



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0002 Juvenile Law- Child In Need of Supervision
Mandatory Petition- NyKayla Strawder Memorial Act-
Before the Judicial Proceedings Committee
On February 13, 2024**

Mr. Chairman, Vice Chair, and Members of the Committee:

Last year this was Senate Bill 15, and it passed the senate unanimously but failed to receive a full hearing or a vote in this house judiciary committee. This year it is Senate Bill 2, and it mandates that an intake officer file a petition for a Child in Need of Supervision (CINS) if a child under the age of thirteen (13) commits an act resulting in the death of a victim.

In 2022 this body adopted the recommendation of the bipartisan Juvenile Justice Reform Council. Together we passed the most transformative juvenile justice bill in recent history, declaring that children are human beings between the stages of birth and puberty, or between the developmental period of infancy and puberty and should be treated as such. One of the most significant pieces of this legislation was a provision prohibiting criminally charging a child under the age of ten (10), aligning Maryland with promising childhood development practices.

In August 2022, a nine (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.

This bill is a product of months of discussions with thought leaders, advocates, law enforcement, and others who work directly with youth, to determine the best course of action when a tragic situation like what happen to NyKayla occurs.

The consensus is to refer the offending child to the Department of Juvenile Services through a CINS petition.

A child under a CINS petition may not be placed in detention or in a state mental health facility. A Child in Need of Supervision may be placed in shelter care (a non-secure community group or foster home).

The juvenile court will hold a hearing to decide if the facts claimed in the petition are true. An appropriate government agency presents the evidence. In Child in Need of Supervision cases, the government agency only needs to prove that it is more likely than not that the facts claimed in the petition are true. (This standard of proof is called the “preponderance of the evidence” standard and is common in civil cases.) The agency does not need to prove the facts “beyond a reasonable doubt” (the usual criminal standard that is used in juvenile delinquency cases). In a delinquency case, a child can assert the 5th Amendment right to speak or to remain silent, and this silence cannot be held against the child – but in Child in Need of Supervision cases, the 5th Amendment does not apply, and the child can be required to speak. [Md. Code, Courts & Judicial Proceedings §§3-8A-13; § 3-8A-18](#)

In some Child in Need of Supervision cases, the court may appoint an attorney or advocate to represent the child’s interest during the hearing. [Md. Code, Courts & Judicial Proceedings § 3-8A-32](#)

If the court decides that the facts in the petition are true, the court will hold a “disposition hearing” to determine what action the court should take. A Child in Need of Supervision cannot legally be placed in a facility used only for delinquent children. A Child in Need of Supervision also cannot legally be placed in a facility that treats adults. However, a Child in Need of Supervision may be placed in a facility that treats a mixture of children, including delinquent children. Restitution is not available in a Child in Need of Supervision case, but the court may issue an order controlling conduct, i.e., to order parents

to participate in counseling; violation of the order may be punishable by contempt.

Most children are not pre-disposed to harm others, this typically happens when basic needs are not addressed in their household these barriers include inadequate housing, lack of employment, drug abuse/addiction, reduced access to healthy food are just a few of the issues many children in Maryland face.

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 correcting inappropriate behavior and preventing and/or deterring future criminal acts.

I respectfully request that the Committee grant a favorable report on SB 2 – The NyKayla Strawder Memorial Act-

Respectfully,

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

Jill P. Carter