

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 957
Judiciary

(Delegate Bartlett)

Judicial Proceedings

Children in Need of Assistance or Supervision - Notice of Truancy

This bill provides that if a court finds that a child is in need of assistance (CINA) or supervision (CINS) and commits the child to a local department of social services or the Department of Juvenile Services, the court may notify the county superintendent, the supervisor of pupil personnel, or any other designated official that the child has been found to be a CINA or CINS and committed to the local department or the Department of Juvenile Services. The notice may not include any order or pleading related to the child's case. Upon receipt of a report from a school principal or head teacher that a student has been habitually truant without lawful excuse, the appropriate representative of the school system, following an investigation or intervention, must immediately notify the local department or the Department of Juvenile Services.

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 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 may 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.

In making a disposition of a CINS petition, the court may place the child on probation, under home supervision, or under guardianship of a relative or other fit person, as appropriate, including community detention. The court may also commit the child to the custody or under the guardianship of the Department of Juvenile Services (DJS), the Department of Health and Mental Hygiene, or an appropriate public or licensed private agency until custody or guardianship is terminated with court approval, as required by statute. In the alternative, the court may order the child, parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and family. In addition to making a disposition on the CINS petition, the court may adopt a treatment service plan. A child committed pursuant to a CINS petition may not be placed in a facility that has reached budgeted capacity if a bed is available in another comparable State facility, unless the facility with full capacity has been recommended by DJS.

The court must consider any oral address or victim impact statement when determining the appropriate disposition of a CINS petition.

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 DJS 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.

Background: 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 a CINA or CINS 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 15-year old suffered starvation, imprisonment, and physical abuse at the hands of her court-appointed guardian. She was found dead in a Baltimore apartment in December 2002. She was enrolled at Patterson High School in September 2002, but never appeared, according to attendance reports. Her guardian was convicted of her murder and sentenced to 40 years imprisonment.

Additional Information

Prior Introductions: This bill is a reintroduction of HB 1238 of 2004, which received an unfavorable report from the Judiciary Committee.

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*, *The Washington Post*, Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510