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By: **Senator Giannetti**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER \_\_\_\_\_

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:

1 **Article - Courts and Judicial Proceedings**

2 3-8A-15.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (2) A hearing on the petition shall be held not later than the next court  
31 day, unless extended FOR NO MORE THAN ~~7~~ 3 DAYS by the court upon good cause  
32 shown.

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

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

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

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

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

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

17                           1.       For the protection of the child; or

18                           2.       For the protection of the community.

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

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