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POSITION ON PROPOSED LEGISLATION

**BILL: House Bill 683 - Criminal Law – Criminal or Delinquent Act of a Child –
Liability of a Parent, Custodian, or Guardian**

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 24, 2025

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue an unfavorable report on House Bill 683, which seeks to impose criminal liability on parents, guardians, or custodians for the actions of their children. While the intent to encourage parental involvement and accountability is understandable, this bill is misguided and unjustly punitive toward families, particularly those facing systemic barriers to economic and social stability.

Unfairly Punishing Parents for Factors Beyond Their Control

Many parents and guardians work diligently to provide guidance and structure for their children. However, various external factors, such as peer influence, mental health struggles, socioeconomic hardship, and community conditions, contribute significantly to juvenile delinquency. In many cases, parents of children who commit criminal or delinquent acts are already engaged in efforts to seek help, such as counseling, therapy, or intervention programs. This bill fails to consider the complexities of adolescent behavior and disproportionately punishes parents who may already be struggling to support their child through challenging circumstances.

Risk of Disproportionate Impact on Low-Income and Minority Families

Penalizing parents with fines, contempt charges, and even incarceration risks exacerbating systemic inequities by disproportionately affecting low-income families and communities of color. Parents with limited resources may be unable to afford legal representation or restitution payments, further entrenching them in cycles of poverty and involvement with the criminal justice system. Requiring parents to participate in “all treatment, counseling, or diversion programs that the court

orders the child to participate in” is an onerous burden which will interfere with the parents’ work schedule and create childcare issues for any other children in the household, further impacting the parents’ ability to earn income.

Strain on the Criminal Justice System

This bill would add additional burden on Maryland’s courts, law enforcement agencies, and even foster care system by introducing vague and subjective standards for liability. Determining whether a parent, custodian, or guardian acted “recklessly” or “negligently” in a child’s delinquent behavior would require extensive judicial interpretation and could lead to inconsistent and unfair applications of the law. This bill could potentially increase the number of court hearings to twice the number of existing juvenile cases – for every juvenile case, there would be a case against at least one parent, custodian, or guardian, causing considerable strain on an already-overburdened juvenile court system. Additionally, HB 683 would necessitate expansion of the Office of the Public Defender because indigent parents would be entitled to representation. However, the parents could not be represented by staff attorneys if the OPD were representing the juvenile because it would be a conflict of interest. Therefore, the OPD would have to assign cases to panel attorneys, who are in short supply.

Conclusion:

House Bill 683 is a misguided approach to addressing youth crime and delinquency. Instead of imposing criminal penalties on parents, Maryland should focus on preventive measures and supportive resources that address the underlying causes of juvenile misconduct. Funding for community mentorship programs, early intervention services, mental health resources, and after-school activities would be far more effective in preventing youth crime than punitive measures against guardians.

For these reasons we urge the Committee to issue an unfavorable report for HB 683.

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

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