

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Ways and Means Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1468
Education – Student Behavior – Parent Notice and Required
Counseling (Parent Accountability Act)
DATE: February 26, 2020
(3/4)
POSITION: Oppose as drafted

The Maryland Judiciary opposes House Bill 1468 as drafted. This bill would amend Maryland Code, Courts and Judicial Proceedings Article (CJP), Title 3-8A and Education Article (EA) to address a parent or guardian of a student in a public school who fails to seek and participate in counseling with their child after receiving certain notice.

This bill attempts to give the juvenile court authority under Title 3-8A over a parent or guardian who does not seek and participate in counseling with her/his child under certain circumstances. However, the bill does not amend the juvenile court jurisdiction statute (§ 3-8A-03) leaving it unclear whether the juvenile court or District Court would have jurisdiction.

The bill would also provide that the parent/guardian who does not seek and participate in counseling with her/his child under certain circumstances may be ordered to perform community services but does not mention any other disposition. It divorces this action from any juvenile court proceeding against the child. This limited disposition seems to be treating the matter as a kind of contempt proceeding. It seems inconsistent with the purposes of Title 3-8A, regarding parents: (2) To hold parents of children found to be delinquent responsible for the child's behavior and accountable to the victim and the community; (3) To hold parents of children found to be delinquent or in need of supervision responsible, where possible, for remedying the circumstances that required the court's intervention....(§ 3-8A-02(a)(2), (3)).

cc. Hon. Robert Long
Judicial Council
Legislative Committee
Kelley O'Connor