

# **Letter of Support for Senate Bill 0195 - City of B**

Uploaded by: City Council Bowie

Position: FAV



# City of Bowie

15901 Fred Robinson Way  
Bowie, Maryland 20716

February 2, 2024

Judicial Proceedings Committee  
Maryland State Senate  
c/o Senator William C. Smith, Jr.  
2 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

Subject: Letter of Support for Senate Bill 0195 - Juveniles – Arrest by Law Enforcement – Report to Local Department of Social Services

Dear Senator Smith,

I am writing on behalf of the City Council of the City of Bowie to express our support for Senate Bill 0195, a critical piece of legislation that addresses the reporting requirements for law enforcement officers in cases involving the arrest of a child under a certain age, specifically for the purpose of a neglect investigation.

The well-being of children is a matter of utmost importance to our community, and Senate Bill 0195 addresses a gap in current procedures by requiring law enforcement officers to make a report to a local department of social services after arresting a child under a certain age. This provision is essential for initiating timely neglect investigations and ensuring that vulnerable children receive the necessary support and protection.


By mandating such reporting, the bill promotes collaboration between law enforcement and social services agencies, facilitating a more comprehensive and coordinated approach to addressing potential cases of neglect involving young children. This proactive step aligns with our commitment to safeguarding the welfare of children in the City of Bowie.

As representatives of our community, we believe that Senate Bill 0195 will contribute significantly to the well-being of our youngest residents by enhancing the communication and cooperation between law enforcement and social services agencies. This legislation reflects our shared commitment to a child-centric approach that prioritizes their safety and ensures that appropriate interventions are made in cases of potential neglect.

We urge the members of the Judicial Proceedings Committee to support Senate Bill 0195 and contribute to the creation of a more effective and responsive system for addressing cases involving the arrest of young children.

Thank you for your attention to this important matter, and we appreciate your continued efforts to enact legislation that protects and supports the welfare of children in our community and throughout the state of Maryland.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy J. Adams", with a stylized flourish at the end.

Bowie City Council  
Timothy J. Adams  
Mayor

**SB 195 - MSAA FWA.pdf**

Uploaded by: Patrick Gilbert

Position: FWA



## Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson  
President

Steven I. Kroll  
Coordinator

**DATE:** February 13, 2024

**BILL NUMBER:** SB 195

**POSITION:** Favorable with Amendment

The Maryland State's Attorney's Association (MSAA) supports SB 195 with the inclusion of a minor amendment to the bill's language that would ensure its uniform application across the state.

MSAA supports legislation, like SB 195, that ensures the needs of at-risk children are identified and met, and that our youngest and most vulnerable children are not lost in the system simply by virtue of their age. One of the core insights that drove the 2022 passage of the Juvenile Justice Reform Act is that the primary causes of delinquent conduct by especially young children are external to the child.

The removal of these young children from the jurisdiction of the juvenile court, however, has left a void that other, currently-extant legal processes are unable to adequately fill. SB 195 recognizes this by requiring law enforcement officers to make an investigative referral to the local department of social services after arresting a child under the age of 13 for a firearms offense, or for any other offense if the child has been previously arrested.

In practice, though, some law enforcement agencies will not arrest children that are outside of the jurisdiction of the juvenile court – a child under the age of 13 engaged in repeated criminal conduct that does not qualify for prosecution under MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-03(a)(1) may never be arrested, and law enforcement may never be required to make an investigatory referral. Pinning the referral requirement instead to whether there exists probable cause to believe a child under the age of 13 has committed an offense involving a firearm, or has committed two separate acts that would constitute a crime if committed by an adult, would solve this issue, and ensure the statewide effectiveness of SB 195 regardless of local law enforcement practice.

# **SB 195 - Juveniles - Arrest by Law Enforcement.pdf**

Uploaded by: Ralph Watkins

Position: FWA



**TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

**SB 195 – Juvenile Law – Arrest by Law Enforcement – Report to Local Department of Social Services**

**POSITION: Favorable with Amendment**

**BY: Linda Kohn, President**

**Date: February 13, 2024**

The League of Women Voters supports a juvenile justice system that has options to provide counseling services geared to dealing with families, individually designed training and treatment programs, local or regional diagnostic services for juvenile offenders, and coordination of programs and services for juvenile offenders provided by the state agencies. Early intervention and prevention measures are most effective in addressing the needs of juvenile offenders.

This bill mandates the reporting of certain younger juvenile offenders to the local Department of Social Services. This should initiate a process that will ensure that appropriate services are provided. We note, however, that some local law enforcement systems may have other programs that may be equally or more effective in addressing the needs of these younger offenders. We encourage the adoption of an amendment to permit more flexibility in the implementation of this requirement.

We note also that the referrals mandated by this legislation will increase the workload of the local Departments of Social Services affected. Many of these agencies struggle with a lack of resources to provide the services needed. Referrals to an agency that cannot provide the needed services will be counterproductive. Accordingly, we urge the members of the Committee to support adequate funding for these agencies.

We urge the Committee to give a favorable report on SB 195 as amended.

**YEJ Clinic - SB 195 Written Testimony (Oppose).pdf**

Uploaded by: Alaina Blechinger

Position: UNF



**Testimony in *Opposition* of Senate Bill 195  
Juveniles - Arrest by Law Enforcement - Report to Local Department of Social  
Services**

**To:** Senator William C. Smith, Jr., Chair, and Members of the Judicial Proceedings Committee

**From:** Alaina Blechinger, Student Attorney, Youth, Education, and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W. Baltimore Street, Baltimore, MD 21201 (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

**Date:** February 12, 2024

I am a student attorney in the Youth, Education and Justice Clinic (“the Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, and other means, as well as individuals who are serving life sentences for crimes they committed as children or young adults. The Clinic *opposes* Senate Bill 195, which seeks to require a law enforcement officer to make a report to the Department of Social Services (“DSS”) for purposes of a neglect investigation after a child under 13 years of age has been arrested once “for an offense involving the use and possession of a firearm” or twice “for any other offense.”

If passed, SB 195 would disproportionately impact families of color – especially Black families – in Maryland, as children of color – especially Black children – are disproportionately arrested and detained in juvenile detention centers.<sup>1</sup> Consequently, SB 195 would carry these disparities into the child welfare system, as Black families would disproportionately be subjected to DSS investigations. Therefore, this bill would burden — and indirectly criminalize — poor families of color in Maryland heavily and disparately. Indeed, Black families nationally are at higher risk than white families of being reported,

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<sup>1</sup> See MARYLAND DEPARTMENT OF JUVENILE SERVICES, RESEARCH BRIEF – PUTTING YOUTH CRIME IN MARYLAND IN CONTEXT 23 (Sept. 2023), [https://djs.maryland.gov/Documents/MD-DJS-Juvenile-Crime-Data-Brief\\_20230912.pdf](https://djs.maryland.gov/Documents/MD-DJS-Juvenile-Crime-Data-Brief_20230912.pdf) (“youth of color make up 87% of detained youth and 84% of committed youth, respectively”); Ryan McFadden, *Juvenile Detention Declined, Yet Black Children Detained at High Rate*, MARYLAND MATTERS, Jan. 2, 2021 (reporting that in the three fiscal years ending in 2019, Black children comprised approximately 77% of admissions to juvenile detentions centers, in stark contrast to white children, who totaled less than 18% of the admissions).

investigated, torn apart, and devastated by child welfare systems.<sup>2</sup> SB 195 would bring these same risks to Maryland.

A DSS neglect investigation is traumatizing for children and families. Investigations are highly intrusive, with families living under heightened scrutiny and unimaginable pressure. Children endure the trauma of unexpectedly being placed with strangers.<sup>3</sup> Parents also experience trauma from losing their children, in addition to the stress (and danger) of losing other benefits such as housing and food.<sup>4</sup>

As a result, SB 195, if passed, would widen the DSS net, expand the carceral footprint, and subject parents to judgements about their parenting abilities. Such judgements are often rooted in racial and economic biases. For example, the mother who works two jobs including the overnight shift may not be considered as “present” as the family member who works from home or does not have to work at all. Both parents are doing everything possible to ensure their child’s well-being, but in different ways and avenues given their available resources. The bottom-line is that, if passed, SB 195 would lead to state scrutiny and judgement of economically disadvantaged families. However, children misbehave and commit delinquent acts for any number of reasons, regardless of their parents and caretakers’ best efforts and hard work. Therefore, it is misguided to rely on arrests as indicative of child welfare concerns and bring families into the Department of Social Services.

Overall, SB 195 will disproportionately impact, disrupt, traumatize, and alter the lives of economically disadvantaged families of color in Maryland. For these reasons detailed above, the Clinic opposes SB 195 and requests an unfavorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

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<sup>2</sup> DOROTHY ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES – AND HOW ABOLITION CAN BUILD A SAFER WORLD* 35 (2023).

<sup>3</sup> *Id.* at 50.

<sup>4</sup> *Id.* at 51.

# **Written Testimony - SB195-EdwardsLuce -Final.pdf**

Uploaded by: Aubrey Edwards-Luce

Position: UNF

## Unfavorable SB 195

Juveniles – Arrest by Law Enforcement – Report to Local Department of Social  
Testimony of Aubrey Edwards-Luce, Esq., MSW  
Tuesday, February 13, 2024  
Senate Judicial Proceedings Committee

Senator Smith, Vice-Chair Waldstreicher and Members of the Committee:

I am the Executive Director of the Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities in all that we do to work towards transforming systems that create barriers to family well-being. I am also a resident of Prince George's County, Maryland and **I urge you to oppose SB195.**

SB195 would require law enforcement to make a referral to the Department of Social Services (DSS) for the purpose of a neglect investigation after the first arrest of a child under the age of 13 or after first arrest of any child for an offense involving a firearm or on the second arrest of any child. While we applaud bill's intention to connect children and their families to additional resources and community supports, we firmly believe that SB195 would exacerbate systemic issues and perpetuate harm and decrease public safety.

An investigation of neglect will create more trauma for families and children and have a negative impact on public safety and child wellbeing. Child abuse and neglect investigations are structured identically. Both are intrusive inquiries into family life and often traumatizing and humiliating to children.<sup>1</sup> They are more akin to the punitive and extractive investigation of law enforcement than the collaborative examinations one might experience at doctor's office. The investigation itself can cause children to question their parent's competency and authority at the very moment that they need to be receptive to sound parental direction and discipline.

Children are less likely to commit offenses when caring adults invest time in them. SB195 will harm parents' ability to help children change their behavior because it will increase parental stress and reduce the amount of time that parents can invest in their children. Neglect investigations, subsequent court hearings, and court ordered services are stressful and can devour many hours of parents' time—time that they could be spending supervising, supporting, and deepening their bonds with their children.

Pushing arrested children towards DSS will likely exacerbate racial disproportionalities in Maryland's foster care system. Maryland's Black children enter foster care at twice the rate of their White counterparts.<sup>2</sup> This inequity is due systemic and personal biases in the investigation process and the conflation of neglect and poverty by child protection workers. Maryland is one of the country's 23 states that "do not specifically exempt financial inability to provide for a child from their definitions of child maltreatment."<sup>3</sup> As a result, many children end up in Maryland's foster care system because of family poverty.

Traumatized children who are separated from their caregivers are susceptible to being pulled into behaviors that harm themselves and their communities. For the above reasons, **I urge you to oppose SB195.**

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<sup>1</sup> See e.g. HINA NAVEED, HUMAN RIGHTS WATCH, IF I WASN'T POOR, I WOULDN'T BE UNFIT: THE FAMILY SEPARATION CRISIS IN THE US CHILD WELFARE SYSTEM 63 (Nov. 17, 2022) available at <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare> ("A caseworker visited the children's school and pulled them from class to question them, came to the home unannounced, and randomly strip searched the children, ages 1, 4, 7, 9, and 10, to check their bodies for signs of abuse. Adaline said these visits were so frightening for her children that her youngest child began screaming every time she saw anyone with a badge.")

<sup>2</sup> CHILDREN'S BUREAU, STATE-SPECIFIC FOSTER CARE DATA 2021, (2023) available at <https://www.acf.hhs.gov/cb/report/state-foster-care-data-2021>.

<sup>3</sup> Sarah Catherine Williams, Reva Dalela, & Sharon Vandivere, In Defining Maltreatment, Nearly Half of States Do Not Specifically Exempt Families' Financial Inability to Provide, (Feb 2022) available at <https://www.childtrends.org/blog/in-defining-maltreatment-nearly-half-of-states-do-not-specifically-exempt-families-financial-inability-to-provide>

# **NASW Maryland - 2024 SB 195 UNF - Report to DSS -**

Uploaded by: Karessa Proctor

Position: UNF



**Judicial Proceedings**  
**SENATE BILL 195: Juveniles – Arrest by Law Enforcement – Report to Local**  
**Department of Social Services**  
**February 13, 2024**

**\*OPPOSE\***

The Maryland Chapter of the National Association of Social Workers represents over 3,000 social workers statewide. We believe that SB195, which would mandate a report to Child Protective Services for the purpose of a neglect investigation when a child under 13 is arrested for use and possession of a gun, or on the second arrest of a child for any other offense, does not have ‘value added’ for the protection of children.

The child serving agency responsible for the protection of children from harm by caregivers is the Department of Human Services. However, as the child protection agency, the Department of Human Resources has neither special expertise nor tools for responding to children facing gun or other legal charges.

The Department of Juvenile Services, on the other hand, is the child-serving agency responsible for public protection and assessing the needs of children and youth who have committed offenses. Reporting any suspicions of child maltreatment that arise during assessment to Child Protective Services for investigation is already mandatory.

In short, Senate Bill 195, isn’t necessary; regulations are already in place to mandate reporting children suspected of being maltreated to DHS for investigation and, when necessary for the child’s protection, to initiate services and/or court involvement.

Thank you for your time and consideration.

Respectfully submitted,

Karessa Proctor, BSW, MSW  
Executive Director, NASW-MD

# **OPD Unfavorable Testimony SB195.pdf**

Uploaded by: Natasha Khalfani

Position: UNF



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

### **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 0195** Juveniles - Arrest by Law Enforcement - Report to Local Department of Social Services

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 02/12/2024**

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 0195.

The Office of the Public Defender's Parental Defense Division (PDD) represents parents who have been alleged to have abused or neglected their children. These cases are referred to as Child in Need of Assistance (CINA) cases. The attorneys in the PDD represent a large majority of the CINA cases that come before the court. Our attorneys witness firsthand how involvement with Social Services is harmful to families and particularly to children who are at risk for juvenile legal system involvement. We therefore oppose SB0195.

SB0195 would require law enforcement to refer children to the Department of Social Services for a neglect investigation if a child is arrested on a gun offense or arrested a second time for any offense. Social services and the Child in Need of Assistance process is not an effective tool for addressing the needs of children who are involved in the juvenile legal system. Quite the opposite, children who are removed from their homes and placed in foster care are more likely than their peers to become involved in the juvenile and criminal legal system.

The child welfare system, often referred to as the family policing system, is designed to monitor and regulate parents whose children are alleged to have been harmed or placed at risk of harm in their care. It is *not* designed to effectively address the needs of children who have complex behavior needs that put them at risk of legal system involvement. When allegations come before the court, the focus is on the behaviors of the parent. Parents are alleged to have committed an act of abuse or



neglect and , if they are not successful in defending against those allegations, they are ordered to complete a myriad of services that may or may not address the needs of the family.

CINA proceedings are not conducive to improving the parent-child relationship in response to child behavioral issues. Parents are required to return to court every six months for a review hearing that can be very contentious. Parents often find themselves in court defending against Department of Social Services' reports written by social workers that highlight their weaknesses and report on their shortcomings rather than objectively report the events of the most recent six months. However, the most egregious part of this process is that parents are often undermined by the court and social workers to the point that their children often believe that they do not have to listen to their parents. Of the many parents that I have represented, all of my clients' report that their children's behavior was harder to manage after their return than before they were removed. Rather than respond to their parent's discipline, children who have been removed were more prone to tell their parent that they didn't have to listen to them and they could call social services.

In the case of children who have presented with behavior issues that put them at high risk of being involved with the legal system, or have already been involved in the legal system, this process does not change. Parents are often blamed for their child's behavior and ordered by the court to complete services even when the parent has reached out to DSS and other agencies for interventions to address their child's behavior. Upon successful completion of services by the parent, the court can return a child to his or her parent even if the child's issues are unresolved.

In these cases, the child may also be ordered to participate in services like therapy and substance use treatment. However, if the child fails to complete services or refuses to participate at all, the court has no ability to enforce its order or require the child to participate. Furthermore, when it comes to children whose behaviors are delinquent, their behavior generally escalates once in care. These children, if removed from their homes, often move from foster home to foster home due to their behaviors. As such these children experience frequent disruptions in their education and treatment services as they often must start over when they move.

Requiring children to be referred to social services will exacerbate the issue of youth crime and increase racial disparities. Black children are disproportionately represented in the juvenile legal system as well as the foster care system. While this bill only requires a referral for investigation, Black children are more likely to be removed or separated from their families than their white

counterparts once investigated. In Maryland, while Black children make up only 30.6% of the population, they are 54% of the foster care population.<sup>1</sup> Additionally, children in foster care are 244% more likely to become criminal system involved than children who are not in foster care.<sup>2</sup> Many children, especially Black children with complex and intensive behavioral needs are often caught up in what is known as the foster care to prison pipeline.<sup>3</sup>

In order to address the problem of children having guns and/ or participating in criminal activity we have to support parents and not demonize, villainize or undermine them. A much better solution than the child welfare system is to refer children and their families to Local Care Teams. Local Care Teams are interagency councils made up of all the state agencies that work with children (i.e. DSS, DJS, MDSE, MDH, DDA, DORS etc.). The focus of the Local Care Teams is to provide services to the family that help the parent and child deal with the intensive behavioral needs of the child. This agency is not punitive. It has a case manager that services the family and most important it allows for various stakeholders to give input on what the child needs in order to prevent out of home placement and ensure the child's needs are getting met. Another solution is to empower parents by funding and providing community resources that can assist them with addressing the needs of their children. Recreation programs, childcare services, mentors, education advocacy, mental health, family therapy and substance use treatment are all services that would allow parents to provide for the needs of their children and appropriately address their children's needs while enhancing public safety. Finally, ensuring that parents and children have access to programs and assisting in removing barriers that may impede their ability to participate is vital.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 0195.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

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<sup>1</sup><https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/maryland.html>

<sup>2</sup> [Goetz, S. From Removal to Incarceration: How the Modern Child Welfare System and its Unintended Consequences Catalyzed the Foster Care- to-Prison Pipeline; 20 U.Md. L.J. Race, Religion and Gender 289 \(2020\)](#)

<sup>3</sup> Id. – The Prison to Foster- Care- Pipeline resulted from a study that found that more than half of the children in the study aging out foster care were incarcerated by their mid-twenties. The study found that these children were more likely to offend at earlier ages, spend more time incarcerated and offend at a frequency higher than offenders who had not been in foster care.

Authored by: Natasha Khalfani, Esq; [natasha.khalfani@maryland.gov](mailto:natasha.khalfani@maryland.gov)