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1997 Regular Session
7lr0390

By: Montgomery County Delegation

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - District Court - Juvenile Court Jurisdiction**
3 **MC 725-97**

4 FOR the purpose of granting the District Court in Montgomery County, sitting as the
5 juvenile court, exclusive original jurisdiction over termination of parental rights
6 proceedings and related adoption proceedings involving children in need of
7 assistance under the jurisdiction of the juvenile court; modifying the jurisdiction of
8 the equity court in Montgomery County over adoption of certain children;
9 modifying a certain definition to clarify the rules that the District Court in
10 Montgomery County should follow under certain circumstances; repealing a
11 provision that terminated the jurisdiction of a juvenile court in Montgomery County
12 regarding certain issues under certain circumstances; and generally relating to the
13 jurisdiction of the District Court in Montgomery County, sitting as the juvenile
14 court.

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-801(i) and 3-804(a)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Family Law
22 Section 1-201
23 Annotated Code of Maryland
24 (1991 Replacement Volume and 1996 Supplement)

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

2

1 Article - Courts and Judicial Proceedings

2 3-801.

3 (i) "Court" means the circuit court of a county or Baltimore City sitting as the
4 juvenile court. In Montgomery County, it means the District Court sitting as the juvenile
5 court AND FOLLOWING THE APPLICABLE RULES OF THE CIRCUIT COURT.

6 3-804.

7 (a) The court has exclusive original jurisdiction over:

8 (1) A child alleged to be delinquent, in need of supervision, in need of
9 assistance or who has received a citation for a violation; and

10 (2) [Except in Montgomery County, with] WITH respect to any child who is
11 under the jurisdiction of the juvenile court and previously has been adjudicated a child in
12 need of assistance, all termination of parental rights proceedings and related adoption
13 proceedings.

14 Article - Family Law

15 1-201.

16 (a) An equity court has jurisdiction over:

17 (1) adoption of a child, except for a child who is under the jurisdiction of
18 any juvenile court [other than the juvenile court for Montgomery County] and who
19 previously has been adjudicated to be a child in need of assistance;

20 (2) alimony;

21 (3) annulment of a marriage;

22 (4) divorce;

23 (5) custody or guardianship of a child except for a child who is under the
24 jurisdiction of the juvenile court and who previously has been adjudicated to be a child in
25 need of assistance;

26 (6) visitation of a child;

27 (7) legitimation of a child;

28 (8) paternity; and

29 (9) support of a child.

30 (b) In exercising its jurisdiction over the custody, guardianship, visitation, or
31 support of a child, an equity court may:

32 (1) direct who shall have the custody or guardianship of a child, pendente
33 lite or permanently;

34 (2) determine who shall have visitation rights to a child;

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1 (3) decide who shall be charged with the support of the child, pendente lite
2 or permanently;

3 (4) from time to time, set aside or modify its decree or order concerning the
4 child; or

5 (5) issue an injunction to protect a party to the action from physical harm or
6 harassment.

7 (c) [Except as provided in subsection (d) of this section, this] THIS section does
8 not take away or impair the jurisdiction of a juvenile court or a criminal court with respect
9 to the custody, guardianship, visitation, and support of a child.

10 [(d) In Montgomery County, if an adoption or guardianship with the right to
11 consent to adoption or long-term care short of adoption is ordered by the equity court, as
12 to a child previously adjudicated to be a child in need of assistance, a neglected child, an
13 abused child, or a dependent child, the jurisdiction of a juvenile court with regard to these
14 issues is terminated.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1997.