By: **Delegates Ports and Redmer**
Introduced and read first time: February 10, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2   **Lead-Contaminated Dust Testing - Juvenile Facilities**

3 FOR the purpose of requiring certain juvenile facilities to be tested for
4   lead-contaminated dust; requiring certain lead-contaminated dust tests to be
5   conducted by certain persons; and generally relating to lead-contaminated dust
6   testing at juvenile facilities.

7 BY repealing and reenacting, without amendments,
8   Article - Courts and Judicial Proceedings
9   Section 3-820(a) and (b)
10   Annotated Code of Maryland
11   (1998 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,
13   Article - Courts and Judicial Proceedings
14   Section 3-820(c)
15   Annotated Code of Maryland
16   (1998 Replacement Volume and 1999 Supplement)

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

19   **Article - Courts and Judicial Proceedings**

20 3-820.

21   (a)   (1)   After an adjudicatory hearing the court shall hold a separate
22 disposition hearing, unless the petition or citation is dismissed or unless such hearing
23 is waived in writing by all of the parties.

24   (2)   Except as provided in paragraph (3) of this subsection, the disposition
25 hearing may be held on the same day as the adjudicatory hearing, if notice of the
26 disposition hearing, as prescribed by the Maryland Rules, is waived on the record by
27 all of the parties.

1   (3)   In a child in need of assistance proceeding, the disposition hearing
2 shall be held on the same day as the adjudicatory hearing unless:

3   (i)   The court or a party moves that the disposition hearing be
4 delayed; and

5   (ii)   The court finds that there is good cause to delay the disposition
6 hearing to a subsequent day.

7   (b)   The priorities in making a disposition are consistent with the purposes
8 specified in § 3-802 of this subtitle.

9   (c)   (1)   In making a disposition on a petition, the court may:

10   (i)   Place the child on probation or under supervision in his own
11 home or in the custody or under the guardianship of a relative or other fit person,
12 upon terms the court deems appropriate;

13   (ii)   Subject to the provisions of paragraph (2) of this subsection,
14 commit the child to the custody or under the guardianship of the Department of
15 Juvenile Justice, a local department of social services, the Department of Health and
16 Mental Hygiene, or a public or licensed private agency on terms that the court
17 considers appropriate to meet the priorities set forth in § 3-802 of this subtitle,
18 including designation of the type of facility where the child is to be accommodated,
19 until custody or guardianship is terminated with approval of the court or as required
20 under § 3-825 of this subtitle; or

21   (iii)   Order the child, parents, guardian, or custodian of the child to
22 participate in rehabilitative services that are in the best interest of the child and the
23 family.

24   (2)   A child committed under paragraph (1)(ii) of this subsection may not
25 be accommodated in a facility that has reached budgeted capacity if a bed is available
26 in another comparable facility in the State, unless the placement to the facility that
27 has reached budgeted capacity has been recommended by the Department of Juvenile
28 Justice.

29   (3)   (I)   ANY FACILITY USED TO ACCOMMODATE A JUVENILE
30 COMMITTED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE TESTED FOR
31 LEAD-CONTAMINATED DUST.

32   (II)   A PERSON CONDUCTING LEAD-CONTAMINATED DUST TESTING
33 SHALL BE ACCREDITED BY THE DEPARTMENT OF THE ENVIRONMENT UNDER § 6-818
34 OF THE ENVIRONMENT ARTICLE.

35   [(3)]   (4)   The court shall consider any oral address made in accordance
36 with Article 27, § 780 of the Code or any victim impact statement, as described in
37 Article 27, § 781 of the Code, in determining an appropriate disposition on a petition.

1   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.