



2022

Juvenile Justice Reform Legislation Implementation Manual

History

The Juvenile Justice Reform Council (JJRC) was established by legislation in 2019. The Council was a diverse, inter-branch, bipartisan group of stakeholders from across the state including legislators, representatives from the judiciary, prosecutorial and defense bars, state child-serving agencies, law enforcement, and various representatives from national and local organizations with experience in juvenile justice policy reform. Secretary Abed chaired the Council, which spent two years researching best practices regarding the treatment of young people in the juvenile justice system. The Council published a [report](#) and made recommendations to the Governor, Maryland General Assembly, and the Department of Juvenile Services. In 2022, SB0691 and HB0459 contained many of the recommendations made by the JJRC and were passed by the Maryland General Assembly.

Additional information, data, presentations and reports from the JJRC can be found at the web addresses below:

DJS Webpage: <https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx>

Department of Legislative Services (DLS) Webpage: <https://dls.maryland.gov/policy-areas/juvenile-justice-reform-council>

Effective Date

[SB0691\(CH0041\)](#) / [HB0459\(CH0042\)](#) - Juvenile Justice Reform - will go into effect June 1, 2022.

Minimum Age of Jurisdiction

The minimum age of juvenile court jurisdiction is age 13 for most alleged delinquent acts.

- ✓ The Juvenile Court has jurisdiction of children ages 13 and over alleged to have committed an act that would be a crime if committed as an adult.
- ✓ The Juvenile Court has jurisdiction of children ages 10 and over only when alleged to have committed an act that, if committed by an adult, would constitute a crime of violence, as defined in §14-101 of the Criminal Law Article.
- ✓ The Juvenile Court does not have jurisdiction of children under the age of 10 alleged to have committed a delinquent act.

Crimes of Violence

Criminal Law Article 14-101

Abduction	Arson, First Degree	Burglary - Home Invasion
Carjacking (Armed and Unarmed)	Child Abuse - First Degree	Human Trafficking - Felony
Kidnapping	Maiming	Manslaughter - Voluntary
Mayhem	Murder	Rape
Robbery	Robbery w/Dangerous Weapon	Sex Abuse of a Minor
Sex Offense (First and Second Degree)	Use of a firearm in commission of felony or COV	An attempt to commit any of the crimes above
Continuing course of conduct with a child involving rape or sexual offense	Assault, First Degree	Assault with Intent to Murder
Assault with Intent to Rape	Assault with Intent to Rob	Assault with Intent to Commit a Sexual Offense (First and Second Degree)

Frequently Asked Questions:

What interventions are available for youth who cannot be charged with a delinquent act?

- *Child in Need of Supervision, Peace Orders, Local Care Teams, Department of Human Services (DHS), and Department of Health Behavioral Health Administration, special education services and 504 plans through local schools.*

If a 12 year old is charged with a COV, can they be charged with misdemeanors as well?

- *Yes. If a child aged 10 or over is charged with a COV, all charges arising out of the same incident (including misdemeanors) may be charged.*

DJS Intake Decisions

DJS has additional authority to proceed with informal adjustments for non-violent felonies.

Non-violent felony complaints referred to Intake **DO NOT** have to be forward the complaint to the SAO if:

- ✓ The Intake Officer determines that the matter can be resolved with an informal adjustment; AND
- ✓ The act did not involve (or attempt to cause) intentional physical injury or death; AND
- ✓ The act was not a crime of violence.

The Intake Officer must make reasonable efforts to contact the victim.

- ✓ Using the time frames in the Intake Policy, the Intake Officer shall make reasonable efforts to contact the victim. Reasonable efforts include mailing letters, contacting via telephone, sending a text or email, and/or an in-person meeting.

DJS may proceed with an informal adjustment without obtaining victim consent if the Intake Officer makes reasonable efforts to contact the victim.

Frequently Asked Questions:

Does DJS have to use informal pre-court supervision for all non-violent felony complaints?

- *No. DJS will continue to use the Intake Decision Tool to help make objective decisions to resolve, informal, or forward the matter to the State's Attorney.*

Is DJS able to proceed with informal pre-court supervision if the victim provides no response?

- *Yes. As long as the Intake Officer makes reasonable efforts.*

Does DJS still have to notify the victim, law enforcement, or complaining person or agency of the DJS intake decision?

- *Yes. DJS will continue to notify complaining parties of the intake decision.*

Return to Intake for Informal Pre-court Supervision

Petitions forwarded to Court may be returned to Intake prior to an adjudicatory hearing, if all parties consent (i.e., the child, the child's counsel, the court, SAO.)

- ✓ Upon receipt of a petition returned to Intake, the Intake Officer will develop a pre-court supervision agreement consistent with the risk, needs and services identified in the Intake Decision Tool (IDT).
- ✓ DJS Intake will implement the Pre-court Supervision Agreement consistent with existing policies and procedures.
- ✓ Within 30 days of receiving the petition, the Intake Officer shall provide the court and parties with a Certificate of Implementation.
- ✓ At the conclusion of the pre-court supervision, the Intake Officer will notify the court and parties with a Certificate of Completion.
- ✓ Upon notification, the court will either dismiss or continue the proceedings, depending on the outcome of the youth's pre-court supervision.

Frequently Asked Questions

Is Return to Intake (RTI) the same as a case being held sub curia, a Stet, or a mutual postponement?

- *No. When a matter is held sub curia (meaning "under law"), it is held under consideration by the court after a motion has been filed, usually after a finding of delinquency. A Return to Intake is also different from a Stet or mutual postponement, as a RTI is a decision, prior to adjudication, to send the case back to Intake for a youth to receive assessment, services and pre-court supervision rather than formal prosecution.*

Will DJS change how pre-court informal supervision operations?

- *No. DJS staff will continue to utilize decision tool and follow current policies and procedures for pre-court supervision, keeping a focus on the appropriate use of available restorative practices.*

Detention

- ✓ DJS shall provide a completed **Detention Risk Assessment Instrument (DRAI)** to the court for their consideration when making a detention decision.
- ✓ Detention may not be authorized for youth alleged to have committed a misdemeanor offense **unless**:
 - the act involved a handgun; or
 - the child has been adjudicated delinquent at least twice in the preceding 12 months.
- ✓ Detention may not be authorized for “technical violations” of probation.
- ✓ The court must review a child’s detention every 14 days.
- ✓ Within 10 days of the DJS decision to place a youth in a detention facility, the Intake Officer shall submit a **community release plan** to the court.

“Technical violations” of probation **DO NOT** involve:

- An arrest or summons from a commissioner;
- A criminal prohibition other than a minor traffic offense;
- Violating a no-contact or stay-away order; or
- Absconding.

Frequently Asked Questions:

Can DJS still use the continuum of alternatives to detention even if the law permits placement in a detention facility?

- *Yes. DJS will continue to use the DRAI screening to identify appropriate uses of shelter care and/or other alternatives to detention.*

What happens to youth pending adjudication for a misdemeanor offense if they violate the conditions of their community detention order?

- *DJS will provide a memo to the court regarding the violation, and request a hearing if appropriate.*

Can DJS detain a youth if presented with an Out-of-State Warrant?

- *Youth with out-of-state warrants will be held and appear before the Court in compliance with the Interstate Compact rules.*

Juvenile Community Supervision / Probation

	Initial Term of Probation	Extension	Additional Extension
Misdemeanor Offenses <i>*Most serious adjudicated offense is a misdemeanor</i>	Up to 6 Months	After the initial term of probation, the court may hold a hearing and extend probation by terms of <u>3 months</u> if the court finds: ✓ Good cause to extend the probation; AND ✓ The purpose is to ensure the child completes treatment or a rehabilitative program. The total time of the probation, including extensions, cannot be more than one year .	Not Applicable
Felony Offenses <i>*Most serious adjudicated offense is a felony (not including a Crime of Violence)</i>	Up to 12 Months	After the initial term of probation, the court may hold a hearing and extend probation by terms of <u>3 months</u> if the court finds: ✓ Good cause to extend the probation; AND ✓ The purpose is to ensure the child completes treatment or a rehabilitative program. The total time of the probation, including extensions, cannot be more than two years .	The court may extend probation past the 2-year maximum, if after a hearing the court finds: ✓ that there is clear and convincing evidence that there is good cause to extend; AND ✓ Extending probation is in the best interest of the child. The total probation, including all extensions, cannot exceed 3 years.
Crimes of Violence (COV) <i>*most serious offense is a COV</i>	No Statutory Time Frames		

Frequently Asked Questions

Can probation be continued for failing to complete restitution obligations?

- *For misdemeanor and felony probations, probation may only be extended if there is good cause to ensure a child completes a treatment or rehabilitative program.*

Does the probation simply end at the conclusion of the term, or is a hearing necessary?

- *Subject to a court order to the contrary, the statute does not require a hearing to end probation. However, it does require a hearing to extend probation.*

What time frames should DJS use for felony crimes of violence (COV) supervision levels?

- *DJS supervision will follow the Community Case Management Policy and Manual.*

Committment for Out-of-Home Placement

The court may not commit a child to DJS for an out-of-home placement when the most serious adjudicated offense is a misdemeanor, unless:

- ✓ the youth is adjudicated delinquent of a misdemeanor handgun violation.

The court shall not commit a child to DJS for an out-of-home placement for a “technical violation” of probation.

“Technical Violations” of Probation do **NOT** involve:

- An arrest or summons from a commissioner;
- A criminal prohibition other than a minor traffic offense;
- Violating a no contact or stay away order; or
- Absconding.

There are no prohibitions on the Court’s ability to commit a child another child-serving agency.

Frequently Asked Questions

Can the Court commit a child to another agency?

- *Yes. A child may still be committed to a Department of Social Services/Human Services, Maryland Department of Health, or other child-serving agency.*