

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 394

(Senators Baker and Green)

Judicial Proceedings

Judiciary

Juvenile Causes - Children in Need of Assistance - Hearings and Guardianship

This bill makes a number of clarifying changes in the laws governing child in need of assistance (CINA) proceedings in juvenile court. The bill alters terminology regarding hearings by changing references to “adjudication hearing” and “emergency review hearing” to “adjudicatory hearing” and “emergency review placement hearing,” respectively. It clarifies that, unless extended for good cause, a shelter care hearing must be held no later than the next day that the circuit court is in session. The bill extends the maximum time for an inpatient facility placement for evaluation of a child, parent, guardian or custodian, pursuant to court order, from 20 to 21 days. The bill clarifies that before a court dismisses a case, if allegations in a CINA petition against one parent are sustained, but the other parent is able and willing to care for the child, the court may award custody to the other parent. The court is required to hold an emergency review placement hearing not later than the next day that the circuit court is in session. The bill clarifies that a requirement to notify the parents and their attorneys of any emergency decision made by a child’s guardian applies only when guardianship is awarded to the local department of social services.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Current law establishes procedures for “adjudication” hearings and “emergency review” hearings. A shelter care hearing is required to be held not later than the next day on which the circuit court sits, unless the hearing was extended for good cause. The maximum inpatient facility placement for evaluation of a child, parent, guardian or custodian, pursuant to court order, is 20 days. Before dismissing a petition, if the court finds that allegations are sustained against one parent, but the other parent is able and willing to care for the child, the court is authorized to award custody to the other parent.

Background: Last session, the General Assembly passed legislation (SB 660/Chapter 415 of 2001) proposed by the Foster Care Court Improvement Project (FCCIP) of the Maryland Judicial Conference to revise and reorganize the laws governing juvenile court proceedings. That bill separated the laws pertaining to child in need of assistance (CINA) proceedings from those pertaining to delinquency and child in need of supervision (CINS) proceedings and made a number of substantive changes to the CINA provisions.

Following enactment of Senate Bill 660, FCCIP received feedback from judges, masters, and attorneys involved in CINA cases regarding provisions that needed clarification. This bill was proposed by FCCIP to respond to those suggestions.

Additional Information

Prior Introductions: None.

Cross File: HB 970 (Delegate Montague, *et al.*) – Judiciary.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2002
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