

Boyd K. Rutherford
Lt. GovernorLarry Hogan
GovernorSam Abed
Secretary

DATE: 2/10/2022
BILL NUMBER: HB 360 – Juvenile Law – Informal Adjustment
DJS POSTITION: Support w/ amendments

The Department of Juvenile Services (DJS) supports HB 360 with amendments (see below).

HB 360 creates an additional pathway in Maryland’s Juvenile Justice System to support youth, families and our community by permitting the juvenile court to refer matters to DJS for an Informal Adjustment.

Informal Adjustments are Effective

Pursuant to the 2019 Joint Chairmen’s Report, DJS submitted a report to the General Assembly to highlight pre-court supervision outcomes¹.

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

Overview of Current Law

When DJS receives a complaint, an in-depth review is conducted to determine if the youth’s case should be²:

1. **Declined or Resolved:** DJS may still refer the juvenile to appropriate services but the case is “closed”;
2. **Informally Adjusted:** The youth and family agree to certain conditions, including participation in treatment services, without court involvement; or
3. **Forwarded to the State’s Attorney’s Office:** State’s Attorney may file a petition and the court sets a hearing. Once a petition is filed, there is no opportunity for a case to be returned to DJS for an Informal Adjustment.

HB 360 aligns with recommendations issued by the Juvenile Justice Reform Council (JJRC)

- ✓ The JJRC made a unanimous recommendation that the informal adjustment process add a “return to intake” component to allow a greater number of youth to take advantage of informal adjustment.

Informal Supervision links young people to services and supports while holding them accountable

- ✓ Services available under Informal supervision include: mentoring, substance use treatment, special education and school discipline support, restorative justice opportunities, individual and family based therapy, after-school programs, mental health treatment, and job readiness programs.
- ✓ Young people who fail to successfully complete conditions of informal adjustment may have their case returned to the juvenile court for prosecution.

DJS urges a favorable report with amendments for HB 360.

¹ 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

² Maryland Code, Courts and Judicial Proceedings, §3-8A-10

Proposed Amendment to HB0360:

Amendment No. 1

On page 2, strike lines 25 -35, and on page 3, strike lines 1 – 6, and in line 25 insert **“(E-1) (1) AT ANY TIME BEFORE AN ADJUDICATORY HEARING, THE COURT MAY HOLD THE PROCEEDINGS IN ABEYANCE FOR INFORMAL ADJUSTMENT IF CONSENTED TO BY:**

(I) THE STATE’S ATTORNEY;

(II) THE CHILD WHO IS THE SUBJECT OF THE PETITION AND THE CHILD’S COUNSEL; AND

(III) THE COURT.

(2) (I) IF THE CHILD SUCCESSFULLY COMPLETES THE INFORMAL ADJUSTMENT, THE COURT SHALL DISMISS THE DELINQUENCY PETITION.

(II) IF THE CHILD DOES NOT SUCCESSFULLY COMPLETE THE INFORMAL ADJUSTMENT, THE COURT SHALL RESUME PROCEEDINGS UNDER THIS SUBTITLE AGAINST THE CHILD.”

