

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 973

(Delegate Montague, *et al.*)

Judiciary

Juvenile Causes - Children Other than CINAs and Adults - Judges' Assignments
and Qualifications

This bill mandates that for juvenile delinquency and children in need of supervision cases, the judges assigned to specially handle the cases must have: (1) updated training in juvenile cases and the problems of children likely to come before the court; and (2) a current working knowledge of the resources and services available in the juvenile justice system. The bill does not change other requirements that must be considered to the extent feasible in assigning judges to these cases.

Fiscal Summary

State Effect: It is expected that the training required by this bill would be handled within the Judiciary's existing budgeted resources for training of judges.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In each county, there must be one or more judges specially assigned to handle cases of children in need of assistance, children in need of supervision, and juvenile delinquency (as well as related causes). To the extent feasible, the judges assigned to these cases must: (1) desire to be so assigned; (2) have the temperament necessary to deal properly with the cases and children likely to come before the court;

and (3) have special experience or training in juvenile causes and the problems of children likely to come before the court.

Background: The first juvenile court was created by legislation in Cook County, Illinois in 1899 to specially handle cases of children committing crimes. Other states followed suit throughout the early 1900s by creating separate juvenile courts that focused on rehabilitation for juveniles rather than punishment. The juvenile justice system was uniformly designed to be non-adversarial, civil, and less formal in nature:

The early reformers...believed that society's role was not to ascertain whether the child was "guilty" or "innocent," but "What is he, how has he become what he is, and what had best be done in his interest and in the interest of the state to save him from a downward career."

In re Gault, 387 U.S. 1, 15 (1967), citing Julian Mack, *The Juvenile Court*, 23 Harv.L.Rev. 104, 119-120 (1909).

State Fiscal Effect: The Administrative Office of the Courts advises that it currently provides judges with training through its judicial training center. The cost of a training session, which can accommodate about 45 individuals, is generally about \$2,000. If the training requires bringing in a speaker with specialized knowledge in a particular subject area, the training is estimated to cost \$3,500. The Judiciary's budget includes funds for ongoing training of judges.

Additional Information

Prior Introductions: None.

Cross File: SB 606 (Senator Jimeno) - Judicial Proceedings.

Information Source(s): Kent County, Prince George's County, Washington County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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