



YOUTH IN THE JUVENILE SYSTEM: THE WAIVER PROCESS

How a youth's case can be moved from juvenile to adult court



YOUTH IS ARRESTED BY POLICE

County: When a youth is arrested in the county, they are taken to the county police precinct. **Baltimore City:** When a youth is arrested in Baltimore City, they are taken to the Baltimore City Juvenile Justice Center.

The police are not required to have a parent present when interrogating a child. All interrogation must stop if a youth requests a lawyer.



YOUTH IS HELD IN PRECINCT

At the precinct, a police officer has two options: (1) They can either release the youth to their parents or (2) they can call an intake officer at the Department of Juvenile Services (DJS) and they will decide if youth should go to a secure detention center. An intake officer will use the DRAI (Detainee Risk Assessment Instrument) to determine if the youth should be detained or released back to the community and placed on house arrest or GPS monitor.

Most youth charged with serious crimes would NOT be released into the community. They would instead be held in secure detention.

YOUTH IS DETAINED

OR

YOUTH IS NOT DETAINED

continued

Youth will go to a local and secure detention center (ex. Hickey in Baltimore County). In Baltimore City, boys remain in the Juvenile Justice Center and girls go to Waxter. Youth will not always have the benefit of going to an intake hearing* if they are facing serious charges.

Detention Hearing: Youth will have a detention hearing **the next business day** and a judge or magistrate will review DJS's detention decision. At the same time, there will be an emergency arraignment, where the State will formally charge youth with the offense(s) and will seek some form of detention or detention alternative (house arrest or GPS monitor) until trial. If the State decides not to charge, the youth is released.

A judge generally has three options: (1) they can release youth into the community; (2) request they be in an alternative to detention (shelter care, after school program, or electronic monitoring); or (3) find that the youth should remain in detention until trial. **Most of the time, youth with serious charges will be securely detained.**

Prince George's County: State's attorneys file a waiver hearing request after the detention hearing. **Baltimore City and Baltimore County:** State's attorneys sometimes file a waiver hearing request on the day of the detention hearing and other times on the day of the trial.

If a waiver hearing is requested, an additional **30 days** will be given to schedule a hearing date.

Intake Hearing: If a youth is not detained, DJS will set up an intake meeting to understand the youth's story and do an assessment. The DJS intake officer will decide whether or not to forward the case to the State's Attorney's office.

If a complaint alleges that the youth was involved in an act that is a felony if committed by an adult or an incarcerable traffic offense, the intake officer will most likely forward the petition to the State's Attorney to make a preliminary review about whether or not the youth should remain in the juvenile or adult system.

A State's Attorney has **30 days** from the time they receive the complaint to file a petition*, dismiss the complaint, or refer the case back to DJS. **The 30 day limit can be extended by the court for good cause.**

Once the State's Attorney has filed a petition, youth will receive a date for an adjudicatory hearing* within **60 days** after the petition has been served to the youth.

The judge can extend the time for the adjudicatory hearing if extraordinary cause is shown. On the day of the adjudicatory hearing or any time before, a State's Attorney may request a waiver hearing*. If a waiver hearing is requested, an additional **30 days** will be given to schedule a hearing date.

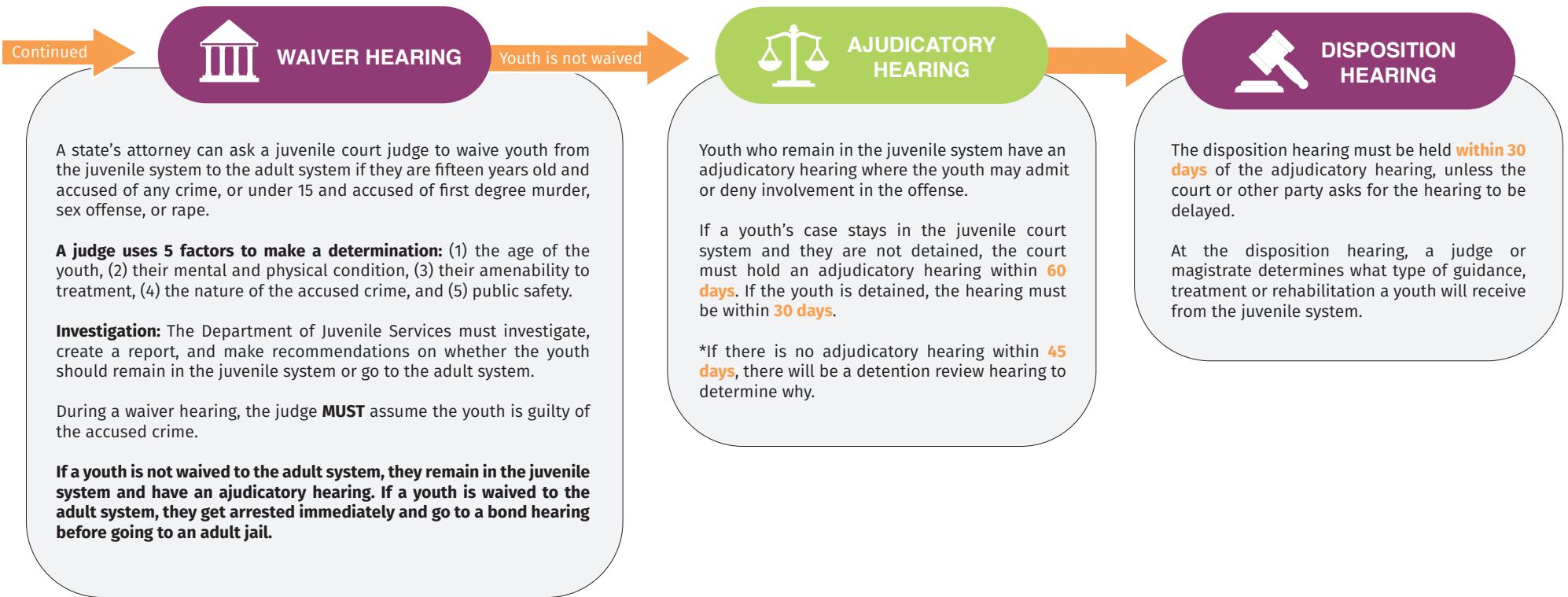
*DEFINITIONS

Waiver Hearing: A juvenile judge uses 5 factors, including public safety and amenability to treatment, to determine if a youth should be tried in the adult system or remain in the juvenile court system.

Intake Hearing: Officers at DJS have a meeting to review juvenile cases, speak to the child and family, and then determine which ones to send to the juvenile court.

Adjudicatory Hearing: The court will hear evidence in a case and determine if the child committed an offense.

Petition: A charging document the State's Attorney files with the juvenile court alleging that a child committed a crime.



To shield youth from the “taint of criminality,” delinquency proceedings are civil, not criminal; and special terms are used for the parties and phases of the proceeding:

Criminal Court



Indictment
Trial
Sentencing

Juvenile Court

Petition
Adjudicatory Hearing
Disposition



The Just Kids Campaign is a statewide advocacy campaign working to stop the automatic prosecution of youth as adults in Maryland. CLIA, a Baltimore-based nonprofit, leads the Just Kids Campaign. For more information, visit: www.cliayouth.org

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