

Aruna Miller
Lt. Governor

Wes Moore
Governor

Vincent Schiraldi
Acting Secretary

Date: March 2, 2023
Bill # / Title: HB 698 - Juvenile Court - Jurisdiction - Age of Child
Committee: Judiciary
Position: Oppose

The Department of Juvenile Services (DJS) opposes HB 698.

HB 698 expands juvenile court jurisdiction from age 13 to age 11 for young people charged with a delinquent act.

The Juvenile Justice Reform Council (JJRC) met during 2020 -2021 and forwarded a set of recommendations¹ to the Maryland General Assembly. Specifically, The Maryland Juvenile Justice Reform Council² unanimously voted that Maryland's age of juvenile court jurisdiction should begin at age 13, with very limited exceptions to allow young people ages 10 to 13 be charged with only very serious violent acts. The Maryland General Assembly adopted that recommendation, and effective June 1, 2022 Maryland's minimum age of juvenile court jurisdiction is age 13, with the exception that young people age 10-13 may be charged in juvenile court if alleged to have committed a crime of violence, as defined in 14-101 of the Criminal Law Article.

The Department of Juvenile Services urges this committee to maintain the current law as it reflects a consensus driven recommendation based on creating an evidence-based, fair and equitable system aimed at achieving the best results for young people and our communities.

Additionally, young people at any age may be referred to the Department to receive support, interventions, and services aimed at addressing challenging behaviors. Current law provides authority for DJS to file a CINS³ petition when a child is assessed to need guidance, treatment, or rehabilitation, and falls under one of these categories:

- Must legally go to school, but routinely does not;
- Regularly cannot be controlled by the child's parents, guardians, or custodians;
- Acts in a way that is dangerous to self or other; or
- Has committed an offense applicable only to children (like running away, violating curfew, or drinking alcohol.)

Anyone can request DJS to file a CINS petition. DJS. In addition to any individual, law enforcement officers, educational agencies, and other child serving agencies may file a CINS complaint directly with DJS. If a CINS complaint is filed, the DJS Intake office will conduct a meeting with the youth and their parent/guardian and

¹ JJRC Final Report and Recommendations - <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>

² JJRC Membership - <https://msa.maryland.gov/msa/mdmanual/26excom/html/22juvjusreform.html>

³ The CINS process is defined in **Md Code, Courts and Judicial Proceedings, 3-8A-10.**

discuss appropriate interventions and services to address the underlying problem. After DJS meets with the youth and parent/guardian, DJS may make the following decisions:

- Decline the CINS complaint. DJS may still refer the youth to services as appropriate;
 - If DJS declines to file a CINS complaint, the decision may be appealed to the DJS regional director.
- Resolve the complaint and refer the youth to appropriate services;
- Enter into a Pre-court Supervision Agreement where the youth and family agree to certain conditions, including participation in treatment services, without court involvement;
- File a petition with the juvenile court if there has been a failure of community-based interventions and the most appropriate service is only available through juvenile court.
- If a CINS petition is filed with the court, the court will set a date for an adjudicatory hearing to determine if the facts contained in the CINS petition are true.
 - If the court decides the facts in the petition are true, the court will hold another hearing to determine what action the court should take and whether: The child needs formal supervision by DJS or treatment in an out-of-home placement.

DJS is committed to reviewing CINS petitions and making decisions to support the best interest of the child and community safety, and to ensure stakeholders understand the process to access DJS and the courts through a CINS petition.

It is for these reasons DJS urges an unfavorable report on HB 698.

