

SENATE BILL 75

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(PRE-FILED)

By: **Senator Benson**

Requested: September 10, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Probation and Treatment Services – Required Disposition**
3 **(Parental Accountability Act)**

4 FOR the purpose of requiring the juvenile court to order certain probation for a child found
5 to have committed certain delinquent acts or adjudicated to be a certain child in need
6 of supervision; requiring probation of a child adjudged delinquent for certain acts or
7 a certain child in need of supervision to include the adoption of a treatment service
8 plan and providing the child and the child's family with certain services; requiring
9 the juvenile court to order a parent, guardian, or custodian to participate in a
10 treatment service plan; and generally relating to probation and treatment services
11 for children in juvenile court.

12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–19(a), (b), and (c)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Courts and Judicial Proceedings
19 Section 3–8A–19(d) and 3–8A–20.1
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2024 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 3–8A–19.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The provisions of this section do not apply to a peace order request or a peace
2 order proceeding.

3 (b) (1) After an adjudicatory hearing the court shall hold a separate
4 disposition hearing, unless the petition or citation is dismissed or unless such hearing is
5 waived in writing by all of the parties.

6 (2) A disposition hearing may be held on the same day as the adjudicatory
7 hearing if notice of the disposition hearing, as prescribed by the Maryland Rules, is waived
8 on the record by all of the parties.

9 (c) The priorities in making a disposition are consistent with the purposes
10 specified in § 3-8A-02 of this subtitle.

11 (d) (1) **[In] SUBJECT TO PARAGRAPH (2)(II) OF THIS SUBSECTION, IN**
12 making a disposition on a petition under this subtitle, the court may:

13 (i) Subject to § 3-8A-19.6 of this subtitle, place the child on
14 probation or under supervision in his own home or in the custody or under the guardianship
15 of a relative or other fit person, upon terms the court deems appropriate, including
16 community detention;

17 (ii) Subject to the provisions of paragraphs (2) and (3) of this
18 subsection, commit the child to the custody or under the guardianship of the Department
19 of Juvenile Services, the Maryland Department of Health, or a public or licensed private
20 agency on terms that the court considers appropriate to meet the priorities set forth in §
21 3-8A-02 of this subtitle, including designation of the type of facility where the child is to
22 be accommodated, until custody or guardianship is terminated with approval of the court
23 or as required under § 3-8A-24 of this subtitle; or

24 (iii) Order the child, parents, guardian, or custodian of the child to
25 participate in rehabilitative services that are in the best interest of the child and the family.

26 (2) **(I)** In addition to the provisions of paragraph (1) of this subsection
27 **AND EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH**, in making a
28 disposition on a petition, the court may adopt a treatment service plan, as defined in §
29 3-8A-20.1 of this subtitle.

30 **(II) 1. THE COURT SHALL PLACE A CHILD NOT ORDERED TO**
31 **BE HELD IN SECURE CONFINEMENT ON PROBATION IF:**

32 **A. THE COURT DETERMINES THE CHILD COMMITTED A**
33 **DELINQUENT ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A CRIME**
34 **OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR**
35 **COMMITTED A CRIME OF VIOLENCE WITH A DANGEROUS WEAPON;**

1 **B. THE COURT DETERMINES THE CHILD USED A**
2 **FIREARM IN THE COMMISSION OF A CRIME IN VIOLATION OF § 4-204 OF THE**
3 **CRIMINAL LAW ARTICLE; OR**

4 **C. THE CHILD IS FOUND TO BE A CHILD IN NEED OF**
5 **SUPERVISION BECAUSE THE CHILD IS REQUIRED BY LAW TO ATTEND SCHOOL AND**
6 **IS HABITUALLY TRUANT.**

7 **2. PROBATION REQUIRED UNDER SUBSUBPARAGRAPH 1**
8 **OF THIS SUBPARAGRAPH SHALL:**

9 **A. INCLUDE AN ORDER TO ADOPT A TREATMENT**
10 **SERVICE PLAN, AS DEFINED IN § 3-8A-20.1 OF THIS SUBTITLE; AND**

11 **B. REQUIRE THE PARTICIPATION OF THE CHILD AND**
12 **THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN IN REHABILITATIVE SERVICES**
13 **DESCRIBED IN PARAGRAPH (1)(III) OF THIS SUBSECTION.**

14 (3) (i) A child may not be committed to the Department of Juvenile
15 Services for out-of-home placement if the most serious offense is:

16 1. Possession of cannabis under § 5-601(c)(2)(ii) of the
17 Criminal Law Article;

18 2. An offense that would be a misdemeanor if committed by
19 an adult, unless the offense involves a firearm;

20 3. A technical violation, as defined in § 3-8A-19.6 of this
21 subtitle; or

22 4. A first-time violation for making a false statement, report,
23 or complaint of an emergency or a crime under § 9-501.1 of the Criminal Law Article.

24 (ii) This paragraph may not be construed to prohibit the court from
25 committing the child to another appropriate agency.

26 (4) A child committed under paragraph (1)(ii) of this subsection may not be
27 accommodated in a facility that has reached budgeted capacity if a bed is available in
28 another comparable facility in the State, unless the placement to the facility that has
29 reached budgeted capacity has been recommended by the Department of Juvenile Services.

30 (5) The court shall consider any oral address made in accordance with §
31 11-403 of the Criminal Procedure Article or any victim impact statement, as described in

1 § 11–402 of the Criminal Procedure Article, in determining an appropriate disposition on a
2 petition.

3 (6) (i) If the court finds that a child enrolled in a public elementary or
4 secondary school is delinquent or in need of supervision and commits the child to the
5 custody or under the guardianship of the Department of Juvenile Services, the court may
6 notify the county superintendent, the supervisor of pupil personnel, or any other official
7 designated by the county superintendent of the fact that the child has been found to be
8 delinquent or in need of supervision and has been committed to the custody or under the
9 guardianship of the Department of Juvenile Services.

10 (ii) If the court rescinds the commitment order for a child enrolled in
11 a public elementary or secondary school, the court may notify the county superintendent,
12 the supervisor of pupil personnel, or any other official designated by the county
13 superintendent of the fact that the child is no longer committed to the custody of the
14 Department of Juvenile Services.

15 (iii) The notice authorized under subparagraphs (i) and (ii) of this
16 paragraph may not include any order or pleading related to the delinquency or child in need
17 of supervision case.

18 (7) If a child placed in community detention under an electronic monitoring
19 agreement under this subsection violates the agreement, the Department of Juvenile
20 Services shall notify within 24 hours after the violation:

- 21 (i) The juvenile court;
- 22 (ii) The office of the State's Attorney; and
- 23 (iii) The child's defense attorney.

24 3–8A–20.1.

25 (a) (1) In this section, “treatment service plan” means a plan recommended **OR**
26 **ORDERED** at a disposition hearing under § 3–8A–19 of this subtitle or at a disposition
27 review hearing under this section by the Department of Juvenile Services to the court
28 proposing specific assistance, guidance, treatment, or rehabilitation of a child.

29 (2) In making a treatment service plan, a juvenile counselor shall meet
30 with the child who is the subject of the treatment service plan and the child's parent,
31 guardian, or legal custodian to discuss the treatment service plan.

32 (3) **(I)** If a child's parent, guardian, or legal custodian is unable or
33 refuses to meet with the juvenile counselor, the treatment service plan shall indicate that
34 the parent, guardian, or legal custodian is unable or refuses to meet, and the reason for the
35 inability or refusal to meet, if known.

1 **(II) IF THE COURT ORDERS A TREATMENT SERVICE PLAN**
2 **UNDER § 3-8A-19(D)(2)(II) OF THIS SUBTITLE AND THE CHILD'S PARENT,**
3 **GUARDIAN, OR LEGAL CUSTODIAN DOES NOT PARTICIPATE IN THE TREATMENT**
4 **SERVICE PLAN OR MEET WITH THE JUVENILE COUNSELOR, THE COURT SHALL**
5 **ORDER THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO PARTICIPATE IN THE**
6 **TREATMENT SERVICE PLAN AND MEET WITH THE JUVENILE COUNSELOR.**

7 (4) At a minimum, the treatment service plan shall include:

8 (i) The recommended level of supervision for the child;

9 (ii) Specific goals for the child and family to meet, along with
10 timelines for meeting those goals;

11 (iii) A statement of any condition that the child's parent, guardian, or
12 legal custodian must change in order to alleviate any risks to the child;

13 (iv) A statement of the services to be provided to the child and child's
14 family; and

15 (v) Any other information that may be necessary to make a
16 disposition consistent with the child's best interests and the protection of the public
17 interest.

18 (b) (1) In making a disposition on a petition under § 3-8A-19 of this subtitle,
19 if the court adopts a treatment service plan, the Department of Juvenile Services shall
20 ensure that implementation of the treatment service plan occurs within 25 days after the
21 date of disposition.

22 (2) If a treatment service plan requires specified supervision, mentoring,
23 mediation, monitoring, or placement, implementation of the treatment service plan is
24 considered to have occurred only when the supervision, mentoring, mediation, monitoring,
25 or placement occurs.

26 (3) The Department of Juvenile Services shall provide certification in
27 writing to the court within 25 days after the date of disposition whether implementation of
28 the treatment service plan has occurred and explain attempts made to ensure
29 implementation.

30 (4) The Department of Juvenile Services shall forward a copy of the
31 certification described in paragraph (3) of this subsection to the Commission on Juvenile
32 Justice Reform and Emerging and Best Practices under § 9-3502 of the State Government
33 Article so that the Commission may evaluate patterns of failed implementation.

34 (c) (1) If a treatment service plan is not implemented by the Department of
35 Juvenile Services within 25 days under subsection (b)(3) of this section, the court shall

1 schedule, within 7 days after receipt of the certification, a disposition review hearing to be
2 held within 30 days after receipt of the certification.

3 (2) The court shall give at least 7 days' notice of the date and time of the
4 disposition review hearing to each party and to the Department of Juvenile Services.

5 (d) (1) The court shall hold a disposition review hearing unless the
6 Department of Juvenile Services certifies in writing to the court prior to the hearing that
7 implementation of the treatment service plan has occurred.

8 (2) At a disposition review hearing, the court may:

9 (i) Revise, in accordance with the provisions of § 3-8A-19 of this
10 subtitle, the disposition previously made; and

11 (ii) Revise the treatment service plan previously adopted.

12 (e) This section may not be construed to provide entitlement to services not
13 otherwise provided by law.

14 (f) The Supreme Court of Maryland may adopt rules to implement the provisions
15 of this section.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2025.