

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 653

(Delegate King, *et al.*)

Judiciary

Judicial Proceedings

Juvenile Law - Informal Adjustment - Substance Abuse Treatment Program

This bill extends the time period for an informal adjustment process concerning a child who is the subject of a complaint filed with a Department of Juvenile Services (DJS) intake officer if the intake officer determines that the extension is necessary for the child to complete a substance abuse treatment program that is part of the informal adjustment process.

Fiscal Summary

State Effect: Any increase in the length of the informal adjustment process could be handled by existing resources.

Local Effect: Potential decrease in circuit court expenditures to the extent that longer informal adjustments result in a reduction in the number of petitions filed in juvenile courts.

Small Business Effect: None.

Analysis

Current Law: After receipt of a complaint concerning a child subject to the jurisdiction of the juvenile court, DJS intake officers conduct 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. This inquiry includes the opportunity for a mental health or substance abuse screening of the child. Intake officers have three options following the inquiry: (1) authorize the filing of a peace order request or petition alleging delinquency or child in

need of supervision (CINS); (2) propose an informal adjustment (*i.e.*, informal supervision) of the matter; or (3) refuse authorization to file a peace order request or petition or both.

An intake officer can propose informal adjustment if the officer concludes that informal adjustment, rather than judicial action, is in the best interests of the child.

Informal adjustments have a statutory limit of 90 days, but can be extended by the juvenile court. During this process, the child is subject to such supervision as the intake officer deems appropriate. If the victim, the child, and the child's parent or guardian do not consent to the informal adjustment, the intake officer shall authorize the filing of or deny authorization to file a petition or a peace order request. An intake officer also has these options if, at any time before completion of the informal adjustment process, the officer believes the informal adjustment cannot be completed successfully.

Background: The informal adjustment process is comprised of counseling and/or supervision by a case manager of a youth who lives at home without referring the case to a State's Attorney for a delinquency proceeding. DJS reports that 2,714 youth (average daily caseload) were on informal adjustment during 2005.

Local Expenditures: If an intake officer believes that a child cannot successfully complete the informal adjustment process, the officer has the option of authorizing the filing of a petition with the juvenile court. If the bill's extension of the informal adjustment process results in an increase in successful completions of substance abuse treatment, it could result in a decrease in juvenile court petitions. Since juvenile courts are located in circuit courts, a reduction in juvenile court petitions would result in a decrease in circuit court expenditures.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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ncs/rhh

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