
By: **Senator Stone**
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Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law - Juvenile Court Jurisdiction - Peace Orders**

3 FOR the purpose of transferring jurisdiction over certain peace order proceedings in
4 which the respondent is a child from the District Court to the juvenile court;
5 specifying that the age of the child at the time the alleged act was committed
6 controls the determination of juvenile court jurisdiction over peace order
7 proceedings; requiring that a peace order request be filed in the county where
8 the alleged act occurred, subject to transfer; authorizing the juvenile court to
9 transfer a peace order request under certain circumstances; authorizing an
10 intake officer assigned to the juvenile court by the Department of Juvenile
11 Justice or the State's Attorney to file a peace order request with the juvenile
12 court under certain circumstances; requiring an intake officer to inform certain
13 persons of certain decisions under certain circumstances; authorizing certain
14 persons to submit a certain denial for review by the Department of Juvenile
15 Justice Area Director; authorizing a court to dismiss a peace order request for
16 failure to comply with certain requirements only under certain circumstances;
17 establishing that certain information is inadmissible in evidence in certain
18 proceedings; establishing requirements for the form of a peace order request and
19 general procedures for peace order proceedings; prohibiting a master in Prince
20 George's County from conducting a peace order proceeding; establishing that
21 certain provisions regarding adjudicatory and disposition hearings do not apply
22 to peace order requests or peace order proceedings; authorizing the juvenile
23 court to issue a peace order to protect a victim under certain circumstances;
24 specifying the relief that the juvenile court may include in a peace order;
25 establishing the duration of a peace order; authorizing the juvenile court to
26 impose reasonable court costs against certain individuals; providing for the
27 service of a peace order; authorizing the juvenile court to modify or rescind a
28 peace order under certain circumstances; establishing that a violation of certain

1 provisions of a peace order is a delinquent act; requiring a law enforcement
2 officer to take a child into custody under certain circumstances; establishing
3 that a party is not entitled to the assistance of counsel at a peace order
4 proceeding; specifying that a certain provision of this Act does not affect the
5 entitlement of a respondent to the assistance of counsel in a contempt
6 proceeding as provided by law; making certain conforming changes; clarifying
7 certain language; defining certain terms; altering certain definitions; making
8 certain stylistic changes; and generally relating to juvenile court jurisdiction
9 and peace orders.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 3-801, 3-804(a) and (e), 3-805, 3-808, 3-809, 3-810(c), (d), (e), (f), (g),
13 (h), (i), and (q), 3-811, 3-812, 3-813(a), 3-819, 3-820, 3-821(a), and
14 3-1502
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 1999 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 3-820.1, 3-820.2, 3-820.3, 3-820.4, 3-820.5, and 3-821(f)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 1999 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Courts and Judicial Proceedings
24 Section 3-810(a), (b), (c-1), and (j)
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 1999 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Family Law
29 Section 4-510
30 Annotated Code of Maryland
31 (1999 Replacement Volume and 1999 Supplement)

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

34 **Article - Courts and Judicial Proceedings**

35 3-801.

36 (a) In this subtitle, the following words have the meanings indicated, unless
37 the context of their use indicates otherwise.

1 (b) "Adjudicatory hearing" means a hearing to determine whether the
2 allegations in the petition, other than allegations that the child requires the court's
3 assistance, treatment, guidance or rehabilitation, are true.

4 (c) "Adult" means a person who is 18 years old or older.

5 (d) "Child" means a person under the age of 18 years.

6 (e) "Child in need of assistance" is a child who requires the assistance of the
7 court because:

8 (1) The child is mentally handicapped or is not receiving ordinary and
9 proper care and attention[,]; and

10 (2) The child's parents, guardian, or custodian are unable or unwilling to
11 give proper care and attention to the child and the child's problems provided, however,
12 a child shall not be deemed to be in need of assistance for the sole reason that the
13 child is being furnished nonmedical remedial care and treatment recognized by State
14 law.

15 (f) "Child in need of supervision" is a child who requires guidance, treatment,
16 or rehabilitation and:

17 (1) Is required by law to attend school and is habitually truant;

18 (2) Is habitually disobedient, ungovernable, and beyond the control of
19 the person having custody of him;

20 (3) Departs himself so as to injure or endanger himself or others; or

21 (4) Has committed an offense applicable only to children.

22 (g) "Citation" means the written form issued by a police officer which serves
23 as the initial pleading against a child for a violation and which is adequate process to
24 give the court jurisdiction over the person cited.

25 (h) "Commit" means to transfer legal custody.

26 (i) "Court" means the circuit court of a county or Baltimore City sitting as the
27 juvenile court. In Montgomery County, it means the District Court sitting as the
28 juvenile court and following the applicable rules of the circuit court.

29 (j) "Custodian" means a person or agency to whom legal custody of a child has
30 been given by order of the court, other than the child's parent or legal guardian.

31 (k) "Delinquent act" means an act which would be a crime if committed by an
32 adult.

33 (l) "Delinquent child" is a child who has committed a delinquent act and
34 requires guidance, treatment, or rehabilitation.

1 (m) "Detention" means the temporary care of children who, pending court
2 disposition, require secure custody for the protection of themselves or the community,
3 in physically restricting facilities.

4 (n) "Disposition hearing" means a hearing to determine:

5 (1) Whether a child needs or requires the court's assistance, guidance,
6 treatment or rehabilitation; and if so

7 (2) The nature of the assistance, guidance, treatment or rehabilitation.

8 (o) "Intake officer" means the person assigned to the court by the Department
9 of Juvenile Justice to provide the intake services set forth in this subtitle.

10 (p) "Local department" means the local department of social services for the
11 jurisdiction in which the court is located.

12 (q) "Mentally handicapped child" means a child who is or may be mentally
13 retarded or mentally ill.

14 (r) "Party" includes a child who is the subject of a petition OR A PEACE ORDER
15 REQUEST, the child's parent, guardian, or custodian, the petitioner and an adult who
16 is charged under § 3-831 of this subtitle.

17 (S) "PEACE ORDER PROCEEDING" MEANS A PROCEEDING UNDER § 3-820.2 OR §
18 3-820.4 OF THIS SUBTITLE.

19 (T) "PEACE ORDER REQUEST" MEANS THE INITIAL PLEADING FILED WITH
20 THE COURT UNDER § 3-820.1 OF THIS SUBTITLE.

21 (U) "PETITION" MEANS THE PLEADING FILED WITH THE COURT UNDER § 3-812
22 OF THIS SUBTITLE ALLEGING THAT A CHILD IS A DELINQUENT CHILD, A CHILD IN
23 NEED OF ASSISTANCE, OR A CHILD IN NEED OF SUPERVISION.

24 (V) "RESPONDENT" MEANS THE INDIVIDUAL AGAINST WHOM A PETITION OR A
25 PEACE ORDER REQUEST IS FILED.

26 [(s)] (W) (1) "Shelter care" means the temporary care of children in
27 physically unrestricting facilities.

28 (2) "Shelter care" does not mean care in a State mental health facility.

29 [(t)] (X) (1) "Victim" means:

30 (I) [a] person who suffers direct or threatened physical, emotional,
31 or financial harm as a result of a delinquent act; OR

32 (II) AN INDIVIDUAL AGAINST WHOM AN ACT SPECIFIED IN §
33 3-820.1(B) OF THIS SUBTITLE IS COMMITTED OR ALLEGED TO HAVE BEEN
34 COMMITTED.

1 (2) "Victim" includes a family member of a minor, disabled, or a deceased
2 victim.

3 (3) "Victim" includes, if the victim is not an individual, the victim's agent
4 or designee.

5 [(u)] (Y) "Violation" means a violation of § 400, § 400A, § 400B, § 401, or §
6 405A of Article 27 of the Code and § 26-103 of the Education Article for which a
7 citation is issued.

8 [(v)] (Z) "Witness" means any person who is or expects to be a State's witness.
9 3-804.

10 (a) The court has exclusive original jurisdiction over:

11 (1) A child alleged to be delinquent, in need of supervision, in need of
12 assistance or who has received a citation for a violation; [and]

13 (2) With respect to any child who is under the jurisdiction of the juvenile
14 court and previously has been adjudicated a child in need of assistance, all
15 termination of parental rights proceedings and related adoption proceedings; AND

16 (3) EXCEPT AS PROVIDED IN SUBSECTION (E)(6) OF THIS SECTION, A
17 PEACE ORDER PROCEEDING IN WHICH THE RESPONDENT IS A CHILD.

18 (e) The court does not have jurisdiction over:

19 (1) A child at least 14 years old alleged to have done an act which, if
20 committed by an adult, would be a crime punishable by death or life imprisonment, as
21 well as all other charges against the child arising out of the same incident, unless an
22 order removing the proceeding to the court has been filed under Article 27, § 594A of
23 the Code;

24 (2) A child at least 16 years old alleged to have done an act in violation of
25 any provision of the Transportation Article or other traffic law or ordinance, except an
26 act that prescribes a penalty of incarceration;

27 (3) A child at least 16 years old alleged to have done an act in violation of
28 any provision of law, rule, or regulation governing the use or operation of a boat,
29 except an act that prescribes a penalty of incarceration;

30 (4) A child at least 16 years old alleged to have committed any of the
31 following crimes, as well as all other charges against the child arising out of the same
32 incident, unless an order removing the proceeding to the court has been filed under
33 Article 27, § 594A of the Code:

34 (i) Abduction;

35 (ii) Kidnapping;

- 1 (iii) Second degree murder;
- 2 (iv) Manslaughter, except involuntary manslaughter;
- 3 (v) Second degree rape;
- 4 (vi) Robbery with a dangerous or deadly weapon;
- 5 (vii) Second degree sexual offense in violation of Article 27, §
6 464A(a)(1) of the Code;
- 7 (viii) Third degree sexual offense in violation of Article 27, §
8 464B(a)(1) of the Code;
- 9 (ix) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, §
10 446, or § 481C of the Code;
- 11 (x) Using, wearing, carrying, or transporting of firearm during and
12 in relation to a drug trafficking crime in violation of Article 27, § 281A of the Code;
- 13 (xi) Use of a firearm in violation of Article 27, § 291A of the Code;
- 14 (xii) Carjacking or armed carjacking in violation of Article 27, § 348A
15 of the Code;
- 16 (xiii) Assault in the first degree in violation of Article 27, § 12A-1 of
17 the Code;
- 18 (xiv) Attempted murder in the second degree in violation of Article
19 27, § 411A of the Code;
- 20 (xv) Attempted rape or attempted sexual offense in the second
21 degree under Article 27, § 464F of the Code; or
- 22 (xvi) Attempted robbery with a dangerous or deadly weapon under
23 Article 27, § 488 of the Code; [or]
- 24 (5) A child who previously has been convicted as an adult of a felony and
25 is subsequently alleged to have committed an act that would be a felony if committed
26 by an adult, unless an order removing the proceeding to the court has been filed
27 under Article 27, § 594A of the Code; OR
- 28 (6) A PEACE ORDER PROCEEDING IN WHICH THE VICTIM, AS DEFINED IN
29 § 3-801(X)(1)(II) OF THIS SUBTITLE, IS A PERSON ELIGIBLE FOR RELIEF, AS DEFINED
30 IN § 4-501 OF THE FAMILY LAW ARTICLE.
- 31 3-805.
- 32 (a) If a person is alleged to be delinquent, the age of the person at the time the
33 alleged delinquent act was committed controls the determination of jurisdiction under
34 this subtitle.

1 (B) IF A PERSON IS ALLEGED TO HAVE COMMITTED AN ACT UNDER § 3-820.1(B)
2 OF THIS SUBTITLE, THE AGE OF THE PERSON AT THE TIME THE ALLEGED ACT WAS
3 COMMITTED CONTROLS THE DETERMINATION OF JURISDICTION UNDER THIS
4 SUBTITLE.

5 [(b)] (C) In all other cases the age of the child at the time the petition is filed
6 controls the determination of jurisdiction under this subtitle.

7 [(c)] (D) In a delinquency proceeding there is no presumption of incapacity as
8 a result of infancy for a child who is at least 7 years old.

9 3-808.

10 (a) If a petition alleges that a child is in need of assistance or in need of
11 supervision, the petition shall be filed in the county where the child resides.

12 (b) If delinquency or violation of § 3-831 is alleged or if a citation is issued, the
13 petition, if any, or the citation shall be filed in the county where the alleged act
14 occurred subject to transfer as provided in § 3-809.

15 (C) A PEACE ORDER REQUEST SHALL BE FILED IN THE COUNTY WHERE THE
16 ALLEGED ACT OCCURRED SUBJECT TO TRANSFER AS PROVIDED IN § 3-809 OF THIS
17 SUBTITLE.

18 [(c)] (D) If the alleged delinquent act is escape or attempted escape from a
19 training school or similar facility operated by the Department of Juvenile Justice, the
20 petition, if any, shall be filed and the adjudicatory hearing held in the county where
21 the alleged escape or attempted escape occurred unless the court in the county of the
22 child's domicile requests a transfer. For purposes of the disposition hearing,
23 proceedings may be transferred as provided in § 3-809 to the court exercising
24 jurisdiction over the child at the time of the alleged act.

25 3-809.

26 (a) (1) If a petition, PEACE ORDER REQUEST, or citation is filed in a county
27 other than the county where the child is living or domiciled, the court on its own
28 motion or on motion of a party, may transfer the proceedings to the county of
29 residence or domicile at any time prior to final termination of jurisdiction, except that
30 the proceedings may not be transferred until after an adjudicatory hearing if the
31 allegation is escape or attempted escape from a training school or similar facility
32 operated by the Department of Juvenile Justice.

33 (2) In its discretion, the court to which the case is transferred may take
34 further action.

35 (b) Every document, social history, and record on file with the clerk of court
36 pertaining to the case shall accompany the transfer.

1 3-810.

2 (a) Except as provided in subsection (b) of this section, the intake officer shall
3 receive:

4 (1) Complaints from a person or agency having knowledge of facts which
5 may cause a person to be subject to the jurisdiction of the court; and

6 (2) Citations issued by a police officer under § 3-835 of this article.

7 (b) The local department of social services shall only receive complaints which
8 allege that a child is in need of assistance. Upon receipt and consideration of a
9 complaint, the local department shall:

10 (1) File a petition;

11 (2) Authorize the person or agency making the complaint to file a
12 petition; or

13 (3) Deny authorization to file the petition.

14 (c) (1) Except as otherwise provided in this subsection, in considering the
15 complaint, the intake officer shall make an inquiry within 25 days as to whether the
16 court has jurisdiction and whether judicial action is in the best interests of the public
17 or the child.

18 (2) An inquiry need not include an interview of the child who is the
19 subject of the complaint if the complaint alleges the commission of [a delinquent] AN
20 act that would be a felony if committed by an adult or alleges a violation of Article 27,
21 § 36B of the Code.

22 (3) In accordance with this section, the intake officer may, after such
23 inquiry and within 25 days of receiving the complaint:

24 (i) Authorize the filing of a petition OR A PEACE ORDER REQUEST
25 OR BOTH;

26 (ii) Propose an informal adjustment of the matter; or

27 (iii) Refuse authorization to file a petition OR A PEACE ORDER
28 REQUEST OR BOTH.

29 (4) (i) If a complaint is filed that alleges the commission of [a
30 delinquent act] AN ACT which would be a felony if committed by an adult or alleges a
31 violation of Article 27, § 36B of the Code, and if the intake officer denies authorization
32 to file a petition or proposes an informal adjustment, the intake officer shall
33 immediately:

34 1. Forward the complaint to the State's Attorney; and

1 emotionally disturbed child, or is a substance abuser, the qualified health, mental
2 health, or substance abuse professional or staff, no later than 5 working days after
3 the screening, shall conduct a comprehensive mental health or substance abuse
4 assessment of the child.

5 (4) The Department of Juvenile Justice and the Department of Health
6 and Mental Hygiene:

7 (i) May not disclose to any person any information received by the
8 Departments relating to a specific mental health and substance abuse screening or
9 assessment conducted under this section that could identify the child who was the
10 subject of the screening or assessment; and

11 (ii) May make public other information unless prohibited by law.

12 (5) The Secretary of Juvenile Justice and the Secretary of Health and
13 Mental Hygiene jointly shall adopt any regulation necessary to carry out this
14 subsection.

15 (d) (1) The intake officer MAY AUTHORIZE THE FILING OF A PETITION OR A
16 PEACE ORDER REQUEST OR BOTH or the local department may authorize the filing of
17 a petition if, based upon the complaint and the inquiry, the intake officer or the local
18 department concludes that the court has jurisdiction over the matter and that judicial
19 action is in the best interests of the public or the child.

20 (2) An inquiry need not include an interview of the child who is the
21 subject of the complaint if the complaint alleges the commission of [a delinquent] AN
22 act that would be a felony if committed by an adult or alleges a violation of Article 27,
23 § 36B of the Code.

24 (3) In delinquency cases, the need for restitution may be considered by
25 the intake officer as one factor in the public interest.

26 (4) The intake officer or the local department shall inform the following
27 persons of [the] ANY authorization decision SPECIFIED IN PARAGRAPH (1) OF THIS
28 SUBSECTION and the reasons for the decision:

29 (i) The child who is the subject of the complaint, if practicable;

30 (ii) The parent, guardian, or custodian of the child who is the
31 subject of the complaint;

32 (iii) The victim;

33 (iv) The arresting police officer; and

34 (v) The person or agency that filed the complaint or caused it to be
35 filed.

1 (e) (1) The intake officer may propose an informal adjustment of the matter
2 if based on the complaint and the inquiry, the intake officer concludes that the court
3 has jurisdiction but that an informal adjustment, rather than judicial action, is in the
4 best interests of the public and the child.

5 (2) The intake officer shall propose an informal adjustment by informing
6 the victim, the child, and the child's parent or guardian of the nature of the complaint,
7 the objectives of the adjustment process, and the conditions and procedures under
8 which it will be conducted.

9 (3) The intake officer [shall] MAY not proceed with an informal
10 adjustment unless the victim, the child, and the child's parent or guardian consent to
11 the informal adjustment procedure.

12 (f) (1) During the informal adjustment process, the child shall be subject to
13 such supervision as the intake officer deems appropriate and if the intake officer
14 decides to have an intake conference, the child and the child's parent or guardian
15 shall appear at the intake conference.

16 (2) The informal adjustment process [shall] MAY not exceed 90 days
17 unless that time is extended by the court.

18 (3) If the victim, the child, and the child's parent or guardian do not
19 consent to an informal adjustment, the intake officer shall authorize the filing of a
20 petition OR A PEACE ORDER REQUEST OR BOTH or deny authorization to file a
21 petition OR A PEACE ORDER REQUEST OR BOTH under subsection (g) of this section.

22 (4) If at any time before the completion of an agreed upon informal
23 adjustment the intake officer believes that the informal adjustment cannot be
24 completed successfully, the intake officer shall authorize the filing of a petition OR A
25 PEACE ORDER REQUEST OR BOTH or deny authorization to file a petition OR A PEACE
26 ORDER REQUEST OR BOTH under subsection (g) of this section.

27 (g) (1) If based upon the complain and the inquiry, the intake officer
28 concludes that the court has no jurisdiction, or that neither an informal adjustment
29 nor judicial action is appropriate, the intake officer may deny authorization to file a
30 petition OR A PEACE ORDER REQUEST OR BOTH.

31 (2) [In that event, through use of the form prescribed by § 3-810.1 of this
32 article,] IF THE INTAKE OFFICER DENIES AUTHORIZATION TO FILE A PETITION OR A
33 PEACE ORDER REQUEST OR BOTH, the intake officer shall inform the following
34 persons of the decision, the reasons for it, and their right of review provided in this
35 section:

36 (i) The victim;

37 (ii) The arresting police officer; and

38 (iii) The person or agency that filed the complaint or caused it to be
39 filed.

1 (3) THE INTAKE OFFICER SHALL INFORM THE PERSONS SPECIFIED IN
2 PARAGRAPH (2) OF THIS SUBSECTION OF THE DECISION TO DENY AUTHORIZATION
3 TO FILE A PETITION FOR THE ALLEGED COMMISSION OF A DELINQUENT ACT
4 THROUGH USE OF THE FORM PRESCRIBED BY § 3-810.1 OF THIS SUBTITLE.

5 (h) (1) If the complaint alleges the commission of a delinquent act and the
6 intake officer denies authorization to file a petition, the following persons may appeal
7 the denial to the State's Attorney:

8 (i) The victim;

9 (ii) The arresting police officer; and

10 (iii) The person or agency that filed the complaint or caused it to be
11 filed.

12 (2) In order for an appeal to be made, it must be received by the State's
13 Attorney's office within 30 days after the form prescribed by § 3-810.1 of this
14 [article] SUBTITLE is mailed by the juvenile intake officer to the person being
15 informed of the intake officer's decision.

16 (3) (i) The State's Attorney shall review the denial.

17 (ii) If the State's Attorney concludes that the court has jurisdiction
18 and that judicial action is in the best interests of the public or the child, the State's
19 Attorney may file a petition.

20 (iii) This petition shall be filed within 30 days of the receipt of the
21 complainant's appeal.

22 (i) (1) If authorization to file a petition for a complaint which alleges a child
23 is in need of supervision OR IF AUTHORIZATION TO FILE A PEACE ORDER REQUEST is
24 denied, the person or agency that filed the complaint or caused it to be filed, within 15
25 days of personal notice of the denial to that person or agency or the mailing to the last
26 known address, may submit the denial for review by the Department of Juvenile
27 Justice Area Director for the area in which the complaint was filed.

28 (2) The Department of Juvenile Justice Area Director shall review the
29 denial.

30 (3) If, within 15 days, the Department of Juvenile Justice Area Director
31 concludes that the court has jurisdiction and that judicial action is in the best
32 interests of the public and the child, the Department of Juvenile Justice Area Director
33 may authorize the filing of a petition in writing.

34 (4) The petition shall be filed within 5 days of the decision.

35 (j) (1) If authorization to file a petition for a complaint which alleges a child
36 is in need of assistance is denied, the person or agency that filed the complaint or
37 caused it to be filed, within 15 days of personal notice of the denial to that person or

1 agency or the mailing to the last known address, may submit the denial to the
2 Department of Juvenile Justice Area Director for the area in which the complaint was
3 filed.

4 (2) The Area Director shall authorize the filing of the petition.

5 (3) The petition shall be filed within 5 days of the submission of the
6 denial to the Department of Juvenile Justice Area Director.

7 (q) The court may dismiss a petition OR A PEACE ORDER REQUEST for failure
8 to comply with this section only if the respondent has demonstrated actual prejudice.
9 3-811.

10 (a) A statement made by a participant while counsel and advice are being
11 given, offered, or sought, in the discussions or conferences incident to an informal
12 adjustment may not be admitted in evidence in any adjudicatory hearing OR PEACE
13 ORDER PROCEEDING or in a criminal proceeding against [him] THE PARTICIPANT
14 prior to conviction.

15 (b) Any information secured or statement made by a participant during a
16 preliminary or further inquiry pursuant to § 3-810 OF THIS SUBTITLE or a study
17 pursuant to § 3-818 OF THIS SUBTITLE may not be admitted in evidence in any
18 adjudicatory hearing OR PEACE ORDER PROCEEDING except on the issue of
19 respondent's competence to participate in the proceedings and responsibility for his
20 conduct as provided in § 12-108 of the Health - General Article where a petition
21 alleging delinquency has been filed, or in a criminal proceeding prior to conviction.

22 (c) A statement made by a child, his parents, guardian or custodian at a
23 waiver hearing is not admissible against him or them in criminal proceedings prior to
24 conviction except when the person is charged with perjury, and the statement is
25 relevant to that charge and is otherwise admissible.

26 (d) If jurisdiction is not waived, any statement made by a child, his parents,
27 guardian, or custodian at a waiver hearing may not be admitted in evidence in any
28 adjudicatory hearing unless a delinquent offense of perjury is alleged, and the
29 statement is relevant to that charge and is otherwise admissible.

30 3-812.

31 (a) A petition shall allege that a child is either delinquent, or in need of
32 assistance, or in need of supervision. If it alleges delinquency, it shall set forth in clear
33 and simple language the alleged facts which constitute the delinquency, and shall also
34 specify the laws allegedly violated by the child. If it alleges that the child is in need of
35 assistance or in need of supervision, the petition shall set forth in clear and simple
36 language the alleged facts supporting that allegation.

37 (b) Petitions alleging delinquency or violation of § 3-831 OF THIS SUBTITLE
38 shall be prepared and filed by the State's Attorney. A petition alleging delinquency
39 shall be filed within 30 days after the receipt of a referral from the intake officer,

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

7 (C) A PEACE ORDER REQUEST SHALL BE FILED BY THE INTAKE OFFICER IN
8 ACCORDANCE WITH § 3-820.1(B)(1) OF THIS SUBTITLE OR THE STATE'S ATTORNEY IN
9 ACCORDANCE WITH § 3-820.1(B)(2) OF THIS SUBTITLE.

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

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

15 [(e)] (F) (1) The court shall conduct all hearings in an informal manner.

16 (2) In any proceeding in which a child is alleged to be in need of
17 supervision or assistance or to have committed a delinquent act that would be a
18 misdemeanor if committed by an adult OR IN A PEACE ORDER PROCEEDING, the court
19 may exclude the general public from a hearing, and admit only the victim and those
20 persons having a direct interest in the proceeding and their representatives.

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

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

30 (5) Except as provided in paragraph (6) of this subsection, the court shall
31 announce, in open court, adjudications and dispositions in cases where a child is
32 alleged to have committed a delinquent act which would be a felony if committed by
33 an adult.

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

38 [(f)] (G) The court shall try cases without a jury.

1 [(g)] (H) 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
3 and shall present to the court the evidence in support of the petition.

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

6 3-813.

7 (a) (1) The judges of a circuit court may not appoint a master for juvenile
8 causes unless the appointment and the appointee are approved by the Chief Judge of
9 the Court of Appeals. The standards expressed in § 3-803 OF THIS SUBTITLE, with
10 respect to the assignment of judges, are applicable to the appointment of masters. A
11 master, at the time of his appointment and thereafter during his service as a master,
12 shall be a member in good standing of the Maryland Bar.

13 (2) (i) In Prince George's County, the judges of the Circuit Court may
14 not appoint or continue the appointment of masters for juvenile causes, except for the
15 purpose of conducting probable cause hearings, detention hearings, arraignments,
16 acceptances of admissions, and restitution hearings in delinquency cases, and shelter
17 care, adjudicatory, and disposition hearings in child in need of assistance cases.

18 (ii) A master in Prince George's County may not conduct:

19 1. An adjudicatory hearing in delinquency cases, unless the
20 adjudicatory hearing is limited to the acceptance of an admission; [or]

21 2. A disposition hearing in delinquency cases; OR

22 3. A PEACE ORDER PROCEEDING.

23 3-819.

24 (A) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A PEACE ORDER
25 REQUEST OR A PEACE ORDER PROCEEDING.

26 [(a)] (B) After a petition or citation has been filed, and unless jurisdiction has
27 been waived, the court shall hold an adjudicatory hearing.

28 [(b)] (C) (1) Before a child is adjudicated delinquent, the allegations in the
29 petition that the child has committed a delinquent act must be proved beyond a
30 reasonable doubt.

31 (2) Before a child is found to have committed the violation charged in a
32 citation, the allegations in the citation must be proved beyond a reasonable doubt.

33 [(c)] (D) If an adult is charged under this subtitle, the allegations must be
34 proved beyond a reasonable doubt.

35 [(d)] (E) In all other cases the allegations must be proved by a preponderance
36 of the evidence.

1 3-820.

2 (A) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A PEACE ORDER
3 REQUEST OR PEACE ORDER PROCEEDING.

4 [(a)] (B) (1) After an adjudicatory hearing the court shall hold a separate
5 disposition hearing, unless the petition or citation is dismissed or unless such hearing
6 is waived in writing by all of the parties.

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

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

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

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

17 [(b)] (C) The priorities in making a disposition are consistent with the
18 purposes specified in § 3-802 of this subtitle.

19 [(c)] (D) (1) In making a disposition on a petition, the court may:

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

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

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

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

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

4 [(d)] (E) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of
5 this paragraph, in making a disposition on a finding that the child has committed the
6 violation specified in a citation, the court may order the Motor Vehicle Administration
7 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of
8 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a
9 specified period of not less than 30 days nor more than 90 days.

10 (ii) In this paragraph "driver's license" means a license or permit to
11 drive a motor vehicle that is issued under the laws of this State or any other
12 jurisdiction.

13 (iii) In making a disposition on a finding that the child has
14 committed a violation under Article 27, § 400 of the Code specified in a citation that
15 involved the use of a driver's license or a document purporting to be a driver's license,
16 the court may order the Motor Vehicle Administration to initiate an action under the
17 Maryland Vehicle Law to suspend the driving privilege of a child licensed to operate a
18 motor vehicle by the Motor Vehicle Administration:

- 19 1. For a first offense, for 6 months; and
20 2. For a second or subsequent offense, until the child is 21
21 years old.

22 (iv) In making a disposition on a finding that the child has
23 committed a violation under § 26-103 of the Education Article, the court shall order
24 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,
25 to suspend the driving privilege of a child licensed to operate a motor vehicle by the
26 Motor Vehicle Administration for a specified period of not less than 30 days nor more
27 than 90 days.

28 (v) If a child subject to a suspension under this subsection does not
29 hold a license to operate a motor vehicle on the date of the disposition, the suspension
30 shall commence:

- 31 1. If the child is at least 16 years of age on the date of the
32 disposition, on the date of the disposition; or
33 2. If the child is younger than 16 years of age on the date of
34 the disposition, on the date the child reaches the child's 16th birthday.

35 (2) In addition to the dispositions under paragraph (1) of this subsection,
36 the court also may:

37 (i) Counsel the child or the parent or both, or order the child to
38 participate in an alcohol education or rehabilitation program that is in the best
39 interest of the child;

1 (ii) Impose a civil fine of not more than \$25 for the first violation
2 and a civil fine of not more than \$100 for the second and subsequent violations; or

3 (iii) Order the child to participate in a supervised work program for
4 not more than 20 hours for the first violation and not more than 40 hours for the
5 second and subsequent violations.

6 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do
7 not apply to a child found to have committed a violation under Article 27, § 405A of
8 the Code.

9 (ii) In making a disposition on a finding that the child has
10 committed a violation under Article 27, § 405A of the Code, the court may:

11 1. Counsel the child or the parent or both, or order the child
12 to participate in a smoking cessation clinic, or other suitable presentation of the
13 hazards associated with tobacco use that is in the best interest of the child;

14 2. Impose a civil fine of not more than \$25 for the first
15 violation and a civil fine of not more than \$100 for a second or subsequent violation;
16 or

17 3. Order the child to participate in a supervised work
18 program for not more than 20 hours for the first violation and not more than 40 hours
19 for a second or subsequent violation.

20 (4) (i) In making a disposition on a finding that the child has
21 committed a violation under Article 27, § 139C, § 151A, or § 151C of the Code, the
22 court may order the Motor Vehicle Administration to initiate an action, under the
23 Maryland Vehicle Law, to suspend the driving privilege of a child for a specified
24 period not to exceed:

25 1. For a first offense, 6 months; and

26 2. For a second or subsequent offense, 1 year or until the
27 person is 21 years old, whichever is longer.

28 (ii) If a child subject to a suspension under this paragraph does not
29 possess the privilege to drive on the date of the disposition, the suspension shall
30 commence:

31 1. If the child is at an age that is eligible to obtain the
32 privilege to drive on the date of the disposition, on the date of the disposition; or

33 2. If the child is younger than an age that is eligible to obtain
34 the privilege to drive on the date of the disposition, on the date the child is eligible to
35 obtain driving privileges.

36 [(e)] (F) A guardian appointed under this section has no control over the
37 property of the child unless he receives that express authority from the court.

1 [(f)] (G) The court may impose reasonable court costs against a respondent, or
2 the respondent's parent, guardian, or custodian, against whom a finding of
3 delinquency has been entered under the provisions of this section.

4 [(g)] (H) A child may be placed in an emergency facility on an emergency basis
5 under Title 10, Subtitle 6, Part IV of the Health - General Article.

6 [(h)] (I) The court may not commit a child to the custody of the Department of
7 Health and Mental Hygiene for inpatient care and treatment in a State mental
8 hospital unless the court finds on the record based upon clear and convincing
9 evidence that:

10 (1) The child has a mental disorder;

11 (2) The child needs inpatient medical care or treatment for the
12 protection of himself or others;

13 (3) The child is unable or unwilling to be voluntarily admitted to such
14 facility; and

15 (4) There is no less restrictive form of intervention available which is
16 consistent with the child's condition and welfare.

17 [(i)] (J) The court may not commit a child to the custody of the Department of
18 Health and Mental Hygiene for inpatient care and treatment in a State mental
19 retardation facility unless the court finds on the record based upon clear and
20 convincing evidence that:

21 (1) The child is mentally retarded;

22 (2) The condition is of such a nature that for the adequate care or
23 protection of the child or others, the child needs in-residence care or treatment; and

24 (3) There is no less restrictive form of care and treatment available
25 which is consistent with the child's welfare and safety.

26 [(j)] (K) (1) Any commitment order issued under subsection [(h)] (I) or [(i)]
27 (J) of this section shall require the Department of Health and Mental Hygiene to file
28 progress reports with the court at intervals no greater than every 6 months during
29 the life of the order. The Department of Health and Mental Hygiene shall provide the
30 child's attorney of record with a copy of each report. The court shall review each
31 report promptly and consider whether the commitment order should be modified or
32 vacated. After the first 6 months of the commitment and at 6-month intervals
33 thereafter upon the request of any party, the Department or facility, the court shall
34 grant a hearing for the purpose of determining if the standard in subsection [(h)] (I)
35 or [(i)] (J) OF THIS SECTION continues to be met.

36 (2) At any time after the commitment of the child to a State mental
37 hospital if the individualized treatment plan developed under § 10-706 of the Health
38 - General Article recommends that a child no longer meets the standards in

1 subsection [(h)] (I) OF THIS SECTION, then the court shall grant a hearing to review
2 the commitment order. The court may grant a hearing at any other time for the
3 purpose of determining if the standard in subsection [(h)] (I) OF THIS SECTION
4 continues to be met.

5 (3) Any time after the commitment of the child to a State mental
6 retardation facility if the individualized plan of habilitation developed under § 7-1006
7 of the Health - General Article recommends that a child no longer meets the
8 standards in subsection [(i)] (J) OF THIS SECTION, then the court shall grant a
9 hearing to review the commitment order. The court may grant a hearing at any other
10 time for the purpose of determining if the standard in subsection [(i)] (J) OF THIS
11 SECTION continues to be met.

12 [(k)] (L) In a child in need of assistance case, if the disposition includes
13 removal of the child from the home, the court shall issue an order:

14 (1) Making specific findings of fact as to the circumstances that caused
15 the need for the removal; and

16 (2) Informing the parents that the agency or department having
17 commitment of the child may change the permanency plan of reunification to another
18 permanency plan which may include the filing of a petition for termination of
19 parental rights if:

20 (i) The parents have not made significant progress to remedy the
21 circumstances that caused the need for the removal as specified in the court order;
22 and

23 (ii) The parents are unwilling or unable to give the child proper
24 care and attention within a reasonable period of time.

25 3-820.1.

26 (A) IN THIS SECTION, AND IN §§ 3-820.2, 3-820.3, AND 3-820.4 OF THIS
27 SUBTITLE, "VICTIM" MEANS AN INDIVIDUAL AGAINST WHOM AN ACT DESCRIBED IN
28 SUBSECTION (B) OF THIS SECTION IS COMMITTED OR ALLEGED TO HAVE BEEN
29 COMMITTED.

30 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
31 AFTER AN INQUIRY CONDUCTED IN ACCORDANCE WITH § 3-810 OF THIS SUBTITLE,
32 AN INTAKE OFFICER MAY FILE WITH THE COURT A PEACE ORDER REQUEST THAT
33 ALLEGES THE COMMISSION OF ANY OF THE FOLLOWING ACTS AGAINST A VICTIM BY
34 THE RESPONDENT, IF THE ACT OCCURRED WITHIN 30 DAYS BEFORE THE FILING OF
35 THE COMPLAINT UNDER § 3-810 OF THIS SUBTITLE:

36 (I) AN ACT THAT CAUSES SERIOUS BODILY HARM;

37 (II) AN ACT THAT PLACES THE VICTIM IN FEAR OF IMMINENT
38 SERIOUS BODILY HARM;

- 1 (III) ASSAULT IN ANY DEGREE;
- 2 (IV) RAPE OR SEXUAL OFFENSE, AS DEFINED IN ARTICLE 27, §§ 462
3 THROUGH 464C OF THE CODE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY
4 DEGREE;
- 5 (V) FALSE IMPRISONMENT;
- 6 (VI) HARASSMENT, AS DESCRIBED IN ARTICLE 27, § 123 OF THE
7 CODE;
- 8 (VII) STALKING, AS DESCRIBED IN ARTICLE 27, § 124 OF THE CODE;
- 9 (VIII) TRESPASS, AS DESCRIBED IN THE TRESPASS SUBHEADING OF
10 ARTICLE 27 OF THE CODE; OR
- 11 (IX) MALICIOUS DESTRUCTION OF PROPERTY, AS DESCRIBED IN
12 ARTICLE 27, § 111 OF THE CODE.

13 (2) AFTER A REVIEW CONDUCTED IN ACCORDANCE WITH § 3-810(C)(4)(II)
14 OF THIS SUBTITLE, THE STATE'S ATTORNEY MAY FILE WITH THE COURT A PEACE
15 ORDER REQUEST THAT MEETS THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
16 SUBSECTION.

17 3-820.2.

18 (A) IN THIS SECTION, "RESIDENCE" INCLUDES THE YARD, GROUNDS,
19 OUTBUILDINGS, AND COMMON AREAS SURROUNDING THE RESIDENCE.

20 (B) (1) IF A PEACE ORDER REQUEST IS FILED UNDER § 3-820.1(B) OF THIS
21 SUBTITLE, THE RESPONDENT SHALL HAVE AN OPPORTUNITY TO BE HEARD ON THE
22 QUESTION OF WHETHER THE COURT SHOULD ISSUE A PEACE ORDER.

23 (2) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT
24 THE RESPONDENT HAS COMMITTED, AND IS LIKELY TO COMMIT IN THE FUTURE, AN
25 ACT SPECIFIED IN § 3-820.1(B) OF THIS SUBTITLE AGAINST THE VICTIM, OR IF THE
26 RESPONDENT CONSENTS TO THE ENTRY OF A PEACE ORDER, THE COURT MAY ISSUE
27 A PEACE ORDER TO PROTECT THE VICTIM.

28 (C) (1) THE PEACE ORDER MAY INCLUDE ANY OR ALL OF THE FOLLOWING
29 RELIEF:

30 (I) ORDER THE RESPONDENT TO REFRAIN FROM COMMITTING OR
31 THREATENING TO COMMIT AN ACT SPECIFIED IN § 3-820.1(B) OF THIS SUBTITLE
32 AGAINST THE VICTIM;

33 (II) ORDER THE RESPONDENT TO REFRAIN FROM CONTACTING,
34 ATTEMPTING TO CONTACT, OR HARASSING THE VICTIM;

35 (III) ORDER THE RESPONDENT TO REFRAIN FROM ENTERING THE
36 RESIDENCE OF THE VICTIM;

1 (IV) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE
2 OF EMPLOYMENT, SCHOOL, OR TEMPORARY RESIDENCE OF THE VICTIM; AND

3 (V) DIRECT THE RESPONDENT OR THE VICTIM TO PARTICIPATE IN
4 PROFESSIONALLY SUPERVISED COUNSELING.

5 (2) IF THE COURT ISSUES AN ORDER UNDER THIS SECTION, THE ORDER
6 SHALL CONTAIN ONLY THE RELIEF THAT IS MINIMALLY NECESSARY TO PROTECT
7 THE VICTIM.

8 (3) ALL RELIEF GRANTED IN A PEACE ORDER SHALL BE EFFECTIVE FOR
9 THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 6 MONTHS.

10 (4) IF THE COURT ISSUES AN ORDER UNDER THIS SECTION, THE COURT
11 MAY IMPOSE REASONABLE COURT COSTS AGAINST A RESPONDENT, OR THE
12 RESPONDENT'S PARENT, GUARDIAN, OR CUSTODIAN.

13 3-820.3.

14 (A) A COPY OF THE PEACE ORDER SHALL BE SERVED ON THE VICTIM, THE
15 RESPONDENT, THE APPROPRIATE LAW ENFORCEMENT AGENCY, AND ANY OTHER
16 PERSON THE COURT DETERMINES IS APPROPRIATE, IN OPEN COURT OR, IF THE
17 PERSON IS NOT PRESENT AT THE PEACE ORDER HEARING, BY FIRST-CLASS MAIL TO
18 THE PERSON'S LAST KNOWN ADDRESS.

19 (B) (1) A COPY OF THE PEACE ORDER SERVED ON THE RESPONDENT IN
20 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION CONSTITUTES ACTUAL
21 NOTICE TO THE RESPONDENT OF THE CONTENTS OF THE PEACE ORDER.

22 (2) SERVICE IS COMPLETE UPON MAILING.

23 3-820.4.

24 THE COURT MAY MODIFY OR RESCIND THE PEACE ORDER DURING THE TERM
25 OF THE PEACE ORDER AFTER:

26 (1) GIVING NOTICE TO THE VICTIM AND THE RESPONDENT; AND

27 (2) A HEARING.

28 3-820.5.

29 (A) A VIOLATION OF ANY OF THE PROVISIONS OF A PEACE ORDER SPECIFIED
30 IN § 3-820.2(C)(1)(I), (II), (III), OR (IV) OF THIS SUBTITLE IS A DELINQUENT ACT.

31 (B) A LAW ENFORCEMENT OFFICER SHALL TAKE INTO CUSTODY A CHILD
32 WHOM THE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF A
33 PEACE ORDER IN EFFECT AT THE TIME OF THE VIOLATION.

1 3-821.

2 (a) Except as provided in subsections [(b) and (c)] (B), (C), AND (F) of this
3 section, a party is entitled to the assistance of counsel at every stage of any
4 proceeding under this subtitle.

5 (F) (1) A PARTY IS NOT ENTITLED TO THE ASSISTANCE OF COUNSEL AT A
6 PEACE ORDER PROCEEDING.

7 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT AFFECT THE
8 ENTITLEMENT OF A RESPONDENT TO THE ASSISTANCE OF COUNSEL IN A CONTEMPT
9 PROCEEDING AS PROVIDED BY LAW.

10 3-1502.

11 (a) [Except as provided in subsection (b) of this section, by] BY proceeding
12 under this subtitle, a petitioner is not limited to or precluded from pursuing any other
13 legal remedy.

14 (b) This subtitle does not apply to:

15 (1) [an individual who is entitled to petition for relief from abuse under
16 Title 4, Subtitle 5] ~~A~~ A PETITIONER WHO IS A PERSON ELIGIBLE FOR RELIEF, AS
17 DEFINED IN § 4-501 of the Family Law Article; OR

18 (2) A RESPONDENT WHO IS A CHILD AT THE TIME OF THE ALLEGED
19 COMMISSION OF AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE.

20 **Article - Family Law**

21 4-510.

22 (a) Except as provided in subsection (b) of this section, by proceeding under
23 this subtitle, a petitioner, including a petitioner who acts on behalf of a child or
24 vulnerable adult, is not limited to or precluded from pursuing any other legal remedy.

25 (b) [An individual who is eligible to petition for relief under] A PERSON
26 ELIGIBLE FOR RELIEF, AS DEFINED IN § 4-501 OF this [subtitle] SUBTITLE, ~~may not~~
27 ~~petition~~ IS NOT ELIGIBLE for PEACE ORDER relief under Title 3, SUBTITLE 8 OR
28 Subtitle 15 of the Courts Article.

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

