

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 1325
 Judiciary

(Delegate Conway, *et al.*)

Judicial Proceedings

Juvenile Law - Truancy Reduction Pilot Programs

This bill authorizes the establishment of a Truancy Reduction Pilot Program in the juvenile court in Harford and Prince George’s counties and extends the authorization for existing truancy reduction programs in Dorchester, Somerset, Wicomico, and Worcester counties. The Chief Judge may accept a gift or a grant to implement a truancy pilot program.

The bill takes effect July 1, 2007 and terminates on June 30, 2009.

Fiscal Summary

State Effect: General fund expenditures could increase by an estimated \$514,700 in FY 2008 for the Administrative Office of the Courts. FY 2009 expenditures reflect annualization and inflation. Additional potential increase for the Office of the Public Defender to handle the additional workload.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	514,700	686,000	0	0	0
Net Effect	(\$514,700)	(\$686,000)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential increase in circuit court expenditures to accommodate the increase in caseload.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the circuit administrative judge of the Third Circuit and the circuit administrative judge of the Seventh Circuit to establish truancy reduction pilot programs in the juvenile courts in Harford and Prince George's counties. The bill also extends the authorization for the existing truancy reduction program in the First Circuit, which includes Dorchester, Somerset, Wicomico, and Worcester counties.

In each fiscal year, the administration and operation of any truancy court is contingent on the inclusion of funds in the operating budget of the Administrative Office of the Courts. The Chief Judge is authorized to accept gifts or grants for the implementation of a truancy reduction program, but these funds are not considered part of the operating budget for contingency purposes.

A child under the age of 12 may be charged in truancy court only if a criminal charge has been filed against a parent or guardian and subsequently dismissed by the court. The bill also allows the court to require participation of a parent or guardian in a truancy court as a condition of making a school attendance charge stet.

The Chief Judge of the Court of Appeals is required to report to the General Assembly the results of each of the programs by December 1, 2008. The program sunsets on June 30, 2009.

Current Law: A student is habitually truant if the student is unlawfully absent from school in excess of 20% of the school days within any marking period, semester, or year. Local school systems have the authority to define habitual truancy more narrowly.

Except as otherwise provided, each child who resides in Maryland and is 5 years or older and under 16 years must regularly attend a public school unless the child is otherwise receiving regular, thorough instruction during the school year. Each person who has legal custody or care and control of a child who is at least 5 years, but less than 16 years, must see that the child attends school or receives instruction.

Current statutory penalties focus on parents and guardians rather than children. Any person who induces or attempts to induce a child to be unlawfully absent from school, or who employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor. That person is subject to a maximum fine of \$500, or imprisonment not to exceed 30 days, or both.

Any person who has legal custody or care and control of a child who is at least 5 years, but less than 16 years, who fails to see that the child attends school or receives instruction is guilty of a misdemeanor. For a first conviction, the violator is subject to a maximum

fine of \$50 per unlawful day of absence, or imprisonment not to exceed 10 days, or both. For a second or subsequent conviction, the violator is subject to a maximum fine of \$100 per day of unlawful absence, or imprisonment not to exceed 30 days, or both. The court may suspend the fine or prison sentence imposed and establish terms and conditions that would promote the child's attendance.

The principal or head teacher of each public or private school in Maryland must immediately report to the county superintendent, the supervisor of pupil personnel, or any other designated official the name of each child enrolled in the school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out. On receipt of such a report, the appropriate school system representative must initiate an investigation into the cause of the child's truancy, and may provide counseling regarding available social, health, and educational services. Following the investigation or intervention, the representative may notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse.

Chapter 551 of 2004 authorized the establishment of a Truancy Pilot Program in the juvenile courts of Dorchester, Somerset, Wicomico, and Worcester counties. The pilot program sunsets on June 30, 2007.

Background: The first truancy court was established in Wicomico County in January 2005. Since that time the truancy court program has expanded to include Dorchester, Somerset, and Worcester counties.

Similar to drug courts, truancy courts are problem-solving courts in which cases are heard on a special docket by the same judge each month. The courts hold regular hearings in each case to review a child's progress toward full attendance and to address the causes of the child's truancy. Participants graduate when they have remained in the program for 90 days with no unexcused absences.

As of January 2007, a total of 162 students have participated in the pilot program. More than 90% of the cases have been heard in Wicomico and Somerset counties. The Judiciary's fiscal 2008 budget includes \$105,320 to continue these programs contingent on enactment of this bill. If not reauthorized by the General Assembly, the program would terminate June 30, 2007.

State and Local Fiscal Effect: The Administrative Office of the Courts (AOC) advises that 110 of 3,151 students with 20 or more absences have been referred to the existing truancy court in the First Circuit on an annual basis. Using this rate as a guide, Prince George's County could expect 662 of 16,559 students to participate in the pilot program

each year; Harford County could expect 150 of 3,747 students to participate in the program.

The total estimated fiscal 2008 cost to the AOC of \$620,031 is based on a full-year program in the First Circuit and a three-month start-up delay in the Third and Seventh Circuits. The fiscal 2008 budget already includes \$105,320 to continue the program in the First Circuit. Costs are detailed in **Exhibit 1** and the assumptions used in the estimate are described below. Fiscal 2009 costs reflect annualization of costs in the Third and Seventh circuits and inflation.

Exhibit 1
Estimated Fiscal 2008 Expenditures for the
Administrative Office of the Courts

	<u>First Circuit</u> <u>Lower Shore</u>	<u>Third Circuit</u> <u>Harford</u>	<u>Seventh Circuit</u> <u>Prince George's</u>
Program coordinator	\$57,300	\$28,650	\$57,300
Judge	-	-	65,800
Courtroom clerk	-	-	46,900
File clerk	-	-	18,400
Assessments	55,000	75,000	331,000
Drug testing	<u>6,188</u>	<u>8,438</u>	<u>37,238</u>
Total Estimate	\$118,488	\$112,088	\$556,638
Less three-month start-up	-	(28,022)	(139,159)
Less Judiciary Allowance	(\$105,320)	-	-
Fiscal 2008 Additional Expenditures	\$13,168	\$84,066	\$417,478

Based on the experience of the current program, a truancy court coordinator is needed to negotiate memoranda of understanding among parties, identify local service providers, coordinate service referrals, attend hearings, and track statistics. The current program employs one person in this capacity; AOC anticipates that Prince George's County would require one full-time coordinator and Harford County would require one half-time coordinator.

Each case in the current truancy court involves an average of 5.6 hearings, which could result in increased workload equivalent to one half-time judge, one half-time courtroom clerk, and one half-time file clerk in Prince George's County. With smaller caseloads,

truancy courts in other jurisdictions would be able to accommodate this workload with existing resources.

Mental health evaluations are estimated at \$500 per participant and drug assessments at \$75 per participant based on the experience of the existing pilot program. Drug assessments are anticipated to be needed in 75% of all cases.

Potential additional expenses could accrue to the Office of the Public Defender to handle additional truancy cases. The total cost of the program has the potential to vary significantly based on the number of students referred to the truancy court in each circuit.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford County, Department of Juvenile Services, Judiciary (Administrative Office of the Courts), Maryland State Department of Education, Department of Legislative Services

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