
By: Delegate Montague

Introduced and read first time: February 23, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Child in Need of Assistance - Proceedings**

3 FOR the purpose of revising the law concerning the adjudication of a child alleged to be
4 in need of assistance; specifying the parties to proceedings under this Act; granting
5 to the Juvenile Court in each county original exclusive jurisdiction over proceedings
6 concerning the emancipation of a certain child, proceedings under the Maryland
7 Uniform Custody Jurisdiction Act, and certain proceedings related to the
8 termination of parental rights and related adoptions; establishing the conditions
9 under which certain persons may testify before the Court; altering the procedures
10 for filing, authorizing, and denying a petition in a child in need of assistance case;
11 establishing procedures for amending the petition; altering the procedures for
12 transferring a proceeding in a child in need of assistance case; authorizing the Court
13 to make a certain determination under certain circumstances; prohibiting, except in
14 a certain county, a case under the jurisdiction of the juvenile court from being
15 appealed or tried de novo in the circuit court; prohibiting a judge from presiding
16 over certain proceedings; requiring a local department of social services to notify
17 the physical custodian of a child of certain information on the filing of a petition in
18 a child in need of assistance case; authorizing the Court to continue an adjudication
19 hearing or initial disposition hearing under certain circumstances; requiring that an
20 initial disposition hearing shall be completed within a certain period of time;
21 requiring the Court to hold a certain hearing on request and within a certain period
22 of time; establishing procedures for the withdrawal of a petition in a child in need of
23 assistance case; altering the procedures concerning the hearings and disposition on
24 a petition for shelter care; authorizing the Court to order certain services prior to
25 the disposition on a petition for shelter care; authorizing a child to file an action to
26 be emancipated prior to reaching a certain age; requiring the Court to hold a
27 hearing, make a certain finding, and consider certain factors before entering a
28 judgment of emancipation; establishing the effect of a judgment of emancipation;
29 altering the circumstances under which an examination of a child who is the subject
30 of a petition in a child in need of assistance case shall be conducted; specifying the
31 availability and confidentiality of certain information; altering the admissibility of a
32 report of an examination as evidence; authorizing a party to subpoena the
33 examining professional to testify on the report at certain hearings; requiring the
34 Court to hold an adjudication hearing in a child in need of assistance case; requiring
35 the Court to make certain determinations in an adjudication hearing; providing for
36 the presentation of certain evidence in an adjudication hearing; requiring the Court

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1 to hold a separate disposition hearing in a child in need of assistance case under
 2 certain circumstances; requiring the Court to consider certain factors, make certain
 3 determinations, and issue a certain order in a disposition hearing; authorizing the
 4 Court to take certain actions in a disposition hearing; requiring the Court to hold a
 5 hearing at certain times to review the case of a child who is committed under this
 6 Act; authorizing the Court to schedule a review hearing within a certain period of
 7 time after a request of a party; requiring the Court to hold a review hearing on an
 8 allegation of emergency conditions within a certain period of time; requiring the
 9 Court to review certain information, make certain determinations, and take certain
 10 actions in a review hearing; prohibiting the Court from taking certain actions in a
 11 review hearing; establishing standards and procedures for admitting a child who has
 12 been adjudicated in need of assistance or whose parents' parental rights have been
 13 terminated to a facility for inpatient mental health evaluation and treatment;
 14 authorizing the Court to order a party to pay for a certain examination or treatment;
 15 requiring the Court to consider certain factors in determining who shall be
 16 responsible for payment; requiring the Court to consider the support of a child on
 17 commitment of a child to an agency or individual; requiring any order for support to
 18 be entered separately from any other order made in a CINA proceeding;
 19 authorizing the Court to take certain actions in ordering support under this Act;
 20 requiring the Court to use the child support guidelines in determining support
 21 under this Act; prohibiting support from being ordered for a child who has reached
 22 a certain age; specifying the manners in which support ordered under this Act may
 23 be paid; establishing the standard of proof to be used by the Court for all findings
 24 and determinations under this Act; requiring the Court to inquire into and make
 25 certain findings of fact on the record regarding the identity and address of each
 26 parent of each child before the Court in a child in need of assistance hearing;
 27 authorizing the Court to order a parent or putative parent to take certain actions;
 28 specifying that certain evidence and findings in a child in need of assistance hearing
 29 may be considered by a circuit court in certain other actions regarding the same
 30 child; granting to a party the right to be assisted by counsel at every stage in a
 31 proceeding under this Act; requiring the Court to appoint an attorney under certain
 32 circumstances; authorizing the Court to order a party to pay the attorneys' fees for
 33 a child or indigent parent under certain circumstances; defining certain terms;
 34 specifying the purposes of this Act; making stylistic changes; making conforming
 35 changes; and generally relating to child in need of assistance proceedings.

36 BY repealing and reenacting, with amendments,
 37 Article - Courts and Judicial Proceedings
 38 Section 3-801(b) and (n), 3-802, 3-804(a), 3-808(a), 3-810, 3-812, 3-813(a),
 39 3-815(a), (d), and (h), 3-820(a), 3-821, 3-828(b), and 3-834(a)
 40 Annotated Code of Maryland
 41 (1995 Replacement Volume and 1995 Supplement)

42 BY repealing
 43 Article - Courts and Judicial Proceedings
 44 Section 3-801(e), 3-806(d), 3-820(k), 3-837, and 3-837.1
 45 Annotated Code of Maryland

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1 (1995 Replacement Volume and 1995 Supplement)

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section 3-8B-01 through 3-8B-35 to be under the new subtitle "Subtitle 8B. Child
5 in Need of Assistance - Proceedings"

6 Annotated Code of Maryland

7 (1995 Replacement Volume and 1995 Supplement)

8 BY renumbering

9 Article - Courts and Judicial Proceedings

10 Section 3-801(f) through (v), respectively

11 to be Section 3-801(e) through (u), respectively

12 Annotated Code of Maryland

13 (1995 Replacement Volume and 1995 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 3-801.

18 (b) "Adjudicatory hearing" means a hearing to determine whether the allegations
19 in the petition, other than allegations that the child requires the court's [assistance,]
20 treatment, guidance or rehabilitation, are true.

21 (n) "Disposition hearing" means a hearing to determine:

22 (1) Whether a child needs or requires the court's [assistance,]guidance,
23 treatment or rehabilitation; and if so

24 (2) The nature of the [assistance,] guidance, treatment or rehabilitation.

25 [(e) "Child in need of assistance" is a child who requires the assistance of the court
26 because:

27 (1) He is mentally handicapped or is not receiving ordinary andproper care
28 and attention, and

29 (2) His parents, guardian, or custodian are unable or unwillingto give
30 proper care and attention to the child and his problems provided, however, a child shall
31 not be deemed to be in need of assistance for the sole reason he is being furnished
32 nonmedical remedial care and treatment recognized by State law.]

33 3-802.

34 (a) The purposes of this subtitle are:

35 (1) To provide for the care, protection, and wholesome mental and physical
36 development of children coming within the provisions of this subtitle; and to provide for

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1 a program of treatment, training, and rehabilitation consistent with the child's best
2 interests and the protection of the public interest;

3 (2) To remove from children committing delinquent acts the taint of
4 criminality and the consequences of criminal behavior;

5 (3) To conserve and strengthen the child's family ties and to separate a child
6 from his parents only when necessary for his welfare or in the interest of public safety;

7 [(4) To hold parents of children found to be in need of assistance
8 responsible, where possible, for remedying the circumstances that required the court's
9 intervention;]

10 [(5)] (4) If necessary to remove a child from his home, to secure for him
11 custody, care, and discipline as nearly as possible equivalent to that which should have
12 been given by his parents; and

13 [(6)] (5) To provide judicial procedures for carrying out the provisions of
14 this subtitle.

15 (b) This subtitle shall be liberally construed to effectuate these purposes.

16 3-804.

17 (a) The court has exclusive original jurisdiction over a child alleged to be
18 delinquent, in need of supervision, [in need of assistance] or who has received a citation
19 for a violation.

20 3-806.

21 [(d) If the court in a child in need of assistance proceeding places a child in the
22 care and custody of a person other than the parent, guardian, or custodian who had
23 custody at the time the petition is filed, the custody order of the court shall continue after
24 the termination of the child in need of assistance proceeding unless:

25 (1) The custody order is terminated by the court; or

26 (2) The custody order is modified by an order of any other court with
27 jurisdiction.]

28 3-808.

29 (a) If a petition alleges that a child is [in need of assistance or] in need of
30 supervision, the petition shall be filed in the county where the child resides.

31 3-810.

32 (a) [Except as provided in subsection (b) of this section, the] THE intake officer
33 shall receive:

34 (1) Complaints from a person or agency having knowledge of facts which
35 may cause a person to be subject to the jurisdiction of the court; and

36 (2) Citations issued by a police officer under § 3-835 of this article.

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1 [(b) The local department of social services shall only receive complaints which
2 allege that a child is in need of assistance. Upon receipt and consideration of a complaint,
3 the local department shall:

4 (1) File a petition;

5 (2) Authorize the person or agency making the complaint to file a petition;
6 or

7 (3) Deny authorization to file the petition.]

8 [(c)] (B) (1) Except as otherwise provided in this subsection, in considering the
9 complaint, the intake officer shall make an inquiry within 25 days as to whether the court
10 has jurisdiction and whether judicial action is in the best interests of the public or the
11 child.

12 (2) An inquiry need not include an interview of the child who is the subject
13 of the complaint if the complaint alleges the commission of a delinquent act that would be
14 a felony if committed by an adult or alleges a violation of Article 27, § 36B of the Code.

15 (3) In accordance with this section, the intake officer may, after such inquiry
16 and within 25 days of receiving the complaint:

17 (i) Authorize the filing of a petition;

18 (ii) Propose an informal adjustment of the matter; or

19 (iii) Refuse authorization to file a petition.

20 (4) (i) If a complaint is filed that alleges the commission of a delinquent
21 act which would be a felony if committed by an adult or alleges a violation of Article 27,
22 § 36B of the Code, and if the intake officer denies authorization to file a petition or
23 proposes an informal adjustment, the intake officer shall immediately:

24 1. Forward the complaint to the State's Attorney; and

25 2. Forward a copy of the entire intake case file to the State's
26 Attorney with information as to any and all prior intake involvement with the child.

27 (ii) The State's Attorney shall make a preliminary review as to whether
28 the court has jurisdiction and whether judicial action is in the best interests of the public
29 or the child. The need for restitution may be considered as one factor in the public
30 interest. After the preliminary review the State's Attorney shall, within 30 days of the
31 receipt of the complaint by the State's Attorney, unless the court extends the time:

32 1. File a petition;

33 2. Refer the complaint to the Department of Juvenile Justice
34 for informal disposition; or

35 3. Dismiss the complaint.

36 (iii) This subsection may not be construed or interpreted to limit the
37 authority of the State's Attorney to seek a waiver under § 3-817 of this subtitle.

1 [(d)] (C) (1) The intake officer [or the local department] may authorize the
2 filing of a petition if, based upon the complaint and the inquiry, the intake officer [or the
3 local department] concludes that the court has jurisdiction over the matter and that
4 judicial action is in the best interests of the public or the child.

5 (2) An inquiry need not include an interview of the child who is the subject
6 of the complaint if the complaint alleges the commission of a delinquent act that would be
7 a felony if committed by an adult or alleges a violation of Article 27, § 36B of the Code.

8 (3) In delinquency cases, the need for restitution may be considered by the
9 intake officer as one factor in the public interest.

10 (4) The intake officer [or the local department] shall inform the following
11 persons of the authorization decision and the reasons for the decision:

12 (i) The child who is the subject of the complaint, if practicable;

13 (ii) The parent, guardian, or custodian of the child who is the subject
14 of the complaint;

15 (iii) The victim;

16 (iv) The arresting police officer; and

17 (v) The person or agency that filed the complaint or caused it to be
18 filed.

19 [(e)] (D) (1) The intake officer may propose an informal adjustment of the
20 matter if based on the complaint and the inquiry, the intake officer concludes that the
21 court has jurisdiction but that an informal adjustment, rather than judicial action, is in the
22 best interests of the public and the child.

23 (2) The intake officer shall propose an informal adjustment by informing the
24 victim, the child, and the child's parent or guardian of the nature of the complaint, the
25 objectives of the adjustment process, the conditions and procedures under which it will be
26 conducted, and the fact that it is not obligatory.

27 (3) The intake officer shall not proceed with an informal adjustment unless
28 the victim, the child, and the child's parent or guardian consent to the informal
29 adjustment procedure.

30 [(f)] (E) (1) During the informal adjustment process, the child shall be subject
31 to such supervision as the intake officer deems appropriate; however, no person is
32 compelled to appear at any conference, produce any paper, or visit any place.

33 (2) The informal adjustment process shall not exceed 90 days unless that
34 time is extended by the court.

35 (3) If the victim, the child, and the child's parent or guardian do not consent
36 to an informal adjustment, the intake officer shall authorize the filing of a petition or
37 deny authorization to file a petition under subsection [(g)] (F) of this section.

38 (4) If at any time before the completion of an agreed upon informal
39 adjustment the intake officer believes that the informal adjustment cannot be completed

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1 successfully, the intake officer shall authorize the filing of a petition or deny authorization
2 to file a petition under subsection [(g)] (F) of this section.

3 [(g)] (F) (1) If based upon the complaint and the inquiry, the intake officer
4 concludes that the court has no jurisdiction, or that neither an informal adjustment nor
5 judicial action is appropriate, the intake officer may deny authorization to file a petition.

6 (2) In that event, through use of the form prescribed by § 3-810.1 of this
7 article, the intake officer shall inform the following persons of the decision, the reasons
8 for it, and their right of review provided in this section:

9 (i) The victim;

10 (ii) The arresting police officer; and

11 (iii) The person or agency that filed the complaint or caused it to be
12 filed.

13 [(h)] (G) (1) If the complaint alleges the commission of a delinquent act and the
14 intake officer denies authorization to file a petition, the following persons may appeal the
15 denial to the State's Attorney:

16 (i) The victim;

17 (ii) The arresting police officer; and

18 (iii) The person or agency that filed the complaint or caused it to be
19 filed.

20 (2) In order for an appeal to be made, it must be received by the State's
21 Attorney's office within 30 days after the form prescribed by § 3-810.1 of this article is
22 mailed by the juvenile intake officer to the person being informed of the intake officer's
23 decision.

24 (3) (i) The State's Attorney shall review the denial.

25 (ii) If the State's Attorney concludes that the court has jurisdiction
26 and that judicial action is in the best interests of the public or the child, the State's
27 Attorney may file a petition.

28 (iii) This petition shall be filed within 30 days of the receipt of the
29 complainant's appeal.

30 [(i)] (H) (1) If authorization to file a petition for a complaint which alleges a
31 child is in need of supervision is denied, the person or agency that filed the complaint or
32 caused it to be filed, within 15 days of personal notice of the denial to that person or
33 agency or the mailing to the last known address, may submit the denial for review by the
34 Department of Juvenile Justice Area Director for the area in which the complaint was
35 filed.

36 (2) The Department of Juvenile Justice Area Director shall review the
37 denial.

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1 (3) If, within 15 days, the Department of Juvenile Justice Area Director
2 concludes that the court has jurisdiction and that judicial action is in the best interests of
3 the public and the child, the Department of Juvenile Justice Area Director may authorize
4 the filing of a petition in writing.

5 (4) The petition shall be filed within 5 days of the decision.

6 [(j) (1) If authorization to file a petition for a complaint which alleges a child is
7 in need of assistance is denied, the person or agency that filed the complaint or caused it
8 to be filed, within 15 days of personal notice of the denial to that person or agency or the
9 mailing to the last known address, may submit the denial to the Department of Juvenile
10 Justice Area Director for the area in which the complaint was filed.

11 (2) The Area Director shall authorize the filing of the petition.

12 (3) The petition shall be filed within 5 days of the submission of the denial
13 to the Department of Juvenile Justice Area Director.]

14 [(k) (I) (1) If the complaint alleges that a minor 16 years of age or older has
15 committed an act in violation of any provision of the Maryland Vehicle Law or other
16 traffic law or ordinance under the jurisdiction of the juvenile court, the complaint shall be
17 filed directly with the State's Attorney of the jurisdiction in which the alleged violation
18 occurred.

19 (2) If the State's Attorney elects to proceed with the case, the State's
20 Attorney may prepare a petition for filing with the court of proper jurisdiction.

21 [(l) (J) If the intake officer receives a citation other than a citation authorized
22 under Article 27, § 405A of the Code, the intake officer may:

23 (1) Refer the child to an alcohol education or rehabilitation program;

24 (2) Assign the child to a supervised work program for not more than 20
25 hours for the first violation and not more than 40 hours for the second or subsequent
26 violation;

27 (3) Require the parent or guardian of the child to withdraw the parent's or
28 guardian's consent to the child's license to drive, and advise the Motor Vehicle
29 Administration of the withdrawal of consent; or

30 (4) Forward the citation to the State's Attorney.

31 [(m) (K) The intake officer shall forward the citation, other than a citation
32 authorized under Article 27, § 405A of the Code, to the State's Attorney if:

33 (1) The parent or guardian of the child refuses to withdraw consent to the
34 child's license to drive;

35 (2) The child fails to comply with an alcohol education or rehabilitation
36 program referral; or

37 (3) The child fails to comply with a supervised work program assignment.

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1 [(n)] (L) If the intake officer receives a citation authorized under Article 27, §
2 405A of the Code, the intake officer may:

3 (1) Refer the child to a smoking cessation clinic, or other suitable
4 presentation of the hazards associated with tobacco use;

5 (2) Assign the child to a supervised work program for not more than 20
6 hours for the first violation and not more than 40 hours for a second or subsequent
7 violation; or

8 (3) Forward the citation to the State's Attorney.

9 [(o)] (M) The intake officer shall forward the citation authorized under Article 27,
10 § 405A of the Code to the State's Attorney if the child fails to comply with a smoking
11 program referral or a supervised work program assignment described under subsection
12 [(n)] (L) of this section.

13 [(p)] (N) (1) Except as provided in paragraph (2) of this subsection, within 15
14 days after a law enforcement officer takes a child into custody the law enforcement officer
15 shall file a complaint with an intake officer.

16 (2) If a child is referred to a diversion program, the law enforcement officer
17 may file the complaint with an intake officer more than 30 days after but no later than 120
18 days after the law enforcement officer took the child into custody.

19 [(q)] (O) The court may dismiss a petition for failure to comply with this section
20 only if the respondent has demonstrated actual prejudice.

21 3-812.

22 (a) A petition shall allege that a child is either delinquent[, or in need of
23 assistance,] or in need of supervision. If it alleges delinquency, it shall set forth in clear
24 and simple language the alleged facts which constitute the delinquency, and shall also
25 specify the laws allegedly violated by the child. If it alleges that the child is [in need of
26 assistance or] in need of supervision, the petition shall set forth in clear and simple
27 language the alleged facts supporting that allegation.

28 (b) Petitions alleging delinquency or violation of § 3-831 shall be prepared and
29 filed by the State's Attorney. A petition alleging delinquency shall be filed within 30 days
30 after the receipt of a referral from the intake officer, unless that time is extended by the
31 court for good cause shown. Petitions alleging that a child is in need of supervision shall
32 be filed by the intake officer. [Petitions alleging that a child is in need of assistance shall
33 be filed by the local department. If the local department does not file the petition, the
34 person or agency that made the complaint to the local department may submit the denial
35 to the Department of Juvenile Justice Area Director for filing.]

36 (c) The form of petitions and all other pleadings, and except as otherwise
37 provided in this subtitle, the procedures to be followed by the court, shall be as specified
38 in the Maryland Rules.

39 (d) The State's Attorney, upon assigning the reasons, may dismiss in open court a
40 petition alleging delinquency.

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1 (e) The court shall conduct all hearings in an informal manner. It may exclude the
2 general public from a hearing, and admit only those persons having a direct interest in the
3 proceeding and their representatives.

4 (f) The court shall try cases without a jury.

5 [(g) Whenever a child in need of assistance petition is filed by the local
6 department of social services, the local department shall be a party to the proceeding and
7 shall present to the court the evidence in support of the petition.]

8 [(h)] (G) The court shall hear and rule on a petition seeking an order for
9 emergency medical treatment on an expedited basis.

10 3-813.

11 (a) (1) The judges of a circuit court may not appoint a master for juvenile
12 causes unless the appointment and the appointee are approved by the Chief Judge of the
13 Court of Appeals. The standards expressed in § 3-803, with respect to the assignment of
14 judges, are applicable to the appointment of masters. A master, at the time of his
15 appointment and thereafter during his service as a master, shall be a member in good
16 standing of the Maryland Bar.

17 (2) (i) In Prince George's County, the judges of the Circuit Court may not
18 appoint or continue the appointment of masters for juvenile causes, except for the
19 purpose of conducting probable cause hearings, detention hearings, arraignments,
20 acceptances of admissions, and restitution hearings in delinquency cases[, and shelter
21 care, adjudicatory, and disposition hearings in child in need of assistance cases].

22 (ii) A master in Prince George's County may not conduct:

23 1. An adjudicatory hearing in delinquency cases, unless the
24 adjudicatory hearing is limited to the acceptance of an admission; or

25 2. A disposition hearing in delinquency cases.

26 3-815.

27 (a) Only the court or an intake officer may authorize detention or shelter care for
28 a child who may be in need of supervision or delinquent. [The local department,
29 pursuant to regulations promulgated by the Department of Human Resources, may
30 authorize shelter care for a child who may be in need of assistance.]

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

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

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

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1 (4) [Except as provided in paragraph (5) of this subsection, shelter]
2 SHELTER care may not be ordered for a period of more than 30 days unless an
3 adjudicatory or waiver hearing is held.

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

8 [(6)] (5) For a child in need of supervision or a delinquent child, shelter
9 care may be extended for an additional period of not more than 30 days if the court finds
10 after a hearing held as part of the adjudication that continued shelter care is consistent
11 with the circumstances stated in subsections (b) and (c) of this section.

12 [(7)] (6) (i) An adjudicatory or waiver hearing shall be held no later than
13 30 days after the date a petition for detention is granted.

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

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

- 19 1. For the protection of the child; or
20 2. For the protection of the community.

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

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

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

32 (2) A child alleged to be in need of supervision [or in need of assistance]
33 may not be placed in a shelter care facility that is not operating in compliance with
34 applicable State licensing laws.

35 (3) The Secretary of Human Resources and the Secretary of the
36 Department of Juvenile Justice together, when appropriate, with the Secretary of Health
37 and Mental Hygiene shall jointly adopt regulations to ensure that any child placed in
38 shelter care pursuant to a petition filed under subsection (d) of this section be provided
39 appropriate services, including:

40 (i) Health care services;

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1 (ii) Counseling services;

2 (iii) Education services;

3 (iv) Social work services; and

4 (v) Drug and alcohol abuse assessment or treatment services.

5 (4) In addition to any other provision, the regulations shall require:

6 (i) The local department of social services or the Department of
7 Juvenile Justice to develop a plan within 45 days of placement of a child in a shelter care
8 facility to assess the child's treatment needs; and

9 (ii) The plan to be submitted to all parties to the petition and their
10 counsel.

11 3-820.

12 (a) (1) After an adjudicatory hearing the court shall hold a separate disposition
13 hearing, unless the petition or citation is dismissed or unless such hearing is waived in
14 writing by all of the parties.

15 (2) [Except as provided in paragraph (3) of this subsection, the] THE
16 disposition hearing may be held on the same day as the adjudicatory hearing, if notice of
17 the disposition hearing, as prescribed by the Maryland Rules, is waived on the record by
18 all of the parties.

19 [(3) In a child in need of assistance proceeding, the disposition hearing shall
20 be held on the same day as the adjudicatory hearing unless:

21 (i) The court or a party moves that the disposition hearing be delayed;
22 and

23 (ii) The court finds that there is good cause to delay the disposition
24 hearing to a subsequent day.]

25 [(k) In a child in need of assistance case, if the disposition includes removal of the
26 child from the home, the court shall issue an order:

27 (1) Making specific findings of fact as to the circumstances that caused the
28 need for the removal; and

29 (2) Informing the parents that the agency or department having
30 commitment of the child may change the permanency plan of reunification to another
31 permanency plan which may include the filing of a petition for termination of parental
32 rights if:

33 (i) The parents have not made significant progress to remedy the
34 circumstances that caused the need for the removal as specified in the court order; and

35 (ii) The parents are unwilling or unable to give the child proper care
36 and attention within a reasonable period of time.]

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1 3-821.

2 (a) [Except as provided in subsections (b) and (c) of this section, a] A party is
3 entitled to the assistance of counsel at every stage of any proceeding under this subtitle.

4 [(b) Except for the petitioner and the child who is the subject of the petition, a
5 party in a child in need of assistance proceeding is not entitled to the assistance of
6 counsel at State expense unless:

7 (1) The party is the custodial parent or guardian of the child alleged to be in
8 need of assistance;

9 (2) The party is indigent; and

10 (3) (i) The proceeding is under § 3-815, § 3-819, or § 3-820 of this
11 subtitle; or

12 (ii) 1. The proceeding is a review hearing under Maryland Rule 915
13 or Maryland Rule 916 in which:

14 A. The State has moved to remove the child from the custody of
15 the parent or guardian; or

16 B. The parent or guardian has moved to regain custody; and

17 2. Due to the presence of complex factual or legal issues the
18 assistance of counsel is necessary to ensure that the proceeding does not entail the risk of
19 erroneous deprivation of custody.

20 (c) Except as provided in subsection (d) of this section, the Office of the Public
21 Defender may not represent a party in a child in need of assistance proceeding unless:

22 (1) The party is the custodial parent or legal guardian of the child alleged to
23 be in need of assistance;

24 (2) (i) The proceeding is under § 3-815, § 3-819, or § 3-820 of this
25 subtitle; or

26 (ii) The proceeding is under Maryland Rule 915 or Maryland Rule 916
27 in which:

28 1. A. The State has moved to remove the child from the
29 custody of the parent or guardian; or

30 B. The parent or guardian has moved to regain custody; and

31 2. Due to the presence of complex factual or legal issues the
32 assistance of counsel is necessary to ensure that the proceeding does not entail the risk of
33 erroneous deprivation of custody;

34 (iii) The party applies to the Office of the Public Defender requesting
35 legal representation by the Public Defender in the proceeding; and

36 (iv) The party is financially eligible for the services of the Public
37 Defender.

14

1 (d) Subsection (c) of this section does not prohibit the Office of the Public
2 Defender from representing a child in Montgomery County who is alleged or found to be
3 in need of assistance.]

4 [(e)] (B) Compensation for the services of an attorney appointed to represent a
5 child in an action under this subtitle may be assessed by the court against any party or
6 against a parent of the child.

7 3-828.

8 (b) (1) A court record pertaining to a child is confidential and its contents may
9 not be divulged, by subpoena or otherwise, except by order of the court upon good cause
10 shown or as provided in § 7-302.1 of the Education Article.

11 (2) This subsection does not prohibit access to and the use of the court
12 record or fingerprints of a child described under the Criminal Justice Information System
13 subtitle of Article 27 of the Code in a proceeding in the court involving the child, by
14 personnel of the court, the State's Attorney, counsel for the child, a court-appointed
15 special advocate for the child, or authorized personnel of the Department of Juvenile
16 Justice [, or, in a proceeding involving a child alleged to be in need of assistance, by
17 authorized personnel of the Social Services Administration and local departments of
18 social services of the Department of Human Resources in order to conduct a child abuse
19 or neglect investigation or to comply with requirements imposed under Title IV-E of the
20 Social Security Act].

21 [(3) Information obtained from a juvenile court record by authorized
22 personnel of the Department of Human Resources under paragraph (2) of this subsection
23 is subject to the provisions of Article 88A, § 6 of the Code.]

24 [(4)] (3) (i) Except as provided in subparagraph (ii) of this paragraph,
25 this subsection does not prohibit access to and confidential use of the court record or
26 fingerprints of a child described under the Criminal Justice Information System subtitle
27 of Article 27 of the Code in an investigation and prosecution by a law enforcement
28 agency.

29 (ii) The court record or fingerprints of a child described under Article
30 27, §§ 747(a)(21) and 747A of the Code may not be disclosed to:

- 31 1. A federal criminal justice agency or information center; or
32 2. Any law enforcement agency other than a law enforcement
33 agency of the State or a political subdivision of the State.

34 3-834.

35 (a) (1) Subject to paragraph (2) of this subsection, in addition to any
36 requirements relating to the appointment of counsel for children, at any time during the
37 pendency of any action where it appears to the court that the protection of the rights of
38 a child requires independent representation, the court may, upon its own motion, or the
39 motion of any party to the action, appoint an attorney to represent the interest of the
40 child in that particular action. Such actions include but are not limited to those involving
41 a [child in need of assistance,] child in need of supervision, delinquent child, or mentally
42 handicapped child.

15

1 (2) In any action in which payment for the services of a court-appointed
2 attorney for the child is the responsibility of the local department of social services, unless
3 the court finds that it would not be in the best interests of the child, the court shall:

4 (i) Appoint an attorney who has contracted with the Department of
5 Human Resources to provide those services, in accordance with the terms of the contract;
6 and

7 (ii) In an action in which an attorney has previously been appointed,
8 strike the appearance of the attorney previously appointed, and appoint the attorney who
9 is currently under contract with the Department of Human Resources, in accordance with
10 the terms of the contract.

11 [3-837.

12 (a) Each parent of a child who is the subject of a child in need of assistance
13 proceeding shall notify the juvenile court and the local department of social services of all
14 changes in the parent's address.

15 (b) The clerk's office of the juvenile court shall maintain a listing of the addresses
16 provided by each parent of a child who is the subject of a child in need of assistance
17 proceeding.

18 (c) On request of a local department of social services, the clerk's office shall
19 disclose to the local department the last known addresses, and any other addresses listed
20 within the preceding 9 months, of the parents of a child adjudicated in need of assistance,
21 for purposes of attempting notification of a petition for guardianship with the right to
22 consent to adoption or long-term care short of adoption.]

23 [3-837.1.

24 (a) (1) At each child in need of assistance hearing, the court shall inquire into,
25 and make findings of fact on the record regarding, the identity and current address of
26 each parent of each child before the court.

27 (2) In carrying out the requirements of paragraph (1) of this subsection, the
28 court shall:

29 (i) Inform the parties present of their continuing obligation to assist
30 the court in identifying and locating each parent of each child;

31 (ii) Inform the parents present of their obligation to keep the clerk of
32 the court apprised of their current address;

33 (iii) Inform the parents present of available processes and procedures
34 for establishing paternity, if not yet established; and

35 (iv) If appropriate, refer the parents to the appropriate support
36 enforcement agency for establishment of paternity and support.

37 (b) The court may order a parent or putative parent:

38 (1) To file an application for child support services with the appropriate
39 support enforcement agency; and

16

1 (2) To cooperate with the appropriate support enforcement agency in the
2 establishment of paternity and child support.

3 (c) A circuit court may consider evidence taken and findings made on the record
4 in a child in need of assistance hearing and in any paternity, child support, or
5 guardianship proceeding regarding that child.]

6 SUBTITLE 8B. CHILD IN NEED OF ASSISTANCE - PROCEEDINGS.

7 3-8B-01.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "ADJUDICATION HEARING" MEANS A HEARING TO DETERMINE THE
11 TRUTH OF THE ALLEGATIONS OF A PETITION FILED UNDER § 3-8B-06 OF THIS
12 SUBTITLE.

13 (C) "CHILD IN NEED OF ASSISTANCE" IS A CHILD WHO REQUIRES ONGOING
14 COURT INTERVENTION BECAUSE:

15 (1) THE CHILD HAS BEEN NEGLECTED OR ABUSED OR IS MENTALLY
16 HANDICAPPED; AND

17 (2) THE CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN ARE UNABLE OR
18 UNWILLING TO GIVE PROPER CARE AND ATTENTION TO THE CHILD AND THE
19 CHILD'S NEEDS.

20 (D) "CINA PROCEEDING" MEANS A PROCEEDING ARISING OUT OF A PETITION
21 FILED UNDER § 3-8B-06 OF THIS SUBTITLE.

22 (E) (1) "COMMITMENT" MEANS THE AWARD BY THE COURT OF CUSTODY
23 OF A CHILD, AND INCLUDES THE AUTHORITY TO DETERMINE THE PLACEMENT AND
24 ROUTINE CARE FOR THE CHILD.

25 (2) "COMMITMENT" DOES NOT INCLUDE THE AUTHORITY TO MAKE
26 MAJOR LIFE DECISIONS FOR THE CHILD, OR TO AUTHORIZE NONROUTINE MEDICAL
27 CARE, OR DENTAL, MENTAL HEALTH, OR EDUCATIONAL DECISIONS FOR THE CHILD.

28 (F) "COURT" MEANS THE JUVENILE COURT FOR THE COUNTY IN WHICH IT
29 SITS.

30 (G) "CUSTODY" MEANS THE CHILD RESIDES WITH THE CUSTODIAN, AND
31 INCLUDES THE RIGHT AND OBLIGATION TO CARE FOR THE CHILD AND TO MAKE
32 DAILY LIFE DECISIONS FOR THE CHILD.

33 (H) "GUARDIANSHIP" MEANS THE AWARD BY THE COURT OF CUSTODY OF A
34 CHILD, FOLLOWING A TERMINATION OF PARENTAL RIGHTS PROCEEDING, AND
35 INCLUDES THE AUTHORITY TO MAKE ALL DECISIONS AS TO THE CHILD'S CARE,
36 INCLUDING MAJOR LIFE DECISIONS, MEDICAL, MENTAL HEALTH, AND DENTAL
37 CARE, EDUCATION, AND ADOPTION OR LONG-TERM FOSTER CARE.

17

1 (I) "INTAKE OFFICER" MEANS THE PERSON ASSIGNED TO THE COURT BY THE
2 DEPARTMENT OF JUVENILE JUSTICE TO PROVIDE THE INTAKE SERVICES SET FORTH
3 UNDER THIS SUBTITLE.

4 (J) "LIMITED GUARDIANSHIP" MEANS THE AWARD BY THE COURT OF THE
5 AUTHORITY TO MAKE SPECIFIC DECISIONS ABOUT THE CHILD'S CARE, INCLUDING
6 AUTHORIZING CARE BY PERSONS OTHER THAN THE LIMITED GUARDIAN, WITHIN
7 THE PARAMETERS OF THE GUARDIANSHIP AS SPECIFIED BY THE COURT.

8 (K) "LOCAL DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL SERVICES
9 FOR THE COUNTY OR BALTIMORE CITY IN WHICH THE COURT SITS.

10 (L) (1) "PARENT" MEANS A NATURAL OR ADOPTIVE PARENT WHOSE
11 PARENTAL RIGHTS HAVE NOT BEEN TERMINATED, THE CHILD'S LEGAL GUARDIAN,
12 OR ANOTHER PERSON MAKING MAJOR LIFE DECISIONS FOR THE CHILD.

13 (2) "PARENT" INCLUDES NONCUSTODIAL NATURAL PARENTS.

14 (3) "PARENT" DOES NOT INCLUDE FOSTER PARENTS OR ANY PUBLIC OR
15 PRIVATE CHILD PLACEMENT OR SOCIAL SERVICES AGENCY.

16 (M) "PARTY" INCLUDES THE CHILD, THE CHILD'S PARENT, GUARDIAN, OR
17 LEGAL CUSTODIAN, AND THE PETITIONER.

18 (N) (1) "PERMANENCY PLAN" MEANS A PLAN FOR THE CHILD'S FINAL
19 PLACEMENT WITH A PERMANENT CARETAKER, INCLUDING ADOPTION, RETURN OF
20 THE CHILD HOME, AND CUSTODY AND GUARDIANSHIP TO A SPECIFIC PERSON.

21 (2) "PERMANENCY PLAN" INCLUDES A DECISION CONCERNING THE
22 LEGAL RELATIONSHIP THAT WILL EXIST BETWEEN THE CHILD AND THE
23 PERMANENT CARETAKER.

24 (O) "PETITION" MEANS A PETITION FILED UNDER § 3-8B-06 OF THIS SUBTITLE.

25 (P) "PETITIONER" MEANS A PERSON WHO FILES OR REQUESTS
26 AUTHORIZATION TO FILE A PETITION UNDER § 3-8B-06 OF THIS SUBTITLE.

27 (Q) "PLACEMENT" MEANS THE SPECIFIC HOME OR FACILITY WHERE THE
28 CHILD WILL LIVE WITH DAY AND OVERNIGHT CARE.

29 (R) "TERMINATION OF PARENTAL RIGHTS" MEANS A LEGAL PROCEEDING
30 BROUGHT UNDER § 5-313 OF THE FAMILY LAW ARTICLE.

31 3-8B-02.

32 (A) THE PURPOSES OF THIS SUBTITLE ARE:

33 (1) TO PROVIDE FOR THE CARE, PROTECTION, MENTAL DEVELOPMENT,
34 AND PHYSICAL DEVELOPMENT OF A CHILD COMING WITHIN THE PROVISIONS OF
35 THIS SUBTITLE, AND TO PROVIDE FOR A PROGRAM OF SERVICES AND TREATMENT
36 CONSISTENT WITH THE CHILD'S BEST INTERESTS AND THE PROMOTION OF THE
37 PUBLIC INTEREST;

18

1 (2) TO CONSERVE AND STRENGTHEN THE CHILD'S FAMILY TIES AND TO
2 SEPARATE A CHILD FROM THE CHILD'S PARENTS ONLY WHEN NECESSARY FOR THE
3 CHILD'S WELFARE;

4 (3) TO HOLD PARENTS OF CHILDREN FOUND TO BE IN NEED OF
5 ASSISTANCE RESPONSIBLE FOR REMEDYING THE CIRCUMSTANCES THAT REQUIRED
6 THE COURT'S INTERVENTION;

7 (4) IF NECESSARY TO REMOVE A CHILD FROM THE CHILD'S HOME, TO
8 SECURE FOR THE CHILD CUSTODY, CARE, AND DISCIPLINE AS NEARLY AS POSSIBLE
9 EQUIVALENT TO THAT WHICH SHOULD HAVE BEEN GIVEN BY THE CHILD'S
10 PARENTS; AND

11 (5) TO PROVIDE JUDICIAL PROCEDURES FOR CARRYING OUT THE
12 PROVISIONS OF THIS SUBTITLE.

13 (B) THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE
14 THESE PURPOSES.

15 3-8B-03.

16 (A) THE FOLLOWING PERSONS ARE PARTIES IN A PROCEEDING UNDER THIS
17 SUBTITLE:

18 (1) THE CHILD WHO IS THE SUBJECT OF A PETITION;

19 (2) THE CHILD'S PARENTS;

20 (3) THE CHILD'S GUARDIAN OR LEGAL CUSTODIAN; AND

21 (4) THE PETITIONING PERSON OR AGENCY.

22 (B) THE COURT MAY DETERMINE THAT A PERSON OR AGENCY IS PERMITTED
23 TO PARTICIPATE IN THE ACTION AS A PARTY IF:

24 (1) THE PERSON RESIDES REGULARLY IN THE CHILD'S HOME; OR

25 (2) THE COURT DETERMINES THAT AN AGENCY'S PARTICIPATION IS
26 APPROPRIATE OR NECESSARY FOR THE PROPER ADJUDICATION, DISPOSITION, OR
27 REVIEW OF THE CASE.

28 (C) AT ANY TIME DURING A PROCEEDING UNDER THIS SUBTITLE, THE
29 COURT MAY ORDER THAT ANY OF THE FOLLOWING INDIVIDUALS OR AGENCIES BE
30 MADE A PARTY TO THE CASE:

31 (1) AN INDIVIDUAL WHOSE CONDUCT THE COURT FINDS:

32 (I) IS OR MAY BE HARMFUL TO A CHILD OVER WHOM THE COURT
33 HAS JURISDICTION; OR

34 (II) WILL TEND TO DEFEAT THE EXECUTION OF AN ORDER OR
35 DISPOSITION MADE OR TO BE MADE; OR

19

1 (2) ANY INDIVIDUAL OR AGENCY WHOSE PARTICIPATION THE COURT
2 DETERMINES TO BE APPROPRIATE OR NECESSARY FOR THE PROPER
3 ADJUDICATION, DISPOSITION, OR REVIEW OF THE CASE.

4 3-8B-04.

5 (A) THE COURT HAS ORIGINAL, EXCLUSIVE JURISDICTION OVER:

6 (1) PETITIONS REQUESTING THAT A CHILD BE ADJUDICATED IN NEED
7 OF ASSISTANCE;

8 (2) PROCEEDINGS FOR EMANCIPATION OF A CHILD;

9 (3) PROCEEDINGS BROUGHT UNDER THE MARYLAND UNIFORM CHILD
10 CUSTODY JURISDICTION ACT, EXCEPT WHERE THE CUSTODY DETERMINATION IS
11 ONE OF SEVERAL ISSUES BEING HEARD WITHIN THE CONTEXT OF A DOMESTIC
12 RELATIONS CASE; AND

13 (4) EXCEPT IN MONTGOMERY COUNTY, ALL TERMINATION OF
14 PARENTAL RIGHTS AND RELATED ADOPTION PROCEEDINGS THAT ARE PRECEDED
15 BY A CINA PROCEEDING.

16 (B) (1) (I) SUBJECT TO SUBPARAGRAPHS (I) AND (II) OF THIS
17 PARAGRAPH, THE COURT HAS CONCURRENT JURISDICTION OVER PROCEEDINGS
18 AGAINST AN ADULT FOR A VIOLATION OF § 3-831 OF THIS TITLE.

19 (II) IF RELATED CHARGES AGAINST THE ADULT ARE PENDING IN
20 A COURT OF CRIMINAL JURISDICTION, THE COURT MAY WAIVE ITS JURISDICTION
21 UNDER THIS SUBSECTION ON ITS OWN MOTION OR UPON MOTION OF ANY PARTY TO
22 THE PROCEEDINGS.

23 (III) ON MOTION BY THE COUNTY ATTORNEY, THE STATE'S
24 ATTORNEY, OR THE ADULT CHARGED, THE COURT SHALL WAIVE ITS JURISDICTION,
25 AND THE ADULT SHALL BE TRIED IN THE CRIMINAL COURT ACCORDING TO THE
26 USUAL CRIMINAL PROCEDURE.

27 (2) ACTIONS CONCERNING CUSTODY OR CHILD SUPPORT MAY BE
28 ADDRESSED AND RESOLVED IN A CINA PROCEEDING.

29 (3) (I) A PARTY HAS A CONTINUING DUTY TO ADVISE THE COURT,
30 AND ANY OTHER COURT CONSIDERING CUSTODY, SUPPORT, OR PATERNITY OF THE
31 CHILD, OF THE PENDENCY OF ANY OTHER ACTION CONCERNING THE CHILD AND
32 THE CHILD'S CUSTODY, AND OF ANY OTHER ACTION THAT HAS ANY EFFECT ON
33 THESE ISSUES, WHETHER THE ACTION IS IN THIS OR ANOTHER STATE.

34 (II) IF AN ACTION IS DETERMINED TO EXIST IN ANOTHER STATE,
35 ANY QUESTION OF JURISDICTION OVER THE MATTER SHALL BE RESOLVED UNDER
36 THE MARYLAND UNIFORM CHILD CUSTODY JURISDICTION ACT.

37 (C) THE COURT MAY TAKE JURISDICTION OF A CHILD ALLEGED TO BE A
38 CHILD IN NEED OF ASSISTANCE ONLY IF THE CHILD IS UNDER 18 YEARS OF AGE AT
39 THE TIME THE PETITION IS FILED.

20

1 (D) ONCE THE COURT ASSERTS JURISDICTION OVER A CHILD, THAT
2 JURISDICTION CONTINUES UNTIL THE CHILD REACHES 21 YEARS OF AGE, UNLESS
3 THE COURT TERMINATES JURISDICTION EARLIER.

4 (E) (1) A CUSTODY ORDER PASSED BY THE COURT IN A CINA CASE,
5 INCLUDING ONE PLACING THE CHILD WITH A SPECIFIC PARENT, REMAINS IN
6 EFFECT AFTER THE COURT TERMINATES ITS JURISDICTION UNDER THIS SUBTITLE.

7 (2) ONCE THE COURT TERMINATES JURISDICTION, A CUSTODY ORDER
8 PASSED BY THE COURT MAY BE REVISED OR SUPERSEDED BY ANOTHER COURT OF
9 COMPETENT JURISDICTION.

10 (F) A JUDGE MAY NOT PRESIDE OVER A PROCEEDING DESCRIBED IN
11 SUBSECTION (A)(4) OF THIS SECTION IF:

12 (1) THE JUDGE HEARD ANY MATTER IN THE PRECEDING CINA
13 PROCEEDING; AND

14 (2) A PARTY TO THE PROCEEDING OBJECTS TO THE JUDGE HEARING
15 THE PROCEEDING.

16 (G) IN MONTGOMERY COUNTY, A CASE UNDER THE JURISDICTION OF THE
17 JUVENILE COURT MAY NOT BE APPEALED TO OR TRIED DE NOVO IN THE CIRCUIT
18 COURT.

19 3-8B-05.

20 (A) THE COURT, ON ITS OWN MOTION, MAY PERMIT A PERSON WHO HAS
21 RELEVANT INFORMATION PERTAINING TO AN ISSUE BEFORE THE COURT TO
22 TESTIFY.

23 (B) A PARENT WHO DOES NOT HAVE PRIOR NOTICE THAT A PERSON HAS
24 BEEN CALLED UNDER THIS SECTION TO TESTIFY SHALL, ON REQUEST, BE GRANTED
25 A REASONABLE CONTINUANCE TO PREPARE FOR THE TAKING OF THE TESTIMONY.

26 3-8B-06.

27 (A) (1) A CINA PROCEEDING UNDER THIS SUBTITLE IS INITIATED BY THE
28 FILING OF A PETITION ALLEGING THAT A CHILD MEETS THE DEFINITION OF A
29 CHILD IN NEED OF ASSISTANCE.

30 (2) A PETITION MAY BE FILED WITH THE COURT ONLY IF AND WHEN IT
31 HAS BEEN AUTHORIZED IN ACCORDANCE WITH THIS SECTION.

32 (B) THE DIRECTOR OF THE LOCAL DEPARTMENT SHALL APPOINT AN INTAKE
33 OFFICER FROM THE LOCAL DEPARTMENT.

34 (C) THE INTAKE OFFICER MAY AUTHORIZE A PETITION IF THE FACTS
35 ALLEGED MEET THE DEFINITION OF A CHILD IN NEED OF ASSISTANCE.

36 (D) THE INTAKE OFFICER MAY AUTHORIZE A PETITION WITH A REQUEST
37 FOR SHELTER CARE IF IT APPEARS THAT THE CHILD IS AT IMMINENT RISK OF
38 SERIOUS HARM, OR HAS NO PARENT, GUARDIAN, OR CUSTODIAN PRESENTLY
39 AVAILABLE TO PROVIDE CARE FOR THE CHILD.

21

1 (E) (1) ANY PERSON MAY FILE A PETITION OR A PETITION WITH A REQUEST
2 FOR SHELTER CARE IF AUTHORIZATION TO DO SO IS GRANTED BY THE INTAKE
3 OFFICER.

4 (2) WHEN REQUESTING AUTHORIZATION TO FILE A PETITION, THE
5 PETITIONER SHALL GIVE THE INTAKE OFFICER A TELEPHONE OR TELEFAX NUMBER
6 WHERE THE INTAKE OFFICER CAN REACH THE PETITIONER WITH THE DECISION ON
7 THE REQUEST.

8 (3) IF THE AUTHORIZATION IS GRANTED, THE INTAKE OFFICER SHALL
9 ASSIST THE PETITIONER IN PREPARING AND FILING THE PETITION.

10 (F) IF AUTHORIZATION IS DENIED, THE INTAKE OFFICER, WITHIN 10 DAYS OF
11 THE REQUEST, SHALL NOTIFY THE PETITIONER, AT THE TELEPHONE OR TELEFAX
12 NUMBER GIVEN BY THE PETITIONER, OF THE DENIAL, THE REASONS FOR THE
13 DENIAL, AND THE PETITIONER'S RIGHT TO HAVE THE DENIAL RECONSIDERED BY
14 THE COURT IN A PRELIMINARY HEARING, PURSUANT TO SUBSECTIONS (G) AND (H)
15 OF THIS SECTION.

16 (G) IF THE PETITION ALLEGES THAT THE CHILD IS AT IMMINENT RISK OF
17 SERIOUS HARM AND THE INTAKE OFFICER DOES NOT AUTHORIZE SHELTER CARE,
18 THE INTAKE OFFICER SHALL NOTIFY THE PETITIONER WITHIN 24 HOURS OF THE
19 DENIAL OF AUTHORIZATION, AND INFORM THE PETITIONER OF THE RIGHT TO
20 REQUEST AN IMMEDIATE PRELIMINARY HEARING BY THE COURT.

21 (H) (1) IF AUTHORIZATION IS DENIED, THE PETITIONER MAY REQUEST A
22 PRELIMINARY HEARING BY THE COURT TO DETERMINE WHETHER THE PETITION
23 MAY BE FILED.

24 (2) IF SHELTER CARE AUTHORIZATION IS DENIED, THE PRELIMINARY
25 HEARING SHALL BE HELD WITHIN 48 HOURS OF THE REQUEST FOR
26 AUTHORIZATION.

27 (3) THE PRELIMINARY HEARING ON A REQUEST THAT DOES NOT
28 INCLUDE SHELTER CARE SHALL BE HELD WITHIN 10 DAYS OF THE DENIAL OF THE
29 REQUEST.

30 (I) (1) (I) AT THE PRELIMINARY HEARING, THE COURT SHALL
31 DETERMINE WHETHER THE FACTS ALLEGED IN THE PETITION MEET THE
32 DEFINITION OF A CHILD IN NEED OF ASSISTANCE.

33 (II) IF SHELTER CARE IS REQUESTED, THE COURT SHALL
34 DETERMINE WHETHER THE FACTS ALLEGED DEMONSTRATE THAT THE CHILD IS AT
35 IMMINENT RISK OF SERIOUS HARM, OR HAS NO PARENT, GUARDIAN, OR CUSTODIAN
36 PRESENTLY AVAILABLE TO PROVIDE CARE FOR THE CHILD.

37 (III) THE PETITIONER AND THE LOCAL DEPARTMENT MAY
38 PRESENT EVIDENCE OR ARGUMENT OR BOTH ON THESE ISSUES.

39 (2) IF THE COURT DETERMINES THAT THE PETITION MAY BE FILED,
40 THE COURT SHALL ALSO DETERMINE WHETHER THE LOCAL DEPARTMENT SHALL

22

1 BE MADE A PARTY TO THE CASE, AND WHO SHALL BEAR THE BURDEN OF PROOF AT
2 THE ADJUDICATION AND DISPOSITION HEARINGS ON THE PETITION.

3 3-8B-07.

4 (A) (1) AT ANY TIME PRIOR TO THE ADJUDICATION HEARING, A PETITION
5 MAY BE AMENDED TO ADD NEW FACTUAL ALLEGATIONS.

6 (2) IF THE PETITION IS AMENDED LESS THAN 5 DAYS PRIOR TO THE
7 ADJUDICATION HEARING, A CONTINUANCE MAY BE GRANTED ON REQUEST OF A
8 PARTY.

9 (B) DURING THE ADJUDICATION HEARING, THE PETITION MAY BE AMENDED
10 BY ANY PARTY TO CONFORM THE PETITION TO THE EVIDENCE.

11 (C) (1) FOLLOWING THE ADJUDICATION HEARING, ADDITIONAL
12 ALLEGATIONS MAY BE ADDED BY FILING A SUPPLEMENTAL PETITION.

13 (2) (I) THE COURT SHALL CONDUCT A FACT-FINDING HEARING TO
14 CONSIDER THE FACTUAL ALLEGATIONS OF THE SUPPLEMENTAL PETITION.

15 (II) THE PARTIES SHALL BE GIVEN AT LEAST 5 DAYS PRIOR NOTICE
16 OF THE HEARING.

17 (III) THE HEARING MAY BE HELD IN CONJUNCTION WITH ANY
18 OTHER SCHEDULED HEARING, PROVIDED THAT 5-DAYS' NOTICE IS GIVEN TO ALL
19 PARTIES.

20 (3) DISMISSAL OF THE SUPPLEMENTAL PETITION FOR FAILURE OF
21 PROOF DOES NOT AFFECT THE ORIGINAL PETITION.

22 (4) IF THE CHILD IS TAKEN INTO SHELTER CARE PRIOR TO OR ON THE
23 FILING OF THE SUPPLEMENTAL PETITION, THE COURT SHALL HOLD A SHELTER
24 CARE HEARING IN ACCORDANCE WITH § 3-8B-14 OF THIS SUBTITLE.

25 3-8B-08.

26 (A) A PETITION SHALL BE FILED IN THE COUNTY WHERE:

27 (1) THE ACTS ON WHICH THE PETITION IS BASED ARE ALLEGED TO
28 HAVE OCCURRED;

29 (2) THE CUSTODIAL PARENT, CUSTODIAN, OR GUARDIAN RESIDES; OR

30 (3) THE CHILD IS RESIDING AT THE TIME THE PETITION IS FILED.

31 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF TWO OR
32 MORE PETITIONS CONCERNING THE SAME FAMILY AND THE SAME SUBJECT
33 MATTER ARE FILED IN DIFFERENT JURISDICTIONS:

34 (1) THE PARTIES MAY SELECT THE VENUE BY AGREEING UPON ONE OF
35 THE JURISDICTIONS; OR

23

1 (2) IF THE PARTIES DO NOT AGREE UPON ONE JURISDICTION, THE
2 ACTION SHALL CONTINUE IN THE JURISDICTION IN WHICH THE PETITION WAS FILED
3 FIRST, AND THE REMAINING PETITION OR PETITIONS SHALL BE DISMISSED.

4 (C) THE COURT FOR THE JURISDICTION SELECTED PURSUANT TO
5 SUBSECTION (B) OF THIS SECTION MAY, FOR GOOD CAUSE SHOWN, TRANSFER THE
6 ACTION TO ANOTHER COUNTY IN WHICH THE ACTION WAS INITIALLY FILED.

7 3-8B-09.

8 AFTER ADJUDICATION, A CINA PROCEEDING MAY BE TRANSFERRED, ON
9 MOTION OF ANY PARTY OR ON THE COURT'S OWN MOTION, TO:

10 (1) THE COUNTY IN WHICH THE CHILD RESIDES; OR

11 (2) THE APPROPRIATE JURISDICTION UNDER THE UNIFORM CHILD
12 CUSTODY JURISDICTION ACT OR THE FEDERAL PARENTAL KIDNAPPING
13 PREVENTION ACT, OR BOTH, AS APPLICABLE.

14 3-8B-10. RESERVED.

15 3-8B-11.

16 (A) AT THE FIRST APPEARANCE OF A PERSON WHO MAY BE A PARTY, THE
17 COURT SHALL DETERMINE WHETHER THE PERSON IS A PARTY.

18 (B) AT THE FIRST APPEARANCE OF A PARTY, THE COURT SHALL:

19 (1) ENSURE THAT THE PARTY OR THE PARTY'S COUNSEL HAS A COPY
20 OF THE PETITION;

21 (2) ADVISE THE PARTY OF ANY RIGHT TO BE REPRESENTED BY
22 COUNSEL IN THE CINA PROCEEDING;

23 (3) IF THE PARTY DOES NOT HAVE COUNSEL, ADVISE THE PARTY
24 WHERE TO APPLY FOR APPOINTED COUNSEL; AND

25 (4) ADVISE THE PHYSICAL CUSTODIAN OF THE CHILD THAT THE
26 CUSTODIAN IS RESPONSIBLE FOR BRINGING THE CHILD TO COURT FOR HEARINGS
27 WHEN THE CHILD'S PRESENCE IS REQUIRED.

28 (C) ON FILING A PETITION WITHOUT A REQUEST FOR SHELTER CARE, THE
29 LOCAL DEPARTMENT SHALL NOTIFY THE PHYSICAL CUSTODIAN OF THE CHILD
30 THAT THE CUSTODIAN IS RESPONSIBLE FOR BRINGING THE CHILD TO COURT FOR
31 HEARINGS WHEN THE CHILD'S PRESENCE IS REQUIRED.

32 3-8B-12.

33 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AND ON AGREEMENT OF
34 ALL PARTIES AND FOR GOOD CAUSE SHOWN, THE COURT MAY CONTINUE AN
35 ADJUDICATION OR INITIAL DISPOSITION HEARING.

36 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AND IN THE ABSENCE OF
37 AGREEMENT OF THE PARTIES BUT FOR GOOD CAUSE SHOWN, THE COURT MAY

24

1 CONTINUE AN ADJUDICATION OR INITIAL DISPOSITION HEARING FOR UP TO 30
2 DAYS.

3 (C) THE INITIAL DISPOSITION HEARING SHALL BE COMPLETED WITHIN 210
4 DAYS AFTER THE FILING OF THE PETITION.

5 (D) DURING AN AGREED-UPON CONTINUANCE, THE COURT SHALL HOLD A
6 HEARING WITHIN 14 DAYS OF THE FILING OF A REQUEST BY ANY PARTY.

7 3-8B-13.

8 (A) AT ANY TIME PRIOR TO THE CONCLUSION OF THE ADJUDICATION
9 HEARING, THE PETITIONER MAY WITHDRAW THE PETITION AND DISMISS THE
10 PETITION WITHOUT PREJUDICE.

11 (B) IF WITHDRAWING THE PETITION PRIOR TO THE ADJUDICATION
12 HEARING:

13 (1) THE PETITIONER SHALL GIVE EACH PARTY WRITTEN NOTICE OF
14 THE INTENT TO WITHDRAW THE PETITION; AND

15 (2) WITHIN 10 DAYS OF NOTICE OF THE PETITIONER'S INTENT TO
16 WITHDRAW THE PETITION, A PARTY MAY FILE THE SAME OR ANOTHER PETITION
17 WITH RESPECT TO THE CHILD.

18 (C) IF A PETITION IS WITHDRAWN AT THE ADJUDICATION HEARING, A PARTY
19 MAY ADOPT THE PETITION AND THE ADJUDICATION HEARING MAY CONTINUE ON
20 THAT PETITION WITH THE PARTY ADOPTING THE PETITION BEARING THE BURDEN
21 OF PROVING THE ALLEGATIONS OF THE PETITION.

22 (D) NOTHING IN THIS SECTION PRECLUDES A PERSON FROM FILING A
23 PETITION IN ACCORDANCE WITH § 3-8B-06 OF THIS SUBTITLE.

24 3-8B-14.

25 (A) (1) WHENEVER A CHILD IS REMOVED FROM HOME PURSUANT TO §
26 5-709 OF THE FAMILY LAW ARTICLE, A PETITION FOR SHELTER CARE SHALL BE
27 FILED WITH THE COURT AND A HEARING ON THE PETITION SHALL BE HELD ON THE
28 NEXT CALENDAR DAY, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS.

29 (2) IF THE CHILD IS RETURNED HOME BEFORE THE SHELTER CARE
30 HEARING, THE PETITION NEED NOT BE FILED NOR THE HEARING HELD.

31 (B) ON AGREEMENT OF THE PARTIES, THE COURT MAY ISSUE AN ORDER OF
32 SHELTER CARE FOR A CHILD WITHOUT HOLDING AN EVIDENTIARY HEARING.

33 (C) (1) IN THE ABSENCE OF AN AGREEMENT OF THE PARTIES, THE COURT
34 SHALL ISSUE AN ORDER OF SHELTER CARE IF THE COURT FINDS THAT THE CHILD IS
35 AT IMMINENT RISK OF SERIOUS HARM.

36 (2) IN DETERMINING WHETHER THE CHILD IS AT IMMINENT RISK OF
37 SERIOUS HARM, THE COURT SHALL CONSIDER WHETHER A PARENT, GUARDIAN, OR
38 CUSTODIAN IS WILLING AND ABLE TO PROVIDE THE CHILD WITH PROPER CARE AND
39 ATTENTION AND TO PRODUCE THE CHILD FOR FUTURE COURT HEARINGS.

25

1 (D) (1) EVIDENCE AT THE SHELTER CARE HEARING MAY BE PRESENTED BY
2 TESTIMONY, DOCUMENTATION, OR STIPULATION.

3 (2) IN THE ABSENCE OF AN OBJECTION BY A PARTY, EVIDENCE ALSO
4 MAY BE PRESENTED BY PROFFER.

5 (3) HEARSAY MAY BE ADMITTED AT THE SHELTER CARE HEARING.

6 (E) AT THE SHELTER CARE HEARING, THE COURT SHALL:

7 (1) SCHEDULE THE ADJUDICATION HEARING FOR A DATE NO LATER
8 THAN 30 DAYS AFTER THE SHELTER CARE HEARING;

9 (2) ISSUE ANY ORDERS CONTROLLING CONDUCT OF PERSONS BEFORE
10 THE COURT PURSUANT TO § 3-8B-29 OF THIS SUBTITLE; AND

11 (3) MAKE ANY DETERMINATIONS OF FACT REQUIRED FOR FEDERAL
12 FUNDING UNDER TITLE IV OF THE SOCIAL SECURITY ACT OF 1966.

13 (F) ON AGREEMENT OF ALL PARTIES AND FOR GOOD CAUSE SHOWN, THE
14 COURT MAY CONTINUE SHELTER CARE FOR UP TO 150 DAYS BEYOND THE END OF
15 THE INITIAL SHELTER CARE PERIOD.

16 (G) IN THE ABSENCE OF AGREEMENT OF THE PARTIES, THE COURT MAY
17 EXTEND SHELTER CARE FOR ONE 30-DAY PERIOD BEYOND THE END OF THE INITIAL
18 SHELTER CARE PERIOD IF, AFTER A HEARING, THE COURT FINDS THAT THE
19 CIRCUMSTANCES STILL MEET THE STANDARD FOR SHELTER CARE SET OUT IN
20 SUBSECTION (C) OF THIS SECTION.

21 (H) SHELTER CARE AUTHORIZED BY THIS SECTION MAY NOT EXCEED 180
22 CONSECUTIVE DAYS.

23 3-8B-15.

24 (A) AT ANY HEARING PRIOR TO ADJUDICATION AT WHICH THE COURT
25 ORDERS CONTINUED SHELTER CARE, THE COURT MAY:

26 (1) TO THE EXTENT THAT THE COURT FINDS PROBABLE CAUSE TO
27 BELIEVE THAT THE ALLEGATIONS OF FACT IN THE PETITION ARE TRUE, ORDER
28 SERVICES DESIGNED TO PROTECT THE HEALTH AND WELL-BEING OF THE CHILD;
29 AND

30 (2) IN THE ABSENCE OF AN OBJECTION BY THE PARENT OR CHILD,
31 ORDER SERVICES DESIGNED TO ASSIST THE FAMILY TO REMEDY THE ABUSE OR
32 NEGLECT ALLEGED IN THE PETITION.

33 (B) AT A HEARING HELD BEFORE THE ADJUDICATION AT WHICH THE COURT
34 ORDERS THAT THE CHILD BE RETURNED HOME, THE COURT MAY ALSO ORDER
35 SUPERVISION AND MONITORING OF THE CHILD IN THE HOUSEHOLD TO ENSURE
36 THE CHILD'S SAFETY.

37 (C) AT ANY HEARING PRIOR TO DISPOSITION, AFTER THE COURT HAS MADE
38 FINDINGS AS TO THE FACTS ALLEGED IN THE PETITION, THE COURT MAY, ON THE
39 BASIS OF THE INFORMATION IT HAS BEFORE IT AT THAT HEARING AND PENDING

26

1 DISPOSITION, ORDER A PARTY TO PARTICIPATE IN OR PROVIDE SERVICES THAT
2 COULD BE ORDERED AT DISPOSITION.

3 3-8B-16.

4 (A) (1) COURT PROCEEDINGS ARE CONFIDENTIAL AND SHALL BE
5 CONDUCTED OUT OF THE PRESENCE OF ALL PERSONS EXCEPT THE PARTIES AND
6 THEIR COUNSEL.

7 (2) WITH CONSENT OF ALL PARTIES PRESENT, THE COURT MAY PERMIT
8 ATTENDANCE BY PERSONS WHOSE PRESENCE THE COURT DEEMS NECESSARY OR
9 APPROPRIATE.

10 (B) (1) A COURT RECORD PERTAINING TO A CHILD IN NEED OF
11 ASSISTANCE IS CONFIDENTIAL AND ITS CONTENTS MAY NOT BE DIVULGED, BY
12 SUBPOENA OR OTHERWISE, EXCEPT BY ORDER OF THE COURT UPON GOOD CAUSE
13 SHOWN.

14 (2) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO OR THE USE OF
15 THE COURT RECORD BY:

16 (I) PARTIES AND THEIR COUNSEL;

17 (II) COURT PERSONNEL;

18 (III) A COURT APPOINTED SPECIAL ADVOCATE FOR THE CHILD;

19 (IV) AUTHORIZED PERSONNEL OF THE LOCAL DEPARTMENT OR
20 THE SOCIAL SERVICES ADMINISTRATION IN ORDER TO CONDUCT A CHILD ABUSE
21 OR NEGLECT INVESTIGATION OR TO COMPLY WITH REQUIREMENTS IMPOSED BY
22 FEDERAL FUNDING STATUTES;

23 (V) PARTIES TO A TERMINATION OF PARENTAL RIGHTS CASE
24 INVOLVING THE CHILD OR THEIR COUNSEL; OR

25 (VI) AUTHORIZED PERSONNEL OF THE OFFICE OF CHILD SUPPORT
26 ENFORCEMENT FOR PURPOSES OF CARRYING OUT THEIR CHILD SUPPORT
27 ENFORCEMENT RESPONSIBILITIES.

28 (C) THE COURT, ON ITS OWN MOTION OR ON THE MOTION OF ANY PARTY
29 AND A FINDING OF GOOD CAUSE, MAY ISSUE A PROTECTIVE ORDER DENYING OR
30 LIMITING ACCESS TO A COURT RECORD BY A PARTY OR OTHER PERSON OTHERWISE
31 ENTITLED TO ACCESS UNDER THIS SECTION.

32 (D) (1) THIS SECTION DOES NOT PROHIBIT ACCESS TO OR USE OF ANY
33 JUVENILE RECORD, ON APPROVAL OF THE COURT, FOR RESEARCH OR
34 STATISTIC-GATHERING PURPOSES.

35 (2) ANY RECORD DISCLOSED OR REVIEWED UNDER THIS SUBSECTION
36 SHALL HAVE THE NAME OF THE CHILD AND ANY OTHER INFORMATION THAT
37 COULD REVEAL THE CHILD'S IDENTITY REMOVED FROM THE RECORD PRIOR TO
38 DISCLOSURE.

27

1 3-8B-17.

2 (A) A CHILD MAY FILE AN ACTION IN THE COURT TO BE EMANCIPATED
3 PRIOR TO THE CHILD'S EIGHTEENTH BIRTHDAY.

4 (B) THE COMPLAINT SHALL NAME AS RESPONDENTS THE CHILD'S PARENTS
5 AND ANY AGENCY TO WHICH THE CHILD IS COMMITTED OR WHICH HOLDS
6 GUARDIANSHIP OF THE CHILD.

7 (C) (1) THE COURT MAY ENTER A JUDGMENT OF EMANCIPATION ONLY ON
8 A FINDING, FOLLOWING A HEARING, AND BY CLEAR AND CONVINCING EVIDENCE,
9 THAT EMANCIPATION IS IN THE CHILD'S BEST INTEREST.

10 (2) IN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER:

11 (I) WHETHER THE CHILD CAN INDEPENDENTLY PROVIDE AND
12 ARRANGE FOR THE CHILD'S BASIC NEEDS, INCLUDING FINANCES AND SHELTER,
13 AND ANY SPECIAL NEEDS;

14 (II) WHETHER THERE IS A NEED FOR CONTINUING PARENTAL
15 INVOLVEMENT;

16 (III) WHETHER THERE IS A NEED FOR AN AGENCY'S CONTINUING
17 INVOLVEMENT OR SUPERVISION;

18 (IV) THE CHILD'S DESIRE TO BE EMANCIPATED AND THE CHILD'S
19 UNDERSTANDING OF THE CONSEQUENCES OF BEING FREE FROM PARENTAL
20 CONTROL AND PROTECTION;

21 (V) THE MARITAL STATUS OF THE CHILD; AND

22 (VI) THE WISHES, INTERESTS, JUDGMENT, AND RIGHTS OF THE
23 CHILD'S PARENTS.

24 (D) THE COURT'S JUDGMENT OF EMANCIPATION SHALL TERMINATE:

25 (1) THE PARENTS' DUTY TO SUPPORT THE CHILD;

26 (2) THE PARENTS' RIGHT TO CONTROL OR HAVE CUSTODY OF THE
27 CHILD AND THE CHILD'S EARNINGS;

28 (3) THE CHILD'S COMMITMENT TO ANY AGENCY; AND

29 (4) THE COURT'S JURISDICTION.

30 (E) THE JUDGMENT OF EMANCIPATION SHALL NOT AFFECT ANY PAST DUE
31 CHILD SUPPORT OBLIGATIONS.

32 (F) ON ENTRY OF JUDGMENT OF EMANCIPATION, THE CHILD SHALL HAVE
33 ALL OF THE RIGHTS AND DUTIES OF AN ADULT.

34 3-8B-18.

35 (A) IN THIS SECTION, "EXAMINATION" MEANS ANY EVALUATION, STUDY, OR
36 EXAMINATION ORDERED BY THE COURT TO BE PERFORMED.

28

1 (B) (1) AFTER A PETITION HAS BEEN FILED, THE COURT MAY ORDER AN
2 EXAMINATION OF A CHILD, A CHILD'S FAMILY, A CHILD'S ENVIRONMENT, AND ANY
3 OTHER MATTER RELEVANT TO THE CASE.

4 (2) ANY PARTY MAY BE ORDERED BY THE COURT TO SUBMIT TO AN
5 EXAMINATION BY A QUALIFIED PROFESSIONAL.

6 (C) AN EXAMINATION CONDUCTED UNDER THIS SECTION SHALL BE
7 CONDUCTED ON AN OUTPATIENT BASIS, EXCEPT AS PERMITTED IN THIS SECTION.

8 (D) (1) THE COURT MAY ORDER THAT A PSYCHIATRIC OR PSYCHOLOGICAL
9 EXAMINATION OF A CHILD BE CONDUCTED ON AN INPATIENT BASIS ONLY ON A
10 FINDING, BASED UPON EVIDENCE THAT INCLUDES TESTIMONY OR A CERTIFICATE
11 FROM A PSYCHIATRIST OR PSYCHOLOGIST, THAT AN INPATIENT EXAMINATION IS
12 NECESSARY IN ORDER TO DETERMINE WHETHER THE CRITERIA LISTED IN § 3-8B-22
13 OF THIS SUBTITLE FOR INPATIENT TREATMENT ARE MET.

14 (2) AN EXAMINATION ORDERED UNDER THIS SECTION SHALL BE
15 COMPLETED AND THE CHILD SHALL BE RELEASED FROM THE FACILITY WITHIN 7
16 DAYS AFTER THE CHILD IS ADMITTED FOR THE EXAMINATION.

17 (3) A CHILD MAY BE KEPT IN THE FACILITY BEYOND THE 7 DAYS ONLY
18 AS PROVIDED UNDER § 3-8B-22 OF THIS SUBTITLE.

19 (E) IN ORDERING AN EXAMINATION UNDER THIS SECTION, THE COURT
20 SHALL SPECIFY IN ITS ORDER THE AREAS TO BE ADDRESSED IN THE EXAMINATION
21 AND LIST ANY QUESTIONS THAT THE COURT WANTS ANSWERED IN THE REPORT OF
22 THE EXAMINATION.

23 (F) (1) NOTWITHSTANDING THE PROVISIONS OF ARTICLE 88A, § 6 OF THE
24 CODE, AND ANY OTHER PROVISION OF LAW, THE LOCAL DEPARTMENT SHALL MAKE
25 AVAILABLE TO THE EXAMINING PROFESSIONAL ANY RECORDS OR INFORMATION
26 ON THE CHILD OR THE CHILD'S FAMILY, AS REQUESTED BY THE EXAMINING
27 PROFESSIONAL.

28 (2) THE EXAMINING PROFESSIONAL SHALL MAINTAIN THE
29 CONFIDENTIALITY OF THE INFORMATION RECEIVED UNDER THIS SUBSECTION IN
30 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 88A, § 6 OF THE CODE.

31 (G) (1) A REPORT OF AN EXAMINATION ORDERED IN ACCORDANCE WITH
32 THIS SECTION IS ADMISSIBLE AS EVIDENCE IN DISPOSITION AND REVIEW HEARINGS.

33 (2) A PARTY MAY SUBPOENA THE EXAMINING PROFESSIONAL TO THE
34 HEARING FOR PURPOSES OF TESTIFYING ON THE REPORT.

35 (H) ON REQUEST OF A PARTY, THE COURT SHALL, OR UPON ITS OWN MOTION
36 THE COURT MAY, DETERMINE, UNDER § 3-8B-24 OF THIS SUBTITLE, WHO SHALL
37 BEAR THE COST OF THE EXAMINATION.

38 3-8B-19.

39 (A) THE COURT SHALL HOLD AN ADJUDICATION HEARING ON EVERY
40 PETITION ALLEGING THAT A CHILD IS IN NEED OF ASSISTANCE.

1 (B) AT THE CONCLUSION OF THE PRESENTATION OF EVIDENCE AT THE
2 ADJUDICATION HEARING, THE COURT SHALL DETERMINE WHETHER EACH
3 ALLEGATION OF FACT IN THE PETITION HAS BEEN PROVEN.

4 (C) (1) IF THE COURT DETERMINES THAT ONE OR MORE ALLEGATIONS OF
5 FACT HAVE BEEN PROVEN, THE COURT SHALL FURTHER DETERMINE, PRIOR TO
6 THE CONCLUSION OF THE ADJUDICATION HEARING, WHETHER THE FACTS PROVEN
7 MAKE THE CHILD IN NEED OF THE ASSISTANCE AS DEFINED IN § 3-8B-01 OF THIS
8 SUBTITLE.

9 (2) IF THE COURT DETERMINES THAT THE FACTS PROVEN DO NOT
10 MAKE THE CHILD IN NEED OF ASSISTANCE, THE COURT SHALL DISMISS THE
11 PETITION WITH PREJUDICE.

12 (D) IF THE COURT DETERMINES THAT NONE OF THE ALLEGATIONS OF FACT
13 HAVE BEEN PROVEN, THE COURT SHALL DISMISS THE PETITION WITH PREJUDICE.

14 (E) (1) EVIDENCE MAY BE PRESENTED AT THE ADJUDICATION HEARING
15 BY STIPULATION OF FACT, PROFFER, SWORN TESTIMONY, ADMISSION OF
16 DOCUMENTS, OR ANY COMBINATION OF THESE METHODS.

17 (2) IF A PARTY OBJECTS TO THE PROFFERING OF EVIDENCE, THE
18 COURT SHALL REQUIRE THAT THE EVIDENCE BE PRESENTED FORMALLY.

19 (3) IF A PROFFER OF EVIDENCE IS MADE, THE COURT SHALL INDICATE
20 ON THE RECORD WHETHER OR NOT THE COURT ACCEPTS THE PROFFER.

21 (4) IF ANY STIPULATED FACTS CONFLICT WITH ALLEGATIONS IN THE
22 PETITION, THE ALLEGATIONS OF THE PETITION SHALL BE DEEMED
23 UNSUBSTANTIATED.

24 3-8B-20.

25 (A) (1) AFTER AN ADJUDICATION HEARING, IF THE PETITION HAS NOT
26 BEEN DISMISSED, THE COURT SHALL HOLD A SEPARATE DISPOSITION HEARING.

27 (2) THE DISPOSITION HEARING SHALL BE HELD ON THE SAME DAY AS
28 THE ADJUDICATION HEARING, UNLESS A PARTY MOVES FOR, AND THE COURT
29 FINDS THAT THERE IS GOOD CAUSE FOR, A DELAY IN HOLDING THE DISPOSITION
30 HEARING.

31 (B) IF THE DISPOSITION INCLUDES REMOVAL OF THE CHILD FROM THE
32 HOME, THE COURT SHALL ISSUE AN ORDER:

33 (1) MAKING SPECIFIC FINDINGS OF FACT AS TO THE CIRCUMSTANCES
34 THAT CAUSED THE NEED FOR THE REMOVAL; AND

35 (2) INFORMING THE PARENTS THAT THE AGENCY OR DEPARTMENT
36 HAVING COMMITMENT OF THE CHILD MAY CHANGE THE PERMANENCY PLAN OF
37 REUNIFICATION TO ANOTHER PERMANENCY PLAN WHICH MAY INCLUDE THE
38 FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS IF:

30

1 (I) THE PARENTS HAVE NOT MADE SIGNIFICANT PROGRESS TO
2 REMEDY THE CIRCUMSTANCES THAT CAUSED THE NEED FOR THE REMOVAL AS
3 SPECIFIED IN THE COURT ORDER; AND

4 (II) THE PARENTS ARE UNWILLING OR UNABLE TO GIVE THE
5 CHILD PROPER CARE AND ATTENTION WITHIN A REASONABLE PERIOD OF TIME.

6 (C) (1) THE PRIORITIES FOR MAKING A DISPOSITION ARE THE BEST
7 INTERESTS OF THE CHILD.

8 (2) IN MAKING DISPOSITION, THE COURT SHALL CONSIDER THE
9 PURPOSES OF THIS SUBTITLE, AS SET FORTH IN § 3-8B-02 OF THIS SUBTITLE.

10 (D) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AND UNDER TERMS
11 DEEMED APPROPRIATE BY THE COURT, THE COURT MAY:

12 (1) COMMIT THE CHILD TO A PUBLIC AGENCY, INCLUDING THE
13 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, DEPARTMENT OF JUVENILE
14 JUSTICE, OR THE LOCAL DEPARTMENT OF SOCIAL SERVICES, AND MAY SPECIFY THE
15 TYPE OF PLACEMENT FOR THE CHILD;

16 (2) PLACE THE CHILD IN THE CUSTODY OF A PERSON UNDER THE
17 PROTECTIVE SUPERVISION OF A PUBLIC AGENCY; OR

18 (3) GRANT CUSTODY OF THE CHILD TO A PERSON.

19 (E) (1) A CHILD SHALL NOT BE PLACED OUTSIDE THE FAMILY HOME
20 UNLESS THE CHILD'S BEST INTEREST REQUIRES SUCH PLACEMENT.

21 (2) IN DETERMINING COMMITMENT, THE COURT SHALL CONSIDER
22 WHETHER RETURNING THE CHILD TO THE FAMILY HOME, WITH COURT-ORDERED
23 SERVICES DESIGNED TO PREVENT THE NEED FOR PLACEMENT OUTSIDE THE HOME,
24 WOULD BE IN THE CHILD'S BEST INTEREST.

25 (3) IF A CHILD IS PLACED OUTSIDE THE FAMILY HOME, THE TYPE OF
26 PLACEMENT SHALL BE THE LEAST RESTRICTIVE ALTERNATIVE AVAILABLE.

27 (F) (1) THE COURT MAY ORDER LIMITED GUARDIANSHIP WITH THE
28 COURT-ORDERED CUSTODIAN OR ANY OTHER PERSON FOR PURPOSES OF
29 AUTHORIZING MEDICAL, DENTAL, OR MENTAL HEALTH CARE, EDUCATIONAL
30 PLANS, RECEIPT OF PUBLIC ASSISTANCE OR OTHER INCOME PAYMENTS,
31 DISPOSITION OF PROPERTY, OUT-OF-STATE TRAVEL, AND DECISIONS AS TO
32 MARRIAGE, MILITARY ENLISTMENT, OR OTHER SPECIFIED PURPOSES.

33 (2) ANY POWER LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THAT
34 IS NOT SPECIFICALLY GRANTED BY THE COURT SHALL REMAIN WITH THE PERSON
35 FROM WHOSE CUSTODY THE CHILD WAS REMOVED.

36 (G) (1) THE COURT MAY ORDER A PARTY TO PARTICIPATE IN SERVICES
37 THAT ARE IN THE BEST INTEREST OF THE CHILD.

31

1 (2) IF THE CHILD'S PERMANENCY PLAN HAS BEEN IDENTIFIED AT THE
2 TIME OF DISPOSITION, THE COURT SHALL REVIEW THE APPROPRIATENESS OF THE
3 PERMANENCY PLAN AND CONSIDER IT IN ORDERING SERVICES.

4 (3) THE COURT MAY ORDER ONE OR MORE OF THE FOLLOWING
5 SERVICES:

6 (I) PHYSICAL, MENTAL, EDUCATIONAL, OR SUBSTANCE ABUSE
7 EVALUATION;

8 (II) SUBSTANCE ABUSE TREATMENT;

9 (III) ANY OF THE FOLLOWING TYPES OF COUNSELING:

10 1. MARITAL;

11 2. PARENTING;

12 3. INDIVIDUAL;

13 4. GROUP; OR

14 5. FAMILY;

15 (IV) PARENTING CLASSES;

16 (V) FACILITATION OF VISITATION BETWEEN THE CHILD AND THE
17 FAMILY, INCLUDING BETWEEN SIBLINGS; OR

18 (VI) ANY OF THE FOLLOWING AS ARE AVAILABLE AND FOR WHICH
19 THE PERSON IS ELIGIBLE:

20 1. PARENT AIDES;

21 2. CHILD CARE AS NEEDED FOR THE PARENT TO
22 PARTICIPATE IN SERVICES ORDERED BY THE COURT;

23 3. TRANSPORTATION TO AND FROM VISITATION AND
24 COURT-ORDERED APPOINTMENTS;

25 4. VOCATIONAL TRAINING FOR A CHILD OR PARENT;

26 5. RESPITE CARE;

27 6. INTENSIVE FAMILY SERVICES; OR

28 7. OTHER SERVICES THAT ARE IN THE BEST INTEREST OF
29 THE CHILD.

30 (H) THE COURT SHALL DETERMINE AND STATE ON THE RECORD WHETHER
31 REASONABLE EFFORTS ARE BEING MADE TO RETURN THE CHILD TO THE CHILD'S
32 HOME OR WHETHER THE CHILD'S WELFARE REQUIRES THAT THE CHILD REMAIN
33 OUT OF THE HOME.

32

1 (I) (1) THE COURT MAY ORDER A PARENT TO PAY FOR ANY SERVICE
2 ORDERED PURSUANT TO SUBSECTION (G) OF THIS SECTION, AND, IN MAKING THIS
3 DETERMINATION, SHALL CONSIDER:

4 (I) THE PARENT'S FINANCIAL STATUS; AND

5 (II) THE AVAILABILITY OF PRIVATE INSURANCE.

6 (2) ANY AMOUNTS ORDERED UNDER THIS SUBSECTION SHALL BE
7 CONSIDERED A SETOFF FOR CHILD SUPPORT PURPOSES.

8 (J) IN ORDERING ANY EXAMINATION OR TREATMENT OF A CHILD OR
9 FAMILY MEMBER, THE COURT SHALL CONSIDER THE VIEWS OF THE CHILD'S
10 PARENTS AS TO WHO SHALL PERFORM THE EXAMINATION OR TREATMENT.

11 3-8B-21.

12 (A) AT LEAST EVERY 12 MONTHS, THE COURT SHALL HOLD A HEARING TO
13 REVIEW THE CASE OF EACH CHILD COMMITTED UNDER § 3-8B-20(D) OF THIS
14 SUBTITLE OR UNDER AN ORDER OF PROTECTIVE SUPERVISION OF THE LOCAL
15 DEPARTMENT.

16 (B) (1) ON THE WRITTEN REQUEST OF ANY PARTY, OR ON ITS OWN
17 MOTION, THE COURT MAY SCHEDULE A REVIEW OF A CASE.

18 (2) THE WRITTEN REQUEST FOR REVIEW SHALL STATE THE REASON
19 FOR THE REQUEST AND ANY ISSUES TO BE RAISED.

20 (3) IF THE REQUEST FOR A HEARING IS GRANTED, THE HEARING SHALL
21 BE HELD WITHIN 30 DAYS OF THE FILING OF THE REQUEST.

22 (C) (1) ON AN ALLEGATION OF EMERGENCY CONDITIONS, THE COURT MAY
23 SCHEDULE AN IMMEDIATE REVIEW WITHIN 5 DAYS.

24 (2) ON THE REQUEST OF A PARTY AND FOR GOOD CAUSE, THE COURT
25 MAY CONTINUE THE EMERGENCY REVIEW FOR UP TO 8 DAYS.

26 (D) AT THE REVIEW HEARING, THE COURT SHALL:

27 (1) REVIEW THE APPROPRIATENESS OF THE PERMANENCY PLAN;

28 (2) DETERMINE THE FUTURE STATUS OF THE CHILD, INCLUDING
29 WHETHER THE CHILD:

30 (I) SHOULD BE RETURNED TO THE PARENT;

31 (II) SHOULD BE PLACED IN THE CUSTODY OF A RELATIVE OR
32 OTHER PERSON;

33 (III) SHOULD BE CONTINUED IN FOSTER CARE FOR A SPECIFIED
34 PERIOD;

35 (IV) SHOULD BE PLACED FOR ADOPTION;

33

1 (V) BECAUSE OF THE CHILD'S SPECIAL NEEDS OR
2 CIRCUMSTANCES, SHOULD BE PLACED IN PERMANENT FOSTER CARE WITH A
3 SPECIFIED CUSTODIAN;

4 (VI) SHOULD BE PLACED IN AN INDEPENDENT LIVING
5 ARRANGEMENT; OR

6 (VII) PLACED IN LONG-TERM FOSTER CARE; AND

7 (3) IN THE CASE OF A CHILD WHO HAS REACHED THE AGE OF 16,
8 ORDER THE SERVICES NEEDED TO ASSIST THE CHILD TO MAKE THE TRANSITION
9 FROM FOSTER CARE TO INDEPENDENT LIVING.

10 (E) A REVIEW HEARING NEED NOT BE HELD FOR A CHILD PLACED IN
11 PERMANENT FOSTER CARE.

12 (F) THE COURT MAY NOT RESTRICT OR REQUIRE THE FILING OF A PETITION
13 FOR TERMINATION OF PARENTAL RIGHTS.

14 (G) AT THE REVIEW HEARING, THE COURT MAY ORDER ANY OF THE
15 SERVICES LISTED IN § 3-8B-20(G) OF THIS SUBTITLE.

16 (H) AT THE REVIEW HEARING, THE COURT SHALL DETERMINE AND STATE
17 ON THE RECORD WHETHER:

18 (1) THE IMPLEMENTATION OF THE CHILD'S PERMANENCY PLAN IS IN
19 THE CHILD'S BEST INTEREST; AND

20 (2) REASONABLE EFFORTS ARE BEING MADE TO EFFECTUATE THE
21 PERMANENCY PLAN FOR THE CHILD.

22 3-8B-22.

23 (A) IN THIS SECTION "FACILITY" MEANS:

24 (1) ANY PUBLIC OR PRIVATE CLINIC, HOSPITAL, OR OTHER
25 INSTITUTION THAT PROVIDES INPATIENT TREATMENT FOR CHILDREN WHO HAVE
26 MENTAL DISORDERS;

27 (2) ANY PUBLIC OR PRIVATE INSTITUTION THAT PROVIDES
28 RESIDENTIAL SERVICES FOR INDIVIDUALS WITH MENTAL RETARDATION, AS
29 DEFINED IN THE HEALTH - GENERAL ARTICLE, AND WHO, BECAUSE OF MENTAL
30 RETARDATION, REQUIRE SPECIALIZED LIVING ARRANGEMENTS; OR

31 (3) ANY PUBLIC OR PRIVATE CLINIC, HOSPITAL, OR OTHER
32 INSTITUTION THAT PROVIDES INPATIENT TREATMENT, CARE, OR REHABILITATION
33 FOR ALCOHOL AND DRUG ABUSERS.

34 (B) A CHILD WHO HAS BEEN ADJUDICATED A CHILD IN NEED OF ASSISTANCE,
35 OR WHOSE PARENTS' PARENTAL RIGHTS HAVE BEEN TERMINATED BUT WHO HAS
36 NOT BEEN ADOPTED, MAY BE ADMITTED FOR TREATMENT IN A FACILITY ONLY:

37 (1) BY CONSENT OF THE CHILD'S PARENT, AS A VOLUNTARY ADMISSION
38 UNDER TITLE 6, PART II OF THE HEALTH - GENERAL ARTICLE;

34

1 (2) BY AN ORDER OF THE COURT UNDER THIS SECTION; OR

2 (3) UNDER THE INVOLUNTARY PROCEDURES PROVIDED FOR IN TITLE
3 6, PART III OF THE HEALTH - GENERAL ARTICLE.

4 (C) (1) IF A CHILD WHO IS IN THE CUSTODY OF A PUBLIC AGENCY IS
5 INVOLUNTARILY ADMITTED FOR INPATIENT TREATMENT PURSUANT TO TITLE 6,
6 PART III OF THE HEALTH - GENERAL ARTICLE, THE CUSTODIAL AGENCY SHALL
7 NOTIFY THE COURT AND ALL COUNSEL OF THE ADMISSION AS SOON AS POSSIBLE,
8 BUT IN ANY EVENT NO LATER THAN 1 WORKING DAY AFTER THE ADMISSION.

9 (2) A PARTY MAY FILE A REQUEST FOR THE COURT TO REVIEW THE
10 ADMISSION, PURSUANT TO SUBSECTION (E) OF THIS SECTION.

11 (3) WITHIN 5 WORKING DAYS OF THE RECEIPT OF A HEARING REQUEST,
12 THE COURT SHALL HOLD A HEARING TO REVIEW THE ADMISSION.

13 (4) THE CHILD MAY REMAIN INVOLUNTARILY ADMITTED ONLY IF THE
14 COURT FINDS ON THE RECORD AND ON CLEAR AND CONVINCING EVIDENCE THAT
15 THE ADMISSION MEETS THE STANDARD SET OUT IN SUBSECTION (E) OF THIS
16 SECTION.

17 (D) A CHILD UNDER THE COURT'S JURISDICTION WHO HAS NOT BEEN
18 ADJUDICATED A CHILD IN NEED OF ASSISTANCE MAY BE ADMITTED FOR
19 TREATMENT IN A FACILITY ONLY:

20 (1) BY CONSENT OF THE CHILD'S PARENT, AS A VOLUNTARY ADMISSION
21 AS PROVIDED IN TITLE 6, PART II OF THE HEALTH - GENERAL ARTICLE; OR

22 (2) UNDER THE INVOLUNTARY PROCEDURES UNDER TITLE 6, PART III
23 OF THE HEALTH - GENERAL ARTICLE.

24 (E) THE COURT MAY ORDER THE PLACEMENT OF A CHILD UNDER ITS
25 JURISDICTION INTO A FACILITY FOR INPATIENT PSYCHIATRIC CARE, PURSUANT TO
26 SUBSECTION (B)(2) OF THIS SECTION ONLY IF THE COURT FINDS AT THE HEARING,
27 ON THE RECORD AND BASED ON CLEAR AND CONVINCING EVIDENCE, THAT:

28 (1) THE CHILD HAS A MENTAL DISORDER;

29 (2) THE CHILD NEEDS INPATIENT CARE AND TREATMENT;

30 (3) THE CHILD PRESENTS A DANGER TO THE LIFE AND SAFETY OF THE
31 CHILD OR OTHERS;

32 (4) THE CHILD IS UNABLE OR UNWILLING TO BE ADMITTED
33 VOLUNTARILY, PURSUANT TO § 20-102(C)(1) OR (2) OF THE HEALTH - GENERAL
34 ARTICLE; AND

35 (5) THERE IS NO AVAILABLE, LESS RESTRICTIVE FORM OF
36 INTERVENTION THAT IS CONSISTENT WITH THE WELFARE AND SAFETY OF THE
37 CHILD.

38 (F) THE COURT MAY ORDER THE PLACEMENT OF A CHILD UNDER ITS
39 JURISDICTION INTO A STATE MENTAL RETARDATION FACILITY UNDER SUBSECTION

35

1 (B)(2) OF THIS SECTION ONLY IF THE COURT FINDS AT THE HEARING, ON THE
2 RECORD AND BASED ON CLEAR AND CONVINCING EVIDENCE, THAT:

3 (1) THE CHILD IS MENTALLY RETARDED;

4 (2) THE CHILD NEEDS RESIDENTIAL CARE AND TREATMENT;

5 (3) THE CHILD PRESENTS A DANGER TO THE LIFE AND SAFETY OF THE
6 CHILD OR OTHERS; AND

7 (4) THERE IS NO AVAILABLE, LESS RESTRICTIVE FORM OF
8 INTERVENTION THAT IS CONSISTENT WITH THE WELFARE AND SAFETY OF THE
9 CHILD.

10 (G) THE COURT MAY ORDER THE PLACEMENT OF A CHILD UNDER ITS
11 JURISDICTION INTO AN INPATIENT FACILITY FOR THE TREATMENT, CARE, OR
12 REHABILITATION OF ALCOHOL AND DRUG ABUSERS UNDER SUBSECTION (B)(2) OF
13 THIS SECTION, ONLY IF THE COURT FINDS AT THE HEARING, ON THE RECORD AND
14 BASED ON CLEAR AND CONVINCING EVIDENCE, THAT:

15 (1) THE CHILD IS AN ABUSER OF ALCOHOL OR DRUGS;

16 (2) THE CHILD NEEDS INPATIENT TREATMENT, CARE, OR
17 REHABILITATION FOR THE ADEQUATE CARE AND PROTECTION OF THE CHILD OR
18 OTHERS;

19 (3) THE CHILD PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE
20 CHILD OR OTHERS;

21 (4) THE CHILD IS UNABLE OR UNWILLING TO BE ADMITTED
22 VOLUNTARILY UNDER § 20-102(C)(1) OR (2) OF THE HEALTH - GENERAL ARTICLE;
23 AND

24 (5) THERE IS NO LESS RESTRICTIVE FORM OF CARE AND TREATMENT
25 THAT IS CONSISTENT WITH THE CHILD'S WELFARE AND SAFETY.

26 (H) IF THE COURT ORDERS PLACEMENT OF THE CHILD UNDER THIS SECTION,
27 THE COURT SHALL HOLD A HEARING TO REVIEW THE NEED FOR AND
28 APPROPRIATENESS OF THE PLACEMENT:

29 (1) AT LEAST 45 DAYS BUT NOT MORE THAN 60 DAYS AFTER THE
30 PLACEMENT IS MADE; AND

31 (2) EVERY 4 MONTHS AFTER THE PLACEMENT IS MADE, AS LONG AS
32 THE CHILD REMAINS IN THE PLACEMENT.

33 3-8B-23.

34 (A) A CHILD WHO IS ALLEGED TO BE OR IS ADJUDICATED IN NEED OF
35 ASSISTANCE MAY NOT BE PLACED AT, OR COMMITTED OR TRANSFERRED TO, A
36 PENAL INSTITUTION OR OTHER FACILITY USED PRIMARILY FOR THE CONFINEMENT
37 OF PERSONS CHARGED WITH OR CONVICTED OF A CRIME OR DELINQUENT ACT.

36

1 (B) THIS SECTION DOES NOT APPLY TO A CHILD WHO IS ALLEGED TO BE OR
2 ADJUDICATED DELINQUENT AS WELL AS IN NEED OF ASSISTANCE.

3 3-8B-24.

4 (A) THE COURT MAY ORDER A PARTY TO PAY FOR AN EXAMINATION OR
5 TREATMENT ORDERED BY THE COURT OF A CHILD UNDER ITS JURISDICTION OR OF
6 THE PARENT OF SUCH A CHILD.

7 (B) IN DETERMINING WHO SHALL BE RESPONSIBLE FOR PAYMENT, THE
8 COURT SHALL CONSIDER, IN THE FOLLOWING ORDER OF PRIORITY:

9 (1) WHETHER THE PARENT'S PRIVATE HEALTH INSURANCE COVERAGE
10 IS AVAILABLE TO PAY THE COSTS;

11 (2) WHETHER THE PARENT HAS THE FINANCIAL MEANS TO PAY THE
12 COSTS;

13 (3) WHETHER THE COURT HAS A MEDICAL OFFICE THAT CAN PERFORM
14 THE EXAMINATION; AND

15 (4) WHETHER IT IS APPROPRIATE FOR THE PARTY FILING THE
16 PETITION TO PAY THE COSTS.

17 3-8B-25. RESERVED.

18 3-8B-26. RESERVED.

19 3-8B-27. RESERVED.

20 3-8B-28. RESERVED.

21 3-8B-29.

22 THE COURT MAY ENTER AN ORDER DIRECTING, RESTRAINING, OR
23 OTHERWISE CONTROLLING THE CONDUCT OF A PARTY, OR A PERSON WHO IS MADE
24 A PARTY UNDER § 3-8B-03 OF THIS SUBTITLE, IF NOTICE OF THE APPLICATION OR
25 MOTION FOR THE ORDER AND ITS GROUNDS HAS BEEN GIVEN AS REQUIRED BY
26 THE MARYLAND RULES, AND THE COURT FINDS THAT THE CONDUCT:

27 (1) IS OR MAY BE DETRIMENTAL OR HARMFUL TO A CHILD OVER
28 WHOM THE COURT HAS JURISDICTION;

29 (2) WILL TEND TO DEFEAT THE EXECUTION OF AN ORDER OR
30 DISPOSITION MADE OR TO BE MADE; OR

31 (3) WILL ASSIST IN THE REHABILITATION OF OR IS NECESSARY FOR THE
32 WELFARE OF THE CHILD.

33 3-8B-30.

34 (A) ON COMMITMENT OF A CHILD TO AN AGENCY OR GRANT OF CUSTODY TO
35 AN INDIVIDUAL, THE COURT SHALL CONSIDER WHETHER EITHER OR BOTH
36 PARENTS SHALL BE ORDERED TO CONTRIBUTE TO THE SUPPORT OF THE CHILD.

37

1 (B) (1) BEFORE MAKING AN ORDER CONCERNING SUPPORT FOR THE
2 CHILD, THE COURT SHALL DETERMINE WHETHER A SUPPORT ORDER EXISTS FOR
3 THE CHILD IN ANY COURT AND OBTAIN A COPY OF THAT ORDER FOR THE COURT
4 FILE.

5 (2) IF THERE IS AN EXISTING SUPPORT CASE IN A CIRCUIT COURT, THE
6 JUVENILE COURT SHALL ORDER THAT A COPY OF ALL ORDERS IN A CINA
7 PROCEEDING CONCERNING SUPPORT BE MADE AND SENT TO THE CLERK OF THE
8 CIRCUIT COURT FOR FILING IN THE SUPPORT CASE.

9 (C) ANY ORDER FOR SUPPORT SHALL BE ENTERED SEPARATELY FROM ANY
10 OTHER ORDER MADE IN THE CINA PROCEEDING.

11 (D) IN MAKING AN ORDER CONCERNING SUPPORT FOR THE CHILD, THE
12 COURT MAY:

13 (1) AMEND AN EXISTING SUPPORT ORDER;

14 (2) ORDER THAT SUPPORT BE PAID BY MORE THAN ONE PARENT;

15 (3) ORDER THAT SUPPORT BE DISTRIBUTED TO MORE THAN ONE
16 AGENCY OR PERSON PROVIDING CARE AND SERVICES TO THE CHILD;

17 (4) ADJUST THE AMOUNT OF SUPPORT TO BE PAID BY EITHER OR BOTH
18 PARENTS IN ORDER TO LEAVE THE PARENTS SUFFICIENT RESOURCES TO APPLY TO
19 THEIR REUNIFICATION EFFORTS; OR

20 (5) ORDER A PARENT TO PAY DIRECTLY FOR ANY SERVICES ORDERED
21 UNDER § 3-8B-18 OR § 3-8B-20 OF THIS SUBTITLE, IN WHICH CASE THE COURT SHALL:

22 (I) CONSIDER ANY INSURANCE COVERAGE THAT A PARENT HAS
23 FOR THE CHILD; AND

24 (II) TREAT THE AMOUNT PAID AS A SETOFF.

25 (E) (1) THE COURT'S ORDER FOR SUPPORT SHALL BE MADE IN THE CHILD'S
26 BEST INTEREST.

27 (2) IN DETERMINING SUPPORT FOR THE CHILD, THE COURT SHALL USE
28 THE CHILD SUPPORT GUIDELINES SET FORTH IN TITLE 12 OF THE FAMILY LAW
29 ARTICLE.

30 (3) IN DETERMINING WHETHER APPLICATION OF THE GUIDELINES
31 WOULD BE UNJUST OR INAPPROPRIATE, THE COURT SHALL CONSIDER:

32 (I) THE FAMILY'S FINANCIAL RESOURCES;

33 (II) THE FAMILY'S NONFINANCIAL CIRCUMSTANCES; AND

34 (III) THE PERMANENCY PLAN FOR THE CHILD.

35 (4) SUPPORT MAY NOT BE ORDERED FOR A CHILD WHO HAS REACHED
36 THE AGE OF 18 YEARS.

38

1 (F) IF THE CHILD IS RETURNED TO A PARENT, THE COURT MAY MODIFY ANY
2 EXISTING SUPPORT ORDER, INCLUDING ANY ORDER TO PAY ARREARAGE.

3 (G) (1) ALL CHILD SUPPORT ORDERED UNDER THIS SECTION SHALL BE
4 PAID TO THE APPROPRIATE SUPPORT ENFORCEMENT AGENCY FOR DISTRIBUTION
5 TO THE CHILD'S LEGAL CUSTODIAN.

6 (2) IF THE LOCAL DEPARTMENT IS THE CHILD'S LEGAL CUSTODIAN:

7 (I) THE LOCAL DEPARTMENT MAY ASSIGN ITS SUPPORT RIGHTS
8 TO THE CHILD'S PHYSICAL CUSTODIAN WITHOUT FURTHER ORDER OF THE COURT;
9 AND

10 (II) THE APPROPRIATE SUPPORT ENFORCEMENT AGENCY SHALL
11 DISTRIBUTE SUPPORT PAID DIRECTLY TO THE PHYSICAL CUSTODIAN, AS DIRECTED
12 BY THE LOCAL DEPARTMENT.

13 3-8B-31.

14 UNLESS OTHERWISE SPECIFIED, THE STANDARD OF PROOF FOR ALL COURT
15 FINDINGS AND DETERMINATIONS UNDER THIS SUBTITLE IS BY A PREPONDERANCE
16 OF THE EVIDENCE PRESENTED.

17 3-8B-32.

18 (A) EACH PARENT OF A CHILD WHO IS THE SUBJECT OF A CINA PROCEEDING
19 SHALL NOTIFY THE JUVENILE COURT AND THE LOCAL DEPARTMENT OF SOCIAL
20 SERVICES OF ALL CHANGES IN THE PARENT'S ADDRESS.

21 (B) THE CLERK'S OFFICE OF THE JUVENILE COURT SHALL MAINTAIN A
22 LISTING OF THE LATEST ADDRESS PROVIDED BY EACH PARENT OF A CHILD WHO IS
23 THE SUBJECT OF A CINA PROCEEDING.

24 (C) ON REQUEST OF A LOCAL DEPARTMENT, THE CLERK'S OFFICE SHALL
25 DISCLOSE TO THE LOCAL DEPARTMENT ALL ADDRESSES LISTED WITHIN THE
26 PRECEDING 9 MONTHS FOR THE PARENT OR PARENTS OF A CHILD ADJUDICATED IN
27 NEED OF ASSISTANCE, FOR PURPOSES OF ATTEMPTING NOTIFICATION OF THE
28 FILING OF A TERMINATION OF PARENTAL RIGHTS PETITION.

29 3-8B-33.

30 (A) AT EVERY CHILD IN NEED OF ASSISTANCE HEARING, THE COURT SHALL
31 INQUIRE INTO, AND MAKE FINDINGS OF FACT ON THE RECORD REGARDING, THE
32 IDENTITY AND CURRENT ADDRESS OF EACH PARENT OF EACH CHILD BEFORE THE
33 COURT AND IN DOING SO, THE COURT SHALL:

34 (1) INFORM THE PARTIES PRESENT OF THEIR CONTINUING
35 OBLIGATION TO ASSIST THE COURT IN IDENTIFYING AND LOCATING EACH PARENT
36 OF EACH CHILD;

37 (2) INFORM THE PARENTS PRESENT OF THEIR OBLIGATION TO KEEP
38 THE CLERK OF THE COURT INFORMED OF THEIR CURRENT ADDRESS;

39

1 (3) INFORM THE PARENTS PRESENT OF AVAILABLE PROCESSES AND
2 PROCEDURES FOR ESTABLISHING PATERNITY, IF NOT YET ESTABLISHED; AND

3 (4) IF APPROPRIATE, REFER PARENTS TO THE APPROPRIATE SUPPORT
4 ENFORCEMENT AGENCY FOR ESTABLISHMENT OF PATERNITY AND SUPPORT.

5 (B) THE COURT MAY ORDER A PARENT OR PUTATIVE PARENT TO:

6 (1) FILE AN APPLICATION FOR CHILD SUPPORT SERVICES WITH THE
7 APPROPRIATE SUPPORT ENFORCEMENT AGENCY; AND

8 (2) COOPERATE WITH THE APPROPRIATE SUPPORT ENFORCEMENT
9 AGENCY IN THE ESTABLISHMENT OF PATERNITY AND CHILD SUPPORT.

10 (C) EVIDENCE TAKEN AND FINDINGS MADE ON THE RECORD IN A CHILD IN
11 NEED OF ASSISTANCE HEARING MAY BE CONSIDERED BY A CIRCUIT COURT IN A
12 SEPARATE PATERNITY, CHILD SUPPORT, GUARDIANSHIP, OR TERMINATION OF
13 PARENTAL RIGHTS PROCEEDING REGARDING THAT CHILD.

14 3-8B-34.

15 (A) A PARTY IS ENTITLED TO THE ASSISTANCE OF COUNSEL AT EVERY STAGE
16 OF A PROCEEDING UNDER THIS SUBTITLE.

17 (B) THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE CHILD,
18 AND SHALL ENSURE THAT THE CHILD IS REPRESENTED BY AN ATTORNEY AT EVERY
19 STAGE OF PROCEEDINGS UNDER THIS SUBTITLE.

20 (C) IN ADDITION TO, BUT NOT IN LIEU OF, THE APPOINTMENT OF AN
21 ATTORNEY UNDER SUBSECTION (B) OF THIS SECTION, THE COURT MAY APPOINT
22 FOR THE CHILD AN INDIVIDUAL PROVIDED BY THE COURT-APPOINTED SPECIAL
23 ADVOCATE PROGRAM ESTABLISHED UNDER § 3-8A-35 OF THIS SUBTITLE.

24 (D) UNLESS THE RIGHT TO COUNSEL IS KNOWINGLY AND INTELLIGENTLY
25 WAIVED, OR COUNSEL IS OTHERWISE PROVIDED, THE COURT SHALL APPOINT AN
26 ATTORNEY FOR AN INDIGENT PARENT.

27 (E) IN ANY ACTION IN WHICH PAYMENT FOR THE SERVICES OF A
28 COURT-APPOINTED ATTORNEY FOR THE CHILD IS THE RESPONSIBILITY OF THE
29 LOCAL DEPARTMENT OF SOCIAL SERVICES, UNLESS THE COURT FINDS THAT IT
30 WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD, THE COURT SHALL:

31 (1) APPOINT AN ATTORNEY WHO HAS CONTRACTED WITH THE
32 DEPARTMENT OF HUMAN RESOURCES TO PROVIDE THOSE SERVICES, IN
33 ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

34 (2) IN AN ACTION IN WHICH AN ATTORNEY HAS PREVIOUSLY BEEN
35 APPOINTED, STRIKE THE APPEARANCE OF THE ATTORNEY PREVIOUSLY
36 APPOINTED, AND APPOINT THE ATTORNEY WHO IS CURRENTLY UNDER CONTRACT
37 WITH THE DEPARTMENT OF HUMAN RESOURCES, IN ACCORDANCE WITH THE
38 TERMS OF THE CONTRACT.

39 (F) (1) THE COURT MAY ORDER ANY PARTY OTHER THAN THE CHILD TO
40 PAY THE ATTORNEYS' FEES FOR THE CHILD OR AN INDIGENT PARENT, OR BOTH, TO

40

1 THE EXTENT THAT THERE IS NO EXISTING ORDER OR CONTRACT FOR PAYMENT OF
2 THE FEES.

3 (2) THE COURT MAY ORDER A PARENT TO CONTRIBUTE TO THE
4 ATTORNEYS' FEES FOR THE CHILD, EVEN IF THERE IS AN EXISTING ORDER OR
5 CONTRACT FOR THE PAYMENT OF THOSE FEES.

6 3-8B-35.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) "ADVOCATE" MEANS A COURT-APPOINTED SPECIAL ADVOCATE.

10 (3) "PROGRAM" MEANS A COURT-APPOINTED SPECIAL ADVOCATE
11 SERVICE THAT HAS BEEN ESTABLISHED IN A COUNTY WITH THE SUPPORT OF THE
12 JUVENILE COURT FOR THAT COUNTY FOR THE PURPOSE OF PROVIDING TRAINED
13 VOLUNTEERS APPOINTED BY THE COURT TO:

14 (I) PROVIDE THE COURT WITH BACKGROUND INFORMATION TO
15 AID THE COURT IN MAKING DECISIONS IN THE CHILD'S BEST INTEREST; AND

16 (II) FACILITATE PROVISION OF APPROPRIATE CASE PLANNING
17 AND SERVICES FOR THE CHILD.

18 (B) (1) THERE IS A COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

19 (2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE VOLUNTEERS
20 WHOSE PRIMARY PURPOSE IS TO PROVIDE VOLUNTEERS TO FACILITATE DELIVERY
21 OF COURT-ORDERED SERVICES FOR CHILDREN WHO ARE THE SUBJECT OF CINA
22 PROCEEDINGS.

23 (3) THE PROGRAM SHALL BE ADMINISTERED BY THE ADMINISTRATIVE
24 OFFICE OF THE COURTS.

25 (4) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL REPORT
26 ANNUALLY TO THE CHIEF JUDGE OF THE COURT OF APPEALS AND, SUBJECT TO §
27 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY
28 REGARDING THE OPERATION OF THE PROGRAM.

29 (5) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT RULES
30 GOVERNING THE IMPLEMENTATION AND OPERATION OF THE PROGRAM,
31 INCLUDING BUT NOT LIMITED TO TRAINING, SELECTION, AND SUPERVISION OF
32 VOLUNTEERS.

33 (C) (1) THE GOVERNOR MAY INCLUDE FUNDS IN THE BUDGET TO CARRY
34 OUT THE PROVISIONS OF THIS SECTION.

35 (2) ANY STATE FUNDS AVAILABLE FOR THIS PROGRAM SHALL BE
36 ALLOCATED TO THE COUNTIES ON A 50 PERCENT, COST-SHARING BASIS.

37 (D) AN ADVOCATE OR MEMBER OF THE ADMINISTRATIVE STAFF OF THE
38 PROGRAM IS NOT LIABLE FOR ACTS OR OMISSIONS IN PROVIDING SERVICES OR

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1 PERFORMING DUTIES ON BEHALF OF THE PROGRAM, UNLESS THE ACT OR OMISSION
2 IS MALICIOUS OR GROSSLY NEGLIGENT.

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-801(f)
4 through (v), respectively, of Article - Courts and Judicial Proceedings of the Annotated
5 Code of Maryland be renumbered to be Section(s) 3-801(e) through (u), respectively.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1996.