

Bill No: SB 0021

Title: Criminal Procedure – Sentencing – Primary Caretaker

Committee: Judicial Proceedings

Hearing Date: February 1, 2022

Position: FAVOR

Submitted by: Olinda Moyd, Esq.

I support this bill which allows individuals convicted of certain offenses to file a motion requesting the court to consider their status as the primary caretaker of a minor child or vulnerable adult in determining the sentence to be imposed. This is especially critical during the pandemic that has devastated poor communities and especially communities of color.

The pandemic has revealed many disparities in our criminal legal system and in our healthcare system. Many vulnerable adults are cared for by family members who cannot afford to place them in expensive nursing facilities or pay for home care aids. Often, family members, friends and love ones enter into these arrangements based on love and obligation to take care of our own. These arrangements are no less worthy of recognition and support than any state-endorsed formal caretaking arrangement. People who care for aging and vulnerable adults establish routines for dispensing medicine, providing assistance with mobility and often serve as a security blanket for those who are vulnerable. Interruption in these routines can be devastating, not only to the person convicted of an offense, but also to the person in their care.

This legislation would allow more primary caretakers to participate in community-based sentencing alternatives instead of incarceration. Alternatives to incarceration are less costly and provide benefits to the community. Courts must have a range of options in its tool-belt in order to efficiently address an offense by offering solutions tailored to fit the individual, the crime, protect the public and serve the community. Alternatives save tax payers money. This bill will also allow parents and caregivers to stay connected with their children and lead to better outcomes for their children.

Women tend to be primary caregivers for children and vulnerable adults, but this proposed solution must be available for any primary caretaker who finds themselves in this situation. Community alternatives also reduce state spending for foster care and children of incarcerated parents.

I support this legislation requiring Maryland courts to consider primary caregiver status at the time of sentencing.

Thank you

Olinda Moyd
moydlaw@yahoo.com
(301) 704-7784