

HOUSE BILL 1235

E3

5lr2918

By: **Delegate Valentino-Smith**

Introduced and read first time: March 4, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Juvenile Causes – Informal Adjustment**

3 FOR the purpose of authorizing a certain court to refer a certain matter to the Department
4 of Juvenile Services for a certain informal adjustment under certain circumstances;
5 prohibiting a certain court from referring a certain matter if there is an objection by
6 a party; requiring a certain petition to be dismissed under certain circumstances;
7 and generally relating to juvenile causes.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–10(e)
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2014 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 3–8A–10.

17 (e) (1) Subject to the provisions of § 3–8A–10.1 of this subtitle, the intake
18 officer may propose an informal adjustment of the matter if, based on the complaint and
19 the inquiry, the intake officer concludes that the court has jurisdiction but that an informal
20 adjustment, rather than judicial action, is in the best interests of the public and the child.

21 (2) The intake officer shall propose an informal adjustment by informing
22 the victim, the child, and the child's parent or guardian of the nature of the complaint, the
23 objectives of the adjustment process, and the conditions and procedures under which it will
24 be conducted.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) The intake officer may not proceed with an informal adjustment unless
2 the victim, the child, and the child's parent or guardian consent to the informal adjustment
3 procedure.

4 (4) **(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, AFTER A PETITION IS FILED, THE COURT MAY, ON ITS OWN MOTION OR**
6 **ON MOTION OF A PARTY, REFER THE MATTER TO THE DEPARTMENT OF JUVENILE**
7 **SERVICES FOR AN INFORMAL ADJUSTMENT.**

8 **(II) IF THERE IS AN OBJECTION BY A PARTY, THE COURT MAY**
9 **NOT REFER THE MATTER FOR AN INFORMAL ADJUSTMENT.**

10 **(III) IF AN INFORMAL ADJUSTMENT UNDER THIS PARAGRAPH**
11 **HAS BEEN SUCCESSFULLY COMPLETED, THE PETITION SHALL BE DISMISSED.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.