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By: **Delegate Bartlett**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Children in Need of Assistance or Supervision - Notice of Truancy**

3 FOR the purpose of authorizing the juvenile court to notify certain school officials of  
4 the fact that a child has been found to be in need of assistance or in need of  
5 supervision; prohibiting the notice to school officials from including a certain  
6 order or pleading; requiring certain school officials to notify the juvenile court on  
7 receipt of a certain report; and generally relating to children in need of  
8 assistance and children in need of supervision.

9 BY repealing and reenacting, without amendments,  
10 Article - Courts and Judicial Proceedings  
11 Section 3-819(a) and (b)  
12 Annotated Code of Maryland  
13 (2002 Replacement Volume and 2004 Supplement)

14 BY adding to  
15 Article - Courts and Judicial Proceedings  
16 Section 3-819(b-1)  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Courts and Judicial Proceedings  
21 Section 3-8A-19(d)  
22 Annotated Code of Maryland  
23 (2002 Replacement Volume and 2004 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Education  
26 Section 7-302  
27 Annotated Code of Maryland  
28 (2004 Replacement Volume and 2004 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 3-819.

5 (a) (1) Unless a CINA petition under this subtitle is dismissed, the court  
6 shall hold a separate disposition hearing after an adjudicatory hearing to determine  
7 whether the child is a CINA.

8 (2) The disposition hearing shall be held on the same day as the  
9 adjudicatory hearing unless on its own motion or motion of a party, the court finds  
10 that there is good cause to delay the disposition hearing to a later day.

11 (3) If the court delays a disposition hearing, it shall be held no later than  
12 30 days after the conclusion of the adjudicatory hearing unless good cause is shown.

13 (b) In making a disposition on a CINA petition under this subtitle, the court  
14 shall:

15 (1) Find that the child is not in need of assistance and, except as  
16 provided in subsection (e) of this section, dismiss the case; or

17 (2) Find that the child is in need of assistance and:

18 (i) Not change the child's custody status; or

19 (ii) Commit the child to the custody of:

20 1. A parent, relative, or other individual on terms the court  
21 considers appropriate; or

22 2. A local department, the Department of Health and Mental  
23 Hygiene, or both, on terms that the court considers appropriate, including designation  
24 of the type of facility where the child is to be placed.

25 (B-1) (1) IF THE COURT FINDS THAT A CHILD IS IN NEED OF ASSISTANCE, THE  
26 COURT MAY NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL  
27 PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY  
28 SUPERINTENDENT OF THE FACT THAT THE CHILD HAS BEEN FOUND TO BE IN NEED  
29 OF ASSISTANCE.

30 (2) THE NOTICE MAY NOT INCLUDE ANY ORDER OR PLEADING RELATED  
31 TO THE CHILD IN NEED OF ASSISTANCE CASE.

32 3-8A-19.

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

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

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

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

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

18 (3) A child committed under paragraph (1)(ii) of this subsection may not  
19 be accommodated in a facility that has reached budgeted capacity if a bed is available  
20 in another comparable facility in the State, unless the placement to the facility that  
21 has reached budgeted capacity has been recommended by the Department of Juvenile  
22 Services.

23 (4) The court shall consider any oral address made in accordance with §  
24 11-403 of the Criminal Procedure Article or any victim impact statement, as  
25 described in § 11-402 of the Criminal Procedure Article, in determining an  
26 appropriate disposition on a petition.

27 (5) (I) IF THE COURT FINDS THAT A CHILD IS IN NEED OF  
28 SUPERVISION, THE COURT MAY NOTIFY THE COUNTY SUPERINTENDENT, THE  
29 SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER OFFICIAL DESIGNATED BY THE  
30 COUNTY SUPERINTENDENT OF THE FACT THAT THE CHILD HAS BEEN FOUND TO BE  
31 IN NEED OF SUPERVISION.

32 (II) THE NOTICE MAY NOT INCLUDE ANY ORDER OR PLEADING  
33 RELATED TO THE CHILD IN NEED OF SUPERVISION CASE.

34 **Article - Education**

35 7-302.

36 (a) The principal or head teacher of each public or private school in this State  
37 shall report immediately to the county superintendent, the supervisor of pupil  
38 personnel, or any other official designated by the county superintendent the name of  
39 each child enrolled in his school who has been absent or irregular in attendance,

1 without lawful excuse, or who shows evidence of maladjustment, so that the causes  
2 may be studied and solutions worked out.

3 (B) ON RECEIPT OF A REPORT FROM A PRINCIPAL OR HEAD TEACHER UNDER  
4 SUBSECTION (A) OF THIS SECTION, THE COUNTY SUPERINTENDENT, THE  
5 SUPERINTENDENT'S DESIGNEE, OR THE SUPERVISOR OF PUPIL PERSONNEL  
6 IMMEDIATELY SHALL NOTIFY A JUVENILE COURT FROM WHICH A NOTICE WAS  
7 RECEIVED UNDER § 3-819(B-1) OR § 3-8A-19(D)(5) OF THE COURTS ARTICLE.

8 [(b)] (C) On receipt of a report from a principal or head teacher of a public  
9 school that a student has been habitually truant without lawful excuse, the  
10 appropriate representative of the school system:

11 (1) Shall initiate an investigation into the cause of the child's truancy;

12 (2) May provide counseling regarding the availability of social, health,  
13 and educational services; and

14 (3) Following the investigation or intervention, may notify the  
15 Department of Juvenile Services that the student has been habitually truant, without  
16 lawful excuse.

17 [(c)] (D) The county superintendent, the superintendent's designee, or the  
18 supervisor of pupil personnel shall provide to the local education agency for inclusion  
19 in the report of the local education agency under § 7-304(f)(1) of this subtitle  
20 information regarding the number of students identified as being habitually truant.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2005.