

## Article - Courts and Judicial Proceedings

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§3-8A-01.

(a) In this subtitle the following words have the meanings indicated, unless the context of their use indicates otherwise.

(b) “Adjudicatory hearing” means a hearing under this subtitle to determine whether the allegations in the petition, other than allegations that the child requires treatment, guidance, or rehabilitation, are true.

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

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

(e) “Child in need of supervision” is a child who requires guidance, treatment, or rehabilitation and:

(1) Is required by law to attend school and is habitually truant;

(2) Is habitually disobedient, ungovernable, and beyond the control of the person having custody of him;

(3) Deports himself so as to injure or endanger himself or others; or

(4) Has committed an offense applicable only to children.

(f) “Citation” means the written form issued by a police officer which serves as the initial pleading against a child for a violation and which is adequate process to give the court jurisdiction over the person cited.

(g) “Commit” means to transfer legal custody.

(h) (1) “Community detention” means a program monitored by the Department of Juvenile Services in which a delinquent child or a child alleged to be delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention.

(2) “Community detention” includes electronic monitoring.

(i) “Competency hearing” means a hearing under this subtitle to determine whether a child alleged to be delinquent is mentally competent to participate in a waiver hearing under § 3-8A-06 of this subtitle, an adjudicatory hearing under § 3-8A-18 of this subtitle, a disposition hearing under § 3-8A-19 of this subtitle, or a violation of probation hearing.

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

(k) “Custodian” means a person or agency to whom legal custody of a child has been given by order of the court, other than the child’s parent or legal guardian.

(l) “Delinquent act” means an act which would be a crime if committed by an adult.

(m) “Delinquent child” is a child who has committed a delinquent act and requires guidance, treatment, or rehabilitation.

(n) “Detention” means the temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community, in physically restricting facilities.

(o) “Developmental disability” means a severe chronic disability of a child 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 child.

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

(1) Whether a child needs or requires guidance, treatment, or rehabilitation; and, if so

(2) The nature of the guidance, treatment, or rehabilitation.

(q) “Incompetent to proceed” means that a child is not able to:

(1) Understand the nature or object of the proceeding; or

(2) Assist in the child’s defense.

(r) “Intake officer” means the person assigned to the court by the Department of Juvenile Services to provide the intake services set forth in this subtitle.

(s) (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 a child as to make care or treatment necessary or advisable for the welfare of the child or for the safety of the child or

property of another.

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

(t) “Mental retardation” means a developmental disability that is evidenced by intellectual functioning that is significantly below average and impairment in the adaptive behavior of a child.

(u) “Mentally handicapped child” means a child who is or may be mentally retarded or mentally ill.

(v) “Party” includes a child who is the subject of a petition or a peace order request, the child’s parent, guardian, or custodian, the petitioner and an adult who is charged under § 3–8A–30 of this subtitle.

(w) “Peace order proceeding” means a proceeding under § 3–8A–19.2 or § 3–8A–19.4 of this subtitle.

(x) “Peace order request” means the initial pleading filed with the court under § 3–8A–19.1 of this subtitle.

(y) “Petition” means the pleading filed with the court under § 3–8A–13 of this subtitle alleging that a child is a delinquent child or a child in need of supervision or that an adult violated § 3–8A–30 of this subtitle.

(z) “Qualified expert” means a licensed psychologist or licensed psychiatrist who:

(1) Has expertise in child development, with training in the forensic evaluation of children, as approved by the Secretary of Health and Mental Hygiene;

(2) Is familiar with the competency standards contained in this subtitle;  
and

(3) Is familiar with the treatment, training, and restoration programs for children that are available in this State.

(aa) “Respondent” means the individual against whom a petition or a peace order request is filed.

(bb) (1) “Shelter care” means the temporary care of children in physically unrestricting facilities.

(2) “Shelter care” does not mean care in a State mental health facility.

(cc) (1) “Victim” means:

(i) A person who suffers direct or threatened physical, emotional, or financial harm as a result of a delinquent act; or

(ii) An individual against whom an act specified in § 3–8A–19.1(b) of this subtitle is committed or alleged to have been committed.

(2) “Victim” includes a family member of a minor, disabled, or a deceased victim.

(3) “Victim” includes, if the victim is not an individual, the victim’s agent or designee.

(dd) “Violation” means a violation for which a citation is issued under:

(1) § 5–601 of the Criminal Law Article involving the use or possession of less than 10 grams of marijuana;

(2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(3) § 10–108 of the Criminal Law Article;

(4) § 10–132 of the Criminal Law Article;

(5) § 10–136 of the Criminal Law Article; or

(6) § 26–103 of the Education Article.

(ee) “Witness” means any person who is or expects to be a State’s witness.

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