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Governor

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Secretary

Recommendation to the Juvenile Justice Reform Council

DJS suggests the JJRC consider a recommendation to create a statutory process for the court and parties to agree to return petitions back to DJS intake for informal pre-court supervision prior to adjudication.

This recommendation creates an additional pathway in Maryland's Juvenile Justice System to support youth, families and the community.

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 outcomes.

- 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 offenses during a one-year follow-up period

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 be:

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. DJS must get approval from the State's Attorney's Office to proceed with pre-court supervision if the youth is charged with a felony or handgun offense; or
3. **Forwarded to the State's Attorney for Formal Court Processing** –the State's Attorney's 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.

Background: During the 2020 session, Delegate Valentino-Smith and Senator Carter introduced HB 842/SB 706¹ to authorize the practice of returning certain petitions back to DJS intake for assessment, services and supervision. The proposed legislation required that all parties (the youth, child's counsel, prosecutor and court) agree to return the petition to intake for an informal adjustment. If the informal pre-court supervision is successful, the case would be dismissed. If unsuccessful, the case may move forward through the formal court process. This amended version of the bill received support from DJS, the MSA, and the OPD.

The bill passed the House of Delegates with a vote of 138-0 on March 11, 2020. Due to the pandemic and the resulting shortened legislative session, the Senate version did not get a hearing in the Judicial Proceedings Committee.

¹ <http://mgaleg.maryland.gov/2020RS/bills/hb/hb0842t.pdf>

