
By: **Delegate Bartlett**
Introduced and read first time: February 10, 2005
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2005

CHAPTER _____

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 and has been committed to a certain custody or under a certain
6 guardianship; prohibiting the notice to school officials from including a certain
7 order or pleading; requiring certain school officials to ~~notify the juvenile court~~
8 give certain notice to a local department of social services or the Department of
9 Juvenile Services on receipt of a certain report under certain circumstances; and
10 generally relating to children in need of assistance and children in need of
11 supervision.

12 BY repealing and reenacting, without amendments,
13 Article - Courts and Judicial Proceedings
14 Section 3-819(a) and (b)
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2004 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 3-819(b-1)
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Courts and Judicial Proceedings

1 Section 3-8A-19(d)
2 Annotated Code of Maryland
3 (2002 Replacement Volume and 2004 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Education
6 Section 7-302
7 Annotated Code of Maryland
8 (2004 Replacement Volume and 2004 Supplement)

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

11 **Article - Courts and Judicial Proceedings**

12 3-819.

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

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

19 (3) If the court delays a disposition hearing, it shall be held no later than
20 30 days after the conclusion of the adjudicatory hearing unless good cause is shown.

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

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

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

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

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

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

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

33 (B-1) (1) IF THE COURT FINDS THAT A CHILD IS IN NEED OF ASSISTANCE AND
34 COMMITTS THE CHILD TO THE CUSTODY OF A LOCAL DEPARTMENT, THE COURT MAY

1 NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL,
2 OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE
3 FACT THAT THE CHILD HAS BEEN FOUND TO BE IN NEED OF ASSISTANCE AND HAS
4 BEEN COMMITTED TO THE CUSTODY OF A LOCAL DEPARTMENT.

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

7 3-8A-19.

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

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

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

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

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

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

32 (4) The court shall consider any oral address made in accordance with §
33 11-403 of the Criminal Procedure Article or any victim impact statement, as
34 described in § 11-402 of the Criminal Procedure Article, in determining an
35 appropriate disposition on a petition.

36 (5) (1) IF THE COURT FINDS THAT A CHILD IS IN NEED OF
37 SUPERVISION AND COMMITS THE CHILD TO THE CUSTODY OR UNDER THE
38 GUARDIANSHIP OF THE DEPARTMENT OF JUVENILE SERVICES, THE COURT MAY
39 NOTIFY THE COUNTY SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL,
40 OR ANY OTHER OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT OF THE

1 FACT THAT THE CHILD HAS BEEN FOUND TO BE IN NEED OF SUPERVISION AND HAS
 2 BEEN COMMITTED TO THE CUSTODY OR UNDER THE GUARDIANSHIP OF THE
 3 DEPARTMENT OF JUVENILE SERVICES.

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

6 **Article - Education**

7 7-302.

8 (a) The principal or head teacher of each public or private school in this State
 9 shall report immediately to the county superintendent, the supervisor of pupil
 10 personnel, or any other official designated by the county superintendent the name of
 11 each child enrolled in his school who has been absent or irregular in attendance,
 12 without lawful excuse, or who shows evidence of maladjustment, so that the causes
 13 may be studied and solutions worked out.

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

19 ~~{b)}~~ ~~(C)~~ On receipt of a report from a principal or head teacher of a public
 20 school that a student has been habitually truant without lawful excuse, the
 21 appropriate representative of the school system:

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

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

25 (3) Following the investigation or ~~intervention,~~ INTERVENTION:

26 (I) MAY notify the Department of Juvenile Services that the
 27 student has been habitually truant, without lawful excuse;

28 (II) SHALL NOTIFY THE APPROPRIATE LOCAL DEPARTMENT THAT
 29 THE STUDENT HAS BEEN HABITUALLY TRUANT, WITHOUT LAWFUL EXCUSE, IF A
 30 COURT HAS GIVEN THE NOTICE AUTHORIZED BY § 3-819(B-1) OF THE COURTS
 31 ARTICLE; AND

32 (III) SHALL NOTIFY THE DEPARTMENT OF JUVENILE SERVICES
 33 THAT THE STUDENT HAS BEEN HABITUALLY TRUANT, WITHOUT LAWFUL EXCUSE, IF
 34 A COURT HAS GIVEN THE NOTICE AUTHORIZED BY § 3-8A-19(D)(5) OF THE COURTS
 35 ARTICLE.

36 ~~{c)}~~ ~~(D)~~ The county superintendent, the superintendent's designee, or the
 37 supervisor of pupil personnel shall provide to the local education agency for inclusion

1 in the report of the local education agency under § 7-304(f)(1) of this subtitle
2 information regarding the number of students identified as being habitually truant.

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