

What happens when a child is charged...

**AS A
JUVENILE**

VS

**AS AN
ADULT**

in Maryland

UPON ARREST



The youth is arrested.

The arresting officer makes the decision of what crime to charge him with, with input from the state's attorney.

He is charged as a juvenile.

UPON ARREST

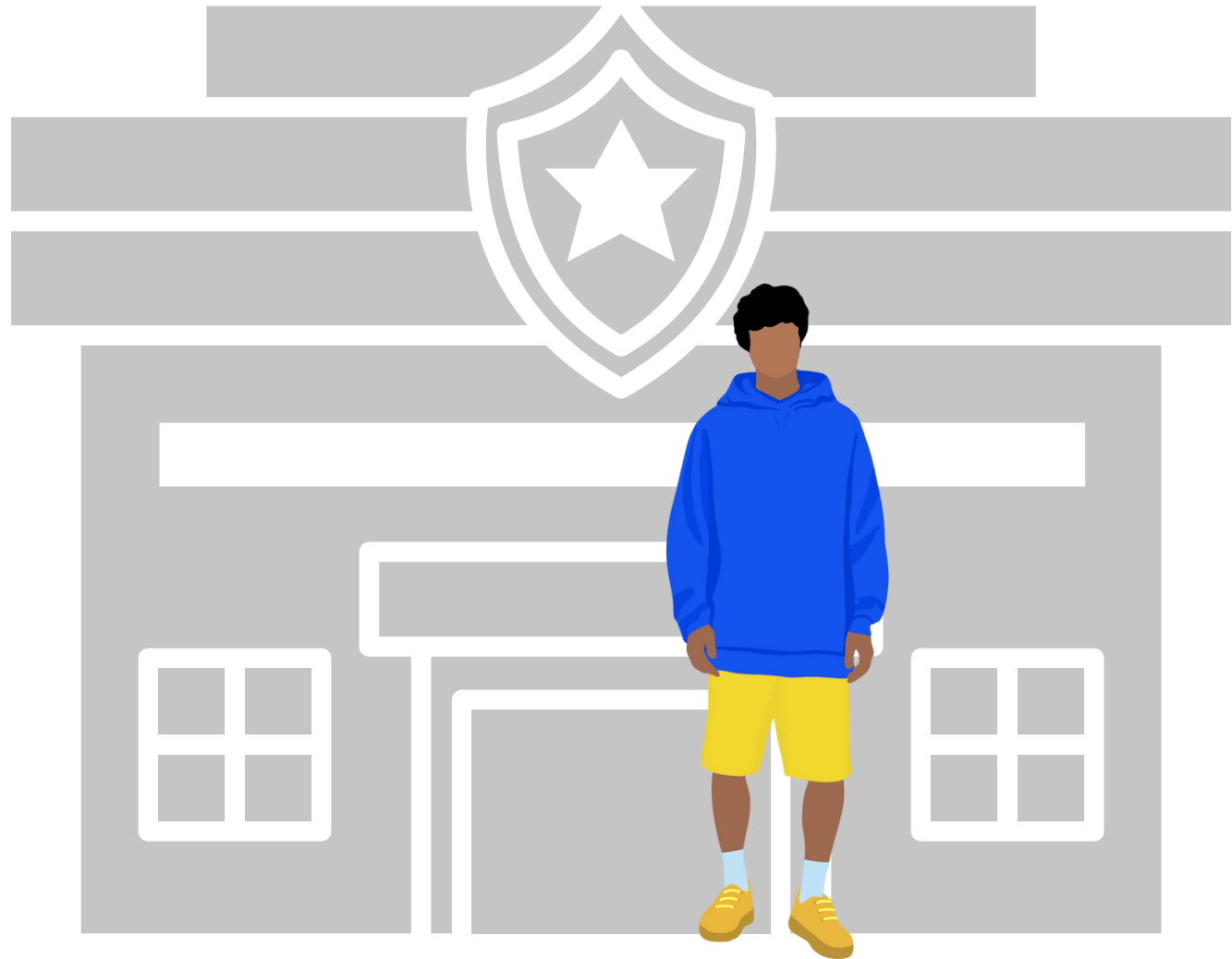


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The arresting officer makes the decision of what crime to charge him with, with input from the state's attorney.

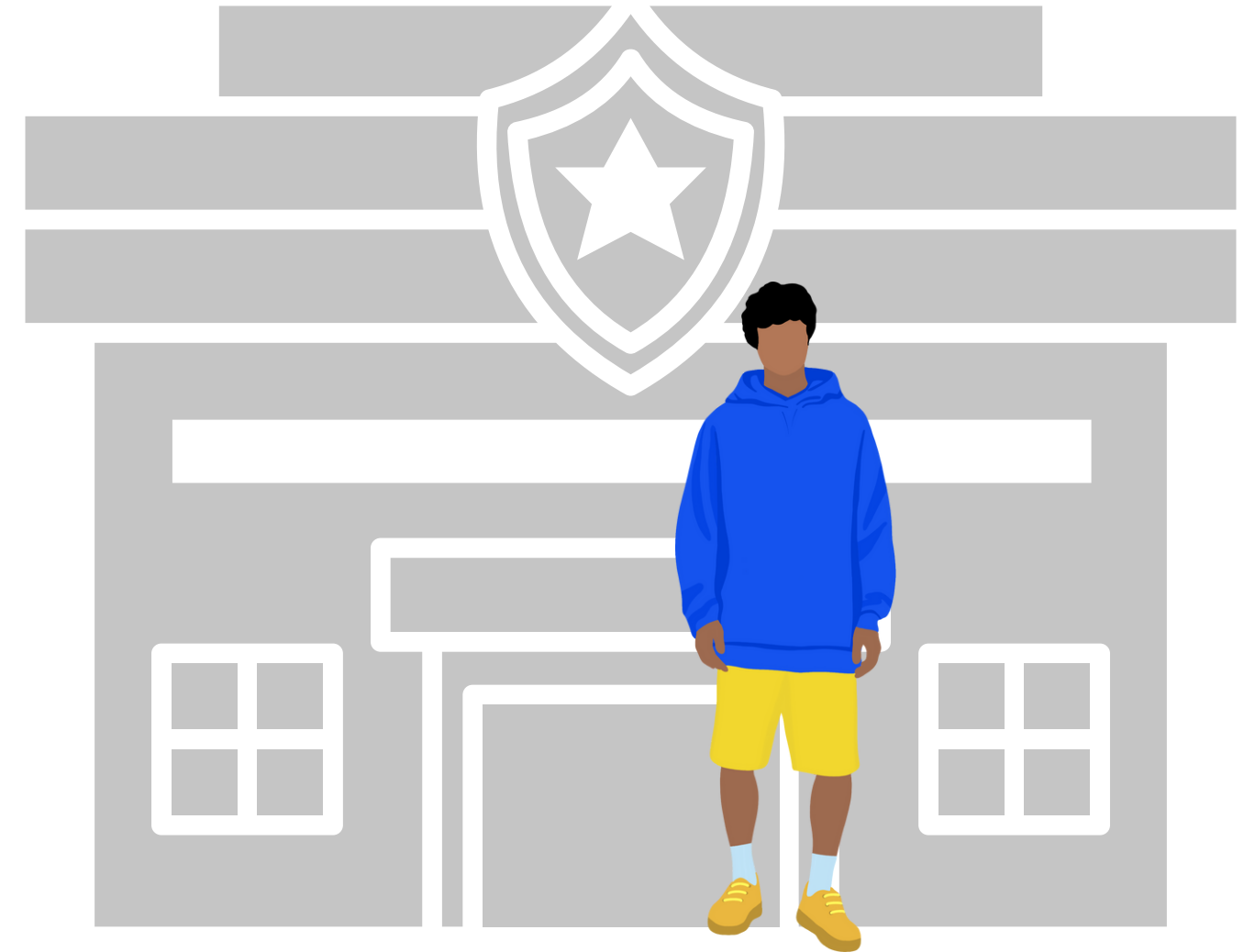
He is charged as an adult

CHARGED AS A JUVENILE



The youth is taken to the police station, where the officer **gets authorization from the Department of Juvenile Services (DJS) to have him detained.**

CHARGED AS AN ADULT



The youth is taken to the police station and interrogated. He is then **taken to a Commissioner who sets bail based on the charging documents.**

CHARGED AS A JUVENILE



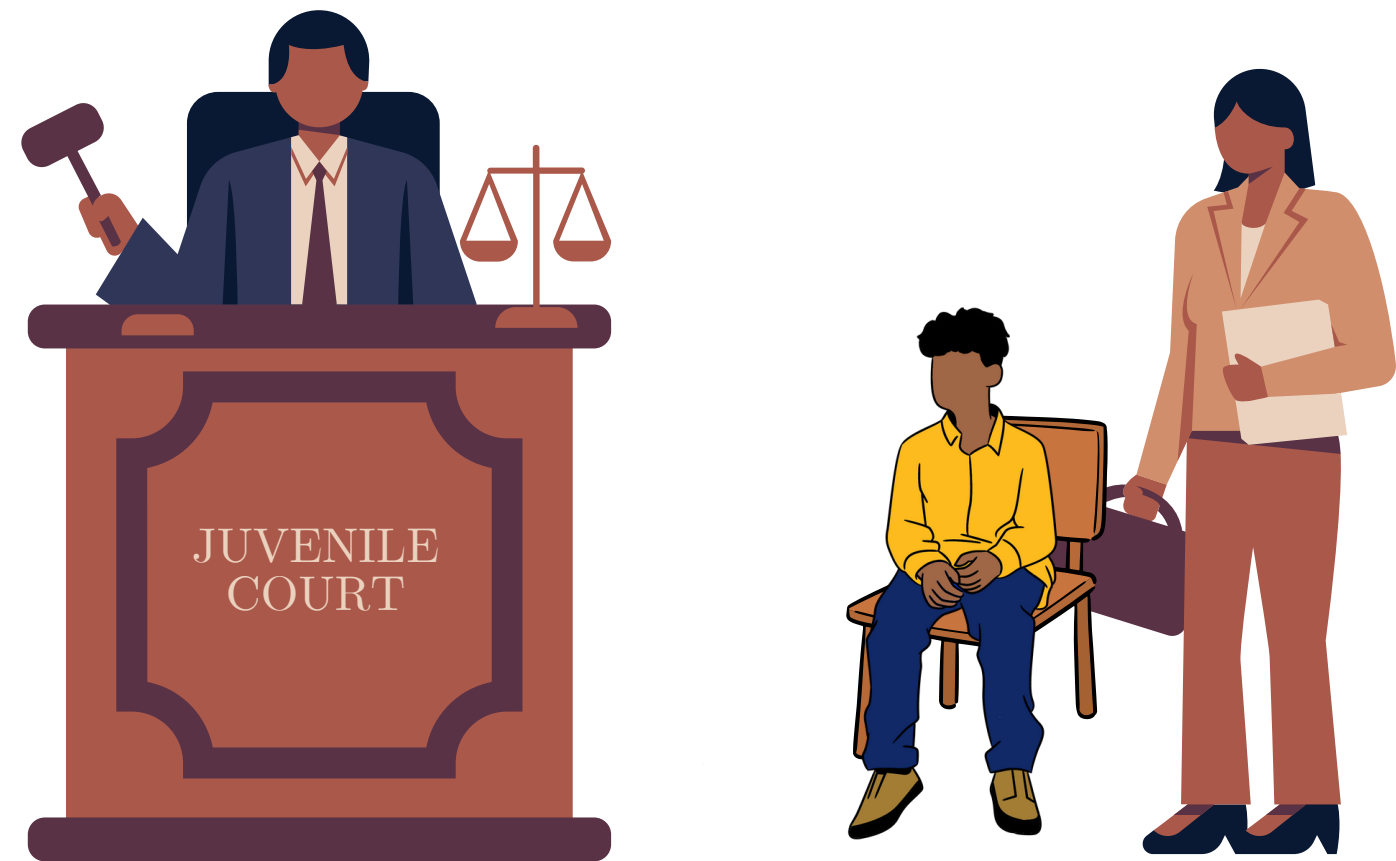
The youth is sent to a **juvenile detention center**.

CHARGED AS AN ADULT



The youth is sent to **adult jail**.

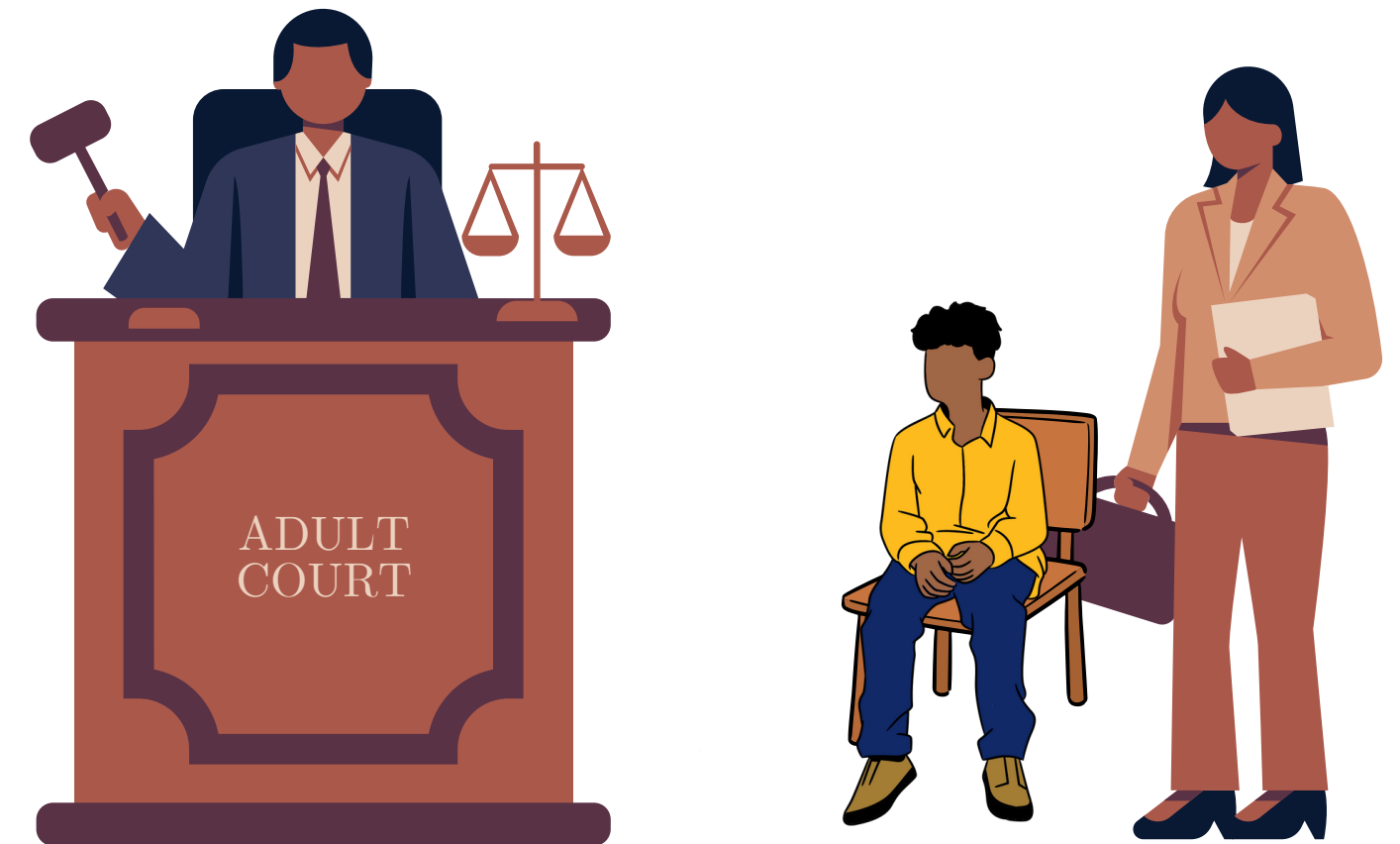
CHARGED AS A JUVENILE



The youth goes through a detention hearing on the next business day.

The hearing occurs in juvenile court and is presided over by a Juvenile Court Judge or Magistrate.

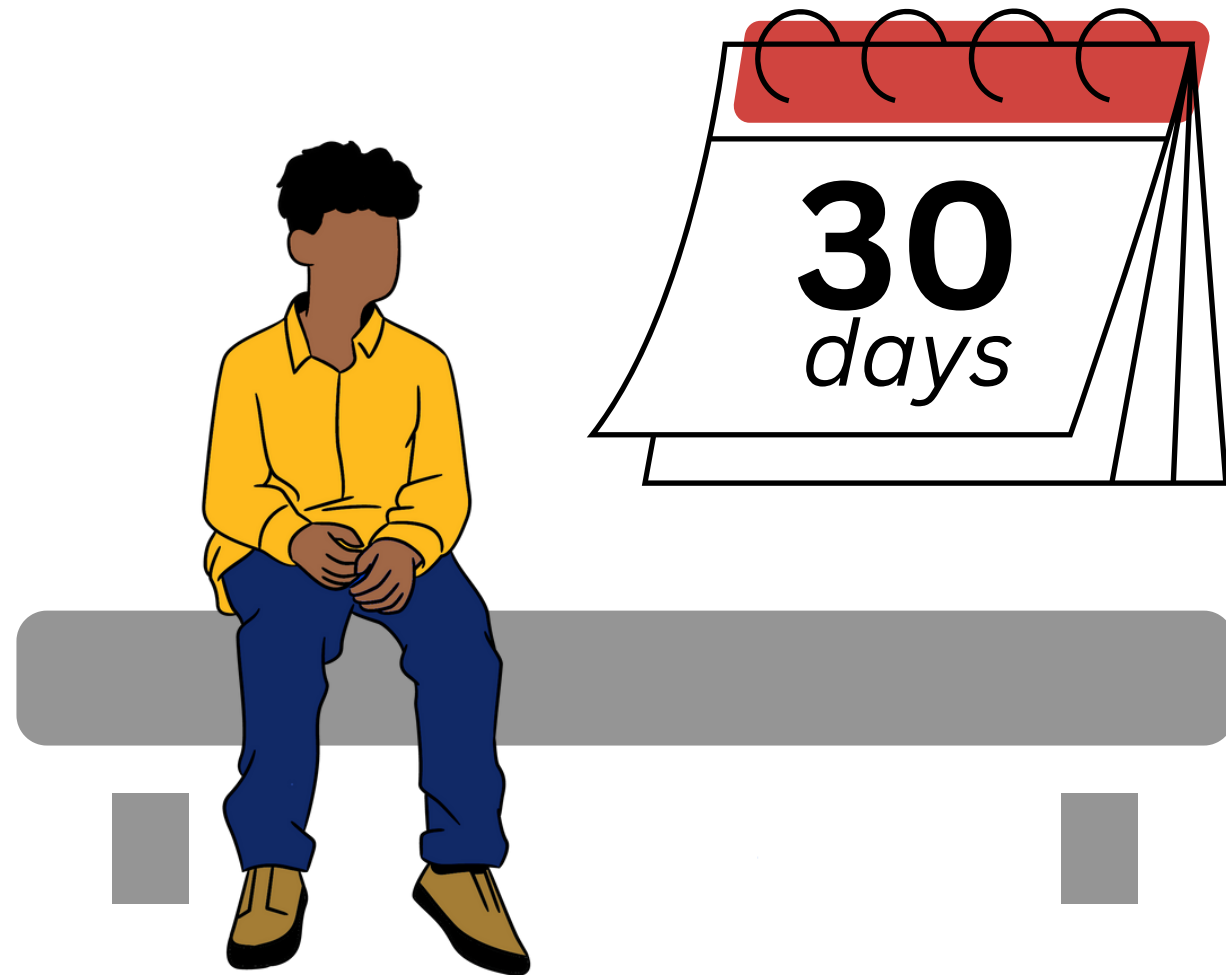
CHARGED AS AN ADULT



The youth has a bail review hearing before a District Court Judge.

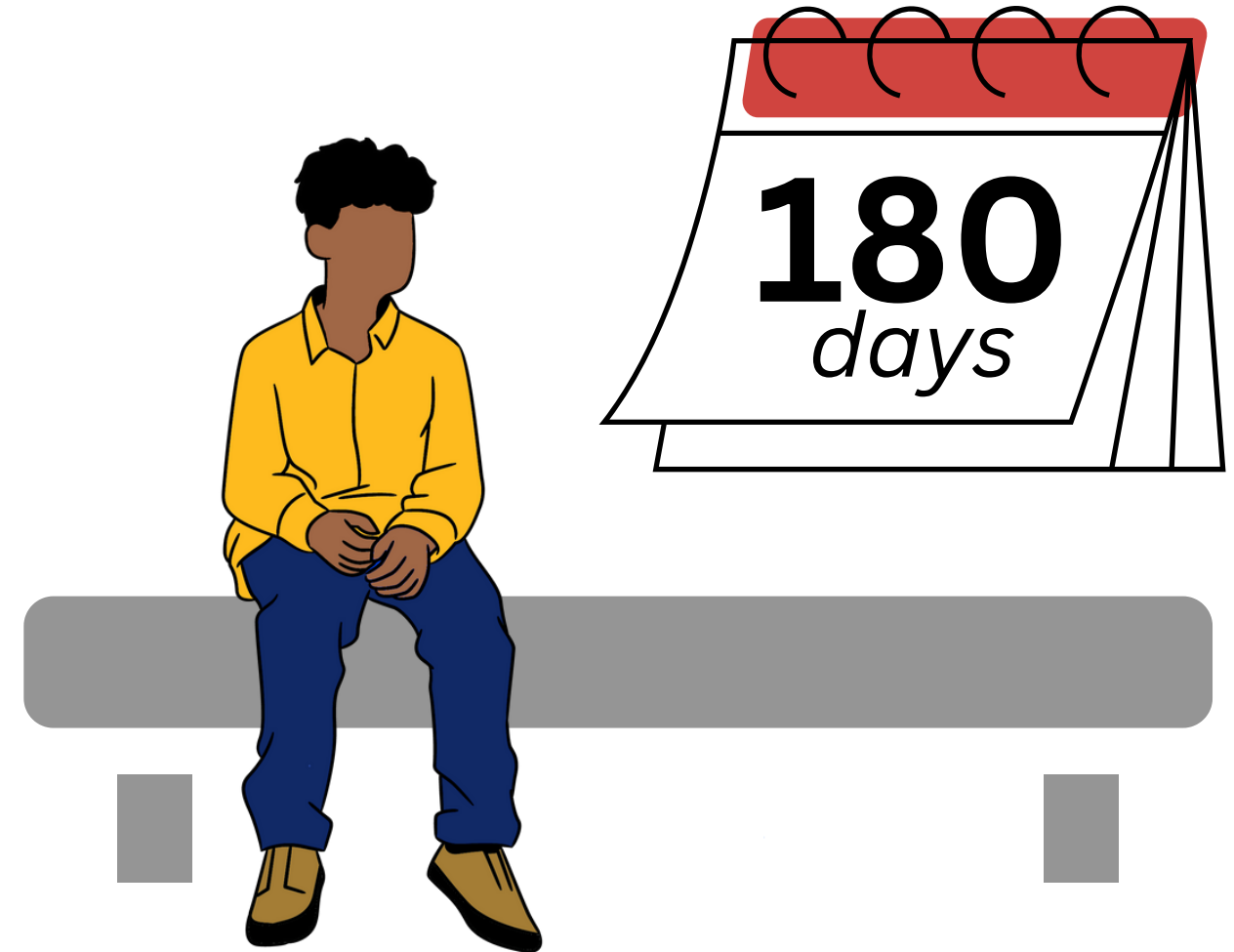
The Judge may choose to allow the youth to be detained at an adult facility or a juvenile facility.

CHARGED AS A JUVENILE



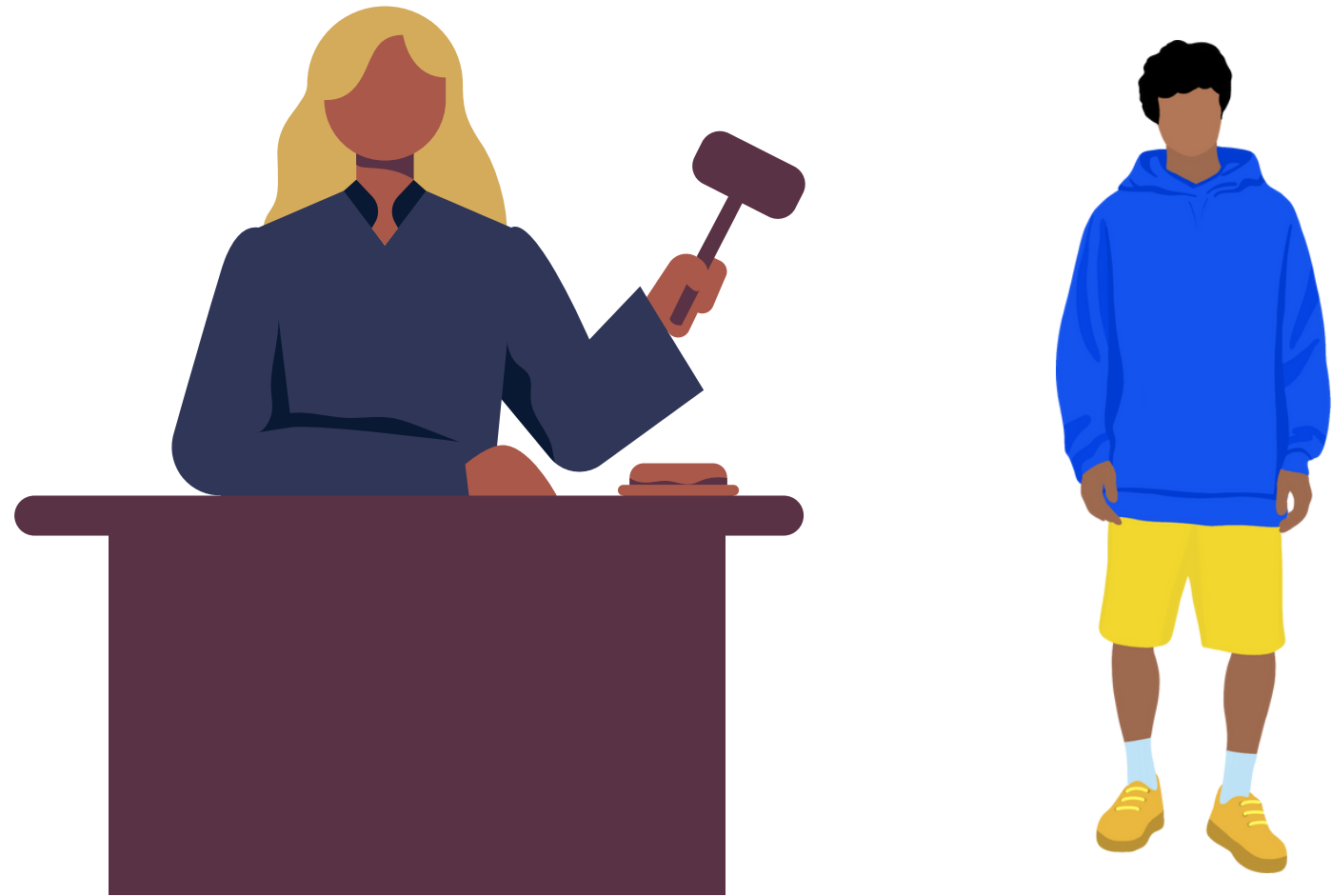
Trial is required to be held within **30 days** for detained youth, unless the State files a waiver petition.

CHARGED AS AN ADULT



The State has 15 days to indict him or hold a preliminary hearing in District Court. Once the case gets to Circuit court it must be completed within **180 days**.

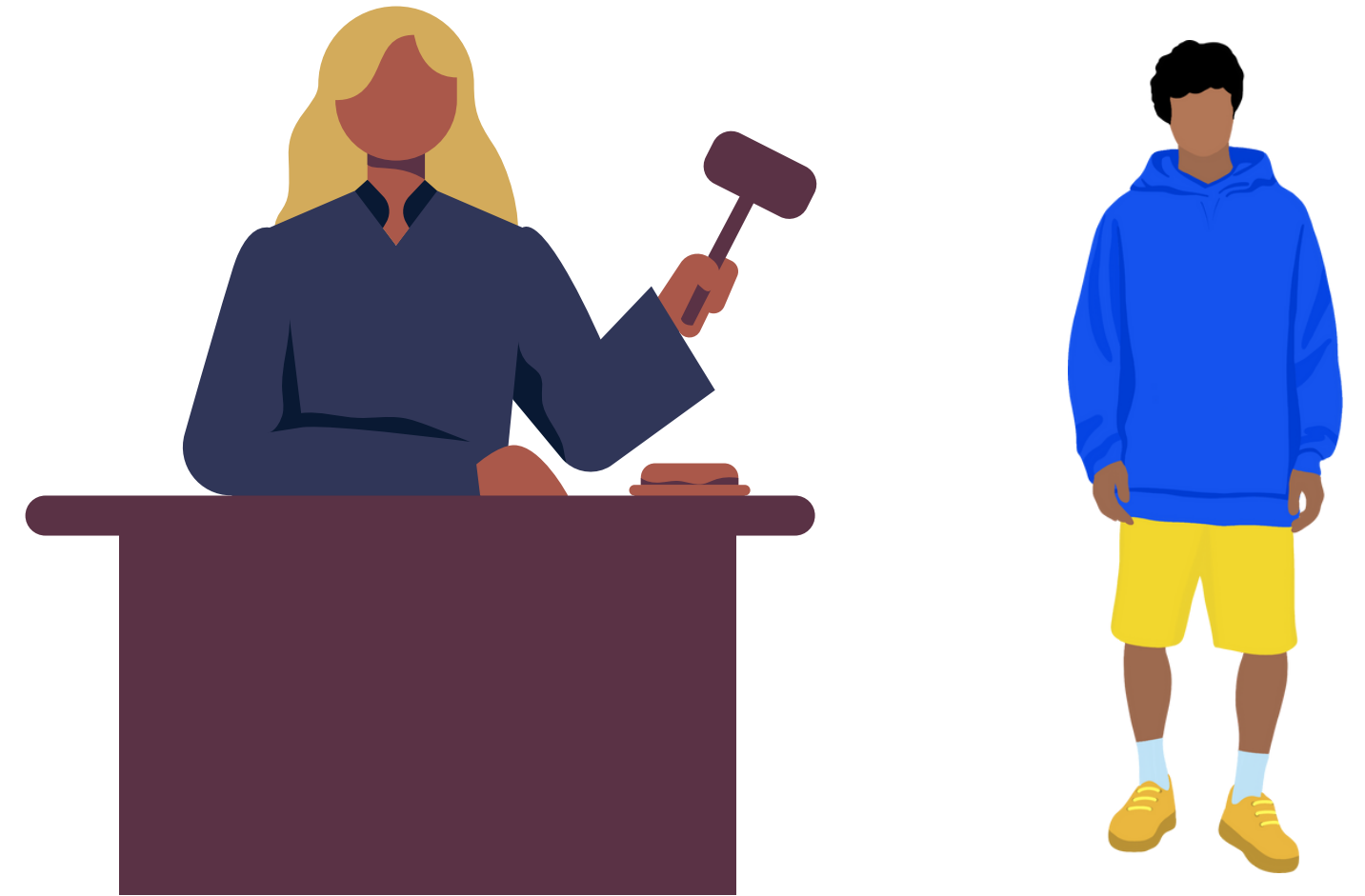
CHARGED AS A JUVENILE



Before his trial, the State can file a petition to waive jurisdiction and transfer his case to adult court.

The State must prove that it is "more likely than not" that the youth is unfit for juvenile rehabilitative measures.

CHARGED AS AN ADULT



Before his circuit court trial, his attorney can file a request to transfer his case to juvenile court.

The youth and his attorney must prove it is "more likely than not" that transfer to juvenile court is in the best interest of the child or society.

CHARGED AS A JUVENILE

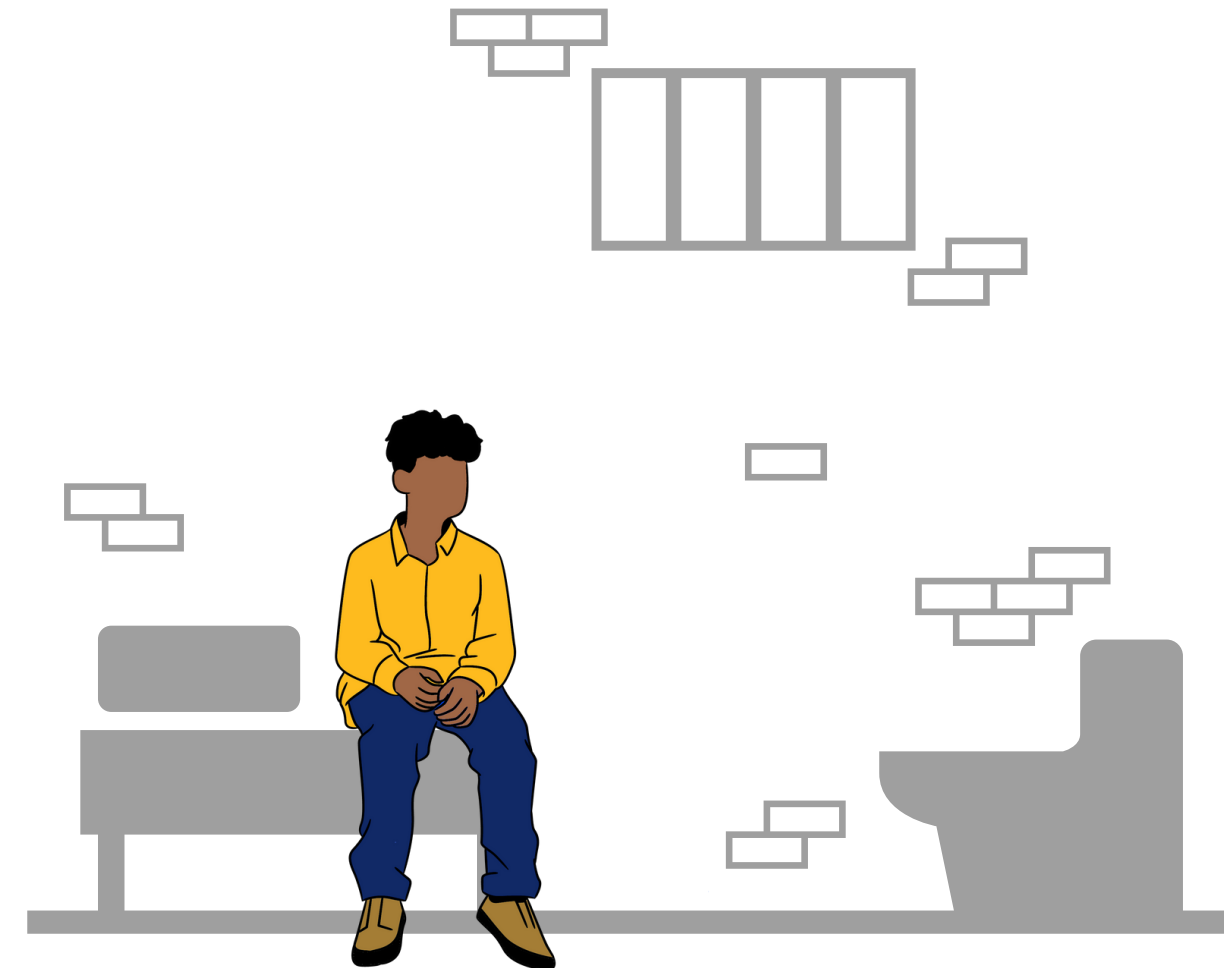


To prepare for the waiver hearing, DJS does full psychological, psychiatric, and psychosocial evaluations that take into account the youth's family and school life, mental health, etc.

DJS develops a treatment plan.

This typically takes 2-3 months, during which the youth is detained in juvenile detention **with access to full-time school and evidence-based rehabilitation programming.**

CHARGED AS AN ADULT



To prepare for the transfer hearing, DJS does full psychological, psychiatric, and psychosocial evaluations that take into account the youth's family and school life, mental health, etc.

DJS develops a treatment plan.

This typically takes 2-3 months, during which the youth may be moved to a juvenile facility or detained in adult jail. **Often, youth who remain in adult jail are kept in solitary confinement as a protective custody measure.**

They are not guaranteed school while in adult jail.

CHARGED AS A JUVENILE



The waiver hearing occurs.
His case stays in juvenile court.

CHARGED AS AN ADULT



The transfer hearing occurs.
His case stays in adult court.

At this time, cases can be transferred down into juvenile court or waived up into adult court.

Typically, a the waiver hearing for a youth charged as a juvenile happens **much quicker** than the transfer hearing for the youth charged as an adult.

CHARGED AS A JUVENILE

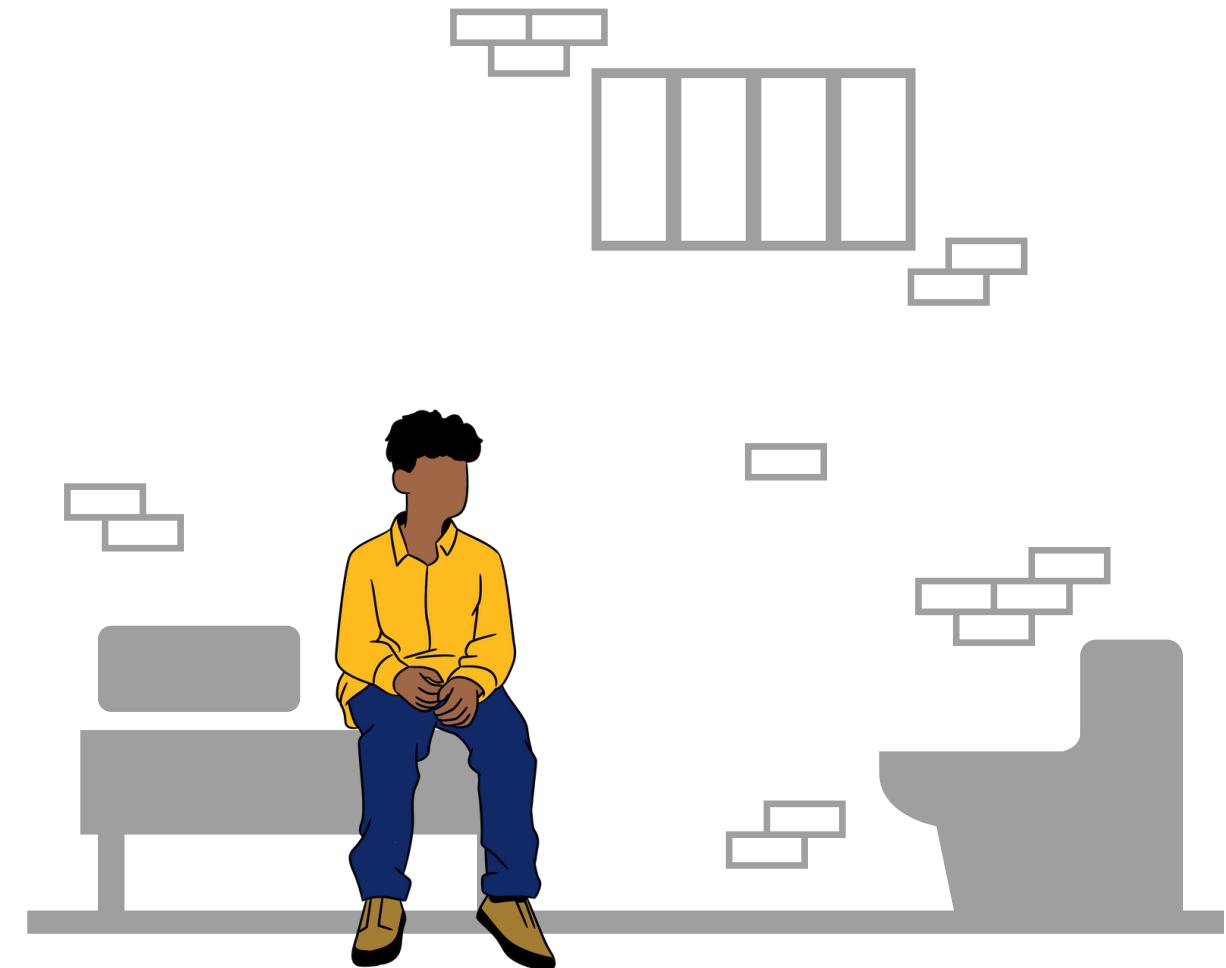


His trial is held in juvenile court.

The youth is detained in a **juvenile detention** facility while waiting for his trial before a Juvenile Court Judge or Magistrate.

His trial must be held within **30 days**.
That time can be extended for good cause.

CHARGED AS AN ADULT

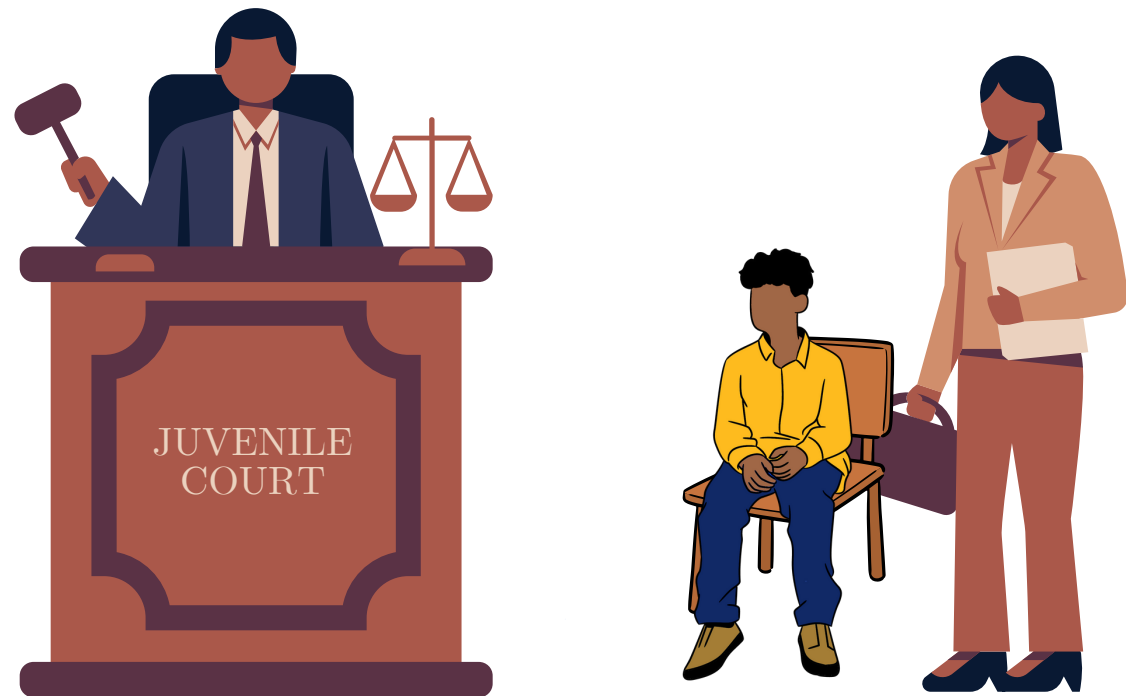


His trial is held in adult court.

The youth is detained in **adult jail or a DJS facility** while waiting for his jury trial.

His trial must be held within **180 days**.
That time can be waived or extended for good cause.

SENTENCED AS A JUVENILE



The youth goes to trial and is found guilty.

There may be delays between trial and sentencing, but **there are limits on how long those delays can be.**

After sentencing, he is released on probation or sent back to juvenile detention to wait for placement in a program, **with a review every 25 days to ensure he is properly placed.**

The court can specify the type of placement and specific rehabilitation services for the youth.

SENTENCED AS AN ADULT

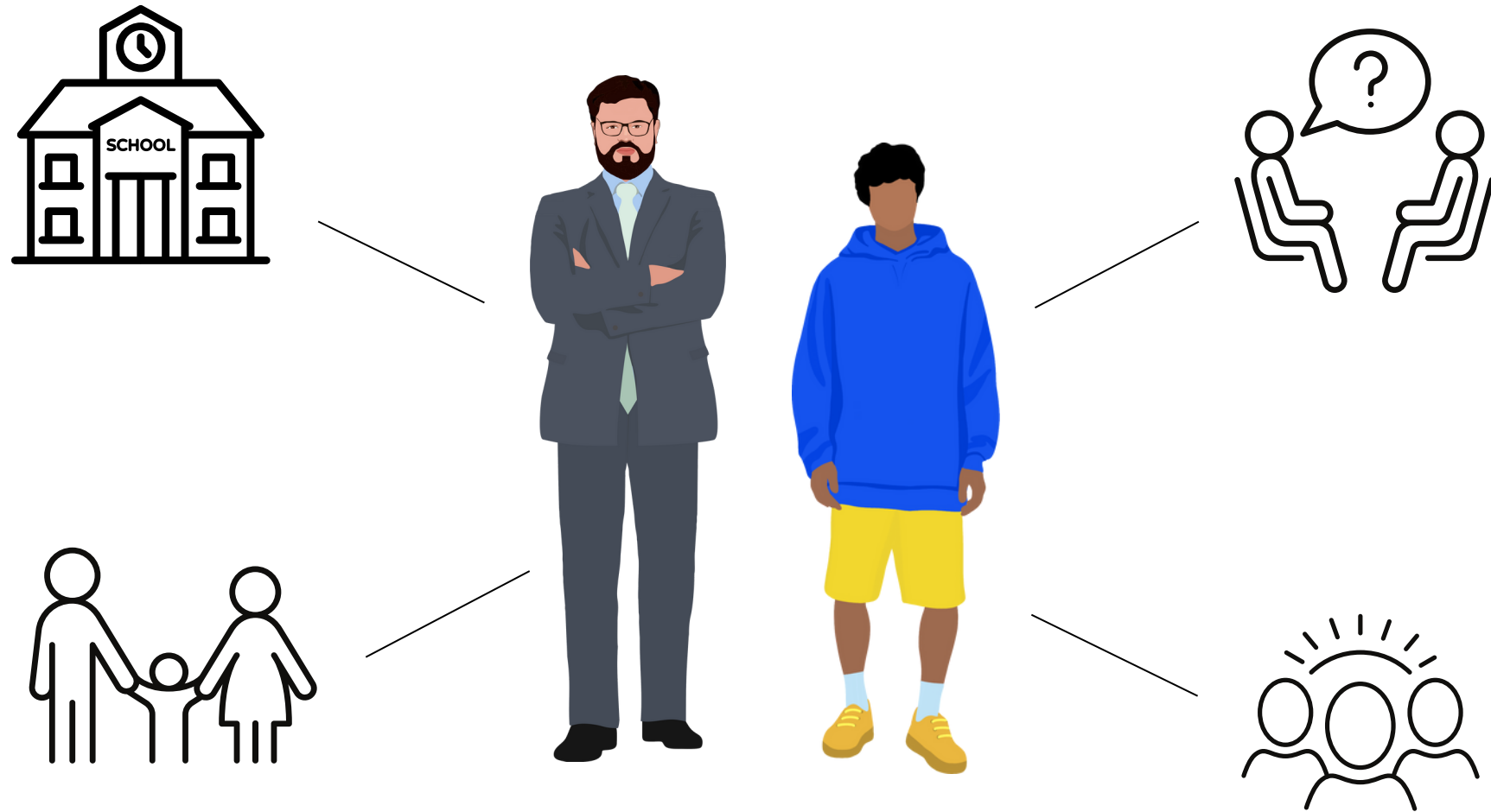


The youth goes to trial and is found guilty.

If there is a delay between his trial and sentencing, during which he is detained in adult jail.

At sentencing, the youth receives a prison sentence or probation.

SENTENCED AS A JUVENILE



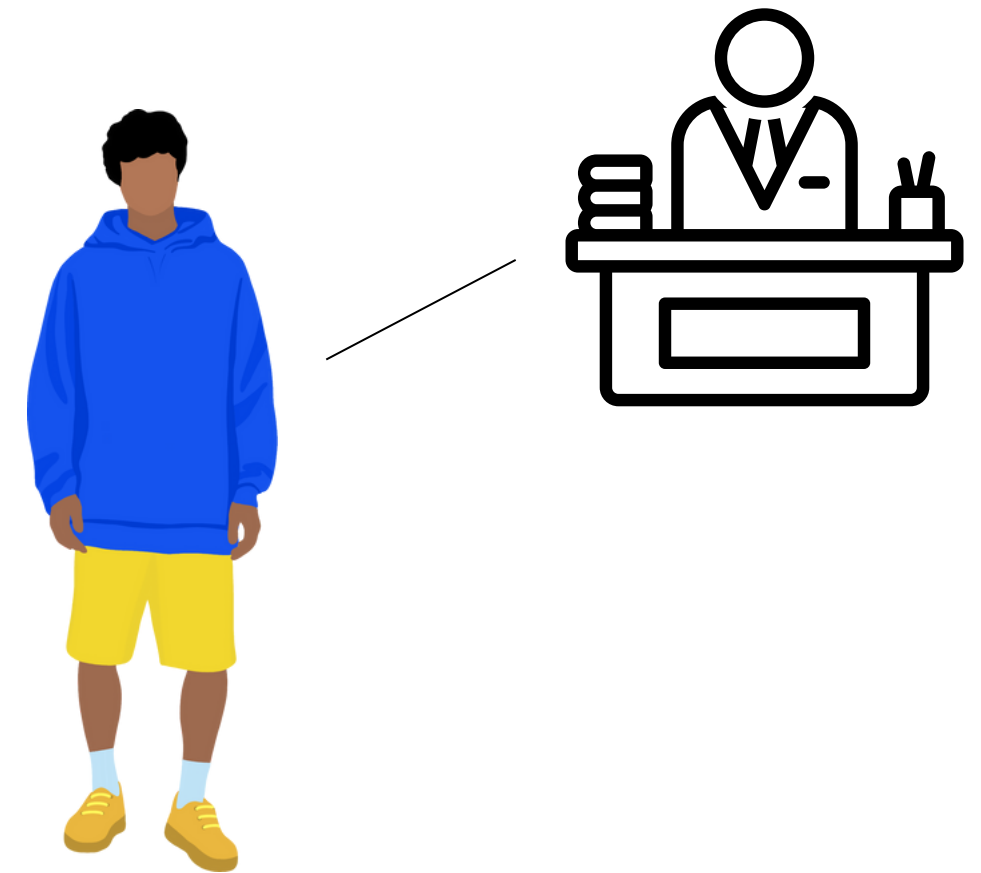
The youth is assigned a **case manager**.

His case manager is in contact with both his school and his family, **collaborating with his community to keep him on track with his accountability program.**

The case manager provides **referrals to evidence-based community programming, functional family therapy**, and other programs to provide him with **positive coping and social skills.**

OPTION #1: PROBATION

SENTENCED AS AN ADULT



The youth is assigned an **adult probation officer**.

Probation officers focus on the youth staying in compliance with probation terms.

Rehabilitative services and behavior modification programs are **not available** to youth on probation. He must secure his own treatment and transport himself to and from himself.

Parents cannot be ordered to help their children comply with the probation terms - **all responsibility is placed on the youth.**

SENTENCED AS A JUVENILE



The youth is placed at an **appropriate DJS facility**.

OPTION #2: SERVING TIME

SENTENCED AS AN ADULT



Youth is sent to **Department of Corrections' Diagnostic and Classification Center**.

From there he will either go to the DOC's Patuxent Youth Program or a different DOC facility to serve his sentence.

Very few youth are actually sent to Patuxent.

If the youth is not sent to Patuxent or is released from the program, he is sent to adult prison to serve his sentence.

SENTENCED AS A JUVENILE



OPTION #2: SERVING TIME

SENTENCED AS AN ADULT



In addition to **accountability programming**, all DJS placements have a **therapeutic programs, required education, and are specifically designed to rehabilitate children.**

All staff are trained in **trauma-informed care.**

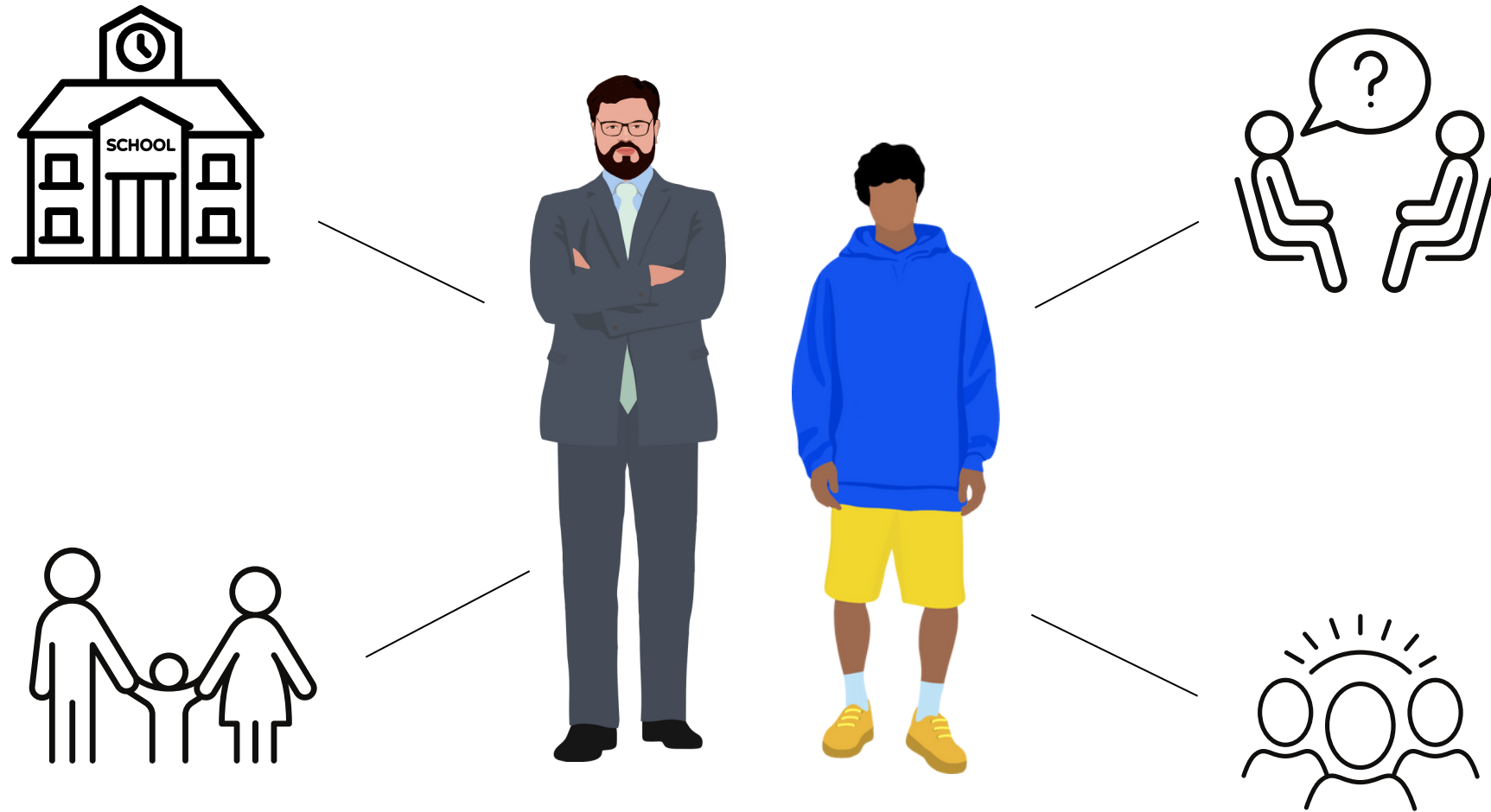
The youth will receive an **individualized treatment service plan, regular meetings, juvenile-specific services and modification programs, and family therapy.**

If the youth is one of the few juvenile offenders sent to the Patuxent Youth Program, **individual therapy is not available, but group therapy is provided.**

At this time, trauma-informed practices are **not** utilized at Patuxent.

There are only GED prep classes offered, not a high school diploma. At this time there are **no vocational programs.**

SENTENCED AS A JUVENILE



The youth completes his individualized rehabilitation program and is released.

He goes back to his family, group home, or foster home.

He is provided with wrap around services tailored to meet his needs and a DJS case manager to help utilize those services.

These can be provided until he turns 21.

There is a 17% chance he will be reincarcerated.

UPON RELEASE

SENTENCED AS AN ADULT



The youth is either released on parole or finishes his sentence.

If on parole, he may receive support from a halfway house.

If released without parole, no continuing services are provided. Supervision through parole and probation only occurs if the judge ordered it at sentencing.

There is a 44% chance he will be reincarcerated.

CHARGED AS A JUVENILE

CHARGED AS AN ADULT

Always detained in a juvenile facility with other youth

Always spends some time in adult detention facilities, and may spend all their time detained in adult facilities, unless allowed to go to a juvenile facility by a judge

Multiple time limits on trial delays, and reviews throughout the process to ensure their case is moving and they are placed in an appropriate DJS program

Longer processing time due to longer time limits and trial trial delays

Usually has access to education, trauma-informed programming, and therapy throughout detention

Only gains access to education and therapeutic programming after trial and sentencing

During probation/after release: provided with support to ensure access to education, family therapy, and other accountability programs in their community

During probation/after release: provided with little-to-no support and made solely responsible for their education, support, and care