

# HOUSE BILL 1038

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8lr0546

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By: **Prince George's County Delegation**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Master for Juvenile Causes - Authority**

3 **PG 303-08**

4 FOR the purpose of repealing a certain restriction that limits the authority of judges of  
5 the Circuit Court for Prince George's County to appoint or continue the  
6 appointment of masters for juvenile causes only to conduct certain hearings;  
7 repealing a provision of law that prohibits a master in Prince George's County  
8 from conducting an adjudicatory or disposition hearing or a peace order  
9 proceeding in a delinquency case; and generally relating to masters for juvenile  
10 causes in Prince George's County.

11 BY repealing and reenacting, with amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 3-807  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 3-807.

20 (a) (1) The judges of a circuit court may not appoint a master for juvenile  
21 causes arising under this subtitle and Subtitle 8A of this title unless the appointment  
22 and the appointee are approved by the Chief Judge of the Court of Appeals.

23 (2) The standards expressed in § 3-806(b) of this subtitle, with respect  
24 to the assignment of judges, are applicable to the appointment of masters.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3) A master, at the time of appointment and at all times while  
2 serving as a master, shall be a member in good standing of the Maryland Bar.

3           [(4) (i) In Prince George's County, the judges of the circuit court  
4 may not appoint or continue the appointment of masters for juvenile causes, except for  
5 the purpose of conducting:

6                           1. Probable cause hearings, detention hearings,  
7 arraignments, acceptances of admissions, and restitution hearings in delinquency  
8 cases under Subtitle 8A of this title;

9                           2. Shelter care, adjudicatory, and disposition hearings in  
10 CINA cases under this subtitle; and

11                          3. Voluntary placement hearings under this subtitle.

12           (ii) A master in Prince George's County may not conduct:

13                          1. An adjudicatory hearing in delinquency cases under  
14 Subtitle 8A of this title, unless the adjudicatory hearing is limited to the acceptance of  
15 an admission;

16                          2. A disposition hearing in delinquency cases under  
17 Subtitle 8A of this title; or

18                          3. A peace order proceeding under Subtitle 8A of this  
19 title.]

20           (b) (1) A master appointed for juvenile causes may conduct hearings.

21                          (2) Each proceeding shall be recorded, and the master shall make  
22 findings of fact, conclusions of law, and recommendations as to an appropriate order.

23                          (3) The proposals and recommendations shall be in writing, and,  
24 within 10 days after the hearing, the original shall be filed with the court and a copy  
25 served on each party to the proceeding.

26           (c) (1) Any party, in accordance with the Maryland Rules, may file  
27 written exceptions to any or all of the master's findings, conclusions, and  
28 recommendations, but shall specify those items to which the party objects.

29                          (2) The party who files exceptions may elect a hearing de novo or a  
30 hearing on the record before the court unless the party is the State in proceedings  
31 involving juvenile delinquency under Subtitle 8A of this title.

1           (3) If the State is the excepting party in proceedings involving juvenile  
2 delinquency, the hearing shall be on the record, supplemented by additional evidence  
3 as the judge considers relevant and to which the parties raise no objection.

4           (4) In either case, the hearing shall be limited to those matters to  
5 which exceptions have been taken.

6           (d) (1) The proposals and recommendations of a master for juvenile  
7 causes do not constitute orders or final action of the court.

8           (2) The proposals and recommendations shall be promptly reviewed by  
9 the court, and, in the absence of timely and proper exceptions, they may be adopted by  
10 the court and appropriate orders entered based on them.

11           (3) Detention, community detention, or shelter care may be ordered by  
12 a master pending court review of the master's findings, conclusions, and  
13 recommendations.

14           (e) If the court, on its own motion and in the absence of timely and proper  
15 exceptions, decides not to adopt the master's findings, conclusions, and  
16 recommendations, or any of them, the court shall conduct a de novo hearing, unless all  
17 parties and the court agree to a hearing on the record.

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2008.