

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1238

(Delegate Bartlett)

Judiciary

**Education - Children in Need of Assistance - Notice to School Officials of
Truancy**

This bill provides that if a court finds that a child is in need of assistance and commits the child to the custody of a local department of social services, the court may forward a copy of its order to the school principal or head teacher of the public or private school that the child attends. Upon receipt of such an order, the school principal or head of the public or private school must immediately notify the school's attendance officer or other person charged with tracking school attendance.

The bill also alters investigation and reporting requirements regarding habitual truancy to include the principal or head teacher of a private school, and authorizes the appropriate school representative to notify any court that issued its order to the school.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources.

Local Effect: The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Current Law: Unless a Child in Need of Assistance (CINA) petition is dismissed, a court must hold a separate disposition hearing after an adjudicatory hearing to determine whether a child is CINA. In making a disposition on a CINA petition, the court must find

that the child is not in need of assistance and, except as otherwise provided, dismiss the case. In the alternative, the court may find that the child is CINA and not change the child's custody status or commit the child to the custody of: (1) a relative or other appropriate individual; or (2) a local department of social services, the Department of Health and Mental Hygiene, or both, as appropriate, including designation of the facility where the child is to be placed.

The principal or head teacher of each public or private school in the State must immediately report to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent, the name of each enrolled child who has been absent or irregular in attendance, without lawful excuse, so that the causes may be studied and solutions worked out.

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

- must begin an investigation into the cause of the truancy;
- may provide counseling on the availability of social, health, and educational services; and
- following the investigation or intervention, may notify the Department of Juvenile Services that the student has been habitually truant without lawful excuse.

The county superintendent, designee, or the supervisor of pupil personnel must provide information about the number of habitually truant students for inclusion in the report of the local school system.

The Social Services Administration (SSA) must establish an out-of-home placement program for minor children who are placed in the custody of a local department of social services, as specified in statute. A local department of social services may not seek legal custody of a child in voluntary placement, under the circumstances specified in statute. An out-of-home placement for a child under a voluntary placement agreement may exceed 180 days, as provided in statute. SSA is required to provide time-limited family reunification services and concurrently develop a permanency plan that is in the best interests of the child.

Background: According to the *Frederick News-Post*, this bill is intended to provide additional information about children who are mandated to attend school as part of a court order. Currently, courts who are acting as guardians of CINA children can order a child to attend school, but there is no way of knowing if the child is attending, and if so, how often. Reporting on school attendance could have alerted school authorities to the

abuse suffered by Ciara Jobes. The fifteen year-old had suffered starvation, imprisonment, and physical abuse with electrical cords. She was found dead in a Baltimore apartment in December 2002. Her court-appointed guardian was charged with her murder. She was enrolled at Patterson High School in September 2002, but never showed up, according to attendance reports.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Maryland Association of Boards of Education, Maryland State Department of Education, *Frederick News-Post*, Department of Legislative Services

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