

SB314 Parental Accountability Act.pdf

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Position: FAV

JOANNE C. BENSON
Legislative District 24
Prince George's County

MAJORITY WHIP

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Administration Subcommittee

Pensions Subcommittee

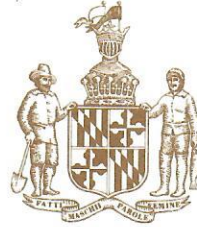
Joint Committees

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson

SBD314: Juvenile Law
Willful Misconduct of a Minor-Civil Liability of a Parent, Legal Guardian, or Custodian
(Parental Accountability Act)

Good afternoon, Chairman Will Smith, Vice Chairman Jeff Waldstreicher, and members of The Judiciary Committee. I am here to present SBD314 Juvenile Law-Parental Accountability

The need to establish parental accountability laws cannot be overstated. We must take immediate action to ensure that parents, legal guardians, or custodians are held civilly accountable for any damages caused by their unemancipated children. The proposed bill aims to impose affirmative duties on parents to provide for their children's basic needs and prevent any neglect or abandonment. It is a well-established fact that every state has some form of parental responsibility law that holds parents liable for intentional or willful acts by their unemancipated children resulting in property damage, personal injury, or death to another person. California Civil Code § 1714.1(a) states that any act of willful misconduct by a minor resulting in injury shall be imputed to the parent, who shall be jointly and severally liable with the unemancipated child for any damages resulting from the willful misconduct.

The proposed bill seeks to strengthen and expand these laws to ensure that parents are more involved in the lives of their unemancipated children. Several states like Arizona, Florida, Indiana, Kansas, Kentucky, North Carolina, North Dakota, and Oregon require parents to attend counseling or other court-ordered treatment programs. Other state legislation such as Arkansas, Colorado, Texas, and Wisconsin require parents, legal guardians, and custodians to participate in parent training and responsibility courses. These types of programs are a diversion option that defers any further punitive sanction from the court.

Violating these laws will lead to increased participation by parents, as defined by the Administrative Office of The Court. Financial responsibility may not exceed \$25,000 for any willful misconduct of the unemancipated child, including medical, dental, and hospital expenses, resulting in the injury or death of another person or damage to the property of another.

We cannot ignore the importance of this proposed bill. It is our moral obligation to protect our society from the consequences of parental negligence. The bill is a critical step toward achieving this goal and ensuring that parents are accountable for their unemancipated children's actions. Therefore, we must take immediate action to enforce these laws and prevent harmful and illegal activities by unemancipated children.

Thus, we kindly request your complete support for this crucial bill.

SB 314 CRSD Testimony.docx.pdf

Uploaded by: Alyssa Fieo

Position: UNF

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 314: JUVENILE LAW – WILLFUL MISCONDUCT OF A MINOR – CIVIL LIABILITY OF A PARENT, GUARDIAN, OR CUSTODIAN (PARENTAL ACCOUNTABILITY ACT)

DATE: FEBRUARY 13, 2024

POSITION: OPPOSE

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland’s public school systems. CRSD is committed to the fair and equitable treatment of all students, including pregnant and parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for all students. CRSD **opposes Senate Bill 314**. Senate Bill 314 would establish the joint and several liability of a parent, guardian, or custodian of a minor who commits an act of willful misconduct that results in the death or injury of an individual or damage to property.

CRSD has many concerns about Senate Bill 314. The first is that Senate Bill 314 continues an increasingly punitive trend towards parents for the misconduct of their child, even when the parent does not have physical control over their child.

Furthermore, CRSD is concerned about the limited exceptions to joint and several liability for parents. Senate Bill 314 includes two exceptions to a parent’s joint and several liability: (1) when there is evidence that the parent had a protective order against the child at the time of the delinquent act, or (2) when there is evidence that the child owes restitution to the parent. These exceptions are very narrow and do not reflect the reality of when a parent exercises control over their child.

There is no exception within this bill for students with disabilities when the student’s willful misconduct is disability related. Many students with disabilities have challenging behaviors that may result in injury to a person or damage to property, and this bill could disproportionately affect the families of students with disabilities. Additionally, Senate Bill 314 does not carve out an exception for when the student’s behavior is the result of the student’s school’s failure to implement a student’s individualized education program or behavior intervention plan with fidelity.¹ Senate Bill 314 does not include an exception for when the student is at school and therefore does not account for the fact that when a student is in school, the student is within the control of school staff.

Finally, CRSD is concerned that “willful misconduct” is an ambiguous term and is not defined within Senate Bill 314. The use of such an ambiguous term could allow for judicial discretion in the interpretation of what is “willful misconduct” and thereby, could have a disproportionate impact on students and families of color as well as students and families with disabilities.

For these reasons, CRSD opposes SB 314.

¹ See Md. Code. Regs. 13A.08.03.08(D)(2).

For more information, contact Annie Carver, chair of the legislative committee for CRSD, at CRSDMaryland@gmail.com

CRSD Members

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

Public Justice Center, Education Stability Project

The Choice Program at UMBC

ACLU of Maryland

FreeState Justice

Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law

Disability Rights Maryland

League of Women Voters of Maryland

Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

Maryland Office of the Public Defender

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Uploaded by: Ariannwyn Carver

Position: UNF

Education Advocacy Coalition

for Students with Disabilities

SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 314: JUVENILE LAW – WILLFUL MISCONDUCT OF A MINOR – CIVIL LIABILITY OF A PARENT, GUARDIAN, OR CUSTODIAN (PARENTAL ACCOUNTABILITY ACT)

DATE: FEBRUARY 13, 2024

POSITION: OPPOSE

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of nearly 50 organizations and individuals concerned with education policy for students with disabilities in Maryland, provides this testimony in opposition of Senate Bill 314. Senate Bill 314 would establish the joint and several liability of a parent, guardian, or custodian of a minor who commits an act of willful misconduct that results in the death or injury of an individual or damage to property.

The EAC has many concerns about Senate Bill 314. The first is that Senate Bill 314 continues an increasingly punitive trend towards parents for the misconduct of their child, even when the parent does not have physical control over their child.

Furthermore, the EAC is concerned about the limited exceptions to joint and several liability for parents. Senate Bill 314 includes two exceptions to a parent's joint and several liability: (1) when there is evidence that the parent had a protective order against the child at the time of the delinquent act, or (2) when there is evidence that the child owes restitution to the parent. These exceptions are very narrow and do not reflect the reality of when a parent exercises control over their child.

There is no exception within this bill for students with disabilities when the student's willful misconduct is disability related. Many students with disabilities have challenging behaviors that may result in injury to a person or damage to property, and this bill could disproportionately affect the families of students with disabilities. Additionally, Senate Bill 314 does not carve out an exception for when the student's behavior is the result of the student's school's failure to implement a student's individualized education program or behavior intervention plan with fidelity.¹ Senate Bill 314 does not include an exception for when the student is at school and therefore does not account for the fact that when a student is in school, the student is within the control of school staff.

Finally, the EAC is concerned that "willful misconduct" is an ambiguous term and is not defined within Senate Bill 314. The use of such an ambiguous term could allow for judicial discretion in the interpretation of what is "willful misconduct" and thereby, could have a disproportionate impact on students and families of color as well as students and families with disabilities.

For these reasons, the EAC opposes Senate Bill 314.

For more information, please contact Annie Carver, EAC legislative affairs chairperson, at carverar@kennedykrieger.org or 518-763-4886 with any questions (over).

¹ See Md. Code. Regs. 13A.08.03.08(D)(2).

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

Elizabeth Benevides, Autism Society of Maryland, co-chairperson

Ellen Callegary, JD

Annie Carver, Tyler Cochran, Mallory Legg, and Maureen van Stone, Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

Rich Ceruolo, parent

Michelle R. Davis, M.Ed., ABCs for Life Success

Alyssa Fieo, Office of the Public Defender

Marjorie Guldan and Rosemary Kitzinger, Bright Futures LLC

Beth Hancock, Charting the Course

Nicole Joseph and Kate Rabb, Nicole Joseph Law

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland, co-chairperson

Lindsay Muir, Abilities Network

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Maria Ott, Attorney

Camila Reynolds-Dominguez, Free State Justice

Rebecca Rienzi, Pathfinders for Autism

Kelly Spanoghe, Education Consultant

Ronetta Stanley, M.Ed., Loud Voices Together

Wayne Steedman, The Steedman Law Group

Jessica Williams, Education Due Process Solutions

Winifred Winston, Decoding Dyslexia Maryland

Liz Zogby, Maryland Down Syndrome Advocacy Coalition

SB 314 - Willful Misconduct - ACLU Testimony (Feb

Uploaded by: Frank Patinella

Position: UNF



Testimony for the Senate Judicial Proceedings Committee

February 13, 2024

SB 314 — Juvenile Law – Willful Misconduct of a Minor – Civil Liability of a Parent, Legal Guardian, or Custodian (Parental Accountability Act)

FRANK PATINELLA
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GENERAL COUNSEL

OPPOSE

The ACLU of Maryland (ACLU) opposes SB 314, which would establish the joint and several liability of parent, guardian, or custodian of a child who commits an act of willful misconduct that results in death or injury of an individual or damage to property. The bill also seeks to increase the financial liability of a parent, guardian or custodian to \$25,000 for damages caused by their child.

Maryland statute already allows a victim to seek restitution for a crime committed by a child, from their parent for personal harm or property damage.¹ Under current law, courts may enter a judgment of restitution in an amount not to exceed \$10,000 for a single incident committed by the child. SB 314 would increase the statutory cap on the amount of restitution for which a parent could be liable to \$25,000. However, studies have shown that restitution is financially unfeasible for families of low-income, disproportionately impacts Black and Brown families, and has been shown to be an ineffective strategy to hold children accountable for their behavior.²

A large body of empirical literature has found that children in poverty — due stressors such as significant financial hardship or a myriad challenges in their communities — are more likely to engage in

¹ Maryland Code, Criminal Procedure § 11-603 and § 11-604

² Smith, Lindsey E., Mozaffar, Nadia S., and Feierman, Jessica. (2002.) Reimagining Restitution: New Approaches to Support Youth and Communities. Juvenile Law Center. <https://debtorsprison.jlc.org/documents/JLC-Reimagining-Restitution.pdf>

delinquent behavior.³ Oftentimes, the child and the parent lack the financial resources to pay restitution orders. Research also shows that victims may prefer non-monetary reparations instead of money from the child or their parent.

Currently, there are ways that a victim can seek compensation for harm caused by a crime. Victim compensation funds have been found to be much more effective in resolving financial loss and mitigating costs incurred by a victim as a result of a crime. The federal Victims of Crimes Act (VOCA) provides funding to all states to improve the treatment of victims. Since the amount of VOCA funding from the federal government can vary widely from year to year — \$61.1 million in FY18 and \$24.7 million in FY23 — the Maryland General Assembly passed the Victim Services Stabilization Act to ensure that the state's VOCA fund totals \$60 million annually.⁴

In line with recent reforms that Maryland legislators and state departments including the Department of Juvenile Services have deliberated upon and enacted, the state should continue making changes to the legal system for children based on proven strategies and evidence-based practice. Diversion programs, especially those that employ restorative justice principles, are showing much more promise in changing delinquent behavior and reducing recidivism among children.⁵ Further, restorative justice programs help bring resolution to the parties involved, increasing the satisfaction of both the victim and perpetrator.

For the foregoing reasons, the ACLU requests the committee to give SB 314 an unfavorable report.

³ Rekker, Roderik, et al. (2015). Moving in and out of Poverty: The Within-Individual Association between Socioeconomic Status and Juvenile Delinquency. National Library of Medicine. 10(11): e0136461. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4648521/>

⁴ Md. Code, Crim. Proc. § 11-934
<https://casetext.com/statute/code-of-maryland/article-criminal-procedure/title-11-victims-and-witnesses/subtitle-9-victims-and-witnesses-services/part-iii-help-for-victims-of-sexual-assault-offenses/section-11-934-support-for-victim-services-programs>

⁵ *I.d.*

2024 SB 314 Juvenile Law - Willful Misconduct .pdf

Uploaded by: Kenneth Wardlaw

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 314 - Juvenile Law - Willful Misconduct of a Minor - Civil Liability of a Parent, Legal Guardian, or Custodian (Parental Accountability Act)

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 13, 2024

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue an unfavorable report on Senate Bill 314. This bill would impose joint and several liability on a parent, guardian, or custodian of a child who commits an act of “willful misconduct” that results in death or injury of an individual or damage to property. Senate Bill 314 also seeks to increase the financial liability of a parent, guardian or custodian to \$25,000 for damages caused by their child. OPD is in the unique position of providing representation to children charged with committing offenses, as well as parents through the OPD Parental Defense Division. Based on our experience representing both children and parents/guardians, we oppose this bill for several reasons.

Senate Bill 314 is not necessary as there already exists a provision that allows for restitution.

Under current Maryland law, a victim may seek restitution for a crime committed by a child, from the parent for personal harm or property damage.¹ In representing our clients, however, we see how difficult it is for many low-income families to pay restitution. It creates a financial burden on parents who are already struggling to meet the needs of their families, pushing them further into poverty. Increasing the financial liability through this bill will not increase the ability of families to meet that burden. Moreover, there is a body of reports that shows that financial punishment is not effective and results in a negative impact on young people and their families.² As one report has stated: “For families already experiencing financial hardship, this added financial burden can

¹ Maryland Code, Criminal Procedure § 11-603 and § 11-604.

² Lindsey E. Smith and Nadia Shabnam Mozaffar, *Five Key Findings About Restitution in the Juvenile Justice System*, ABA Litigation Section (Sept. 28, 2022), <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/five-key-findings-about-restitution-juvenile-justice-system/>.

harm their ability to provide for their family’s basic needs, and the conflict about whether or not to divert paychecks to the court for restitution can impact family relationships and dynamics.”³

Senate Bill 314 fails to provide an exception for disability-related behavior.

Children with disabilities with challenging behavior, including children who may have autism, other developmental disabilities, or emotional disabilities, may engage in behavior related to their disability that leads to property damage. Parents should not be held liable and subject to such a high level of damages for behavior related to a disability. In addition, we have worked with many parents and guardians who have sought assistance from state agencies to help address their child’s behavior, only to be turned away. Senate Bill 314 continues an increasingly punitive trend towards parents for the misconduct of their child, yet fails to take into account the circumstances that may lead to the actions of the child, including behavior that may be related to a disability.

The term “willful misconduct” is ambiguous and overly broad.

OPD is further concerned that “willful misconduct” is an ambiguous term and is not defined within the bill. Such a broad term creates a risk that it will be applied in a manner that will disproportionately impact students and families of color, as well as students with disabilities and their families.

Senate Bill 314 is punitive and does not create an evidence-based remedy to address juvenile behavior. This bill also does little to ensure that victims are compensated for any loss caused by a crime. Victim compensation funds are a more effective means of meeting victims’ financial needs.⁴ Rather than pursuing more punitive measures that will disproportionately impact low-income parents and guardians of color, our communities need access to restorative justice programs that repair the harm and make our communities safer.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 314.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Alyssa Fieo, alyssa.fieo@maryland.gov

Kenneth Wardlaw, kenneth.wardlaw@maryland.gov

³ Lindsey E. Smith, et al., *Reimagining Restitution: New Approaches to Support Youth and Communities*, Juvenile Law Center, (2022), at 13, <https://debtorsprison.jlc.org/documents/JLC-Reimagining-Restitution.pdf>.

⁴ See information on the Maryland Victim of Crimes Fund (MVOC), <https://goccp.maryland.gov/grants/programs/mvoc/>.

SB 314 CRSD Testimony.docx.pdf

Uploaded by: Kenneth Wardlaw

Position: UNF

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 314: JUVENILE LAW – WILLFUL MISCONDUCT OF A MINOR – CIVIL LIABILITY OF A PARENT, GUARDIAN, OR CUSTODIAN (PARENTAL ACCOUNTABILITY ACT)

DATE: FEBRUARY 13, 2024

POSITION: OPPOSE

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. CRSD is committed to the fair and equitable treatment of all students, including pregnant and parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for all students. CRSD **opposes Senate Bill 314**. Senate Bill 314 would establish the joint and several liability of a parent, guardian, or custodian of a minor who commits an act of willful misconduct that results in the death or injury of an individual or damage to property.

CRSD has many concerns about Senate Bill 314. The first is that Senate Bill 314 continues an increasingly punitive trend towards parents for the misconduct of their child, even when the parent does not have physical control over their child.

Furthermore, CRSD is concerned about the limited exceptions to joint and several liability for parents. Senate Bill 314 includes two exceptions to a parent's joint and several liability: (1) when there is evidence that the parent had a protective order against the child at the time of the delinquent act, or (2) when there is evidence that the child owes restitution to the parent. These exceptions are very narrow and do not reflect the reality of when a parent exercises control over their child.

There is no exception within this bill for students with disabilities when the student's willful misconduct is disability related. Many students with disabilities have challenging behaviors that may result in injury to a person or damage to property, and this bill could disproportionately affect the families of students with disabilities. Additionally, Senate Bill 314 does not carve out an exception for when the student's behavior is the result of the student's school's failure to implement a student's individualized education program or behavior intervention plan with fidelity.¹ Senate Bill 314 does not include an exception for when the student is at school and therefore does not account for the fact that when a student is in school, the student is within the control of school staff.

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For these reasons, CRSD opposes SB 314.

¹ See Md. Code. Regs. 13A.08.03.08(D)(2).

For more information, contact Annie Carver, chair of the legislative committee for CRSD, at CRSDMaryland@gmail.com

CRSD Members

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute

Public Justice Center, Education Stability Project

The Choice Program at UMBC

ACLU of Maryland

FreeState Justice

Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law

Disability Rights Maryland

League of Women Voters of Maryland

Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

Maryland Office of the Public Defender

sb314.pdf

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Position: UNF

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 314
Juvenile Law – Willful Misconduct of a Minor – Civil Liability of
a Parent, Legal Guardian, or Custodian (Parental Accountability
Act)
DATE: January 17, 2024
(2/13)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 314. This bill would amend juvenile justice law, Courts and Judicial Proceedings Article (CJP), Title 3, Subtitle 8B, by adding a new § 3-8A-36 addressing parent, guardian/legal guardian, or custodian liability for certain actions by a minor.

The Judiciary notes several issues raised by this bill:

First, juvenile law has a process for restitution. See CJP § 3-8A-28 and Criminal Procedure Article (CP), Title 11, Subtitle 6. The process set out in those provisions provides a detailed method of determining restitution against the child and/or the child's parent, procedures that are not duplicated by this bill.

Further, restitution law permits the court to consider the ability of the child and the child's parent to pay restitution and the existence of extenuating circumstances that make a judgment of restitution inappropriate. CP § 11-605. This bill does not include such language, removing the ability of the juvenile court to determine the appropriateness of civil damages based on the facts of the particular case.

In addition, this bill would permit assessment of liability against the child's "custodian", a term the bill does not define. The term could be read to, as it often is in juvenile law, to apply to the Department of Juvenile Services, if the child is in detention or community detention or is committed to the agency, or to a local department of social services, if the child is in that agency's shelter or foster care. As a result, the bill could be read as making the public agency liable.

Of more concern, the term “custodian” also could be read to apply to the foster parent for a child in foster care and, for a child in kinship care or another informal care arrangement, the term could be read to apply to the kinship caregiver or other caregiver. If the bill is read to apply to those individuals that result may well be that people will decline to be foster parents, kinship caregiver, or other caregivers, and that resulting lack of caregivers for children in need would diminish the ability to provide care to children who need to be placed away from their parents.

cc. Hon. Joanne Benson
Judicial Council
Legislative Committee
Kelley O’Connor

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Position: UNF

TESTIMONY IN OPPOSITION OF SB 314

Juvenile Law-Willful Misconduct of a Minor - Civil Liability of a Parent, Legal Guardian, or Custodian (Parental Accountability Act)

Judicial Proceedings

February 13, 2024

Social Work Advocates for Social Change strongly opposes SB 314, which will establish joint liability of a minor and their parent, legal guardian, or custodian with custody and control of a minor for any act of willful misconduct of the minor that results in the injury or death of another or damage to the property of another. **This joint liability will negatively influence foster parent recruitment and retention, and disproportionately affect youth and caretakers of youth with developmental disabilities.**

SB 314 will discourage people from becoming foster parents due to liability issues of children who they do not even know yet. More than one in five children in Maryland has an emotional, behavioral, or developmental problem.¹ These behavior problems can be attributed to the ACEs (Adverse Childhood Experience) that foster children face at a higher rate than non-foster care children.² These adverse and traumatic experiences were *not* caused by foster parents. SB 314 may well lead to punishing good citizens in our society who have an honest desire to help thousands of foster care children who need homes.

SB 314 will perpetuate the myth that foster care children are troubled and damaged.³ This bill will not only perpetuate this myth, but it will give the myth validation, for it prepares a mechanism by which future foster parents can be held to account for the actions of their foster children. We should be building an infrastructure to support young people, the second chances they need, and their foster parents.

SB 314 will put children with special needs and their caregivers – including foster parents – at particular risk. According to current and former Maryland foster parents, behavior was the main reason why foster parents asked for a child to be removed from their home. Over the last few years, time and emotional requirements have increased substantially in order to support the

¹Annie E. Casey Foundation. (n.d.). Children Who Have One or More Emotional, Behavioral, or Developmental Conditions in the United States. <https://datacenter.aecf.org/data/tables/10668-children-who-have-one-or-more-emotional-behavioral-or-developmental-conditions?loc=1&loct=2#detailed/2/2-52/false/2043,1769,1696,1648/any/20457,20456>

² Kiley W. Liming, Becci Akin, Jody Brook; Adverse Childhood Experiences and Foster Care Placement Stability. *Pediatrics* December 2021; 148 (6): e2021052700. 10.1542/peds.2021-052700

³ Foster VA. (n.d.). 10 Common Myths about Foster Care and Adoption: Debunked. <https://www.fosterva.org/blog/10-common-myths-about-foster-care-and-adoption-debunked>

behavioral needs of youth in foster care. Foster parents are already feeling as though “the requirements to foster [are] now a 24-hour job and the children are coming with more severe untreated mental health issues making it more difficult to foster.”⁴ In Treatment Foster Care, specifically, all youth have specialized medical or behavioral needs and often present with developmental disabilities. Approximately 10-15% of people with developmental disabilities exhibit challenging behavior which often manifests as “non-compliance, self-injury, harming of others, tantrums, crying, and damaging of property”⁵. SB 314 will put all caregivers (biological/foster parents, guardians and legal custodians) of minors with developmental disabilities at greater risk of punishment for behaviors that are often outside of the child's control or level of understanding. In addition, it will dissuade potential foster parents, specifically highly needed treatment foster parents, due to the fact that it is statistically proven that those with developmental disabilities are likely to display destructive behaviors.

Social Work Advocates for Social Change urges an unfavorable report on SB 314.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁴ Findings from the *Maryland Foster and Adoptive Parent Survey [unpublished manuscript]* (2023). University of Maryland School of Social Work & The Maryland Resource Parent Association.

⁵ Kim D. (2023). Latent Class Analysis on Types of Challenging Behavior in Persons with Developmental Disabilities: Focusing on Factors Affecting the Types of Challenging Behavior. *Behavioral sciences (Basel, Switzerland)*, 13(11), 879. <https://doi.org/10.3390/bs13110879>
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10669221/#:~:text=Challenging%20behavior%20is%20a%20common,mild%2C%20short%20lived%20behavior%20to>