



**Maryland**

DEPARTMENT OF  
JUVENILE SERVICES

# Juvenile Reform Legislation

Updated – May 18, 2022

# Training Information

The Power Point Presentation & Implementation Manual can be found here:

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

- ❖ Mute your microphone.
- ❖ If you have questions, please put them in the chat.
- ❖ After the presentation, the trainers will first review questions in the chat.
- ❖ If there is additional time, the trainers will take questions from the participants. Please use the “raise your hand” feature if you have a questions.

# Learning Objectives

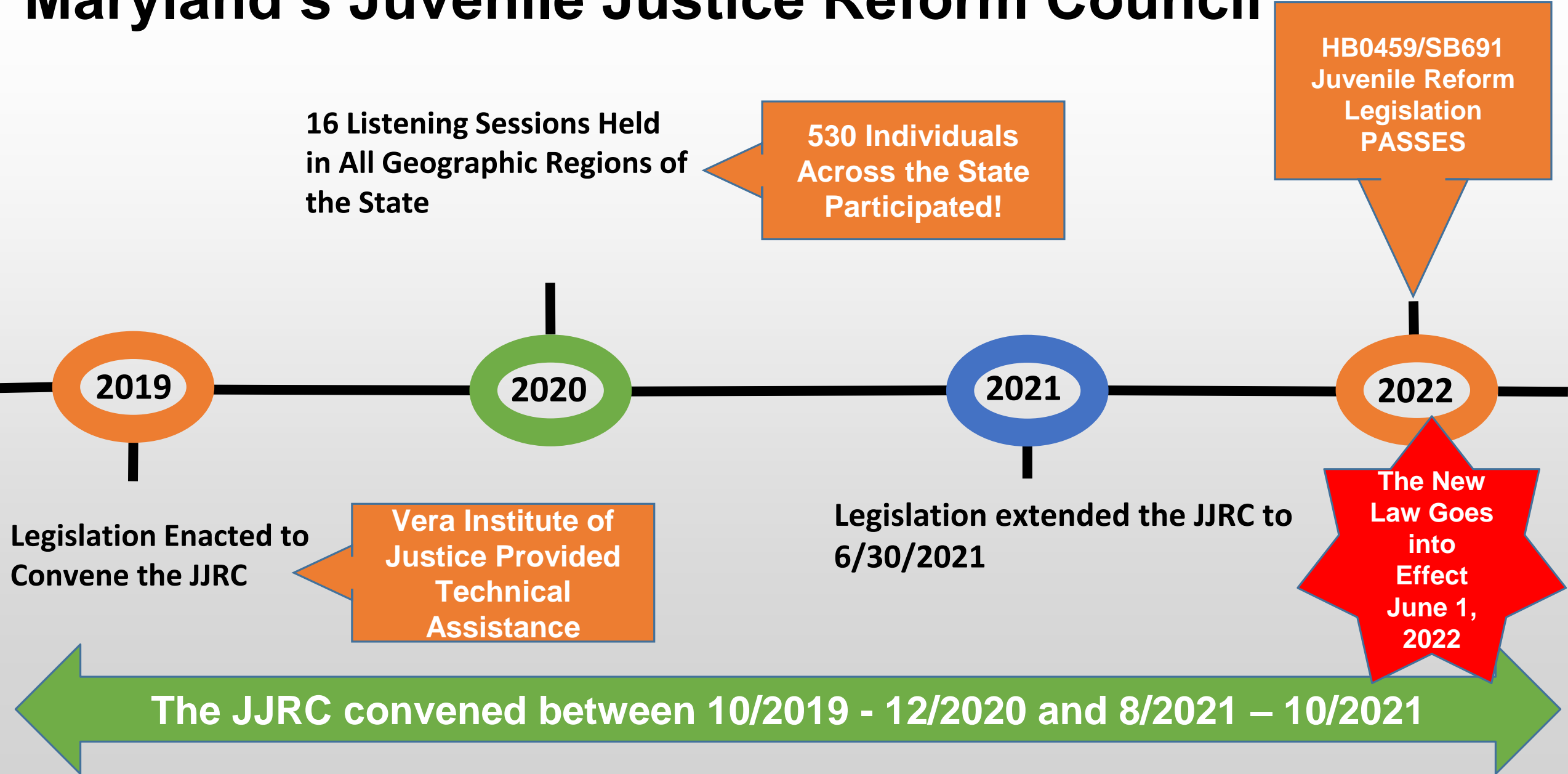
**Pathway to  
Reform**

**Juvenile Justice  
Legislation**

**Implementation**

**Question &  
Answer**

# Maryland's Juvenile Justice Reform Council



# JUVENILE COMPLAINT PROCESS

JJRC CHANGES BY DECISION POINT



= A lock image indicates change in decision point processes and/or outcomes as a result of JJRC law, effective June 1, 2022

COMPLAINT ALLEGING DELINQUENT ACT

DETENTION REQUEST

DJS INTAKE DECISION

PRE-COURT SUPERVISION

ADJUDICATION

DISPOSITION

PROBATION

COMMITMENT



MINIMUM AGE OF JURISDICTION

DETENTION LIMITATIONS

DJS INTAKE DECISION MAKING

RETURN TO INTAKE

PROBATION TERM LIMITS

LIMITATIONS ON COMMITMENT TO DJS OUT-OF-HOME PLACEMENTS

# Minimum Age of Jurisdiction

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

The Juvenile Court has jurisdiction if the child is:

- ✓ age 13 and over alleged to have committed an act that would be a crime if committed as an adult.
- ✓ age 10 and over **only** when alleged to have committed an act that, if committed by an adult, would be a crime of violence. (§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.

# DJS Intake Decisions

## **DJS has additional authority to proceed with Informal Pre-Court Supervision 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 before proceeding with an informal pre-court supervision.**

# Return to Intake

**Petitions forwarded to Court may be returned to Intake prior to an adjudicatory hearing, if all parties consent (child's counsel, the court, & state's attorney).**

## **Return to Intake Process:**

- 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.



# Detention

- ✓ DJS is required to provide a completed Detention Risk Assessment Instrument (DRAI) to the court for 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.
- ✓ 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.
- ✓ The court must review a child’s detention every 14 days.

## What is a Technical Violation?

- “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.

# Probation/Community Supervision Terms

	Initial Term of Probation	Extension	Additional Extension
<b>Misdemeanor Offenses</b> <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: <ul style="list-style-type: none"> <li>✓ Good cause to extend the probation; AND</li> <li>✓ The purpose is to ensure the child completes treatment or a rehabilitative program.</li> </ul> The total time of the probation, including extensions, cannot be more than <b>one year</b> .	Not Applicable
<b>Felony Offenses</b> <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: <ul style="list-style-type: none"> <li>✓ Good cause to extend the probation; AND</li> <li>✓ The purpose is to ensure the child completes treatment or a rehabilitative program.</li> </ul> The total time of the probation, including extensions, cannot be more than <b>two years</b> .	The court may extend probation past the 2-year maximum, if after a hearing the court finds: <ul style="list-style-type: none"> <li>✓ that there is clear and convincing evidence that there is good cause to extend; AND</li> <li>✓ Extending probation is in the best interest of the child.</li> </ul> The total probation, including all extensions, cannot exceed 3 years.
<b>Crimes of Violence (COV)</b> <i>*most serious offense is a COV</i>	No Statutory Time Frames		

# Commitment to Out-of-Home Placements

**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.**

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


## What is a Technical Violation?

“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.

# JUVENILE COMPLAINT PROCESS

## JJRC CHANGES BY DECISION POINT

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### MINIMUM AGE OF JUVENILE COURT JURISDICTION IS AGE 13

- Jurisdiction exists for ages 10 and over for COV
- No Juvenile Court Jurisdiction for youth under age 10

### PROBATIONAL TERM LIMITS:

- Misdemeanor**- up to 6 months & extended for 1 year
- Felony**- Up to 1 year & extended up to 3 years
- COV**- No Statutory Limits

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### DETENTION LIMITATIONS

NO PLACEMENT IN DETENTION FOR MISDEMEANORS OR TECHNICAL VOPs, *unless...*

- Handgun Violation
- 2 prior adjudications in the preceding 12 months

### DJS INTAKE DECISION MAKING

#### INTAKE DECISION

- Resolve
- Pre-Court
- Forward to SAO

### RETURN TO INTAKE

#### RETURN TO INTAKE PROCESS

If all parties agree the court may return the petition to intake for Pre-Court Supervision

### PROBATION TERM LIMITS

NO COMMITMENT TO DJS IS THE MOST SERIOUS OFFENSES IS A Misdemeanor, or Technical Violation *unless...*

- Handgun violation

### LIMITATIONS ON COMMITMENT TO DJS OUT-OF-HOME PLACEMENTS



# Online Tools

## □ DJS Facilities Information

<https://djs.maryland.gov/Pages/facilities/index.aspx>

- ✓ Facility Information Cards
- ✓ Direct Link to Facility DRG Section

## □ Current List of DJS Contracted Programs

<https://djs.maryland.gov/Pages/Publications.aspx>

- ✓ All Contracted Residential/Community-based Programs are Included

## □ Data Resource Guide

<https://djs.maryland.gov/Pages/Data-Resource-Guides.aspx>

- ✓ Additional DJS Program Information
- ✓ Juvenile Court Process
- ✓ State and Local Data

questions

## Juvenile Justice Reform Information

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

- Council Reports
- Council Meeting video and presentations
- Resources, research and data
- Implementation Manual
- Training Power Point

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