
By: Montgomery County Delegation

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 4, 1997

CHAPTER ____

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)

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

3 **Article - Courts and Judicial Proceedings**

4 3-801.

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

8 3-804.

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

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

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

16 **Article - Family Law**

17 1-201.

18 (a) An equity court has jurisdiction over:

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

22 (2) alimony;

23 (3) annulment of a marriage;

24 (4) divorce;

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

28 (6) visitation of a child;

29 (7) legitimation of a child;

30 (8) paternity; and

31 (9) support of a child.

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

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

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

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

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

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

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

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

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