

Boyd K. Rutherford  
Lt. Governor

Larry Hogan  
Governor

Sam Abed  
Secretary

**DATE:** 2/20/2020  
**BILL NUMBER:** HB 842 – Juvenile Law – Informal Adjustment  
**DJS POSTITION:** Support with Amendment

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The Department of Juvenile Services (DJS or department) supports HB 842 with amendments (attached).

**HB 842 creates an additional pathway in Maryland’s Juvenile Justice System to support youth, families and the community by permitting the juvenile court to refer matters to DJS for informal pre-court supervision.**

### DJS Pre-Court Supervision Works

Pursuant to the 2019 Joint Chairmen’s Report, DJS submitted a report to the General Assembly to highlight pre-court supervision outcomes<sup>1</sup>.

- ✓ 4 out every 5 youth successfully complete pre-court supervision
- ✓ **96%** of youth placed on pre-court supervision **DO NOT** have any new adjudicated offenses while under pre-court supervision
- ✓ **90%** of youth placed on pre-court supervision **DO NOT** have any new adjudicated offense during a one-year follow-up period

### **Overview of Current Law:**

Currently, when a complaint is brought to the attention of the department an in-depth review is conducted to determine if the youth’s case should be<sup>2</sup>:

1. **Resolved** – no further action and the complaint is “closed;”
2. **Informally Adjusted for Pre-Court Supervision** – the youth is supervised in the community and agrees to certain conditions and interventions. DJS must get state’s attorney approval to proceed with pre-court supervision if the youth is charged with a felony or handgun violation; or
3. **Forwarded to the State’s Attorney for Formal Court Processing** –the state’s attorney office reviews the complaint and accompanying information to determine if the complaint should be petitioned to court for prosecution, dismissed, or returned to DJS for informal pre-court supervision.

**HB 842 enhances current law by permitting the youth’s counsel and state’s attorney to request the court to return appropriate cases to DJS for informal pre-court supervision after the complaint is petitioned, but before adjudication.**

### **Amendments:**

DJS suggests an amendment to require that the parties, child’s counsel and the state’s attorney, consent to a motion to return a case to DJS for pre-court supervision. Additionally, DJS proposes that a report be produced to identify the utilization and outcomes of this process, and that the legislation become effective on July 1, 2020.

For these reasons, DJS urges a favorable report for HB 842 as amended.

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<sup>1</sup> Alternatives to Detention and Informal Case Processing Outcomes Report, December 30, 2019, Department of Juvenile Services, [https://djs.maryland.gov/Documents/publications/2019\\_p220-DJS-Juvenile-Services-ATD-Report.pdf](https://djs.maryland.gov/Documents/publications/2019_p220-DJS-Juvenile-Services-ATD-Report.pdf)

<sup>2</sup> Maryland Code, Courts and Judicial Proceedings, §3-8A-10