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1997 Regular Session
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CF 7lr2634

By: ~~Senator Jimeno~~ Senators Jimeno and Middlebrooks

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 1997

CHAPTER ____

1 AN ACT concerning

2 **Juvenile Proceedings - Public Hearings**

3 FOR the purpose of requiring hearings to determine if a child is delinquent, in need of
4 assistance, or in need of supervision to be open to the public; requiring a showing of
5 good cause to exclude the public from such hearings; and generally relating to
6 hearings to determine if a child is delinquent, in need of assistance, or in need of
7 supervision.

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

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

15 **Article - Courts and Judicial Proceedings**

16 3-812.

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

23 (b) Petitions alleging delinquency or violation of § 3-831 shall be prepared and
24 filed by the State's Attorney. A petition alleging delinquency shall be filed within 30 days

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1 after the receipt of a referral from the intake officer, unless that time is extended by the
2 court for good cause shown. Petitions alleging that a child is in need of supervision shall
3 be filed by the intake officer. Petitions alleging that a child is in need of assistance shall
4 be filed by the local department. If the local department does not file the petition, the
5 person or agency that made the complaint to the local department may submit the denial
6 to the Department of Juvenile Justice Area Director for filing.

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

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

12 (e) The court shall conduct all hearings in an informal manner. [It] UPON A
13 FINDING OF GOOD CAUSE, THE COURT may exclude the general public from a hearing,
14 and admit only those persons having a direct interest in the proceeding and their
15 representatives.

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

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

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

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