

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 313
Juvenile Law – Probation
DATE: January 24, 2024
(2/8)
POSITION: Support

The Maryland Judiciary supports House Bill 313. This bill would amend CJP § 3-8A-19.6 (which addresses probation in juvenile justice cases by establishing a definition of “technical violation” and establishing time limits for probation based on the acts committed by the child) by repealing all current language and substituting:

The court may place a child on probation for a term that the court determines is appropriate to ensure that the child is able to complete any necessary services and treatment.

The Judiciary supports the ability of the juvenile court to tailor orders to address the specific needs of the individual child who is before the court. This includes the ability to extend probation so that it lasts long enough for the child to be enrolled in needed services and to complete the full regimen of those services.

The need for judicial flexibility in crafting orders in juvenile probation cases is exacerbated by the need for substance use and mental health services for so many children on probation and the absolute lack of available services. It is far too common for the period of probation to end before the child is admitted to services or, if admitted, to complete those services.

The Judiciary notes that the bill would repeal the definition of “technical violation” of probation. The term is used elsewhere in CJP Title 3, Subtitle 8A (e.g., § 3-8A-19.7, providing that a child “may not be placed in a facility used for detention for a technical violation”) and retaining a definition would be beneficial.

cc. Hon. Dalya Attar
Judicial Council
Legislative Committee
Kelley O'Connor