

Juvenile Law

This page is to acquaint you with Maryland Juvenile Law procedure and to show you what you can expect. For information about how I can assist you navigate the Juvenile Legal system visit my [Ocean City Maryland Juvenile Attorney](#) page.

What Is The Purpose Of Juvenile Court?

- To conserve and strengthen the child's family bonds and separate a child from their family only when necessary for his or her own good or when necessary to protect of public safety.
- To provide for treatment, training, and rehabilitation consistent with the child's best interests
- To protect the public interest a safety from one
- To keep delinquent children the taint of criminality and the consequences of criminal behavior
- To provide for the care, protection, and for the mental and physical development of the children coming within the provisions of the law

How Does A Young Person Get Into The Juvenile System?

You will enter the Juvenile System in any of the following ways:

- Someone files a complaint about you with the Department of Juvenile Services
- A law enforcement authority files a report about you with the Department of Juvenile Services
- You are arrested

What Should I do If I'm Caught Doing Something Illegal?

Ask for an attorney and for your parents. You do not have to say anything to police authorities without an attorney or your parents present.

You have a constitution right to remain silent. Be respectful but, EXERCISE THAT RIGHT!

What Happens If I Am Arrested?

- **You have the same rights as adults – the right to remain silent and the right to an attorney. These are guarantees to you under the 5th and 6th Amendment to the United States Constitution**
- **Your parents or guardian are notified immediately**
- **The Juvenile Court or Juvenile Services then decides whether you are released to your parents or to a juvenile detention facility run by the Department of Juvenile Services**
- **If you are not released to your parents, you are usually sent to the detention facility**
- **A hearing is scheduled the following day to figure out if there is “probable cause” to believe that you committed the crime; if there is enough evidence to believe you may have committed the crime, you could be held until the trial (adjudicatory or merits hearing)**

Who Decides Whether I Will Be Released To My Parents Or Whether I Will Have To Stay In The Detention Facility?

A judge makes this decision. The judge listens to what law enforcement officers are recommending, and the judge also considers:

- **How serious was the crime?**
- **Was anyone hurt or injured**
- **Your past record; If any**
- **Whether you are a danger to anyone or yourself**
- **How cooperative you have been**
- **How hard it was to arrest you**
- **How cooperative have your parents been**
- **Whether your parents are willing to take you home**

What Happens If My Case Is A “Delinquency” Case?

Delinquency cases are also called criminal behavior, criminal wrongdoing, or law-breaking cases. The state’s attorney will get involved in your case.

- **First you will have an adjudicatory hearing (also called a merits hearing)**
- **After the adjudicatory hearing, you will have a disposition hearing. This is also known as a sentencing hearing. At the disposition hearing, the judge or master will decide if you are guilty.**
- **If you are found involved (guilty), the judge will decide whether you need supervision, treatment, or rehabilitation. The judge can also decide whether you should be committed to a juvenile detention facility or be placed on probation.**

Will I Be Treated As An Adult? Will Adult Rules & Punishments Be Used In My Case?

The answer is- it depends?

Usually your case will be heard in Circuit Court setting as a juvenile, unless you commit a very serious crime. If you have committed a serious crime, the regular Criminal Adult Court will hear your case and

determine whether you go to jail or what punishment you should receive.

Note: If your case falls into any of the following categories, it may be handled in adult criminal court:

1. If you are at least 16 years old at the time of the offense, and you are charged with any of the following offenses:
 - **First degree assault**
 - **Carjacking**
 - **Second degree murder (or attempt)**
 - **Robbery with a deadly weapon**
 - **Second degree rape or sex offense (or attempt)**
 - **Third degree sex offense**
 - **Robbery with a deadly weapon (or attempt)**
 - **Kidnapping**
2. If you are at least 14 years or older at the time of the offense, and you are charged with committing a crime punishable by death or life imprisonment:
 - **First degree murder or attempted first degree murder**
 - **First degree rape or attempted first degree rape**
 - **First degree sex offense or attempted first degree sex offense**
3. If you are at least 16 years or older and you are charged with possession, transportation, or use of a handgun (including any and all crimes arising out of the same incident.)
4. “Waiver”: You could also end up in adult criminal court by a process known as “waiver.” There are two types of waiver:
 - **Waiver Up: If you have reached the age of 15, the juvenile court may send the case to adult criminal court where adult criminal penalties apply.**
 - **Waiver Down (also known as reverse waiver): If you are automatically charged as an adult, you have the right to ask the adult court to send the case to juvenile court. If you are 16 or 17 years old and charged with murder, you are not eligible for waiver down.**

The judge considers the following factors when deciding whether to waive you up or down:

- **Your age**
- **Your mental/physical condition**
- **Whether you will agree to treatment**
- **The nature of the crime committed and how much you participated in it**
- **The public safety, whether you will be a danger to society**
- **Whether you are Amiable for treatment in the Juvenile System.**