

SENATE BILL 706

E3
SB 401/19 – JPR

0lr2884
CF HB 842

By: **Senator Carter**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Informal Adjustment**

3 FOR the purpose of authorizing a certain court to refer a certain matter to the Department
4 of Juvenile Services for a certain informal adjustment under certain circumstances;
5 providing a certain exception to the requirement that the court hold an adjudicatory
6 hearing; requiring a certain petition to be dismissed under certain circumstances;
7 and generally relating to juvenile causes.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–10(e) and 3–8A–18(b)
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2019 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 3–8A–10.

17 (e) (1) The intake officer may propose an informal adjustment of the matter if,
18 based on the complaint and the inquiry, the intake officer concludes that the court has
19 jurisdiction but that an informal adjustment, rather than judicial action, is in the best
20 interests of the public and the child.

21 (2) The intake officer shall propose an informal adjustment by informing
22 the victim, the child, and the child's parent or guardian of the nature of the complaint, the
23 objectives of the adjustment process, and the conditions and procedures under which it will
24 be conducted.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) The intake officer may not proceed with an informal adjustment unless
2 the victim, the child, and the child's parent or guardian consent to the informal adjustment
3 procedure.

4 (4) **(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, AFTER A PETITION IS FILED, THE COURT MAY, ON MOTION OF ANY**
6 **PARTY, REFER THE MATTER TO THE DEPARTMENT OF JUVENILE SERVICES FOR AN**
7 **INFORMAL ADJUSTMENT IF:**

8 **1. THE TIME FOR AN ADJUDICATORY HEARING UNDER**
9 **MARYLAND RULE 11-1114(B) HAS BEEN WAIVED; AND**

10 **2. THE PETITION IS NOT THE RESULT OF AN**
11 **UNSUCCESSFUL INFORMAL ADJUSTMENT.**

12 **(II) ON NOTICE FROM THE DEPARTMENT OF JUVENILE**
13 **SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS PARAGRAPH HAS BEEN**
14 **SUCCESSFULLY COMPLETED, THE COURT SHALL DISMISS THE PETITION.**

15 3-8A-18.

16 (b) After a petition or citation has been filed with the court under this subtitle,
17 and unless jurisdiction has been waived **OR THE PETITION HAS BEEN REFERRED TO THE**
18 **DEPARTMENT OF JUVENILE SERVICES FOR AN INFORMAL ADJUSTMENT UNDER §**
19 **3-8A-10(E) OF THIS SUBTITLE**, the court shall hold an adjudicatory hearing.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2020.