q. How do you take into consideration age levels for services/rehabilitation?

Judge Albright - how do you take age into consideration for services. CINA. When we find there is abuse and neglect. Does that child need to be removed from the home while they address problem that led them to court in the first place? Least restrictive setting. And protective factors. Does the child truly need to be removed? Try to keep them with another family member. Then look to foster home in county. Out of county makes keeping connection with family members very difficult. Age matters. 2-5-year-old may not be able to explain what's going on in their household. But an older child who is 14-15 is much better able to self-protect and report what is going on. Then look at fit. Mental health? Substance abuse? Trauma? Always asks if the experts also significant experience have working with kids. Children don't perceive time the way we do. Kids see a couple months as forever. How will a child see a two-month program? What does HHS have available? Placement in group homes. 13-17-year-old placement. But a 13-year-old is very different from a 17-year-old.

V. Q. What do you think about the alternative to detention options such as community detention, GPS, HEM, and ERC? Are there enough options?

Judge Bair — alternative to detention. Noyes is not a place I want to send a kid. I'm also on the state juvenile advisory board. Today was our meeting and it was held at Victor Cullen. It's bigger, but housing units are just like Noyes. A cell with a window. Talking with one of the Howard County Juvenile magistrates, surprised that SAO does not have specialized prosecutors. We will have detention hearings. Should the child be detained? Adversarial. The model is "criminal court light." The prosecutors are mostly young prosecutors. This is next step up before adult criminal court. Continuity in DJS. They have four in-court personnel. Depending on that worker, they will make a different recommendation. We should try to keep kids out of detention. But it's difficult when SA errs on the side of public safety. Try to release child directly to parents. We have home electronic monitoring. GPS. Evening reporting center. Probably should be used more. Shelter care is underutilized. People don't advocate too much for that. Group home, not behind bars.

Judge Smith said the issue is if they don't have services in place or parent who can get them there, it doesn't work.

VI. Q. Which DJS facilities have you visited, and which do you want to visit and why?

Judge Callahan - She's been to five. Some to visit kids. Some to tour. Some very bad things have happened at those facilities and it's not surprising. These kids have been first placed in ten community and didn't succeed. So now in facilities. It's very important where we place these kids.

Judge Bair - Cheltenham. Why spending all this money on a place that has only 30 kids or so. Hickey looks like a prison. Baltimore City is overwhelming. Cullen was a pleasant surprise. Good services. Music, art, gardening, comfort dog. A positive atmosphere. "Hardware secure." Noyes is outdated.

Judge Smith — the director of Noyes has done a lot to make it more friendly.

Judge Greenberg — July 1 will have a juvenile magistrate. Will provide continuity. Judges will be freed up to do more logistical things. Judges meet monthly and last month they spoke to Board of Education last month. Surplus of peace orders against kids. Driven by parents. Prohibits respondent from going to school. Court has largely worked that out. BoE will mediate these cases.

Q. Dan Gaskill asked about the bill. Currently the judge must assume the child did the crime. This bill would take that presumption away. Judge Callahan said the intention is to turn the process around. These are kids. Not adults. Those kids are our responsibility because that's how the law works.

Mary Siegfried — the only thing I like about CINA is there is a whole team with them, to lift the kid up. There are also the CASA workers. Occasionally they help with delinquencies it's great. Already met with CASA about issue.

Q. Tracy Friedlander — Can you talk a little more about the services the girls need?

Judge Smith — we don't see a lot of girls. So, there aren't a lot of services. They are victims of abuse. They have a lot of anger. Assaultive behavior and outbursts.

Sometimes they tag along with boys on crimes. They need to deal with the underlying things that happen with them that brought them in.

Mary Siegfried — The girls have been traumatized and have PTSD. You can't approach them the same way. Girls tend to fight with their feet — they run away. That makes it harder to have services at home when home life isn't great. We need a lot of services like Jennifer Gauthier's.

Jen Gauthier — Very difficult to get funding. You need services that will meet with them for at least 10 weeks. The providers must have specific skill set. Very difficult to get grant funding. The average of the grants we put in for is 35-45. The girls come back for other programs. Voluntarily.

Cary Fellows — what's in the child's best interest? It's not in the child's best interest to be a danger to the community. Difference between early and late adolescent development. They present with a pseudo-maturity. Unless you are a long-time therapist, it's hard to spot accurate maturity level.

Judge Bair — If you have a magistrate who already has a background in juvenile justice, they will really see those nuances of behavior.

Kimberly Alfrend — one of my frustrations is subject of education with our clients. Do they need an IEP? MCPS is great but isn't proactive. What can we do or not do? We have gaps in services.

Judge Smith — what I've been doing... a Mom said they have been trying to get testing and IEP since 2017. Judge tells parents to go in now, because they've been in court. Some parents don't even know what it is. There needs to be more communication between DJS and MCPS. Get kids tested for IEP and accommodation. This is a large part of the issue for these kids. Even if the kid is not in your school now, they are coming back.

Jen Gauthier — the administration is not always on board. Some kids can use ear phones during testing. Next administrator says no. No continuity. Even if it is in IEP, they may not accommodate. You can appeal suspension if it's in violation of IEP.

Chris Fogleman — what the judges do during the day is particularly stressful work. On lots of committees, councils, boards. On behalf of the commission, thank you for coming tonight and for your dedication to the youth of Montgomery County .

VII. Adjourned.8:42pm.

Commission on Juvenile Justice

7300 Calhoun Place, Suite 600 Rockville, MD 20855 • 240-777-3317 • 240-777-4447 fax
www.montgomerycountymd.gov
