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

The Office of The Public Defender opposes HB823. The irony of this bill is that it may make the problem of truancy, which it hopes to solve, worse. That is because, even if a delinquency disposition is not an option, a single court appearance increases the chance that a young person will drop out of school.¹

Federal law prohibits the incarceration of youth for truancy alone, but there is a loophole (the valid court order exception) that allows states to imprison youth who have violated a court order. Many youth probation orders say a child must “attend school, every day, on time, with good behavior” with little understanding of the barriers that may keep a child from being able to do so. For states that run truancy prevention through the formal court system, this leads to incarceration of children for truancy related reasons. In Washington State, nearly 6 percent of all admissions to juvenile detention in 2015² were for truancy, and in Colorado, more than 10 percent of all truancy filings led to a young person being sent to detention.³

The Office of the Public Defender 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 also supports similar efforts across the Free State. Establishing a program that operates through the judiciary will only serve to increase the likelihood of youth being pulled deeper into the juvenile justice system.

Truancy courts that operate inside the judiciary pull funding and emphasis away from the evidence-based best practices to address truancy (engaging and 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) in favor of individual approaches that tend to heap consequences on children who are ill equipped to address structural barriers to attendance.

¹ Sweeten, *Who will graduate? Disruption of high school education by arrest and court involvement*, 23 *Justice Quarterly* 4 (2006).

² Washington State Juvenile Detention 2016 Annual Report, <https://www.courts.wa.gov/subsite/wscrr/docs/2016DetentionAnnualReport.pdf>.

³ https://cdpsdocs.state.co.us/oajja/OAJJA_Board_Council/CO2016TitleIIProgramNarrative.pdf