

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 654

(Senator Giannetti)

Judicial Proceedings

Judiciary

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

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This bill limits the maximum number of days in which a juvenile court may extend the date of a hearing on a petition to authorize continued detention, community detention, or shelter care to five days.

The bill only applies prospectively to petitions filed after the October 1, 2005 effective date.

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**Fiscal Summary**

**State Effect:** Potential decrease in general fund expenditures due to the limitation in the amount of time a juvenile may be detained without a hearing.

**Local Effect:** None – see above.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Only the juvenile court or an intake officer may authorize detention, community detention, or shelter care for a child who may be in need of supervision or delinquent.

If a child is taken into custody, the child may be placed in detention or community detention prior to a hearing if detention is required to protect the child or others or the child is likely to leave the jurisdiction of the court.

A child taken into custody may be placed in emergency shelter care or community detention prior to a hearing if such action is required to protect the child or the person and property of others, the child is likely to leave the jurisdiction of the court, or there is no one able to provide supervision and care for the child and return the child to the court when required, and specified conditions regarding removal of the child from the child's home are met.

If the child is not released, the intake officer or the official who authorized detention, community detention, or shelter care must file a petition to authorize continued detention, community detention, or shelter care.

A hearing on the petition must be held not later than the next court day, unless extended by the court after a showing of good cause.

**State Expenditures:** The average annual cost for a juvenile in detention is approximately \$68,985 or \$189 per day. Under this bill, following the maximum seven-day detention, the court has three options: (1) ordering continued detention or shelter care, which would result in no material increase in the Department of Juvenile Services (DJS) expenditures; (2) ordering less restrictive detention, which would result in a minimal decrease in DJS expenditures; or (3) ordering that the child be released, which would also result in a minimal decrease in DJS expenditures.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2005  
ncs/jr Revised - Senate Third Reader - March 25, 2005  
Revised - Enrolled Bill - May 3, 2005

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Analysis by: Kineta A. Rotan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510