
By: **Senator Giannetti**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Hearing on Petition to Authorize Continued Detention**
3 **and Shelter Care - Limitation**

4 FOR the purpose of limiting to a certain maximum number of days the period in
5 which a court may extend the date of a hearing on a petition to authorize
6 detention, community detention, or shelter care for a certain child filed by an
7 intake officer or a certain official; providing for the application of this Act; and
8 generally relating to detention and shelter care for certain children.

9 BY repealing and reenacting, without amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-8A-15(a), (b), and (c)
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 3-8A-15(d)
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2004 Supplement)

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

21 **Article - Courts and Judicial Proceedings**

22 3-8A-15.

23 (a) Only the court or an intake officer may authorize detention, community
24 detention, or shelter care for a child who may be in need of supervision or delinquent.

25 (b) If a child is taken into custody under this subtitle, the child may be placed
26 in detention or community detention prior to a hearing if:

27 (1) Such action is required to protect the child or others; or

1 (2) The child is likely to leave the jurisdiction of the court.

2 (c) A child taken into custody under this subtitle may be placed in emergency
3 shelter care or community detention prior to a hearing if:

4 (1) (i) Such action is required to protect the child or person and
5 property of others;

6 (ii) The child is likely to leave the jurisdiction of the court; or

7 (iii) There is no parent, guardian, or custodian or other person able
8 to provide supervision and care for the child and return the child to the court when
9 required; and

10 (2) (i) 1. Continuation of the child in the child's home is contrary to
11 the welfare of the child; and

12 2. Removal of the child from the child's home is reasonable
13 under the circumstances due to an alleged emergency situation and in order to
14 provide for the safety of the child; or

15 (ii) 1. Reasonable but unsuccessful efforts have been made to
16 prevent or eliminate the need for removal from the child's home; and

17 2. As appropriate, reasonable efforts are being made to
18 return the child to the child's home.

19 (d) (1) If the child is not released, the intake officer or the official who
20 authorized detention, community detention, or shelter care under this section shall
21 immediately file a petition to authorize continued detention, community detention, or
22 shelter care.

23 (2) A hearing on the petition shall be held not later than the next court
24 day, unless extended FOR NO MORE THAN 7 DAYS by the court upon good cause shown.

25 (3) Reasonable notice, oral or written, stating the time, place, and
26 purpose of the hearing, shall be given to the child and, if they can be found, the child's
27 parents, guardian, or custodian.

28 (4) Except as provided in paragraph (5) of this subsection, shelter care
29 may not be ordered for a period of more than 30 days unless an adjudicatory or waiver
30 hearing is held.

31 (5) For a child in need of supervision or a delinquent child, shelter care
32 may be extended for an additional period of not more than 30 days if the court finds
33 after a hearing held as part of the adjudication that continued shelter care is
34 consistent with the circumstances stated in subsections (b) and (c) of this section.

35 (6) (i) An adjudicatory or waiver hearing shall be held no later than 30
36 days after the date a petition for detention or community detention is granted.

1 (ii) If a child is detained or placed in community detention after an
2 adjudicatory hearing, a disposition hearing shall be held no later than 14 days after
3 the adjudicatory hearing.

4 (iii) Detention or community detention time may be extended in
5 increments of not more than 14 days where the petition charges the child with a
6 delinquent act and where the court finds, after a subsequent hearing, that extended
7 detention or community detention is necessary either:

- 8 1. For the protection of the child; or
9 2. For the protection of the community.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
11 construed to apply only prospectively and may not be applied or interpreted to have
12 any effect on or application to any petition to authorize continued detention,
13 community detention, or shelter care filed before the effective date of this Act.

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