



Maryland State's Attorneys' Association

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DATE: February 8, 2022

BILL NUMBER: HB 459

POSITION: Information

The Maryland State's Attorney's Association (MSAA) provides the following information concerning HB 459:

The purpose of the Juvenile Causes Act, as directly stated in Courts and Judicial Proceedings Article, §3-8A-02(a)(4), involves "provid[ing] for a program of treatment, training, and rehabilitation consistent with the child's best interests and the protection of the public interest." Such a course of rehabilitation necessarily involves fashioning a modality of treatment that will best fit the individual needs of the child. One of the best vehicles to fit this goal is the utilization of probation.

Among other things, HB 459 seeks to limit juvenile probation to predetermined terms. Misdemeanors are capped at a maximum one (1) year probationary period, while felonies are restricted to two (2) years. Such restrictions are contrary to the purpose of the Juvenile Causes Act in that it thwarts the ability of the Court to fashion a course of rehabilitative treatment that would best fit the individualized need of each child. Some children may require longer terms of probation to accomplish treatment goals. It is also not uncommon for some children to experience waiting periods for programs, including relatively minor interventions such as mentorship. Limiting probation shortens the time frame by which a youth, already on a waiting list, could thrive in a particular program. In short, juvenile rehabilitation only works when the parties, the Courts and the Department of Juvenile Services ("DJS") maximize the umbrella of services available to each youth. Unfortunately, in many rural parts of the State, the universe of juvenile rehabilitative programs is not extensive, and it is likely that the Court may be forced to end a probation, thereby cutting off funding and support by DJS, even if the child wishes to continue in a program.

Further, there is the other very real possibility that should a youth, facing the end of a mandated term of probation, remain uncooperative to the strict compliance of a probation, the Court would have no option but to resort to a commitment, rather than simply re-engage the youth and retain a probationary status. In other words, limiting terms of probation may unintentionally cause more youth to be committed. Clearly, such a result would be contrary to the intent that this provision in HB 459 seeks to accomplish.

The probation component of HB 459 inhibits the ability of the Court to meet the needs of youth under its supervision and devise appropriate modalities of rehabilitative care. HB 459 is stronger without these probation limitations and the MSAA would urge this Committee to either remove these restrictions from this legislation entirely or amend to allow the Court to continue a probation for extended periods of time, even if those time periods are subject to a hearing and a good cause standard.