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By: **Chairman, Judicial Proceedings Committee (By Request -  
Departmental - Human Resources)**

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Appeal of Permanency Plans**

3 FOR the purpose of prohibiting an appeal from an order in a civil case entered by a  
4 juvenile court that establishes or continues a certain permanency plan for a  
5 child; and generally relating to permanency plans established or continued by  
6 an order of a juvenile court.

7 BY repealing and reenacting, with amendments,  
8 Article - Courts and Judicial Proceedings  
9 Section 12-303  
10 Annotated Code of Maryland  
11 (2002 Replacement Volume and 2004 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 12-303.

16 (A) A party may appeal from any of the following interlocutory orders entered  
17 by a circuit court in a civil case:

18 (1) An order entered with regard to the possession of property with  
19 which the action is concerned or with reference to the receipt or charging of the  
20 income, interest, or dividends therefrom, or the refusal to modify, dissolve, or  
21 discharge such an order;

22 (2) An order granting or denying a motion to quash a writ of attachment;  
23 and

24 (3) An order:

- 1 (i) Granting or dissolving an injunction, but if the appeal is from  
2 an order granting an injunction, only if the appellant has first filed his answer in the  
3 cause;
- 4 (ii) Refusing to dissolve an injunction, but only if the appellant has  
5 first filed his answer in the cause;
- 6 (iii) Refusing to grant an injunction; and the right of appeal is not  
7 prejudiced by the filing of an answer to the bill of complaint or petition for an  
8 injunction on behalf of any opposing party, nor by the taking of depositions in  
9 reference to the allegations of the bill of complaint to be read on the hearing of the  
10 application for an injunction;
- 11 (iv) Appointing a receiver but only if the appellant has first filed his  
12 answer in the cause;
- 13 (v) For the sale, conveyance, or delivery of real or personal property  
14 or the payment of money, or the refusal to rescind or discharge such an order, unless  
15 the delivery or payment is directed to be made to a receiver appointed by the court;
- 16 (vi) Determining a question of right between the parties and  
17 directing an account to be stated on the principle of such determination;
- 18 (vii) Requiring bond from a person to whom the distribution or  
19 delivery of property is directed, or withholding distribution or delivery and ordering  
20 the retention or accumulation of property by the fiduciary or its transfer to a trustee  
21 or receiver, or deferring the passage of the court's decree in an action under Title 10,  
22 Chapter 600 of the Maryland Rules;
- 23 (viii) Deciding any question in an insolvency proceeding brought  
24 under Title 15, Subtitle 1 of the Commercial Law Article;
- 25 (ix) Granting a petition to stay arbitration pursuant to § 3-208 of  
26 this article;
- 27 (x) Depriving a parent, grandparent, or natural guardian of the  
28 care and custody of his child, or changing the terms of such an order; and
- 29 (xi) Denying immunity asserted under § 5-525 or § 5-526 of this  
30 article.

31 (B) A PARTY MAY NOT APPEAL AN ORDER IN A CIVIL CASE ENTERED BY A  
32 JUVENILE COURT THAT ESTABLISHES OR CONTINUES A PERMANENCY PLAN FOR A  
33 CHILD IN ACCORDANCE WITH § 3-823(E)(1)(II), (III), OR (IV) OF THIS ARTICLE.

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