

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1443

(Delegate Conway, *et al.*)

Judiciary

Judicial Proceedings and Education, Health, and Environmental Affairs

Juvenile Causes - Truancy Reduction Pilot Program

This bill authorizes the establishment of a Truancy Reduction Pilot Program in one or more of the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. By May 31, 2007, a report evaluating the program must be submitted. The bill is contingent on funds being provided in the fiscal 2005, 2006, and 2007 State budgets for the Administrative Office of the Courts/Family Services Program.

The bill takes effect July 1, 2004 and terminates June 30, 2007.

Fiscal Summary

State Effect: General fund expenditures would increase by an estimated \$100,000 from FY 2005 to 2007 to provide an annual State grant for implementation of the pilot program in four counties. Implementation would be contingent on grant funds being provided in the FY 2005, 2006, and 2007 State budgets. Revenues would not be affected.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,000	100,000	100,000	0	0
Net Effect	(\$100,000)	(\$100,000)	(\$100,000)	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: State grant funding of \$100,000 annually from FY 2005 to 2007 would support the implementation of the pilot program in one or more of the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the circuit administrative judge of the first circuit to establish a truancy reduction pilot program in one or more of the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. The bill establishes a code violation and a civil offense for a child in these counties who is required to attend school and fails to do so without lawful excuse. Adjudication of a code violation under the bill is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

A petition alleging truancy may be filed by authorized school personnel. An authorized school official may not file a truancy petition against a child who is under 12 unless criminal charges were filed against the parent or guardian of the child for failure to ensure attendance in school and the charges were dismissed.

In an action on the truancy docket for failure to ensure attendance in school, it is an affirmative defense that a parent or guardian made reasonable and substantial efforts to ensure attendance but that the efforts have been unsuccessful. If the court determines that this defense is valid, the court must dismiss the charges against the defendant.

A petition against a child must set forth in clear and simple language the facts supporting the truancy allegation. An adjudicatory hearing must be held for the child, and allegations must be proved by a preponderance of the evidence. If the case is not dismissed, a separate disposition hearing must be held on the same day unless the court finds that there is good cause to delay the disposition hearing to a later date. If the court delays a disposition hearing, it shall be held no later than 15 days after the conclusion of the adjudicatory hearing unless good cause is shown.

In making a disposition on a petition under the bill, the court may order the child to: (1) attend school; (2) perform community service; (3) attend counseling; (4) attend substance abuse evaluation and treatment; (5) attend mental health evaluation and treatment; or (6) keep a curfew set by the court.

Cases on the truancy docket are eligible for family support services. The court may also order probation before judgment and may impose any additional conditions of probation that would promote the child's attendance in school. The court retains jurisdiction over a truancy case until all terms of the court's order are satisfied.

Current Law: Children age five to 15 are required to attend a public school regularly during the school year unless the child is otherwise receiving regular, thorough instruction. A person who has legal custody of a child age five to 15 must see that the child attends school or the person is guilty of a misdemeanor. For the first conviction, a person is subject to a fine of up to \$50 per day of unlawful absence and/or imprisonment

for up to 10 days. For a second or subsequent offense, the person is subject to a fine of up to \$100 per day of unlawful absence and/or imprisonment for up to 30 days.

A petition alleging that a child is in need of supervision because the child is required by law to attend school but is habitually truant may be filed by a Department of Juvenile Services intake officer in juvenile court.

Background: Truancy courts have been established in at least nine states, including Delaware, Florida, Kentucky, Michigan, Missouri, North Carolina, Pennsylvania, Rhode Island, and Wisconsin. Delaware's Justice of the Peace Truancy Court, which was established in 1996, is believed to be the first truancy court. The program began in New Castle County and expanded to a statewide initiative in 1998.

The specialized courts have generally received very positive reviews. An evaluation of the St. Louis truancy court reported that two-thirds of students referred to the court improve their attendance rates. In Lansing, Michigan, officials report that 63% of participating students improve their attendance. In addition to the reductions in truancy, the courts also attempt to identify and provide services that truant students and their families may need. By noting and addressing early warning signs like truancy, the courts hope to avoid more serious behaviors in the future.

State and Local Fiscal Effect: State general fund expenditures would increase by an estimated \$100,000 annually from fiscal 2005 to 2007 to provide a grant through the Administrative Office of the Courts for implementation of the Truancy Reduction Pilot Program. Funding for a pilot programs grant has not been included in the proposed fiscal 2005 State budget.

Grant funding would be added to existing grant funds that are used to operate the Family Division or Family Services Program in each county's circuit court. The new grant would add two positions, a truancy court coordinator and a support staff person, to the existing family support personnel in up to four participating counties. The truancy court coordinator would negotiate memoranda of understanding with the four school systems, regional Department of Juvenile Services offices, and State's Attorneys; identify local service providers that truant students may be referred to; coordinate service referrals; attend truancy hearings; and track program statistics. The Judiciary advises that the truancy hearings could be added to the schedules of judges and masters, at least for the duration of the pilot program, with existing resources.

Beyond personnel, additional operating costs would be incurred for one-time start-up costs, drug testing, incentives for truancy court clients, and evaluation efforts. A projected first-year budget is shown below.

Truancy Court Coordinator (Salary and Fringe Benefits)	\$45,200
Support Staff Person (Salary and Fringe Benefits)	38,800
Drug Testing	400
Client Incentives	2,400
Start-up Costs (Computers and Software)	6,000
Evaluation	5,200
Contingency Funds	<u>2,000</u>
Total Fiscal 2005 Expenditures	\$100,000

It is assumed that local school systems could participate in the pilot program with existing personnel and resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State Department of Education, Department of Legislative Services

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