

HOUSE BILL 1038

D2

8lr0546

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

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

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

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3-807
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2007 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3-807.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

16 3. Voluntary placement hearings under this subtitle.

17 (ii) A master in Prince George’s County may not conduct:

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

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

23 3. A peace order proceeding under Subtitle 8A of this
24 title.]

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

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

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

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

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

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

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

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

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

17 (3) Detention, community detention, or shelter care may be ordered by
18 a master pending court review of the master’s findings, conclusions, and
19 recommendations.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.