

HOUSE BILL 842

E3
HB 495/19 – JUD

0lr2579
CF SB 706

By: **Delegates Valentino–Smith, Barron, Bartlett, D.M. Davis, Ebersole, Ivey,
Terrasa, Valderrama, and Williams**

Introduced and read first time: February 3, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Informal Adjustment**

3 FOR the purpose of authorizing ~~a certain~~ 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 a certain petition to be dismissed under certain~~
7 ~~circumstances~~; requiring the juvenile court to take certain actions under certain
8 circumstances; providing for the application of certain provisions of law; making
9 certain conforming changes; requiring the Department to report to the General
10 Assembly on or before a certain date each year; and generally relating to juvenile
11 causes.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–10(e) and ~~3–8A–18(b)~~ (f)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2019 Supplement)

17 BY adding to
18 Article – Courts and Judicial Proceedings
19 Section 3–8A–10(e–1)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Courts and Judicial Proceedings

3-8A-10.

~~(e) (1) 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) 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) 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.~~

~~(4) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, 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 IF:~~

~~1. THE TIME FOR AN ADJUDICATORY HEARING UNDER MARYLAND RULE 11-1114(B) HAS BEEN WAIVED; AND~~

~~2. THE PETITION IS NOT THE RESULT OF AN UNSUCCESSFUL INFORMAL ADJUSTMENT.~~

~~(ii) ON NOTICE FROM THE DEPARTMENT OF JUVENILE SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS PARAGRAPH HAS BEEN SUCCESSFULLY COMPLETED, THE COURT SHALL DISMISS THE PETITION.~~

~~3-8A-18.~~

~~(b) After a petition or citation has been filed with the court under this subtitle, and unless jurisdiction has been waived OR THE PETITION HAS BEEN REFERRED TO THE DEPARTMENT OF JUVENILE SERVICES FOR AN INFORMAL ADJUSTMENT UNDER § 3-8A-10(E) OF THIS SUBTITLE, the court shall hold an adjudicatory hearing.~~

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

1 **(2)** 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 **[(3)] (3)** The intake officer shall propose an informal adjustment by
6 informing the victim, the child, and the child's parent or guardian of the nature of the
7 complaint, the objectives of the adjustment process, and the conditions and procedures
8 under which it will be conducted.

9 **[(3)] (4)** The intake officer may not proceed with an informal adjustment
10 unless the victim, the child, and the child's parent or guardian consent to the informal
11 adjustment procedure.

12 **(5)** IF THE INTAKE OFFICER DECIDES TO HAVE AN INTAKE
13 CONFERENCE, THE CHILD AND THE CHILD'S PARENT OR GUARDIAN SHALL APPEAR
14 AT THE INTAKE CONFERENCE.

15 **(6)** IF THE VICTIM, THE CHILD, AND THE CHILD'S PARENT OR
16 GUARDIAN DO NOT CONSENT TO AN INFORMAL ADJUSTMENT, THE INTAKE OFFICER
17 SHALL AUTHORIZE THE FILING OF A PETITION OR A PEACE ORDER REQUEST OR
18 BOTH OR DENY AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST
19 OR BOTH UNDER SUBSECTION (G) OF THIS SECTION.

20 **(7)** IF AT ANY TIME BEFORE THE COMPLETION OF AN AGREED ON
21 INFORMAL ADJUSTMENT THE INTAKE OFFICER BELIEVES THAT THE INFORMAL
22 ADJUSTMENT CANNOT BE COMPLETED SUCCESSFULLY, THE INTAKE OFFICER SHALL
23 AUTHORIZE THE FILING OF A PETITION OR A PEACE ORDER REQUEST OR BOTH OR
24 DENY AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST OR BOTH
25 UNDER SUBSECTION (G) OF THIS SECTION.

26 **(E-1)** **(1)** AFTER A PETITION IS FILED, THE COURT MAY, ON MOTION
27 OF ANY PARTY, REFER THE MATTER TO THE DEPARTMENT OF JUVENILE SERVICES
28 FOR AN INFORMAL ADJUSTMENT IN ACCORDANCE WITH SUBSECTION (F) OF THIS
29 SECTION IF:

30 **(I)** THE TIME FOR AN ADJUDICATORY HEARING UNDER
31 MARYLAND RULE 11-114(B) HAS BEEN WAIVED;

32 **(II)** THERE HAS NOT BEEN A PRIOR UNSUCCESSFUL INFORMAL
33 ADJUSTMENT OF THE MATTER; AND

34 **(III)** THE CHILD, THE CHILD'S ATTORNEY, AND THE STATE'S
35 ATTORNEY ALL CONSENT TO THE MOTION.

1 (2) (i) ON NOTICE FROM THE DEPARTMENT OF JUVENILE
 2 SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS SUBSECTION HAS BEEN
 3 SUCCESSFULLY COMPLETED, THE COURT SHALL DISMISS THE PETITION.

4 (ii) ON NOTICE FROM THE DEPARTMENT OF JUVENILE
 5 SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS SUBSECTION HAS NOT
 6 BEEN SUCCESSFULLY COMPLETED, THE COURT SHALL PROCEED WITH THE
 7 PETITION.

8 (f) (1) During the informal adjustment process, the child shall be subject to
 9 such supervision as the intake officer deems appropriate [and if the intake officer decides
 10 to have an intake conference, the child and the child's parent or guardian shall appear at
 11 the intake conference].

12 (2) The informal adjustment process may not exceed 90 days unless:

13 (i) That time is extended by the court; or

14 (ii) The intake officer determines that additional time is necessary
 15 for the child to participate in a substance-related disorder treatment program or a mental
 16 health program that is part of the informal adjustment process.

17 [(3) If the victim, the child, and the child's parent or guardian do not consent
 18 to an informal adjustment, the intake officer shall authorize the filing of a petition or a
 19 peace order request or both or deny authorization to file a petition or a peace order request
 20 or both under subsection (g) of this section.

21 (4) If at any time before the completion of an agreed upon informal
 22 adjustment the intake officer believes that the informal adjustment cannot be completed
 23 successfully, the intake officer shall authorize the filing of a petition or a peace order
 24 request or both or deny authorization to file a petition or a peace order request or both
 25 under subsection (g) of this section.]

26 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31
 27 each year, beginning in 2020, the Department of Juvenile Services shall report to the
 28 General Assembly, in accordance with § 2-1257 of the State Government Article, on:

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

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

32 SECTION 2. ~~3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 ~~October~~ July 1, 2020.