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**By: Delegates Genn, Dembrow, and Preis**

Introduced and read first time: February 23, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Preliminary Procedures and Dispositions**

3 FOR the purpose of altering the period of time during which an intake officer must  
4 investigate a juvenile cause and make certain recommendations; requiring a State's  
5 Attorney to consider the need for restitution in determining whether judicial action  
6 is in the best interest of the public; requiring a court to take certain action when  
7 making a disposition concerning a juvenile; and generally relating to juvenile causes.

8 BY repealing and reenacting, with amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 3-810(c) and 3-820(c)  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume and 1995 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 3-810.

17 (c) (1) Except as otherwise provided in this subsection, in considering the  
18 complaint, the intake officer shall make an inquiry within [25] 10 days as to whether the  
19 court has jurisdiction and whether judicial action is in the best interests of the public or  
20 the child.

21 (2) An inquiry need not include an interview of the child who is the subject  
22 of the complaint if the complaint alleges the commission of a delinquent act that would be  
23 a felony if committed by an adult or alleges a violation of Article 27, § 36B of the Code.

24 (3) In accordance with this section, the intake officer may, after such inquiry  
25 and within [25] 10 days of receiving the complaint:

26 (i) Authorize the filing of a petition;

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

28 (iii) Refuse authorization to file a petition.

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1 (4) (i) If a complaint is filed that alleges the commission of a delinquent  
2 act which would be a felony if committed by an adult or alleges a violation of Article 27,  
3 § 36B of the Code, and if the intake officer denies authorization to file a petition or  
4 proposes an informal adjustment, the intake officer shall immediately:

5 1. Forward the complaint to the State's Attorney; and

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

8 (ii) The State's Attorney shall make a preliminary review as to whether  
9 the court has jurisdiction and whether judicial action is in the best interests of the public  
10 or the child. The need for restitution [may] SHALL be considered as one factor in the  
11 public interest. After the preliminary review the State's Attorney shall, within 30 days of  
12 the receipt of the complaint by the State's Attorney, unless the court extends the time:

13 1. File a petition;

14 2. Refer the complaint to the Department of Juvenile Justice  
15 for informal disposition; or

16 3. Dismiss the complaint.

17 (iii) This subsection may not be construed or interpreted to limit the  
18 authority of the State's Attorney to seek a waiver under § 3-817 of this subtitle.

19 3-820.

20 (c) (1) In making a disposition on a petition, the court [may] SHALL:

21 (i) Place the child on probation or under supervision in his own home  
22 or in the custody or under the guardianship of a relative or other fit person, upon terms  
23 the court deems appropriate;

24 (ii) Subject to the provisions of paragraph (2) of this subsection,  
25 commit the child to the custody or under the guardianship of the Department of Juvenile  
26 Justice, a local department of social services, the Department of Health and Mental  
27 Hygiene, or a public or licensed private agency on terms that the court considers  
28 appropriate to meet the priorities set forth in subsection (b) of this section, including  
29 designation of the type of facility where the child is to be accommodated, until custody or  
30 guardianship is terminated with approval of the court or as required under § 3-825 of this  
31 subtitle; or

32 (iii) Order the child, parents, guardian, or custodian of the child to  
33 participate in rehabilitative services OR MAKE RESTITUTION PAYMENTS that are in the  
34 best interest of the child and the family.

35 (2) A child committed under paragraph (1)(ii) of this subsection may not be  
36 accommodated in a facility that has reached budgeted capacity if a bed is available in  
37 another comparable facility in the State, unless the placement to the facility that has  
38 reached budgeted capacity has been recommended by the Department of Juvenile  
39 Justice.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1996.