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**By: Delegate Fulton**

Requested: July 11, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Detention Prior to Hearing**

3 FOR the purpose of requiring that a child who has been taken into custody be placed in  
4 detention prior to a hearing under certain circumstances; requiring that detention  
5 be continued beyond emergency detention if a court has found that certain  
6 circumstances exist and certain hearings have not been held; and generally relating  
7 to the detention of a child prior to certain hearings.

8 BY repealing and reenacting, without amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 3-815(a) and (d)  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Courts and Judicial Proceedings  
15 Section 3-815(b) and (e)  
16 Annotated Code of Maryland  
17 (1995 Replacement Volume and 1995 Supplement)

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

20 **Article - Courts and Judicial Proceedings**

21 3-815.

22 (a) Only the court or an intake officer may authorize detention or shelter care for  
23 a child who may be in need of supervision or delinquent. The local department, pursuant  
24 to regulations promulgated by the Department of Human Resources, may authorize  
25 shelter care for a child who may be in need of assistance.

26 (b) (1) IF A CHILD IS TAKEN INTO CUSTODY, THE CHILD SHALL BE PLACED  
27 IN DETENTION UNTIL A HEARING IS HELD IF:

28 (I) THE CHILD IS AWAITING COURT ACTION ON A DELINQUENCY  
29 CHARGE THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT; AND

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1 (II) THE CHILD PREVIOUSLY HAS FAILED TO APPEAR FOR A  
2 COURT PROCEEDING RELATING TO THE OTHER DELINQUENCY CHARGE.

3 (2) If a child is taken into custody, the child may be placed in detention prior to  
4 a hearing if:

5 [(1)] (I) Such action is required to protect the child or person and property  
6 of others;

7 [(2)] (II) The child is likely to leave the jurisdiction of the court; or

8 [(3)] (III) There are no parents, guardian, or custodian or other person able  
9 to provide supervision and care for the child and return the child to the court when  
10 required.

11 (d) (1) If the child is not released, the intake officer or the official who  
12 authorized detention or shelter care shall immediately file a petition to authorize  
13 continued detention or shelter care.

14 (2) A hearing on the petition shall be held not later than the next court day,  
15 unless extended by the court upon good cause shown.

16 (3) Reasonable notice, oral or written, stating the time, place, and purpose  
17 of the hearing, shall be given to the child and, if they can be found, the child's parents,  
18 guardian, or custodian.

19 (4) Except as provided in paragraph (5) of this subsection, shelter care may  
20 not be ordered for a period of more than 30 days unless an adjudicatory or waiver hearing  
21 is held.

22 (5) For a child in need of assistance, shelter care may be extended for an  
23 additional period of not more than 30 days if the court finds after a hearing held as part  
24 of the adjudication that continued shelter care is necessary to provide for the safety of the  
25 child.

26 (6) For a child in need of supervision or a delinquent child, shelter care may  
27 be extended for an additional period of not more than 30 days if the court finds after a  
28 hearing held as part of the adjudication that continued shelter care is consistent with the  
29 circumstances stated in subsections (b) and (c) of this section.

30 (7) (i) An adjudicatory or waiver hearing shall be held no later than 30  
31 days after the date a petition for detention is granted.

32 (ii) If a child is detained after an adjudicatory hearing, a disposition  
33 hearing shall be held no later than 14 days after the adjudicatory hearing.

34 (iii) Detention time may be extended in increments of not more than 14  
35 days where the petition charges the child with a delinquent act and where the court finds,  
36 after a subsequent hearing, that extended detention is necessary either:

37 1. For the protection of the child; or

38 2. For the protection of the community.

1 (e) (1) [Detention] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
2 SUBSECTION, DETENTION may not be continued beyond emergency detention unless,  
3 upon an order of court after a hearing, the court has found that one or more of the  
4 circumstances stated in subsection [(b)] (B)(2) of this section exist.

5 (2) IF AT THE TIME OF THE EMERGENCY DETENTION HEARING AN  
6 ADJUDICATORY OR A DISPOSITION HEARING HAS NOT YET BEEN HELD AND A  
7 COURT HAS FOUND THAT THE CIRCUMSTANCES STATED IN SUBSECTION (B)(1) OF  
8 THIS SECTION EXIST, DETENTION SHALL BE CONTINUED BEYOND EMERGENCY  
9 DETENTION UNTIL AN ADJUDICATORY OR DISPOSITION HEARING IS HELD.

10 [(2)] (3) A court order under this paragraph shall contain a written  
11 determination of whether or not the criteria contained in subsection (c)(1) and (2) of this  
12 section have been met.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 1996.