

SENATE BILL 71

E3

9lr0019

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)**

Requested: September 26, 2018

Introduced and read first time: January 9, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Intake Procedures**

3 FOR the purpose of extending the period of time during which a juvenile intake officer, in
4 considering a certain complaint involving a child, is required to make a certain
5 inquiry and is authorized to take certain actions; extending the period of time during
6 which an intake officer is required to discuss with the child and the child's parent or
7 guardian information regarding a referral for a mental health or substance abuse
8 screening of the child; altering certain provisions relating to a certain mental health
9 or substance abuse screening of a child under certain circumstances; authorizing an
10 intake officer to proceed with a certain informal adjustment procedure if the victim
11 fails to respond to certain attempts at notification; and generally relating to juvenile
12 intake procedures.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 3–8A–10(c), (c–1), and (e)
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2018 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 3–8A–10.

22 (c) (1) Except as otherwise provided in this subsection, in considering the
23 complaint, the intake officer shall make an inquiry within [25] **30** days as to whether the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 court has jurisdiction and whether judicial action is in the best interests of the public or
2 the child.

3 (2) An inquiry need not include an interview of the child who is the subject
4 of the complaint if the complaint alleges the commission of an act that would be a felony if
5 committed by an adult or alleges a violation of § 4–203 or § 4–204 of the Criminal Law
6 Article.

7 (3) In accordance with this section, the intake officer may, after such
8 inquiry and within **[25] 30** days of receiving the complaint:

9 (i) Authorize the filing of a petition or a peace order request or both;

10 (ii) Propose an informal adjustment of the matter; or

11 (iii) Refuse authorization to file a petition or a peace order request or
12 both.

13 (4) (i) If a complaint is filed that alleges the commission of an act which
14 would be a felony if committed by an adult or alleges a violation of § 4–203 or § 4–204 of
15 the Criminal Law Article, and if the intake officer denies authorization to file a petition or
16 proposes an informal adjustment, the intake officer shall immediately:

17 1. Forward the complaint to the State’s Attorney; and

18 2. Forward a copy of the entire intake case file to the State’s
19 Attorney with information as to any and all prior intake involvement with the child.

20 (ii) The State’s Attorney shall make a preliminary review as to
21 whether the court has jurisdiction and whether judicial action is in the best interests of the
22 public or the child. The need for restitution may be considered as one factor in the public
23 interest. After the preliminary review the State’s Attorney shall, within 30 days of the
24 receipt of the complaint by the State’s Attorney, unless the court extends the time:

25 1. File a petition or a peace order request or both;

26 2. Refer the complaint to the Department of Juvenile
27 Services for informal disposition; or

28 3. Dismiss the complaint.

29 (iii) This subsection may not be construed or interpreted to limit the
30 authority of the State’s Attorney to seek a waiver under § 3–8A–06 of this subtitle.

31 (c–1) (1) [In this subsection, “seriously emotionally disturbed” has the meaning
32 stated in § 15–130 of the Health – General Article.

1 (2) (i) As soon as possible and in no event later than ~~[25]~~ **30** days after
2 receipt of a complaint, the intake officer shall discuss with the child who is the subject of a
3 complaint and the child's parent or guardian information regarding a referral for a mental
4 health ~~[and]~~ **OR** substance abuse screening of the child.

5 (ii) ~~[The]~~ **IF THE** screening ~~[authorized]~~ **DESCRIBED** under
6 subparagraph (i) of this paragraph **IS AUTHORIZED BY THE CHILD'S PARENT OR**
7 **GUARDIAN, IT** shall be conducted by a person who **IS**:

8 1. ~~[Has been selected by the child's parent or guardian;~~

9 2. Has been approved by the child's health insurance carrier;

10 and

11 3. Is:

12 A.] A qualified health, mental health, or substance abuse
13 professional; or

14 [B.] **2.** Staff trained by a qualified health, mental health,
15 or substance abuse professional.

16 (iii) Within 15 days of the date of the discussion with the child and
17 the child's parent or guardian, the intake officer shall document whether the child's parent
18 or guardian made an appointment for a mental health and substance abuse screening of
19 the child who is the subject of a complaint.

20 **[(3) If, as a result of the screening authorized under paragraph (2) of this**
21 **subsection, it is determined that the child is a mentally handicapped or seriously**
22 **emotionally disturbed child, or is a substance abuser, the qualified health, mental health,**
23 **or substance abuse professional or staff, no later than 5 working days after the screening,**
24 **shall conduct a comprehensive mental health or substance abuse assessment of the child.]**

25 **[(4) (2) The Department of Juvenile Services and the Maryland**
26 **Department of Health:**

27 (i) May not disclose to any person any information received by the
28 departments relating to a specific mental health and substance abuse screening or
29 assessment conducted under this section that could identify the child who was the subject
30 of the screening or assessment; and

31 (ii) May make public other information unless prohibited by law.

32 **[(5) (3) The Secretary of Juvenile Services and the Secretary of Health**
33 **jointly shall adopt any regulation necessary to carry out this subsection.**

1 (e) (1) The intake officer may propose an informal adjustment of the matter if,
2 based on the complaint and the inquiry, the intake officer concludes that the court has
3 jurisdiction but that an informal adjustment, rather than judicial action, is in the best
4 interests of the public and the child.

5 (2) The intake officer shall propose an informal adjustment by informing
6 the victim, the child, and the child's parent or guardian of the nature of the complaint, the
7 objectives of the adjustment process, and the conditions and procedures under which it will
8 be conducted.

9 (3) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
10 **PARAGRAPH, THE** intake officer may not proceed with an informal adjustment unless the
11 victim, the child, and the child's parent or guardian consent to the informal adjustment
12 procedure.

13 (II) **IF THE VICTIM FAILS TO RESPOND TO ALL REASONABLE**
14 **ATTEMPTS AT NOTIFICATION OF THE INFORMAL ADJUSTMENT, THE INTAKE**
15 **OFFICER MAY PROCEED WITH THE INFORMAL ADJUSTMENT.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.