

HOUSE BILL 766

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2001 Regular Session
11r2039
CF 11r2038

By: **Chairman, Judiciary Committee (Maryland Judicial Conference)**

Introduced and read first time: February 8, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court - Montgomery County**

3 FOR the purpose of transferring jurisdiction over juvenile causes in Montgomery
4 County from the District Court to the circuit court on and after a certain date;
5 creating certain circuit court judgeships in Montgomery County; providing for
6 the transfer of certain personnel; making certain conforming changes; providing
7 for the application and effect of this Act; providing a delayed effective date for
8 certain provisions of this Act; and generally relating to the transfer of
9 jurisdiction over juvenile causes in Montgomery County from the District Court
10 to the circuit court.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 1-503(a)(15), 3-801(i), 3-803(a), 12-403(a), and 12-701(b)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2000 Supplement)

16 BY repealing
17 Article - Courts and Judicial Proceedings
18 Section 1-604, 3-832, and 4-403
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Family Law
23 Section 5-701(f)
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Health - General
28 Section 10-923(a)(7)
29 Annotated Code of Maryland

1 (2000 Replacement Volume)

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

4 **Article - Courts and Judicial Proceedings**

5 1-503.

6 (a) In each county in the first seven judicial circuits there shall be the number
7 of resident judges of the circuit court set forth below, including the judge or judges
8 provided for by the Constitution:

9 (15) Montgomery[17] 21

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article - Courts and Judicial Proceedings**

13 [1-604.

14 Three of the judges in District 6 shall have as their primary duty and, if made
15 necessary by the case load their exclusive duty, the handling of juvenile causes.]

16 3-801.

17 (i) "Court" means the circuit court of a county [or Baltimore City] sitting as
18 the juvenile court. [In Montgomery County, it means the District Court sitting as the
19 juvenile court and following the applicable rules of the circuit court.]

20 3-803.

21 (a) In Baltimore City, Prince George's County and in any county in which the
22 case load requires it, one or more judges shall be assigned specially to handle cases
23 arising under this subtitle. The assignment shall be made by the administrative judge
24 of the circuit, subject to the approval of the Chief Judge of the Court of Appeals[,
25 except that in Montgomery County, the assignment shall be made by the Chief Judge
26 of the District Court, subject to the approval of the Chief Judge of the Court of
27 Appeals]. The judges so assigned are not subject to an automatic regular rotation.

28 [3-832.

29 For purposes of Title 12 of this article, an action, decision, order, or judgment of
30 the District Court in Montgomery County sitting as the juvenile court shall be treated
31 in the same manner as if it had been made, done, or entered by a circuit court.]

1 [4-403.

2 In Montgomery County only, the District Court has jurisdiction in juvenile
3 causes as provided in Title 3, Subtitle 8 of this article.]

4 12-403.

5 (a) An appeal from the District Court sitting in one of the counties shall be
6 taken to the circuit court of the county in which judgment was entered. [In
7 Montgomery County, an appeal from the District Court sitting as a juvenile court
8 shall be as provided for in § 3-832 of this article.]

9 12-701.

10 (b) An appeal from [the] A judgment of a juvenile court[, including the
11 District Court, in the exercise of its juvenile jurisdiction in Montgomery County, and]
12 with respect to a child[, does not stay] NEITHER STAYS the [final] judgment
13 [appealed from,] nor [does it discharge] DISCHARGES the child from THE custody of
14 a person, institution, or agency to whose care the JUVENILE COURT HAS COMMITTED
15 THE child [was committed by the court]. The appellate court may authorize a stay, on
16 application and hearing, if it finds that suitable provision is made for the care and
17 custody of the child.

18

Article - Family Law

19 5-701.

20 (f) "Court" means[:

21 (1) the circuit court for a county sitting as a juvenile court[: or

22 (2) in Montgomery County, the District Court sitting as a juvenile
23 court].

24

Article - Health - General

25 10-923.

26 (a) Application for placement of a child or adolescent in a private therapeutic
27 group home may be made under this section by:

28 (7) The circuit court of a county[, Baltimore City] sitting as the juvenile
29 court[, and in Montgomery County, the District Court sitting as juvenile court].

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not affect
31 any action, decision, order, or judgment of the District Court in Montgomery County
32 sitting as the juvenile court made prior to March 1, 2002, with respect to a proceeding
33 transferred to the jurisdiction of the Circuit Court for Montgomery County on that
34 date, and such action, decision, order, or judgment shall continue in effect and shall be
35 treated in the same manner as if it had been made, done, or entered by a circuit court.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not affect
2 any juvenile causes pending in the District Court in Montgomery County at the end of
3 February 28, 2002, other than in transfer of the causes to the Circuit Court for
4 Montgomery County as provided in this Act, and such juvenile causes shall continue
5 in effect and shall be treated in the manner provided for treatment of juvenile causes.

6 SECTION 5. AND BE IT FURTHER ENACTED, That this Act does not affect,
7 and may not be construed as affecting, the instituting of any proceeding in the Circuit
8 Court for Montgomery County on or after March 1, 2002, in accordance with this Act,
9 based wholly or partly on acts occurring before that date and, in no way, does the
10 repeal or amendment of any provision by this Act have the effect of releasing,
11 extinguishing, or changing wholly or partly any penalty, forfeiture, order or judgment
12 for restitution, order for commitment, or other action by the juvenile court in any
13 county or Baltimore City.

14 SECTION 6. AND BE IT FURTHER ENACTED, That this Act may not be
15 construed in any manner to constrain the power of the Chief Judge of the Court of
16 Appeals to cross designate a judge of the District Court to a circuit court or the power
17 of a circuit or county administrative judge to assign such cross-designated judge to sit
18 in the juvenile court or to prevent a District Court judge from applying for a circuit
19 court judgeship.

20 SECTION 7. AND BE IT FURTHER ENACTED, That personnel other than
21 judges who are employed by the District Court and who are assigned to the juvenile
22 court in Montgomery County shall be transferred to the office of the Clerk of the
23 Circuit Court for Montgomery County without any loss of compensation or benefits
24 solely as a result of the transfer, and the Clerk of the Circuit Court, the
25 Administrative Office of the Courts, and the Chief Judge of the District Court shall
26 cooperate to accomplish this transfer.

27 SECTION 8. AND BE IT FURTHER ENACTED, That Sections 2 through 7 of
28 this Act shall take effect March 1, 2002.

29 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in
30 Section 8 of this Act, this Act shall take effect July 1, 2001.