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By: Delegate Menes
Introduced and read first time: January 24, 1996
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Children in Need of Supervision - Detention**

3 FOR the purpose of allowing a juvenile court or an intake officer to authorize detention
4   for a child in need of supervision under certain circumstances; providing that a child
5   in need of supervision may not be detained in certain facilities; and generally
6   relating to the detention of a child in need of supervision.

7 BY repealing and reenacting, with amendments,
8   Article - Courts and Judicial Proceedings
9   Section 3-815(a), (g), and (h)(1)
10   Annotated Code of Maryland
11   (1995 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, without amendments,
13   Article - Courts and Judicial Proceedings
14   Section 3-815(b) and (c)
15   Annotated Code of Maryland
16   (1995 Replacement Volume and 1995 Supplement)

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

19   **Article - Courts and Judicial Proceedings**

20 3-815.

21   (a) Only the court or an intake officer may authorize detention or shelter care for
22 a child who may be [in need of supervision or] delinquent OR FOR A CHILD WHO MAY
23 BE IN NEED OF SUPERVISION. The local department, pursuant to regulations
24 promulgated by the Department of Human Resources, may authorize sheltercare for a
25 child who may be in need of assistance.

26   (b) If a child is taken into custody, the child may be placed in detention prior to
27 a hearing if:

28   (1) Such action is required to protect the child or person and property of
29 others;

1   (2) The child is likely to leave the jurisdiction of the court;or

2   (3) There are no parents, guardian, or custodian or other person able to
3 provide supervision and care for the child and return the child to the court when
4 required.

5   (c) A child taken into custody may be placed in emergency shelter care prior to a
6 hearing if:

7   (1) One or more of the circumstances stated in subsection (b) of this section
8 exist; and

9   (2) (i) 1. Continuation of the child in the child's home is contrary to
10 the welfare of the child; and

11   2. Removal of the child from the child's home is reasonable
12 under the circumstances due to an alleged emergency situation and in order to provide
13 for the safety of the child; or

14   (ii) 1. Reasonable, but unsuccessful, efforts have been made to
15 prevent or eliminate the need for removal from the child's home; and

16   2. As appropriate, reasonable efforts are being made to return
17 the child to the child's home.

18   (g) A child alleged to be delinquent OR A CHILD ALLEGED TO BE IN NEED OF
19 SUPERVISION may not be detained in a jail or other facility for the detention of adults.

20   (h) (1) (i) A child alleged to be [in need of supervision or] in need of
21 assistance may not be placed in detention and may not be placed in a State mental health
22 facility.

23   (II) 1. A CHILD ALLEGED TO BE IN NEED OF SUPERVISION MAY BE
24 PLACED IN DETENTION IF ONE OR MORE OF THE CIRCUMSTANCES STATED IN
25 SUBSECTION (B) OF THIS SECTION EXIST.

26   2. A CHILD ALLEGED TO BE IN NEED OF SUPERVISION MAY
27 NOT BE PLACED IN A STATE MENTAL HEALTH FACILITY.

28   [(ii)] (III) If the child is alleged to be in need of assistance by reason of
29 a mental handicap, the child may be placed in shelter care facilities maintained or
30 licensed by the Department of Health and Mental Hygiene or if these facilities are not
31 available, then in a private home or shelter care facility approved by the court.

32   [(iii)] (IV) If the child is alleged to be in need of assistance for any other
33 reason, or in need of supervision, he may be placed in shelter care facilities maintained or
34 approved by the Social Services Administration, or the Department of Juvenile Justice, or
35 in a private home or shelter care facility approved by the court.

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