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BILL: SB668/HB823
FROM: Maryland Office of the Public Defender
POSITION: Opposed
DATE: February 15, 2022

The Office of the Public Defender opposes SB668/HB823. This bill will expand the judiciary's ability to implement truancy courts across Maryland, and explicitly enables the court to request that a Child in Need of Supervision (CINS) referral is made to the Department of Juvenile Services (DJS). In 2011 the Truancy Reduction Pilot Program (TRPP), along with two other truancy reduction models in Maryland, were evaluated. It was explicitly noted that "[i]deally, expansion of these programs or their use as models would be predicated on more definitive evidence."¹ But this expansion appears to come without that additional evidence and research. While OPD agrees that young people are more likely to thrive when they attend and are engaged in school, we do not believe that involvement in truancy court helps achieve that goal.

The first irony of truancy court is that it requires children to attend court at a time when they should otherwise be in school. Furthermore, research has repeatedly shown that a single court appearance increases the chance that a young person will drop out of school.²

Second, this bill specifically empowers the judiciary to request that the County Board of Education make a CINS referral to DJS. This will directly increase the involvement of children in the juvenile legal system and allows them to be supervised under the juvenile court as a CINS, thereby increasing the enforcement tools available to the court.³ This will in turn funnel children into the school-to-prison pipeline for a status offense, which is contrary to the current best practices for juvenile justice.⁴

Additionally, though federal law prohibits the incarceration of youth for truancy and other status offenses alone, a child can be detained for violation of a valid court order. For states that run truancy prevention through the formal court system, this leads to incarceration of children for

¹ Administrative Office of the Courts. *Assessing School Attendance Problems and Truancy Intervention in Maryland: A Synthesis of Evidence from Baltimore County and the Lower Eastern Shore*, at 103. Available at https://www.igsr.umd.edu/applied_research/Pubs/Truancy%20Intervention%20Synthesis%20Report.pdf

² ACLU. *Bullies in Blue: The Origins and Consequences of School Policing*. (April 2017); Sweeten, *Who will graduate? Disruption of high school education by arrest and court involvement*, 23 *Justice Quarterly* 4 (2006).

³ This was first contemplated and recommended in 2008 as an explicit way to increase DJS involvement in truancy cases. See Department of Legislative Services, Office of Policy Analysis. *Approaches to Solving the Problem of Truancy*, at 21-22 (October 2008).

⁴ Annie E. Casey Foundation, *Transforming Juvenile Probation: A Vision for Getting It Right*. (April 2018).

truancy related reasons. In 2016, at 24% runaways and truants were the largest number of out-of-home placements for adjudicated status offenders.⁵

OPD has long participated in the Truancy Court program through the University of Baltimore School of Law's Center for Children Families and the Court (CFCC) which provides a system to informally address this truancy issue by meeting individually with youth and their families to address truancy by finding creative solutions outside of the courthouse. The program offers family assistance in a variety of ways, including assisting with transportation, homelessness, uniforms, tutoring and mentoring. OPD believes that expanding these types of programs, along with emphasizing other evidence-based best practices to address truancy—such as transforming school climate, positive relationship building, reducing common barriers for all students, personalized early outreach, developing action plans to increase barriers, putting in place caring and engage mentors—are the most effective ways to address truancy concerns. Expanding the judiciary's engagement on this issue, and increasing the likelihood that a child is pulled into the school-to-prison pipeline, is not the answer.

⁵ National Center for Juvenile Justice and OJJDP. *Juvenile Court Statistics: 2016*. ncjj.org/pdf/jcsreports/jcs2016report.pdf