

SENATE BILL 659

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2001 Regular Session
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By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 22, 2001

CHAPTER 414

1 AN ACT concerning

2 **Juvenile Court - Montgomery County**

3 FOR the purpose of transferring jurisdiction over juvenile causes in Montgomery
4 County from the District Court to the circuit court on and after a certain date;
5 creating certain circuit court judgeships in Montgomery County; eliminating
6 certain District Court judgeships in Montgomery County; providing for the
7 transfer of certain personnel; making certain conforming changes; providing for
8 the application and effect of this Act; providing for a delayed effective date ~~for~~
9 ~~certain provisions of this Act~~; and generally relating to the transfer of
10 jurisdiction over juvenile causes in Montgomery County from the District Court
11 to the circuit court.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 1-503(a)(15), 1-603(b)(6), 3-801(i), 3-803(a), 12-403(a), and 12-701(b)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2000 Supplement)

17 BY repealing
18 Article - Courts and Judicial Proceedings
19 Section 1-604, 3-832, and 4-403
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Family Law

1 Section 5-701(f)
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2000 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Health - General
6 Section 10-923(a)(7)
7 Annotated Code of Maryland
8 (2000 Replacement Volume)

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

11 **Article - Courts and Judicial Proceedings**

12 1-503.

13 (a) In each county in the first seven judicial circuits there shall be the number
14 of resident judges of the circuit court set forth below, including the judge or judges
15 provided for by the Constitution:

16 (15) Montgomery..... [17] ~~24~~ 20

17 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
18 ~~read as follows:~~

19 ~~**Article - Courts and Judicial Proceedings**~~

20 1-603.

21 (b) In each of the districts provided for in § 1-602 of this subtitle, there shall
22 be the following number of associate judges of the District Court:

23 (6) District 6 - [13] 11

24 [1-604.

25 Three of the judges in District 6 shall have as their primary duty and, if made
26 necessary by the case load their exclusive duty, the handling of juvenile causes.]

27 3-801.

28 (i) "Court" means the circuit court of a county [or Baltimore City] sitting as
29 the juvenile court. [In Montgomery County, it means the District Court sitting as the
30 juvenile court and following the applicable rules of the circuit court.]

1 3-803.

2 (a) In Baltimore City, Prince George's County and in any county in which the
3 case load requires it, one or more judges shall be assigned specially to handle cases
4 arising under this subtitle. The assignment shall be made by the administrative judge
5 of the circuit, subject to the approval of the Chief Judge of the Court of Appeals[,
6 except that in Montgomery County, the assignment shall be made by the Chief Judge
7 of the District Court, subject to the approval of the Chief Judge of the Court of
8 Appeals]. The judges so assigned are not subject to an automatic regular rotation.

9 [3-832.

10 For purposes of Title 12 of this article, an action, decision, order, or judgment of
11 the District Court in Montgomery County sitting as the juvenile court shall be treated
12 in the same manner as if it had been made, done, or entered by a circuit court.]

13 [4-403.

14 In Montgomery County only, the District Court has jurisdiction in juvenile
15 causes as provided in Title 3, Subtitle 8 of this article.]

16 12-403.

17 (a) An appeal from the District Court sitting in one of the counties shall be
18 taken to the circuit court of the county in which judgment was entered. [In
19 Montgomery County, an appeal from the District Court sitting as a juvenile court
20 shall be as provided for in § 3-832 of this article.]

21 12-701.

22 (b) An appeal from [the] A judgment of a juvenile court[, including the
23 District Court, in the exercise of its juvenile jurisdiction in Montgomery County, and]
24 with respect to a child[, does not stay] NEITHER STAYS the [final] judgment
25 [appealed from,] nor [does it discharge] DISCHARGES the child from THE custody of
26 a person, institution, or agency to whose care the JUVENILE COURT HAS COMMITTED
27 THE child [was committed by the court]. The appellate court may authorize a stay, on
28 application and hearing, if it finds that suitable provision is made for the care and
29 custody of the child.

30

Article - Family Law

31 5-701.

32 (f) "Court" means[:

33 (1)] the circuit court for a county sitting as a juvenile court[: or

34 (2) in Montgomery County, the District Court sitting as a juvenile
35 court].

Article - Health - General

10-923.

(a) Application for placement of a child or adolescent in a private therapeutic group home may be made under this section by:

(7) The circuit court of a county[, Baltimore City] sitting as the juvenile court[, and in Montgomery County, the District Court sitting as juvenile court].

~~SECTION 3-~~ 2. AND BE IT FURTHER ENACTED, That this Act does not affect any action, decision, order, or judgment of the District Court in Montgomery County sitting as the juvenile court made prior to March 1, 2002, with respect to a proceeding transferred to the jurisdiction of the Circuit Court for Montgomery County on that date, and such action, decision, order, or judgment shall continue in effect and shall be treated in the same manner as if it had been made, done, or entered by a circuit court.

~~SECTION 4-~~ 3. AND BE IT FURTHER ENACTED, That this Act does not affect any juvenile causes pending in the District Court in Montgomery County at the end of February 28, 2002, other than in transfer of the causes to the Circuit Court for Montgomery County as provided in this Act, and such juvenile causes shall continue in effect and shall be treated in the manner provided for treatment of juvenile causes.

~~SECTION 5-~~ 4. AND BE IT FURTHER ENACTED, That this Act does not affect, and may not be construed as affecting, the instituting of any proceeding in the Circuit Court for Montgomery County on or after March 1, 2002, in accordance with this Act, based wholly or partly on acts occurring before that date and, in no way, does the repeal or amendment of any provision by this Act have the effect of releasing, extinguishing, or changing wholly or partly any penalty, forfeiture, order or judgment for restitution, order for commitment, or other action by the juvenile court in any county or Baltimore City.

~~SECTION 6-~~ 5. AND BE IT FURTHER ENACTED, That this Act may not be construed in any manner to constrain the power of the Chief Judge of the Court of Appeals to cross designate a judge of the District Court to a circuit court or the power of a circuit or county administrative judge to assign such cross-designated judge to sit in the juvenile court or to prevent a District Court judge from applying for a circuit court judgeship.

~~SECTION 7-~~ 6. AND BE IT FURTHER ENACTED, That personnel other than judges who are employed by the District Court and who are assigned to the juvenile court in Montgomery County shall be transferred to the office of the Clerk of the Circuit Court for Montgomery County without any loss of compensation or benefits solely as a result of the transfer, and the Clerk of the Circuit Court, the Administrative Office of the Courts, and the Chief Judge of the District Court shall cooperate to accomplish this transfer.

SECTION 7. AND BE IT FURTHER ENACTED, That the amendment to § 1-603(b)(6) of the Courts Article as enacted by Section 1 of this Act may not be construed to limit or otherwise affect the terms or appointments of the judges of the

1 District Court of Maryland in District 6 who are in office on the effective date of this
2 Act.

3 SECTION 8. AND BE IT FURTHER ENACTED, That the reduction in the
4 authorized number of associate judges in District 6 shall be implemented as follows:

5 (1) If two or fewer vacancies exist in the office of an associate judge of the
6 District Court in District 6 on March 1, 2002, those vacancies may not be filled and
7 those offices shall be terminated; and

8 (2) If no vacancy exists in the office of an associate judge of the District
9 Court in District 6 on March 1, 2002, the 13 associate judges may continue to serve,
10 and when the first and second vacancies occur, those vacancies may not be filled and
11 those offices shall be terminated.

12 ~~SECTION 8. 9.~~ AND BE IT FURTHER ENACTED, That Sections 2 through 7 of
13 this Act shall take effect March 1, 2002.

14 ~~SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in~~
15 ~~Section 8 of this Act, this Act shall take effect July 1, 2001.~~