
By: **Senators Baker and Green**

Introduced and read first time: January 30, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

12 BY renumbering

13 Article - Courts and Judicial Proceedings
14 Section 3-819(e), (f), (g), (h), (i), (j), and (k), respectively
15 to be Section 3-819(f), (g), (h), (i), (j), (k), and (l), respectively
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2001 Supplement)

18 BY repealing

19 Article - Courts and Judicial Proceedings
20 Section 3-801.1
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2001 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article - Courts and Judicial Proceedings
25 Section 3-801(c), 3-807(a)(4)(i), 3-816(b) and (c)(1), 3-817(a) and (b), 3-819(a)
26 and (d), 3-820(d), (e), and (f), and 3-826(a)
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2001 Supplement)

29 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
2 Section 3-815(c)(2)
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 2001 Supplement)
5 (As enacted by Section 5 of Chapter 29 of the Acts of the General Assembly of
6 2001)

7 BY adding to
8 Article - Courts and Judicial Proceedings
9 Section 3-819(d)
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2001 Supplement)

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

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

18 **Article - Courts and Judicial Proceedings**

19 3-801.

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

23 [3-801.1.

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

27 3-807.

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

31 1. Probable cause hearings, detention hearings,
32 arraignments, acceptances of admissions, and restitution hearings in delinquency
33 cases under Subtitle 8A of this title; and

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

1 3-815.

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

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

8 3-816.

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

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

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

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

19 3-817.

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

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

24 3-819.

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

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

31 (3) If the court delays a disposition hearing, it shall be held no later than
32 30 days after the conclusion of the [adjudication] ADJUDICATORY hearing unless
33 good cause is shown.

34 (D) IF GUARDIANSHIP OF A CHILD IS AWARDED TO THE LOCAL DEPARTMENT
35 UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL NOTIFY THE PARENTS OF

1 THE CHILD AS SOON AS PRACTICABLE OF ANY EMERGENCY DECISION MADE BY THE
2 GUARDIAN WITH RESPECT TO THE CHILD UNDER § 3-801(O) OF THIS SUBTITLE.

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

8 3-820.

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

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

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

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

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

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

24 3-826.

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

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

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