



Anthony G. Brown  
Lt. Governor

Martin O'Malley  
Governor

Sam Abed  
Secretary

---

**2012 JCR RESPONSE**  
**REPORT ON EXPANDING CAPACITY AT SILVER OAK ACADEMY**

---

**INTRODUCTION**

---

In the Report on the State Operating Budget (SB 150) and the State Capital Budget (SB 151) and related Recommendations - Joint Chairmen's Report, 2012 Session, p. 136, the Maryland General Assembly requested that the Department of Juvenile Services (DJS) submit a report on expanding capacity at the Silver Oak Academy.

Specifically, the committees requested DJS to conduct an evaluation of the potential for expanding capacity at the Silver Oak Academy in Carroll County, Maryland. The committees are concerned that the department has been unable to address the issue of inadequate treatment bed capacity through its capital construction program and believe that an additional 48-bed expansion of the Silver Oak Academy capacity could more expeditiously address the need. In conducting the evaluation, DJS should identify all potential avenues and obstacles for expanding the program's capacity, including any potential statutory changes. The submitted report should also include the treatment bed need for youth in each region, a potential timeline for the expansion, the anticipated impact an expansion would have on the pending placement population, and any fiscal impact. The report should be submitted to the budget committees no later than August 30, 2012.

---

**DJS RESPONSE**

---

The Department of Juvenile Services (DJS) is committed to providing quality care and appropriate services to youth and families involved in the juvenile justice system. DJS operates a system of services delivered in communities and facilities to meet the specific needs of youth and their families without compromising public safety. Additionally, DJS contracts with a number of private providers to deliver high quality residential treatment services to adjudicated youth.

The Silver Oak Academy (SOA) is located in Northern Carroll County in Keymar, Maryland. The Silver Oak Academy is a staff-secure (non-fenced) residential treatment program that opened in July 2009 and is owned and operated by Rite of Passage, Inc. DJS currently licenses the program to accommodate up to 48 male youth. SOA, located on a 75- acre campus, provides on-site educational services, athletics and community

activities, treatment services, vocational training services, on-site medical and mental health services. The program also provides transition services back to the youth's home community and after care services.

The school at SOA is approved by the Maryland State Department of Education (MSDE) as a Non-Public General Education and Special Education Program. The year-round school provides high school level instruction at a ratio of six students for each teacher. Students can earn a high school diploma or GED, earning credits that conform to the MSDE curriculum standards. The Special Education Program meets the needs of students diagnosed with specific learning disabilities (LD) or emotional disturbance issues (ED), providing related services as identified in the student's Individualized Education Plan (IEP).

SOA offers an inter-scholastic activities program, competing in The Maryland Public Secondary Schools Athletic Association (MPSSAA) in football, cross country, basketball, wrestling, track & field and lacrosse. Students also participate in regular health and wellness programs, including daily physical education classes, intramural sports on campus and the annual Presidential Physical Fitness competition. Additionally, community service is part of the Restorative Justice Model adopted by the SOA programming. Program completion standards require that each student participate in 200 hours of community services as opposed to the usual secondary school diploma standards requiring 75 hours of service learning.

In providing treatment services, SOA utilizes the Positive Achievement Change Tool (PACT) to assess criminogenic risks and behavioral factors in eleven different domains. To facilitate proper treatment and measure change accurately, a Measured Achievement Plan (MAP) is developed for each student based on this assessment. Major treatment goals are formulated and the corresponding services identified, including skills groups, substance abuse treatment, individual and family counseling and psychological and psychiatric interventions where necessary. Families of youth and DJJ case managers participate in this process.

Licensed and trained staff deliver evidence-based services such as, Aggression Replacement Training, Thinking for a Change, Pathways to Self-Discovery and Paring with Love and Limits. The average length of treatment is nine months of on-campus activities and three to four months of community after-care.

SOA also offers several vocational training services such as culinary arts, barbering, computers, construction trades and metal fabrication. Vocational training takes place daily and provides students with entry-level skills. Advanced training is coordinated with a number of partners in the youth's home communities during the aftercare period.

After care services for families is provided through an evidence-based model. The program is targeted to meet adolescents' needs including severe emotional and behavioral problems, substance abuse, truancy issues, domestic violence, suicidal ideation, depression or ADHD. The model engages students and families at the onset of placement and continues through the aftercare period. Treatment, follow-up and linkage services assist students to reintegrate into their communities.

**I. Identification of all potential avenues and obstacles for expanding capacity at the Silver Oak Academy**

In order to address all potential avenues and obstacles for expanding capacity at Silver Oak Academy, an overview of current Maryland law is required. There are several limitations placed on DJS residential facilities, including capacity limitations, regionalization, and the Statement of Need (SON) process.

**A. Review of Current Maryland Law**

- 1. DJS owned and operated committed facilities are limited to only serving 48 youth at one time. Privately owned and operated facilities licensed by DJS are limited to 48 youth at one time, unless the Secretary finds good cause to increase capacity.** Md. Ann. Code, Human Services Art., §8-703.1.

DJS shall ensure that each committed facility owned and operated by DJS serves no more than 48 children at one time. Furthermore, DJS shall ensure that each committed facility licensed by the Department serves no more than 48 children at one time, unless the Secretary finds good cause for a committed facility licensed by DJS to serve more than 48 children at one time. §8-703.1

- 2. DJS shall deliver services to children on a regional basis through at least four operational regions.** Md. Ann. Code, Human Services Art., §8-703.1.

DJS is required to serve youth on a regional basis. DJS currently operates a state-wide system with six regions.

- **Region I (Baltimore City)**  
Baltimore City
- **Region II (Central)**  
Baltimore County  
Carroll County  
Harford County  
Howard County
- **Region III (Western)**  
Allegany County  
Frederick County  
Garrett County  
Washington County
- **Region IV (Eastern)**  
Cecil County  
Kent County  
Queene Anne’s County  
Caroline County  
Talbot County  
Dorchester County  
Wicomico County  
Somerset County  
Worcester County
- **Region V (Southern)**  
Anne Arundel County  
Calvert County  
Charles County  
St. Mary’s County
- **Region VI (Metro)**  
Montgomery County  
Prince George’s County

Except for specialized services, each region shall include a number of committed facilities estimated to be necessary to diagnose, care for, train, educate and properly rehabilitate every

child from the region in the custody of DJS. A region can include a non-public facility only if DJS determines that the facility has provided or will efficiently and effectively provide adequate care for the children placed in the facility, and has demonstrated a record of success. §8-703.1. DJS may place a child into a committed facility outside the child's region if a determination is made by DJS that specialized services for the child require the placement in the best interests of the child. §8-703.1.

**3. DJS is required to issue a Statement of Need prior to (1) granting a license for a residential child care program, (2) an existing or previously licensed program is relocated to another site, (3) the physical site of a program is expanded, or (4) the number of placements in a residential child care program is increased.** Md. Ann. Code, Human Services Art., §8-703.1.

Prior to increasing the number of placements at the Silver Oak Academy, DJS is required to issue a Statement of Need (SON). Md. Ann. Code, Human Services Art., §8-703.1. In developing an SON DJS shall consider the needs identified in the state Resource Plan and Interagency Strategic Plan; consider the specialized mental, physical and behavior health and developmental needs of children in the counties or regions affected by the SON; and give notice to and an opportunity to comment on the proposed SON to stakeholders in the counties or regions affected by the SON. §8-703.1(c). The stakeholders include State and local child serving agencies; providers of residential and community based services for children; and children, parents, foster parents and other guardians. §8-703.1(c).

The Code of Maryland Regulations (COMAR) provides additional guidance to licensing agencies on how to pursue issuing a SON to increase capacity in a residential child care program. When the need for a residential child care program expansion is identified, the licensing agency shall publish a notice of a SON in the Maryland Register. COMAR 14.31.09.04(C). The SON shall include: (1) identification of the geographic areas of need, including the primary region or regions of residence of the children who will be placed in the facility; (2) identification of population to be served, including specialized mental, physical, behavioral health, and developmental needs of the children affected by the SON; (3) description of the services that will be provided; (4) description of the current availability of the proposed services in the region or regions; (5) description of the actual or projected number of children who need the proposed services from the region or regions; (6) number of beds required; (7) description of the methodology used as the basis for the agency's calculations set forth in a manner that permits independent verification if requested; (8) date by which proposals must be submitted; (9) date by which beds must be available; and (10) selection criteria. COMAR 14.31.09.04(D).

Once a SON for an increase in capacity of a program is issued and notice is placed in the Maryland Register, the provider will file an expansion request with the Governor's Office for Children. COMAR 14.31.02.04. The GOC, within 90 days of receipt of the expansion request, will conduct a preliminary review to determine if the proposal is adequate to refer to a licensing agency. COMAR 14.31.02.05. Upon completion of the review, the GOC would forward the expansion request to the appropriate licensing agency. COMAR 14.31.02.07.

## **B. Potential Avenues and Obstacles to Increase Capacity at the Silver Oak Academy**

A potential avenue to achieve an increase in capacity is to issue a Statement of Need for an expansion in capacity at the Silver Oak Academy, if the Secretary finds good cause to increase capacity beyond the 48 bed limit. SOA provides specialized services that are not available in every region, which permits SOA to serve youth from all DJS regions. The treatment need is evenly enough distributed across the state as to make this type of programming in each region, physically, fiscally, and programmatically impossible.

The obstacle exists in building consensus that serving youth in a facility that has a capacity over the 48 bed limit will achieve the goals of providing high quality treatment services to youth. Although, there may not be consensus regarding how many youth a residential child care program shall serve, DJS has worked with larger providers in out-of state programs. Additionally, increased monitoring of Maryland's residential programs provides the necessary oversight to make certain that youth are safe, secure, and receive quality treatment services if the capacity is increased.

DJS currently contracts with out-of-state providers that serve youth in facilities that have capacity that exceeds 48 youth. These programs are closely monitored and provide outcomes that are comparable to our own in-state 48 bed capacity programs. Generally, the out-of-state programs are more cost-effective and less expensive than in-state programs because an increased capacity is able to off-set certain operational costs.

The Juvenile Justice Monitoring Unit monitors the population, staffing levels, safety and security, the physical plant and basic services, education, rehabilitative and recreational programming, medical services, and youth advocacy, internal monitoring and investigation at DJS and privately owned and operated facilities. The JJMU concluded in the Juvenile Justice Monitoring Unit, 1<sup>st</sup> Quarter 2012 Report, page 89, that SOA "continued to provide a safe, therapeutic and constructive environment for youth." DJS is also required to monitor licensed facilities in order to ensure that youth are receiving appropriate treatment in a safe and secure environment.

## **II. Treatment bed need for youth in each region**

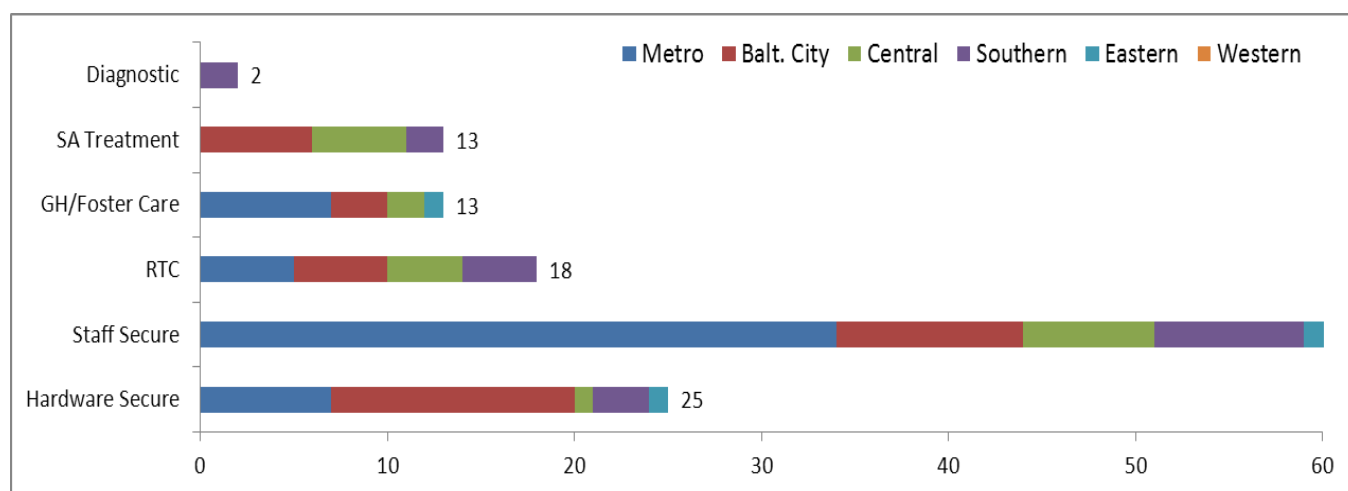
DJS has identified a need for additional capacity in a staff-secure facility with the type of therapeutic offerings that the Silver Oak Academy provides for males between the ages of 14-18. The greatest need occurs in the Metro and Baltimore City regions, although there is a statewide need.

The charts below show a snap shot, one day, of each month's pending placement population statewide. The data is broken out by program type the youth is pending placement for, and the youth's region. This illustration clearly shows the need that exists for additional staff secure capacity. Moreover, on page 10 the average length of stay of youth pending placement by program type is provided. Youth who have to wait for their treatment program do not receive services in detention and have an overall longer length of stay in the juvenile justice system.

## Pending Placement May 21, 2012

By type of committed program for which youth is waiting

Program Type <sup>1</sup>	Metro	Balt. City	Central	Southern	Eastern	Western	Statewide
Hardware Secure	7	13	1	3	1	0	<b>25</b>
Staff Secure	34	10	7	8	6	3	<b>68</b>
RTC	5	5	4	4	0	0	<b>18</b>
GH/Foster Care	7	3	2	0	1	0	<b>13</b>
SA Treatment	0	6	5	2	0	0	<b>13</b>
Diagnostic	0	0	0	2	0	0	<b>2</b>
<b>Total</b>	<b>55</b>	<b>37</b>	<b>19</b>	<b>20</b>	<b>8</b>	<b>3</b>	<b>142</b>



1

RTC = Residential Treatment Center

SA Treatment = Substance Abuse Treatment

GH / Foster Care = Group Home / Foster Care

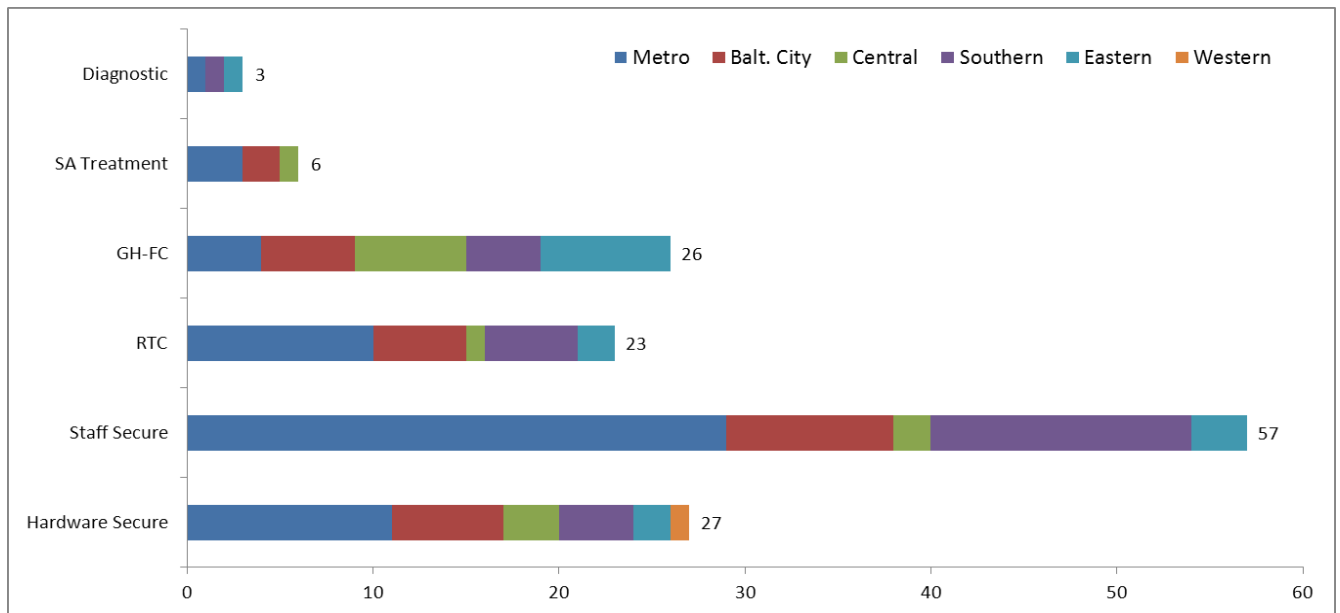
Diagnostic = Youth waiting to receive a hospital based evaluation

Silver Oak Academy is a Staff Secure Program

## Pending Placement June 22, 2012

By type of committed program for which youth is waiting

Program Type <sup>2</sup>	Metro	Balt. City	Central	Southern	Eastern	Western	Statewide
Hardware Secure	11	6	3	4	2	1	<b>27</b>
Staff Secure	29	9	2	14	3		<b>57</b>
RTC	10	5	1	5	2		<b>23</b>
GH-FC	4	5	6	4	7		<b>26</b>
SA Treatment	3	2	1				<b>6</b>
Diagnostic	1			1	1		<b>3</b>
<b>Total</b>	<b>58</b>	<b>27</b>	<b>13</b>	<b>28</b>	<b>15</b>	<b>1</b>	<b>142</b>



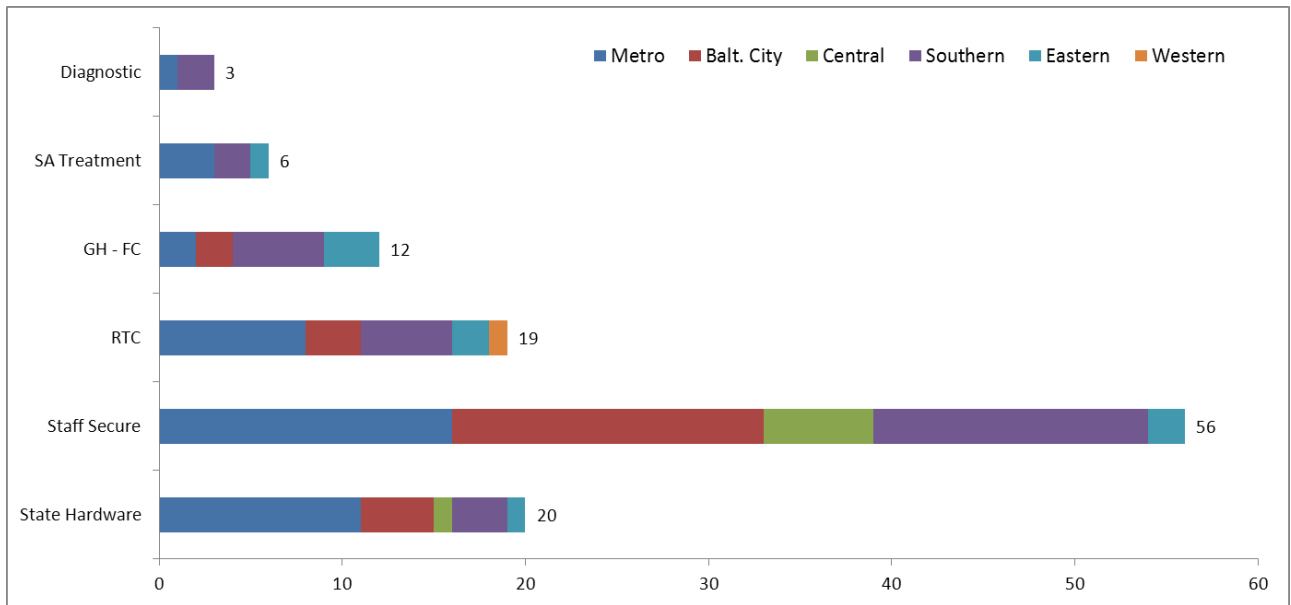
2

RTC = Residential Treatment Center  
 SA Treatment = Substance Abuse Treatment  
 GH / FC = Group Home / Foster Care  
 Diagnostic = Youth waiting to receive a hospital based evaluation  
 Silver Oak Academy is a Staff Secure Program

## Pending Placement July 27th, 2012

By type of committed program for which youth is waiting

Program Type <sup>3</sup>	Metro	Balt. City	Central	Southern	Eastern	Western	Statewide
State Hardware	11	4	1	3	1		20
Staff Secure	16	17	6	15	2		56
RTC	8	3		5	2	1	19
GH - FC	2	2		5	3		12
SA Treatment	3			2	1		6
Diagnostic	1			2			3
<b>Total</b>	<b>41</b>	<b>26</b>	<b>7</b>	<b>28</b>	<b>9</b>	<b>1</b>	<b>112</b>



3

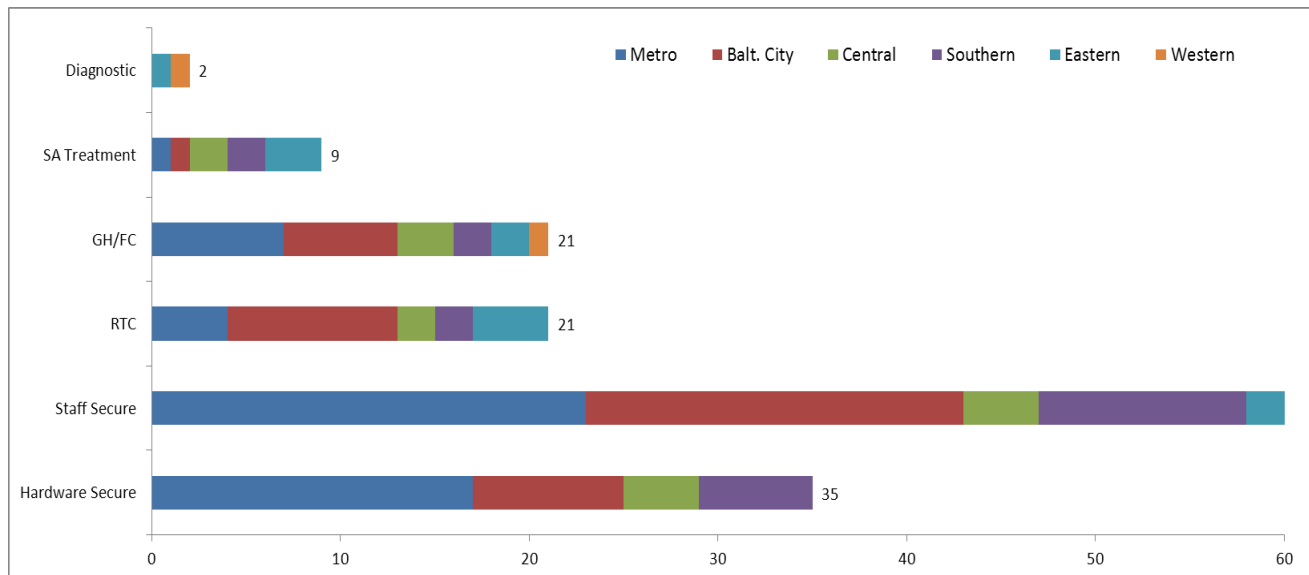
RTC = Residential Treatment Center  
 SA Treatment = Substance Abuse Treatment  
 GH / FC = Group Home / Foster Care  
 Diagnostic = Youth waiting to receive a hospital based evaluation  
 Silver Oak Academy is a Staff Secure Program



## Pending Placement August-15, 2012

By type of committed program for which youth is waiting

Program Type <sup>4</sup>	Metro	Balt. City	Central	Southern	Eastern	Western	Statewide
Hardware Secure	17	8	4	6	0	0	<b>35</b>
Staff Secure	23	20	4	11	3	1	<b>62</b>
RTC	4	9	2	2	4	0	<b>21</b>
GH/FC	7	6	3	2	2	1	<b>21</b>
SA Treatment	1	1	2	2	3	0	<b>9</b>
Diagnostic	0	0	0	0	1	1	<b>2</b>
<b>Total</b>	<b>52</b>	<b>44</b>	<b>15</b>	<b>28</b>	<b>13</b>	<b>3</b>	<b>155</b>



4

RTC = Residential Treatment Center

SA Treatment = Substance Abuse Treatment

GH / FC = Group Home / Foster Care

Diagnostic = Youth waiting to receive a hospital based evaluation

Silver Oak Academy is a Staff Secure Program

**FY 2012 Committed Program Youth  
Pending Placement (PP) Average Length  
of Stay (ALOS)**

<b>Committed Program</b>	<b>PP ALOS</b>
Hardware Secure	76.6
Staff Secure	54.3
RTC	84.2
Group Home/Foster Care	30.4
SA Treatment	25.4
Diagnostic Units	15.8
<b>Total</b>	<b>49.1</b>

**Note:** The PP ALOS is the closest pending placement stay associated with that youth’s admission.

**III. Potential timeline for expansion**

A potential timeline would begin when DJS posts the notice of a Statement of Need in the Maryland Register after the stakeholders identified in COMAR have been provided opportunity to comment on the proposed SON.

<b>Activity</b>	<b>Activity Time</b>	<b>Total Time</b>
Consultation with Stakeholders	15 days	
<ul style="list-style-type: none"> <li>• Notice of SON in Maryland Register</li> <li>• Expansion Packet Due to the Governor’s Office for Children</li> </ul>	30 days	45 days
Governor’s Office for Children Review	90 days	135 days
DJS Review	15 - 30 days	150 – 165 days
Interagency Rate Committee to approve per diem rate	15 days	165 – 180 days
Board of Public Works contract approval	60 days	225 – 240 days

**IV. Anticipated impact an expansion would have on the pending placement population**

Additional capacity at SOA will have a positive impact on the pending placement population. As illustrated in the graphs on pages 6 -9 of this report, most youth who are pending placement are waiting for placement in a staff secure facility such as SOA.

DJS has prioritized the pending placement population and has several initiatives targeted at decreasing this population in DJS detention facilities. DJS has issued directives to the DJS case management staff aimed at ensuring youth are placed as quickly and efficiently as possible; weekly detention and pending placement reviews are held in each DJS operational region; executive review is conducted if a youth has been in pending placement status for longer than 30 days; a continuum of care process has been implemented to prevent youth ejected from committed programs from returning to detention. Although, a decrease in the pending placement population may be attributed to these measures, a more dramatic decrease will not be able to be realized unless more capacity in residential programs is increased.

#### **V. Fiscal Impact of expansion**

Based on the current per diem rates at the Silver Oak Academy, an additional 48 beds would cost approximately \$5,795,000 per year. Adding additional capacity at SOA should reduce the per diem rates; however that is not guaranteed or predictable.

An additional 48 beds at SOA will reduce costs elsewhere. The additional capacity is not adding more youth in to residential placement, the youth placed at SOA would be diverted from other residential placements. Moreover, the additional 48 beds will reduce the amount of time youth must remain in pending placement status in costly detention facilities, and reduce the total length of time the youth remains in an out of home placement.