

HOUSE BILL 169

E3
HB 842/20 – JUD

(PRE-FILED)

11r0962
CF 11r2069

By: **Delegate Valentino-Smith**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Informal Adjustment**

3 FOR the purpose of authorizing the juvenile court to refer a certain matter to the
4 Department of Juvenile Services for a certain informal adjustment under certain
5 circumstances; providing a certain exception to the requirement that the court hold
6 an adjudicatory hearing; requiring the juvenile court to take certain actions under
7 certain circumstances; providing for the application of certain provisions of law;
8 making certain conforming changes; requiring the Department to report to the
9 General Assembly on or before a certain date each year; and generally relating to
10 juvenile causes.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–8A–10(e) and (f)
14 Annotated Code of Maryland
15 (2020 Replacement Volume)

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 3–8A–10(e–1)
19 Annotated Code of Maryland
20 (2020 Replacement Volume)

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

23 **Article – Courts and Judicial Proceedings**

24 3–8A–10.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(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 ON 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 each year, beginning in 2021, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(1) the number of cases referred by the court to the Department of Juvenile Services for informal adjustment; and

(2) the outcomes of the children referred for informal adjustment.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July

1 1, 2021.