

SENATE BILL 394

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2002 Regular Session
2r1864
CF 2r1274

By: **Senators Baker and Green**
Introduced and read first time: January 30, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 19, 2002

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 of certain decisions if a certain guardianship of a child is
9 awarded to the local department; authorizing a court to dismiss a case instead of
10 a petition in certain circumstances; clarifying that a certain hearing is called an
11 emergency review placement hearing; clarifying when certain shelter care and
12 emergency review placement hearings are required to be held; making certain
13 stylistic changes; and generally relating to child in need of assistance
14 proceedings.

15 BY renumbering
16 Article - Courts and Judicial Proceedings
17 Section 3-819(e), (f), (g), (h), (i), (j), and (k), respectively
18 to be Section 3-819(f), (g), (h), (i), (j), (k), and (l), respectively
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2001 Supplement)

21 BY repealing
22 Article - Courts and Judicial Proceedings
23 Section 3-801.1
24 Annotated Code of Maryland

1 (1998 Replacement Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article - Courts and Judicial Proceedings
4 Section 3-801(c), 3-807(a)(4)(i), 3-816(b) and (c)(1), 3-817(a) and (b), 3-819(a)
5 and (d), 3-820(d), (e), and (f), and 3-826(a)
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2001 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 3-815(c)(2)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2001 Supplement)
13 (As enacted by Section 5 of Chapter 29 of the Acts of the General Assembly of
14 2001)

15 BY adding to
16 Article - Courts and Judicial Proceedings
17 Section 3-819(d)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

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

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

26 **Article - Courts and Judicial Proceedings**

27 3-801.

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

31 [3-801.1.

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

1 3-807.

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

5 1. Probable cause hearings, detention hearings,
6 arraignments, acceptances of admissions, and restitution hearings in delinquency
7 cases under Subtitle 8A of this title; and

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

10 3-815.

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

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

17 3-816.

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

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

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

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

28 3-817.

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

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

1 3-819.

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

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

8 (3) If the court delays a disposition hearing, it shall be held no later than
9 30 days after the conclusion of the [adjudication] ADJUDICATORY hearing unless
10 good cause is shown.

11 (D) IF GUARDIANSHIP OF A CHILD IS AWARDED TO THE LOCAL DEPARTMENT
12 UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL NOTIFY THE PARENTS OF
13 THE CHILD AS SOON AS PRACTICABLE OF ANY EMERGENCY DECISION MADE BY THE
14 GUARDIAN WITH RESPECT TO THE CHILD UNDER § 3-801(O) OF THIS SUBTITLE.

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

20 3-820.

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

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

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

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

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

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

1 3-826.

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

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

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