

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1010  
Children – Substance Abuse Court-Ordered Evaluations and  
Treatment  
**DATE:** February 16, 2022  
(2/24)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes House Bill 1010, as drafted. This bill would amend statutes concerning certain substance abuse evaluation and treatment for certain children.

The Judiciary supports the need for readily available substance abuse evaluation and treatment, including in-patient treatment, for children. However, the Judiciary notes that the bill presents a number of drafting and funding issues.

The scope of the grant of jurisdiction in proposed Courts and Judicial Proceedings § 3-8A-03(a)(4) is unclear. The bill appears to grant the juvenile court with jurisdiction over a certain child separate from the court's jurisdiction over a child who is alleged to be delinquent or in need of supervision, or who is the subject of peace order proceeding. However, the referenced statute, Courts and Judicial Proceedings § 3-8A-15(i)(3), applies only to a child who is alleged to be in need of supervision who is in shelter care, suggesting that the bill should be read as applying only to such a child.

It also is not clear what procedures are to be followed by the juvenile court in these proceedings, especially if proposed § 3-8A-03(a)(4) establishes a separate grant of jurisdiction. It is unclear who would file a petition before the juvenile court, how the new language would be implemented in light of the competency proceedings language in § 3-8A-17.1 *et seq.*, whether an adjudicatory hearing would be held pursuant to § 3-8A-18, and whether a dispositional hearing would be held pursuant to § 3-8A-19.

The Judiciary also notes that the amendments to Human Services § 9-243 would require the Department of Juvenile Services to provide inpatient or outpatient substance abuse treatment to a child who is ordered by a juvenile court under proposed Health General § 8-5A-01 to enter a state-licensed substance abuse treatment program. However, Health General § 8-5A-01 is a definitional section only and has no language around treatment orders.

Lastly, the Judiciary notes that there is a dearth of in-patient substance abuse treatment programs for children. Absent specific funding for the establishment of child-focused substance abuse evaluation and treatment programs, courts may order children to in-patient treatment but there will not be programs for them attend.

cc. Hon. Nicholas Kipke  
Judicial Council  
Legislative Committee  
Kelley O'Connor