

Date: February 13, 2024
Bill Number/Title: SB02 -Child in Need of Supervision - Mandatory Petition (NyKayla Strawder Memorial Act)
Committee: Judicial Proceedings Committee
DJS Position: Letter of Information

SB 2 requires a Department of Juvenile Services (DJS) intake officer to file a Child in Need of Supervision (CINS) or a delinquency petition with the Juvenile Court when a child under the age of 13 is alleged to have committed an act that results in the death of another. The bill also requires a law enforcement officer to forward a complaint to the DJS if a child under 13 is alleged to have committed an act that resulted in the death of a victim.

Current law provides authority for DJS to file a CINS¹ petition when a child is assessed to need guidance, treatment, or rehabilitation, and falls under one of these categories:

- Must legally go to school, but routinely does not;
- Regularly cannot be controlled by the child's parents, guardians, or custodians;
- Acts in a way that is dangerous to self or other; or
- Has committed an offense applicable only to children (like running away, violating curfew, or drinking alcohol.)

Anyone can request DJS to file a CINS petition. In addition to any individual, law enforcement officers, educational agencies, and other child serving agencies may file a CINS complaint directly with DJS. If a CINS complaint is filed, the DJS Intake office will conduct a meeting with the youth and their parent/guardian and discuss appropriate interventions and services to address the underlying problem. After DJS meets with the youth and parent/guardian, DJS may make the following decisions:

- Decline the CINS complaint. DJS may still refer the youth to services as appropriate;
 - If DJS declines to file a CINS complaint, the decision may be appealed to the DJS regional director.
- Resolve the complaint and refer the youth to appropriate services;
- Enter into a Pre-court Supervision Agreement where the youth and family agree to certain conditions, including participation in treatment services, without court involvement;
- File a petition with the juvenile court if there has been a failure of community-based interventions and the most appropriate service is only available through juvenile court.
- If a CINS petition is filed with the court, the court will set a date for an adjudicatory hearing to determine if the facts contained in the CINS petition are true.
 - If the court decides the facts in the petition are true, the court will hold another hearing to determine what action the court should take and whether: the child needs formal supervision by DJS or treatment in an out-of-home placement.

DJS is committed to reviewing CINS petitions and making decisions to support the best interest of the child and community safety, and to ensure stakeholders understand the process to access DJS and the courts through a CINS petition. DJS implemented quarterly lunch and learns with each county law enforcement officers to review the CINS process, discuss challenges and strengthen communication between the agencies.

¹ The CINS process is defined in **Md Code, Courts and Judicial Proceedings, 3-8A-10.**