

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 842
Judiciary

(Delegate Valentino-Smith, *et al.*)

Judicial Proceedings

Juvenile Law - Informal Adjustment

This bill authorizes a juvenile court, after a petition is filed, to refer the matter to the Department of Juvenile Services (DJS) for an informal adjustment on the motion of any party if (1) the time for an adjudicatory hearing under Maryland Rule 11-114(b) has been waived; (2) there has not been a prior unsuccessful informal adjustment of the matter; and (3) the child, the child’s attorney, and the State’s Attorney all consent to the motion. If an informal adjustment is successfully completed, the petition must be dismissed. On notice from DJS that an informal adjustment has not been successfully completed, the juvenile court must proceed with the petition. By December 31, 2020, and annually thereafter, DJS must report to the General Assembly on the number of cases referred by the court to DJS for informal adjustment and the outcomes of the children referred. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: DJS can use existing resources to accommodate any potential increase in the informal caseload. The bill is not anticipated to materially affect the workload of the Judiciary. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: After specified statutory requirements have been satisfied, a DJS intake officer may (1) deny authorization to file a petition and/or peace order request in the

juvenile court or (2) authorize the filing of a petition and/or peace order request. An intake officer may also propose an informal adjustment if, based on the complaint and the inquiry, the officer concludes that a juvenile court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child. The intake officer must propose an informal adjustment by informing the victim, the child, and the child's parent or guardian of the nature of the complaint, the objectives of the adjustment process, and the conditions and procedures under which it will be conducted. The intake officer may not proceed with an informal adjustment unless the victim, the child, and the child's parent or guardian consent to the informal adjustment procedure.

During an informal adjustment process, the child is subject to such supervision as the intake officer deems appropriate. If the intake officer decides to have an intake conference, the child and the child's parent or guardian must appear at the conference. The process may not exceed 90 days unless the time is extended by the court or the intake officer determines that additional time is necessary for the child to complete a program that is part of the informal adjustment process. If, at any time before the completion of an agreed upon informal adjustment, the intake officer believes that it cannot be completed successfully, the intake officer may authorize the filing of or deny authorization to file a petition and/or a peace order request.

If a petition is filed, unless jurisdiction is waived, the juvenile court must hold an adjudicatory hearing to determine whether the allegations within a petition are true. Pursuant to Maryland Rule 11-114, an adjudicatory hearing must be held within 60 days after the petition is served, unless a waiver petition (to transfer the case to adult court) is filed, in which case an adjudicatory hearing must be held within 30 days after the court's decision to retain jurisdiction at the conclusion of the waiver hearing. The time within which the adjudicatory hearing must be held may be extended, for extraordinary cause shown, as specified. A disposition hearing must also be held to determine whether a child needs or requires the court's guidance, treatment, or rehabilitation and, if so, the nature of the guidance, treatment, or rehabilitation. In making a disposition, the juvenile court may:

- place the child on probation or under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- commit the child to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or
- order the child or the child's parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

Background: Of the 18,899 complaints received by DJS in fiscal 2019, 15.9% were handled as an informal adjustment. Formal petitions were authorized in almost 40.0% of the cases, and the remainder were either resolved at intake or it was determined that there was no jurisdiction.

Additional Information

Prior Introductions: HB 495 of 2019, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, SB 401, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. SB 856 of 2015, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 1235, an identical bill to SB 856, remained in the House Rules and Executive Nominations Committee.

Designated Cross File: SB 706 (Senator Carter) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2020
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