

SENATE BILL 660

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2001 Regular Session
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By: **Chairman, Judicial Proceedings Committee (Maryland Judicial
Conference - Foster Care Court Improvement Implementation
Committee)**

Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: March 22, 2001

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Causes**

3 FOR the purpose of separating the statutory provisions relating to children in need of
4 assistance (CINAs) from the statutory provisions relating to delinquent children
5 and children in need of supervision; requiring a guardian of a child to give
6 certain notice to the parents of a child under circumstances; stating the
7 purposes and providing for the construction of the provisions relating to CINAs;
8 altering the jurisdiction of the juvenile court; precluding religious exemptions
9 from the CINA statute; expanding a requirement for assignment of judges
10 specially to hear juvenile causes; imposing a duty to notify the juvenile court of
11 certain pending cases involving alleged CINAs; specifying the format and
12 contents of a CINA petition; requiring separate petitions for each child and
13 separate files for each case; repealing the authority of the Department of
14 Juvenile Justice to file a CINA petition; requiring a local department of social
15 services to file a CINA petition under certain circumstances; altering the
16 jurisdictions in which CINA petitions may be filed; requiring the juvenile court
17 to communicate with certain other courts under certain circumstances;
18 specifying the procedures for transfer of CINA cases; authorizing the juvenile
19 court to obtain information under the Maryland Uniform Child Custody
20 Jurisdiction Act under certain circumstances; altering the reviewing authority
21 for decisions not to file a CINA petition; requiring the juvenile court to close
22 CINA proceedings to the general public under certain circumstances; altering
23 the role of the Office of the Public Defender and attorneys under contract with
24 the Department of Human Resources as to representation of children alleged or
25 adjudicated CINAs and their parents subject to a certain condition; altering the
26 methods by which a child may be taken into custody under the CINA statute;

1 altering the duty of a law enforcement officer to notify certain persons when a
2 child is taken into custody; clarifying the time frame within which certain
3 shelter care hearings are to be held; altering the agencies responsible for
4 adoption of regulations governing shelter care of alleged CINAs; prohibiting the
5 court from ordering an inpatient evaluation, except under certain
6 circumstances; clarifying the circumstances under which the court is authorized
7 to order emergency medical or psychiatric treatment for a child; specifying the
8 factors a court is required to apply when determining whether to withhold or
9 withdraw life-sustaining procedures; conforming terminology in certain
10 provisions relating to shelter care and commitment to provisions in the Health -
11 General Article as to mental disorders, mental retardation, and developmental
12 disabilities; expanding the required contents of certain regulations; specifying
13 times for delivery of certain evaluations, reports, and permanency plans for
14 CINA proceedings; making certain rules of evidence applicable to adjudication
15 hearings; altering a certain presumption regarding certain babies born addicted
16 to or dependent on certain controlled dangerous substances; clarifying the bases
17 for determination regarding reunification efforts; clarifying that a CINA finding
18 is to be made at the disposition hearing; authorizing a court to award custody of
19 a child alleged to be a CINA to the other parent of the child under certain
20 circumstances; altering the permissible dispositions on a CINA petition;
21 specifying the contents of orders of removal; providing for the emergency
22 removal from certain placements of children found to be CINA; expanding a
23 requirement for on-the-record findings as to children in need of certain
24 inpatient medical care; authorizing the court to issue orders directing,
25 restraining, or otherwise controlling nonparties under certain circumstances;
26 providing for the enforcement of such orders; expanding the proceedings in
27 which evidence taken in a CINA proceeding may be used; altering the
28 permanency plan options; requiring the court to order a local department of
29 social services to file a petition for termination of parental rights within a
30 certain period of time under certain circumstances; defining certain terms;
31 altering certain definitions; expanding access to court records pertaining to
32 CINA proceedings; clarifying the scope of the Court-Appointed Special Advocate
33 programs; repealing a requirement for local matching funds for such programs,
34 subject to certain conditions; correcting certain cross-references; making
35 stylistic changes; providing for the construction of this Act; providing for the
36 effective date of certain provisions of this Act; and generally relating to juvenile
37 causes.

38 BY renumbering

39 Article - Courts and Judicial Proceedings

40 Section 3-8A-01 and 3-8A-02 and the subtitle "Subtitle 8A. Mandamus";

41 3-816, 3-822, 3-824, 3-829, 3-832, and 3-836, respectively

42 to be Section 3-8B-01 and 3-8B-02 and the subtitle "Subtitle 8B. Mandamus";

43 3-8A-16, 3-8A-21, 3-8A-23, 3-8A-28, 3-8A-31, and 3-8A-34,

44 respectively

45 Annotated Code of Maryland

46 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing
2 Article - Courts and Judicial Proceedings
3 Section 3-801.1, 3-803, 3-812.1, 3-813, 3-826.1, 3-833, 3-834.1, 3-837, and
4 3-837.1
5 Annotated Code of Maryland
6 (1998 Replacement Volume and 2000 Supplement)

7 BY adding to
8 Article - Courts and Judicial Proceedings
9 Section 3-801 through 3-830 to be under the amended subtitle "Subtitle 8.
10 Juvenile Causes - Children in Need of Assistance"; and 3-8A-04
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 3-813(c) and 3-830(c)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2000 Supplement)
18 (As enacted by Section 3 of this Act)

19 BY repealing and reenacting, with amendments,
20 Article - Courts and Judicial Proceedings
21 Section 3-801, 3-802, 3-804, 3-805, 3-806, 3-807, 3-808, 3-809, 3-810,
22 3-810.1, 3-811, 3-812, 3-814, 3-815, 3-817, 3-818, 3-819, 3-820, 3-820.1,
23 3-820.2, 3-820.3, 3-820.4, 3-820.5, 3-821, 3-823, 3-825, 3-826, 3-827,
24 3-828, 3-830, 3-831, 3-834, and 3-835 to be under the new subtitle
25 "Subtitle 8A. Juvenile Causes - Children Other Than CINAs and Adults";
26 4-301(a), 5-805(a)(3) and (5)(ii)2., and 12-403(a)
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2000 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Education
31 Section 7-303(a)(5)(ii) and 26-103(b)(1)
32 Annotated Code of Maryland
33 (1999 Replacement Volume and 2000 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article - Family Law
36 Section 5-322(a)(1)(ii) and (b)(1) and (2) and 5-525(d)(1)
37 Annotated Code of Maryland
38 (1999 Replacement Volume and 2000 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article - Health - General
3 Section 10-923(a)(4), (6), and (7)
4 Annotated Code of Maryland
5 (2000 Replacement Volume)
- 6 BY repealing and reenacting, with amendments,
7 Article - Insurance
8 Section 19-515
9 Annotated Code of Maryland
10 (1997 Volume and 2000 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article - Natural Resources
13 Section 8-712.2(e)
14 Annotated Code of Maryland
15 (2000 Replacement Volume)
- 16 BY repealing and reenacting, with amendments,
17 Article - Transportation
18 Section 16-206(b)(1) and (c)(1) and (2) and 24-304(b)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article 27 - Crimes and Punishments
23 Section 402(a) and 763(d)
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 2000 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article - Criminal Procedure
28 Section 4-202(b) and (c), 10-106, 10-201(d)(3), 10-215(a)(21), 10-216(e)(1),
29 10-220, 11-113(c), 11-202, 11-302(b) and (g), and 11-402(c)
30 Annotated Code of Maryland
31 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
32 2001)
- 33 BY repealing and reenacting, with amendments,
34 Article 83C - Juvenile Justice
35 Section 2-101(b), 2-112, 2-118(b), and 2-126
36 Annotated Code of Maryland
37 (1998 Replacement Volume and 2000 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 2 MARYLAND, That Section(s) 3-8A-01 and 3-8A-02 and the subtitle "Subtitle 8A.
 3 Mandamus"; 3-816, 3-822, 3-824, 3-829, 3-832, and 3-836, respectively, of Article -
 4 Courts and Judicial Proceedings of the Annotated Code of Maryland be renumbered to
 5 be Section(s) 3-8B-01 and 3-8B-02 and the subtitle "Subtitle 8B. Mandamus";
 6 3-8A-16, 3-8A-21, 3-8A-23, 3-8A-28, 3-8A-31, and 3-8A-34, respectively.

7 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-801.1,
 8 3-803, 3-812.1, 3-813, 3-826.1, 3-833, 3-834.1, 3-837, and 3-837.1 of Article -
 9 Courts and Judicial Proceedings of the Annotated Code of Maryland be repealed.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 11 read as follows:

12 **Article - Courts and Judicial Proceedings**

13 Subtitle 8. Juvenile Causes - CHILDREN IN NEED OF ASSISTANCE.

14 3-801.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

17 (B) "ABUSE" MEANS:

18 (1) SEXUAL ABUSE OF A CHILD, WHETHER A PHYSICAL INJURY IS
 19 SUSTAINED OR NOT; OR

20 (2) PHYSICAL OR MENTAL INJURY OF A CHILD UNDER CIRCUMSTANCES
 21 THAT INDICATE THAT THE CHILD'S HEALTH OR WELFARE IS HARMED OR IS AT
 22 SUBSTANTIAL RISK OF BEING HARMED BY:

23 (I) A PARENT OR OTHER INDIVIDUAL WHO HAS PERMANENT OR
 24 TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR SUPERVISION OF THE
 25 CHILD; OR

26 (II) A HOUSEHOLD OR FAMILY MEMBER.

27 FOSTER CARE COURT IMPROVEMENT PROJECT COMMITTEE NOTE:

28 This definition was added. It is consistent with the definition in FL §
 29 5-701 but has been restructured to clarify that the phrase "under
 30 circumstances that indicate ... being harmed" applies to injury by a parent
 31 or other custodian, and not merely household or family members.

32 In item (2)(i) of this subsection, the word "individual" was used instead of
 33 "person", to make clear that corporations and other entities are not
 34 encompassed.

1 (C) "ADJUDICATION HEARING" MEANS A HEARING UNDER THIS SUBTITLE TO
2 DETERMINE WHETHER THE ALLEGATIONS IN THE PETITION, OTHER THAN THE
3 ALLEGATION THAT THE CHILD REQUIRES THE COURT'S INTERVENTION, ARE TRUE.

4 COMMITTEE NOTE: This definition was derived from former CJ § 3-801(b).

5 (D) "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD.

6 COMMITTEE NOTE: This definition was derived from former CJ § 3-801(c).

7 The word "individual" was substituted for "person", to make clear that
8 corporations or other entities are not encompassed.

9 (E) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

10 COMMITTEE NOTE: This definition was derived from former CJ § 3-801(d).

11 The word "individual" was substituted for "person", to make clear that
12 corporations or other entities are not encompassed.

13 (F) "CHILD IN NEED OF ASSISTANCE" MEANS A CHILD WHO REQUIRES COURT
14 INTERVENTION BECAUSE:

15 (1) THE CHILD HAS BEEN ABUSED, HAS BEEN NEGLECTED, HAS A
16 DEVELOPMENTAL DISABILITY, OR HAS A MENTAL DISORDER; AND

17 (2) THE CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN ARE UNABLE OR
18 UNWILLING TO GIVE PROPER CARE AND ATTENTION TO THE CHILD AND THE CHILD'S
19 NEEDS.

20 COMMITTEE NOTE: This language was substituted for former CJ § 3-801(e)
21 and revised for clarity.

22 The exemption for nonmedical remedial care was deleted.

23 (G) "CINA" MEANS A CHILD IN NEED OF ASSISTANCE.

24 COMMITTEE NOTE: This definition was added to allow concise reference to a
25 child in need of assistance and coincides with the terminology used in
26 practice.

27 (H) "COMMIT" MEANS TO TRANSFER CUSTODY.

28 COMMITTEE NOTE: This definition was derived from former CJ § 3-801(h).

29 By deleting the word "legal" from the former definition of "commit", it is
30 not the Committee's intent to diminish the rights of the child's custodian to
31 take care and control of the child or to make health, education, and other
32 decisions for the child as previously existed under the prior statute.
33 Rather, by using the word "custody", the Committee intends that both legal
34 and physical custody, as understood under common law, apply. *See Taylor*

1 v. *Taylor*, 306 Md. 290, 296 (1986) and *In Re William George T.*, 89 Md.
2 App. 762, 771-72 (1992). It is the Committee's intent that commitment of a
3 CINA has the same legal effect as the transfer of legal and physical custody
4 under common law.

5 (I) "COURT", UNLESS OTHERWISE INDICATED, MEANS:

6 (1) A CIRCUIT COURT FOR A COUNTY SITTING AS THE JUVENILE COURT;
7 OR

8 (2) IN MONTGOMERY COUNTY, THE DISTRICT COURT SITTING AS THE
9 JUVENILE COURT.

10 COMMITTEE NOTE: This definition was derived from former CJ § 3-801(i).

11 The former reference to "Baltimore City" was deleted as unnecessary in
12 light of Art. 1, § 14 of the Code, which defines "county" to include Baltimore
13 City.

14 The directive that the District Court in Montgomery County follow the
15 applicable rules of the circuit court while sitting as the juvenile court is
16 stated as a substantive requirement in proposed § 3-808(b) of this subtitle.

17 (J) "CUSTODIAN" MEANS A PERSON OR GOVERNMENTAL AGENCY TO WHOM
18 CUSTODY OF A CHILD HAS BEEN GIVEN BY ORDER OF COURT, INCLUDING A COURT
19 OTHER THAN THE JUVENILE COURT.

20 COMMITTEE NOTE: The definition was derived from former CJ § 3-801(j) and
21 revised to be consistent with the definition of "custody".

22 (K) "CUSTODY" MEANS THE RIGHT AND OBLIGATION, UNLESS OTHERWISE
23 DETERMINED BY THE COURT, TO PROVIDE ORDINARY CARE FOR A CHILD AND
24 DETERMINE PLACEMENT.

25 COMMITTEE NOTE: This definition was added to reflect terms used in CINA
26 practice.

27 (L) "DEVELOPMENTAL DISABILITY" MEANS A SEVERE CHRONIC DISABILITY
28 OF AN INDIVIDUAL THAT:

29 (1) IS ATTRIBUTABLE TO A PHYSICAL OR MENTAL IMPAIRMENT, OTHER
30 THAN THE SOLE DIAGNOSIS OF MENTAL ILLNESS, OR TO A COMBINATION OF
31 MENTAL AND PHYSICAL IMPAIRMENTS;

32 (2) IS LIKELY TO CONTINUE INDEFINITELY;

33 (3) RESULTS IN AN INABILITY TO LIVE INDEPENDENTLY WITHOUT
34 EXTERNAL SUPPORT OR CONTINUING AND REGULAR ASSISTANCE; AND

1 (4) REFLECTS THE NEED FOR A COMBINATION AND SEQUENCE OF
2 SPECIAL, INTERDISCIPLINARY, OR GENERIC CARE, TREATMENT, OR OTHER SERVICES
3 THAT ARE INDIVIDUALLY PLANNED AND COORDINATED FOR THE INDIVIDUAL.

4 COMMITTEE NOTE: This definition was added to reflect terms used in CINA
5 practice. The language was taken from the definition in HG § 7-101,
6 omitting the provision that the disability must manifest before the age of
7 22.

8 (M) "DISPOSITION HEARING" MEANS A HEARING UNDER THIS SUBTITLE TO
9 DETERMINE:

10 (1) WHETHER A CHILD IS IN NEED OF ASSISTANCE; AND

11 (2) IF SO, THE NATURE OF THE COURT'S INTERVENTION TO PROTECT
12 THE CHILD'S HEALTH, SAFETY, AND WELL-BEING.

13 COMMITTEE NOTE: This subsection is new language substituted for former
14 CJ § 3-801(n), as it related to CINA proceedings, to clarify what is to occur
15 at this CINA hearing.

16 (N) "GUARDIAN" MEANS A PERSON TO WHOM GUARDIANSHIP OF A CHILD HAS
17 BEEN GIVEN BY ORDER OF COURT, INCLUDING A COURT OTHER THAN THE JUVENILE
18 COURT.

19 COMMITTEE NOTE: This definition was added to allow concise reference to
20 the types of parties to a case.

21 (O) "GUARDIANSHIP" MEANS AN AWARD BY A COURT, INCLUDING A COURT
22 OTHER THAN THE JUVENILE COURT, OF THE AUTHORITY TO MAKE ORDINARY AND
23 EMERGENCY DECISIONS AS TO THE CHILD'S CARE, WELFARE, EDUCATION, PHYSICAL
24 AND MENTAL HEALTH, AND THE RIGHT TO PURSUE SUPPORT.

25 COMMITTEE NOTE: This definition was added to allow concise reference to
26 this type of custodianship.

27 (P) "LOCAL DEPARTMENT" MEANS THE LOCAL DEPARTMENT OF SOCIAL
28 SERVICES FOR THE COUNTY IN WHICH THE COURT IS LOCATED.

29 COMMITTEE NOTE: This definition was derived from former CJ § 3-801(p).

30 (Q) (1) "MENTAL DISORDER" MEANS A BEHAVIORAL OR EMOTIONAL
31 ILLNESS THAT RESULTS FROM A PSYCHIATRIC OR NEUROLOGICAL DISORDER.

32 (2) "MENTAL DISORDER" INCLUDES A MENTAL ILLNESS THAT SO
33 SUBSTANTIALLY IMPAIRS THE MENTAL OR EMOTIONAL FUNCTIONING OF AN
34 INDIVIDUAL AS TO MAKE CARE OR TREATMENT NECESSARY OR ADVISABLE FOR THE
35 WELFARE OF THE INDIVIDUAL OR FOR THE SAFETY OF THE PERSON OR PROPERTY
36 OF ANOTHER.

1 (3) "MENTAL DISORDER" DOES NOT INCLUDE MENTAL RETARDATION.

2 COMMITTEE NOTE: This definition was added to coincide with the definition
3 in HG § 10-101.

4 (R) "MENTAL INJURY" MEANS THE OBSERVABLE, IDENTIFIABLE, AND
5 SUBSTANTIAL IMPAIRMENT OF A CHILD'S MENTAL OR PSYCHOLOGICAL ABILITY TO
6 FUNCTION.

7 COMMITTEE NOTE: This definition was added to coincide with the definition
8 in FL § 5-701 and reflects practice in this area of law.

9 (S) "NEGLECT" MEANS THE LEAVING OF A CHILD UNATTENDED OR OTHER
10 FAILURE TO GIVE PROPER CARE AND ATTENTION TO A CHILD BY ANY PARENT OR
11 INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR
12 RESPONSIBILITY FOR SUPERVISION OF THE CHILD UNDER CIRCUMSTANCES THAT
13 INDICATE:

14 (1) THAT THE CHILD'S HEALTH OR WELFARE IS HARMED OR PLACED AT
15 SUBSTANTIAL RISK OF HARM; OR

16 (2) THAT THE CHILD HAS SUFFERED MENTAL INJURY OR BEEN PLACED
17 AT SUBSTANTIAL RISK OF MENTAL INJURY.

18 COMMITTEE NOTE: This definition was added to coincide with the definition
19 in FL § 5-701 and reflects practice in this area of law.

20 The word "individual" was used instead of "person", to make clear that
21 corporations and other entities are not encompassed.

22 (T) "PARENT" MEANS A NATURAL OR ADOPTIVE PARENT WHOSE PARENTAL
23 RIGHTS HAVE NOT BEEN TERMINATED.

24 COMMITTEE NOTE: This definition was added for clarity.

25 (U) (1) "PARTY" MEANS:

26 (I) A CHILD WHO IS THE SUBJECT OF A PETITION;

27 (II) THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN;

28 (III) THE PETITIONER; OR

29 (IV) AN ADULT WHO IS CHARGED UNDER § 3-828 OF THIS SUBTITLE.

30 (2) "PARTY" DOES NOT INCLUDE A FOSTER PARENT.

31 COMMITTEE NOTE: Paragraph (1) of this subsection was derived from the
32 portion of former CJ § 3-801(r) applicable to CINA proceedings.

33 Paragraph (2) of this subsection was added for clarity as a court does not

1 award custody to a foster parent.

2 (V) (1) "SEXUAL ABUSE" MEANS AN ACT THAT INVOLVES SEXUAL
3 MOLESTATION OR SEXUAL EXPLOITATION OF A CHILD BY:

4 (I) A PARENT OR OTHER INDIVIDUAL WHO HAS PERMANENT OR
5 TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR SUPERVISION OF THE
6 CHILD; OR

7 (II) A HOUSEHOLD OR FAMILY MEMBER.

8 (2) "SEXUAL ABUSE" INCLUDES:

9 (I) INCEST;

10 (II) RAPE;

11 (III) SEXUAL OFFENSE IN ANY DEGREE;

12 (IV) SODOMY; AND

13 (V) UNNATURAL OR PERVERTED SEXUAL PRACTICES.

14 COMMITTEE NOTE: This definition was added for clarity and is consistent
15 with the definition in FL § 5-701.

16 The word "individual" was used instead of "person", to make clear that
17 corporations and other entities are not encompassed.

18 (W) "SHELTER CARE" MEANS A TEMPORARY PLACEMENT OF A CHILD OUTSIDE
19 OF THE HOME AT ANY TIME BEFORE DISPOSITION.

20 COMMITTEE NOTE: This definition was derived from the portion of former
21 CJ § 3-801(s) applicable to CINAs and was revised to reflect practice in
22 this area of law.

23 (X) "SHELTER CARE HEARING" MEANS A HEARING HELD BEFORE
24 DISPOSITION TO DETERMINE WHETHER THE TEMPORARY PLACEMENT OF THE
25 CHILD OUTSIDE OF THE HOME IS WARRANTED.

26 COMMITTEE NOTE: This definition was added for clarity.

27 (Y) "TPR PROCEEDING" MEANS A PROCEEDING TO TERMINATE PARENTAL
28 RIGHTS.

29 COMMITTEE NOTE: This definition was added to allow concise reference to
30 termination proceedings and coincides with the terminology used in
31 practice.

1 3-801.1.

2 IF GUARDIANSHIP OF A CHILD IS AWARDED UNDER THIS SUBTITLE, THE
3 GUARDIAN SHALL NOTIFY THE PARENTS OF THE CHILD AS SOON AS PRACTICABLE
4 OF ANY EMERGENCY DECISION MADE BY THE GUARDIAN WITH RESPECT TO THE
5 CHILD UNDER § 3-801(O) OF THIS SUBTITLE.

6 3-802.

7 (A) THE PURPOSES OF THIS SUBTITLE ARE:

8 (1) TO PROVIDE FOR THE CARE, PROTECTION, SAFETY, AND MENTAL
9 AND PHYSICAL DEVELOPMENT OF ANY CHILD COMING WITHIN THE PROVISIONS OF
10 THIS SUBTITLE;

11 (2) TO PROVIDE FOR A PROGRAM OF SERVICES AND TREATMENT
12 CONSISTENT WITH THE CHILD'S BEST INTERESTS AND THE PROMOTION OF THE
13 PUBLIC INTEREST;

14 (3) TO CONSERVE AND STRENGTHEN THE CHILD'S FAMILY TIES AND TO
15 SEPARATE A CHILD FROM THE CHILD'S PARENTS ONLY WHEN NECESSARY FOR THE
16 CHILD'S WELFARE;

17 (4) TO HOLD PARENTS OF CHILDREN FOUND TO BE IN NEED OF
18 ASSISTANCE RESPONSIBLE FOR REMEDYING THE CIRCUMSTANCES THAT REQUIRED
19 THE COURT'S INTERVENTION;

20 (5) EXCEPT AS OTHERWISE PROVIDED BY LAW, TO HOLD THE LOCAL
21 DEPARTMENT OF SOCIAL SERVICES RESPONSIBLE FOR PROVIDING SERVICES TO
22 ASSIST THE PARENTS WITH REMEDYING THE CIRCUMSTANCES THAT REQUIRED THE
23 COURT'S INTERVENTION;

24 (6) IF NECESSARY TO REMOVE A CHILD FROM THE CHILD'S HOME, TO
25 SECURE FOR THE CHILD CUSTODY, CARE, AND DISCIPLINE AS NEARLY AS POSSIBLE
26 EQUIVALENT TO THAT WHICH THE CHILD'S PARENTS SHOULD HAVE GIVEN;

27 (7) TO ACHIEVE A TIMELY, PERMANENT PLACEMENT FOR THE CHILD
28 CONSISTENT WITH THE CHILD'S BEST INTERESTS; AND

29 (8) TO PROVIDE JUDICIAL PROCEDURES FOR CARRYING OUT THE
30 PROVISIONS OF THIS SUBTITLE.

31 (B) THIS SUBTITLE SHALL BE CONSTRUED LIBERALLY TO EFFECTUATE
32 THESE PURPOSES.

33 COMMITTEE NOTE: This section was derived from the portion of former CJ §
34 3-802 applicable to CINAs and was revised for clarity.

1 3-803.

2 (A) IN ADDITION TO THE JURISDICTION SPECIFIED IN SUBTITLE 8A OF THIS
3 TITLE, THE COURT HAS EXCLUSIVE ORIGINAL JURISDICTION OVER:

4 (1) PROCEEDINGS ARISING FROM A PETITION ALLEGING THAT A CHILD
5 IS A CINA;

6 (2) PROCEEDINGS ARISING UNDER THE INTERSTATE COMPACT ON THE
7 PLACEMENT OF CHILDREN;

8 (3) PROCEEDINGS TO TERMINATE PARENTAL RIGHTS AFTER A CINA
9 PROCEEDING;

10 (4) GUARDIANSHIP REVIEW PROCEEDINGS AFTER A TPR PROCEEDING;
11 AND

12 (5) ADOPTION PROCEEDINGS, IF ANY, AFTER A TPR PROCEEDING.

13 (B) (1) THE COURT HAS CONCURRENT JURISDICTION OVER:

14 (I) CUSTODY, VISITATION, SUPPORT, AND PATERNITY OF A CHILD
15 WHOM THE COURT FINDS TO BE A CINA; AND

16 (II) CUSTODY OF A CHILD ALLEGED TO BE A CINA UNDER THE
17 CIRCUMSTANCES DESCRIBED IN § 3-819(D) OF THIS SUBTITLE.

18 (2) DURING PENDENCY OF AN ACTION UNDER THIS SUBTITLE, A PARTY
19 HAS A CONTINUING DUTY TO ADVISE THE COURT AND ANY OTHER COURT
20 CONSIDERING CUSTODY, SUPPORT, VISITATION, OR PATERNITY OF A CHILD, OF THE
21 PENDENCY OF ANY OTHER ACTION CONCERNING THE CHILD, WHETHER THE ACTION
22 IS IN THIS OR ANOTHER STATE.

23 (3) (I) THE COURT MAY DECLINE TO EXERCISE JURISDICTION UNDER
24 THIS SUBSECTION IF THERE IS A PROCEEDING PENDING IN ANOTHER COURT OF
25 COMPETENT JURISDICTION.

26 (II) IF THE COURT AND ANOTHER COURT BOTH HAVE PENDING
27 ACTIONS INVOLVING A CHILD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,
28 THE COURT SHALL COMMUNICATE WITH THE OTHER COURT EXPEDITIOUSLY TO
29 DETERMINE THE MORE APPROPRIATE COURT TO TAKE FURTHER ACTION,
30 CONSISTENT WITH THE BEST INTEREST OF THE CHILD.

31 (III) THE COURT SHALL ADVISE THE PARTIES OF THE DECISION AND
32 THE BASIS FOR THE DECISION.

33 (C) (1) THE COURT HAS CONCURRENT JURISDICTION OVER PROCEEDINGS
34 AGAINST AN ADULT FOR A VIOLATION OF § 3-828 OF THIS SUBTITLE.

35 (2) (I) THE COURT MAY WAIVE ITS JURISDICTION UNDER THIS
36 SUBSECTION ON ITS OWN MOTION OR ON THE MOTION OF ANY PARTY TO THE

1 PROCEEDING, IF CHARGES AGAINST THE ADULT ARISING FROM THE SAME INCIDENT
2 ARE PENDING IN THE CRIMINAL COURT.

3 (II) ON MOTION BY THE STATE'S ATTORNEY OR THE ADULT
4 CHARGED UNDER § 3-828 OF THIS SUBTITLE, THE COURT SHALL WAIVE ITS
5 JURISDICTION AND THE ADULT SHALL BE TRIED IN THE CRIMINAL COURT
6 ACCORDING TO THE USUAL CRIMINAL PROCEDURE.

7 (3) THE AGE OF THE CHILD AT THE TIME A PETITION IS FILED UNDER §
8 3-828 OF THIS SUBTITLE CONTROLS THE DETERMINATION OF JURISDICTION UNDER
9 THIS SUBSECTION.

10 COMMITTEE NOTE: Subsection (a) of this section was derived from former
11 CJ § 3-804(a)(2) and expanded.

12 Subsection (b) of this section is new.

13 Subsection (c) of this section was derived from former CJ §§ 3-804(c) and
14 3-805(b).

15 3-804.

16 (A) THE COURT HAS JURISDICTION UNDER THIS SUBTITLE ONLY IF THE
17 ALLEGED CINA IS UNDER THE AGE OF 18 YEARS WHEN THE PETITION IS FILED.

18 (B) IF THE COURT OBTAINS JURISDICTION OVER A CHILD, THAT
19 JURISDICTION CONTINUES IN THAT CASE UNTIL THE CHILD REACHES THE AGE OF 21
20 YEARS, UNLESS THE COURT TERMINATES THE CASE.

21 (C) AFTER THE COURT TERMINATES JURISDICTION, A CUSTODY ORDER
22 ISSUED BY THE COURT IN A CINA CASE:

23 (1) REMAINS IN EFFECT; AND

24 (2) MAY BE REVISED OR SUPERSEDED ONLY BY ANOTHER COURT OF
25 COMPETENT JURISDICTION.

26 COMMITTEE NOTE: The Committee combined former CJ §§ 3-805(b) and
27 3-806(a) and (d).

28 3-805.

29 (A) A PETITION ALLEGING THAT A CHILD IS A CINA SHALL BE FILED IN THE
30 COUNTY WHERE:

31 (1) THE CHILD IS RESIDING WHEN THE PETITION IS FILED; OR

32 (2) THE ACT ON WHICH THE PETITION IS BASED ALLEGEDLY
33 OCCURRED.

1 (B) (1) WHENEVER A PETITION IS FILED OTHER THAN IN THE COUNTY
2 WHERE THE CHILD RESIDES, THE COURT, ON ITS OWN MOTION OR ON MOTION OF A
3 PARTY, MAY TRANSFER THE CASE AT ANY TIME TO ANY APPROPRIATE COUNTY,
4 INCLUDING A COUNTY WHERE:

5 (I) ANOTHER CASE INVOLVING CUSTODY, VISITATION, OR
6 SUPPORT OF THE CHILD IS PENDING;

7 (II) THE CHILD RESIDES;

8 (III) A PARENT OF THE CHILD RESIDES; OR

9 (IV) THE COURT DETERMINES IT IS IN THE CHILD'S BEST
10 INTERESTS FOR FURTHER PROCEEDINGS CONCERNING THE CHILD TO TAKE PLACE.

11 (2) (I) BEFORE THE COURT TRANSFERS A CASE TO ANOTHER COURT
12 IN THE STATE, THE COURT SHALL COMMUNICATE WITH THE JUVENILE JUDGE OF
13 THE OTHER COURT OR THE JUDGE'S DESIGNEE.

14 (II) THE COURT SHALL ADVISE THE PARTIES OF THE DECISION
15 MADE TO TRANSFER THE CASE AND THE BASIS FOR THE DECISION.

16 (3) BEFORE THE COURT TRANSFERS A CASE TO A COURT OUTSIDE THE
17 STATE, THE COURT SHALL COMMUNICATE WITH THE OTHER COURT IN ACCORDANCE
18 WITH THE MARYLAND UNIFORM CHILD CUSTODY JURISDICTION ACT.

19 (4) (I) WITHIN 15 DAYS AFTER THE COURT ORDERS A TRANSFER, THE
20 CLERK OF THE SENDING COURT SHALL FORWARD TO THE RECEIVING COURT EVERY
21 DOCUMENT ON FILE WITH THE SENDING COURT.

22 (II) IF A CASE IS TRANSFERRED TO ANOTHER COURT IN THIS
23 STATE, THE RECEIVING COURT SHALL TREAT THE CASE AS IF IT HAD BEEN FILED
24 WITH THAT COURT INITIALLY AND SHALL SET HEARING DATES AS CLOSE AS
25 PRACTICABLE TO THOSE SET FORTH IN ANY PENDING ORDERS ISSUED BY THE
26 SENDING COURT.

27 (C) IF INFORMATION ABOUT A CHILD IS ALLEGED TO BE AVAILABLE IN
28 ANOTHER JURISDICTION IN OR OUTSIDE OF THIS STATE, THE COURT, ON ITS OWN
29 MOTION OR ON MOTION OF A PARTY, MAY USE THE PROVISIONS OF THE MARYLAND
30 UNIFORM CHILD CUSTODY JURISDICTION ACT TO OBTAIN THAT INFORMATION.

31 COMMITTEE NOTE: Subsection (a)(1) of this section was derived from former
32 CJ § 3-808(a).

33 Subsection (a)(2) of this section is new language added to state expressly
34 that a petition can be filed in a county where the act on which the petition
35 is based allegedly occurred.

36 Subsections (b) and (c) of this section were derived from former CJ §
37 3-809(a)(1) and (b) and have new language added to clarify the process of

1 transferring cases in- and out-of-state.

2 3-806.

3 (A) (1) IN EVERY COUNTY, ONE OR MORE JUDGES SHALL BE ASSIGNED
4 SPECIALLY TO HANDLE CASES ARISING UNDER THIS SUBTITLE AND SUBTITLE 8A OF
5 THIS TITLE.

6 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
7 ASSIGNMENT SHALL BE MADE BY THE CIRCUIT ADMINISTRATIVE JUDGE, SUBJECT
8 TO THE APPROVAL OF THE CHIEF JUDGE OF THE COURT OF APPEALS.

9 (3) IN MONTGOMERY COUNTY, THE ASSIGNMENT SHALL BE MADE BY
10 THE CHIEF JUDGE OF THE DISTRICT COURT, SUBJECT TO THE APPROVAL OF THE
11 CHIEF JUDGE OF THE COURT OF APPEALS.

12 (4) THE JUDGES SO ASSIGNED ARE NOT SUBJECT TO AN AUTOMATIC
13 REGULAR ROTATION.

14 (B) TO THE EXTENT FEASIBLE, THE JUDGES ASSIGNED UNDER THIS SECTION
15 SHALL:

16 (1) DESIRE TO BE SO ASSIGNED;

17 (2) HAVE THE TEMPERAMENT NECESSARY TO DEAL PROPERLY WITH
18 THE CASES AND CHILDREN LIKELY TO COME BEFORE THE COURT; AND

19 (3) HAVE SPECIAL EXPERIENCE OR TRAINING IN JUVENILE CAUSES AND
20 THE PROBLEMS OF CHILDREN LIKELY TO COME BEFORE THE COURT.

21 COMMITTEE NOTE: This section was derived from former CJ § 3-803 and
22 was revised to require assignment of juvenile court judges in every county.

23 3-807.

24 (A) (1) THE JUDGES OF A CIRCUIT COURT MAY NOT APPOINT A MASTER FOR
25 JUVENILE CAUSES ARISING UNDER THIS SUBTITLE AND SUBTITLE 8A OF THIS TITLE
26 UNLESS THE APPOINTMENT AND THE APPOINTEE ARE APPROVED BY THE CHIEF
27 JUDGE OF THE COURT OF APPEALS.

28 (2) THE STANDARDS EXPRESSED IN § 3-806(B) OF THIS SUBTITLE, WITH
29 RESPECT TO THE ASSIGNMENT OF JUDGES, ARE APPLICABLE TO THE APPOINTMENT
30 OF MASTERS.

31 (3) A MASTER, AT THE TIME OF APPOINTMENT AND AT ALL TIMES WHILE
32 SERVING AS A MASTER, SHALL BE A MEMBER IN GOOD STANDING OF THE MARYLAND
33 BAR.

34 (4) (I) IN PRINCE GEORGE'S COUNTY, THE JUDGES OF THE CIRCUIT
35 COURT MAY NOT APPOINT OR CONTINUE THE APPOINTMENT OF MASTERS FOR
36 JUVENILE CAUSES, EXCEPT FOR THE PURPOSE OF CONDUCTING:

1 1. PROBABLE CAUSE HEARINGS, DETENTION HEARINGS,
2 ARRAIGNMENTS, ACCEPTANCES OF ADMISSIONS, AND RESTITUTION HEARINGS IN
3 DELINQUENCY CASES UNDER SUBTITLE 8A OF THIS TITLE; AND

4 2. SHELTER CARE, ADJUDICATION, AND DISPOSITION
5 HEARINGS IN CINA CASES UNDER THIS SUBTITLE.

6 (II) A MASTER IN PRINCE GEORGE'S COUNTY MAY NOT CONDUCT:

7 1. AN ADJUDICATORY HEARING IN DELINQUENCY CASES
8 UNDER SUBTITLE 8A OF THIS TITLE, UNLESS THE ADJUDICATORY HEARING IS
9 LIMITED TO THE ACCEPTANCE OF AN ADMISSION;

10 2. A DISPOSITION HEARING IN DELINQUENCY CASES UNDER
11 SUBTITLE 8A OF THIS TITLE; OR

12 3. A PEACE ORDER PROCEEDING UNDER SUBTITLE 8A OF
13 THIS TITLE.

14 (B) (1) A MASTER APPOINTED FOR JUVENILE CAUSES MAY CONDUCT
15 HEARINGS.

16 (2) EACH PROCEEDING SHALL BE RECORDED, AND THE MASTER SHALL
17 MAKE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS AS TO
18 AN APPROPRIATE ORDER.

19 (3) THE PROPOSALS AND RECOMMENDATIONS SHALL BE IN WRITING,
20 AND, WITHIN 10 DAYS AFTER THE HEARING, THE ORIGINAL SHALL BE FILED WITH
21 THE COURT AND A COPY SERVED ON EACH PARTY TO THE PROCEEDING.

22 (C) (1) ANY PARTY, IN ACCORDANCE WITH THE MARYLAND RULES, MAY
23 FILE WRITTEN EXCEPTIONS TO ANY OR ALL OF THE MASTER'S FINDINGS,
24 CONCLUSIONS, AND RECOMMENDATIONS, BUT SHALL SPECIFY THOSE ITEMS TO
25 WHICH THE PARTY OBJECTS.

26 (2) THE PARTY WHO FILES EXCEPTIONS MAY ELECT A HEARING DE
27 NOVO OR A HEARING ON THE RECORD BEFORE THE COURT UNLESS THE PARTY IS
28 THE STATE IN PROCEEDINGS INVOLVING JUVENILE DELINQUENCY UNDER
29 SUBTITLE 8A OF THIS TITLE.

30 (3) IF THE STATE IS THE EXCEPTING PARTY IN PROCEEDINGS
31 INVOLVING JUVENILE DELINQUENCY, THE HEARING SHALL BE ON THE RECORD,
32 SUPPLEMENTED BY ADDITIONAL EVIDENCE AS THE JUDGE CONSIDERS RELEVANT
33 AND TO WHICH THE PARTIES RAISE NO OBJECTION.

34 (4) IN EITHER CASE, THE HEARING SHALL BE LIMITED TO THOSE
35 MATTERS TO WHICH EXCEPTIONS HAVE BEEN TAKEN.

36 (D) (1) THE PROPOSALS AND RECOMMENDATIONS OF A MASTER FOR
37 JUVENILE CAUSES DO NOT CONSTITUTE ORDERS OR FINAL ACTION OF THE COURT.

1 (2) THE PROPOSALS AND RECOMMENDATIONS SHALL BE PROMPTLY
2 REVIEWED BY THE COURT, AND, IN THE ABSENCE OF TIMELY AND PROPER
3 EXCEPTIONS, THEY MAY BE ADOPTED BY THE COURT AND APPROPRIATE ORDERS
4 ENTERED BASED ON THEM.

5 (3) DETENTION OR SHELTER CARE MAY BE ORDERED BY A MASTER
6 PENDING COURT REVIEW OF THE MASTER'S FINDINGS, CONCLUSIONS, AND
7 RECOMMENDATIONS.

8 (E) IF THE COURT, ON ITS OWN MOTION AND IN THE ABSENCE OF TIMELY
9 AND PROPER EXCEPTIONS, DECIDES NOT TO ADOPT THE MASTER'S FINDINGS,
10 CONCLUSIONS, AND RECOMMENDATIONS, OR ANY OF THEM, THE COURT SHALL
11 CONDUCT A DE NOVO HEARING, UNLESS ALL PARTIES AND THE COURT AGREE TO A
12 HEARING ON THE RECORD.

13 COMMITTEE NOTE: This section was derived from former CJ § 3-813.

14 3-808.

15 (A) THE COURT SHALL TRY CASES UNDER THIS SUBTITLE WITHOUT A JURY.

16 (B) WHILE SITTING AS THE JUVENILE COURT, THE DISTRICT COURT IN
17 MONTGOMERY COUNTY SHALL FOLLOW THE APPLICABLE RULES OF A CIRCUIT
18 COURT SITTING AS THE JUVENILE COURT.

19 (C) FOR PURPOSES OF TITLE 12 OF THIS ARTICLE, AN ACTION, DECISION,
20 ORDER, OR JUDGMENT OF THE DISTRICT COURT IN MONTGOMERY COUNTY SITTING
21 AS A JUVENILE COURT SHALL BE TREATED IN THE SAME MANNER AS IF IT HAD BEEN
22 MADE, DONE, OR ENTERED BY A CIRCUIT COURT.

23 COMMITTEE NOTE: Subsection (a) of this section was derived from former
24 CJ § 3-812(f).

25 Subsection (b) of this section was derived from former CJ § 3-801(i) and
26 restated as a substantive provision.

27 Subsection (c) of this section was derived from former CJ § 3-832.

28 3-809.

29 (A) ON RECEIPT OF A COMPLAINT FROM A PERSON OR AGENCY HAVING
30 KNOWLEDGE OF FACTS WHICH MAY CAUSE A CHILD TO BE SUBJECT TO THE
31 JURISDICTION OF THE COURT UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT
32 SHALL FILE A PETITION UNDER THIS SUBTITLE IF IT CONCLUDES THAT THE COURT
33 HAS JURISDICTION OVER THE MATTER AND THAT THE FILING OF A PETITION IS IN
34 THE BEST INTERESTS OF THE CHILD.

35 (B) WITHIN 5 DAYS AFTER REACHING A DECISION NOT TO FILE A PETITION,
36 THE LOCAL DEPARTMENT SHALL INFORM IN WRITING THE FOLLOWING PERSONS OF
37 THE DECISION AND THE REASONS FOR THE DECISION:

1 (1) A CHILD OVER THE AGE OF 10 WHO WOULD HAVE BEEN THE
2 SUBJECT OF THE PETITION, IF APPROPRIATE;

3 (2) THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD WHO
4 WOULD HAVE BEEN THE SUBJECT OF THE PETITION; AND

5 (3) EACH PERSON OR AGENCY THAT REQUESTED THAT A PETITION BE
6 FILED.

7 (C) WITHIN 15 DAYS AFTER NOTICE THAT A LOCAL DEPARTMENT HAS
8 DECIDED NOT TO FILE A PETITION, THE PERSON OR AGENCY THAT REQUESTED THAT
9 A PETITION BE FILED MAY REQUEST REVIEW BY THE SECRETARY OF HUMAN
10 RESOURCES.

11 (D) WITHIN 15 DAYS AFTER A REQUEST FOR REVIEW IS RECEIVED, THE
12 SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S DESIGNEE, IN
13 CONSULTATION WITH THE DIRECTOR OF THE LOCAL DEPARTMENT, SHALL REVIEW
14 THE REPORT AND MAY DIRECT THE LOCAL DEPARTMENT TO FILE A PETITION
15 WITHIN 5 DAYS.

16 (E) IF THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S
17 DESIGNEE REFUSES TO DIRECT THE LOCAL DEPARTMENT TO FILE A PETITION, THE
18 PERSON OR AGENCY THAT FILED THE COMPLAINT UNDER SUBSECTION (A) OF THIS
19 SECTION OR CAUSED IT TO BE FILED MAY FILE THE PETITION.

20 COMMITTEE NOTE: This section was derived from former CJ § 3-810(b), (d),
21 and (j). The Committee added new language to outline specifically the
22 procedures for the filing of a petition. This section divests the Department
23 of Juvenile Justice of its authority to file a CINA petition and to review
24 decisions not to file CINA petitions.

25 3-810.

26 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE MARYLAND
27 RULES GOVERN THE FORMAT OF A PETITION AND OF OTHER PLEADINGS AND THE
28 PROCEDURES TO BE FOLLOWED BY THE COURT AND PARTIES UNDER THIS SUBTITLE.

29 (B) (1) IN ANY PROCEEDING IN WHICH A CHILD IS ALLEGED TO BE IN NEED
30 OF ASSISTANCE, THE COURT MAY EXCLUDE THE GENERAL PUBLIC FROM A HEARING
31 AND ADMIT ONLY THOSE PERSONS HAVING A DIRECT INTEREST IN THE PROCEEDING
32 AND THEIR REPRESENTATIVES.

33 (2) THE COURT SHALL EXCLUDE THE GENERAL PUBLIC FROM A
34 HEARING WHERE THE PROCEEDINGS INVOLVE DISCUSSION OF CONFIDENTIAL
35 INFORMATION FROM THE CHILD ABUSE AND NEGLECT REPORT AND RECORD, OR
36 ANY INFORMATION OBTAINED FROM THE CHILD WELFARE AGENCY CONCERNING A
37 CHILD OR FAMILY WHO IS RECEIVING TITLE IV-B CHILD WELFARE SERVICES OR
38 TITLE IV-E FOSTER CARE OR ADOPTION ASSISTANCE.

1 (C) THE CLERK OF THE COURT SHALL MAKE A SEPARATE FILE FOR EACH
2 CASE.

3 COMMITTEE NOTE: Subsections (a) and (b)(1) of this section were derived
4 from former CJ § 3-812(c) and (e)(2).

5 The purpose of adding subsection (b)(2) of this section is to ensure
6 compliance with the federal Child Abuse Prevention and Treatment Act
7 (CAPTA) Title IV-B and Title IV-E. These provisions do allow disclosure of
8 such information in cases of child abuse and neglect that result in death or
9 near death of a child.

10 Subsection (c) of this section was added to allow more consistent and
11 reliable statistical records.

12 3-811.

13 (A) A PETITION UNDER THIS SUBTITLE SHALL ALLEGE THAT A CHILD IS IN
14 NEED OF ASSISTANCE AND SHALL SET FORTH IN CLEAR AND SIMPLE LANGUAGE THE
15 FACTS SUPPORTING THAT ALLEGATION.

16 (B) A SEPARATE PETITION SHALL BE FILED AS TO EACH CHILD.

17 COMMITTEE NOTE: Subsection (a) of this section was derived from former
18 CJ § 3-812.

19 Subsection (b) of this section was added. The filing of separate petitions
20 does not prevent the current practice in many jurisdictions of scheduling
21 sibling hearings at the same time.

22 3-812.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED, UNLESS THE CONTEXT OF THEIR USE INDICATES OTHERWISE.

25 (2) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN ARTICLE 27, §
26 643B OF THE CODE.

27 (3) "TORTURE" MEANS TO CAUSE INTENSE PAIN TO BODY OR MIND FOR
28 PURPOSES OF PUNISHMENT OR EXTRACTION OF INFORMATION OR FOR SADISTIC
29 PURPOSES.

30 (B) IN A PETITION UNDER THIS SUBTITLE, A LOCAL DEPARTMENT MAY ASK
31 THE COURT TO FIND THAT REASONABLE EFFORTS TO REUNIFY A CHILD WITH THE
32 CHILD'S NATURAL PARENT OR GUARDIAN ARE NOT REQUIRED IF THE LOCAL
33 DEPARTMENT CONCLUDES THAT A NATURAL PARENT OR GUARDIAN HAS:

34 (1) SUBJECTED THE CHILD TO:

35 (I) CHRONIC ABUSE;

1 (II) CHRONIC AND LIFE-THREATENING NEGLECT;

2 (III) SEXUAL ABUSE; OR

3 (IV) TORTURE;

4 (2) BEEN CONVICTED:

5 (I) IN THIS STATE OF A CRIME OF VIOLENCE AGAINST THE CHILD,
6 THE OTHER NATURAL PARENT OF THE CHILD, ANOTHER CHILD OF THE NATURAL
7 PARENT, OR ANY INDIVIDUAL WHO RESIDES IN THE HOUSEHOLD OF THE NATURAL
8 PARENT;

9 (II) IN ANY STATE OR IN ANY COURT OF THE UNITED STATES OF A
10 CRIME THAT WOULD BE A CRIME OF VIOLENCE IF COMMITTED IN THIS STATE,
11 AGAINST THE CHILD, THE OTHER NATURAL PARENT OF THE CHILD, ANOTHER CHILD
12 OF THE NATURAL PARENT, OR ANY INDIVIDUAL WHO RESIDES IN THE HOUSEHOLD
13 OF THE NATURAL PARENT; OR

14 (III) OF AIDING OR ABETTING, CONSPIRING, OR SOLICITING TO
15 COMMIT A CRIME DESCRIBED IN SUBITEM (I) OR (II) OF THIS ITEM; OR

16 (3) INVOLUNTARILY LOST PARENTAL RIGHTS OF A SIBLING OF A CHILD.

17 (C) IF THE LOCAL DEPARTMENT DETERMINES AFTER THE INITIAL PETITION
18 IS FILED THAT ANY OF THE CIRCUMSTANCES SPECIFIED IN SUBSECTION (B) OF THIS
19 SECTION EXISTS, THE LOCAL DEPARTMENT MAY IMMEDIATELY REQUEST THE
20 COURT TO FIND THAT REASONABLE EFFORTS TO REUNIFY THE CHILD WITH THE
21 CHILD'S PARENT OR GUARDIAN ARE NOT REQUIRED.

22 (D) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT ANY
23 OF THE CIRCUMSTANCES SPECIFIED IN SUBSECTION (B) OF THIS SECTION EXISTS,
24 THE COURT SHALL WAIVE THE REQUIREMENT THAT REASONABLE EFFORTS BE
25 MADE TO REUNIFY THE CHILD WITH THE CHILD'S NATURAL PARENT OR GUARDIAN.

26 (E) IF THE COURT FINDS THAT REASONABLE EFFORTS ARE NOT REQUIRED,
27 THE LOCAL DEPARTMENT SHALL:

28 (1) REQUEST THAT A PERMANENCY PLANNING HEARING BE HELD IN
29 ACCORDANCE WITH § 3-823 OF THIS SUBTITLE WITHIN 30 DAYS AFTER THE COURT
30 MAKES THE FINDING; AND

31 (2) MAKE REASONABLE EFFORTS TO PLACE THE CHILD IN A TIMELY
32 MANNER IN ACCORDANCE WITH THE PERMANENCY PLAN AND COMPLETE THE
33 STEPS NECESSARY TO FINALIZE THE PERMANENT PLACEMENT OF THE CHILD.

34 COMMITTEE NOTE: This section was derived from former CJ § 3-812.1. New
35 language and definitions were added to clarify Chapter 539 (HB 1093),
36 Acts of 1998.

1 3-813.

2 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A
3 PARTY IS ENTITLED TO THE ASSISTANCE OF COUNSEL AT EVERY STAGE OF ANY
4 PROCEEDING UNDER THIS SUBTITLE.

5 (B) EXCEPT FOR THE LOCAL DEPARTMENT AND THE CHILD WHO IS THE
6 SUBJECT OF THE PETITION, A PARTY IS NOT ENTITLED TO THE ASSISTANCE OF
7 COUNSEL AT STATE EXPENSE UNLESS THE PARTY IS:

8 (1) INDIGENT; OR

9 (2) OTHERWISE NOT REPRESENTED AND:

10 (I) UNDER THE AGE OF 18 YEARS; OR

11 (II) INCOMPETENT BY REASON OF MENTAL DISABILITY.

12 (C) THE OFFICE OF THE PUBLIC DEFENDER MAY NOT REPRESENT A PARTY IN
13 A CINA PROCEEDING UNLESS:

14 (1) THE PARTY IS THE CUSTODIAL PARENT OR LEGAL GUARDIAN OF THE
15 ALLEGED CINA;

16 (2) THE PROCEEDING IS:

17 (I) UNDER § 3-815, § 3-817, OR § 3-819 OF THIS SUBTITLE; OR

18 (II) UNDER MARYLAND RULE 11-115 OR MARYLAND RULE 11-116 IN
19 WHICH:

20 1. THE STATE HAS MOVED TO REMOVE THE CHILD FROM A
21 PARENT'S OR GUARDIAN'S CUSTODY OR THE PARENT OR GUARDIAN HAS MOVED TO
22 REGAIN CUSTODY; AND

23 2. DUE TO A COMPLEX FACTUAL OR LEGAL ISSUE,
24 ASSISTANCE OF COUNSEL IS NECESSARY TO ENSURE AGAINST A RISK OF
25 ERRONEOUS DEPRIVATION OF CUSTODY;

26 (3) THE PARTY APPLIES TO THE OFFICE OF THE PUBLIC DEFENDER
27 REQUESTING LEGAL REPRESENTATION BY THE PUBLIC DEFENDER IN THE
28 PROCEEDING; AND

29 (4) THE PARTY IS FINANCIALLY ELIGIBLE FOR THE SERVICES OF THE
30 PUBLIC DEFENDER.

31 (D) (1) A CHILD WHO IS THE SUBJECT OF A CINA PETITION SHALL BE
32 REPRESENTED BY COUNSEL.

33 (2) UNLESS THE COURT FINDS THAT IT WOULD NOT BE IN THE BEST
34 INTERESTS OF THE CHILD, THE COURT SHALL:

1 (I) APPOINT AN ATTORNEY WITH WHOM THE DEPARTMENT OF
2 HUMAN RESOURCES HAS CONTRACTED TO PROVIDE THOSE SERVICES, IN
3 ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

4 (II) IF ANOTHER ATTORNEY HAS PREVIOUSLY BEEN APPOINTED,
5 STRIKE THE APPEARANCE OF THAT ATTORNEY.

6 (E) IN ADDITION TO, BUT NOT INSTEAD OF, THE APPOINTMENT OF AN
7 ATTORNEY UNDER THIS SECTION, THE COURT, IN ANY ACTION, MAY APPOINT AN
8 INDIVIDUAL PROVIDED BY A COURT-APPOINTED SPECIAL ADVOCATE PROGRAM
9 CREATED UNDER § 3-830 OF THIS SUBTITLE.

10 (F) THE COURT MAY ASSESS AGAINST ANY PARTY REASONABLE
11 COMPENSATION FOR THE SERVICES OF AN ATTORNEY APPOINTED TO REPRESENT A
12 CHILD IN AN ACTION UNDER THIS SUBTITLE.

13 COMMITTEE NOTE: This section was derived from former CJ §§ 3-821 and
14 3-834(a)(2) and (c).

15 It is intent of the Committee that every child who is the subject of a CINA
16 petition is afforded an attorney in all stages of the CINA proceeding. The
17 court has no discretion as to whether or not to appoint an attorney for the
18 child.

19 Subsection (c), as set out here, reflects current law as set forth in former
20 CJ § 3-821(c). The Committee proposes, however, expansion of the role of
21 the Office of the Public Defender in representation of parents, contingent
22 on allocation of necessary funding. The Committee believes that all
23 indigent parents have a right to representation in CINA proceedings at
24 State expense. See Section 4 of this Act. This revision also eliminates the
25 ability of the OPD to represent a child in a CINA proceeding.

26 3-814.

27 (A) A CHILD MAY BE TAKEN INTO CUSTODY UNDER THIS SUBTITLE BY ANY OF
28 THE FOLLOWING METHODS:

29 (1) IN ACCORDANCE WITH AN ORDER OF THE COURT;

30 (2) IN ACCORDANCE WITH § 5-709 OF THE FAMILY LAW ARTICLE; OR

31 (3) BY A LAW ENFORCEMENT OFFICER IF THE OFFICER HAS
32 REASONABLE GROUNDS TO BELIEVE THAT THE CHILD IS IN IMMEDIATE DANGER
33 FROM THE CHILD'S SURROUNDINGS AND THAT THE CHILD'S REMOVAL IS NECESSARY
34 FOR THE CHILD'S PROTECTION.

35 (B) WHENEVER A LAW ENFORCEMENT OFFICER TAKES A CHILD INTO
36 CUSTODY UNDER THIS SECTION, THE OFFICER SHALL:

1 (1) IMMEDIATELY NOTIFY THE CHILD'S PARENT, GUARDIAN, OR
2 CUSTODIAN;

3 (2) IMMEDIATELY NOTIFY THE LOCAL DEPARTMENT; AND

4 (3) KEEP CUSTODY ONLY UNTIL THE LOCAL DEPARTMENT EITHER
5 TAKES CUSTODY UNDER § 3-815 OF THIS SUBTITLE OR AUTHORIZES RELEASE OF THE
6 CHILD UNLESS THE OFFICER DETERMINES THAT IT IS SAFE TO RETURN THE CHILD
7 TO THE CHILD'S PARENT, CUSTODIAN, OR GUARDIAN.

8 (C) (1) IF A PARENT, GUARDIAN, OR CUSTODIAN FAILS TO BRING THE CHILD
9 BEFORE THE COURT WHEN REQUESTED, THE COURT MAY ISSUE A WRIT OF
10 ATTACHMENT DIRECTING THAT THE CHILD BE TAKEN INTO CUSTODY AND BROUGHT
11 BEFORE THE COURT.

12 (2) THE COURT MAY PROCEED AGAINST THE PARENT, GUARDIAN, OR
13 CUSTODIAN FOR CONTEMPT.

14 COMMITTEE NOTE: This section was derived from former CJ § 3-814.

15 3-815.

16 (A) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF
17 HUMAN RESOURCES, A LOCAL DEPARTMENT MAY AUTHORIZE SHELTER CARE FOR A
18 CHILD WHO MAY BE IN NEED OF ASSISTANCE AND HAS BEEN TAKEN INTO CUSTODY
19 UNDER THIS SUBTITLE.

20 (B) A LOCAL DEPARTMENT MAY PLACE A CHILD IN EMERGENCY SHELTER
21 CARE BEFORE A HEARING IF:

22 (1) PLACEMENT IS REQUIRED TO PROTECT THE CHILD FROM SERIOUS
23 IMMEDIATE DANGER;

24 (2) THERE IS NO PARENT, GUARDIAN, CUSTODIAN, OR OTHER PERSON
25 ABLE TO PROVIDE SUPERVISION; AND

26 (3) (I) 1. THE CHILD'S CONTINUED PLACEMENT IN THE CHILD'S
27 HOME IS CONTRARY TO THE WELFARE OF THE CHILD; AND

28 2. BECAUSE OF AN ALLEGED EMERGENCY SITUATION,
29 REMOVAL FROM THE HOME IS REASONABLE UNDER THE CIRCUMSTANCES TO
30 PROVIDE FOR THE SAFETY OF THE CHILD; OR

31 (II) 1. REASONABLE BUT UNSUCCESSFUL EFFORTS HAVE BEEN
32 MADE TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL FROM THE CHILD'S
33 HOME; AND

34 2. AS APPROPRIATE, REASONABLE EFFORTS ARE BEING
35 MADE TO RETURN THE CHILD TO THE CHILD'S HOME.

1 (C) (1) WHENEVER A CHILD IS NOT RETURNED TO THE CHILD'S PARENT,
2 GUARDIAN, OR CUSTODIAN, THE LOCAL DEPARTMENT SHALL IMMEDIATELY FILE A
3 PETITION TO AUTHORIZE CONTINUED SHELTER CARE.

4 (2) (I) THE COURT SHALL HOLD A SHELTER CARE HEARING ON THE
5 PETITION BEFORE DISPOSITION TO DETERMINE WHETHER THE TEMPORARY
6 PLACEMENT OF THE CHILD OUTSIDE OF THE HOME IS WARRANTED.

7 (II) UNLESS EXTENDED ON GOOD CAUSE SHOWN, A SHELTER CARE
8 HEARING SHALL BE HELD NOT LATER THAN THE NEXT DAY ON WHICH THE CIRCUIT
9 COURT SITS OR, IN MONTGOMERY COUNTY, THE NEXT DAY ON WHICH THE DISTRICT
10 COURT SITS.

11 (3) IF THE CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN CAN BE
12 LOCATED, REASONABLE NOTICE, ORAL OR WRITTEN, STATING THE TIME, PLACE, AND
13 PURPOSE OF THE SHELTER CARE HEARING SHALL BE GIVEN.

14 (4) A COURT MAY NOT ORDER SHELTER CARE FOR MORE THAN 30 DAYS
15 EXCEPT THAT SHELTER CARE MAY BE EXTENDED FOR UP TO AN ADDITIONAL 30
16 DAYS IF THE COURT FINDS AFTER A HEARING HELD AS PART OF AN ADJUDICATION
17 THAT CONTINUED SHELTER CARE IS NEEDED TO PROVIDE FOR THE SAFETY OF THE
18 CHILD.

19 (D) A COURT MAY CONTINUE SHELTER CARE BEYOND EMERGENCY SHELTER
20 CARE ONLY IF THE COURT FINDS THAT:

21 (1) RETURN OF THE CHILD TO THE CHILD'S HOME IS CONTRARY TO THE
22 SAFETY AND WELFARE OF THE CHILD; AND

23 (2) (I) REMOVAL OF THE CHILD FROM THE CHILD'S HOME IS
24 NECESSARY DUE TO AN ALLEGED EMERGENCY SITUATION AND IN ORDER TO
25 PROVIDE FOR THE SAFETY OF THE CHILD; OR

26 (II) REASONABLE BUT UNSUCCESSFUL EFFORTS WERE MADE TO
27 PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM THE HOME.

28 (E) (1) IF THE COURT CONTINUES SHELTER CARE ON THE BASIS OF AN
29 ALLEGED EMERGENCY, THE COURT SHALL ASSESS WHETHER THE ABSENCE OF
30 EFFORTS TO PREVENT REMOVAL WAS REASONABLE.

31 (2) IF THE COURT FINDS THAT THE ABSENCE OF EFFORTS TO PREVENT
32 REMOVAL WAS NOT REASONABLE, THE COURT SHALL MAKE A WRITTEN
33 DETERMINATION SO STATING.

34 (3) THE COURT SHALL MAKE A WRITTEN DETERMINATION AS TO
35 WHETHER REASONABLE EFFORTS ARE BEING MADE TO MAKE IT POSSIBLE TO
36 RETURN THE CHILD TO THE CHILD'S HOME OR WHETHER THE ABSENCE OF SUCH
37 EFFORTS IS REASONABLE.

38 (F) (1) AN ALLEGED CINA MAY NOT BE PLACED IN:

1 (I) DETENTION, AS DEFINED IN § 3-8A-01 OF THIS TITLE; OR
2 (II) A MENTAL HEALTH FACILITY, UNLESS COMMITTED
3 INVOLUNTARILY IN ACCORDANCE WITH §§ 10-613 THROUGH 10-619 OF THE HEALTH -
4 GENERAL ARTICLE.

5 (2) (I) IF THE CHILD IS ALLEGED TO BE IN NEED OF ASSISTANCE
6 BECAUSE OF A MENTAL DISORDER OR A DEVELOPMENTAL DISABILITY, THE CHILD
7 MAY BE PLACED IN A SHELTER CARE FACILITY MAINTAINED OR LICENSED BY THE
8 DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR, IF NO SUCH FACILITY IS
9 AVAILABLE, IN A PRIVATE HOME OR SHELTER CARE FACILITY APPROVED BY THE
10 COURT.

11 (II) IF THE CHILD IS ALLEGED TO BE IN NEED OF ASSISTANCE FOR
12 ANY OTHER REASON, THE CHILD MAY BE PLACED IN A SHELTER CARE FACILITY
13 MAINTAINED OR APPROVED BY THE SOCIAL SERVICES ADMINISTRATION OR IN A
14 PRIVATE HOME OR SHELTER CARE FACILITY APPROVED BY THE COURT.

15 (3) AN ALLEGED CINA MAY NOT BE PLACED IN A SHELTER CARE
16 FACILITY THAT IS NOT OPERATING IN COMPLIANCE WITH APPLICABLE STATE
17 LICENSING LAWS.

18 (4) THE SECRETARY OF HUMAN RESOURCES, THE SECRETARY OF
19 JUVENILE JUSTICE, THE SECRETARY OF HEALTH AND MENTAL HYGIENE, THE STATE
20 SUPERINTENDENT OF SCHOOLS, AND THE SPECIAL SECRETARY FOR CHILDREN,
21 YOUTH, AND FAMILIES, WHEN APPROPRIATE, SHALL JOINTLY ADOPT REGULATIONS
22 TO ENSURE THAT ANY CHILD PLACED IN SHELTER CARE IN ACCORDANCE WITH A
23 PETITION FILED UNDER THIS SECTION IS PROVIDED APPROPRIATE SERVICES,
24 INCLUDING:

25 (I) HEALTH CARE SERVICES;

26 (II) MENTAL HEALTH CARE SERVICES;

27 (III) COUNSELING SERVICES;

28 (IV) EDUCATION SERVICES;

29 (V) SOCIAL WORK SERVICES;

30 (VI) DRUG AND ALCOHOL ABUSE ASSESSMENT OR TREATMENT
31 SERVICES; AND

32 (VII) VISITATION WITH SIBLINGS AND BIOLOGICAL FAMILY.

33 (5) IN ADDITION TO ANY OTHER PROVISION, THE REGULATIONS SHALL
34 REQUIRE THE LOCAL DEPARTMENT:

1 (I) WITHIN 45 DAYS OF PLACEMENT OF A CHILD IN A SHELTER
2 CARE FACILITY, TO DEVELOP A PLAN TO ASSESS THE CHILD'S TREATMENT NEEDS;
3 AND

4 (II) TO SUBMIT THE PLAN TO ALL PARTIES TO THE PETITION AND
5 THEIR COUNSEL.

6 COMMITTEE NOTE: This section was derived from former CJ § 3-815(a)
7 through (d)(5), (f), and (h).

8 Language was added to subsection (c) to clarify that the court should hear
9 a petition for continued shelter care not later than the next day that the
10 circuit court is sitting. This will prevent jurisdictions that currently do not
11 schedule juvenile court every day from delaying a shelter care hearing. If
12 there are children removed and petitions filed, a hearing must be held the
13 next circuit court day.

14 Subsection (f)(2) of this section was revised in language consistent with
15 terminology used in the Health - General Article.

16 3-816.

17 (A) AFTER A PETITION IS FILED UNDER THIS SUBTITLE, THE COURT MAY
18 ORDER THE LOCAL DEPARTMENT OR ANOTHER QUALIFIED AGENCY TO MAKE OR
19 ARRANGE FOR A STUDY CONCERNING THE CHILD, THE CHILD'S FAMILY, THE CHILD'S
20 ENVIRONMENT, AND OTHER MATTERS RELEVANT TO THE DISPOSITION OF THE CASE.

21 (B) (1) AS PART OF A STUDY UNDER THIS SECTION, THE COURT MAY ORDER
22 THAT THE CHILD OR ANY PARENT, GUARDIAN, OR CUSTODIAN BE EXAMINED AT A
23 SUITABLE PLACE BY A PHYSICIAN, PSYCHIATRIST, PSYCHOLOGIST, OR OTHER
24 PROFESSIONALLY QUALIFIED PERSON.

25 (2) (I) THE COURT MAY NOT ORDER AN INPATIENT EVALUATION
26 UNLESS, AFTER A HEARING, THE COURT FINDS THAT AN INPATIENT EVALUATION IS
27 NECESSARY AND THERE ARE NO LESS RESTRICTIVE MEANS TO OBTAIN AN
28 EVALUATION.

29 (II) PLACEMENT IN AN INPATIENT FACILITY MAY NOT EXCEED 20
30 DAYS UNLESS THE COURT FINDS GOOD CAUSE.

31 (C) (1) THE REPORT OF A STUDY UNDER THIS SECTION IS ADMISSIBLE AS
32 EVIDENCE AT A DISPOSITION HEARING BUT NOT AT AN ADJUDICATION HEARING.

33 (2) THE ATTORNEY FOR EACH PARTY HAS THE RIGHT TO RECEIVE THE
34 REPORT AT LEAST 5 DAYS BEFORE ITS PRESENTATION TO THE COURT, TO
35 CHALLENGE OR IMPEACH ITS FINDINGS AND TO PRESENT APPROPRIATE EVIDENCE
36 WITH RESPECT TO IT.

1 (3) THE TIME REQUIREMENT SPECIFIED IN PARAGRAPH (2) OF THIS
2 SUBSECTION DOES NOT APPLY TO AN EMERGENCY DISPOSITIONAL REVIEW
3 HEARING HELD IN ACCORDANCE WITH § 3-820 OF THIS SUBTITLE.

4 COMMITTEE NOTE: Subsections (a), (b)(1), and (c) of this section were derived
5 from former CJ § 3-818.

6 Subsection (b)(2) of this section was added to state expressly that the court
7 may not order an inpatient evaluation, unless after hearing the court finds
8 that it is necessary and there are no less restrictive means to obtain an
9 evaluation.

10 This revision also dictates how far in advance a report of the study of the
11 child or family must be given to the attorney for each party if the report is
12 to be presented to the court.

13 3-817.

14 (A) AFTER A PETITION IS FILED UNDER THIS SUBTITLE, THE COURT SHALL
15 HOLD AN ADJUDICATION HEARING.

16 (B) THE RULES OF EVIDENCE UNDER TITLE 5 OF THE MARYLAND RULES
17 SHALL APPLY AT AN ADJUDICATION HEARING.

18 (C) THE ALLEGATIONS IN A PETITION UNDER THIS SUBTITLE SHALL BE
19 PROVED BY A PREPONDERANCE OF THE EVIDENCE.

20 COMMITTEE NOTE: Subsections (a) and (c) of this section were derived from
21 former CJ § 3-819.

22 Subsection (b) of this section was added to address evidentiary procedures.

23 3-818.

24 WITHIN 1 YEAR AFTER A CHILD'S BIRTH, THERE IS A PRESUMPTION THAT A
25 CHILD IS NOT RECEIVING PROPER CARE AND ATTENTION FROM THE MOTHER FOR
26 PURPOSES OF § 3-801(F)(2) OF THIS SUBTITLE IF:

27 (1) (I) THE CHILD WAS BORN ADDICTED TO OR DEPENDENT ON
28 COCAINE, HEROIN, OR A DERIVATIVE OF COCAINE OR HEROIN; OR

29 (II) THE CHILD WAS BORN WITH A SIGNIFICANT PRESENCE OF
30 COCAINE, HEROIN, OR A DERIVATIVE OF COCAINE OR HEROIN IN THE CHILD'S BLOOD
31 AS EVIDENCED BY TOXICOLOGY OR OTHER APPROPRIATE TESTS; AND

32 (2) DRUG TREATMENT IS MADE AVAILABLE TO THE MOTHER AND THE
33 MOTHER REFUSES OR DOES NOT SUCCESSFULLY COMPLETE THE DRUG TREATMENT.

34 COMMITTEE NOTE: This section was derived from former CJ § 3-801.1 and
35 revised to limit the presumption to apply only within 1 year after a child's
36 birth. This section is consistent with FL §§ 5-706.3 and 5-710.

1 3-819.

2 (A) (1) UNLESS A PETITION UNDER THIS SUBTITLE IS DISMISSED, THE
3 COURT SHALL HOLD A SEPARATE DISPOSITION HEARING AFTER AN ADJUDICATION
4 HEARING TO DETERMINE WHETHER THE CHILD IS A CINA.

5 (2) THE DISPOSITION HEARING SHALL BE HELD ON THE SAME DAY AS
6 THE ADJUDICATION HEARING UNLESS ON ITS OWN MOTION OR MOTION OF A PARTY,
7 THE COURT FINDS THAT THERE IS GOOD CAUSE TO DELAY THE DISPOSITION
8 HEARING TO A LATER DAY.

9 (3) IF THE COURT DELAYS A DISPOSITION HEARING, IT SHALL BE HELD
10 NO LATER THAN 30 DAYS AFTER THE CONCLUSION OF THE ADJUDICATION HEARING
11 UNLESS GOOD CAUSE IS SHOWN.

12 (B) IN MAKING A DISPOSITION ON A PETITION UNDER THIS SUBTITLE, THE
13 COURT SHALL:

14 (1) FIND THAT THE CHILD IS NOT IN NEED OF ASSISTANCE AND, EXCEPT
15 AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, DISMISS THE CASE; OR

16 (2) FIND THAT THE CHILD IS IN NEED OF ASSISTANCE AND:

17 (I) NOT CHANGE THE CHILD'S CUSTODY STATUS; OR

18 (II) COMMIT THE CHILD TO THE CUSTODY OF:

19 1. A PARENT, RELATIVE, OR OTHER INDIVIDUAL ON TERMS
20 THE COURT CONSIDERS APPROPRIATE; OR

21 2. A LOCAL DEPARTMENT, THE DEPARTMENT OF HEALTH
22 AND MENTAL HYGIENE, OR BOTH, ON TERMS THAT THE COURT CONSIDERS
23 APPROPRIATE, INCLUDING DESIGNATION OF THE TYPE OF FACILITY WHERE THE
24 CHILD IS TO BE PLACED.

25 (C) IN ADDITION TO ANY ACTION UNDER SUBSECTION (B)(2) OF THIS SECTION,
26 THE COURT MAY:

27 (1) (I) PLACE A CHILD UNDER THE PROTECTIVE SUPERVISION OF THE
28 LOCAL DEPARTMENT ON TERMS THE COURT CONSIDERS APPROPRIATE;

29 (II) GRANT LIMITED GUARDIANSHIP TO THE DEPARTMENT OR AN
30 INDIVIDUAL OR BOTH FOR SPECIFIC PURPOSES INCLUDING MEDICAL AND
31 EDUCATIONAL PURPOSES OR FOR OTHER APPROPRIATE SERVICES IF A PARENT IS
32 UNAVAILABLE, UNWILLING, OR UNABLE TO CONSENT TO SERVICES THAT ARE IN THE
33 BEST INTEREST OF THE CHILD; OR

34 (III) ORDER THE CHILD AND THE CHILD'S PARENT, GUARDIAN, OR
35 CUSTODIAN TO PARTICIPATE IN REHABILITATIVE SERVICES THAT ARE IN THE BEST
36 INTEREST OF THE CHILD AND FAMILY; AND

1 (2) DETERMINE CUSTODY, VISITATION, SUPPORT, OR PATERNITY OF A
2 CHILD IN ACCORDANCE WITH § 3-803(B) OF THIS SUBTITLE.

3 (D) IF THE ALLEGATIONS IN THE PETITION ARE SUSTAINED AGAINST ONLY
4 ONE PARENT OF A CHILD, AND THERE IS ANOTHER PARENT AVAILABLE WHO IS ABLE
5 AND WILLING TO CARE FOR THE CHILD, THE COURT MAY NOT FIND THAT THE CHILD
6 IS A CHILD IN NEED OF ASSISTANCE, BUT, BEFORE DISMISSING THE PETITION, THE
7 COURT MAY AWARD CUSTODY TO THE OTHER PARENT.

8 (E) IF THE DISPOSITION REMOVES A CHILD FROM THE CHILD'S HOME, THE
9 ORDER SHALL:

10 (1) SET FORTH SPECIFIC FINDINGS OF FACT AS TO THE
11 CIRCUMSTANCES THAT CAUSED THE NEED FOR THE REMOVAL; AND

12 (2) INFORM THE PARENTS, CUSTODIAN, OR GUARDIAN, IF ANY, THAT
13 THE PERSON OR AGENCY TO WHICH THE CHILD IS COMMITTED MAY CHANGE THE
14 PERMANENCY PLAN OF REUNIFICATION TO ANOTHER PERMANENCY PLAN, WHICH
15 MAY INCLUDE THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS
16 IF THE PARENTS:

17 (I) HAVE NOT MADE SIGNIFICANT PROGRESS TO REMEDY THE
18 CIRCUMSTANCES THAT CAUSED THE NEED FOR THE REMOVAL AS SPECIFIED IN THE
19 COURT ORDER; AND

20 (II) ARE UNWILLING OR UNABLE TO GIVE THE CHILD PROPER CARE
21 AND ATTENTION WITHIN A REASONABLE PERIOD OF TIME.

22 (F) A GUARDIAN APPOINTED UNDER THIS SECTION HAS NO CONTROL OVER
23 THE PROPERTY OF THE CHILD UNLESS THE COURT EXPRESSLY GRANTS THAT
24 AUTHORITY.

25 (G) THE COURT MAY NOT COMMIT A CHILD FOR INPATIENT CARE AND
26 TREATMENT IN A PSYCHIATRIC FACILITY UNLESS THE COURT FINDS ON THE
27 RECORD BASED ON CLEAR AND CONVINCING EVIDENCE THAT:

28 (1) THE CHILD HAS A MENTAL DISORDER;

29 (2) THE CHILD NEEDS INPATIENT MEDICAL CARE OR TREATMENT FOR
30 THE PROTECTION OF THE CHILD OR OTHERS;

31 (3) THE CHILD IS UNABLE OR UNWILLING TO BE VOLUNTARILY
32 ADMITTED TO SUCH FACILITY; AND

33 (4) THERE IS NO LESS RESTRICTIVE FORM OF INTERVENTION
34 AVAILABLE THAT IS CONSISTENT WITH THE CHILD'S CONDITION AND WELFARE.

35 (H) THE COURT MAY NOT COMMIT A CHILD FOR INPATIENT CARE AND
36 TREATMENT IN A FACILITY FOR THE DEVELOPMENTALLY DISABLED UNLESS THE
37 COURT FINDS ON THE RECORD BASED ON CLEAR AND CONVINCING EVIDENCE THAT:

1 (1) THE CHILD IS DEVELOPMENTALLY DISABLED;

2 (2) THE CONDITION IS OF SUCH A NATURE THAT FOR THE ADEQUATE
3 CARE OR PROTECTION OF THE CHILD OR OTHERS, THE CHILD NEEDS IN-RESIDENCE
4 CARE OR TREATMENT; AND

5 (3) THERE IS NO LESS RESTRICTIVE FORM OF CARE AND TREATMENT
6 AVAILABLE THAT IS CONSISTENT WITH THE CHILD'S WELFARE AND SAFETY.

7 (I) (1) (I) EACH COMMITMENT ORDER ISSUED UNDER SUBSECTION (G)
8 OR (H) OF THIS SECTION SHALL REQUIRE THE CUSTODIAN TO FILE PROGRESS
9 REPORTS WITH THE COURT AT INTERVALS NO GREATER THAN EVERY 6 MONTHS
10 DURING THE LIFE OF THE ORDER.

11 (II) THE CUSTODIAN SHALL PROVIDE EACH PARTY OR ATTORNEY
12 OF RECORD WITH A COPY OF EACH REPORT, WHICH SHALL BE CONSIDERED AT THE
13 NEXT SCHEDULED HEARING.

14 (III) AFTER THE FIRST 6 MONTHS OF THE COMMITMENT AND AT
15 6-MONTH INTERVALS THEREAFTER, ON THE REQUEST OF ANY PARTY, THE
16 CUSTODIAN, OR THE FACILITY, THE COURT SHALL HOLD A HEARING TO DETERMINE
17 WHETHER THE STANDARDS SPECIFIED IN SUBSECTION (G) OR (H) OF THIS SECTION
18 CONTINUE TO BE MET.

19 (2) (I) IF AN INDIVIDUALIZED TREATMENT PLAN DEVELOPED UNDER
20 § 10-706 OF THE HEALTH - GENERAL ARTICLE RECOMMENDS THAT A CHILD NO
21 LONGER MEETS THE STANDARDS SPECIFIED IN SUBSECTION (G) OF THIS SECTION,
22 THE COURT SHALL GRANT A HEARING TO REVIEW THE COMMITMENT ORDER.

23 (II) THE COURT MAY GRANT A HEARING AT ANY OTHER TIME TO
24 DETERMINE WHETHER THE STANDARDS SPECIFIED IN SUBSECTION (G) OF THIS
25 SECTION CONTINUE TO BE MET.

26 (3) (I) IF AN INDIVIDUALIZED PLAN OF HABILITATION DEVELOPED
27 UNDER § 7-1006 OF THE HEALTH - GENERAL ARTICLE RECOMMENDS THAT A CHILD
28 NO LONGER MEETS THE STANDARDS SPECIFIED IN SUBSECTION (H) OF THIS
29 SECTION, THE COURT SHALL GRANT A HEARING TO REVIEW THE COMMITMENT
30 ORDER.

31 (II) THE COURT MAY GRANT A HEARING AT ANY OTHER TIME TO
32 DETERMINE WHETHER THE STANDARDS SPECIFIED IN SUBSECTION (H) OF THIS
33 SECTION CONTINUE TO BE MET.

34 (J) AN ORDER VESTING LEGAL CUSTODY OF A CHILD IN A PERSON OR
35 AGENCY IS EFFECTIVE FOR AN INDETERMINATE PERIOD OF TIME, BUT IS NOT
36 EFFECTIVE AFTER THE CHILD REACHES THE AGE OF 21.

37 (K) AFTER GIVING THE PARENT A REASONABLE OPPORTUNITY TO BE HEARD,
38 AND DETERMINING THE INCOME OF THE PARENT, THE COURT MAY ORDER EITHER

1 PARENT OR BOTH PARENTS TO PAY A SUM IN THE AMOUNT THE COURT DIRECTS TO
2 COVER WHOLLY OR PARTLY THE SUPPORT OF THE CHILD UNDER THIS SUBTITLE.

3 COMMITTEE NOTE: Subsections (a)(1) and (2), (b), and (e) through (k) of this
4 section were derived from former CJ §§ 3-820(a)(1) and (3), (c)(1), (e), (h),
5 and (i), 3-825(a), and 3-830.

6 Subsections (a)(3), (c), and (d) were added.

7 Subsection (e) of this section is not intended to prohibit any
8 co-commitments between agencies.

9 The Committee is aware that there is a school of thought that the
10 determination of the CINA finding should be made at the adjudication
11 hearing.

12 Subsection (g) of this section was revised to encompass commitments to all
13 psychiatric facilities.

14 3-820.

15 (A) AFTER DISPOSITION, WHEN THE COURT HAS ORDERED A SPECIFIC
16 PLACEMENT OF A CHILD, A LOCAL DEPARTMENT MAY REMOVE THE CHILD FROM
17 THAT PLACEMENT PRIOR TO A HEARING ONLY IF:

18 (1) REMOVAL IS REQUIRED TO PROTECT THE CHILD FROM SERIOUS
19 IMMEDIATE DANGER;

20 (2) THE CHILD'S CONTINUED PLACEMENT IN THE COURT-ORDERED
21 PLACEMENT IS CONTRARY TO THE WELFARE OF THE CHILD; OR

22 (3) THE PERSON OR AGENCY WITH WHOM THE CHILD IS PLACED HAS
23 REQUESTED THE IMMEDIATE REMOVAL OF THE CHILD.

24 (B) (1) BEFORE REMOVAL OR, IF NOT POSSIBLE, IMMEDIATELY AFTER
25 REMOVAL, THE LOCAL DEPARTMENT SHALL NOTIFY ALL PARTIES, COUNSEL, AND
26 THE COURT OF THE REMOVAL OF THE CHILD.

27 (2) THE LOCAL DEPARTMENT SHALL PROVIDE THE ADDRESS AND
28 PHONE NUMBER OF THE CHILD'S NEW PLACEMENT TO THE CHILD'S COUNSEL.

29 (C) (1) IF THE CHILD IS NOT RETURNED TO THE COURT-ORDERED
30 PLACEMENT, THE LOCAL DEPARTMENT SHALL IMMEDIATELY FILE A MOTION TO
31 AUTHORIZE THE REMOVAL OF THE CHILD AND THE CHILD'S NEW PLACEMENT.

32 (2) THE MOTION SHALL SET FORTH THE FACTS ON WHICH THE
33 DEPARTMENT RELIED IN REMOVING THE CHILD AND THE IDENTITY OF ANY
34 WITNESSES.

1 (D) (1) THE COURT SHALL HOLD AN EMERGENCY REVIEW HEARING ON THE
2 MOTION NOT LATER THAN THE NEXT DAY ON WHICH THE CIRCUIT COURT SITS OR, IN
3 MONTGOMERY COUNTY, THE NEXT DAY ON WHICH THE DISTRICT COURT SITS.

4 (2) ALL PARTIES SHALL BE GIVEN REASONABLE NOTICE OF THE
5 HEARING.

6 (E) AT THE EMERGENCY REVIEW HEARING, THE COURT'S DECISION TO
7 REJECT OR TO RATIFY THE LOCAL DEPARTMENT'S REMOVAL OF THE CHILD SHALL
8 BE BASED UPON SUCH EVIDENCE AS WOULD BE SUFFICIENT UNDER § 3-815(D) OF
9 THIS SUBTITLE TO ORDER SHELTER CARE.

10 (F) (1) UNLESS ALL PARTIES AGREE TO THE COURT'S ORDER AT THE
11 EMERGENCY REVIEW HEARING, THE COURT, AT THAT HEARING, SHALL SCHEDULE A
12 REGULAR REVIEW HEARING WITHIN 30 DAYS AFTER THE EMERGENCY REVIEW
13 HEARING FOR A FULL HEARING ON THE MERITS OF THE LOCAL DEPARTMENT'S
14 ACTION.

15 (2) AT THE FULL HEARING ON THE MERITS, THE RULES OF EVIDENCE
16 UNDER TITLE 5 OF THE MARYLAND RULES SHALL APPLY.

17 (3) THE HEARING MAY BE POSTPONED BY AGREEMENT OF THE PARTIES
18 OR FOR GOOD CAUSE SHOWN.

19 COMMITTEE NOTE: This section was added to establish procedures for the
20 removal of children who are already in the foster care system throughout
21 the State.

22 3-821.

23 (A) THE COURT, ON ITS OWN MOTION OR ON APPLICATION OF A PARTY, MAY
24 ISSUE AN APPROPRIATE ORDER DIRECTING, RESTRAINING, OR OTHERWISE
25 CONTROLLING THE CONDUCT OF A PERSON WHO IS PROPERLY BEFORE THE COURT,
26 IF THE COURT FINDS THAT THE CONDUCT:

27 (1) IS OR MAY BE DETRIMENTAL OR HARMFUL TO A CHILD OVER WHOM
28 THE COURT HAS JURISDICTION;

29 (2) WILL TEND TO DEFEAT THE EXECUTION OF AN ORDER OR
30 DISPOSITION MADE OR TO BE MADE UNDER THIS SUBTITLE; OR

31 (3) WILL ASSIST IN THE REHABILITATION OF OR IS NECESSARY FOR THE
32 WELFARE OF THE CHILD.

33 (B) SUBSECTION (A) OF THIS SECTION SHALL APPLY TO A PERSON NOT A
34 PARTY TO THE PETITION IF THE PERSON IS GIVEN:

35 (1) NOTICE OF THE PROPOSED ORDER CONTROLLING THE PERSON'S
36 CONDUCT; AND

1 (2) THE OPPORTUNITY TO CONTEST THE ENTRY OF THE PROPOSED
2 ORDER.

3 (C) AN ORDER ISSUED UNDER THIS SECTION IS ENFORCEABLE UNDER TITLE
4 15, CHAPTER 200 OF THE MARYLAND RULES.

5 COMMITTEE NOTE: Subsection (a) of this section was derived from former
6 CJ § 3-827.

7 Subsection (b) of this section was added to state expressly that this section
8 may apply to nonparties if the specified due process rights are followed.

9 3-822.

10 (A) (1) AT EACH CINA HEARING, THE COURT SHALL INQUIRE INTO, AND
11 MAKE FINDINGS OF FACT ON THE RECORD AS TO, THE IDENTITY AND CURRENT
12 ADDRESS OF EACH PARENT OF EACH CHILD BEFORE THE COURT.

13 (2) IN CARRYING OUT PARAGRAPH (1) OF THIS SUBSECTION, THE COURT
14 SHALL:

15 (I) INFORM ALL PARTIES PRESENT OF THEIR CONTINUING
16 OBLIGATION TO ASSIST THE COURT IN IDENTIFYING AND LOCATING EACH PARENT
17 OF EACH CHILD;

18 (II) INFORM THE PARENTS PRESENT OF THEIR CONTINUING
19 OBLIGATION TO KEEP THE CLERK OF THE COURT APPRISED OF THEIR CURRENT
20 ADDRESS;

21 (III) INFORM THE PARENTS PRESENT OF AVAILABLE MEANS TO
22 ESTABLISH PATERNITY, IF NOT YET ESTABLISHED; AND

23 (IV) IF APPROPRIATE, REFER THE PARENTS TO THE APPROPRIATE
24 SUPPORT ENFORCEMENT AGENCY TO ESTABLISH PATERNITY AND SUPPORT.

25 (B) EACH PARENT OF A CHILD WHO IS THE SUBJECT OF A CINA PROCEEDING
26 SHALL NOTIFY THE COURT AND THE LOCAL DEPARTMENT OF ALL CHANGES IN THE
27 PARENT'S ADDRESS.

28 (C) THE CLERK OF THE COURT SHALL KEEP A LISTING OF EVERY ADDRESS
29 PROVIDED BY A PARENT OF A CHILD WHO IS THE SUBJECT OF A CINA PROCEEDING.

30 (D) ON REQUEST OF A LOCAL DEPARTMENT, THE CLERK'S OFFICE SHALL
31 DISCLOSE TO THE LOCAL DEPARTMENT ALL ADDRESSES LISTED BY A PARENT OF A
32 CINA WITHIN THE PRECEDING 9 MONTHS, FOR THE PURPOSE OF ATTEMPTING
33 NOTIFICATION OF A PETITION FOR GUARDIANSHIP WITH THE RIGHT TO CONSENT TO
34 ADOPTION OR LONG-TERM CARE SHORT OF ADOPTION.

35 (E) THE COURT MAY:

36 (1) ORDER A PARENT OR PUTATIVE PARENT TO:

1 (I) APPLY FOR CHILD SUPPORT SERVICES WITH THE APPROPRIATE
2 SUPPORT ENFORCEMENT AGENCY; AND

3 (II) COOPERATE WITH THE APPROPRIATE SUPPORT ENFORCEMENT
4 AGENCY TO ESTABLISH PATERNITY AND CHILD SUPPORT; AND

5 (2) MAKE A FINDING OF PATERNITY IN ACCORDANCE WITH TITLE 5,
6 SUBTITLE 10, PART VI OF THE FAMILY LAW ARTICLE.

7 (F) ANY COURT MAY CONSIDER EVIDENCE TAKEN AND FINDINGS MADE ON
8 THE RECORD IN A CINA HEARING AND IN A PATERNITY, CUSTODY, CHILD SUPPORT,
9 OR GUARDIANSHIP PROCEEDING REGARDING THAT CHILD OR A SIBLING OF A CHILD.

10 COMMITTEE NOTE: This section was derived by combining former CJ §§
11 3-837 and 3-837.1.

12 The provisions for use of a record were broadened to include additional
13 courts, types of proceedings, and siblings.

14 3-823.

15 (A) IN THIS SECTION, "OUT-OF-HOME PLACEMENT" HAS THE MEANING
16 STATED IN § 5-501 OF THE FAMILY LAW ARTICLE.

17 (B) (1) THE COURT SHALL HOLD A PERMANENCY PLANNING HEARING:

18 (I) NO LATER THAN 11 MONTHS AFTER A CHILD IN A CINA
19 PROCEEDING ENTERS AN OUT-OF-HOME PLACEMENT TO DETERMINE THE
20 PERMANENCY PLAN FOR THE CHILD COMMITTED UNDER § 3-819(B) OF THIS
21 SUBTITLE; OR

22 (II) WITHIN 30 DAYS AFTER THE COURT FINDS THAT REASONABLE
23 EFFORTS TO REUNIFY A CHILD WITH THE CHILD'S PARENT OR GUARDIAN ARE NOT
24 REQUIRED BASED ON A FINDING THAT A CIRCUMSTANCE ENUMERATED IN § 3-812 OF
25 THIS SUBTITLE HAS OCCURRED.

26 (2) FOR PURPOSES OF THIS SECTION, A CHILD SHALL BE CONSIDERED
27 TO HAVE ENTERED AN OUT-OF-HOME PLACEMENT 30 DAYS AFTER THE CHILD IS
28 PLACED INTO AN OUT-OF-HOME PLACEMENT.

29 (3) IF ALL PARTIES AGREE, A PERMANENCY PLANNING HEARING MAY
30 BE HELD ON THE SAME DAY AS THE REASONABLE EFFORTS HEARING.

31 (C) (1) ON THE WRITTEN REQUEST OF A PARTY OR ON ITS OWN MOTION,
32 THE COURT MAY SCHEDULE A HEARING AT ANY EARLIER TIME TO DETERMINE A
33 PERMANENCY PLAN OR TO REVIEW THE IMPLEMENTATION OF A PERMANENCY PLAN
34 FOR ANY CHILD COMMITTED UNDER § 3-819 OF THIS SUBTITLE.

35 (2) A WRITTEN REQUEST FOR REVIEW SHALL STATE THE REASON FOR
36 THE REQUEST AND EACH ISSUE TO BE RAISED.

1 (D) AT LEAST 10 DAYS BEFORE THE PERMANENCY PLANNING HEARING, THE
2 LOCAL DEPARTMENT SHALL PROVIDE ALL PARTIES AND THE COURT WITH A COPY OF
3 THE LOCAL DEPARTMENT'S PERMANENCY PLAN FOR THE CHILD.

4 (E) AT A PERMANENCY PLANNING HEARING, THE COURT SHALL:

5 (1) DETERMINE THE CHILD'S PERMANENCY PLAN, WHICH MAY BE:

6 (I) REUNIFICATION WITH THE PARENT OR GUARDIAN;

7 (II) PLACEMENT WITH A RELATIVE FOR:

8 1. ADOPTION; OR

9 2. CUSTODY AND GUARDIANSHIP;

10 (III) ADOPTION BY A NONRELATIVE;

11 (IV) GUARDIANSHIP BY A NONRELATIVE;

12 (V) CONTINUATION IN A SPECIFIED PLACEMENT ON A PERMANENT
13 BASIS BECAUSE OF THE CHILD'S SPECIAL NEEDS OR CIRCUMSTANCES;

14 (VI) CONTINUATION IN PLACEMENT FOR A SPECIFIED PERIOD
15 BECAUSE OF THE CHILD'S SPECIAL NEEDS OR CIRCUMSTANCES; OR

16 (VII) INDEPENDENT LIVING; AND

17 (2) FOR A CHILD WHO HAS ATTAINED THE AGE OF 16, DETERMINE THE
18 SERVICES NEEDED TO ASSIST THE CHILD TO MAKE THE TRANSITION FROM
19 PLACEMENT TO INDEPENDENT LIVING.

20 (F) THE COURT MAY NOT ORDER A CHILD TO BE CONTINUED IN A PLACEMENT
21 UNDER SUBSECTION (E)(1)(V) OR (VI) OF THIS SECTION UNLESS THE COURT FINDS
22 THAT THE PERSON OR AGENCY TO WHICH THE CHILD IS COMMITTED HAS
23 DOCUMENTED A COMPELLING REASON FOR DETERMINING THAT IT WOULD NOT BE
24 IN THE BEST INTEREST OF THE CHILD TO:

25 (1) RETURN HOME;

26 (2) BE REFERRED FOR TERMINATION OF PARENTAL RIGHTS; OR

27 (3) BE PLACED FOR ADOPTION OR GUARDIANSHIP WITH A SPECIFIED
28 AND APPROPRIATE RELATIVE OR LEGAL GUARDIAN WILLING TO CARE FOR THE
29 CHILD.

30 (G) IN THE CASE OF A CHILD FOR WHOM THE COURT DETERMINES THAT THE
31 PLAN SHOULD BE CHANGED TO ADOPTION UNDER SUBSECTION (E)(1)(III) OF THIS
32 SECTION, THE COURT SHALL:

1 (1) ORDER THE LOCAL DEPARTMENT TO FILE A PETITION FOR
2 GUARDIANSHIP IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THE FAMILY LAW
3 ARTICLE WITHIN 30 DAYS OR, IF THE LOCAL DEPARTMENT DOES NOT SUPPORT THE
4 PLAN, WITHIN 60 DAYS; AND

5 (2) SCHEDULE A TPR HEARING INSTEAD OF THE NEXT 6-MONTH
6 REVIEW HEARING.

7 (H) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
8 PARAGRAPH, THE COURT SHALL CONDUCT A HEARING TO REVIEW THE
9 PERMANENCY PLAN AT LEAST EVERY 6 MONTHS UNTIL COMMITMENT IS RESCINDED.

10 (II) THE COURT SHALL CONDUCT A REVIEW HEARING EVERY 12
11 MONTHS AFTER THE COURT GRANTS GUARDIANSHIP OF THE CHILD TO A RELATIVE
12 OR OTHER PERSON, OR DETERMINES THAT THE CHILD SHALL BE CONTINUED IN
13 OUT-OF-HOME PLACEMENT WITH A SPECIFIC CAREGIVER WHO AGREES TO CARE
14 FOR THE CHILD ON A PERMANENT BASIS.

15 (2) AT THE REVIEW HEARING, THE COURT SHALL:

16 (I) DETERMINE THE CONTINUING NECESSITY FOR AND
17 APPROPRIATENESS OF THE COMMITMENT;

18 (II) DETERMINE THE EXTENT OF COMPLIANCE WITH THE
19 PERMANENCY PLAN;

20 (III) DETERMINE THE EXTENT OF PROGRESS THAT HAS BEEN MADE
21 TOWARD ALLEVIATING OR MITIGATING THE CAUSES NECESSITATING COMMITMENT;

22 (IV) PROJECT A REASONABLE DATE BY WHICH A CHILD IN
23 PLACEMENT MAY BE RETURNED HOME, PLACED IN A PREADOPTIVE HOME, OR
24 PLACED UNDER A LEGAL GUARDIANSHIP;

25 (V) EVALUATE THE SAFETY OF THE CHILD AND TAKE NECESSARY
26 MEASURES TO PROTECT THE CHILD; AND

27 (VI) CHANGE THE PERMANENCY PLAN IF A CHANGE IN THE
28 PERMANENCY PLAN WOULD BE IN THE CHILD'S BEST INTEREST.

29 (3) EVERY REASONABLE EFFORT SHALL BE MADE TO EFFECTUATE A
30 PERMANENT PLACEMENT FOR THE CHILD WITHIN 24 MONTHS AFTER THE DATE OF
31 INITIAL PLACEMENT.

32 (I) (1) IN THIS SUBSECTION, "PREADOPTIVE PARENT" MEANS AN
33 INDIVIDUAL WHOM A CHILD PLACEMENT AGENCY, AS DEFINED IN § 5-301 OF THE
34 FAMILY LAW ARTICLE, APPROVES TO ADOPT A CHILD WHO HAS BEEN PLACED IN THE
35 INDIVIDUAL'S HOME FOR ADOPTION BEFORE THE FINAL DECREE OF ADOPTION.

36 (2) IF PRACTICABLE, THE LOCAL DEPARTMENT SHALL GIVE AT LEAST 7
37 DAYS' NOTICE BEFORE ANY HEARING CONDUCTED UNDER THIS SECTION TO THE

1 CHILD'S FOSTER PARENT, PREADOPTIVE PARENT, OR RELATIVE PROVIDING CARE
2 FOR THE CHILD.

3 (3) THE FOSTER PARENT, PREADOPTIVE PARENT, RELATIVE, OR AN
4 ATTORNEY FOR THE FOSTER PARENT, PREADOPTIVE PARENT, OR RELATIVE SHALL
5 BE GIVEN AN OPPORTUNITY TO BE HEARD AT THE HEARING.

6 (4) THE FOSTER PARENT, PREADOPTIVE PARENT, RELATIVE, OR
7 ATTORNEY MAY NOT BE CONSIDERED TO BE A PARTY SOLELY ON THE BASIS OF THE
8 RIGHT TO NOTICE AND OPPORTUNITY TO BE HEARD PROVIDED UNDER THIS
9 SUBSECTION.

10 (J) AT A REVIEW HEARING UNDER THIS SECTION, THE COURT SHALL
11 CONSIDER ANY WRITTEN REPORT OF A LOCAL OUT-OF-HOME PLACEMENT REVIEW
12 BOARD REQUIRED UNDER § 5-545 OF THE FAMILY LAW ARTICLE.

13 COMMITTEE NOTE: This section was derived from former CJ § 3-826.1.

14 Subsection (d) of this section was revised to be consistent with proposed §
15 3-826 of this subtitle.

16 Subsection (h)(1)(ii) of this section has been modified to be consistent with
17 the final regulations of the Adoption and Safe Families Act, 1997, which
18 became effective on March 27, 2000.

19 3-824.

20 (A) THE COURT SHALL HEAR AND RULE ON A PETITION SEEKING AN ORDER
21 FOR EMERGENCY MEDICAL OR PSYCHIATRIC TREATMENT ON AN EXPEDITED BASIS.

22 (B) (1) THE COURT MAY ORDER EMERGENCY MEDICAL, DENTAL, OR
23 SURGICAL TREATMENT OF A CHILD ALLEGED TO HAVE A CONDITION OR ILLNESS
24 THAT, IN THE OPINION OF A LICENSED PHYSICIAN OR DENTIST, AS THE CASE MAY
25 BE, REQUIRES IMMEDIATE TREATMENT, IF THE CHILD'S PARENT, GUARDIAN, OR
26 CUSTODIAN IS NOT AVAILABLE OR, WITHOUT GOOD CAUSE, REFUSES TO CONSENT
27 TO THE TREATMENT.

28 (2) A CHILD MAY BE PLACED IN AN EMERGENCY FACILITY ON AN
29 EMERGENCY BASIS UNDER TITLE 10, SUBTITLE 6, PART IV OF THE HEALTH -
30 GENERAL ARTICLE.

31 (C) THE COURT SHALL APPLY THE FACTORS SPECIFIED IN § 13-711(B) OF THE
32 ESTATES AND TRUSTS ARTICLE, TO THE EXTENT RELEVANT, WHEN DECIDING
33 WHETHER TO WITHHOLD OR WITHDRAW A LIFE-SUSTAINING PROCEDURE, AS
34 DEFINED IN § 13-711(C) OF THE ESTATES AND TRUST ARTICLE.

35 COMMITTEE NOTE: Subsection (a) of this section was derived from former
36 CJ § 3-812(h).

37 Subsection (b) of this section was derived from former CJ §§ 3-820(g) and

1 3-822.

2 Subsection (c) of this section was added to address the requests that have
3 been presented to courts in CINA practice. The factors specified in this
4 subsection have already been determined to be appropriate by the General
5 Assembly.

6 3-825.

7 (A) A COURT MAY NOT COMMIT A CHILD WHO IS SUBJECT TO THIS SUBTITLE
8 TO, AND THE CHILD MAY NOT BE DETAINED AT OR TRANSFERRED TO, A
9 CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES
10 ARTICLE.

11 (B) A CHILD WHO IS NOT A DELINQUENT CHILD, AS DEFINED IN § 3-8A-01 OF
12 THIS TITLE, MAY NOT BE COMMITTED OR TRANSFERRED TO A FACILITY USED FOR
13 THE CONFINEMENT OF DELINQUENT CHILDREN.

14 (C) UNLESS AN INDIVIDUALIZED TREATMENT PLAN DEVELOPED UNDER §
15 10-706 OF THE HEALTH - GENERAL ARTICLE INDICATES OTHERWISE, A CHILD MAY
16 NOT BE:

17 (1) COMMITTED OR TRANSFERRED TO ANY PUBLIC OR PRIVATE
18 FACILITY OR INSTITUTION UNLESS THE CHILD IS PLACED IN ACCOMMODATIONS
19 THAT ARE SEPARATE FROM ADULTS WHO ARE CONFINED TO THAT FACILITY OR
20 INSTITUTION; OR

21 (2) TREATED IN ANY GROUP WITH ADULTS.

22 COMMITTEE NOTE: This section was derived from former CJ § 3-823.

23 In subsection (b), the reference to a "correctional facility, as defined in §
24 1-101 of the Correctional Services Article" was substituted for the former
25 reference to a "penal institution or other facility used primarily for the
26 confinement of adults charged with or convicted of a crime", to reflect
27 enactment of the Correctional Services Article by Ch. 54, Acts of 1999.

28 3-826.

29 (A) (1) UNLESS THE COURT DIRECTS OTHERWISE, A LOCAL DEPARTMENT
30 SHALL PROVIDE ALL PARTIES WITH A WRITTEN REPORT AT LEAST 10 DAYS BEFORE
31 ANY SCHEDULED DISPOSITION, PERMANENCY PLANNING, OR REVIEW HEARING
32 UNDER § 3-819 OR § 3-823 OF THIS SUBTITLE.

33 (2) THE TIME REQUIREMENTS SPECIFIED IN PARAGRAPH (1) OF THIS
34 SUBSECTION DO NOT APPLY TO AN EMERGENCY REVIEW HEARING UNDER § 3-820 OF
35 THIS SUBTITLE.

1 (B) IF A CHILD IS COMMITTED TO A PERSON OR AGENCY UNDER THIS
2 SUBTITLE, THE COURT MAY ORDER THE CUSTODIAN TO FILE PERIODIC WRITTEN
3 PROGRESS REPORTS, WITH COPIES SENT TO ALL PARTIES.

4 COMMITTEE NOTE: Subsection (a) of this section was added to be consistent
5 with proposed § 3-823(c) of this subtitle.

6 Subsection (b) of this section was derived from former CJ § 3-826.

7 3-827.

8 (A) (1) ALL COURT RECORDS UNDER THIS SUBTITLE PERTAINING TO A
9 CHILD SHALL BE CONFIDENTIAL AND THEIR CONTENTS MAY NOT BE DIVULGED, BY
10 SUBPOENA OR OTHERWISE, EXCEPT BY ORDER OF THE COURT ON GOOD CAUSE
11 SHOWN.

12 (2) THIS SUBSECTION DOES NOT PROHIBIT REVIEW OF A COURT
13 RECORD BY:

14 (I) PERSONNEL OF THE COURT;

15 (II) A PARTY;

16 (III) COUNSEL FOR A PARTY;

17 (IV) A COURT-APPOINTED SPECIAL ADVOCATE FOR THE CHILD; OR

18 (V) AUTHORIZED PERSONNEL OF THE SOCIAL SERVICES
19 ADMINISTRATION AND LOCAL DEPARTMENTS IN ORDER TO CONDUCT A CHILD
20 ABUSE OR NEGLECT INVESTIGATION OR TO COMPLY WITH REQUIREMENTS IMPOSED
21 UNDER TITLE IV-E OF THE SOCIAL SECURITY ACT.

22 (3) INFORMATION OBTAINED FROM A COURT RECORD IS SUBJECT TO
23 THE PROVISIONS OF ARTICLE 88A, § 6 OF THE CODE.

24 (B) (1) ON ITS OWN MOTION OR ON PETITION, AND FOR GOOD CAUSE
25 SHOWN, THE COURT:

26 (I) MAY ORDER THE COURT RECORDS OF A CHILD SEALED; AND

27 (II) SHALL ORDER THEM SEALED AFTER THE CHILD HAS REACHED
28 THE AGE OF 21.

29 (2) IF SEALED, THE COURT RECORDS OF A CHILD MAY NOT BE OPENED,
30 FOR ANY PURPOSE, EXCEPT BY ORDER OF THE COURT ON GOOD CAUSE SHOWN.

31 COMMITTEE NOTE: This section was derived from former CJ § 3-828(b) and
32 (c) and was revised to permit parties and limited relevant persons to have
33 access to court records.

1 3-828.

2 (A) AN ADULT MAY NOT WILFULLY CONTRIBUTE TO, ENCOURAGE, CAUSE OR
3 TEND TO CAUSE ANY ACT, OMISSION, OR CONDITION THAT RENDERS A CHILD IN
4 NEED OF ASSISTANCE.

5 (B) A PERSON MAY BE CONVICTED UNDER THIS SECTION EVEN IF THE CHILD
6 IS NOT ADJUDICATED A CINA.

7 (C) AN ADULT WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
8 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500 OR
9 IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

10 (D) A PETITION ALLEGING A VIOLATION OF THIS SECTION SHALL BE
11 PREPARED AND FILED BY THE STATE'S ATTORNEY.

12 (E) IF AN ADULT IS CHARGED UNDER THIS SECTION, THE ALLEGATIONS
13 SHALL BE PROVED BEYOND A REASONABLE DOUBT.

14 COMMITTEE NOTE: Subsections (a), (b), and (c) of this section were derived
15 without substantive change from former CJ § 3-831, as it related to
16 CINAs.

17 Subsections (d) and (e) were derived from former CJ §§ 3-812(b) and
18 3-819(c).

19 The omission of the sentence granting the court authority to suspend a
20 sentence, etc., is not intended to deprive the court of such authority. The
21 Committee deemed it unnecessary to state here because the court already
22 has the powers to suspend sentences, etc. The court may suspend a
23 sentence and place the adult on probation subject to the terms and
24 conditions it deems to be in the best interests of the child.

25 3-829.

26 A GOVERNING BODY OF A COUNTY MAY CREATE A JUVENILE COURT
27 COMMITTEE TO SERVE AS AN ADVISORY BODY TO THE COURT FOR THE COUNTY AND
28 SHALL DETERMINE THE COMPOSITION AND MEMBERS OF THE COMMITTEE.

29 COMMITTEE NOTE: This section was derived from former CJ § 3-833.

30 3-830.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) "ADVOCATE" OR "C.A.S.A." MEANS A COURT-APPOINTED SPECIAL
34 ADVOCATE.

35 (3) "PROGRAM" MEANS A COURT-APPOINTED SPECIAL ADVOCATE
36 SERVICE THAT IS CREATED IN A COUNTY WITH THE SUPPORT OF THE COURT FOR

1 THAT COUNTY TO PROVIDE TRAINED VOLUNTEERS WHOM THE COURT MAY APPOINT
2 TO:

3 (I) PROVIDE THE COURT WITH BACKGROUND INFORMATION TO
4 AID IT IN MAKING DECISIONS IN THE CHILD'S BEST INTEREST; AND

5 (II) ENSURE THAT THE CHILD IS PROVIDED APPROPRIATE CASE
6 PLANNING AND SERVICES.

7 (B) (1) THERE IS A COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

8 (2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE VOLUNTEERS
9 WHOSE PRIMARY PURPOSE IS TO ENSURE THAT CHILDREN WHO ARE THE SUBJECT
10 OF A CINA PROCEEDING ARE PROVIDED WITH APPROPRIATE SERVICE AND CASE
11 PLANNING THAT IS IN THEIR BEST INTEREST.

12 (3) THE ADMINISTRATIVE OFFICE OF THE COURTS:

13 (I) SHALL ADMINISTER THE PROGRAM;

14 (II) SHALL REPORT ANNUALLY TO THE CHIEF JUDGE OF THE
15 COURT OF APPEALS AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT
16 ARTICLE, TO THE GENERAL ASSEMBLY REGARDING THE OPERATION OF THE
17 PROGRAM; AND

18 (III) MAY ADOPT RULES GOVERNING THE IMPLEMENTATION AND
19 OPERATION OF THE PROGRAM INCLUDING FUNDING, TRAINING, SELECTION, AND
20 SUPERVISION OF VOLUNTEERS.

21 (C) (1) THE GOVERNOR MAY INCLUDE FUNDS IN THE BUDGET TO CARRY
22 OUT THE PROVISIONS OF THIS SECTION.

23 (2) ANY STATE FUNDS AVAILABLE FOR THIS PROGRAM SHALL BE
24 ALLOCATED TO THE COUNTIES ON A 50% COST SHARING BASIS.

25 (D) AN ADVOCATE OR A MEMBER OF THE ADMINISTRATIVE STAFF OF THE
26 PROGRAM IS NOT LIABLE FOR AN ACT OR OMISSION IN PROVIDING SERVICES OR
27 PERFORMING A DUTY ON BEHALF OF THE PROGRAM, UNLESS THE ACT OR OMISSION
28 CONSTITUTES RECKLESS, WILLFUL, OR WANTON MISCONDUCT OR INTENTIONALLY
29 TORTIOUS CONDUCT.

30 COMMITTEE NOTE: This section was derived from former CJ § 3-834.1.

31 The Committee recommends the repeal of the requirement of local
32 matching funds as of the fiscal year in which supplemental State funding
33 becomes available. See §§ 5 and 10 of this Act.

34 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
35 read as follows:

1 **Article - Courts and Judicial Proceedings**

2 3-813.

3 (c) The Office of the Public Defender may not represent a party in a CINA
4 proceeding unless THE PARTY:

5 (1) [The party is] IS the [custodial] parent or guardian of the alleged
6 CINA;

7 (2) [The proceeding is:

8 (i) Under § 3-815, § 3-817, or § 3-819 of this subtitle; or

9 (ii) Under Maryland Rule 11-115 or Maryland Rule 11-116 in
10 which:

11 1. The State has moved to remove the child from a parent's
12 or guardian's custody or the parent or guardian has moved to regain custody; and

13 2. Due to a complex factual or legal issue, assistance of
14 counsel is necessary to ensure against a risk of erroneous deprivation of custody;

15 (3) [The party applies] APPLIES to the Office of the Public Defender
16 requesting legal representation by the Public Defender in the proceeding; and

17 [(4)] (3) [The party is] IS financially eligible for the services of the
18 Public Defender.

19 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article - Courts and Judicial Proceedings**

22 3-830.

23 (c) [(1)] The Governor may include funds in the budget to carry out the
24 provisions of this section.

25 [(2) Any State funds available for this program shall be allocated to the
26 counties on a 50% cost sharing basis.]

27 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland
28 read as follows:

1 **Article - Courts and Judicial Proceedings**

2 SUBTITLE 8A. JUVENILE CAUSES - CHILDREN OTHER THAN CINAS AND ADULTS.

3 [3-801.] 3-8A-01.

4 (a) In this subtitle[,] the following words have the meanings indicated, unless
5 the context of their use indicates otherwise.6 (b) "Adjudicatory hearing" means a hearing UNDER THIS SUBTITLE to
7 determine whether the allegations in the petition, other than allegations that the
8 child requires [the court's assistance,] treatment, guidance or rehabilitation, are
9 true.10 (c) "Adult" means [a person] AN INDIVIDUAL who is AT LEAST 18 years old
11 [or older].

12 (d) "Child" means [a person] AN INDIVIDUAL under the age of 18 years.

13 [(e) "Child in need of assistance" is a child who requires the assistance of the
14 court because:15 (1) The child is mentally handicapped or is not receiving ordinary and
16 proper care and attention, and17 (2) The child's parents, guardian, or custodian are unable or unwilling to
18 give proper care and attention to the child and the child's problems provided, however,
19 a child shall not be deemed to be in need of assistance for the sole reason that the
20 child is being furnished nonmedical remedial care and treatment recognized by State
21 law.]22 [(f)] (E) "Child in need of supervision" is a child who requires guidance,
23 treatment, or rehabilitation and:

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

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

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

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

29 [(g)] (F) "Citation" means the written form issued by a police officer which
30 serves as the initial pleading against a child for a violation and which is adequate
31 process to give the court jurisdiction over the person cited.

32 [(h)] (G) "Commit" means to transfer legal custody.

33 [(i)] (H) "Court" means [the]:

1 (1) A circuit court [of] FOR a county [or Baltimore City] sitting as the
2 juvenile court[. In]; OR

3 (2) IN Montgomery County, [it means] the District Court sitting as the
4 juvenile court and following the applicable rules of the circuit court.

5 [(j)] (I) "Custodian" means a person or agency to whom legal custody of a
6 child has been given by order of the court, other than the child's parent or legal
7 guardian.

8 [(k)] (J) "Delinquent act" means an act which would be a crime if committed
9 by an adult.

10 [(l)] (K) "Delinquent child" is a child who has committed a delinquent act and
11 requires guidance, treatment, or rehabilitation.

12 [(m)] (L) "Detention" means the temporary care of children who, pending court
13 disposition, require secure custody for the protection of themselves or the community,
14 in physically restricting facilities.

15 [(n)] (M) "Disposition hearing" means a hearing UNDER THIS SUBTITLE to
16 determine:

17 (1) Whether a child needs or requires [the court's assistance,] guidance,
18 [treatment] TREATMENT, or rehabilitation; and if so

19 (2) The nature of the [assistance,] guidance, [treatment] TREATMENT,
20 or rehabilitation.

21 [(o)] (N) "Intake officer" means the person assigned to the court by the
22 Department of Juvenile Justice to provide the intake services set forth in this
23 subtitle.

24 [(p)] "Local department" means the local department of social services for the
25 jurisdiction in which the court is located.]

26 [(q)] (O) "Mentally handicapped child" means a child who is or may be
27 mentally retarded or mentally ill.

28 [(r)] (P) "Party" includes a child who is the subject of a petition or a peace
29 order request, the child's parent, guardian, or custodian, the petitioner and an adult
30 who is charged under [§ 3-831] § 3-8A-30 of this subtitle.

31 [(s)] (Q) "Peace order proceeding" means a proceeding under [§ 3-820.2] §
32 3-8A-19.2 or [§ 3-820.4] § 3-8A-19.4 of this subtitle.

33 [(t)] (R) "Peace order request" means the initial pleading filed with the court
34 under [§ 3-820.1] § 3-8A-19.1 of this subtitle.

35 [(u)] (S) "Petition" means the pleading filed with the court under [§ 3-812] §
36 3-8A-13 of this subtitle alleging that a child is a delinquent child[, a child in need of

1 assistance] or a child in need of supervision OR THAT AN ADULT VIOLATED § 3-8A-30
2 OF THIS SUBTITLE.

3 [(v)] (T) "Respondent" means the individual against whom a petition or a
4 peace order request is filed.

5 [(w)] (U) (1) "Shelter care" means the temporary care of children in
6 physically unrestricting facilities.

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

8 [(x)] (V) (1) "Victim" means:

9 (i) A person who suffers direct or threatened physical, emotional,
10 or financial harm as a result of a delinquent act; or

11 (ii) An individual against whom an act specified in [§ 3-820.1(b)] §
12 3-8A-19.1(B) of this subtitle is committed or alleged to have been committed.

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

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

17 [(y)] (W) "Violation" means a violation of ARTICLE 27, § 400, § 400A, § 400B, §
18 401, or § 406 [of Article 27] of the Code [and] OR § 26-103 of the Education Article for
19 which a citation is issued.

20 [(z)] (X) "Witness" means any person who is or expects to be a State's witness.
21 [3-802.] 3-8A-02.

22 (a) The purposes of this subtitle are:

23 (1) To ensure that the Juvenile Justice System balances the following
24 objectives for children who have committed delinquent acts:

25 (i) Public safety and the protection of the community;

26 (ii) Accountability of the child to the victim and the community for
27 offenses committed; and

28 (iii) Competency and character development to assist children in
29 becoming responsible and productive members of society;

30 (2) To hold parents of children found to be delinquent responsible for the
31 child's behavior and accountable to the victim and the community;

1 (3) To hold parents of children found to be delinquent or in need of
2 [assistance or] supervision responsible, where possible, for remedying the
3 circumstances that required the court's intervention;

4 (4) To provide for the care, protection, and wholesome mental and
5 physical development of children coming within the provisions of this subtitle; and to
6 provide for a program of treatment, training, and rehabilitation consistent with the
7 child's best interests and the protection of the public interest;

8 (5) To conserve and strengthen the child's family ties and to separate a
9 child from his parents only when necessary for his welfare or in the interest of public
10 safety;

11 (6) If necessary to remove a child from his home, to secure for him
12 custody, care, and discipline as nearly as possible equivalent to that which should
13 have been given by his parents; and

14 (7) To provide judicial procedures for carrying out the provisions of this
15 subtitle.

16 (b) This subtitle shall be liberally construed to effectuate these purposes.

17 [3-804.] 3-8A-03.

18 (a) [The] IN ADDITION TO THE JURISDICTION SPECIFIED IN SUBTITLE 8 OF
19 THIS TITLE, THE court has exclusive original jurisdiction over:

20 (1) A child WHO IS alleged to be delinquent[,] OR in need of
21 supervision[, in need of assistance] or who has received a citation for a violation;

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

25 (3)] Except as provided in subsection [(e)(6)] (D)(6) of this section, a peace
26 order proceeding in which the respondent is a child; AND

27 [(b) The court has exclusive original jurisdiction over proceedings]

28 (3) PROCEEDINGS arising under the Interstate Compact on Juveniles.

29 [(c)] (B) The court has concurrent jurisdiction over proceedings against an
30 adult for the violation of [§ 3-831] § 3-8A-30 of this subtitle. However, the court may
31 waive its jurisdiction under this subsection upon its own motion or upon the motion of
32 any party to the proceeding, if charges against the adult arising from the same
33 incident are pending in the criminal court. Upon motion by either the State's Attorney
34 or the adult charged under [§ 3-831] § 3-8A-30 OF THIS SUBTITLE, the court shall
35 waive its jurisdiction, and the adult shall be tried in the criminal court according to
36 the usual criminal procedure.

1 [(d)] (C) The jurisdiction of the court is concurrent with that of the District
2 Court in any criminal case arising under the compulsory public school attendance
3 laws of this State.

4 [(e)] (D) The court does not have jurisdiction over:

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

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

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

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

20 (i) Abduction;

21 (ii) Kidnapping;

22 (iii) Second degree murder;

23 (iv) Manslaughter, except involuntary manslaughter;

24 (v) Second degree rape;

25 (vi) Robbery under Article 27, § 487 of the Code;

26 (vii) Second degree sexual offense in violation of Article 27, §
27 464A(a)(1) of the Code;

28 (viii) Third degree sexual offense in violation of Article 27, §
29 464B(a)(1) of the Code;

30 (ix) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, §
31 446, or § 481C of the Code;

32 (x) Using, wearing, carrying, or transporting of firearm during and
33 in relation to a drug trafficking crime in violation of Article 27, § 281A of the Code;

34 (xi) Use of a firearm in violation of Article 27, § 291A of the Code;

1 (xii) Carjacking or armed carjacking in violation of Article 27, § 348A
2 of the Code;

3 (xiii) Assault in the first degree in violation of Article 27, § 12A-1 of
4 the Code;

5 (xiv) Attempted murder in the second degree in violation of Article
6 27, § 411A of the Code;

7 (xv) Attempted rape or attempted sexual offense in the second
8 degree under Article 27, § 464F of the Code; or

9 (xvi) Attempted robbery under Article 27, § 487 of the Code;

10 (5) A child who previously has been convicted as an adult of a felony and
11 is subsequently alleged to have committed an act that would be a felony if committed
12 by an adult, unless an order removing the proceeding to the court has been filed
13 under Article 27, § 594A of the Code; or

14 (6) A peace order proceeding in which the victim, as defined in[§
15 3-801(x)(1)(ii)] § 3-8A-01(V)(1)(II) of this subtitle, is a person eligible for relief, as
16 defined in § 4-501 of the Family Law Article.

17 [(f)] (E) If the child is charged with two or more violations of the Maryland
18 Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising
19 out of the same incident and which would result in the child being brought before both
20 the court and a court exercising criminal jurisdiction, the court has exclusive
21 jurisdiction over all of the charges.

22 3-8A-04.

23 THE PROVISIONS OF §§ 3-806, 3-807, AND 3-829 OF THIS TITLE GOVERN JUDGES,
24 MASTERS, AND LOCAL JUVENILE COURT COMMITTEES UNDER THIS SUBTITLE.

25 [3-805.] 3-8A-05.

26 (a) If a person is alleged to be delinquent, the age of the person at the time the
27 alleged delinquent act was committed controls the determination of jurisdiction under
28 this subtitle.

29 (b) If a person is alleged to have committed an act under [§ 3-820.1(b)] §
30 3-8A-19.1(B) of this subtitle, the age of the person at the time the alleged act was
31 committed controls the determination of jurisdiction under this subtitle.

32 (c) In all other cases UNDER THIS SUBTITLE the age of the child at the time
33 the petition is filed controls the determination of jurisdiction under this subtitle.

34 (d) In a delinquency proceeding there is no presumption of incapacity as a
35 result of infancy for a child who is at least 7 years old.

1 [3-817.] 3-8A-06.

2 (a) The court may waive the exclusive jurisdiction conferred by [§ 3-804] §
3 3-8A-03 of this subtitle with respect to a petition alleging delinquency by:

4 (1) A child who is 15 years old or older; or

5 (2) A child who has not reached his 15th birthday, but who is charged
6 with committing an act which if committed by an adult, would be punishable by death
7 or life imprisonment.

8 (b) The court may not waive its jurisdiction UNDER THIS SECTION until after
9 it has conducted a waiver hearing, held prior to an adjudicatory hearing and after
10 notice has been given to all parties as prescribed by the Maryland Rules. The waiver
11 hearing is solely to determine whether the court should waive its jurisdiction.

12 (c) (1) Notice of the waiver hearing shall be given to a victim as provided
13 under Article 27, § 770 of the Code.

14 (2) (i) A victim may submit a victim impact statement to the court as
15 provided in Article 27, § 781 of the Code.

16 (ii) This paragraph does not preclude a victim who has not filed a
17 notification request form under Article 27, § 770 of the Code from submitting a victim
18 impact statement to the court.

19 (iii) The court may consider a victim impact statement in
20 determining whether to waive jurisdiction under this section.

21 (d) (1) The court may not waive its jurisdiction UNDER THIS SECTION unless
22 it determines, from a preponderance of the evidence presented at the hearing, that
23 the child is an unfit subject for juvenile rehabilitative measures.

24 (2) For purposes of determining whether to waive its jurisdiction UNDER
25 THIS SECTION, the court shall assume that the child committed the delinquent act
26 alleged.

27 (e) In making its determination, the court shall consider the following criteria
28 individually and in relation to each other on the record:

29 (1) Age of the child;

30 (2) Mental and physical condition of the child;

31 (3) The child's amenability to treatment in any institution, facility, or
32 program available to delinquents;

33 (4) The nature of the offense and the child's alleged participation in it;
34 and

35 (5) The public safety.

1 (f) If [the] jurisdiction is waived UNDER THIS SECTION, the court shall order
2 the child held for trial under the regular procedures of the court which would have
3 jurisdiction over the offense if committed by an adult. The petition alleging
4 delinquency shall be considered a charging document for purposes of detaining the
5 child pending a bail hearing.

6 (g) An order waiving jurisdiction is interlocutory.

7 (h) If the court has once waived its jurisdiction with respect to a child in
8 accordance with this section, and that child is subsequently brought before the court
9 on another charge of delinquency, the court may waive its jurisdiction in the
10 subsequent proceeding after summary review.

11 [3-806.] 3-8A-07.

12 (a) If the court obtains jurisdiction over a child UNDER THIS SUBTITLE, that
13 jurisdiction continues until that person reaches 21 years of age unless terminated
14 sooner.

15 (b) This section does not affect the jurisdiction of other courts over a person
16 who commits an offense after [he] THE PERSON reaches the age of 18.

17 (c) Unless otherwise ordered by the court, the court's jurisdiction is
18 terminated over a person who has reached 18 years of age when he is convicted of a
19 crime, including manslaughter by automobile, unauthorized use or occupancy of a
20 motor vehicle, or operating a vehicle while under the influence of intoxicating liquors
21 or drugs, but excluding a conviction for a violation of any other traffic law or
22 ordinance or any provision of the State Boat Act, or the fish and wildlife laws of the
23 State.

24 [(d) If the court in a child in need of assistance proceeding places a child in the
25 care and custody of a person other than the parent, guardian, or custodian who had
26 custody at the time the petition is filed, the custody order of the court shall continue
27 after the termination of the child in need of assistance proceeding unless:

28 (1) The custody order is terminated by the court; or

29 (2) The custody order is modified by an order of any other court with
30 jurisdiction.]

31 [3-807.]

32 [(a) (D) A person subject to the jurisdiction of the court may not be prosecuted
33 for a criminal offense committed before he reached 18 years of age unless jurisdiction
34 has been waived.

35 [(b) (E) The court has exclusive original jurisdiction, but only for the purpose
36 of waiving it, over a person 21 years of age or older who is alleged to have committed
37 a delinquent act while a child.

1 [3-808.] 3-8A-08.

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

4 (b) If delinquency or violation of [§ 3-831] § 3-8A-30 OF THIS SUBTITLE is
5 alleged or if a citation is issued, the petition, if any, or the citation shall be filed in the
6 county where the alleged act occurred subject to transfer as provided in [§ 3-809] §
7 3-8A-09 OF THIS SUBTITLE.

8 (c) A peace order request shall be filed in the county where the alleged act
9 occurred subject to transfer as provided in [§ 3-809] § 3-8A-09 of this subtitle.

10 (d) If the alleged delinquent act is escape or attempted escape from a training
11 school or similar facility operated by the Department of Juvenile Justice, the petition,
12 if any, shall be filed and the adjudicatory hearing held in the county where the alleged
13 escape or attempted escape occurred unless the court in the county of the child's
14 domicile requests a transfer. For purposes of the disposition hearing, proceedings may
15 be transferred as provided in [§ 3-809] § 3-8A-09 OF THIS SUBTITLE to the court
16 exercising jurisdiction over the child at the time of the alleged act.

17 [3-809.] 3-8A-09.

18 (a) (1) If a petition, peace order request, or citation is filed UNDER THIS
19 SUBTITLE in a county other than the county where the child is living or domiciled, the
20 court on its own motion or on motion of a party, may transfer the proceedings to the
21 county of residence or domicile at any time prior to final termination of jurisdiction,
22 except that the proceedings may not be transferred until after an adjudicatory
23 hearing if the allegation is escape or attempted escape from a training school or
24 similar facility operated by the Department of Juvenile Justice.

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

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

29 [3-810.] 3-8A-10.

30 (A) THIS SECTION DOES NOT APPLY TO ALLEGATIONS THAT A CHILD IS IN
31 NEED OF ASSISTANCE, AS DEFINED IN § 3-801 OF THIS TITLE.

32 [(a) Except as provided in subsection (b) of this section, the]

33 (B) AN intake officer shall receive:

34 (1) Complaints from a person or agency having knowledge of facts which
35 may cause a person to be subject to the jurisdiction of the court UNDER THIS
36 SUBTITLE; and

1 (2) Citations issued by a police officer under [§ 3-835] § 3-8A-33 of this
2 [article] SUBTITLE.

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

6 (1) File a petition;

7 (2) Authorize the person or agency making the complaint to file a
8 petition; or

9 (3) Deny authorization to file the petition.]

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

14 (2) An inquiry need not include an interview of the child who is the
15 subject of the complaint if the complaint alleges the commission of an act that would
16 be a felony if committed by an adult or alleges a violation of Article 27, § 36B of the
17 Code.

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

20 (i) Authorize the filing of a petition or a peace order request or
21 both;

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

23 (iii) Refuse authorization to file a petition or a peace order request
24 or both.

25 (4) (i) If a complaint is filed that alleges the commission of an act
26 which would be a felony if committed by an adult or alleges a violation of Article 27,
27 § 36B of the Code, and if the intake officer denies authorization to file a petition or
28 proposes an informal adjustment, the intake officer shall immediately:

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

30 2. Forward a copy of the entire intake case file to the State's
31 Attorney with information as to any and all prior intake involvement with the child.

32 (ii) The State's Attorney shall make a preliminary review as to
33 whether the court has jurisdiction and whether judicial action is in the best interests
34 of the public or the child. The need for restitution may be considered as one factor in
35 the public interest. After the preliminary review the State's Attorney shall, within 30

1 days of the receipt of the complaint by the State's Attorney, unless the court extends
2 the time:

- 3 1. File a petition or a peace order request or both;
- 4 2. Refer the complaint to the Department of Juvenile Justice
5 for informal disposition; or
- 6 3. Dismiss the complaint.

7 (iii) This subsection may not be construed or interpreted to limit the
8 authority of the State's Attorney to seek a waiver under [§ 3-817] § 3-8A-06 of this
9 subtitle.

10 (c-1) (1) In this subsection, "seriously emotionally disturbed" has the meaning
11 stated in § 15-130 of the Health - General Article.

12 (2) (i) As soon as possible and in no event later than 25 days after
13 receipt of a complaint, the intake officer shall discuss with the child who is the subject
14 of a complaint and the child's parent or guardian information regarding a referral for
15 a mental health and substance abuse screening of the child.

16 (ii) The screening authorized under subparagraph (i) of this
17 paragraph shall be conducted by a person who:

- 18 1. Has been selected by the child's parent or guardian;
- 19 2. Has been approved by the child's health insurance carrier;
20 and
- 21 3. Is:
 - 22 A. A qualified health, mental health, or substance abuse
23 professional; or
 - 24 B. Staff trained by a qualified health, mental health, or
25 substance abuse professional.

26 (iii) Within 15 days of the date of the discussion with the child and
27 the child's parent or guardian, the intake officer shall document whether the child's
28 parent or guardian made an appointment for a mental health and substance abuse
29 screening of the child who is the subject of a complaint.

30 (3) If, as a result of the screening authorized under paragraph (2) of this
31 subsection, it is determined that the child is a mentally handicapped or seriously
32 emotionally disturbed child, or is a substance abuser, the qualified health, mental
33 health, or substance abuse professional or staff, no later than 5 working days after
34 the screening, shall conduct a comprehensive mental health or substance abuse
35 assessment of the child.

1 (4) The Department of Juvenile Justice and the Department of Health
2 and Mental Hygiene:

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

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

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

11 (d) (1) The intake officer may authorize the filing of a petition or a peace
12 order request or both [or the local department may authorize the filing of a petition]
13 if, based upon the complaint and the inquiry, the intake officer [or the local
14 department] concludes that the court has jurisdiction over the matter and that
15 judicial action is in the best interests of the public or the child.

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

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

22 (4) The intake officer [or the local department] shall inform the
23 following persons of any authorization decision specified in paragraph (1) of this
24 subsection and the reasons for the decision:

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

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

28 (iii) The victim;

29 (iv) The arresting police officer; and

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

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

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

5 (3) The intake officer may not proceed with an informal adjustment
6 unless the victim, the child, and the child's parent or guardian consent to the informal
7 adjustment procedure.

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

12 (2) The informal adjustment process may not exceed 90 days unless that
13 time is extended by the court.

14 (3) If the victim, the child, and the child's parent or guardian do not
15 consent to an informal adjustment, the intake officer shall authorize the filing of a
16 petition or a peace order request or both or deny authorization to file a petition or a
17 peace order request or both under subsection (g) of this section.

18 (4) If at any time before the completion of an agreed upon informal
19 adjustment the intake officer believes that the informal adjustment cannot be
20 completed successfully, the intake officer shall authorize the filing of a petition or a
21 peace order request or both or deny authorization to file a petition or a peace order
22 request or both under subsection (g) of this section.

23 (g) (1) If based upon the complaint and the inquiry, the intake officer
24 concludes that the court has no jurisdiction, or that neither an informal adjustment
25 nor judicial action is appropriate, the intake officer may deny authorization to file a
26 petition or a peace order request or both.

27 (2) If the intake officer denies authorization to file a petition or a peace
28 order request or both, the intake officer shall inform the following persons of the
29 decision, the reasons for it, and their right of review provided in this section:

30 (i) The victim;

31 (ii) The arresting police officer; and

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

34 (3) The intake officer shall inform the persons specified in paragraph (2)
35 of this subsection of the decision to deny authorization to file a petition for the alleged
36 commission of a delinquent act through use of the form prescribed by [§ 3-810.1] §
37 3-8A-11 of this subtitle.

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

4 (i) The victim;

5 (ii) The arresting police officer; and

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

8 (2) In order for an appeal to be made, it must be received by the State's
9 Attorney's office within 30 days after the form prescribed by [§ 3-810.1] § 3-8A-11 of
10 this subtitle is mailed by the juvenile intake officer to the person being informed of
11 the intake officer's decision.

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

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

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

18 (i) (1) If authorization to file a petition for a complaint which alleges a child
19 is in need of supervision or if authorization to file a peace order request is denied, the
20 person or agency that filed the complaint or caused it to be filed, within 15 days of
21 personal notice of the denial to that person or agency or the mailing to the last known
22 address, may submit the denial for review by the Department of Juvenile Justice Area
23 Director for the area in which the complaint was filed.

24 (2) The Department of Juvenile Justice Area Director shall review the
25 denial.

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

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

31 [(j) (1) If authorization to file a petition for a complaint which alleges a child
32 is in need of assistance is denied, the person or agency that filed the complaint or
33 caused it to be filed, within 15 days of personal notice of the denial to that person or
34 agency or the mailing to the last known address, may submit the denial to the
35 Department of Juvenile Justice Area Director for the area in which the complaint was
36 filed.

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

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

3 [(k)] (J) (1) If the complaint alleges that a minor 16 years of age or older has
4 committed an act in violation of any provision of the Maryland Vehicle Law or other
5 traffic law or ordinance under the jurisdiction of the juvenile court, the complaint
6 shall be filed directly with the State's Attorney of the jurisdiction in which the alleged
7 violation occurred.

8 (2) If the State's Attorney elects to proceed with the case, the State's
9 Attorney may prepare a petition for filing with the court of proper jurisdiction.

10 [(l)] (K) (1) If the intake officer receives a citation other than a citation
11 authorized under Article 27, § 406 of the Code, the intake officer may:

12 [(1)] (I) Refer the child to an alcohol education or rehabilitation
13 program;

14 [(2)] (II) Assign the child to a supervised work program for not more
15 than 20 hours for the first violation and not more than 40 hours for the second or
16 subsequent violation;

17 [(3)] (III) Require the parent or guardian of the child to withdraw the
18 parent's or guardian's consent to the child's license to drive, and advise the Motor
19 Vehicle Administration of the withdrawal of consent; or

20 [(4)] (IV) Forward the citation to the State's Attorney.

21 [(m)] (2) The intake officer shall forward the citation, other than a citation
22 authorized under Article 27, § 406 of the Code, to the State's Attorney if:

23 [(1)] (I) The parent or guardian of the child refuses to withdraw consent
24 to the child's license to drive;

25 [(2)] (II) The child fails to comply with an alcohol education or
26 rehabilitation program referral; or

27 [(3)] (III) The child fails to comply with a supervised work program
28 assignment.

29 [(n)] (L) (1) If the intake officer receives a citation authorized under
30 Article 27, § 406 of the Code, the intake officer may:

31 [(1)] (I) Refer the child to a smoking cessation clinic, or other suitable
32 presentation of the hazards associated with tobacco use;

33 [(2)] (II) Assign the child to a supervised work program for not more
34 than 20 hours for the first violation and not more than 40 hours for a second or
35 subsequent violation; or

36 [(3)] (III) Forward the citation to the State's Attorney.

1 [(o)] (2) The intake officer shall forward the citation authorized under Article
2 27, § 406 of the Code to the State's Attorney if the child fails to comply with a smoking
3 program referral or a supervised work program assignment described under
4 [subsection (n)] PARAGRAPH (1) of this [section] SUBSECTION.

5 [(p)] (M) (1) Except as provided in paragraph (2) of this subsection, within
6 15 days after a law enforcement officer takes a child into custody UNDER THIS
7 SUBTITLE the law enforcement officer shall file a complaint with an intake officer.

8 (2) If a child is referred to a diversion program, the law enforcement
9 officer may file the complaint with an intake officer more than 30 days after but no
10 later than 120 days after the law enforcement officer took the child into custody.

11 [(q)] (N) The court may dismiss a petition or a peace order request for failure
12 to comply with this section only if the respondent has demonstrated actual prejudice.

13 [3-810.1.] 3-8A-11.

14 (a) An intake officer shall use the following form to inform persons, in
15 accordance with [§ 3-810] § 3-8A-10 OF THIS SUBTITLE, of his decision to deny
16 authorization to file a petition for the alleged commission of a delinquent act:

17 Date: (Date form is mailed)

18 Re:

19 Offense No.:

20 Date of Offense:

21 Nature of Offense:

22

23

24

25 Dear

26 I have reviewed the facts concerning the offense referred to above and have
27 decided not to authorize juvenile court action. This decision included consideration of
28 the facts of the case and the juvenile's involvement. Home, school, and community
29 adjustment along with parental concern and control were examined. Past history with
30 the police and court was also considered.

31 The reasons for this decision are as follows:

32 The juvenile was issued a reprimand and warned against future involvement
33 in delinquent activities.

34 The juvenile is currently under supervision of the juvenile court.

35 The juvenile will receive informal supervision by this intake officer. This will
36 include counseling, and possibly referral to a program or agency to further
37 work with problems seen as important to the juvenile's future adjustment.

1 The juvenile has successfully completed a pretrial program of intensive
2 counseling and supervision of 45 to 90 days, and has shown a satisfactory
3 adjustment during this time.

4 This case is not legally sufficient.

5 Additional Comments:
6
7

8 If you disagree with this decision and desire to appeal, you must fill in the form
9 provided below and send it to the State's Attorney's office so that it is received in that
10 office by
(Date)

11 If you have any questions or want to talk about this case with me before making
12 a decision on whether to appeal, please call me at.....
(Phone Number)

13 However, if you do this, it will not extend the 30-day period within which you are
14 allowed to appeal.

15 Sincerely,

16
17 Intake Officer
18
19

20 If you disagree with the above decision of the intake officer, fill out the form
21 below and send it to:

22 (To be filled in
23 by intake officer
24 prior to mailing
25 (Name and to person being
26 address of appropriate informed of intake
27 State's Attorney authority) decision)

28 Re: (To be filled in
29 Offense: by intake officer
30 Date of Offense: prior to mailing
31 Nature of Offense: to person being
32 informed of intake
33 decision)

34 I have been informed by the juvenile intake officer of his decision not to forward
35 this case for action in the juvenile court.

36 I disagree with this decision and ask that the State's Attorney's office review it
37 and decide whether court proceedings should be carried out.

1
2

2 Signed

3 (b) The use of the form prescribed by subsection (a) of this section does not
4 preclude the Department of Juvenile Justice from sending other information, in
5 addition to this form, to explain the intake officer's decision and advise persons of
6 their right to appeal the decision of the intake officer.

7 [3-811.] 3-8A-12.

8 (a) A statement made by a participant while counsel and advice are being
9 given, offered, or sought, in the discussions or conferences incident to an informal
10 adjustment may not be admitted in evidence in any adjudicatory hearing or peace
11 order proceeding or in a criminal proceeding against the participant prior to
12 conviction.

13 (b) Any information secured or statement made by a participant during a
14 preliminary or further inquiry pursuant to [§ 3-810] § 3-8A-10 of this subtitle or a
15 study pursuant to [§ 3-818] § 3-8A-17 of this subtitle may not be admitted in
16 evidence in any adjudicatory hearing or peace order proceeding except on the issue of
17 respondent's competence to participate in the proceedings and responsibility for his
18 conduct as provided in § 12-108 of the Health - General Article where a petition
19 alleging delinquency has been filed, or in a criminal proceeding prior to conviction.

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

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

28 [3-812.] 3-8A-13.

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

35 (b) Petitions alleging delinquency or violation of [§ 3-831] § 3-8A-30 of this
36 subtitle shall be prepared and filed by the State's Attorney. A petition alleging
37 delinquency shall be filed within 30 days after the receipt of a referral from the
38 intake officer, unless that time is extended by the court for good cause shown.
39 Petitions alleging that a child is in need of supervision shall be filed by the intake
40 officer. [Petitions alleging that a child is in need of assistance shall be filed by the
41 local department. If the local department does not file the petition, the person or

1 agency that made the complaint to the local department may submit the denial to the
2 Department of Juvenile Justice Area Director for filing.]

3 (c) A peace order request shall be filed by the intake officer in accordance with
4 [§ 3-820.1(b)(1)] § 3-8A-19.1(B)(1) of this subtitle or the State's Attorney in accordance
5 with [§ 3-820.1(b)(2)] § 3-8A-19.1(B)(2) of this subtitle.

6 (d) The form of petitions, peace order requests, and all other pleadings UNDER
7 THIS SUBTITLE, and except as otherwise provided in this subtitle, the procedures to
8 be followed by the court UNDER THIS SUBTITLE, shall be as specified in the Maryland
9 Rules.

10 (e) The State's Attorney, upon assigning the reasons, may dismiss in open
11 court a petition alleging delinquency.

12 (f) (1) The court shall conduct all hearings UNDER THIS SUBTITLE in an
13 informal manner.

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

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

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

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

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

36 (g) The court shall try cases without a jury.

37 [(h) Whenever a child in need of assistance petition is filed by the local
38 department of social services, the local department shall be a party to the proceeding
39 and shall present to the court the evidence in support of the petition.]

1 [(i)] (H) The court shall hear and rule on a petition seeking an order for
2 emergency medical treatment on an expedited basis.

3 [3-814.] 3-8A-14.

4 (a) A child may be taken into custody UNDER THIS SUBTITLE by any of the
5 following methods:

6 (1) Pursuant to an order of the court;

7 (2) By a law enforcement officer pursuant to the law of arrest;

8 (3) By a law enforcement officer or other person authorized by the court
9 if [he] THE OFFICER OR OTHER PERSON has reasonable grounds to believe that the
10 child is in immediate danger from [his] THE CHILD'S surroundings and that [his]
11 THE CHILD'S removal is necessary for [his] THE CHILD'S protection; or

12 (4) By a law enforcement officer or other person authorized by the court
13 if [he] THE OFFICER OR OTHER PERSON has reasonable grounds to believe that the
14 child has run away from [his] THE CHILD'S parents, guardian, or legal custodian.

15 (b) If a law enforcement officer takes a child into custody [he], THE OFFICER
16 shall immediately notify, or cause to be notified, the child's parents, guardian, or
17 custodian of the action. After making every reasonable effort to give notice, the law
18 enforcement officer shall with all reasonable speed:

19 (1) Release the child to [his] THE CHILD'S parents, guardian, or
20 custodian or to any other person designated by the court, upon their written promise
21 to bring the child before the court when requested by the court, and such security for
22 the child's appearance as the court may reasonably require, unless [his] THE CHILD'S
23 placement in detention or shelter care is permitted and appears required by [§
24 3-815] § 3-8A-15 OF THIS SUBTITLE; or

25 (2) Deliver the child to the court or a place of detention or shelter care
26 designated by the court.

27 (c) If a parent, guardian, or custodian fails to bring the child before the court
28 when requested, the court may issue a writ of attachment directing that the child be
29 taken into custody and brought before the court. The court may proceed against the
30 parent, guardian, or custodian for contempt.

31 [3-815.] 3-8A-15.

32 (a) Only the court or an intake officer may authorize detention or shelter care
33 for a child who may be in need of supervision or delinquent. [The local department,
34 pursuant to regulations promulgated by the Department of Human Resources, may
35 authorize shelter care for a child who may be in need of assistance.]

36 (b) If a child is taken into custody UNDER THIS SUBTITLE, the child may be
37 placed in detention prior to a hearing if:

1 (1) Such action is required to protect the child or person and property of
2 others;

3 (2) The child is likely to leave the jurisdiction of the court; or

4 (3) There are no parents, guardian, or custodian or other person able to
5 provide supervision and care for the child and return the child to the court when
6 required.

7 (c) A child taken into custody UNDER THIS SUBTITLE may be placed in
8 emergency shelter care prior to a hearing if:

9 (1) One or more of the circumstances stated in subsection (b) of this
10 section exist; and

11 (2) (i) 1. Continuation of the child in the child's home is contrary to
12 the welfare of the child; and

13 2. Removal of the child from the child's home is reasonable
14 under the circumstances due to an alleged emergency situation and in order to
15 provide for the safety of the child; or

16 (ii) 1. Reasonable[,] but unsuccessful[,] efforts have been made
17 to prevent or eliminate the need for removal from the child's home; and

18 2. As appropriate, reasonable efforts are being made to
19 return the child to the child's home.

20 (d) (1) If the child is not released, the intake officer or the official who
21 authorized detention or shelter care UNDER THIS SECTION shall immediately file a
22 petition to authorize continued detention or shelter care.

23 (2) A hearing on the petition shall be held not later than the next court
24 day, unless extended by the court upon good cause shown.

25 (3) Reasonable notice, oral or written, stating the time, place, and
26 purpose of the hearing, shall be given to the child and, if they can be found, the child's
27 parents, guardian, or custodian.

28 (4) Except as provided in [paragraphs] PARAGRAPH (5) [and (6)] of this
29 subsection, shelter care may not be ordered for a period of more than 30 days unless
30 an adjudicatory or waiver hearing is held.

31 [(5) For a child in need of assistance, shelter care may be extended for an
32 additional period of not more than 30 days if the court finds after a hearing held as
33 part of the adjudication that continued shelter care is necessary to provide for the
34 safety of the child.]

35 [(6) (5) For a child in need of supervision or a delinquent child, shelter
36 care may be extended for an additional period of not more than 30 days if the court

1 finds after a hearing held as part of the adjudication that continued shelter care is
2 consistent with the circumstances stated in subsections (b) and (c) of this section.

3 [(7)] (6) (i) An adjudicatory or waiver hearing shall be held no later
4 than 30 days after the date a petition for detention is granted.

5 (ii) If a child is detained after an adjudicatory hearing, a
6 disposition hearing shall be held no later than 14 days after the adjudicatory hearing.

7 (iii) Detention time may be extended in increments of not more than
8 14 days where the petition charges the child with a delinquent act and where the
9 court finds, after a subsequent hearing, that extended detention is necessary either:

10 1. For the protection of the child; or

11 2. For the protection of the community.

12 (e) (1) Detention may not be continued beyond emergency detention unless,
13 upon an order of court after a hearing, the court has found that one or more of the
14 circumstances stated in subsection (b) of this section exist.

15 (2) A court order under this paragraph shall contain a written
16 determination of whether or not the criteria contained in subsection (c)(1) and (2) of
17 this section have been met.

18 (f) Shelter care may only be continued beyond emergency shelter care if the
19 court has found that:

20 (1) Continuation of the child in the child's home is contrary to the
21 welfare of the child; and

22 (2) (i) Removal of the child from the child's home is necessary due to
23 an alleged emergency situation and in order to provide for the safety of the child; or

24 (ii) Reasonable[,] but unsuccessful[,] efforts were made to prevent
25 or eliminate the need for removal of the child from the home.

26 (3) (i) If the court continues shelter care on the basis of an alleged
27 emergency, the court shall assess whether the absence of efforts to prevent removal
28 was reasonable.

29 (ii) If the court finds that the absence of efforts to prevent removal
30 was not reasonable, the court shall make a written determination so stating.

31 (4) The court shall make a determination as to whether reasonable
32 efforts are being made to make it possible to return the child to the child's home or
33 whether the absence of such efforts is reasonable.

34 (g) A child alleged to be delinquent may not be detained in a jail or other
35 facility for the detention of adults.

1 (h) (1) [(i)] A child alleged to be in need of supervision [or in need of
2 assistance] may not be placed in:

3 (I) [detention and may not be placed in a] DETENTION;

4 (II) A State mental health facility; OR

5 (III) A SHELTER CARE FACILITY THAT IS NOT OPERATING IN
6 COMPLIANCE WITH APPLICABLE STATE LICENSING LAWS.

7 [(ii)] If the child is alleged to be in need of assistance by reason of a
8 mental handicap, the child may be placed in shelter care facilities maintained or
9 licensed by the Department of Health and Mental Hygiene or if these facilities are not
10 available, then in a private home or shelter care facility approved by the court.

11 [(iii)] If the]

12 (2) SUBJECT TO PARAGRAPH (1)(III) OF THIS SUBSECTION, A child [is]
13 alleged to be [in need of assistance for any other reason, or] in need of supervision[,
14 he] may be placed in shelter care facilities maintained or approved by the Social
15 Services Administration[,] or the Department of Juvenile Justice[,] or in a private
16 home or shelter care facility approved by the court.

17 [(2)] A child alleged to be in need of supervision or in need of assistance
18 may not be placed in a shelter care facility that is not operating in compliance with
19 applicable State licensing laws.]

20 (3) The Secretary of Human Resources and the Secretary of [the
21 Department of] Juvenile Justice together, when appropriate, with the Secretary of
22 Health and Mental Hygiene shall jointly adopt regulations to ensure that any child
23 placed in shelter care pursuant to a petition filed under subsection (d) of this section
24 be provided appropriate services, including:

25 (i) Health care services;

26 (ii) Counseling services;

27 (iii) Education services;

28 (iv) Social work services; and

29 (v) Drug and alcohol abuse assessment or treatment services.

30 (4) In addition to any other provision, the regulations shall require:

31 (i) The [local department of social services or the] Department of
32 Juvenile Justice to develop a plan within 45 days of placement of a child in a shelter
33 care facility to assess the child's treatment needs; and

34 (ii) The plan to be submitted to all parties to the petition and their
35 counsel.

1 (i) The intake officer or the official who authorized detention or shelter care
2 UNDER THIS SUBTITLE shall immediately give written notice of the authorization for
3 detention or shelter care to the child's parent, guardian, or custodian[,] and to the
4 court. The notice shall be accompanied by a statement of the reasons for taking the
5 child into custody and placing him in detention or shelter care. This notice may be
6 combined with the notice required under subsection (d) of this section.

7 [3-818.] 3-8A-17.

8 (a) After a petition or a citation has been filed WITH THE COURT UNDER THIS
9 SUBTITLE, the court may direct the Department of Juvenile Justice or another
10 qualified agency to make a study concerning the child, [his] THE CHILD'S family,
11 [his] THE CHILD'S environment, and other matters relevant to the disposition of the
12 case.

13 (b) As part of [the] A study UNDER THIS SECTION, the child or any parent,
14 guardian, or custodian may be examined at a suitable place by a physician,
15 psychiatrist, psychologist, or other professionally qualified person.

16 (c) The report of [the] A study UNDER THIS SECTION is admissible as
17 evidence at a waiver hearing and at a disposition hearing, but not at an adjudicatory
18 hearing. However, the attorney for each party has the right to inspect the report prior
19 to its presentation to the court, to challenge or impeach its findings and to present
20 appropriate evidence with respect to it.

21 [3-819.] 3-8A-18.

22 (a) The provisions of this section do not apply to a peace order request or a
23 peace order proceeding.

24 (b) After a petition or citation has been filed WITH THE COURT UNDER THIS
25 SUBTITLE, and unless jurisdiction has been waived, the court shall hold an
26 adjudicatory hearing.

27 (c) (1) Before a child is adjudicated delinquent, the allegations in the
28 petition that the child has committed a delinquent act must be proved beyond a
29 reasonable doubt.

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

32 (d) If an adult is charged under this subtitle, the allegations must be proved
33 beyond a reasonable doubt.

34 (e) In all other cases UNDER THIS SUBTITLE the allegations must be proved by
35 a preponderance of the evidence.

1 [3-820.] 3-8A-19.

2 (a) The provisions of this section do not apply to a peace order request or A
3 peace order proceeding.

4 (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] A
8 disposition hearing may be held on the same day as the adjudicatory hearing[,] if
9 notice of the disposition hearing, as prescribed by the Maryland Rules, is waived on
10 the record by 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 (c) The priorities in making a disposition are consistent with the purposes
18 specified in [§ 3-802] § 3-8A-02 of this subtitle.

19 (d) (1) In making a disposition on a petition UNDER THIS SUBTITLE, the
20 court may:

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

24 (ii) Subject to the provisions of paragraph (2) of this subsection,
25 commit the child to the custody or under the guardianship of the Department of
26 Juvenile Justice, [a local department of social services,] the Department of Health
27 and Mental Hygiene, or a public or licensed private agency on terms that the court
28 considers appropriate to meet the priorities set forth in [§ 3-802] § 3-8A-02 of this
29 subtitle, including designation of the type of facility where the child is to be
30 accommodated, until custody or guardianship is terminated with approval of the
31 court or as required under [§ 3-825] § 3-8A-24 of this subtitle; or

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

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

1 has reached budgeted capacity has been recommended by the Department of Juvenile
2 Justice.

3 (3) The court shall consider any oral address made in accordance with
4 Article 27, § 780 of the Code or any victim impact statement, as described in Article
5 27, § 781 of the Code, in determining an appropriate disposition on a petition.

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

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

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

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

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

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

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

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

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

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

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

9 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do
10 not apply to a child found to have committed a violation under Article 27, § 406 of the
11 Code.

12 (ii) In making a disposition on a finding that the child has
13 committed a violation under Article 27, § 406 of the Code, the court may:

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

17 2. Impose a civil fine of not more than \$25 for the first
18 violation and a civil fine of not more than \$100 for a second or subsequent violation;
19 or

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

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

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

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

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

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

1 the request of any party, the Department or facility, the court shall grant a hearing for
2 the purpose of determining if the [standard] STANDARDS SPECIFIED in subsection (i)
3 or (j) of this section [continues] CONTINUE to be met.

4 (2) [At] IF, AT any time after the commitment of the child to a State
5 mental hospital [if] UNDER THIS SECTION, the individualized treatment plan
6 developed under § 10-706 of the Health - General Article recommends that a child no
7 longer meets the standards SPECIFIED in subsection (i) of this section, then the court
8 shall grant a hearing to review the commitment order. The court may grant a hearing
9 at any other time for the purpose of determining if the [standard] STANDARDS
10 SPECIFIED in subsection (i) of this section [continues] CONTINUE to be met.

11 (3) [Any] IF, AT ANY time after the commitment of the child to a State
12 mental retardation facility [if] UNDER THIS SECTION, the individualized plan of
13 habilitation developed under § 7-1006 of the Health - General Article recommends
14 that a child no longer meets the standards SPECIFIED in subsection (j) of this section,
15 then the court shall grant a hearing to review the commitment order. The court may
16 grant a hearing at any other time for the purpose of determining if the [standard]
17 STANDARDS SPECIFIED in subsection (j) of this section [continues] CONTINUE to be
18 met.

19 [(l) In a child in need of assistance case, if the disposition includes removal of
20 the child from the home, the court shall issue an order:

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

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

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

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

32 [3-820.1.] 3-8A-19.1.

33 (a) In this section, and in [§§ 3-820.2, 3-820.3, and 3-820.4] §§ 3-8A-19.2,
34 3-8A-19.3, AND 3-8A-19.4 of this subtitle, "victim" means an individual against whom
35 an act described in subsection (b) of this section is committed or alleged to have been
36 committed.

37 (b) (1) Except as provided in paragraph (2) of this subsection, after an
38 inquiry conducted in accordance with [§ 3-810] § 3-8A-10 of this subtitle, an intake
39 officer may file with the court a peace order request that alleges the commission of

1 any of the following acts against a victim by the respondent, if the act occurred within
2 30 days before the filing of the complaint under [§ 3-810] § 3-8A-10 of this subtitle:

- 3 (i) An act that causes serious bodily harm;
- 4 (ii) An act that places the victim in fear of imminent serious bodily
5 harm;
- 6 (iii) Assault in any degree;
- 7 (iv) Rape or sexual offense, as defined in Article 27, §§ 462 through
8 464C of the Code or attempted rape or sexual offense in any degree;
- 9 (v) False imprisonment;
- 10 (vi) Harassment, as described in Article 27, § 123 of the Code;
- 11 (vii) Stalking, as described in Article 27, § 124 of the Code;
- 12 (viii) Trespass, as described in the Trespass subheading of Article 27
13 of the Code; or
- 14 (ix) Malicious destruction of property, as described in Article 27, §
15 111 of the Code.

16 (2) After a review conducted in accordance with [§ 3-810(c)(4)(ii)] §
17 3-8A-10(C)(4)(II) of this subtitle, the State's Attorney may file with the court a peace
18 order request that meets the requirements of paragraph (1) of this subsection.

19 [3-820.2.] 3-8A-19.2.

20 (a) In this section, "residence" includes the yard, grounds, outbuildings, and
21 common areas surrounding the residence.

22 (b) (1) If a peace order request is filed under [§ 3-820.1(b)] § 3-8A-19.1(B) of
23 this subtitle, the respondent shall have an opportunity to be heard on the question of
24 whether the court should issue a peace order.

25 (2) If the court finds by clear and convincing evidence that the
26 respondent has committed, and is likely to commit in the future, an act specified in [§
27 3-820.1(b)] § 3-8A-19.1(B) of this subtitle against the victim, or if the respondent
28 consents to the entry of a peace order, the court may issue a peace order to protect the
29 victim.

30 (c) (1) The peace order may include any or all of the following relief:

31 (i) Order the respondent to refrain from committing or threatening
32 to commit an act specified in [§ 3-820.1(b)] § 3-8A-19.1(B) of this subtitle against the
33 victim;

1 (ii) Order the respondent to refrain from contacting, attempting to
2 contact, or harassing the victim;

3 (iii) Order the respondent to refrain from entering the residence of
4 the victim;

5 (iv) Order the respondent to remain away from the place of
6 employment, school, or temporary residence of the victim; and

7 (v) Direct the respondent or the victim to participate in
8 professionally supervised counseling.

9 (2) If the court issues an order under this section, the order shall contain
10 only the relief that is minimally necessary to protect the victim.

11 (3) All relief granted in a peace order shall be effective for the period
12 stated in the order, not to exceed 6 months.

13 (4) If the court issues an order under this section, the court may impose
14 reasonable court costs against a respondent, or the respondent's parent, guardian, or
15 custodian.

16 [3-820.3.] 3-8A-19.3.

17 (a) A copy of the peace order shall be served on the victim, the respondent, the
18 appropriate law enforcement agency, and any other person the court determines is
19 appropriate, in open court or, if the person is not present at the peace order hearing,
20 by first-class mail to the person's last known address.

21 (b) (1) A copy of the peace order served on the respondent in accordance with
22 subsection (a) of this section constitutes actual notice to the respondent of the
23 contents of the peace order.

24 (2) Service is complete upon mailing.

25 [3-820.4.] 3-8A-19.4.

26 The court may modify or rescind the peace order during the term of the peace
27 order after:

28 (1) Giving notice to the victim and the respondent; and

29 (2) A hearing.

30 [3-820.5.] 3-8A-19.5.

31 (a) A violation of any of the provisions of a peace order specified in [§
32 3-820.2(c)(1)(i), (ii), (iii), or (iv)] § 3-8A-19.2(C)(1)(I), (II), (III), OR (IV) of this subtitle is
33 a delinquent act.

1 (b) A law enforcement officer shall take into custody a child whom the officer
2 has probable cause to believe is in violation of a peace order in effect at the time of the
3 violation.

4 [3-821.] 3-8A-20.

5 (a) Except as provided in [subsections (b), (c), and (f)] SUBSECTION (C) of this
6 section, a party is entitled to the assistance of counsel at every stage of any
7 proceeding under this subtitle.

8 (b) [Except for the petitioner and the child who is the subject of the petition, a
9 party in a child in need of assistance proceeding is not entitled to the assistance of
10 counsel at State expense unless:

11 (1) The party is the custodial parent or guardian of the child alleged to
12 be in need of assistance;

13 (2) The party is indigent; and

14 (3) (i) The proceeding is under § 3-815, § 3-819, or § 3-820 of this
15 subtitle; or

16 (ii) 1. The proceeding is a review hearing under Maryland Rule
17 11-115 or Maryland Rule 11-116 in which:

18 A. The State has moved to remove the child from the custody
19 of the parent or guardian; or

20 B. The parent or guardian has moved to regain custody; and

21 2. Due to the presence of complex factual or legal issues the
22 assistance of counsel is necessary to ensure that the proceeding does not entail the
23 risk of erroneous deprivation of custody.

24 (c) Except as provided in subsection (d) of this section, the Office of the Public
25 Defender may not represent a party in a child in need of assistance proceeding unless:

26 (1) The party is the custodial parent or legal guardian of the child
27 alleged to be in need of assistance;

28 (2) (i) The proceeding is under § 3-815, § 3-819, or § 3-820 of this
29 subtitle; or

30 (ii) The proceeding is under Maryland Rule 11-115 or Maryland
31 Rule 11-116 in which:

32 1. A. The State has moved to remove the child from the
33 custody of the parent or guardian; or

34 B. The parent or guardian has moved to regain custody; and

1 [3-825.] 3-8A-24.

2 (a) Except as provided in subsections (b) and (c) OF THIS SECTION, an order
3 UNDER THIS SUBTITLE vesting legal custody in an individual, agency, or institution is
4 effective for an indeterminate period of time.

5 (b) An order providing for custody of a child adjudicated delinquent or in need
6 of supervision may not exceed three years from the date entered. However, the court
7 may renew the order upon its own motion, or pursuant to a petition filed by the
8 individual, institution, or agency having legal custody after notice and hearing as
9 prescribed by the Maryland Rules.

10 (c) An order under this section is not effective after the child becomes 21 years
11 old.

12 [3-826.] 3-8A-25.

13 If a child is committed UNDER THIS SUBTITLE to an individual or to a public or
14 private agency or institution, the court may require the custodian to file periodic
15 written progress reports, with recommendations for further supervision, treatment,
16 or rehabilitation.

17 [3-827.] 3-8A-26.

18 Pursuant to the procedure provided in the Maryland Rules, the court may make
19 an appropriate order directing, restraining, or otherwise controlling the conduct of a
20 person who is properly before the court UNDER THIS SUBTITLE, if:

21 (1) The court finds that the conduct:

22 (i) Is or may be detrimental or harmful to a child over whom the
23 court has jurisdiction; or

24 (ii) Will tend to defeat the execution of an order or disposition made
25 or to be made; or

26 (iii) Will assist in the rehabilitation of or is necessary for the welfare
27 of the child; and

28 (2) Notice of the application or motion and its grounds has been given as
29 prescribed by the Maryland Rules.

30 [3-828.] 3-8A-27.

31 (a) (1) A police record concerning a child is confidential and shall be
32 maintained separate from those of adults. Its contents may not be divulged, by
33 subpoena or otherwise, except by order of the court upon good cause shown or as
34 otherwise provided in § 7-303 of the Education Article.

35 (2) This subsection does not prohibit:

1 (i) Access to and confidential use of the record by the Department
2 of Juvenile Justice or in the investigation and prosecution of the child by any law
3 enforcement agency; or

4 (ii) A law enforcement agency of the State or of a political
5 subdivision of the State or the criminal justice information system from including, in
6 the law enforcement computer information system, information about an outstanding
7 juvenile court ordered writ of attachment, for the sole purpose of apprehending a child
8 named in the writ.

9 (b) (1) A court record pertaining to a child is confidential and its contents
10 may not be divulged, by subpoena or otherwise, except by order of the court upon good
11 cause shown or as provided in § 7-303 of the Education Article.

12 (2) This subsection does not prohibit access to and the use of the court
13 record or fingerprints of a child described under the Criminal Justice Information
14 System subtitle of Article 27 of the Code in a proceeding in the court involving the
15 child, by personnel of the court, the State's Attorney, counsel for the child, a
16 court-appointed special advocate for the child, or authorized personnel of the
17 Department of Juvenile Justice[, or, in a proceeding involving a child alleged to be in
18 need of assistance, by authorized personnel of the Social Services Administration and
19 local departments of social services of the Department of Human Resources in order
20 to conduct a child abuse or neglect investigation or to comply with requirements
21 imposed under Title IV-E of the Social Security Act].

22 [(3) Information obtained from a juvenile court record by authorized
23 personnel of the Department of Human Resources under paragraph (2) of this
24 subsection is subject to the provisions of Article 88A, § 6 of the Code.]

25 [(4)] (3) (i) Except as provided in subparagraph (ii) of this paragraph,
26 this subsection does not prohibit access to and confidential use of the court record or
27 fingerprints of a child described under the Criminal Justice Information System
28 subtitle of Article 27 of the Code in an investigation and prosecution by a law
29 enforcement agency.

30 (ii) The court record or fingerprints of a child described under
31 Article 27, §§ 747(a)(21) and (22) and 747A of the Code may not be disclosed to:

32 1. A federal criminal justice agency or information center; or

33 2. Any law enforcement agency other than a law enforcement
34 agency of the State or a political subdivision of the State.

35 [(5)] (4) (i) This subsection does not prohibit access to and use of a
36 court record by a judicial officer who is authorized under the Maryland Rules to
37 determine a defendant's eligibility for pretrial release, counsel for the defendant, or
38 the State's Attorney if:

39 1. The individual who is the subject of the court record is
40 charged as an adult with an offense;

1 (b) A person may be convicted under this section even if the child has not been
2 found to have committed a violation[,] OR adjudicated delinquent[,] OR in need of
3 supervision[, or in need of assistance]. However, the court may expunge a delinquent
4 adjudication from the child's record and enter it as a finding in the adult's case.

5 (c) An adult convicted under this section is subject to a fine of not more than
6 \$2,500 or imprisonment for not more than 3 years, or both. The court may suspend
7 sentence and place the adult on probation subject to the terms and conditions it
8 deems to be in the best interests of the child and the public.

9 [3-834.] 3-8A-32.

10 (a) [(1) Subject to paragraph (2) of this subsection, in] IN addition to any
11 requirements relating to the appointment of counsel for children, at any time during
12 the pendency of any action UNDER THIS SUBTITLE, where it appears to the court that
13 the protection of the rights of a child requires independent representation, the court
14 may, upon its own motion, or the motion of any party to the action, appoint an
15 attorney to represent the interest of the child in that particular action. Such actions
16 include but are not limited to those involving a [child in need of assistance,] child in
17 need of supervision, delinquent child, or mentally handicapped child.

18 [(2) In any action in which payment for the services of a court-appointed
19 attorney for the child is the responsibility of the local department of social services,
20 unless the court finds that it would not be in the best interests of the child, the court
21 shall:

22 (i) Appoint an attorney who has contracted with the Department of
23 Human Resources to provide those services, in accordance with the terms of the
24 contract; and

25 (ii) In an action in which an attorney has previously been
26 appointed, strike the appearance of the attorney previously appointed, and appoint
27 the attorney who is currently under contract with the Department of Human
28 Resources, in accordance with the terms of the contract.]

29 (b) The compensation for the services of the attorney UNDER THIS SECTION
30 may be assessed against any party or parties to the action.

31 [(c) In addition to, but not instead of, the appointment of an attorney under
32 subsection (a) of this section, the court, in any action, may appoint an individual
33 provided by the Court-Appointed Special Advocate Program established under §
34 3-834.1 of this subtitle.]

35 [3-835.] 3-8A-33.

36 (a) A law enforcement officer authorized to make arrests shall issue a citation
37 to a child if the officer has probable cause to believe that the child is violating:

38 (1) Article 27, § 400, § 400A, § 400B, § 401, or § 406 of the Code; or

1 (2) § 26-103 of the Education Article.

2 (b) A citation issued under this section shall be in a format prescribed by the
3 Chief Judge of the District Court of Maryland after consultation with police
4 administrators and the Motor Vehicle Administrator. The uniform motor vehicle
5 citation form shall be printed by the District Court, and all other citation forms shall
6 be printed by the law enforcement agencies of the State and signed by the issuing
7 officer and shall contain:

8 (1) The name, address, and birth date of the child being charged with the
9 violation;

10 (2) The name and address of the child's parent or legal guardian;

11 (3) The statute allegedly violated;

12 (4) The time, place, and date of the violation;

13 (5) The driver's license number of the child, if the child possesses a
14 driver's license;

15 (6) The registration number of the motor vehicle, motorcycle, or other
16 vehicle, if applicable;

17 (7) The signature of the child; and

18 (8) The penalties which may be imposed under [§ 3-820] § 3-8A-19 of
19 this subtitle.

20 (c) A copy of the citation issued under this section shall be:

21 (1) Given to the child being charged;

22 (2) Retained by the officer issuing the citation;

23 (3) Mailed within 7 days to the child's parent or legal guardian; and

24 (4) Filed with the intake officer of the court having jurisdiction under
25 this subtitle.

26 4-301.

27 (a) Except as provided in [§ 4-302 and § 3-804] §§ 3-803, 3-8A-03, AND 4-302
28 OF THIS ARTICLE, the District Court has exclusive original jurisdiction in a criminal
29 case in which a person at least 16 years old or a corporation is charged with violation
30 of the vehicle laws, or the State Boat Act, or [rules and] regulations adopted
31 pursuant to [it] THE VEHICLE LAWS OR STATE BOAT ACT.

1 5-805.

2 (a) (3) "Offender" means a person assigned or ordered to perform
3 community service:

4 (i) By a court [according to the provisions of Article 27, § 726A of
5 the Code] UNDER TITLE 8, SUBTITLE 7 OF THE CORRECTIONAL SERVICES ARTICLE or
6 [§ 3-820] § 3-8A-19 of this article; or

7 (ii) By an intake officer under [§ 3-810] § 3-8A-10 of this article.

8 (5) "Private provider" means an organization that:

9 (ii) 2. Provides work projects for juveniles assigned or ordered to
10 perform community service under [§ 3-810] § 3-8A-10 or [§ 3-820] § 3-8A-19 of this
11 article; or

12 12-403.

13 (a) An appeal from the District Court sitting in one of the counties shall be
14 taken to the circuit court [of] FOR the county in which judgment was entered. In
15 Montgomery County, an appeal from the District Court sitting as a juvenile court
16 shall be as provided for in [§ 3-832] §§ 3-808(C) AND 3-8A-31 of this article.

17 **Article - Education**

18 7-303.

19 (a) (5) "Reportable offense" means:

20 (ii) Any of the offenses enumerated in [§ 3-804(e)(4)] §
21 3-8A-03(D)(4) of the Courts Article;

22 26-103.

23 (b) (1) Any person under 18 years of age who violates the provisions of this
24 section shall be issued a citation and be subject to the dispositions for a violation
25 under TITLE 3, Subtitle [8] 8A [of Title 3] of the Courts [and Judicial Proceedings]
26 Article.

27 **Article - Family Law**

28 5-322.

29 (a) (1) (ii) In addition to the notice of filing required under subparagraph
30 (i) of this paragraph, if a petition for guardianship is filed after a juvenile proceeding
31 in which the child has been adjudicated to be a child in need of assistance[, a
32 neglected child, or an abused child], a petitioner shall give notice of the filing of the
33 petition for guardianship to:

1

Article - Health - General

2 10-923.

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

5 (4) On behalf of a child or adolescent, a local department of social
6 services [when the local department] THAT has custody or guardianship of the child
7 or adolescent under [§ 3-820] § 3-819 of the Courts [and Judicial Proceedings]
8 Article;

9 (6) On behalf of a child or adolescent, the Department of Juvenile Justice
10 when the Department has custody or guardianship of the child or adolescent under [§
11 3-820] § 3-819 of the Courts [and Judicial Proceedings] Article; or

12 (7) The circuit court [of] FOR a county[, Baltimore City] sitting as the
13 juvenile court[, and] OR, in Montgomery County, the District Court sitting as THE
14 juvenile court.

15

Article - Insurance

16 19-515.

17 An insurer may not refuse to issue or renew a motor vehicle liability insurance
18 policy under this subtitle on the ground that the applicant has been issued a citation
19 under [§ 3-835] § 3-8A-33 of the Courts Article.

20

Article - Natural Resources

21 8-712.2.

22 (e) A juvenile charged with any violation under this section shall be charged
23 [under] AS PROVIDED IN Title 3, [Subtitle 8] SUBTITLE 8A of the Courts [and
24 Judicial Proceedings] Article.

25

Article - Transportation

26 16-206.

27 (b) (1) Upon notification by the clerk of the court that a child has been
28 adjudicated delinquent for a violation of § 21-902 of this article, or that a finding has
29 been made that a child violated § 21-902 of this article, the Administration shall
30 suspend or revoke the driving privilege of the child in accordance with [§
31 3-824(a)(4)(i)] § 3-8A-23(A)(4)(I) of the Courts Article.

32 (c) (1) Pursuant to a court order under [§ 3-820(e)] § 3-8A-19(E) of the
33 Courts Article, the Administration shall initiate an action to suspend the driving
34 privilege of a child for the time specified by the court.

1 (2) If a child subject to a suspension under [§ 3-820(e)] § 3-8A-19(E) of
2 the Courts Article does not hold a license to operate a motor vehicle on the date of the
3 court order, the suspension shall commence:

4 (i) If the child is at least 16 years of age on the date of the
5 disposition, on the date of the disposition; or

6 (ii) If the child is younger than 16 years of age on the date of the
7 disposition, on the date the child reaches the child's 16th birthday.

8 24-304.

9 (b) The charging of a person with a violation of this subtitle shall be by means
10 of a traffic citation in the form determined under [§ 3-835(b)] § 3-8A-33(B) of the
11 Courts Article.

12 **Article 27 - Crimes and Punishments**

13 402.

14 (a) Any person under the age of 18 years who violates [the provisions] ANY
15 PROVISION of this subheading shall be issued a citation by a police officer authorized
16 to make arrests and shall be subject to the procedures and dispositions provided in
17 [Subtitle 8 of] Title 3, SUBTITLE 8A of the Courts [and Judicial Proceedings] Article.
18 763.

19 (d) A District Court commissioner or an intake officer, as defined in [§
20 3-801(o)] § 3-8A-01 of the Courts Article, may, for good cause shown, impose one or
21 more of the conditions described in subsection (b)(1) through (4) of this section as a
22 condition of the pretrial release of a defendant.

23 **Article - Criminal Procedure**

24 4-202.

25 (b) Except as provided in subsection (c) of this section, a court exercising
26 jurisdiction in a case involving a child may transfer the case to the juvenile court if:

27 (1) the accused child was at least 14 but not 18 years of age when the
28 alleged crime was committed;

29 (2) the alleged crime is excluded from the jurisdiction of the juvenile
30 court under [§ 3-804(e)(1), (4), or (5)] § 3-8A-03(D)(1), (4), OR (5) of the Courts Article;
31 and

32 (3) the court believes that a transfer of its jurisdiction is in the interest of
33 the child or society.

1 (c) The court may not transfer a case to the juvenile court under subsection (b)
2 of this section if:

3 (1) the child previously has been transferred to juvenile court and
4 adjudicated delinquent;

5 (2) the child was convicted in an unrelated case excluded from the
6 jurisdiction of the juvenile court under [§ 3-804(e)(1) or (4)] § 3-8A-03(D)(1) OR (4) of
7 the Courts Article; or

8 (3) the alleged crime is murder in the first degree and the accused child
9 was 16 or 17 years of age when the alleged crime was committed.

10 10-106.

11 (A) IN THIS SECTION, "DELINQUENCY PETITION" MEANS A PETITION FILED
12 UNDER § 3-8A-10 OF THE COURTS ARTICLE ALLEGING THAT A CHILD IS A
13 DELINQUENT CHILD.

14 [(a)] (B) A person may file a petition for expungement of a criminal charge
15 transferred to the juvenile court under § 4-202 of this article:

16 (1) after the date of the decision not to file a DELINQUENCY petition
17 [under § 3-810 of the Courts Article]; or

18 (2) [if a petition is filed under § 3-810 of the Courts Article,] after [a]
19 THE decision ON THE DELINQUENCY PETITION of facts-not-sustained.

20 [(b)] (C) The court may grant a petition for expungement to a person when the
21 person becomes 21 years old, if a charge transferred under § 4-202 of this article
22 resulted in[:

23 (1) the filing of a petition under § 3-810 of the Courts Article; and

24 (2)] the adjudication of the person as a delinquent child.

25 [(c)] (D) A court shall grant a petition for expungement of a criminal charge
26 that was transferred to the juvenile court under § 4-202 of this article, if:

27 (1) the charge that was transferred under § 4-202 of this article did not
28 result in the filing of a DELINQUENCY petition [under § 3-810 of the Courts Article];
29 or

30 (2) the [charge did result in the filing of a petition under § 3-810 of the
31 Courts Article and the] decision on the DELINQUENCY petition was that there was a
32 finding of facts-not-sustained.

33 10-201.

34 (d) (3) "Criminal history record information" does not include:

1 (i) data contained in intelligence or investigatory files or police
2 work product records used only for police investigations;

3 (ii) except as provided in paragraph (2)(ii) and (iii) of this
4 subsection, data about a proceeding under Title 3, [Subtitle 8] SUBTITLE 8A of the
5 Courts Article;

6 (iii) wanted posters, police blotter entries, court records of public
7 judicial proceedings, or published court opinions;

8 (iv) data about a violation of:

9 1. a traffic law of this State or any other traffic law,
10 ordinance, or regulation;

11 2. a local ordinance or a State or local regulation; or

12 3. the Natural Resources Article or a public local law;

13 (v) data about the point system established by the Motor Vehicle
14 Administration under Title 16 of the Transportation Article; or

15 (vi) a presentence investigation report or other report that a
16 probation department prepares for a court to use in the exercise of criminal
17 jurisdiction or for the Governor to use in the exercise of the Governor's power to grant
18 a pardon, reprieve, commutation, or nolle prosequi.

19 10-215.

20 (a) The following events are reportable events under this subtitle that must be
21 reported to the Central Repository in accordance with § 10-214 of this subtitle:

22 (21) an adjudication of a child as delinquent:

23 (i) if the child is at least 14 years old, for an act described in [§
24 3-804(e)(1)] § 3-8A-03(D)(1) of the Courts Article; or

25 (ii) if the child is at least 16 years old, for an act described in [§
26 3-804(e)(4) or (5)] § 3-8A-03(D)(4) OR (5) of the Courts Article;

27 10-216.

28 (e) (1) This subsection only applies to an adjudication of delinquency of a
29 child:

30 (i) for an act described in [§ 3-804(e)(1)] § 3-8A-03(D)(1) of the
31 Courts Article if the child is at least 14 years old; or

32 (ii) for an act described in [§ 3-804(e)(4) or (5)] § 3-8A-03(D)(4) OR
33 (5) of the Courts Article if the child is at least 16 years old.

1 10-220.

2 (a) Except as provided in subsection (b) of this section, notwithstanding any
3 other provision of this subtitle, a criminal justice unit and the Central Repository may
4 not maintain or disseminate criminal history record information in a way that is
5 inconsistent with [§ 3-828] § 3-8A-27 of the Courts Article.

6 (b) Notwithstanding [§ 3-828(a)] § 3-8A-27(A) of the Courts Article, criminal
7 history record information on a child and a record of the fingerprinting of a child
8 required under § 10-216(e) of this subtitle need not be maintained separate from such
9 records on adults.

10 11-113.

11 (c) The following shall notify a victim of prohibited exposure or the victim's
12 representative of the provisions of Part II of this subtitle:

13 (1) a sexual assault crisis program established under § 11-923 of this
14 title when a victim or victim's representative contacts the program;

15 (2) an intake officer who receives a complaint for the alleged prohibited
16 exposure under [§ 3-810] § 3-8A-10 of the Courts Article; or

17 (3) on the filing of a charging document or delinquency petition for the
18 alleged prohibited exposure:

19 (i) the Department of State Police;

20 (ii) the Police Department of Baltimore City;

21 (iii) the police unit of a county;

22 (iv) the police unit of a municipal corporation;

23 (v) the office of the sheriff of a county;

24 (vi) the office of the State's Attorney of a county;

25 (vii) the office of the Attorney General;

26 (viii) the office of the State Prosecutor;

27 (ix) the Department of Juvenile Justice; or

28 (x) the police unit of a bicounty unit or the University of Maryland.

29 11-202.

30 (a) In this section, "victim" has the meaning stated in [§ 3-801] § 3-8A-01 of
31 the Courts Article.

1 (b) A victim of a delinquent act has the rights provided under [§ 3-810] TITLE
2 3, SUBTITLE 8A of the Courts Article.

3 11-302.

4 (b) This section applies to:

5 (1) a criminal trial; and

6 (2) a juvenile delinquency adjudicatory hearing that is held in open court
7 or that a victim or representative may attend under [§ 3-812] § 3-8A-13 of the Courts
8 Article.

9 (g) This section does not limit a victim's or representative's right to attend a
10 trial or juvenile delinquency adjudicatory hearing as provided in [§ 3-812] § 3-8A-13
11 of the Courts Article or § 11-102 of this article.

12 11-402.

13 (c) (1) The prosecuting attorney shall notify a victim who has filed a
14 notification request form under § 11-104 of this title of the victim's right to submit a
15 victim impact statement to the court in a transfer hearing under § 4-202 of this
16 article or a waiver hearing under [§ 3-817] § 3-8A-06 of the Courts Article.

17 (2) This subsection does not preclude a victim who has not filed a
18 notification request form under § 11-104 of this title from submitting a victim impact
19 statement to the court.

20 (3) The court may consider a victim impact statement in determining
21 whether to transfer jurisdiction under § 4-202 of this article or waive jurisdiction
22 under [§ 3-817] § 3-8A-06 of the Courts Article.

23 **Article 83C - Juvenile Justice**

24 2-101.

25 (b) It is the policy of the State that the Department comply with the provisions
26 of §§ 3-802 AND 3-8A-02 of the Courts [and Judicial Proceedings] Article.

27 2-112.

28 Detention, adjudication, disposition, and place and period of commitment in
29 juvenile causes AS TO CHILDREN IN NEED OF SUPERVISION AND DELINQUENT
30 CHILDREN are governed by Title 3, [Subtitle 8] SUBTITLE 8A of the Courts Article.

31 2-118.

32 (b) Subject to the provisions of Title 3, [Subtitle 8] SUBTITLES 8 AND 8A of the
33 Courts Article, the Department shall:

34 (1) Adopt [rules and] regulations that set:

1 (i) Policies for admission, transfer, discharge, and aftercare
2 supervision; and

3 (ii) Standards of care, including provisions to administer any early,
4 periodic screening diagnosis and treatment program that the Department approves
5 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to
6 treat appropriately any condition that the screening reveals; and

7 (2) Order any needed changes in the policy, conduct, or management of a
8 facility to provide adequate care for the children and adequate services to the courts.

9 2-126.

10 (a) If requested by a court sitting as a juvenile court or by any other court in a
11 proceeding that involves the interest of a minor, the Department shall provide the
12 services described in this article.

13 (b) The Department shall provide the employees needed to supply such
14 services as may be required by order of a judge sitting as a juvenile court.

15 (c) The Department shall cooperate with the judges of the juvenile court in
16 carrying out the objectives of this article and Title 3, [Subtitle 8] SUBTITLES 8 AND
17 8A of the Courts [and Judicial Proceedings] Article.

18 SECTION 7. AND BE IT FURTHER ENACTED, That this Act does not affect
19 the validity of any proceeding pending on the effective date of this Act and does not
20 affect the release, extinguishment, or alteration, wholly or partly, of any penalty,
21 forfeiture, or liability, whether civil or criminal, which shall have occurred under any
22 statute amended or repealed by this Act and such statute shall be treated as still
23 remaining in force for the purpose of sustaining any and all proper actions for the
24 enforcement of such penalty, forfeiture, or liability and any judgment, decree, or order
25 that can be rendered in such action.

26 SECTION 8. AND BE IT FURTHER ENACTED, That the Committee Notes
27 contained this Act are not law and may not be construed to have been enacted as part
28 of this Act.

29 SECTION 9. AND BE IT FURTHER ENACTED, That Section 4 of this Act
30 shall take effect beginning with the fiscal year in which funding for § 3-813(c) of the
31 Courts and Judicial Proceedings Article as enacted by Section 4 of this Act is first
32 enacted as part of the budget for the Office of the Public Defender.

33 SECTION 10. AND BE IT FURTHER ENACTED, That Section 5 of this Act
34 shall take effect beginning with the fiscal year in which funding to offset the county
35 funding is first enacted as part of the budget for the Judicial Branch.

36 SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in
37 Sections 9 and 10 of this Act, this Act shall take effect October 1, 2001.

