



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)

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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.*