

SB-15 Testimony-1.pdf

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Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB15 Juvenile Law – Child in Need of Supervision
Mandatory Petition
(NyKayla Strawder Memorial Act)**

**Before the Judicial Proceedings Committee
On February 8, 2023**

SB15 mandates that an intake officer file a petition for a Child in Need of Supervision (SINS) if a child under the age of ten (10) commits an act resulting in the death of a victim.

Last session, this body adopted the recommendations of the bipartisan Juvenile Justice Reform Council. Together, we passed the most transformative juvenile justice bill in recent memory, declaring that children are children. One of the most significant pieces of that legislation was a provision prohibiting criminally charging children under the age of ten (10), aligning Maryland with best childhood development practices.

In August 2022, a 9-year-old child shot and killed 15-year-old NyKayla Strawder at her home in Baltimore City. When her family realized that the child who caused the death of their beloved daughter would not be prosecuted or detained, they approached me seeking justice.

SB15 is the product of many months of discussions and fact-finding to answer two (2) fundamental questions: What is the appropriate action to take in such tragic situations? How do we prevent similar tragedies from happening again and ensure that the proper resources are in place to correct such unacceptable behavior?

The consensus was to refer the child to the Department of Juvenile Services through a CINS petition. The CINS program provides children and their families with the necessary support, such as new housing, educational, and mental health programs and services.

Most children are not predisposed to harm others; but rather, the unfortunate product of the environment in which they live (i.e., poor housing, poverty, crime ridden neighborhoods, violence, lack of adequate education, easy access to weapons, parents addicted to alcohol and/or drugs, being left to provide for themselves, etc.), and the failure of their basic needs being addressed.

The wrap-around services and programs provided by the Department of Juvenile Services through a CINS petition address all of these issues with the aim of, among other things, correcting inappropriate behavior and preventing and/or deterring future criminal like acts.

I respectfully request that the Committee grant a favorable report on SB15.

Sincerely,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter, Esq.

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Uploaded by: Matthew Pipkin

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 15
Juvenile Law – Child in Need of Supervision – Mandatory Petition
(Nykayla Strawder Memorial Act)
DATE: January 18, 2023
(2/8)
POSITION: Support

The Maryland Judiciary supports Senate Bill 15. This bill would require an intake officer to file a child in need of supervision (CINS) petition if a certain complaint is filed.

The Judiciary notes that under 2022 Juvenile Justice Reform act, Ch. 42/HB 459, Ch 41/SB 691, eff. June 1, 2022, amendments to CJP § 3-8A-03, *inter alia*, changed juvenile court jurisdiction when a child committed a delinquent act. Among those changes, the juvenile court no longer has jurisdiction over a delinquency proceeding against a child who is under age 10 under any circumstances. CJP § 3-8A-03(a), (d)(7). This change removed the ability of the juvenile court to require services for these younger children and thus take steps to prevent their future involvement with the juvenile court. In providing for a mandatory CINS petition, the bill would return to the juvenile court oversight for these most vulnerable children.

cc. Hon. Jill Carter
Judicial Council
Legislative Committee
Kelley O'Connor

SB15 - DJS LOI.pdf

Uploaded by: Karalyn Aanenson

Position: INFO

Aruna Miller
Lt. Governor

Wes Moore
Governor

Vincent Schiraldi
Acting Secretary

Date: February 8, 2023
Bill # / Title: SB 15 - Juvenile Law - CINS - Mandatory Petition (NyKayla Strawder Memorial Act)
Position: Letter of Information

SB 15 requires a Department of Juvenile Services (DJS) intake officer to file a Child in Need of Supervision (CINS) petition with the Juvenile Court when a child under the age of 10 is alleged to have committed an act that results in the death of another.

Current law provides authority for DJS to file a CINS petition when a child is assessed to need guidance, treatment, or rehabilitation, and falls under one of these categories:

- Must legally go to school, but routinely does not;
- Regularly cannot be controlled by the child's parents, guardians, or custodians;
- Acts in a way that is dangerous to self or other; or
- Has committed an offense applicable only to children (like running away, violating curfew, or drinking alcohol.)

Anyone can request DJS to file a CINS petition. DJS. In addition to any individual, law enforcement officers, educational agencies, and other child serving agencies may file a CINS complaint directly with DJS. If a CINS complaint is filed, the DJS Intake office will conduct a meeting with the youth and their parent/guardian and discuss appropriate interventions and services to address the underlying problem. After DJS meets with the youth and parent/guardian, DJS may make the following decisions:

- Decline the CINS complaint. DJS may still refer the youth to services as appropriate;
 - If DJS declines to file a CINS complaint, the decision may be appealed to the DJS regional director.
- Resolve the complaint and refer the youth to appropriate services;
- Enter into a Pre-court Supervision Agreement where the youth and family agree to certain conditions, including participation in treatment services, without court involvement;
- File a petition with the juvenile court if there has been a failure of community-based interventions and the most appropriate service is only available through juvenile court.
- If a CINS petition is filed with the court, the court will set a date for an adjudicatory hearing to determine if the facts contained in the CINS petition are true.
 - If the court decides the facts in the petition are true, the court will hold another hearing to determine what action the court should take and whether: The child needs formal supervision by DJS or treatment in an out-of-home placement.

DJS is committed to reviewing CINS petitions and making decisions to support the best interest of the child and community safety, and to ensure stakeholders understand the process to access DJS and the courts through a CINS petition.