

SB 75 FINAL.docx.pdf

Uploaded by: Karalyn Aanenson

Position: UNF

Aruna Miller
Lt. GovernorWes Moore
GovernorVincent Schiraldi
Secretary

Date: January 28, 2025
Bill Number/Title: SB 75 - Juvenile Law - Probation and Treatment Services - Required Disposition (Parental Accountability Act)
Committee: Judicial Proceedings
DJS Position: Oppose

The Department of Juvenile Services (DJS) opposes SB 75.

SB 75 requires the juvenile court to order probation, if the youth is not placed in secure confinement and the youth:

- is found delinquent of a crime of violence
- is found delinquent of a crime of violence with a dangerous weapon
- the court finds the youth used a firearm or handgun in the commission of a crime, or
- the child was found to be a child in need of supervision (CINS) and is habitually truant.

Additionally, the mandatory probation requires the participation of the child and the child's parent, guardian or custodian in rehabilitation services. If the parent fails to participate in treatment services or meeting with the juvenile counselor, the court is required to order the parent to engage in such services.

DJS opposes the mandatory nature of SB 75. Generally, probation is an appropriate response by the court in these matters. However, the court should only order any disposition after weighing all the aggravating and mitigating factors, reviewing behavioral assessments and evaluations, and hearing from all the parties involved. Requiring mandatory dispositions relieves the court of this thorough inquiry and may result in ordering a disposition not designed to support the individual youth in achieving positive outcomes.

For these reasons, DJS requests an unfavorable report on SB 75.

Contact: Kara Aanenson, DJS Director of Legislation Policy and Reform, kara.aanenson@maryland.gov



SB 75 DRM Opposition.pdf

Uploaded by: Megan Jones

Position: UNF



Empowering People to Lead Systemic Change

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

DisabilityRightsMD.org

JUDICIARY PROCEEDINGS COMMITTEE
TESTIMONY OF DISABILITY RIGHTS MARYLAND
SENATE BILL 75 – PARENTAL ACCOUNTABILITY ACT

January 28, 2025

Position: Oppose

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland's educational advocacy community, working on issues such as school discipline, restraint and seclusion, juvenile justice, and enforcing the rights of students with disabilities. DRM has significant experience representing students with disabilities statewide, including youth involved in the juvenile justice system.

DRM opposes Senate Bill 75, which would require students determined to be 'a child in need of supervision' because of the student's habitual truancy to be put on probation and would require parents to participate in probation and rehabilitative services for children who have committed certain crimes or who have been determined to be a child in need of supervision because of the student's habitual truancy.

While it may seem logical that increased parental participation in probation and rehabilitative services would improve the outcomes of these services, SB 75 is likely to have very harmful unintended consequences that will fall on the backs of Maryland's most economically disadvantaged families and will disproportionately impact Black and Brown students, as well as students with disabilities and their families. SB 75 will also increase the number of students interacting with the criminal justice system and could exacerbate disparities already evident in our criminal justice system.

Requiring parental participation has the potential to impose financial burdens that will negatively impact parents and students. Even if this legislature passes SB 58 to require employers to provide job protected leave to attend a child's school related activities, SB 75 would force parental participation in probation and rehabilitative services without corresponding job-protected paid leave. This required participation would place the same financial burden on parents as school-based meetings currently require, but unlike school-based meetings, this bill would subject a parent to a court order to comply, exposing a parent to risk of repercussions of failure to comply if they are unable to attend.

Economically disadvantaged students, the group with the highest rate of chronic absenteeism, will be most impacted by any added financial burden..¹ Black and Brown students, as well as students with disabilities, are overrepresented in this group.² In MSDE's 2022 data, 72% of 'economically disadvantaged' students were Black and Hispanic/Latino students, and 16% of these students were students with disabilities.³ Over one-third of all students with disabilities were economically disadvantaged. Based on this data, economically disadvantaged Black and Brown students, as well as students with disabilities will be a significant portion of students impacted.

Apart from economic disadvantage, Maryland's Black and Brown students, and students with disabilities have the highest rates of chronic absenteeism.⁴ Nationally, students with disabilities are about 36% more likely to be chronically absent.⁵ The Maryland State Education Agency (MSEA) found that illness, family circumstances, housing instability, a need to work, and involvement with the juvenile justice system contribute to chronic absenteeism.⁶ Considering this data and MSEA's findings, if probation is imposed based on absences, the students most affected will be Black and Brown students, as well as students with disabilities.

While SB 75 has the potential to exacerbate existing absenteeism rates, there is another bill before this legislature, HB 523, which could help collect information on the causes of absenteeism, and ultimately help inform culturally competent solutions aimed at the root causes of the issue.

Additionally, requiring probation based on whether a student has committed a certain type of crime will disparately impact Black and Brown individuals, as well as individuals with disabilities, who are overrepresented in the criminal justice system.⁷ Increased involvement with the juvenile justice system will not protect the academic interests of students who are already facing barriers to attendance or who are struggling to stay up-to-date with schoolwork due to court proceedings.

SB 75 has the potential to detrimentally impact students and parents by requiring parents to risk financial loss from time in court, job loss if an employer refuses to provide leave, and

¹ [MARYLAND STATE DEPARTMENT OF EDUCATION, CHRONIC ABSENTEEISM TRENDS AND BRIGHT SPOTS \(2024\).](#)

² [MARYLAND STATE DEPARTMENT OF EDUCATION, SPOTLIGHT ON ECONOMICALLY DISADVANTAGED \(2021\).](#)

³ [MARYLAND STATE DEPARTMENT OF EDUCATION, SPOTLIGHT ON ECONOMICALLY DISADVANTAGED \(2021\).](#)

⁴ [MARYLAND STATE DEPARTMENT OF EDUCATION, CHRONIC ABSENTEEISM TRENDS AND BRIGHT SPOTS \(2024\).](#)

⁵ [CHRONIC ABSENTEEISM | U.S. DEPARTMENT OF EDUCATION.](#)

⁶ [MARYLAND STATE EDUCATION ASSOCIATION, BRIEFING ON CONTRIBUTING FACTORS OF CHRONIC TRUANCY IN THE MARYLAND PUBLIC SCHOOL SYSTEM \(2023\).](#)

⁷ Some literature even suggests that youth with disabilities are overrepresented in the incarcerated population, in part, due to the failure to attend school on a regular basis. Hogan et al., *Meeting the Transition Needs of Incarcerated Youth with Disabilities*, 61 J. CORRECTIONAL EDUCATION 133 (2010).

consequences of an inability to find care for other children due to financial or other barriers. SB 75 could also contribute further to the disproportionate rates at which Black and Brown students, as well as students with disabilities, are interacting with the criminal justice system.

For these reasons, DRM opposes Senate Bill 75.

Opposition to SB75 - Parental Accountability Act.p

Uploaded by: Robin Salter

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB75 – PARENTAL ACCOUNTABILITY ACT

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: January 24, 2025

The Maryland Office of the Public Defender (OPD) respectfully urges the Committee to issue an unfavorable report on Senate Bill 0075.

Senate Bill 75 would require the juvenile court to order probation for a child found to have committed certain delinquent acts or a child adjudicated to be a child in need of supervision because of habitual truancy. Specifically, SB 75 would require probation of such a child to include the adoption of a treatment service plan, require the child and the child's family to use certain services; and mandate a parent, guardian, or custodian to participate in a treatment service plan. We strongly oppose SB 0075 because the Juvenile Court already has authority to control the conduct of the parties before it. This bill is unnecessary as there are other statutory protections in place to allow for addressing remedy such conduct, and it will likely cause significant harm to families and children already facing systemic challenges.

The goal of Juvenile Court is to give children and parents the treatment and resources they need to stop cycles of delinquent behavior, end abuse and neglect and provide medical care so that the children have the opportunity to become productive citizens, rather than graduate to adult criminal court or suffer chronic, life-threatening abuse and neglect. In addition, the juvenile justice system seeks to hold parents of children entering the system accountable and responsible for remedying the circumstances that led their children to enter into the system. (See Md. Code, Courts and Judicial Proceedings § 3-8A-02)

Senate Bill 0075 on its face is duplicative of statutes already codified governing conduct of the parties. Pursuant to MD Code, Courts and Judicial Proceedings, § 3-8A-26, the Juvenile Court may make an appropriate order directing, restraining, or otherwise controlling the conduct of a person who is properly before the court. A party to the case includes a child who is the subject of a petition or a peace order request, the child's parent, guardian, or custodian, the petitioner and an adult who is charged under § 3-8A-30 of this subtitle. (See Md. Code, Courts and Judicial Proceedings, § 3-8A-01 (v)). Thus, parents are already subject to orders of the Juvenile Court. Here, the Court has broad authority to inquire as to any conduct of a party, seek remedies to the conduct, hold show cause or contempt hearings, and/or order a parent, custodian, or otherwise to participate in services or

treatment when necessary. In fact, the Court makes inquiries as necessary and frequently issues such orders when there is a need to do so.

As for treatment service plans, Md. Code, Courts and Judicial Proceedings § 3-8A-20.1 already codifies an outline for treatment services plans, implementations, and failures, which is applied to delinquent children, children in need of supervision, and/or children in need of assistance. Parents whose children are committed to the Department of Human Services are required to have a case worker assigned whose responsibility is to create a service plan with the family, which allows for the parents, guardians, or custodian of the child to participate in rehabilitative services that are in “the best interest of the child and their family”, pursuant to the Court’s order.

Should SB 75 be adopted, the law would be expanded to eliminate judicial discretion and instead mandate additional processes and penalties for parents. We must remember that parents, custodians, and guardians also have due process rights. The parent, guardian, or custodian will now require independent representation because of their legal exposure and risk of contempt charges. This will be costly. For example, by virtue of OPD's representation of the children in delinquency proceedings, OPD cannot provide direct representation to the parent, guardian, or custodian and will have to appoint private counsel from its panel list. Based on the time estimated for a low misdemeanor under the national standards for public defense, parent representation is expected to require an average of 13.8 hours per case. At the \$60/hour rate generally provided to panel attorneys, this would total over \$552,000 in panel fees. This is separate and apart from representation of Child in Needs of Services or Truancy cases.

Additionally, the bill would have to set in provisions that require the Department of Juvenile Services to remedy any barriers that would prevent parents from being able to participate in ordered services. For instance, if a parent has multiple children and lacks child care, the court should make sure such a barrier is addressed and eliminated so that the parent could participate. Many times, when parents are ordered to participate in services, issues like their work schedules, the lack of services available in the evening, transportation, lack of insurance, lack of child care etc. are not accounted for. Parents are often asked to miss work and forego pay to abide by the court order. This often puts their jobs and thereby their family’s stability in jeopardy in order to fulfill a court order. Rather than remedying troubles that a child is facing at home, economic instability or job insecurity will only compound existing challenges.

At the same time, this bill does not address the lack of available resources. There are often wait lists for services such as family and individual therapy, which could be ordered. There are also a limited number of parenting classes that specifically address parents of older youth with behavioral, mental health or delinquency issues. These are all things that need to be considered when passing this bill.

Furthermore, SB75 does not differentiate between a child in the custody of their parents and a child who is in the custody of the Department of Social Services. While this bill seeks for a court to order a parent to participate in a treatment plan for a child in Juvenile Court; it does not clarify to the court who the “parent” is if the child is in the care and custody of the Department of Social Services. Because parents have very little control over a child who is not in their custody, they should not be held responsible when that child is before the court. This absence of clarity is merely another reason this bill should not be enacted into law.

The direct consequence of issuing a court order for parents or guardians to participate in a treatment program has many legal ramifications. It appears that the intent of the bill is to provide treatment to children whether they are legally adjudicated or not and to include their family members, specifically

guardians and parents. However, when a court issues an order it has great weight and it must be followed. If an order is not followed the Court has the authority to enforce the order. Thus, if the parent fails to follow an order, they will be summoned to court or have a writ issued for a hearing and the hearing is titled a contempt hearing. Such a hearing shifts the focus from helping the family and the child and to addressing a contempt order. This is analogous to child support contempts or truancy hearings where the adult is held responsible often for situations often outside of their control. These situations usually arise due to the surrounding lack of resources. To actually ensure parents are involved and invested in the well-being of their family and children, which is the true issue this bill is trying to address, we must focus on resources, wrap around services, and limiting unnecessary court hearings that create significant strain on the time, resources, and energy of oft-over-burdened families who appear before our Juvenile Courts.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB75

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

Authored by: Robin Salter, Esq., Regional Director of Youth Defense,
robin.salter@maryland.gov

sb75.pdf

Uploaded by: Will Vormelker

Position: UNF

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