Maryland's JJDPA Compliance Crisis: Children in Adult Detention

Prepared by the Processes and System Coordination Workgroup
of the Commission on Juvenile Justice Reform and Emerging and Best Practices[1]

Overview

The Processes and System Coordination Workgroup of the Maryland Commission has undertaken an in-depth review of the state's failure to comply with the Juvenile Justice and Delinquency Prevention Act (JJDPA), with particular attention to the practice of holding children in adult jails. Through extensive consultation with the Department of Juvenile Services (DJS), the Governor's Office of Crime Prevention and Policy (GOCPP), Judiciary representatives, and county stakeholders, the workgroup identified a series of statutory, systemic, and operational gaps that drive these violations.[2] Their analysis makes clear that Maryland's current charging and detention practices are not only costly and inefficient but also a primary source of federal noncompliance. Even more troubling, these practices, which are rooted in the state's automatic charging law, expose children to unnecessary harm and weaken the effectiveness of Maryland's broader youth justice system.

Maryland's practice of automatically charging children as adults does not improve public safety. In fact, each year 85%[3] of these cases are eventually dismissed or sent back to juvenile court after youth have

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[1] This report was initially a Processes and System Coordination Workgroup product that was approved by majority vote of the Workgroup on 10/03/25 (7 For, 1 Against, 3 Absent) to move to the full Commission for an official position. On 10/23/25, the Commission approved the report and its recommendations by a majority vote (10 For, 3 Against, 3 Abstentions, 11 Absent. Following Commission approval, all members who were absent for the 10/23/25 vote were offered an opportunity to review the report and provide feedback. Eight absent Commissioners submitted responses and each voiced support for the report and its recommendation.).

[2] Multiple stakeholders contributed to this report between March and June 2025 in order to inform the analysis of Maryland's noncompliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA) and related policy implications. The Department of Juvenile Services (DJS) was engaged through Former Secretary Vincent Schiraldi's office (now Secretary Betsy Fox Tolentino's office) during workgroup sessions and subsequent correspondence. The Governor's Office of Crime Prevention and Policy (GOCPP) compliance and policy staff participated in these sessions and email exchanges, and both entities were involved in the drafting of this report. Judiciary input was provided primarily from meeting notes from workgroup and full Commission meetings. Additional expertise was drawn from advocacy and research partners. Finally, county-level adult detention representatives were consulted in follow-up calls to address operational challenges related to sight and sound separation and move orders. Documentation of these consultations is reflected in workgroup notes, Commission meeting minutes, and internal GOCPP summaries from March through June 2025.

[3] Feb. 2025 legislative testimony from the Sentencing Project states: "Roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system. Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or waive the youth back into the juvenile court more than 85 percent of the time."
https://www.sentencingproject.org/app/uploads/2025/02/Testimony-SB-422-TSP.pdf
Maryland Office of the Public Defender 2024 Annual Report states: In FY2024, OPD represented 618 children charged as adults…Most children charged as adults will ultimately have their case transferred down to juvenile court." https://opd.state.md.us/_files/ugd/8cb54c_7eabe4b48b944b209533fe9f6332605b.pdf
DJS Data Resource Guide reflects 529 cases transferred to the juvenile court in FY2024
https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf
The Vera Institute / DLS Preliminary Findings from Dec. 10, 2020 reflects ~81% of youth who did not end in adult conviction
https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf

spent weeks or months in adult detention without access to rehabilitative services shown to reduce reoffending. This practice fails to protect communities. Instead, it disproportionately impacts children of color,[4] diverts resources away from critical services for children and families,[5] places children in dangerous environments that more often result in subsequent violent or general criminal behavior,[6] and undermines true accountability by depriving them of developmentally appropriate interventions that help them understand, take responsibility for, and grow from their actions.

The problem is not one of minor procedural adjustments; it is structural. The automatic charging statute casts an unnecessarily wide net, funneling hundreds of young people into the adult system even though the vast majority will return to juvenile court or see their cases dropped. This process delays access to services, subjects children to developmentally inappropriate and harmful conditions, and fails to advance public safety. For this workgroup, the clearest and most effective path to JJDPA compliance and to a more just system is to end the practice of automatic charging while retaining the option for judges to waive children's cases to adult criminal court, when appropriate.

Background

Because Maryland receives federal funding through the JJDPA's Formula Grants Program, it is required to monitor and report compliance with the law's core protections. The Juvenile Grant Planning and Review Council, also known as the State Advisory Group (SAG), oversees this responsibility.[7] The JJDPA places strict limits on holding children in adult facilities. Children may not be held for more than six hours unless a court finds it is in the "interest of justice," based on a seven-factor test that includes 1) age, 2) mental state, 3) charge severity, 4) delinquency history, 5) facility capacity, 6) public safety, and 7) any other relevant factors.[8] Additionally, children must remain completely separated from adult detainees at all times (sight and sound separation), although it is permissible for children to have sight and sound contact if that is determined by the Court during the Interest of Justice (IOJ) hearing. Courts must review such placements every 30 days with these factors in mind, with a 180-day maximum unless extended for good cause.

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[4] Balis, N. (2024, July 15). *Youth charged as adults: Presentation to the Maryland Equitable Justice Collaborative Youth Reform Workgroup.* Annie E. Casey Foundation.
https://www.marylandattorneygeneral.gov/MEJC/YouthReformWG/MEJC_Youth_Charged_as_Adults_7_15_24_FINAL__Nate_Balis__AECF.pdf

[5] Governor's Office of Crime Prevention and Policy. (2024). *Youth charged as adults: The costs to Maryland's justice system and communities.*
https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf

[6] Coalition for Juvenile Justice. *The 4 Core Requirements of the Juvenile Justice and Delinquency Prevention Act (JJDPA)*
https://juvjustice.org/blog/the-4-core-requirements-of-the-juvenile-justice-and-delinquency-prevention-act-jjdpa/
Center for Disease Control. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*
https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf

[7] State of Maryland, Office of the Governor. (2024). *Executive Order 01.01.2024.05: Establishing the Governor's Office for Children and the Governor's Office of Crime Prevention and Policy.*
https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/34/EO%2001.01.2024.05%20Establishing%20the%20Governors%20Office%20for%20Children%20and%20the%20Governors%20Office%20of%20Crime%20Prevention%20and%20Policy_Accessible.pdf

[8] Juvenile Justice and Delinquency Prevention Act Reauthorization 2018. IOJ factors are listed on page 26.
https://ojjdp.ojp.gov/publications/JJRA-2018

Currently, the process for transferring children from adult to juvenile detention in Maryland requires coordination among multiple systems with distinct roles. Courts determine where a child should be held based on legal mandates and case specifics, including automatic adult charging laws. County jails house children charged as adults pre-trial and are responsible for adhering to court orders and federal detention standards, though many face infrastructure and staffing challenges, especially with sight and sound separation requirements. DJS operates state-run juvenile facilities and receives children from adult custody when cases return to juvenile court, and only in some cases while the decision to return to juvenile court is pending. However, DJS may delay admissions due to capacity constraints to ensure safety and appropriate care.

The Problem

Maryland is significantly out of compliance with federal standards governing the pretrial detention of children charged as adults. In 2025, the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) began enforcing thresholds on length of stay and sight and sound separation in adult facilities, using new data formulas to assess state performance. In FY 2023, Maryland's detention rate was 93.26 per 100,000 children, over six times the federal standard of 14.68.[9] That number rose to 119.59 in FY 2024, a 27% increase. The state reported roughly 1,600 violations, more than any other state, prompting OJJDP to exclude Maryland's data from national averages due to its extreme outlier status.

The severity of this issue of noncompliance lays bare the overarching issue of adult auto charging in the state. As long as we uphold the practice of auto charging, compliance will be a perpetual issue. There are no winners in the current situation.

Overuse of Automatic Charging

Maryland has one of the longest lists of offenses for which a child can be charged as an adult in the country.[10] Currently, under Maryland law, there are 33 enumerated offenses that automatically send children as young as 14 years old to an adult detention center immediately after their arrest.[11] Ultimately most of these cases return to juvenile court or are dismissed. For further clarity, in FY2024, 529 cases

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[9] https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf

[10] Maryland's juvenile court has original jurisdiction over most cases involving children, but there are statutory exclusions where the juvenile court "does not have jurisdiction," so the case starts in adult court and remains there unless it is transferred back to juvenile court. The exclusions are in Courts & Judicial Proceedings (CJP) § 3-8A-03(d), and the transfer-back process is the "reverse waiver" in Criminal Procedure (CP) § 4-202. https://law.justia.com/codes/maryland/courts-and-judicial-proceedings/title-3/subtitle-8a/section-3-8a-03/

[11] Ages 10-12: Juvenile jurisdiction only for certain serious offenses. Ages 13+: General delinquency jurisdiction, subject to the exclusions below.
1) A youth at least 14 charged with a crime punishable by life imprisonment begins in adult court and all charges from the same incident accompany it. They may be transferred to juvenile court (reverse waiver).
2) A youth at least 16 charged with any of the following begins in adult court (with companion charges): Abduction, Kidnapping, Second-degree murder, Manslaughter (not involuntary), Second-degree rape, Robbery (CR § 3-403), Third-degree sexual offense (CR § 3-307(a)(1)), Firearm/public safety violations (PS §§ 5-133, 5-134, 5-138, 5-203), Firearm during drug trafficking (CR § 5-621), Firearm in commission of a crime of violence (CR § 5-622), Carjacking/armed carjacking (CR § 3-405), First-degree assault (CR § 3-202), Attempted second-degree murder (CR § 2-206), Attempted second-degree rape (CR § 3-310), Attempted robbery (CR § 3-403) , Handgun/firearm transport/related offenses (CR §§ 4-203, 4-204, 4-404, 4-405).
https://law.justia.com/codes/maryland/courts-and-judicial-proceedings/title-3/subtitle-8a/section-3-8a-03/

were transferred to the juvenile court.[12] Of those, 209 were committed to DJS (40%), 237 were ordered to probation (44%), and 83 youth (16%) had their case resolved with no commitment or probation order. These children spent 90 to 180 days in adult jails before being transferred to juvenile court.

The Enduring Harm of Adult Detention on Kids

Children whose cases are ultimately dismissed or transferred to juvenile court spend weeks or even months in adult facilities, enduring conditions that were never designed for children.[13] These children lose entire semesters of school and critical instruction, fall behind in education, and are cut off from the rehabilitative services and supports that exist in the juvenile system but are largely absent in adult settings. Community-based programs cannot reach them, and family contact is sharply limited by restrictive visitation policies and the remote locations of many facilities.

Inside adult jails, the federal requirement for "sight-and-sound separation" often breaks down. Young people report hearing the adult inmates shouting at them through the walls, feeling the weight of fear every day.[14] Some describe bullying and threats of sexual violence from the adult inmates. Even when physical barriers exist, the constant auditory exposure to adult incarceration creates a climate of trauma and hypervigilance that no child is developmentally equipped to manage. For many, this becomes a crash course in adult prison culture, where kids are forced to learn survival strategies in an environment that is harsh, violent, and punitive.

The harm does not stop at immediate fear and lost instruction and programming. These experiences fracture family bonds, erode trust, and leave scars that reverberate long after release. Children return to their communities more disconnected and more traumatized; often carrying a sense that the system values punishment over growth. For those whose cases are dismissed or transferred back to juvenile court, the damage feels even more senseless: months in isolation, exposure to adult jail culture, and the deep disruption of their lives, all for charges the state ultimately chose not to pursue.

Misalignment with Federal Standards

Maryland law is misaligned with federal standards in several critical ways. It does not require an "interest of justice" determination as mandated under federal law when deciding whether a child should remain in adult detention. Additionally, the state lacks mandatory periodic judicial reviews for children held in adult facilities, imposes no time limits on how long a young person can be detained in adult jails, and does not

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[12] Placements For FY 2023-2024 and ADP, ALOS by County of Residence, FY 2024. Cases Transferred to the Juvenile Court with Court Dispositions by County of Jurisdiction, FY 2024. Retrieved from pg 114: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

[13] Coalition for Juvenile Justice. *The 4 Core Requirements of the Juvenile Justice and Delinquency Prevention Act (JJDPA)* https://juvjustice.org/blog/the-4-core-requirements-of-the-juvenile-justice-and-delinquency-prevention-act-jjdpa/
Center for Disease Control. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System* https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf

[14] In this investigative report, Baye documents how minors detained in adult jails in Maryland are frequently held in isolation for up to 23 hours a day, deprived of basic services such as education and hygiene, and in some cases detained for over a year before a judicial review, violating federal juvenile justice standards and highlighting Maryland's ongoing noncompliance with core JJDPA protections. Baye, R. (n.d.). *Maryland Fails to Protect Young Inmates in Adult Jails.* NPR. https://www.npr.org/people/g-s1-70441/rachel-baye

guarantee sight and sound separation from adult inmates. These gaps place Maryland at risk of federal noncompliance and expose young people to harmful conditions.[15]

Lengthy Adult Court Timelines and Discrepant Procedures

Children charged as adults face an average of 125 days before a transfer hearing, and regularly wait over a year and up to two years for final disposition of their case.[16] By contrast, cases initiated in juvenile court are statutorily required to be adjudicated within 30 days if the child is detained, spending 27 days on average in a pre-disposition facility.[17,18,19] This discrepancy prolongs time spent in adult facilities, directly contributing to noncompliance.

When the Court orders a child moved to a secure juvenile facility, effective communication and coordination must exist between many stakeholders, including the Court, the county jails, DJS, public defenders, and prosecutors. A lack of communication and coordination often cause delays in transferring children out of adult facilities, increase the risk of noncompliance with federal law, and prevent timely access to rehabilitative services. Without coordinated notification, children may remain in unsafe or inappropriate settings, while key stakeholders are left without the information needed to advocate for or facilitate proper placement.

Barriers to Issuing Interest of Justice Orders

Maryland faces compliance challenges with the federal six-hour rule as early as the point of arrest. Under the JJDPA, a child may only be held in an adult facility if a judge issues an interest of justice (IOJ) order within six hours of arrest. In Maryland, commissioners, who are not judges, make initial detention decisions shortly after arrest. Commissioners base their decisions on flight risk and risk to public safety, yet they do not issue IOJ orders, which slows down the process. Children are entitled to a bail review

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[15] Criminal Procedure § 4-202 (2024) details the process and criteria by which a court exercising criminal jurisdiction may transfer a case involving a child to juvenile court, including age, covered offenses, factors to consider, timing requirements, and conditions for secure juvenile facility placement.
Maryland Code, Criminal Procedure § 4-202. (2024).
https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=4-202

[16] Governor's Office of Crime Prevention and Policy. (2024). *Youth charged as adults: The costs to Maryland's justice system and communities.*
https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf

[17] GOCPP (2025). *Youth charged as adults: The costs to Maryland's justice system and communities.* Retrieved from https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf

[18] Courts and Judicial Proceedings § 3-8A-15 (2024) outlines the procedures and timelines governing detention, community detention, and shelter care before an adjudicatory hearing, most notably requiring a hearing within 30 days of a petition granting detention or community detention.
Maryland Code. Courts and Judicial Proceedings § 3-8A-15. (2024). *Justia Law,*
https://law.justia.com/codes/maryland/courts-and-judicial-proceedings/title-3/subtitle-8a/section-3-8a-15/

[19] When the child is not detained, Courts & Judicial Proceedings § 3-8A-18 (together with Maryland Rule 11-421(2)) dictates a 60-day adjudication requirement. Maryland Rule 11-421(b)(6) allows the county administrative judge or a designee to extend the time for the hearing for extraordinary cause.
Maryland Code, Courts and Judicial Proceedings § 3-8A-18. (2024). Adjudicatory hearings; time requirements. *Justia Law.* Retrieved from
https://law.justia.com/codes/maryland/courts-and-judicial-proceedings/title-3/subtitle-8a/section-3-8a-18/
Maryland Code, Courts and Judicial Proceedings § 3-8A-18. (2024). Adjudicatory hearings; time requirements. *Westlaw.* https://govt.westlaw.com/mdc/Document/NF81622D0573B11EC8CD1A4C97B6F0E9C

hearing before a judge within 24 hours of charges in a District Court (unless it is a holiday or weekend, in which case bail review is set the next day the Court is open). The six-hour time limit for a child being held in an adult facility begins when the child is first placed into secure custody, and the bail review process is an immediate barrier for producing IOJ orders. IOJ orders are therefore not issued within six hours, and because there is no guaranteed right to a review of detention after the initial bail review, very few IOJ orders are issued at each 30 day interval that children are located within adult detention facilities.

Furthermore, judges, prosecutors, and defense attorneys need timely information about a child's case, but delays and limited access undermine IOJ decisions and compliance with JJDPA requirements. In some jurisdictions, the burden is placed on the defense to file motions to move children from adult to juvenile facilities, which is inconsistent with state law, reflecting a deeper systemic inefficiency that drains time and resources across the entire process, and prolongs detention in adult facilities. Under Maryland law, children charged as adults are to be held in secure juvenile facilities unless a specific exception applies: the child is released, there is not available capacity at a secure juvenile facility, or detention in a secure juvenile facility would pose a risk of harm to the child or others.[20] The first exception is very rarely applied, and in the case of the second exception, DJS is not presenting capacity data or determinations in those first six hours. Many children remain detained in adult facilities, with judges often citing "nature of the offense", which is not an enumerated exception, as the reason for continued adult detention.[21]

Capacity Constraints at DJS Facilities and Local Jails

Except for Baltimore City, local jails do not have access to dedicated facilities for children charged as adults. Local jails do not have any control over when or how many children they receive. Infrastructure also remains a barrier, as most adult jails lack sight-and-sound separation and retrofitting has proven costly and impractical.[22]

DJS is responsible for holding space for juvenile respondents and/or those detained under the juvenile code while also doing what it can to provide space for children tried as adults in its limited space, exacerbating extended stays in noncompliant settings. Even when IOJ orders are issued, DJS often determines there is not available capacity in a juvenile facility due to the lengthy stays of children charged as adults.[23]

Incentive Misalignment

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[20] Criminal Procedure § 4-202 (2024) governs the transfer of criminal cases involving a child from adult criminal court back to juvenile court, including eligibility criteria, required factors for transfer, timelines, and interim placement authority in secure juvenile facilities.
Maryland Code, Criminal Procedure § 4-202. (2024). Transfer of jurisdiction to juvenile court. Maryland General Assembly. https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=4-202

[21] GOCPP (2025, July 11). *Processes and System Coordination Workgroup meeting* [Video]. YouTube. https://www.youtube.com/watch?v=6z37G0JXrok

[22] Letter of Support from the Maryland Correctional Administrator's Association (MCAA) for SB827 - Juvenile Law – Confinement and Restrictive Housing – Limitations detailing the excess of $30 million to retrofit adult facilities.
Maryland Senate Judicial Proceedings Committee. (2025). *Senate Bill 827 – Juvenile Law: Confinement and Restrictive Housing – Limitations (Committee testimony)*. Maryland General Assembly. Retrieved from https://mgaleg.maryland.gov/cmte_testimony/2025/jpr/1BrO_8Szpei3e0APlOWFbA8caV6epamJ1.pdf

[23] DJS capacity determination is permissible under Maryland Crim Pro 4-202.
Maryland Code, Criminal Procedure § 4-202. (2024). Transfer of jurisdiction to juvenile court. *Maryland General Assembly.* Retrieved from https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=4-202

A major component of the JJDPA is focused on protecting children in adult facilities from placements that are developmentally inappropriate and the significant physical and psychological risks posed by contact with incarcerated adults.[24] The original Act and all of its iterations require sight and sound separation, as exposure to adults places children at heightened risk of violence, sexual abuse, and psychological trauma, and has been shown to increase the likelihood of future criminal behavior by reinforcing antisocial norms and removing children from age-appropriate rehabilitative supports.[25]

Because of these conditions, many children accept adult plea deals to expedite release or receive a sentence for lesser charges; with DJS tracking at least 30 young people withdrawing Motions for Transfer to Juvenile Court between January to June 1, 2025. This places them out of DJS jurisdiction, which eliminates access to rehabilitative juvenile services and causes them to accrue adult records that harm long-term prospects.

The High Cost of Incarcerating Children in Adult Detention

Maryland's practice of charging children as adults, coupled with the lack of state legislation aligning with federal requirements, has created a costly and unsustainable system that directly fuels the state's noncompliance with the JJDPA. The costs are not only measured in lost federal funding, but also in the avoidable fiscal strain placed on the DJS, the Office of the Public Defender (OPD), and local detention centers.

DJS bears the most direct financial burden. In FY24, the average daily population of youth charged as adults at DJS was 157. Youth charged as adults and awaiting transfer decisions represented nearly 60% of DJS's detained ADP in FY24.[26] Children charged as adults spend an average of 98 days longer in DJS custody awaiting disposition than children charged as juveniles. It costs $1,174 each day a child is held pre-disposition, and for those held on adult charges, it amounts to nearly $147,000 per child on average. As of early 2025, these cases account for over two-thirds of the children held pre-disposition in DJS facilities. DJS estimates that if the practice of charging children as adults were ended, the department could reduce its average daily population by 120 children and save approximately $17 million annually.[27] These inflated detention stays also extend the time children remain in facilities out of compliance with federal requirements, compounding the state's violation totals.

Focusing solely on compliance without addressing Maryland's automatic charging law will create significant unintended costs and inefficiencies. If the state merely curtails the practice of holding children in adult jails to meet federal standards, most of those young people will be moved for lengthy stays into secure juvenile facilities, which are expensive to operate. This shift would increase DJS' costs without improving outcomes, since 85% of automatically charged children are eventually returned to juvenile court or have their cases dismissed. In other words, Maryland would invest more resources in confining

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[24] Office of Juvenile Justice and Delinquency Prevention. (2018). *Juvenile Justice and Delinquency Prevention Act: Reauthorization 2018* [PDF]. U.S. Department of Justice. Available at https://ojjdp.ojp.gov/publications/JJRA-2018
[25] SEC. 505. §5035. Detention Prior to Disposition of the 1974 JJDPA states separation requirement. United States Congress. (1974). *S. 821: Juvenile Justice and Delinquency Prevention Act of 1974* (Pub. L. No. 93-415). Available at https://www.congress.gov/bill/93rd-congress/senate-bill/821
[26] Youth Charged as Adults Pending Transfer Demographics by Detention Facility, FY 2024. Retrieved from pg 115: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf
[27] GOCPP (2025). *Youth charged as adults: The costs to Maryland's justice system and communities.* Retrieved from https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf

children for lengthy periods who should never have been in the adult system to begin with, rather than funding prevention, community-based services, or rehabilitation. Even though Maryland law sets a 180-day speedy trial rule, adult cases routinely struggle to meet that timeline, whereas juvenile cases often move within 30 to 60 days. The most effective and fiscally responsible solution is to reduce the pipeline into adult court and these long stints in adult jails by eliminating automatic charging altogether.

The fiscal impact extends to the OPD, which is responsible for representing children charged as adults. The office frequently contracts psychologists and other experts to assess whether young clients should be adjudicated in juvenile court. These evaluations, and the extended court processes they accompany, are expensive and inefficient. OPD has estimated that scaling back automatic charging would save $1.85 million annually after an initial $1.4 million in the first year, and cut transfer hearings by 75%, which would reduce both workload and unnecessary detention time.[28]

Local jails, where children are often held because either DJS lacks capacity or court orders require it, also face significant and largely unfunded costs.[29] While precise statewide estimates are unavailable, counties have consistently reported that detaining children in adult jails strains budgets, staffing, and infrastructure. Most facilities were not built to meet federal "sight and sound" separation standards, and retrofitting would cost millions. These limitations increase the likelihood of compliance violations while placing children at risk of harm.

At the same time, Maryland's noncompliance with the JJDPA has already triggered direct financial penalties. With the state's 2024 rate of children detained in adult facilities going far beyond the federal threshold, Maryland stands to lose $350,000 in federal formula grant funding over the next two years due to these violations.[30] Of the remaining funds that Maryland still receives after the penalty, federal rules now require that 50% of those funds be earmarked for compliance efforts, restricting the use of the remaining funds and further limiting the availability of flexible support for youth programs and system improvement.

Maryland's continued use of adult detention for children carries a significant financial, legal, and human cost. Beyond putting the state out of compliance with federal standards, this practice reflects a missed opportunity to invest in a more effective and rehabilitative juvenile system. Justice system stakeholders have raised ongoing concerns about gaps in services and placements within DJS, particularly for children with complex needs. In the absence of sufficient resources, young people often remain in adult facilities for extended periods, where there is increased risk and insufficient support for their development or long-term success. Redirecting the substantial funds spent on noncompliance toward expanding juvenile services would bring Maryland into compliance with federal law and support a more equitable and appropriate response to children in crisis.

Recommendation

Maryland's noncompliance with the JJDPA is a direct consequence of its practice of automatically charging children as adults. Addressing this issue requires more than incremental administrative

[28] GOCPP (2025). *Youth charged as adults: The costs to Maryland's justice system and communities.* Retrieved from https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf
[29] Ibid.
[30] 05/08/25 Juvenile Justice Compliance meeting between GOCCP and Judiciary stakeholders

improvements; it calls for systemic change. The automatic charging law remains the structural barrier driving noncompliance, exposing youth to harmful conditions and placing Maryland at continued legal and financial risk. Most of these cases are ultimately dismissed or returned to juvenile court after children spend months in adult facilities exposed to enduring harm.. The workgroup will therefore recommend that the Commission on Juvenile Justice Reform and Emerging and Best Practice support replacing automatic charging with a system where all cases begin in juvenile court, with judicial discretion to waive youth into adult court when warranted. This reform reflects national best practice and aligns Maryland with federal law.