
By: **Delegates Montague, Grosfeld, Gladden, Cole, Doory, Dobson, Menes,
Marriott, and Rawlings**

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Facilities Used for Detention - Accommodation of**
3 **Children Awaiting Placement After Disposition**

4 FOR the purpose of prohibiting a child from being accommodated in a facility used for
5 detention for more than a certain period of time after the court has made a
6 disposition on a certain petition; authorizing the court to order that a child be
7 accommodated in a facility used for detention for a specified period of time
8 under certain circumstances; requiring the Department of Juvenile Justice to
9 make a certain report; and generally relating to the accommodation of a child in
10 a facility used for detention after disposition.

11 BY repealing and reenacting, without amendments,
12 Article - Courts and Judicial Proceedings
13 Section 3-801(m)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 1999 Supplement)

16 BY adding to
17 Article - Courts and Judicial Proceedings
18 Section 3-815(j)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1999 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Courts and Judicial Proceedings
23 Section 3-820(c)
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 1999 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 3-801.

3 (m) "Detention" means the temporary care of children who, pending court
4 disposition, require secure custody for the protection of themselves or the community,
5 in physically restricting facilities.

6 3-815.

7 (J) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
8 CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR DETENTION FOR
9 MORE THAN 7 DAYS AFTER THE COURT MAKES A DISPOSITION ON A PETITION UNDER
10 § 3-820 OF THIS SUBTITLE.

11 (2) A COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A
12 FACILITY USED FOR DETENTION FOR A SPECIFIED PERIOD OF TIME NOT TO EXCEED
13 15 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT ACCOMMODATION
14 IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE PLACEMENT OF THE CHILD.
15 3-820.

16 (c) (1) In making a disposition on a petition, the court may:

17 (i) Place the child on probation or under supervision in his own
18 home or in the custody or under the guardianship of a relative or other fit person,
19 upon terms the court deems appropriate;

20 (ii) Subject to the provisions of paragraph (2) of this subsection,
21 commit the child to the custody or under the guardianship of the Department of
22 Juvenile Justice, a local department of social services, the Department of Health and
23 Mental Hygiene, or a public or licensed private agency on terms that the court
24 considers appropriate to meet the priorities set forth in § 3-802 of this subtitle,
25 including designation of the type of facility where the child is to be accommodated,
26 until custody or guardianship is terminated with approval of the court or as required
27 under § 3-825 of this subtitle; or

28 (iii) Order the child, parents, guardian, or custodian of the child to
29 participate in rehabilitative services that are in the best interest of the child and the
30 family.

31 (2) A child committed under paragraph (1)(ii) of this subsection may not:

32 (I) [be] BE accommodated in a facility that has reached budgeted
33 capacity if a bed is available in another comparable facility in the State, unless the
34 placement to the facility that has reached budgeted capacity has been recommended
35 by the Department of Juvenile Justice; OR

36 (II) EXCEPT AS PROVIDED IN § 3-815(J) OF THIS SUBTITLE, BE
37 ACCOMMODATED IN A FACILITY USED FOR DETENTION.

1 (3) The court shall consider any oral address made in accordance with
2 Article 27, § 780 of the Code or any victim impact statement, as described in Article
3 27, § 781 of the Code, in determining an appropriate disposition on a petition.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
5 Juvenile Justice shall report to the General Assembly on or before July 1, 2001, in
6 accordance with § 2-1246 of the State Government Article, on the implementation of
7 this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2000.