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**By: Chairman, Judiciary Committee (Departmental - Juvenile Justice) and Delegates  
Dembrow, Genn, and Preis**

Introduced and read first time: February 6, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Open Hearings**

3 FOR the purpose of requiring, with certain exceptions, that all juvenile court proceedings  
4 in cases involving delinquent acts that would be felonies if committed by an adult be  
5 conducted in open court; providing that the juvenile court may exclude certain  
6 persons from these proceedings for good cause; providing that adjudications and  
7 dispositions must be announced in open court except under certain circumstances;  
8 and generally relating to the conduct of juvenile delinquency proceedings and the  
9 confidentiality of juvenile records.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 3-812  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 1996 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 3-812.

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

25 (b) Petitions alleging delinquency or violation of § 3-831 shall be prepared and  
26 filed by the State's Attorney. A petition alleging delinquency shall be filed within 30 days  
27 after the receipt of a referral from the intake officer, unless that time is extended by the  
28 court for good cause shown. Petitions alleging that a child is in need of supervision shall  
29 be filed by the intake officer. Petitions alleging that a child is in need of assistance shall  
30 be filed by the local department. If the local department does not file the petition, the

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1 person or agency that made the complaint to the local department may submit the denial  
2 to the Department of Juvenile Justice Area Director for filing.

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

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

8 (e) (1) The court shall conduct all hearings in an informal manner.

9 (2) IN ANY PROCEEDING IN WHICH A CHILD IS ALLEGED TO BE IN NEED  
10 OF SUPERVISION OR ASSISTANCE OR TO HAVE COMMITTED A DELINQUENT ACT  
11 THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT, THE COURT [It]  
12 may exclude the general public from a hearing, and admit only those persons having a  
13 direct interest in the proceeding and their representatives.

14 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IN A  
15 CASE IN WHICH A CHILD IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT  
16 THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE COURT SHALL  
17 CONDUCT IN OPEN COURT ANY HEARING OR OTHER PROCEEDING AT WHICH THE  
18 CHILD HAS A RIGHT TO APPEAR.

19 (4) FOR GOOD CAUSE SHOWN, THE COURT MAY EXCLUDE THE  
20 GENERAL PUBLIC FROM A HEARING OR OTHER PROCEEDING IN A CASE IN WHICH A  
21 CHILD IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT THAT WOULD BE A  
22 FELONY IF COMMITTED BY AN ADULT AND ADMIT ONLY THE VICTIM AND THOSE  
23 PERSONS HAVING A DIRECT INTEREST IN THE PROCEEDING AND THEIR  
24 REPRESENTATIVES.

25 (5) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, THE  
26 COURT SHALL ANNOUNCE, IN OPEN COURT, ADJUDICATIONS AND DISPOSITIONS IN  
27 CASES WHERE A CHILD IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT  
28 WHICH WOULD BE A FELONY IF COMMITTED BY AN ADULT.

29 (6) FOR GOOD CAUSE SHOWN, THE COURT MAY EXCLUDE THE  
30 GENERAL PUBLIC FROM A PROCEEDING AT WHICH AN ADJUDICATION OR  
31 DISPOSITION IS ANNOUNCED AND ADMIT ONLY THE VICTIM AND THOSE PERSONS  
32 HAVING A DIRECT INTEREST IN THE PROCEEDING AND THEIR REPRESENTATIVES.

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

34 (g) Whenever a child in need of assistance petition is filed by the local  
35 department of social services, the local department shall be a party to the proceeding and  
36 shall present to the court the evidence in support of the petition.

37 (h) The court shall hear and rule on a petition seeking an order for emergency  
38 medical treatment on an expedited basis.

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