

Article - Courts and Judicial Proceedings

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§3–801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Abuse” means:

(1) Sexual abuse of a child, whether a physical injury is sustained or not;

or

(2) Physical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or is at substantial risk of being harmed by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member.

(c) “Adjudicatory hearing” means a hearing under this subtitle to determine whether the allegations in the petition, other than the allegation that the child requires the court’s intervention, are true.

(d) “Adult” means an individual who is at least 18 years old.

(e) “Child” means an individual under the age of 18 years.

(f) “Child in need of assistance” means a child who requires court intervention because:

(1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and

(2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.

(g) “CINA” means a child in need of assistance.

(h) “Commit” means to transfer custody.

(i) “Court” means the circuit court for a county sitting as the juvenile court.

(j) “Custodian” means a person or governmental agency to whom custody of a child has been given by order of court, including a court other than the juvenile court.

(k) “Custody” means the right and obligation, unless otherwise determined by the court, to provide ordinary care for a child and determine placement.

(l) “Developmental disability” means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is likely to continue indefinitely;

(3) Results in an inability to live independently without external support or continuing and regular assistance; and

(4) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

(m) “Disposition hearing” means a hearing under this subtitle to determine:

(1) Whether a child is in need of assistance; and

(2) If so, the nature of the court’s intervention to protect the child’s health, safety, and well-being.

(n) “Guardian” means a person to whom guardianship of a child has been given by order of court, including a court other than the juvenile court.

(o) “Guardianship” means an award by a court, including a court other than the juvenile court, of the authority to make ordinary and emergency decisions as to the child’s care, welfare, education, physical and mental health, and the right to pursue support.

(p) “Local department” means:

(1) The local department of social services for the county in which the court is located; or

(2) In Montgomery County, the county department of health and human services.

(q) (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric or neurological disorder.

(2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

(3) “Mental disorder” does not include mental retardation.

(r) “Mental injury” means the observable, identifiable, and substantial

impairment of a child’s mental or psychological ability to function.

(s) “Neglect” means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) That the child’s health or welfare is harmed or placed at substantial risk of harm; or

(2) That the child has suffered mental injury or been placed at substantial risk of mental injury.

(t) “Parent” means a natural or adoptive parent whose parental rights have not been terminated.

(u) (1) “Party” means:

(i) A child who is the subject of a petition;

(ii) The child’s parent, guardian, or custodian;

(iii) The petitioner; or

(iv) An adult who is charged under § 3–828 of this subtitle.

(2) “Party” does not include a foster parent.

(v) “Reasonable efforts” means efforts that are reasonably likely to achieve the objectives set forth in § 3–816.1(b)(1) and (2) of this subtitle.

(w) “Relative” means an individual who is:

(1) Related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law; and

(2) (i) At least 21 years old; or

(ii) 1. At least 18 years old; and

2. Lives with a spouse who is at least 21 years old.

(x) (1) “Sexual abuse” means an act that involves sexual molestation or sexual exploitation of a child by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member.

(2) “Sexual abuse” includes:

(i) Allowing or encouraging a child to engage in:

1. Obscene photography, films, poses, or similar activity;
2. Pornographic photography, films, poses, or similar activity;

or

3. Prostitution;

(ii) Human trafficking;

(iii) Incest;

(iv) Rape;

(v) Sexual offense in any degree;

(vi) Sodomy; and

(vii) Unnatural or perverted sexual practices.

(y) “Shelter care” means a temporary placement of a child outside of the home at any time before disposition.

(z) “Shelter care hearing” means a hearing held before disposition to determine whether the temporary placement of the child outside of the home is warranted.

(aa) “TPR proceeding” means a proceeding to terminate parental rights.

(bb) “Voluntary placement” means a placement in accordance with § 5–525(b)(1)(i) or (iii) or (3) of the Family Law Article.

(cc) “Voluntary placement hearing” means a hearing to obtain a judicial determination as to whether continuing a voluntary placement is in the best interests of the child.

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