

SENATE BILL 394

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2002 Regular Session
(21r1864)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Baker and Green**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Causes - Children in Need of Assistance - Hearings and**
3 **Guardianship**

4 FOR the purpose of altering certain terminology relating to certain hearings in child
5 in need of assistance proceedings; altering the amount of time that a certain
6 person can be placed at an inpatient facility under certain circumstances;
7 requiring a local department of social services to ~~provide a certain notification to~~
8 notify the parents and their attorneys of certain decisions if a certain
9 guardianship of a child is awarded to the local department; authorizing a court
10 to dismiss a case instead of a petition in certain circumstances; clarifying that a
11 certain hearing is called an emergency review placement hearing; clarifying
12 when certain shelter care and emergency review placement hearings are
13 required to be held; making certain stylistic changes; and generally relating to
14 child in need of assistance proceedings.

15 BY renumbering

16 Article - Courts and Judicial Proceedings

1 Section 3-819(e), (f), (g), (h), (i), (j), and (k), respectively
2 to be Section 3-819(f), (g), (h), (i), (j), (k), and (l), respectively
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 2001 Supplement)

5 BY repealing
6 Article - Courts and Judicial Proceedings
7 Section 3-801.1
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 2001 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 3-801(c), 3-807(a)(4)(i), 3-816(b) and (c)(1), 3-817(a) and (b), 3-819(a)
13 and (d), 3-820(d), (e), and (f), and 3-826(a)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 3-815(c)(2)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2001 Supplement)
21 (As enacted by Section 5 of Chapter 29 of the Acts of the General Assembly of
22 2001)

23 BY adding to
24 Article - Courts and Judicial Proceedings
25 Section 3-819(d)
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 2001 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That Section(s) 3-819(e), (f), (g), (h), (i), (j), and (k), respectively, of
30 Article - Courts and Judicial Proceedings of the Annotated Code of Maryland be
31 renumbered to be Section(s) 3-819(f), (g), (h), (i), (j), (k), and (l), respectively.

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

1 **Article - Courts and Judicial Proceedings**

2 3-801.

3 (c) "[Adjudication] ADJUDICATORY hearing" means a hearing under this
4 subtitle to determine whether the allegations in the petition, other than the
5 allegation that the child requires the court's intervention, are true.

6 [3-801.1.

7 If guardianship of a child is awarded under this subtitle, the guardian shall
8 notify the parents of the child as soon as practicable of any emergency decision made
9 by the guardian with respect to the child under § 3-801(o) of this subtitle.]

10 3-807.

11 (a) (4) (i) In Prince George's County, the judges of the circuit court may
12 not appoint or continue the appointment of masters for juvenile causes, except for the
13 purpose of conducting:

14 1. Probable cause hearings, detention hearings,
15 arraignments, acceptances of admissions, and restitution hearings in delinquency
16 cases under Subtitle 8A of this title; and

17 2. Shelter care, [adjudication] ADJUDICATORY, and
18 disposition hearings in CINA cases under this subtitle.

19 3-815.

20 (c) (2) (i) The court shall hold a shelter care hearing on the petition before
21 disposition to determine whether the temporary placement of the child outside of the
22 home is warranted.

23 (ii) Unless extended on good cause shown, a shelter care hearing
24 shall be held not later than the next day on which the circuit court [sits] IS IN
25 SESSION.

26 3-816.

27 (b) (1) As part of a study under this section, the court may order that the
28 child or any parent, guardian, or custodian be examined at a suitable place by a
29 physician, psychiatrist, psychologist, or other professionally qualified person.

30 (2) (i) The court may not order an inpatient evaluation unless, after a
31 hearing, the court finds that an inpatient evaluation is necessary and there are no
32 less restrictive means to obtain an evaluation.

33 (ii) Placement in an inpatient facility may not exceed [20] 21 days
34 unless the court finds good cause.

1 (c) (1) The report of a study under this section is admissible as evidence at a
2 disposition hearing but not at an [adjudication] ADJUDICATORY hearing.

3 3-817.

4 (a) After a petition is filed under this subtitle, the court shall hold an
5 [adjudication] ADJUDICATORY hearing.

6 (b) The rules of evidence under Title 5 of the Maryland Rules shall apply at an
7 [adjudication] ADJUDICATORY hearing.

8 3-819.

9 (a) (1) Unless a petition under this subtitle is dismissed, the court shall hold
10 a separate disposition hearing after an [adjudication] ADJUDICATORY hearing to
11 determine whether the child is a CINA.

12 (2) The disposition hearing shall be held on the same day as the
13 [adjudication] ADJUDICATORY hearing unless on its own motion or motion of a party,
14 the court finds that there is good cause to delay the disposition hearing to a later day.

15 (3) If the court delays a disposition hearing, it shall be held no later than
16 30 days after the conclusion of the [adjudication] ADJUDICATORY hearing unless
17 good cause is shown.

18 (D) IF GUARDIANSHIP OF A CHILD IS AWARDED TO THE LOCAL DEPARTMENT
19 UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL NOTIFY THE PARENTS OF
20 THE CHILD AND THEIR ATTORNEYS AS SOON AS PRACTICABLE OF ANY EMERGENCY
21 DECISION MADE BY THE GUARDIAN WITH RESPECT TO THE CHILD UNDER § 3-801(O)
22 OF THIS SUBTITLE.

23 [(d)] (E) If the allegations in the petition are sustained against only one
24 parent of a child, and there is another parent available who is able and willing to care
25 for the child, the court may not find that the child is a child in need of assistance, but,
26 before dismissing the [petition] CASE, the court may award custody to the other
27 parent.

28 3-820.

29 (d) (1) The court shall hold an emergency review PLACEMENT hearing on
30 the motion not later than the next day on which the circuit court ~~sits or, in~~
31 ~~Montgomery County, the next day on which the District Court [sits]~~ IS IN SESSION.

32 (2) All parties shall be given reasonable notice of the hearing.

33 (e) At the emergency review PLACEMENT hearing, the court's decision to
34 reject or to ratify the local department's removal of the child shall be based upon such
35 evidence as would be sufficient under § 3-815(d) of this subtitle to order shelter care.

1 (f) (1) Unless all parties agree to the court's order at the emergency review
2 PLACEMENT hearing, the court, at that hearing, shall schedule a regular review
3 hearing within 30 days after the emergency review hearing for a full hearing on the
4 merits of the local department's action.

5 (2) At the full hearing on the merits, the rules of evidence under Title 5
6 of the Maryland Rules shall apply.

7 (3) The hearing may be postponed by agreement of the parties or for good
8 cause shown.

9 3-826.

10 (a) (1) Unless the court directs otherwise, a local department shall provide
11 all parties with a written report at least 10 days before any scheduled disposition,
12 permanency planning, or review hearing under § 3-819 or § 3-823 of this subtitle.

13 (2) The time requirements specified in paragraph (1) of this subsection
14 do not apply to an emergency review PLACEMENT hearing under § 3-820 of this
15 subtitle.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2002.