

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 75
Juvenile Law – Probation and Treatment Services – Required
Disposition (Parental Accountability Act)
DATE: January 11, 2025
(1/28)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 75.

The bill mandates that the court place a child on probation without first determining that probation is appropriate. Rather, the bill's only condition precedent is that the court did not order the child "held in secure confinement." This provision appears to conflict with the statutory requirement of a dispositional hearing, wherein a court determines (1) whether a child needs or requires guidance, treatment, or rehabilitation; and, if so (2) the nature of the guidance, treatment, or rehabilitation. See, Courts and Judicial Proceedings § 3-8A-01(p).

The bill also appears to require the court to accept the Department of Juvenile Services' treatment services plan, whether or not the court believes it appropriate for the child and the child's needs. This diminution of the court's authority mitigates the court's ability to take steps towards the child's rehabilitation, a goal of the juvenile court. See, e.g., Courts and Judicial Proceedings § 3-9A-02.

The Judiciary also notes that the term “held in secure confinement” does not reflect the language of dispositions set out in the dispositional statute, Courts and Judicial Proceedings § 3-9A-19.

Lastly, the Judiciary notes that the bill does not spell out steps the court can take to address parent/guardian/legal custodian failure to participate in the child’s treatment service plan. Lack of participation is a concern in certain cases and the court is limited in the steps it can take to respond to a recalcitrant parent/guardian/legal custodian.

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