

Boyd K. Rutherford
Lt. GovernorLarry Hogan
GovernorSam Abed
Secretary

DATE: 2/25/2021
BILL NUMBER: HB 169 – Juvenile Law – Informal Adjustment
DJS POSTITION: Support

The Department of Juvenile Services (DJS or department) supports HB 169. HB 169 creates an additional pathway to support youth, families and the community by permitting a juvenile court to refer matters back to DJS for resolution using a pre-court supervision intervention. HB 169 was introduced last session as HB 842. After being amended to mirror the language now found in HB 169, HB 842 (2020) received a unanimous favorable committee report and was passed by the House of Delegates by a vote of 138 to 0. No action was taken by the Senate.

Overview of Current Law:

Currently, when a complaint is brought to the attention of the department an in-depth review is conducted to determine if the youth’s case should be¹:

1. **Resolved** – no further action and the complaint is “closed;”
2. **Informally Adjusted for Pre-Court Supervision** – the youth is supervised in the community and agrees to certain conditions and interventions. State’s attorney approval if required to proceed with pre-court supervision if the youth is charged with a felony or handgun violation; or
3. **Forwarded to the State’s Attorney for Formal Court Processing** –the state’s attorney office reviews the complaint and accompanying information to determine if the complaint should be petitioned to court for prosecution, dismissed, or returned to DJS for informal pre-court supervision.

DJS Pre-Court Supervision Works:

Pursuant to the 2019 Joint Chairmen’s Report, DJS submitted a report to the General Assembly to highlight pre-court supervision outcomes².

- ✓ 4 out every 5 youth successfully complete pre-court supervision
- ✓ **96%** of youth placed on pre-court supervision **DO NOT** have any new adjudicated offenses while under pre-court supervision
- ✓ **90%** of youth placed on pre-court supervision **DO NOT** have any new adjudicated offense during a one-year follow-up period

HB 169 enhances current law by permitting the youth’s counsel and prosecutor to request that a court return appropriate cases to DJS for informal pre-court supervision after the complaint is petitioned, but before adjudication.

HB 169 aligns with DJS-supported recommendations issued by the Juvenile Justice Reform Council (JJRC).

The JJRC, with the assistance of the Vera Institute of Justice, spent the last year researching best practices regarding the treatment of justice-involved youth and identifying recommendations to limit risk factors that contribute to contact with the justice system. Certain recommendations were made to reform the juvenile intake process, focusing efforts on diversion and keeping youth from becoming more deeply involved in the formal court system justice-involved. HB 169 reflects the JJRC’s recommendation that the informal adjustment process add a “return to intake” component to allow a greater number of youth, when determined appropriate by the court, to take advantage of informal adjustment.

For these reasons, DJS urges a favorable report for HB 169.

¹ Maryland Code, Courts and Judicial Proceedings, §3-8A-10

² Alternatives to Detention and Informal Case Processing Outcomes Report, December 30, 2019, Department of Juvenile Services, https://djs.maryland.gov/Documents/publications/2019_p220-DJS-Juvenile-Services-ATD-Report.pdf