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

Introduced and read first time: February 6, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER ____

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

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1 assistance or in need of supervision, the petition shall set forth in clear and simple
2 language the alleged facts supporting that allegation.

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

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

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

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

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

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

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

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

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

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

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

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

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