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By: **Delegates Montague, Gladden, Marriott, Grosfeld, Doory, Menes, Cole,  
Rawlings, and Dobson**

Introduced and read first time: January 29, 2001

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Facilities Used for Detention - Accommodation of**  
3 **Children Awaiting Placement After Disposition**

4 FOR the purpose of prohibiting a child from being accommodated in a facility used for  
5 detention for more than a certain period of time after the court has made a  
6 disposition on a certain petition except under certain circumstances; authorizing  
7 the court to order that a child be accommodated in a facility used for detention  
8 for a specified period of time under certain circumstances; authorizing the court  
9 to extend the period of time for which a certain child may be accommodated in a  
10 facility used for detention; requiring the Department of Juvenile Justice to make  
11 a certain report; and generally relating to the accommodation of a child in a  
12 facility used for detention after disposition.

13 BY repealing and reenacting, without amendments,  
14 Article - Courts and Judicial Proceedings  
15 Section 3-801(m)  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume and 2000 Supplement)

18 BY adding to  
19 Article - Courts and Judicial Proceedings  
20 Section 3-815(j)  
21 Annotated Code of Maryland  
22 (1998 Replacement Volume and 2000 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Courts and Judicial Proceedings  
25 Section 3-820(d)  
26 Annotated Code of Maryland  
27 (1998 Replacement Volume and 2000 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 3-801.

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

8 3-815.

9 (J) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
10 SUBSECTION, A CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR  
11 DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN ADJUDICATED  
12 DELINQUENT FOR MORE THAN 15 DAYS AFTER THE COURT MAKES A DISPOSITION ON  
13 A PETITION UNDER § 3-820 OF THIS SUBTITLE.

14 (2) THE COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A  
15 FACILITY USED FOR DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS  
16 BEEN ADJUDICATED DELINQUENT FOR A SPECIFIED PERIOD OF TIME NOT TO  
17 EXCEED 45 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT  
18 ACCOMMODATION IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE  
19 PLACEMENT OF THE CHILD.

20 (3) THE COURT MAY EXTEND THE PERIOD OF TIME SPECIFIED IN  
21 PARAGRAPH (2) OF THIS SUBSECTION IN INCREMENTS OF NOT MORE THAN 30 DAYS  
22 FOR A CHILD FOR WHOM THE DISPOSITION IS PLACEMENT IN A SECURE FACILITY.

23 3-820.

24 (d) (1) In making a disposition on a petition, the court may:

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

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

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

1           (2)     A child committed under paragraph (1)(ii) of this subsection may not:

2                   (I)     [be] BE accommodated in a facility that has reached budgeted  
3 capacity if a bed is available in another comparable facility in the State, unless the  
4 placement to the facility that has reached budgeted capacity has been recommended  
5 by the Department of Juvenile Justice; OR

6                   (II)    EXCEPT AS PROVIDED IN § 3-815(J) OF THIS SUBTITLE, BE  
7 ACCOMMODATED IN A FACILITY USED FOR DETENTION.

8                   (3)     The court shall consider any oral address made in accordance with  
9 Article 27, § 780 of the Code or any victim impact statement, as described in Article  
10 27, § 781 of the Code, in determining an appropriate disposition on a petition.

11     SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
12 Juvenile Justice shall report to the General Assembly on or before July 1, 2002, in  
13 accordance with § 2-1246 of the State Government Article, on the implementation of  
14 this Act.

15     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2001.