



To: The Honorable Luke Clippinger
From: Advocated for Children & Youth
Re: House Bill 169: Juvenile Law – Informal Adjustment
Date: February 20, 2021
Position: Support

Dear Chairman Clippinger and Honorable Members of the Committee.

Advocates for Children and Youth (ACY) was founded in 1987 by a group of prominent child advocates in Maryland who saw the need for an independent organization to advocate for the needs of the state’s children and families in the community, the media, and the public policy arena. Today, ACY builds a stronger Maryland by advancing policies and programs to ensure children and families of every race, ethnicity, and place of birth achieve their full potential.

ACY supports House Bill 169: Juvenile Law – Informal Adjustment (HB 169), ensuring additional informal case adjustment opportunities for youth who find themselves entangled in the justice system. Informal adjustment allows the Department of Juvenile Services (DJS) to divert a young person’s case from the “formal” court process and thus avoid the potential albatross of a criminal record. Through layered wrap-around services resources, informal adjustment offers a genuine and more expeditious opportunity at rehabilitation.

Currently, only an intake officer with the DJS has the discretion to determine if a young person is a good candidate for informal adjustment.¹ Intake is the first contact DJS will have with a youth who has been charged with a crime. Intake officers 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 or whether an alternative form of rehabilitation should occur. If the Intake Officer believes that the youth would benefit from informal adjustment of his or her case, the intake officer can forward the matter to a DJS case manager, who, together with the victim if one, the young person, and the young person’s family, establish a case plan for the young person. Should the young person meet his or her case plan’s conditions, DJS closes the matter and does not forward it to the State’s Attorney’s office for formal prosecution.

HB 169 would expand the opportunities for informal adjustment beyond the DJS intake and allow a judge to grant an informal adjustment even after DJS has decided that the case would require court action. Judges,

¹ [The DJS Data Resource Guide 2020](#) shows that statewide 39% of all juvenile complaints were referred to the State’s Attorney for the authorization of a formal petition, as opposed to being resolved at intake or youth receiving pre-court supervision. The chart below highlights the self-evident disparity of referral for formal petition in Maryland’s Big 8 Counties; a disparity that only grows when comparing with the remaining jurisdictions in the state.

<u>Jurisdiction</u>	<u>Percent Authorized for Formal Petition</u>
Anne Arundel County	31%
Baltimore City	81%
Baltimore County	42%
Fredrick County	38%
Harford County	34%
Howard County	46%
Montgomery County	41%
Prince George’s County	47%



defense attorneys, and even victims of crimes often receive additional facts on a case that were not available during the intake process. HB 169 would afford a party to the case the ability to proffer this additional information and allow the Court to decide whether an informal adjustment is appropriate without requiring the youth to admit his or her guilt.² All parties must still agree on the judge's decision that an informal adjustment would be appropriate.

An additional opportunity for informal adjustment will divert more young people from the justice system and will likely result in a decrease in recidivism as studies have consistently shown that one contact in the juvenile justice system is more likely to multiply into additional contacts. Researchers theorize that additional contacts occur after a formal adjudication because of actual 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."

Diversion from the formal processes of the juvenile justice system is a restorative approach that still holds justice-involved youth accountable, but allows them to repair the harm their actions may have caused. 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 have 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.

For all the reasons stated above, ACY urges this committee to issue a favorable report on House Bill 169. Should you have any questions about this testimony, please contact Mariama Boney, Interim Executive Director for Advocates for Children and Youth (ACY), at mboney@acy.org.

² State's Attorney's may point out that some State's Attorney Offices offer diversion programs for youth offenders. Traditionally, however, the youth must admit his or her guilt in court before being able to access the diversion programs.