

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 75

(Senator Benson)

Judicial Proceedings

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**Juvenile Law - Probation and Treatment Services - Required Disposition**  
**(Parental Accountability Act)**

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This bill requires the juvenile court to place a child not ordered to be held in secure confinement on probation if the court determines the child (1) committed a delinquent act that, if committed by an adult, would constitute a crime of violence under § 14-101 of the Criminal Law Article, or committed a crime of violence with a dangerous weapon; (2) used a firearm in the commission of a crime in violation of § 4-204 of the Criminal Law Article; or (3) is a child in need of supervision (CINS) due to the child’s habitual truancy. As part of the probation, the court must order (1) the Department of Juvenile Services (DJS) to adopt a treatment service plan and (2) order the child’s parent, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child or family. If a child’s parent, guardian, or custodian fails to participate in the treatment service plan or meet with the juvenile counselor, the court must order them to do so.

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**Fiscal Summary**

**State Effect:** General fund expenditures increase for the Office of the Public Defender (OPD) depending on the bill’s effect on OPD workloads, as described below. Otherwise, the bill is not expected to materially affect State operations or finances, as discussed below.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** None.

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## Analysis

### Current Law:

#### *Adjudication and Disposition Hearings – Generally*

Generally, after a petition or citation has been filed with the juvenile court, and unless jurisdiction has been waived, the court must hold an adjudicatory hearing. Before a child is adjudicated delinquent, the allegations in the petition or citation that the child has committed a delinquent act must be proved beyond a reasonable doubt.

After an adjudicatory hearing, the court must hold a separate disposition hearing, unless the petition or citation is dismissed or unless such hearing is waived in writing by all parties. In making a disposition, the court may:

- place the child (1) on probation; (2) under supervision in the child’s own home; or (3) in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention;
- commit the child to the custody or under the guardianship of DJS, the Maryland Department of Health, or a public or licensed private agency on terms that the court considers appropriate to meet specified priorities; or
- order the child, parents, guardian, or custodian of the child to participate in rehabilitative services that are in the best interest of the child and the family.

A child may not be committed to DJS for out-of-home placement if the most serious offense is (1) possession of cannabis, as specified; (2) an offense that would be a misdemeanor if committed by an adult, unless the offense involves a firearm; (3) a technical violation of probation; or (4) a first-time violation for making a false statement, report, or complaint of an emergency or crime pursuant to § 9-501.1 of the Criminal Law Article.

In addition to these dispositions, the court may adopt a treatment service plan, as described below.

#### *Treatment Service Plans*

A “treatment service plan” means a plan recommended at a disposition hearing or a disposition review hearing by DJS to the court proposing specific assistance, guidance, treatment, or rehabilitation of a child. In making a treatment service plan (the plan), a juvenile counselor must meet with the child who is subject to the plan and the child’s parent, guardian, or legal custodian to discuss the plan. If a child’s parent, guardian, or

legal custodian is unable or refuses to meet with the juvenile counselor, the plan must indicate the inability or refusal to meet, and the reason for it, if known.

At a minimum, the plan must include (1) the recommended level of supervision for the child; (2) specific goals for the child and family to meet, along with timelines for meeting those goals; (3) a statement of any condition that the child's parent, guardian, or legal custodian must change in order to alleviate any risks to the child; (4) a statement of the services to be provided to the child and the child's family; and (5) any other information that may be necessary to make a disposition consistent with the child's best interests and the protection of the public interest.

If the court adopts a treatment service plan, DJS must certify in writing to the court within 25 days after the date of disposition whether implementation of the plan has occurred and explain its attempts to ensure implementation. For applicable plans, implementation of the plan only occurs when the supervision, mentoring, mediation, monitoring, or placement required in the plan occurs. Specified procedures apply if a plan is not implemented within this 25-day timeframe.

#### *Crimes of Violence – § 14-101 of the Criminal Law Article*

Section 14-101(a) of the Criminal Law Article defines a "crime of violence" as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes (1) through (16); (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

#### *Use of a Handgun or Antique Firearm in the Commission of a Crime – §4-204 of the Criminal Law Article*

Pursuant to Section 4-204 of the Criminal Law Article, a person may not use a firearm in the commission of a crime of violence under § 5-101 of the Public Safety Article or any felony whether the firearm is operable or inoperable at the time of the crime. "Firearm" means (1) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive or (2) the frame or receiver of such a weapon. Firearm includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

Violators are guilty of a misdemeanor and subject to imprisonment of up to 20 years, in addition to any other penalty imposed for the crime of violence or felony.

*Crimes of Violence – § 5-101 of the Public Safety Article*

Under § 5-101(c) of the Public Safety Article, a “crime of violence” is defined as (1) abduction; (2) arson in the first degree; (3) assault in the first or second degree; (4) burglary in the first, second, or third degree; (5) carjacking and armed carjacking; (6) escape in the first degree; (7) kidnapping; (8) voluntary manslaughter; (9) maiming; (10) mayhem; (11) murder in the first or second degree; (12) rape in the first or second degree; (13) robbery; (14) robbery with a dangerous weapon; (15) sexual offense in the first, second, or third degree; (16) home invasion; (17) a felony offense under Title 3, Subtitle 11 of the Criminal Law Article; (18) an attempt to commit any of the crimes listed in (1) through (17); and (19) assault with intent to commit any of the crimes listed in (1) through (17) or a crime punishable by imprisonment for more than 1 year.

*Child in Need of Supervision and Truancy*

A “child in need of supervision” is a child who requires guidance, treatment, or rehabilitation and (1) is required by law to attend school and is habitually truant; (2) is habitually disobedient, ungovernable, and beyond the control of the person having custody of him; (3) departs himself so as to injure or endanger himself or others; or (4) has committed an offense applicable only to children.

Under § 7-301 of the Education Article, subject to limited exceptions, each child who resides in the State and is age 5 or older and younger than age 18 must attend a public school regularly during the entire school year. A child who is required by law to attend school and is habitually truant can be designated a CINS.

Current law (Title 3, Subtitle 8C of the Courts and Judicial Proceedings Article) also sets forth specific procedures for addressing truancy in jurisdictions in which a Truancy Reduction Pilot Program (TRPP) has been established. In a county in which a TRPP has been established, an authorized school official may file with the juvenile court a petition alleging that a child who is required to attend school failed to do so without lawful excuse, as specified. Circuit Administrative Judges of the First, Second, Third, and Seventh circuits may establish TRPPs in specified counties within their judicial circuits. Dorchester, Frederick, Harford, Kent, Prince George’s, Somerset, Talbot, Wicomico, and Worcester counties are currently authorized to have TRPPs.

**State Expenditures:** The bill (1) requires probation in applicable cases that currently result in an informal adjustment or do not otherwise result in commitment or probation; (2) requires probation in the applicable cases to include a treatment service plan; and

(3) requires a court to order a child's parent, guardian, or custodian to participate in the treatment service plan or meet with the juvenile counselor if they fail to do so. Thus, the bill may result in increased expenditures for affected agencies, depending on the number of cases affected, the scope of increased services, and judicial action regarding parental noncompliance. Data is not readily available on the full pool of affected cases, and the magnitude of any increase in State expenditures can only be determined with actual experience under the bill.

#### *Department of Juvenile Services*

DJS advises that the bill does not materially impact its case numbers and does not have a fiscal impact on DJS operations. DJS did not provide any additional information and did not respond to requests by the Department of Legislative Services (DLS) for additional information.

#### *Office of the Public Defender*

OPD advises that it requires 5 positions (3 juvenile attorneys, 1 social worker, and 1 administrative employee – with associated annual expenditures of approximately \$510,000) and \$552,000 in annual panel attorney fees to effectively provide representation as required under the bill. OPD bases its estimate on an assumed increase of 800 juvenile matters per year (500 matters attributed to crime of violence or handgun violations and 300 matters attributed to CINS findings on habitual truancy). The magnitude of the need for additional OPD resources depends on (1) extended OPD representation of children placed on probation *solely* because of the bill and (2) panel attorney representation of parents facing contempt of court for noncompliance with treatment service plans. While acknowledging that OPD expenditures may increase, DLS advises that the additional resources required can only be determined with actual experience under the bill and *may not* be of the magnitude indicated by OPD.

For instance, in reaching its estimate of 300 additional CINS matters, OPD extrapolated data from Baltimore City's truancy docket and extended it to the entire State. However, according to information provided by the Maryland State Department of Education, Baltimore City has the highest rate of habitual truancy in the State at nearly 24%. Furthermore, OPD appears to base its estimate on the assumption that, in each of the 800 new matters, *all* parents will be noncompliant with the court ordered treatment service plan and require panel attorney representation in contempt matters.

#### *Judiciary*

The Judiciary advises that it can implement the bill using existing budgeted resources.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Legislative Services

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