

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 71

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Juvenile Services)

Judicial Proceedings

Juvenile Law - Intake Procedures

This departmental bill makes numerous changes to juvenile intake procedures by (1) extending, from 25 to 30 days, the period during which workers must complete the intake process and take specified actions regarding a juvenile complaint; (2) altering the process for referring juveniles for mental health or substance abuse screenings and conducting related assessments; and (3) authorizing an intake officer to proceed with an informal adjustment if the victim fails to respond to all reasonable attempts at notification.

Fiscal Summary

State Effect: The bill does not materially affect the finances of the Department of Juvenile Services (DJS) or the workload of the Judiciary.

Local Effect: The bill does not materially affect the workload of the circuit courts or State's Attorneys' offices.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill repeals a requirement that authorizes a mental health and substance abuse screening to be conducted only by someone who has been selected by the child's parent or guardian and approved by the child's health insurance carrier. It also repeals a requirement that mandates a comprehensive mental health or substance abuse

assessment to be conducted if the screening determines that the child is a mentally handicapped or seriously emotionally disturbed child or a substance abuser.

Current Law: Statutory provisions set forth a process by which a complaint involving a juvenile must be processed by DJS intake officers. Generally, the intake officer must make an inquiry within 25 days as to whether the juvenile court has jurisdiction and whether judicial action is in the best interests of the public or the child. As soon as possible, and no later than 25 days after receiving the complaint, the intake officer must discuss with the child and the child's parent or guardian information regarding a referral for a mental health and substance abuse screening. The screening must be conducted by a person who has been selected by the child's parent or guardian; has been approved by the child's health insurance carrier; and is either a qualified health, mental health, or substance abuse professional or a staff person who has been trained by one of these professionals. If a screening determines that the child is a mentally handicapped or seriously emotionally disturbed child, or is a substance abuser, a comprehensive assessment must be conducted within 5 working days.

Within 25 days of receiving the complaint, the intake officer may (1) authorize the filing of a petition or a peace order request or both or (2) refuse authorization to file a petition or a peace order request or both. A DJS intake officer may also propose an informal adjustment if, based on the complaint and the inquiry, the officer concludes that an informal adjustment, rather than judicial action, is in the best interests of the public and the child. During an informal adjustment process, the child is subject to such supervision as the intake officer deems appropriate. Informal supervision may also include referrals to other agencies, completion of community service, counseling, and substance abuse treatment, among other items. The intake officer must propose an informal adjustment by informing the victim, the child, and the child's parent or guardian of the nature of the complaint, the objectives of the adjustment process, and the conditions and procedures under which it will be conducted. The intake officer may not proceed with an informal adjustment unless the victim, the child, and the child's parent or guardian consent.

Background: DJS advises that the bill is intended to enhance the juvenile intake process by allowing five additional days to review complaints, which provides workers with more time to conduct a thorough review and connect youth to appropriate services. Furthermore, eliminating the requirement to only use a provider chosen by a parent or guardian who is approved by a youth's health insurance allows intake workers to use providers under contract with DJS for screenings. DJS also advises that repealing the requirement for assessments is intended to streamline procedures by not linking such assessments to the intake process; however, this will not impact a youth's ability to receive necessary services and follow-up based on the results of an initial screening. Finally, DJS notes that victims sometimes fail to respond to intake workers' attempts to obtain the required permission before proceeding with an informal adjustment process. In these instances, the intake

worker must forward the case to the State's Attorney for potential prosecution and court intervention when such action may be unnecessary and further delay appropriate services and treatment.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 21, 2019
mm/jc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Complaint – Preliminary Procedure

BILL NUMBER: SB 71

PREPARED BY: Michael DiBattista, CFO

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS