

**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.¹ 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,

¹ 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 (“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.² 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.³ Parents also experience trauma from losing their children, in addition to the stress (and danger) of losing other benefits such as housing and food.⁴

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.

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

³ *Id.* at 50.

⁴ *Id.* at 51.