

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

Judiciary Committee
HB 36- Juvenile Proceedings: Fines, Fees, and Costs
Position: **SUPPORT**

January 16, 2020

The Coalition to Protect Maryland's Children (CPMC)¹ is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform and the prevention of child abuse and neglect.. CPMC supports the passage of bill HB36: Juvenile Proceedings- Fines, Fees, and Costs.

Currently in statute parents and guardians of youth in juvenile proceedings can be ordered to pay a sum of money to cover the support of a child in the form of fines, fees, and costs. HB 36 repeals this provision in law and prohibits a court in a juvenile proceeding from ordering a parent, guardian, custodian, or child to pay a sum of money to cover the support of a child.

Fines, fees, and costs are unduly burdensome to families affected by poverty.

Indigent children and their families in Maryland can be charged with burdensome and insurmountable fines, fees, and costs for involvement with Maryland's juvenile justice system. These financial burdens undermine the rehabilitative purpose of the juvenile system. Saddling indigent children and their families with these unpayable debts increases the possibility of recidivism and disproportionately impacts youth of color.¹

The per diem cost for detention ranges from \$575 to \$1,137. These costs far exceed most family's ability to pay and would create an undue financial burden. The Department of Juvenile Services receives the necessary funds to operate their detention facilities. The objectives of rehabilitation, accountability and public safety should be the focus of the juvenile system, not monetary reimbursement.

Fines, fees, and costs impede on the client-attorney relationship between youth and counsel

The child is the client in juvenile delinquency matters. It should be presumed that all children are indigent for purposes of legal representation. To impose attorney fees on a parent creates an inherent conflict of interest and undermines the sanctity of the attorney-client relationship since the parent is not the client. The right to counsel is a fundamental and Constitutional right and the courts should not be allowed to impose counsel fees in juvenile delinquency cases.

Fines, fees, and costs contradict the stated purpose of Maryland's juvenile justice system.

¹ Members in support of Advocates for Children and Youth, Associated Catholic Charities, Baltimore Child Abuse Center, Child Justice Incorporated, Citizens Review Board, The Family Tree, State Council on Child Abuse and Neglect, Board of Childcare, Fostering Change Network, Diana Phillip

Imposing a financial penalty directly contradicts the stated purpose of Maryland's juvenile justice system to balance the rehabilitative needs of a child with public safety and hold the child accountable for his/her actions. See CJP § 3-8A-02. Instead, a fine as a penalty merely distinguishes between the child and family with financial means and the child and family without those means. If a child is unable to pay a fine, then s/he is in violation of a court order and can face additional consequences as a result. Dispositions in juvenile court are supposed to be premised on providing supervision or services to a child, not on a child's ability to pay.

For the reasons stated above CPMC would urge the committee to issue a favorable report of HB 36.