

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 776
Judiciary

(Delegate Ruff, *et al.*)

Judicial Proceedings

Juvenile Law - Child in Need of Supervision - Mandatory Petition (NyKayla
Strawder Memorial Act)

This bill establishes that if a law enforcement officer alleges the commission of an act by a child younger than age 13 that results in the death of a victim, the law enforcement officer must forward the complaint to the Department of Juvenile Services (DJS) for appropriate action. If a DJS intake officer receives such a complaint, the intake officer must file a petition alleging that the child is in need of supervision.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finance and operations.

Local Effect: The bill is not expected to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Juvenile Court Jurisdiction

In general, the juvenile court has jurisdiction over children, who are alleged to be delinquent, in need of supervision (CINS), or who have received a citation for specified violations. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child.

The juvenile court has jurisdiction over a child who is at least age 10 and is alleged to have committed an act that would, if committed by an adult, be (1) a “crime of violence ” (as defined in § 14-101 of the Criminal Law Article); (2) specified crimes involving handguns and firearms; (3) aggravated cruelty to animals; or (4) third-degree sexual offense. Outside of these circumstances, the juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding, and such a child may not be charged with a crime. A child of any age may be adjudicated a CINS and subject to the juvenile court’s jurisdiction under applicable provisions.

The juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) a child at least age 16 alleged to have violated specified traffic or boating laws; (3) a child at least age 16 alleged to have committed specified crimes (violent crimes, firearms crimes, etc.); or (4) a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult. These cases are tried in adult criminal court.

Intake in Juvenile Cases

Intake occurs when a complaint is filed by a police officer or other person or agency having knowledge of facts that may cause a child to be subject to the jurisdiction of the juvenile court. Within 15 business days after a complaint is filed, a DJS intake officer is required to make an inquiry to determine whether the juvenile court has jurisdiction and whether judicial action is in the best interests of the public or the child. The intake officer may make any of the following decisions: (1) deny authorization to file a petition or a peace order request or both in the juvenile court; (2) propose an informal adjustment of the matter; or (3) authorize the filing of a petition or a peace order request or both in the juvenile court. However, if a law enforcement officer requests an intake officer to detain a child prior to a hearing and the intake officer does not authorize detention of the child, the intake officer must make an inquiry within 2 business days.

Petitions alleging delinquency are prepared and filed by the State’s Attorney. A petition alleging delinquency must be filed within 30 days of a referral from an intake officer, unless that time is extended by the court for good cause shown. Petitions alleging that a child is in need of supervision are filed by the intake officer.

Forwarding Complaints to the State’s Attorney for Consideration for Prosecution

However, if a complaint is filed that alleges the commission of certain handgun or firearms offenses or acts that would be felonies if committed by an adult, the intake officer must immediately forward the complaint and case file to the State’s Attorney for additional

review if the intake officer denies authorization to file a petition or proposes an informal adjustment.

If the complaint is forwarded to the State's Attorney, the State's Attorney must make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. After the preliminary review, and within 30 days of the State's Attorney's receipt of the complaint (unless the court extends the time), the State's Attorney must file a petition or a peace order request or both; refer the complaint to the DJS for informal disposition; or dismiss the complaint.

Denial of Authorization to File a Petition or Peace Order Request

The intake officer may deny authorization to file a petition or a peace order request in the juvenile court if the matter is not within the jurisdiction of the juvenile court or otherwise lacks legal sufficiency. If the intake officer determines that the juvenile court does have jurisdiction over the matter, but that further action by DJS or the court is not appropriate, the intake officer may deny authorization to file a petition or peace order request and resolve the case at intake.

The victim, the arresting police officer, or the person or agency that filed the complaint or caused it to be filed may appeal a denial of authorization to file a petition for delinquency to the State's Attorney. If authorization to file a peace order request or a petition alleging that a child in need of supervision is denied, the person or agency that filed the complaint or caused it to be filed may submit the denial for review by the DJS area director for the area in which the complaint was filed.

Proposal of Informal Adjustment

An intake officer may 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 child and the child's parent or guardian consent to the informal adjustment procedure. However, an intake officer may proceed with an informal adjustment without informing the victim if the intake officer has made reasonable efforts to contact the victim. During an informal adjustment process, the child is subject to such supervision as the intake officer deems appropriate. 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 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 must either authorize the filing of a petition and/or a peace order request or deny authorization to file a petition and/or a peace order request. If the intake officer denies authorization to file a petition and/or peace order request, the intake officer must immediately forward the complaint and entire intake case file to the State's Attorney.

Informal adjustment may include (1) referrals to other agencies; (2) completion of community service; (3) individual or family counseling; (4) substance abuse treatment; (5) restitution; and (6) other types of nonjudicial intervention.

Authorization to File a Petition or Peace Order Request

If the intake officer determines that the juvenile court has jurisdiction over the matter and that judicial action is in the best interests of the public or the child, the intake officer may authorize the filing of a petition or a peace order request or both in the juvenile court.

Additional Comments: According to DJS's *FY 2025 Data Resource Guide*, of the 466 complaints in fiscal 2025 involving children younger than age 13, 63.5% were resolved at intake, 11.4% were referred for informal adjustment, and 25.1% resulted in a formalized petition. Child in Need of Supervision cases represented 4.3% of the 24,335 total intake charges received by DJS during fiscal 2025.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1504 of 2025; SB 2 of 2024; and SB 15 of 2023.

Designated Cross File: None.

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

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