

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 35

(Chair, Judicial Proceedings Committee)(By Request -
 Departmental - Juvenile Services)

Judicial Proceedings

Judiciary

Juvenile Law - Informal Adjustment - Mental Health Program

This departmental bill authorizes a juvenile informal adjustment process to exceed 90 days without prior court approval if 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 as part of the informal adjustment process.

Fiscal Summary

State Effect: The bill is not anticipated to materially impact the workload of the Judiciary, the Department of Juvenile Services (DJS), or the Office of the Public Defender (OPD).

Local Effect: The bill is not anticipated to materially impact the workload of the circuit courts or State’s Attorneys’ offices.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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.

Background: DJS advises that the bill provides youth the opportunity to complete mental health programs that may require more than 90 days without having the cases forwarded to juvenile court. The bill also supports the Behavioral Health Diversion Initiative, which is designed to divert appropriate youth to mental health programs and is being piloted in Baltimore City and Wicomico County. Of the 22,429 complaints received by DJS in fiscal 2016, 15.7% were handled as an informal adjustment.

The Judiciary also advises that much research has indicated a link between youth in the juvenile justice system and mental health issues. For example, a 2016 article in the *International Journal of Environmental Research and Public Health*, "Mental Illness and Juvenile Offenders," cited estimates that approximately 50% to 75% of the youth entering the juvenile justice system meet criteria for a mental health disorder. The article further noted that numerous studies have indicated that certain types of mental health disorders are particularly common among youth offenders, such as affective disorders (*e.g.*, major depression and manic episodes), anxiety disorders, and disruptive behavior disorders (*e.g.*, attention-deficit hyperactivity disorders).

State/Local Fiscal Effect: Although the ability to extend the informal adjustment process for some juveniles may result in fewer formal petitions being handled by the courts, the bill is not anticipated to have a material impact on the circuit courts, DJS, OPD, or State's Attorneys' offices.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); Department of Health and Mental Hygiene; Department of Juvenile Services; *International Journal of Environmental Research and Public Health*; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2017
mm/kdm Third Reader - March 21, 2017
Revised - Amendment(s) - March 21, 2017
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Informal Adjustment – Mental Health Programs

BILL NUMBER: SB 35

PREPARED BY: Betsy Fox Tolentino

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS