

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 261  
Judiciary

(Delegate Sydnor, *et al.*)

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**Juvenile Causes - Disposition on Delinquency Petition - Required Considerations**

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This bill requires a juvenile court to consider specified factors in determining an appropriate disposition on a petition alleging that a child is delinquent.

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**Fiscal Summary**

**State Effect:** The bill does not materially impact the workload of the Judiciary. To the extent that the Department of Juvenile Services (DJS) is asked to provide additional information to a juvenile court, it can do so using existing budgeted resources.

**Local Effect:** The circuit courts can handle the bill's requirements with existing budgeted resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** In determining an appropriate disposition on a petition alleging that a child is delinquent, the juvenile court must consider the following factors:

- whether the child has experienced trauma or abuse;
- the child's intellectual capacity and educational history;
- whether the child has a history of mental illness;

- the child’s family and community environment;
- the child’s ability to appreciate the risks and consequences of the child’s conduct;
- the child’s ability to meaningfully participate in the proceeding;
- whether the child has a relationship with or is influenced by any other individual alleged to be involved in the commission of the offense; and
- the child’s capacity for rehabilitation.

**Current Law:** If authorized by a juvenile intake officer, a State’s Attorney may file a petition alleging that a child is delinquent (has committed an act that would be a crime if committed by an adult). If a petition is filed, unless jurisdiction is waived, the court holds an adjudicatory hearing to determine whether the allegations within a petition are true. A disposition hearing must also be held to determine whether a child needs or requires the court’s guidance, treatment, or rehabilitation and, if so, the nature of the guidance, treatment, or rehabilitation. In making a disposition on a petition, the court may:

- place the child on probation or under supervision in the child’s own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- commit the child to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or
- order the child or the child’s parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

At disposition, the court is prohibited from committing children who have been adjudicated delinquent for the commission of certain nonviolent offenses to DJS for out-of-home placement unless specified conditions are met. The court must also consider any input from victims that is provided as part of a predisposition investigation or presented to the court as an oral statement.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Juvenile Services, Department of Legislative Services

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min/kdm

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Analysis by: Jennifer K. Botts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510