
By: **Senators Gladden, Brochin, Conway, Frosh, Giannetti, Grosfeld, Jones,
and Klausmeier**

Introduced and read first time: February 4, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child in Need of Assistance - Habitual Truancy**

3 FOR the purpose of altering the definition of "child in need of assistance" to include a
4 certain child who requires court intervention because the child is required by
5 law to attend school and is habitually truant; altering the definition of "child in
6 need of supervision" by repealing the element of habitual truancy; authorizing
7 the representative of a school system to notify the local department of social
8 services that a student has been habitually truant without lawful excuse; and
9 generally relating to children in need of assistance.

10 BY repealing and reenacting, without amendments,
11 Article - Courts and Judicial Proceedings
12 Section 3-801(a) and 3-8A-01(a)
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-801(f) and 3-8A-01(e)
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Education
22 Section 7-301(a)(1), (c), and (e) and 7-302(a)
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Education
27 Section 7-302(b)
28 Annotated Code of Maryland

1 (2001 Replacement Volume and 2003 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Courts and Judicial Proceedings**

5 3-801.

6 (a) In this subtitle the following words have the meanings indicated.

7 (f) "Child in need of assistance" means a child who requires court intervention
8 because:

9 (1) (I) The child has been abused, has been neglected, has a
10 developmental disability, or has a mental disorder; and

11 [(2)] (II) The child's parents, guardian, or custodian are unable or
12 unwilling to give proper care and attention to the child and the child's needs; OR

13 (2) THE CHILD IS REQUIRED BY LAW TO ATTEND SCHOOL AND IS
14 HABITUALLY TRUANT.

15 3-8A-01.

16 (a) In this subtitle the following words have the meanings indicated, unless
17 the context of their use indicates otherwise.

18 (e) "Child in need of supervision" is a child who requires guidance, treatment,
19 or rehabilitation and:

20 (1) [Is required by law to attend school and is habitually truant;

21 (2)] Is habitually disobedient, ungovernable, and beyond the control of
22 the person having custody of him;

23 [(3)] (2) Departs himself so as to injure or endanger himself or others; or

24 [(4)] (3) Has committed an offense applicable only to children.

25 **Article - Education**

26 7-301.

27 (a) (1) Except as otherwise provided in this section, each child who resides
28 in this State and is 5 years old or older and under 16 shall attend a public school
29 regularly during the entire school year unless the child is otherwise receiving regular,
30 thorough instruction during the school year in the studies usually taught in the public
31 schools to children of the same age.

1 (c) Each person who has legal custody or care and control of a child who is 5
2 years old or older and under 16 shall see that the child attends school or receives
3 instruction as required by this section.

4 (e) (1) Any person who induces or attempts to induce a child to absent
5 himself unlawfully from school or employs or harbors any child who is absent
6 unlawfully from school while school is in session is guilty of a misdemeanor and on
7 conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30
8 days, or both.

9 (2) Any person who has legal custody or care and control of a child who is
10 5 years old or older and under 16 who fails to see that the child attends school or
11 receives instruction under this section is guilty of a misdemeanor and:

12 (i) For a first conviction is subject to a fine not to exceed \$50 per
13 day of unlawful absence or imprisonment not to exceed 10 days, or both; and

14 (ii) For a second or subsequent conviction is subject to a fine not to
15 exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or
16 both.

17 (3) As to any sentence imposed under this section, the court may
18 suspend the fine or the prison sentence and establish terms and conditions which
19 would promote the child's attendance. The suspension authority provided for in this
20 subsection is in addition to and not in limitation of the suspension authority under §
21 6-221 of the Criminal Procedure Article.

22 7-302.

23 (a) The principal or head teacher of each public or private school in this State
24 shall report immediately to the county superintendent, the supervisor of pupil
25 personnel, or any other official designated by the county superintendent the name of
26 each child enrolled in his school who has been absent or irregular in attendance,
27 without lawful excuse, or who shows evidence of maladjustment, so that the causes
28 may be studied and solutions worked out.

29 (b) On receipt of a report from a principal or head teacher of a public school
30 that a student has been habitually truant without lawful excuse, the appropriate
31 representative of the school system:

32 (1) Shall initiate an investigation into the cause of the child's truancy;

33 (2) May provide counseling regarding the availability of social, health,
34 and educational services; and

35 (3) Following the investigation or intervention, may notify the
36 [Department of Juvenile Services] LOCAL DEPARTMENT OF SOCIAL SERVICES that
37 the student has been habitually truant, without lawful excuse.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2004.