
By: **Senator Klausmeier**

Introduced and read first time: February 24, 2003

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 3, 2003

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2003

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Causes - Facilities Used for Detention - Accommodation of**
3 **Children Awaiting Placement After Disposition**

4 FOR the purpose of prohibiting a child from being accommodated in a facility used for
5 detention for more than a certain period of time after the court has made a
6 disposition on a certain petition except under certain circumstances; authorizing
7 the court to order that a child be accommodated in a facility used for detention
8 for a specified period of time under certain circumstances; authorizing the court
9 to extend the period of time for which a certain child may be accommodated in a
10 facility used for detention; requiring the Department of Juvenile Justice to make
11 ~~a certain report~~ reports under certain circumstances; and generally relating to
12 the accommodation of a child in a facility used for detention after disposition.

13 BY repealing and reenacting, without amendments,
14 Article - Courts and Judicial Proceedings
15 Section 3-8A-01(m)
16 Annotated Code of Maryland
17 (2002 Replacement Volume)

18 BY adding to
19 Article - Courts and Judicial Proceedings
20 Section 3-8A-15(k)
21 Annotated Code of Maryland
22 (2002 Replacement Volume)

23 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
2 Section 3-8A-19(d)
3 Annotated Code of Maryland
4 (2002 Replacement Volume)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Courts and Judicial Proceedings**

8 3-8A-01.

9 (m) "Detention" means the temporary care of children who, pending court
10 disposition, require secure custody for the protection of themselves or the community,
11 in physically restricting facilities.

12 3-8A-15.

13 (K) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
14 SUBSECTION, A CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR
15 DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN ADJUDICATED
16 DELINQUENT FOR MORE THAN ~~45~~ 25 DAYS AFTER THE COURT ~~MAKES~~ HAS MADE A
17 DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE.

18 (2) THE COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A
19 FACILITY USED FOR DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS
20 BEEN ADJUDICATED DELINQUENT FOR A SPECIFIED PERIOD OF TIME NOT TO
21 EXCEED 45 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT
22 ACCOMMODATION IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE
23 PLACEMENT OF THE CHILD.

24 (3) THE COURT MAY EXTEND THE PERIOD OF TIME SPECIFIED IN
25 PARAGRAPH (2) OF THIS SUBSECTION IN INCREMENTS OF NOT MORE THAN 30 DAYS
26 FOR A CHILD FOR WHOM THE DISPOSITION IS PLACEMENT IN A SECURE FACILITY.

27 (4) IF A CHILD REMAINS IN A FACILITY USED FOR DETENTION BEYOND
28 ANY PERIOD OF TIME AUTHORIZED UNDER PARAGRAPH (1), (2), OR (3) OF THIS
29 SUBSECTION, THE DEPARTMENT OF JUVENILE JUSTICE SHALL:

30 (I) SUBMIT A REPORT TO THE COURT ON THE RECORD
31 EXPLAINING THE REASONS FOR CONTINUED DETENTION; AND

32 (II) EVERY 30 DAYS THEREAFTER, SUBMIT ANOTHER REPORT TO
33 THE COURT ON THE RECORD EXPLAINING THE REASONS FOR CONTINUED
34 DETENTION.

1 3-8A-19.

2 (d) (1) In making a disposition on a petition under this subtitle, the court
3 may:

4 (i) Place the child on probation or under supervision in his own
5 home or in the custody or under the guardianship of a relative or other fit person,
6 upon terms the court deems appropriate, including community detention;

7 (ii) Subject to the provisions of paragraph (2) of this subsection,
8 commit the child to the custody or under the guardianship of the Department of
9 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or
10 licensed private agency on terms that the court considers appropriate to meet the
11 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of
12 facility where the child is to be accommodated, until custody or guardianship is
13 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;
14 or

15 (iii) Order the child, parents, guardian, or custodian of the child to
16 participate in rehabilitative services that are in the best interest of the child and the
17 family.

18 (2) In addition to the provisions of paragraph (1) of this subsection, in
19 making a disposition on a petition, the court may adopt a treatment service plan, as
20 defined in § 3-8A-20.1 of this subtitle.

21 (3) A child committed under paragraph (1)(i) of this subsection may not:

22 (I) [be] BE accommodated in a facility that has reached budgeted
23 capacity if a bed is available in another comparable facility in the State, unless the
24 placement to the facility that has reached budgeted capacity has been recommended
25 by the Department of Juvenile Justice; OR

26 (II) EXCEPT AS PROVIDED IN § 3-8A-15(K) OF THIS SUBTITLE, BE
27 ACCOMMODATED IN A FACILITY USED FOR DETENTION.

28 (4) The court shall consider any oral address made in accordance with §
29 11-403 of the Criminal Procedure Article or any victim impact statement, as
30 described in § 11-402 of the Criminal Procedure Article, in determining an
31 appropriate disposition on a petition.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
33 Juvenile Justice shall report to the General Assembly on or before July 1, 2004, in
34 accordance with § 2-1246 of the State Government Article, on the implementation of
35 this Act.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2003.

