

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1081

(Chairman, Judiciary Committee)  
(Departmental - Juvenile Justice)

Judiciary

Judicial Proceedings

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**Juvenile Justice - Community Detention**

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This departmental bill establishes “community detention” as a condition of probation or an alternative placement for children alleged or found to be delinquent. It establishes requirements for when a child taken into custody may be placed in community detention prior to a hearing. The bill also alters the requirements that must be met for a child taken into custody to be placed in detention or emergency shelter care prior to a hearing. Existing hearing timelines and procedures for children placed in detention also apply to children in community detention.

The bill authorizes the Department of Juvenile Justice (DJJ), unless specifically prohibited by the court, to release a child from detention to community detention. If the released child violates conditions of community detention and if necessary to protect the child or others, DJJ may re-detain the child. DJJ must promptly notify the court of a child’s move from or to detention. Escape from a community detention placement is a misdemeanor subject to imprisonment not exceeding three years or a fine not exceeding \$5,000 or both.

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**Fiscal Summary**

**State Effect:** None. DJJ advises that the bill codifies existing practice.

**Local Effect:** None -- see above.

**Small Business Effect:** DJJ has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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## Analysis

**Bill Summary:** “Community detention” means a program monitored by DJJ in which a delinquent child or child alleged to be delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention. It includes electronic monitoring. DJJ must adopt regulations that set policies for detention authorization and community detention.

A child taken into custody may be placed in detention or community detention prior to a hearing if: (1) such action is required to protect the child or others; or (2) the child is likely to leave the jurisdiction of the court.

A child taken into custody may be placed in emergency shelter care or community detention prior to a hearing if:

- (1) such action is required to protect the child or person and property of others; (2) the child is likely to leave the jurisdiction of the court; or (3) there is no parent, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required; and
- (1) continuation of the child in the child’s home is contrary to the child’s welfare; (2) removal of the child from the child’s home is reasonable due to an alleged emergency situation and in order to provide for the child’s safety; or (3) reasonable but unsuccessful efforts have been made to prevent or eliminate the need for removal from the child’s home and, as appropriate, reasonable efforts are being made to return the child home.

The existing hearing timelines and procedures for children placed in detention also apply to children in community detention.

The bill authorizes DJJ, unless specifically prohibited by the court, to release a child from detention to community detention. If the released child violates conditions of community detention and if necessary to protect the child or others, DJJ may re-detain the child. DJJ must promptly notify the court of a child’s move from or to detention. Escape from a community detention placement is a misdemeanor subject to imprisonment not exceeding three years or a fine not exceeding \$5,000 or both.

**Current Law:** A child taken into custody may be placed in detention prior to a hearing if: (1) such action is required to protect the child or person and property of others; (2) the child is likely to leave the jurisdiction of the court; or (3) there are no parents, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required. A child taken into custody may be placed in

emergency shelter care prior to a hearing when one or more of these same circumstances exists, and: (1) continuation of the child in the child's home is contrary to the child's welfare; (2) removal of the child from the child's home is reasonable due to an alleged emergency situation and in order to provide for the child's safety; or (3) reasonable but unsuccessful efforts have been made to prevent or eliminate the need for removal from the child's home and, as appropriate, reasonable efforts are being made to return the child home.

If the child is not released, the intake officer or the official who authorized detention or shelter care must immediately file a petition to authorize continued detention or shelter care. A hearing on the petition must be held not later than the next court day, unless extended by the court upon good cause shown. Reasonable notice stating the time, place, and purpose of the hearing must be given to the child and, if they can be found, the child's parents, guardian, or custodian. Shelter care may not be ordered for a period of more than 30 days unless an adjudicatory or waiver hearing is held, except that for a child in need of supervision or a delinquent child, shelter care may be extended for an additional period of not more than 30 days if the court finds that continued shelter care is consistent with the same circumstances stated for detention or emergency shelter care placement of a child taken into custody.

An adjudicatory or waiver hearing must be held no later than 30 days after the date a petition for detention is granted. If a child is detained after an adjudicatory hearing, a disposition hearing must be held within 14 days after the adjudicatory hearing.

Detention time may be extended in increments of not more than 14 days where the petition charges the child with a delinquent act and where the court finds, after a subsequent hearing, that extended detention is necessary for the protection of the child or community. Detention may not be continued beyond emergency detention unless, upon an order of court after a hearing, the court has found that one or more of the circumstances stated for detention or emergency shelter care placement of a child taken into custody exist. A court order for continued detention must contain a written determination of whether or not the "contrary to welfare" and "reasonable efforts" criteria have been met.

Escape from a juvenile facility is a misdemeanor subject to imprisonment not exceeding three years or a fine not exceeding \$5,000 or both.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Justice, Department of Legislative Services

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