

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 706
Juvenile Law – Informal Adjustment
DATE: February 12, 2020
(3/10)
POSITION: Oppose as drafted

The Maryland Judiciary opposes Senate Bill 706 as drafted. This bill provides the court with the option of referring an active delinquency case to the Department of Juvenile Services (DJS) for an informal adjustment, rather than a judicial resolution, so long as there is no objection from any party. The bill also allows the court to determine that in some instances, the case can be better resolved through the Department of Juvenile Services than by a formal court proceeding.

The Judiciary supports informal adjustment and notes that in many jurisdictions, juvenile courts are setting cases, with the agreement of the child to waive time requirements, to enable an informal adjustment to occur. The Judiciary notes several concerns with this bill however. Most important, it is not clear what the procedure would be if the informal adjustment is unsuccessful. Would the case return to the juvenile court to continue adjudication or would a new petition have to be filed? It also is not clear whether all of the requirements for informal adjustment as set out in § 3-8A-10(e) would apply, for example, whether the victim would have to agree to informal adjustment.

cc. Hon. Jill Carter
Judicial Council
Legislative Committee
Kelley O'Connor