

UNOFFICIAL COPY OF HOUSE BILL 842

HOUSE BILL 842

E3  
HB 495/19 - JUD

0lr2579  
CF SB 706

By: **Delegates Valentino-Smith, Barron, Bartlett, D.M. Davis, Ebersole, Ivey,  
Terrasa, Valderrama, and Williams**

Introduced and read first time: February 3, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law - Informal Adjustment**

3 FOR the purpose of authorizing ~~a certain~~ the juvenile court to refer a certain matter to the  
4 Department

5 of Juvenile Services for a certain informal adjustment under certain circumstances;  
6 providing a certain exception to the requirement that the court hold an adjudicatory  
7 hearing; ~~requiring a certain petition to be dismissed under certain circumstances; requiring the~~  
8 juvenile court to take certain actions under certain circumstances; providing for the application of  
9 certain provisions of law; making certain conforming changes; requiring the Department to report to the  
10 General Assembly on or before a certain date and annually thereafter;  
11 and generally relating to juvenile causes.

12 BY repealing and reenacting, with amendments,  
13 Article - Courts and Judicial Proceedings  
14 Section 3-8A-10(e) and ~~3-8A-19(b)~~ (f)  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2019 Supplement)  
17 BY adding to  
18 Article - Courts and Judicial Proceedings  
19 Section 3-8A-10(e-1)  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2019 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article - Courts and Judicial Proceedings**

3-8A-10.

(e) (1) ~~The intake officer may propose an informal adjustment of the matter if,  
based on the complaint and the inquiry, the intake officer concludes that the court has  
jurisdiction but that an informal adjustment, rather than judicial action, is in the best  
interests of the public and the child.~~

(2) ~~The intake officer shall 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.~~

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~~(3) 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.~~

~~(4) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, AFTER A PETITION IS FILED, THE COURT MAY, ON MOTION OF ANY PARTY, REFER THE MATTER TO THE DEPARTMENT OF JUVENILE SERVICES FOR AN INFORMAL ADJUSTMENT IF:~~

~~1. THE TIME FOR AN ADJUDICATORY HEARING UNDER MARYLAND RULE 11-1114(b) HAS BEEN WAIVED; AND~~

~~2. THE PETITION IS NOT THE RESULT OF AN UNSUCCESSFUL INFORMAL ADJUSTMENT.~~

~~(ii) ON NOTICE FROM THE DEPARTMENT OF JUVENILE SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS PARAGRAPH HAS BEEN SUCCESSFULLY COMPLETED, THE COURT SHALL DISMISS THE PETITION.~~

~~3 SA 18.~~

~~(b) After a petition or citation has been filed with the court under this subtitle, and unless jurisdiction has been waived OR THE PETITION HAS BEEN REFERRED TO THE DEPARTMENT OF JUVENILE SERVICES FOR AN INFORMAL ADJUSTMENT UNDER § 3 SA 10(e) OF THIS SUBTITLE, the court shall hold an adjudicatory hearing.~~

(e) (1) THIS SUBSECTION APPLIES BEFORE A PETITION, IF ANY, IS FILED UNDER THIS SUBTITLE.

[(1)] (2) The intake officer may propose an informal adjustment of the matter if, based on the complaint and the inquiry, the intake officer concludes that the court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child.

[(2)] (3) The intake officer shall 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.

[(3)] (4) 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.

(5) IF THE INTAKE OFFICER DECIDES TO HAVE AN INTAKE CONFERENCE, THE CHILD AND THE CHILD'S PARENT OR GUARDIAN SHALL APPEAR AT THE INTAKE CONFERENCE.

(6) IF THE VICTIM, THE CHILD, AND THE CHILD'S PARENT OR GUARDIAN DO NOT CONSENT TO AN INFORMAL ADJUSTMENT, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION OR A PEACE ORDER REQUEST OR BOTH OR DENY AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST OR BOTH UNDER SUBSECTION (G) OF THIS SECTION.

(7) IF AT ANY TIME BEFORE THE COMPLETION OF AN AGREED UPON INFORMAL ADJUSTMENT THE INTAKE OFFICER BELIEVES THAT THE INFORMAL ADJUSTMENT CANNOT BE COMPLETED SUCCESSFULLY, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION OR A PEACE ORDER REQUEST OR BOTH OR DENY AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST OR BOTH UNDER SUBSECTION (G) OF THIS SECTION.

(E-1) (1) AFTER A PETITION IS FILED, THE COURT MAY, ON MOTION OF ANY PARTY, REFER THE MATTER TO THE DEPARTMENT OF JUVENILE SERVICES FOR AN INFORMAL ADJUSTMENT IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION IF:

(I) THE TIME FOR AN ADJUDICATORY HEARING UNDER MARYLAND RULE 11-114(B) HAS BEEN WAIVED;

(II) THERE HAS NOT BEEN A PRIOR UNSUCCESSFUL INFORMAL ADJUSTMENT OF THE MATTER; AND

(III) THE CHILD, THE CHILD'S ATTORNEY, AND THE STATE'S ATTORNEY ALL CONSENT TO THE MOTION.

(2) (I) ON NOTICE FROM THE DEPARTMENT OF JUVENILE SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS SUBSECTION HAS BEEN SUCCESSFULLY COMPLETED, THE COURT SHALL DISMISS THE PETITION.

(II) ON NOTICE FROM THE DEPARTMENT OF JUVENILE SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS SUBSECTION HAS NOT BEEN SUCCESSFULLY COMPLETED, THE COURT SHALL PROCEED WITH THE PETITION.

(f) (1) During the informal adjustment process, the child shall be subject to such supervision as the intake officer deems appropriate [and if the intake officer decides to have an intake conference, the child and the child's parent or guardian shall appear at the intake conference].

(2) The informal adjustment process may not exceed 90 days unless:

(i) That time is extended by the court; or

(ii) The intake officer determines that additional time is necessary for the child to participate in a substance-related disorder treatment program or a mental health program that is part of the informal adjustment process.

[(3) If the victim, the child, and the child's parent or guardian do not consent to an informal adjustment, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

(4) If at any time before the completion of an agreed upon informal adjustment the intake officer believes that the informal adjustment cannot be completed successfully, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.].

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2020, and annually thereafter, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(i) The number of cases referred by the court to the Department of Juvenile Services for informal adjustments; and

(ii) The outcomes of the children referred for informal adjustments.

20 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 ~~October~~ July 1, 2020.