

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 49
Judiciary

(Delegates Haddaway-Riccio and Eckardt)

Judicial Proceedings

Juvenile Law - Truancy Reduction Pilot Program - Talbot County

This bill authorizes the establishment of a Truancy Reduction Pilot Program (TRPP) in the juvenile court in Talbot County.

The bill takes effect June 1, 2011.

Fiscal Summary

State Effect: The Department of Juvenile Services and the Administrative Office of the Courts (AOC) can implement the bill's provisions with existing resources.

Local Effect: The Circuit Court for Talbot County and the Talbot County Board of Education can implement the pilot program with existing resources.

Small Business Effect: None.

Analysis

Current Law: A child who is required by law to attend school and is habitually truant can be designated a Child in Need of Supervision (CINS). A student is habitually truant if the student is unlawfully absent from school in excess of 20% of the school days within any marking period, semester, or year. Local school systems have the authority to define habitual truancy more narrowly. CINS cases are under the jurisdiction of the juvenile court.

Except as otherwise provided, each child who resides in Maryland and is 5 years or older and younger than age 16 must regularly attend a public school unless the child is

otherwise receiving regular, thorough instruction during the school year. Each person who has legal custody or care and control of a child who is at least age 5, but younger than age 16, must see that the child attends school or receives instruction.

Current statutory penalties focus on parents and guardians rather than children. Any person who induces or attempts to induce a child to be unlawfully absent from school, or who employs or harbors any child who is absent unlawfully from school while school is in session, is guilty of a misdemeanor. That person is subject to maximum penalties of a fine of \$500 and/or 30 days imprisonment.

Any person who has legal custody or care and control of a child who is at least 5 years old, but younger than age 16, who fails to see that the child attends school or receives instruction is guilty of a misdemeanor. For a first conviction, the violator is subject to maximum penalties of a fine of \$50 per unlawful day of absence and/or 10 days imprisonment. For a second or subsequent conviction, the violator is subject to maximum penalties of a fine of \$100 per day of unlawful absence and/or 30 days imprisonment. The court may suspend the fine or prison sentence imposed and establish terms and conditions that promote the child's attendance.

The principal or head teacher of each public or private school in Maryland must immediately report to the county superintendent, the supervisor of pupil personnel, or any other designated official, the name of each child enrolled in the school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions developed. On receipt of such a report, the appropriate school system representative must initiate an investigation into the cause of the child's truancy, and may provide counseling regarding available social, health, and educational services. Following the investigation or intervention, the representative may notify DJS that the student has been habitually truant, without lawful excuse.

Background: Chapter 551 of 2004 authorized a three-year TRPP in the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. Chapter 648 of 2007 extended the term of TRPP and authorized the establishment of TRPP in the juvenile courts of Harford and Prince George's counties. Similar to drug courts, truancy courts are problem-solving courts in which cases are heard on a special docket by the same judge each month. The courts hold regular hearings in each case to review a child's progress toward full attendance and to address the causes of the child's truancy. Chapter 718 of 2009 repealed the termination date of TRPP, establishing permanent truancy courts in Dorchester, Harford, Prince George's, Wicomico, and Worcester counties.

Families enter TRPP when a school official files a civil petition alleging that a child who is required to attend school has failed to do so without lawful excuse. For students younger than age 12, prior to participation in TRPP, a criminal charge must be filed

against the student's legal custodian and dismissed or placed on the inactive docket prior to participation in TRPP.

In making a disposition on the truancy petition, the court may order the student to (1) attend school; (2) perform community service; (3) attend counseling, including family counseling; (4) attend substance abuse evaluation and treatment; (5) attend mental health evaluation and treatment; or (6) comply with a curfew set by the court. Following the disposition hearing, a review hearing is scheduled to review family assessment findings and determine appropriate services. Participants are eligible for graduation from TRPP when they have remained in the program for 90 days without any unexcused absences.

The 2004 legislation also required the Circuit Administrative Judge of the First Circuit (Dorchester, Somerset, Wicomico, and Worcester counties) to submit a report evaluating TRPP to the General Assembly by May 31, 2007. According to the report, over 190 truancy cases had been filed since the pilot began in 2005. Approximately 84% of the cases filed were in Wicomico and Somerset counties. Approximately 80% of truancy court case filings were among students between the ages of 13 and 16. Approximately 43% of the cases closed under TRPP were deemed to be in compliance (*i.e.*, the participant complied successfully with program requirements). By contrast, approximately 33% of the total cases were closed due to noncompliance with the program's requirement. Approximately 9% of the cases were closed because the participant was taken into custody by DJS or a local department of social services.

Truancy, or unexcused absence from school, is a problem nationwide. A recent U.S. Department of Justice report cites truancy as a significant risk factor for substance abuse, delinquency, gang activity, and dropping out of school. In another study, the department found that approximately two-thirds of serious violent offenders and half of serious nonviolent offenders had been truants. A 2007 report from the National Center for School Engagement in Colorado cited a number of studies showing that effective truancy reduction programs can produce a marked decline in delinquent acts committed by school-age youth.

State Fiscal Effect: DJS advises that it can implement the bill's requirements with existing resources. AOC advises that implementation of the program will require the hiring of one part-time program coordinator at a cost of \$22,499 annually. DLS advises that given that Talbot County is a small jurisdiction with a low expected TRPP caseload, it is unlikely that the expansion of the program to Talbot County will require additional AOC personnel.

Additional Information

Prior Introductions: HB 901 of 2010, a similar bill, received an unfavorable report from the House Judiciary Committee. Its cross file, SB 747, was heard in the Senate Judicial Proceedings Committee but received no further action.

Cross File: SB 278 (Senator Colburn) - Judicial Proceedings.

Information Source(s): Talbot County, Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, National Center for School Engagement, U.S. Department of Justice, Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2011
ncs/kdm Revised - Updated Information - February 27, 2011

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510