



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 636 Juvenile Law- Commission to Study the Ability of the Department of Juvenile Services to Provide Effective Social Services to Juvenile Offenders

FROM: Maryland Office of the Public Defender

POSITION: Favorable, with Amendments

DATE: 2/21/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 636, with the amendments outlined below.

I am Office of the Public Defender's Forensic Mental Health Division Chief, and I have been an attorney representing children in delinquency court for about 25 years.

Children involved in the juvenile delinquency system are not simply "bad kids". They are often children with unmet mental health needs¹, and children with Intellectual and Learning Disabilities². More than 40 years of research indicates that the likelihood of a child committing a delinquent act increases dramatically if the child has a history of child abuse, neglect and involvement with the Department of Social Services.³

¹ Developmental Services Group, Inc. 2017. "Intersection between Mental Health and the Juvenile Justice System." Literature Review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

<https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/intsection-between-mental-health-and-the-juvenile-justice-system.pdf>

² Developmental Services Group, Inc. 2017. "Youths with Intellectual and Developmental Disabilities in the Juvenile Justice System." Literature Review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

<https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/youths-with-intellectual-and-developmental-disabilities-in-the-juvenile-justice-system.pdf>

³ Development Services Group, Inc. 2021. Intersection of Juvenile Justice and Child Welfare Systems. Literature review. Washington, DC: Office of Juvenile Justice and Delinquency. <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/Intersection-Juvenile-Justice-Child-Welfare-Systems#9-0>

Understandably, many Marylanders are questioning whether the Department of Juvenile Services is capable of delivering the services our children need, which is why we support creating a commission to study the ability of DJS to provide effective social services to juvenile offenders.

That being said, we feel that this bill would better serve Marylanders by expanding the commission members. As noted above children in the delinquency system face myriad problems and DJS is far from the only organization providing social services to our children. In fact, schools, the Behavioral Health Administration, and the Department of Social Services may also be providing services to delinquency involved children. Therefore OPD believes members of those agencies should be a part of this commission as well. Further, the importance of the experiences of Juvenile Judges, the families and formerly delinquency involved children themselves can not be understated. No one is in a better position to help evaluate the ability of DJS to provide social services like the people directly involved with DJS.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a Favorable report on SB636, with amendments to include the following representatives on the Commission: Representatives from: the Maryland Association of School Principals, Maryland Behavioral Health Administration, Maryland Department of Social Services, the Maryland Judiciary, Maryland Coalition of Families, and an individual who has been under the jurisdiction of DJS.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Kimber D. Watts, Supervising Attorney, OPD Forensic Mental Health Division. Kimberlee.watts@maryland.gov. 410-767-1839