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**To:** Members of The House Judiciary Committee

**From:** Family & Juvenile Law Section Council (FJLSC)

**Date:** February 2, 2022

**Subject:** **House Bill 214:**  
Juveniles – Reportable Offenses

**Position:** **OPPOSE**

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The Maryland State Bar Association (MSBA) FJLSC **opposes House Bill 214 – Juveniles – Reportable Offenses.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

House Bill 214 stigmatizes children that have been involved in the juvenile justice system. Schools can and do use mere arrest information to place children in alternative school settings. This bill undermines the foundation of our juvenile justice system that children can be rehabilitated by demanding DJS share information regarding case disposition and services provided to a child to any school that a child in their care and custody attends even if they have completed their rehabilitative programs. This bill guarantees that no DJS involved child will ever be afforded a fresh start in a new school setting and will be labeled as delinquent prior to their first day.

A child’s arrest for a reportable offense does not necessarily have any nexus to the child’s educational needs, but it can derail their academic progress by resulting in their placement in an alternative school. If a child does have an emotional, behavioral, or learning difference that needs to be addressed by the school, that information will be contained in a child’s IEP or 504 plan. Those records must follow a child from school to school.



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If a child is placed in a group home as part of a juvenile court disposition, a court has determined that a child can be safely maintained in the community. This decision is made after an in-depth review of evidence including several mental health evaluations and a full adversarial hearing. If a child is entering a new school after completing an out-of-home placement, either the court or DJS or both have determined that the child has met their rehabilitative goals and can be safely home. Stigmatizing this child further by requiring DJS to report to any new school the information regarding a reportable offense can only serve to interrupt the progress and rehabilitation the child has achieved.

Existing law already permits local superintendents and school principals to share reportable offense arrest and case outcome information with another local superintendent or school principal of a school that a child has transferred to or enrolled in. If a child is under the care or supervision of DJS they are already receiving the necessary support and services related to their juvenile court involvement. HB 214 serves no rehabilitative purpose for Maryland's children.

For the above stated reasons the MSBA's Family and Juvenile Law Section opposes HB 214.

Should you have any questions, please contact Melanie Shapiro at [Mshapiro@mnadv.org](mailto:Mshapiro@mnadv.org) or by telephone at (301) 852-3930.