

To: Committee Chair, Judiciary Committee
From: Ashley Devaughn, Youth Justice Policy Director
Re: House Bill 0842 Juvenile Law – Informal Adjustment
Date: February 20, 2020
Position: Support

Thank you for the opportunity to provide testimony on House Bill 0842 Juvenile Law – Informal Adjustment. Advocates for Children and Youth (ACY) SUPPORTS this bill.

We urge this committee to issue a favorable report on HB 0842.

This bill will ensure that young people have an additional opportunity to have their cases informally adjusted by the court, at the request of any party. Informal adjustment allows a young person's case to be diverted from the formal court process and prosecution by a juvenile State's Attorney. Instead, young people fulfill the terms of their adjustment period and do not go on to have a criminal record.

Currently, an intake officer has the discretion to determine if a young person is a good candidate for informal adjustment. Intake is the first contact that the Department of Juvenile Services (DJS) will have with a youth. DJS operates juvenile intake offices to evaluate and assess each juvenile delinquency complaint and determine whether the case should be forwarded to a State's Attorney to initiate a court case. If the Intake Officer believes that the youth meets these requirements, the officer can forward the young person to a case manager at DJS, and together DJS, the young person, and his/her family determine a case plan for the young person. If the young person meets the conditions of this case plan, DJS does not forward the case to the State's Attorney's office, and the young person does not have any kind of juvenile record.

HB 842 would expand the abilities of a judge to grant an informal adjustment even after the intake officer has decided the case would require court action. This critical step is imperative because the Judge often receives additional facts of the case that were not available during intake. Therefore, this bill would provide the judge an opportunity to consider the case for diversion, without an admission of guilt by the alleged youthful offender which could result in unwarranted consequences which is often the condition of State's Attorney offered diversion programs. Instead of prosecution by a juvenile State's Attorney, youth must fulfill the terms of their adjustment period. Moreover, it does not undermine the authority of the States' attorney, as all parties must still agree on the judge's decision that an informal adjustment would be appropriate. Informal adjustment allows young people to be diverted from the system and an opportunity at true rehabilitation. Further, this expansion would ensure youth and families are able to access the wrap around and rehabilitative resources available without waiting until the youth enters the deep end of the system or commits a more serious crime.

An additional opportunity for informal adjustment will keep young people out of the system by giving them an opportunity to get it right and will decrease recidivism. Studies show that one contact in the juvenile justice system is more likely to multiply into additional contacts; researchers theorize that this is because of real or perceived lack of access to resources following any system-involvement, and because young people subconsciously conform to social expectations, which after contact with the justice system, becomes expectations of "criminality." By diverting more youth from the formal processes of the juvenile justice system, we can prevent system involvement through early intervention and ensure youth do not suffer the collateral consequences of a formal juvenile record.

Using this restorative approach holds youth accountable and allows them to repair the harm. Further, an additional opportunity for informal adjustment allows young people to remain with their families, in their communities, and enrolled in school. All of which has positive benefits for the youth, community, and public safety. Youth who are separated from their schools, families, and communities, even for a short period of time, fall quickly behind in school and are more likely to drop out and engage in more violent criminal behavior. We must produce rehabilitated young people that can become emotionally and economically self-sufficient members of our communities.

We urge this committee to issue a favorable report on House Bill 0842