
By: **Delegates Gordon, Kagan, and Barve**
Introduced and read first time: February 11, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Closed Hearings**

3 FOR the purpose of requiring, with certain exceptions, that all juvenile court
4 proceedings be conducted with the general public excluded; requiring that
5 proceedings be conducted in open court if they are in cases involving certain
6 violent acts that would be considered felonies if committed by an adult or in
7 cases involving children of a certain age and certain circumstances; and
8 generally relating to the conduct of juvenile court proceedings.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-812
12 Annotated Code of Maryland
13 (1998 Replacement Volume)

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

16 **Article - Courts and Judicial Proceedings**

17 3-812.

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

24 (b) Petitions alleging delinquency or violation of § 3-831 shall be prepared and
25 filed by the State's Attorney. A petition alleging delinquency shall be filed within 30
26 days after the receipt of a referral from the intake officer, unless that time is
27 extended by the court for good cause shown. Petitions alleging that a child is in need
28 of supervision shall be filed by the intake officer. Petitions alleging that a child is in
29 need of assistance shall be filed by the local department. If the local department does

1 not file the petition, the person or agency that made the complaint to the local
2 department may submit the denial to the Department of Juvenile Justice Area
3 Director for filing.

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

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

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

10 (2) [In any proceeding in which a child is alleged to be in need of
11 supervision or assistance or to have committed a delinquent act that would be a
12 misdemeanor if committed by an adult, the court may exclude the general public from
13 a hearing, and admit only those persons having a direct interest in the proceeding
14 and their representatives.

15 (3) Except as provided in paragraph (4) of this subsection, in a case in
16 which a child is alleged to have committed a delinquent act that would be a felony if
17 committed by an adult, the court shall conduct in open court any hearing or other
18 proceeding at which the child has a right to appear.

19 (4) For good cause shown, the court may exclude the general public from
20 a hearing or other proceeding in a case in which a child is alleged to have committed
21 a delinquent act that would be a felony if committed by an adult and admit only the
22 victim and those persons having a direct interest in the proceeding and their
23 representatives.]

24 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
25 PARAGRAPH, IN ANY PROCEEDING IN WHICH A CHILD IS ALLEGED TO BE IN NEED OF
26 SUPERVISION OR ASSISTANCE OR TO HAVE COMMITTED A DELINQUENT ACT, THE
27 COURT SHALL EXCLUDE THE GENERAL PUBLIC FROM A HEARING AND ADMIT ONLY
28 THOSE PERSONS HAVING A DIRECT INTEREST IN THE PROCEEDING AND THEIR
29 REPRESENTATIVES.

30 (II) THE COURT SHALL OPEN A PROCEEDING TO THE GENERAL
31 PUBLIC IF THE CHILD:

32 1. IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT
33 THAT WOULD BE A FELONY AND CLASSIFIED AS A VIOLENT CRIME UNDER ARTICLE
34 27, § 643B OF THE CODE IF COMMITTED BY AN ADULT; AND

35 2. IS 16 YEARS OF AGE OR OLDER AND THE COURT
36 DETERMINES AN OVERRIDING PUBLIC INTEREST EXISTS BECAUSE OF THE NATURE
37 OF THE ALLEGED DELINQUENT ACT.

38 [(5)] (3) Except as provided in paragraph [(6)] (4) of this subsection, the
39 court shall announce, in open court, adjudications and dispositions in cases where a

1 child is alleged to have committed a delinquent act which would be a felony if
2 committed by an adult.

3 [(6)] (4) For good cause shown, the court may exclude the general public
4 from a proceeding at which an adjudication or disposition is announced and admit
5 only the victim and those persons having a direct interest in the proceeding and their
6 representatives.

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1999.