

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 856

(Senator Ramirez)

Judicial Proceedings

Courts - Juvenile Causes - Informal Adjustment

This bill authorizes a juvenile court, after a petition is filed, to refer the matter to the Department of Juvenile Services (DJS) for an informal adjustment. The court may refer the matter on its own motion or on the motion of a party, but may not refer the matter if there is an objection by a party. If an informal adjustment is successfully completed, the petition must be dismissed.

Fiscal Summary

State Effect: General fund expenditures increase, potentially significantly, beginning in FY 2016 for DJS to hire staff to supervise additional juveniles who are referred for an informal adjustment. The bill is not anticipated to materially impact the workload of the Judiciary. Revenues are not affected.

Local Effect: The bill is not anticipated to materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: After specified statutory requirements have been satisfied, a DJS intake officer may deny authorization to file a petition and/or peace order request in the juvenile court or authorize the filing of a petition and/or peace order request. An intake officer may also propose an informal adjustment if, based on the complaint and the inquiry, the officer concludes that a juvenile court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child. The intake officer must 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. 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.

During an informal adjustment process, the child is subject to such supervision as the intake officer deems appropriate. If the intake officer decides to have an intake conference, the child and the child's parent or guardian must appear at the conference. The process may not exceed 90 days unless the time is extended by the court, or the intake officer determines that additional time is necessary for the child to complete a substance abuse treatment program that is part of the informal adjustment process. If, at any time before the completion of an agreed upon informal adjustment, the intake officer believes that it cannot be completed successfully, the intake officer may authorize the filing of or deny authorization to file a petition and/or a peace order request.

If a petition is filed, unless jurisdiction is waived, the juvenile court holds an adjudicatory hearing to determine whether the allegations within a petition are true. A disposition hearing must also be held to determine whether a child needs or requires the court's guidance, treatment, or rehabilitation, and if so, the nature of the guidance, treatment, or rehabilitation. In making a disposition, the juvenile court may:

- place the child on probation or under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- commit the child to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or
- order the child or the child's parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

Background: Of the 25,108 complaints received by DJS in fiscal 2014, 17.3% were handled as an informal adjustment. Formal petitions were authorized in 53.2% of the cases, and the remainder were either resolved at intake or it was determined that there was no jurisdiction.

State Expenditures: General fund expenditures increase, potentially significantly, for DJS to hire additional staff in order to accommodate an increased informal caseload. Because the juvenile court does not have the authority to refer matters for an informal adjustment under current law, it is not possible to reliably estimate how often judges ultimately elect to do so if given the option. In fiscal 2014, petitions were filed in

13,364 cases. Although it also cannot be predicted with certainty when judges may be most likely to refer juveniles for informal adjustment, DJS advises that in approximately 7,159 cases in which a formal petition was filed, the disposition was continued/placed on the stet (inactive) docket, dismissed or closed, *nolle prosequi*, or “other” (e.g. continued without DJS supervision, unsupervised probation). *For illustrative purposes only*, if 25% of these cases were instead referred for an informal adjustment, the average daily population of juveniles on the informal caseload increases by approximately 441 (based on a 90-day informal supervision period). Under this example, general fund expenditures increase by \$206,061 in fiscal 2016, which accounts for the bill’s October 1, 2015 effective date, and by a minimum of \$257,800 annually thereafter. These expenditures represent costs associated with hiring four case managers to supervise these additional juveniles on the informal caseload. To the extent that the number of juveniles referred for an informal adjustment is different from the example above, general fund expenditures increase or decrease accordingly.

While allowing the court to refer cases for an informal adjustment may allow for a more efficient use of judicial resources by reducing the number of cases for which a formal juvenile court proceeding is required, any such impact is not anticipated to materially impact the workload or expenditures of the Judiciary or the circuit courts.

Additional Information

Prior Introductions: None.

Cross File: None designated. However, HB 1235 (Delegate Valentino-Smith – Rules and Executive Nominations) is identical.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

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md/kdm

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