

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE

House Bill 901 (Delegate Haddaway, *et al.*)
 Judiciary

Juvenile Law - Truancy Reduction Pilot Program - Caroline County and Talbot County

This bill authorizes the establishment of a Truancy Reduction Pilot Program (TRPP) in the juvenile court in Caroline and Talbot counties.

The bill takes effect June 1, 2010.

Fiscal Summary

State Effect: General fund expenditures may increase by \$44,300 in FY 2011 for the Department of Juvenile Services (DJS) if TRPP in Caroline and Talbot counties is implemented without grant funding. The Administrative Office of the Courts (AOC) can implement the bill’s provisions with existing resources. Future year expenditures reflect inflation and annualization. Revenues are not affected.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	44,300	54,200	56,900	59,800	62,800
Net Effect	(\$44,300)	(\$54,200)	(\$56,900)	(\$59,800)	(\$62,800)

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

Local Effect: Any additional local cost to implement TRPP is assumed to be minimal and absorbable within existing resources. AOC indicates that existing judicial officials and staff can handle the projected increase in hearings. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A child who is required by law to attend school and is habitually truant can be designated a Child in Need of Supervision (CINS). 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. CINS cases are under the jurisdiction of the juvenile court.

Except as otherwise provided, each child who resides in Maryland and is 5 years or older and under 16 years old 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 age 5, but younger than age 16, 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 maximum penalties of a fine of \$500 and/or 30 days imprisonment.

Any person who has legal custody or care and control of a child who is at least 5 years old, but younger than 16 years old, 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 maximum penalties of a fine of \$50 per unlawful day of absence and/or 10 days imprisonment. For a second or subsequent conviction, the violator is subject to maximum penalties of a fine of \$100 per day of unlawful absence and/or 30 days imprisonment. The court may suspend the fine or prison sentence imposed and establish terms and conditions that 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 developed. 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 DJS that the student has been habitually truant, without lawful excuse.

Background: Chapter 551 of 2004 authorized a three-year TRPP in the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. Chapter 648 of 2007 extended the term of TRPP and authorized the establishment of TRPP in the juvenile courts of Harford and Prince George's 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. Chapter 718 of 2009 repealed the termination date of TRPP, establishing permanent truancy courts in Dorchester, Harford, Prince George's, Wicomico, and Worcester counties.

Families enter TRPP when a school official files a civil petition alleging that a child who is required to attend school has failed to do so without lawful excuse. For students under the age of 12, prior to participation in TRPP, a criminal charge must be filed against the student's legal custodian and dismissed or placed on the inactive docket prior to participation in TRPP.

In making a disposition on the truancy petition, the court may order the student to (1) attend school; (2) perform community service; (3) attend counseling, including family counseling; (4) attend substance abuse evaluation and treatment; (5) attend mental health evaluation and treatment; or (6) comply with a curfew set by the court. Following the disposition hearing, a review hearing is scheduled to review family assessment findings and determine appropriate services. Participants are eligible for graduation from TRPP when they have remained in the program for 90 days without any unexcused absences.

The 2004 legislation also required the Circuit Court Administrative Judge for the First Circuit (Dorchester, Somerset, Wicomico, and Worcester counties) to submit a report evaluating TRPP to the General Assembly by May 31, 2007. According to the report, over 190 truancy cases had been filed since the pilot began in 2005. Approximately 84% of the cases filed were in Wicomico and Somerset counties. Approximately 80% of truancy court case filings were among students between the ages of 13 and 16. Approximately 43% of the cases closed under TRPP were deemed to be in compliance (*i.e.*, the participant complied successfully with program requirements). By contrast, approximately 33% of the total cases were closed due to noncompliance with the program's requirement. Approximately 9% of the cases were closed because the participant was taken into custody by DJS or a local department of social services.

Truancy, or unexcused absence from school, is a problem nationwide. A recent U.S. Department of Justice report cites truancy as a significant risk factor for substance abuse, delinquency, gang activity, and dropping out of school. In another study, the department found that approximately two-thirds of serious violent offenders and half of serious nonviolent offenders had been truants. A 2007 report from the National Center

for School Engagement in Colorado cited a number of studies showing that effective truancy reduction programs can produce a marked decline in delinquent acts committed by school age youth.

State Fiscal Effect: AOC advises that approximately 3% of possible participants have been referred to existing truancy courts on an annual basis. Using this rate as a guide, Talbot and Caroline counties can anticipate 30 and 12 students to participate each year, respectively. A critical component of the program is a thorough assessment of each child and family which assists the court in understanding the underlying causes of truancy and aids in the development of an appropriate strategy for success. In many cases, the assessment is followed by drug screenings. The projected annual cost to conduct the initial assessment and follow-up drug screenings is estimated at \$14,500. The following facts and assumptions were used for this estimate:

- the assessment cost for each case is \$350 in Talbot County and \$300 in Caroline County;
- 60% of cases will require drug testing at a cost of \$50 each test; and
- establishing truancy courts in Talbot and Caroline counties will not require additional judicial officials or staff.

The costs for assessments and drug screenings and any increase in workload for AOC can be accommodated with existing resources.

DJS indicates additional staff may be required to prepare background reports on youth and to attend court sessions if the program is implemented. Additionally, DJS estimates that the truancy court may increase out-of-home placements by four youth per year. As a result, general fund expenditures for DJS increase by \$44,261 in fiscal 2011, which accounts for a 90-day start-up delay. This estimate reflects the cost of hiring one case manager and includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$43,587
Operating Expenses	<u>674</u>
Total FY 2011 State Expenditures	\$44,261

Local Fiscal Effect: The Talbot County Board of Education has been provided with a \$50,000 grant to implement TRPP, therefore there is no additional cost to the county. Caroline County indicates that the costs associated with operating a truancy court will be covered with existing funds and that any additional workload will be handled by existing staff within the Caroline County Circuit Court and the board of education.

Additional Information

Prior Introductions: None.

Cross File: SB 747 (Senator Colburn) - Judicial Proceedings.

Information Source(s): Caroline and Talbot counties, Maryland State Department of Education, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, U.S. Department of Justice, National Center for School Engagement, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2010
mpc/kdm

Analysis by: Erik P. Timme

Direct Inquiries to:
(410) 946-5510
(301) 970-5510