

Senate Bill 744 Juvenile Law - Reform
Senate Judicial Proceedings Committee
February 9, 2024
Position: OPPOSE

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate this opportunity to present testimony in opposition to Senate Bill 744.

SB 744 proposes changes to current juvenile law, changes that would cause more children to come into the criminal court system, increase detention of youth, and impede diversion. These measures run contrary to the many studies that have shown that diversion and the delivery of community-based services produce better outcomes in youth and decrease recidivism.¹

Any juvenile law reform effort must include the provision of services to youth on the front end, particularly behavioral health services, since 65–70 percent of youth involved with the juvenile justice system have a diagnosable behavioral health condition. More than 60 percent meet the criteria for three or more diagnoses, and 61 percent of those with a mental health diagnosis also meet the criteria for a substance use disorder.² Most of these youth have experienced trauma, which disproportionately impacts youth living in poverty and youth of color. That, along with systemic racism, results in black and brown youth being disproportionately negatively impacted by “tough on crime” policies. We must do better and provide these youth with the services they need. We must take a proactive, rather than a reactive, approach.

Over the last decade in Maryland, the system of care for children and youth with behavioral health needs has crumbled. Intensive community-based services, such as high-fidelity wraparound, were terminated. Therapeutic group homes and treatment foster care all but vanished, and the capacity of psychiatric residential treatment centers was slashed. Instead, children now are ending up in emergency departments, stuck in hospital psychiatric inpatient units, or coming into contact with the juvenile justice system. This result is a failure of the system to address children’s needs early and effectively.

¹ Underwood, Lee and Aryssa Washington. Mental Illness and Juvenile Offenders. International Journal of Environmental and Public Health 13(2). 2016. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4772248/#> Accessed February 5, 2024.

² Shufelt, J.S. & Cocozza. J.C. Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-state, Multi-system Prevalence Study. National Center for Mental Health and Juvenile Justice. (2006) <https://www.ojp.gov/ncjrs/virtual-library/abstracts/youth-mental-health-disorders-juvenile-justice-system-results-multi>. Accessed February 5, 2024.

When DJS held listening sessions across the state in 2020, families, county administrators, school staff, and other concerned citizens repeatedly said that youth need intervention services, early, when they first come to the attention of juvenile services. Mental health and substance use treatment were frequently called out as critical needs. These community voices must be heeded.

Youth who are arrested and come to the attention of DJS should receive timely and accurate screening for mental health or substance use conditions, and in most cases, should be diverted from the juvenile justice system and provided with needed community-based services. There are numerous evidence-based practices designed to address the behavioral health needs of young people who engage in delinquent acts. They include Cognitive Behavioral Therapy, Integrated Co-occurring Treatment, Functional Family Therapy, Multisystemic Therapy, and High-fidelity Wraparound. We know what works. We also know what doesn't work: detaining more and younger children is not the solution.

We recognize that the proposed changes, which roll back reforms enacted in 2022, are a response to youth crime that has caused harm in communities and created a climate of fear among those who have been directly and indirectly impacted. Our criminal justice system exists to enforce our laws and ensure public safety. We urge you to ensure an appropriate response that upholds these goals, by offering solutions that are most likely to achieve them.

For these reasons MHAMD opposes SB 744 and asks for an unfavorable report.