

## MARYLAND COMMISSION ON JUVENILE JUSTICE



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COMMISSION ON JUVENILE JUSTICE  
State House  
P.O. Box 348  
Annapolis, Maryland 21401

To: The Honorable Marvin Mandel, Governor of Maryland

The Honorable Members of the General Assembly of Maryland

Pursuant to House Joint Resolution 50 of the General Assembly of Maryland of 1975, the Commission on Juvenile Justice submits herewith its interim report.

This report summarizes the activities of the Commission since its organizational meeting on August 6, 1975 and is offered in three parts: (1) a description of recommended legislation for the 1976 session of the General Assembly; (2) the general activities of the Commission; and (3) an appendix of the recommended draft legislation.

Inasmuch as the bulk of the tasks delegated to this Commission by House Joint Resolution 50 remain to be accomplished, the Commission is in need during this year of appropriate and reasonable staff assistance which has not heretofore been provided, and we would request authorization for the employment of reasonable staff assistance in completing our work.

Respectfully submitted,

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INTERIM REPORT  
COMMISSION ON JUVENILE JUSTICE

Description of Recommended Legislation

1. Amendments to the Juvenile Causes Subtitle of the Courts Article of the Maryland Code.

In its study of the Juvenile Causes Subtitle recently revised by the General Assembly of 1975, the Commission is recommending amendments to this Session, which in the opinion of the members of the Commission, require attention. These amendments are basically technical in nature and reflect problem areas which have developed in the administration of the revised subtitle since its effective date six months ago. A bill setting forth these amendments is included herein as an appendix, and a description of the recommended amendments follows:

3-801. Definitions.

The nature of the adjudicatory hearing and the disposition hearing have been clearly defined to emphasize the different function of each and to avoid any overlapping between the two hearings.

"Complainant" has been defined in the context of the rights accorded in later sections of the subtitle conferred upon the person who initiates a juvenile proceeding.

"Probation" has been defined to clearly delineate the status of a delinquent, or child in need of supervision, or an adult subject to the jurisdiction of the Juvenile Court who is to remain subject to the jurisdiction of the Juvenile Court or an agency designated by it under the conditions attached to that status.

3-804.

The recommended amendment increases the age of a child over whom the Juvenile Court has no jurisdiction when charged with an act which, if committed by an adult, would be a crime punishable by death or life imprisonment from fourteen (14) to fifteen (15). This amendment will remove the inconsistency between present Section 3-804(d)(1) and 3-817(a)(2) as to a child who has reached his fourteenth birthday, but not yet reached his fifteenth birthday, at the time when he is alleged to have committed an act punishable by life imprisonment or death had he been charged as an adult. Present Section 3-804(d)(1) states that the Juvenile Court has no jurisdiction over such a child while present Section 3-817(a)(2) provides that such child is subject to the jurisdiction of the Juvenile Court unless it waives its jurisdiction.

Other recommended amendments to this section would subject to juvenile jurisdiction any child who is alleged to have committed any violation of the State Vehicle Law or other traffic law or ordinance, or any violations of laws, rules or regulations governing the use or operation of a boat which prescribes a penalty of incarceration.

3-806.

The amendment recommended would substitute the word "person" for the word "child" in 3-806(a). This clarifies the continuing jurisdiction over a person under eighteen (18) who comes under the jurisdiction of the Court until he reaches his twenty-first birthday.

3-807.

The suggested amendment to 3-807(b) corrects the implication of the present section that the Juvenile Court has no jurisdiction over a child

who allegedly commits an offense while under eighteen (18) if a petition alleging delinquency is not filed until after he reaches his eighteenth birthday.

3-808 and 3-809.

The amendments recommended are technical in nature to better effect the legislative intention expressed in the revision of the Juvenile Code at the 1975 Session of the General Assembly.

3-810.

The suggested amendments would clarify the duty of an intake officer to inform a complaining witness of the intake officer's decision of whether or not to authorize the filing of a petition against a juvenile. Furthermore, the rights of a complaining witness who is not satisfied with the intake officer's decision to a review of that decision are clearly mandated.

3-811.

These suggested amendments clarify the prohibition against use of statements made by a child in the intake process or in any informal adjustment or in connection with any preliminary studies in any adjudicatory hearing in the Juvenile Court, or in any subsequent criminal proceeding. Such statements would be admissible in a detention hearing, a waiver hearing or in a disposition hearing on a petition alleging delinquency.

3-812.

The suggested amendment to Section 3-812(b) requires that the State's Attorney prepare petitions alleging offenses against adults subject to the jurisdiction of the Juvenile Court. The suggested revision in Section 3-812(d)

requires that any dismissal of a petition alleging delinquency be made in open court.

3-813.

The recommended amendment authorizes a Master to order detention or shelter care pending the Court's review of his proposals and recommendations.

3-815.

The amendment recommended would limit to seven (7) days any extension granted by a court for a hearing on a petition for continued detention filed by an intake officer. The existing statute places no limit on the length of such extension granted by the court for good cause shown. The further recommended amendment is technical in nature to make consistent authorization for shelter care in the cases of children alleged to be in need of assistance by reason of mental handicap or otherwise.

3-818.

The suggested amendment would clarify the right of the Court to make use of studies made pursuant to the Court's order in all proceedings except in an adjudicatory hearing on a delinquency petition.

3-819.

The recommended amendments are purely technical for the purpose of rendering language used in this section consistent with that employed in other sections of the Juvenile Causes Subtitle.

3-820.

The recommended change clarifies the right of the Court to hold a disposition hearing on the same day as an adjudicatory hearing and the right of the Court to enter disposition without hearing if prescribed waivers are entered by all parties to the proceeding.

3-823.

The amendment recommended is purely one of semantics with no substantive change.

3-824.

The amendment recommended mandates that the fact of an adjudication and disposition of a delinquent shall not be admissible in evidence against the child in any subsequent:

- (1) criminal proceeding
- (2) adjudicatory hearing on a petition alleging delinquency, or
- (3) in any civil proceeding not conducted in the Juvenile Court except for proceedings under Article 31B of the Code for the determination of defective delinquency.

3-828. The recommended changes in language are purely semantical.

3-829.

The amendment recommended would permit the hearing on whether a parent should be required to make restitution for a willful or malicious act of his child to take place as part of an adjudicatory or disposition hearing for the child.

2. Recommended Constitutional Amendment to Article IV, Section 41A.



This Section now provides:

"The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State; except that in Montgomery County said Court may have such jurisdiction of juvenile causes as may be provided by law."

The Commission's review of the Juvenile Causes Subtitle of the Courts Article of the Code is continuing and it may recommend substantive structural changes which might include the utilization of District Court jurisdiction.

Subject to such limitations implicit in the Fourteenth Amendment requirement of "equal protection", however, it may be desirable to allow the District Court some measure of jurisdiction over juvenile causes in some subdivisions, and not in others.

The Commission will be reviewing the entire system of juvenile justice, and may desire to recommend substantive structural changes in it. These may include placing jurisdiction in the District Court in some subdivisions. The final report and ultimate recommendations of the Commission are due in January, 1977, hopefully for legislative implementation in the 1977 Session.

If these recommendations should entail granting or authorizing District Court jurisdiction on a non-uniform basis, implementation would have to be delayed until after November, 1978 -- the earliest time by which a Constitutional Amendment to Section 41A in the 1976 Session, which, if adopted, can be put on the ballot for ratification in November, 1976.

The Section could be amended as follows:

"The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State; [except that in Montgomery

County said] HOWEVER, THE Court may have such jurisdiction [of] OVER juvenile causes as [may be] IS provided by law."

This amendment would not disturb at all the present jurisdiction of the District Court in Montgomery County, which is provided by law, but allows the General Assembly to utilize the resources of the District Court in other parts of the State as well.

#### General Activities

The Commission has met nine times. Between meetings its Subcommittee on Constitutional Amendments, revisions to the Juvenile Causes Subtitle of the Courts Article of the Code, Regional Treatment Centers and Community Programs and Youth Service Bureaus have been active.

The Commission has resolved:

1. Not to reexamine the recommendations of the Rosenberg Commission dealing with the administration of educational programs within juvenile facilities until the General Assembly acts on those recommendations at the 1976 Session;

2. Not to make any recommendations with regard to the placement of the Juvenile Services Administration under one of the executive departments other than the Department of Health and Mental Hygiene as recommended by the Sherbow Commission, until further information has been developed;

3. To encourage the Governor and the General Assembly to budget an amount equal to 75% of the annual budget of the Youth Service Bureau thereby insuring their continuing existence; and

4. To encourage the local governments of Baltimore City and the surrounding metropolitan counties to reexamine their resistance to the feasibility of permitting a maximum security facility for juveniles within their respective governmental jurisdictions. A written Resolution of the Commission to that effect was forwarded to the Mayor and City Council of Baltimore, and the County Executives and County Council Chairmen of Anne Arundel County, Baltimore County, Harford County, and Howard County.

Mr. William Boucher, II, Executive Director of the Greater Baltimore Committee, appeared at the meeting of the Commission on November 24, 1975 and presented that Committee's study on juvenile justice to the Commission.

The Honorable Thomas J. D'Alesandro, III, former Mayor of Baltimore, made a presentation to the Commission at its meeting on December 16, 1975 of his proposal for a massive vocational training program for those youths of the State who have demonstrated an inability or unwillingness to complete formal public education programs.

HOUSE JOINT RESOLUTION No. 50

By: Delegates Goldwater and Owens  
Introduced and read first time: February 21, 1975  
Assigned to: Judiciary

Committee Report: Favorable with amendments  
House Action: Adopted  
Read second time: March 28, 1975

**APPROVED**  
BY THE GOVERNOR

RESOLUTION NO. 49

MAY 15 '75

HOUSE JOINT RESOLUTION

A House Joint Resolution concerning	38
Commission on Juvenile Justice	41
FOR the purpose of creating the Commission on Juvenile Justice and providing for its composition and duties.	45 46
WHEREAS, The children of this State are its most precious resource; and	48 49
WHEREAS, The State has a strong humanitarian, social, and economic interest in assuring that its children receive proper care, guidance, and attention during their formative years in order that they may grow into useful and productive citizens; and	51 52 53 54
WHEREAS, In recent years, there has been significant increase in the number of children who have been subjected to the juvenile justice system, by reason of their delinquent behavior, or because of their neglected or dependent status; and	56 57 58 59
WHEREAS, Present proposals for necessary changes in the laws dealing with juvenile crime deal only with procedures; and	61 62
WHEREAS, The overall philosophy and effectiveness of the current attitudes, programs, services, and procedures of our juvenile justice system are in need of review, in order to determine whether and how the system can be made more responsive to the needs of our children; and	64 65 66 67
WHEREAS, It is important, as a first step, that the	69

EXPLANATION:

Underlining indicates amendments to the resolution.  
[[Double brackets]] enclose matter stricken out.  
Numerals at right identify computer lines of text.

# HOUSE JOINT RESOLUTION No. 50

law of juvenile causes be made uniform throughout the	70
State, in order to avoid the chaos which would result	71
from a judicial determination that separate and unequal	72
systems in the State constitute a denial of equal	
protection of the laws and are therefore	73
unconstitutional; and	
WHEREAS, With a uniform law and the avoidance of the	75
most serious impending threat to the underlying base of	76
the juvenile justice system, the determination of what	77
substantive, structural, and organizational changes in	78
the system may be advantageous can proceed in a calm and	
rational manner; and	79
WHEREAS, Although the determination of what the	81
policies, programs, and law relating to juvenile services	82
is a legislative matter, because of the complexities of	83
the matter, the conflicting viewpoints concerning it, and	84
the recent developments in this area, the General	85
Assembly should have before it the considered opinion and	
recommendations of those persons most closely associated	86
with and knowledgeable about the system; and	87
WHEREAS, It is not feasible to expect that a	89
meaningful consensus of informed opinion can be arrived	90
at during the remaining term of the 1975 Session; now,	91
therefore, be it	
RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That	93
1. The Commission on Juvenile Justice be created.	95
It shall consist of 15 persons, appointed as follows:	96
(a) One person shall be a member of the House	98
Judiciary Committee and shall be appointed from the House	99
of Delegates by the Speaker;	100
(b) One person shall be a member of the Senate	102
Judicial Proceedings Committee and shall be appointed	103
from the Senate by the President;	104
(c) Two judges shall be appointed by the Chief	106
Judge of the Court of Appeals, one of whom shall have had	107
significant experience sitting in juvenile court, and one	108
of whom shall have had significant experience sitting in	109
criminal court;	
(d) Eleven persons shall be appointed by the	111
Governor. One person shall be selected from the Juvenile	112
Services Administration; one from the Department of	113
Health and Mental Hygiene; one from the Social Services	114
Administration; one from among the State's Attorneys in	115
the State; one from the office of the Public Defender;	
one from the Maryland Bar Association; one child	116
psychiatrist; one person with current experience in	117

HOUSE JOINT RESOLUTION No. 50

counseling juveniles; and three from the general public who have knowledge of and/or interest in juvenile causes. One person shall be a member of the Governor's staff, ex officio;	118 119
(e) These appointments to the Commission shall be made by July 31, 1975.	121 122
2. The Commission should have such staff assistance as is reasonable and appropriate, and may utilize the staff and services of the Department of Legislative Reference, if necessary.	124 125 126
3. All Executive and Judicial agencies of the State shall cooperate with the Commission.	128 129
4. The Commission shall review and evaluate the existing law, programs, and services relating to the juvenile justice system in Maryland and in accomplishment of this mission shall hear testimony and collect and study data from whatever source available, and make such recommendations to the Governor and the General Assembly as it deems appropriate; and	131 132 133 134 135 136
5. The Commission shall make an Interim Report by January 1, 1976, to the Governor and the General Assembly and make a Final Report to the Governor and General Assembly no later than [[July 1, 1977]] <u>January 1, 1977</u> ; and be it further	138 139 140 141
RESOLVED, That a copy of this Resolution be sent to the Governor of the State of Maryland, the President of the Senate, the Speaker of the House, and the Chief Judge of the Court of Appeals of Maryland.	143 144 145 146

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.

Typed by LC/ew  
Corrected by \_\_\_\_\_  
Proofread by \_\_\_\_\_  
Checked by \_\_\_\_\_

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A BILL ENTITLED

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AN ACT concerning

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Juvenile Causes – Juvenile Code

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FOR the purpose of clarifying and revising certain 40  
provisions in the juvenile causes law; defining 41  
terms; giving the Juvenile Court certain  
jurisdiction over certain offenses; amending certain 42  
venue provisions; requiring certain notice of filing  
a petition; placing certain time limits on certain 43  
actions by complainants; amending and adding certain 44  
provisions concerning confidentiality and the use of  
certain information and evidence; placing certain 45  
duties on the State's Attorneys; amending provisions 46  
concerning detention of children; changing and 47  
clarifying certain procedures in juvenile causes;  
making style changes; and relating generally to 48  
juvenile causes.

BY repealing and reenacting, with amendments, 50

Article – Courts and Judicial Proceedings 53

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.  
Numerals at right identify computer lines of text.

Section 3-801; 3-804(d); 3-805(a); 3-806(a);	55
3-807(b); 3-808; 3-809(a); 3-810(c), (h),	56
and (i); 3-811(b); 3-812(b), (d); 3-813(d);	
3-815(c), (e); 3-818(a); 3-819(a), (b);	57
3-820(a); 3-823(a); 3-824(a), (b); 3-828(c)	
and 3-829(c), (e)	58
Annotated Code of Maryland	60
(1974 Volume and 1975 Supplement)	61
BY adding to	64
Article - Courts and Judicial Proceedings	67
Section 3-811(d) and 3-828(d)	69
Annotated Code of Maryland	71
(1974 Volume and 1975 Supplement)	72
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF	76
MARYLAND, That Sections 3-801; 3-804(d); 3-805(a);	77
3-806(a); 3-807(b); 3-808; 3-809(a); 3-810(c), (h), and	78
(i); 3-811(b); 3-812(b), (d); 3-813(d); 3-815(c), (e);	79
3-818(a); 3-819(a), (b); 3-820(a); 3-823(a); 3-824(a),	80
(b); 3-828(c) and 3-829(c), (e) of Article - Courts and	82
Judicial Proceedings, of the Annotated Code of Maryland	83
(1974 Volume and 1975 Supplement) be and they are hereby	85
repealed and reenacted, with amendments, to read as	
follows:	
Article - Courts and Judicial Proceedings	88



3-801. Definitions.	91
(a) In this subtitle, the following words have the meanings indicated, unless the context of their use indicates otherwise:	94 95
(B) "ADJUDICATORY HEARING" MEANS A HEARING TO DETERMINE WHETHER THE AILEGATIONS IN THE PETITION, OTHER THAN ALLEGATIONS THAT THE CHILD REQUIRES THE COURT'S ASSISTANCE, TREATMENT, GUIDANCE OR REHABILITATION, ARE TRUE.	97 98 99
[ (b) ] (C) "Adult" means a person who is 18 years old or clder.	101
[ (c) ] (D) "Child" means a person under the age of 18 years.	103
[ (d) ] (E) "Child in need of assistance" is a child who [needs] REQUIRES the assistance of the court because	105 107
(1) He is mentally handicapped or is not receiving ordinary and proper care and attention, and	109 110
(2) His parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and his problems provided, however, a child shall not be deemed to be in need of assistance for the sole reason he is being furnished nonmedical remedial care and treatment recognized by State law.	112 113 114 115 116

[ (e) ] (F) "Child in need of supervision" is a 118  
child who [needs] REQUIRES guidance, treatment, or 119  
rehabilitation because

(1) He is required by law to attend school 121  
and is habitually truant; or

(2) He is habitually disobedient, 123  
ungovernable, and beyond the control of the person having 124  
custody of him without substantial fault on the part of 125  
that person; or

(3) He deports himself so as to injure or 127  
endanger himself or others; or

(4) He has committed an offense applicable 129  
only to children.

[ (f) ] (G) "Commit" means to transfer legal 131  
custody.

(H) "COMPLAINANT" MEANS ANY PERSON OR AGENCY THAT 133  
FILES OR CAUSES TO BE FILED A COMPLAINT WITH AN INTAKE 134  
OFFICER.

[ (g) ] (I) "Court" means the circuit court of a 136  
county or Baltimore City sitting as the juvenile court. 137  
In Montgomery County, it means the district court sitting 138  
as the juvenile court.

[ (h) ] (J) "Custodian" means a person or agency to 140

whom legal custody of a child has been given by order of 141  
the court, other than the child's parent or legal 142  
guardian.

[(i)] (K) "Delinquent act" means an act which 144  
would be a crime if committed by an adult. 145

[(j)] (L) "Delinquent child" is a child who has 147  
committed a delinquent act and requires guidance, 148  
treatment, or rehabilitation.

[(k)] (M) "Detention" means the temporary care of 150  
children who, pending court disposition, require secure 151  
custody for the protection of themselves or the  
community, in physically restricting facilities. 152

(N) "DISPOSITION HEARING" MEANS A HEARING TO 154  
DETERMINE:

(1) WHETHER A CHILD NEEDS OR REQUIRES THE 156  
COURT'S ASSISTANCE, GUIDANCE, TREATMENT OR 157  
REHABILITATION; AND IF SO

(2) THE NATURE OF THE ASSISTANCE, GUIDANCE, 159  
TREATMENT OR REHABILITATION.

[(l)] (O) "Intake officer" means the person 161  
assigned to the court by the Juvenile Services 162  
Administration to provide the intake services set forth  
in this subtitle. 163

[ (m) ] (P) "Mentally handicapped child" means a 165  
child who is or may be mentally retarded or mentally ill. 166

[ (n) ] (Q) "Party" includes a child [over whom the 169  
court has assumed jurisdiction], WHO IS THE SUBJECT OF A  
PETITION the child's parent, guardian, or custodian, the 170  
petitioner and an adult who is charged under § 3-831 of 171  
this subtitle.

(R) "PROBATION" MEANS A STATUS CREATED BY A COURT 173  
ORDER UNDER WHICH A CHILD ADJUDICATED TO BE DELINQUENT OR 174  
AN ADULT CONVICTED UNDER SECTION 3-831, IS TO REMAIN 175  
SUBJECT TO SUPERVISION OF THE COURT OR AN AGENCY 176  
DESIGNATED BY THE COURT UNDER CONDITIONS THE COURT OR THE 177  
AGENCY DEEMS PROPER, BUT IS NOT COMMITTED TO A TRAINING  
SCHOOL OR OTHER PLACE OF CONFINEMENT. 178

[ (c) ] (S) "Shelter care" means the temporary [care 180  
of children in physically unrestricting facilities, 181  
pending court disposition.] PLACEMENT OF CHILDREN  
REQUIRING CARE IN PHYSICALLY NONRESTRICTIVE FACILITIES. 182

3-804. 184

(d) The court does not have jurisdiction over: 186

(1) A child [14] 15 years old or older 188  
alleged to have done an act which, if committed by an 189  
adult, would be a crime punishable by death or life  
imprisonment, as well as all other charges against the 190

child arising out of the same incident, unless an order 191  
removing the proceeding to the court has been filed 192  
pursuant to § 594A of Article 27;

(2) A child 16 years old or older alleged to 194  
have done an act in violation of any provision of the 195  
State Vehicle Law or any other traffic law or ordinance 196  
except when the charge is manslaughter by automobile,  
possession of a stolen motor vehicle, unauthorized use or 197  
occupancy of a motor vehicle, tampering with a motor 198  
vehicle, [or] driving while INTOXICATED, impaired, or 199  
under the influence of alcohol or drugs, OR VIOLATION OF 200  
ANY PROVISION OF THE STATE VEHICLE LAW OR OTHER TRAFFIC 201  
LAW OR ORDINANCE THAT PRESCRIBES A PENALTY OF 202  
INCARCERATION;

(3) A child 16 years old or older alleged to 204  
have done an act in violation of any provision of law, 205  
rule, or regulation governing the use or operation of a 206  
boat except when the charge is manslaughter by boat,  
possession of a stolen boat, tampering with a boat, [or] 207  
operating a boat while INTOXICATED, IMPAIRED, OR under 208  
the influence of [intoxicating liquor] ALCOHOL or drugs 209  
OR VIOLATION OF ANY PROVISION OF LAW, RULE OR REGULATION 210  
GOVERNING THE USE OR OPERATION OF A BOAT, THAT PRESCRIBES 211  
A PENALTY OF INCARCERATION.

(4) A child 16 years old or older alleged to 213

have committed the crime of robbery with a deadly weapon 214  
as well as all other charges against the child arising 215  
out of the same incident, unless an order removing the  
proceeding to the court has been filed pursuant to § 594A 216  
of Article 27.

3-805. 218

(a) If a [child] PERSON is alleged to be 220  
delinquent, the age of the [child] PERSON at the time the 221  
alleged delinquent act was committed controls the 222  
determination of jurisdiction under this subtitle.

3-806. 224

(a) If the court obtains jurisdiction over a 227  
child, that jurisdiction continues until [the child] THAT 228  
PERSON reaches 21 years of age unless terminated sooner. 229

3-807. 231

(b) The court has exclusive original jurisdiction, 234  
but only for the purpose of waiving it, over [an adult] A 235  
PERSON 21 YEARS OF AGE OR OLDER who is alleged to have 236  
committed a delinquent act while a child.

3-808. 238

(a) Except as provided in subsection (b) and (c), 241  
the [proceedings under this subtitle] PETITION, IF ANY, 242  
shall be [brought] FILED in the county where the child 243

resides or is domiciled. 243

(b) If delinquency OR VIOLATION OF SECTION 3-831 245  
is alleged, the [proceedings] PETITION, IF ANY, shall be 246  
[brought] FILED in the county where the alleged 247  
[delinquent] act occurred, subject to transfer as  
provided in § 3-809.

(c) If the alleged delinquent act is escape or 249  
attempted escape from a training school or similar 250  
facility operated by the Juvenile Services  
Administration, the [proceedings] PETITION, IF ANY, shall 251  
be [brought] FILED and the adjudicatory hearing held in 252  
the county where the alleged escape OR ATTEMPTED ESCAPE 253  
occurred unless the court in the county of the child's  
domicile requests a transfer. For purposes of the 254  
disposition hearing, proceedings may be transferred as 255  
provided in § 3-809 to the court exercising jurisdiction 256  
over the child at the time of the alleged act.

3-809. 258

(a) (1) If [the proceedings are brought] A 261  
PETITION IS FILED in a county other than the county where 262  
the child is living or domiciled, the court on its own 263  
motion or on motion of a party, may transfer the  
proceedings to the county of residence or domicile at any 264  
time prior to final termination of jurisdiction, except 265  
that the proceedings may not be transferred until after 266

an adjudicatory hearing if the allegation is escape OR 266  
ATTEMPTED ESCAPE from a training school or similar 267  
facility operated by the Juvenile Services 268  
Administration.

(2) In its discretion, the court to which 270  
the case is transferred may take further action. 271

3-810. 273

(c) The intake officer may authorize the filing of 276  
a petition if, based upon the complaint and his 277  
preliminary inquiry, he concludes that the court has 278  
jurisdiction over the matter and that judicial action is  
in the best interests of the public or the child. The 279  
intake officer shall inform the parties AND IF 280  
PRACTICABLE, THE COMPLAINANT, preferably in person, of 281  
his decision to authorize the filing of a petition and  
the reasons for his decision.

(h) If the complaint alleges the commission of a 283  
delinquent act and the intake officer denies 284  
authorization to file a petition, the complainant may, 285  
within 15 days of PERSONAL NOTICE TO HIM, OR MAILING TO  
HIS LAST KNOWN ADDRESS OF the denial, submit the 286  
complaint for review by the State's attorney. The 287  
State's attorney shall promptly review the complaint.  
If, within 15 days, he concludes that the court has 288  
jurisdiction and that judicial action is in the best 289



interests of the public or the child, he may authorize 289  
the filing of a petition. 290

(i) If the complaint does not allege the 292  
commission of a delinquent act, the complainant may, 293  
within 15 days of PERSONAL NOTICE TO HIM, OR MAILING TO 294  
HIS LAST KNOWN ADDRESS OF the denial, submit the  
complaint for review by the regional supervisor of the 295  
intake officer. The supervisor shall promptly review the 296  
complaint. If, within 15 days, he concludes that the  
court has jurisdiction and that judicial action is the 297  
best interests of the public and the child, he may 298  
[authorize] DIRECT the filing of a petition in writing. 299

3-811. 301

(b) Any information secured or statement made by a 304  
participant during a preliminary OR FURTHER inquiry 305  
pursuant to § 3-810 or a study pursuant to § 3-818 may 306  
not be admitted in evidence in any ADJUDICATORY hearing  
[prior to the adjudication or in a criminal proceeding 307  
against him] WHERE A PETITION ALLEGING DELINQUENCY HAS 308  
BEEN FILED, OR IN A CRIMINAL PROCEEDING prior to  
conviction.

3-812. 310

(b) Petitions alleging delinquency OR VIOLATION OF 313  
SECTION 3-831 shall be prepared and filed by the State's 314

attorney. All other petitions shall be prepared and 315  
filed by the intake officer. 316

(d) The State's attorney, upon assigning his 318  
reasons, may dismiss IN OPEN COURT a petition alleging 319  
delinquency [in open court].

3-813. 322

(d) The proposals and recommendations of a master 325  
for juvenile causes do not constitute orders or final 326  
action of the court. They shall be promptly reviewed by 327  
the court; and in the absence of timely and proper  
exceptions, they may be adopted by the court and 328  
appropriate orders entered based on them. DETENTION OR 329  
SHELTER CARE MAY BE ORDERED BY A MASTER PENDING COURT  
REVIEW OF HIS PROPOSALS AND RECOMMENDATIONS. 330

3-815. 332

(c) If the child is not released, the intake 334  
officer shall immediately file a petition to authorize 335  
continued detention or shelter care. A hearing on the 336  
petition shall be held not later than the next court day,  
unless extended by the court upon good cause shown. IN NO 337  
EVENT SHALL THE EXTENSION EXCEED SEVEN DAYS FROM THE 338  
ORIGINAL AUTHORIZATION OF DETENTION OR SHELTER CARE. 339  
Reasonable notice, oral or written, stating the time,  
place, and purpose of the hearing, shall be given to the 341

child and, if they can be found, his parents, guardian, 341  
 or custodian. Detention and shelter care shall not be 342  
 ordered BY THE COURT for a period of more than 30 days 344  
 unless an adjudicatory hearing is held.

(e) A child alleged to be in need of supervision 346  
 or in need of assistance may not be placed in detention. 347  
 If the child is alleged to be in need of assistance by 348  
 reason of a mental handicap, he may be placed in shelter 349  
 care facilities maintained or licensed by the Department  
 of Health and Mental Hygiene or if these facilities are 350  
 not available, then in a private home or facility 351  
 [located in Maryland and] approved by the court. If the 352  
 child is alleged to be in need of assistance for any  
 other reason, or in need of supervision, he may be placed 353  
 in shelter care facilities maintained or approved by the 354  
 Department of [Employment and Social Services] HUMAN 355  
 RESOURCES, or the Juvenile Services Administration, or in  
 a private home or shelter care facility approved by the 356  
 court.

3-818. 358

(a) After a petition has been filed, the court may 361  
 direct the Juvenile Services Administration or other 362  
 qualified agency designated by the court, to make a study 363  
 concerning the child, his family, his environment, and  
 other matters relevant to the disposition of the case. 364

The report of the study is admissible as evidence [at a 365  
waiver hearing and at a disposition hearing, but not at 366  
an adjudicatory hearing] IN ANY PROCEEDING UNDER THIS  
SUBTITLE EXCEPT IN AN ADJUDICATORY HEARING WHERE A 367  
PETITION OF DELINQUENCY HAS BEEN FILED. However, the 368  
attorney for each party has the right to inspect the 369  
report prior to its presentation to the court, to 370  
challenge or impeach its findings, and to present  
appropriate evidence with respect to it. 371

3-819. 374

(a) After a petition has been filed, and unless 377  
jurisdiction has been waived, the court shall hold an 378  
adjudicatory hearing. [The adjudicatory hearing is 379  
solely to determine the merits of the allegations of the  
petition.] 380

(b) Before a child is adjudicated delinquent, the 382  
allegations in the petition must be proved beyond a 383  
reasonable doubt. An uncorroborated confession made by a 384  
child out of court is not sufficient proof of  
[delinquency] THE DELINQUENT ACT. 385

3-820. 388

(a) [If the court, after an adjudicatory hearing, 391  
adjudicates a child as being delinquent, in need of 392

supervision, or in need of assistance, it shall hold a  
 separate hearing to determine an appropriate disposition  
 unless the hearing is waived in writing by all the  
 parties.] AFTER AN ADJUDICATORY HEARING THE COURT SHALL  
 HOLD A SEPARATE DISPOSITION HEARING, UNLESS THE PETITION  
 IS DISMISSED OR UNLESS SUCH HEARING IS WAIVED IN WRITING  
 BY ALL OF THE PARTIES. THE DISPOSITION HEARING MAY BE  
 HELD ON THE SAME DAY AS THE ADJUDICATORY HEARING, IF  
 NOTICE OF THE DISPOSITION HEARING, AS PRESCRIBED BY THE  
 MARYLAND RULES, IS WAIVED ON THE RECORD BY ALL OF THE  
 PARTIES.

3-823. 402

(a) A child may not be DETAINED, committed or  
 transferred to a penal institution or other facility used  
 primarily for the confinement of adults charged with or  
 convicted of a crime, except pursuant to § 3-816 (b).

3-824. 409

(a) An adjudication of a child pursuant to this  
 subtitle is not A criminal conviction for any purpose and  
 does not impose any of the civil disabilities ordinarily  
 imposed by a criminal conviction. However, an  
 adjudication of a child as delinquent by reason of his  
 violation of the State Vehicle Laws shall, upon order of  
 the court, be reported by the clerk of the court to the

Motor Vehicle Administration, [who] WHICH may assess 417  
points pursuant to Article 66 1/2, § 6-402 against the 418  
child, in the same manner and to the same effect as if 419  
the child had been convicted of the offense.

(b) An adjudication and disposition of a child 421  
pursuant to this subtitle are not admissible as evidence 422  
against the child [in any criminal proceeding prior to 423  
conviction, or in any other proceeding.]:

(1) IN ANY CRIMINAL PROCEEDING PRIOR TO 425  
CONVICTION; OR

(2) IN ANY ADJUDICATORY HEARING ON A 427  
PETITION ALLEGING DELINQUENCY; OR

(3) IN ANY CIVIL PROCEEDING NOT CONDUCTED 429  
UNDER THIS SUBTITLE EXCEPT PROCEEDINGS UNDER ARTICLE 31B. 430

3-828. 432

(c) The court, on its own motion or on petition, 434  
and for good cause shown, may order the court records of 435  
a child sealed, and, upon petition or on its own motion, 436  
shall order them sealed after the child has reached 21  
years of age. IF SEALED, THE COURT RECORDS OF A CHILD 437  
MAY NOT BE OPENED, FOR ANY PURPOSE, EXCEPT BY ORDER OF 438  
THE COURT UPON GOOD CAUSE SHOWN.

3-829. 441

(c) A judgment of restitution against a parent may 445  
 not be entered unless the parent has been afforded a 446  
 reasonable opportunity to be heard and to present 447  
 appropriate evidence in his behalf. A hearing under this  
 section may be held as part of [a] AN ADJUDICATORY, OR 448  
 disposition hearing for the child.

(e) The court may order the child who, wilfully or 451  
 maliciously, steals, damages, or destroys the property of 452  
 another or inflicts personal injury on another to make 453  
 the restitution expenses himself if that is feasible  
 considering the age and circumstances of the child; and 454  
 [it] IF this is ordered, the liability of the child 455  
 precedes the liability of the parent. The court may, in 456  
 the alternative, enter a judgment <sup>OF</sup> [or] restitution against  
 the child. 457

SECTION 2. AND BE IT FURTHER ENACTED, That new 460  
 Sections 3-811(d) and 3-828(d) be and they are hereby 462  
 added to Article - Courts and Judicial Proceedings, of 464  
 the Annotated Code of Maryland (1974 Volume and 1975 465  
 Supplement) to read as follows: 466

Article - Courts and Judicial Proceedings 469  
  
 3-811. 472

(D) IF JURISDICTION IS NOT WAIVED, ANY STATEMENT 475

MADE BY A CHILD, HIS PARENTS, GUARDIAN, OR CUSTODIAN AT A 476  
 WAIVER HEARING MAY NOT BE ADMITTED IN EVIDENCE IN ANY 477  
 ADJUDICATORY HEARING UNLESS A DELINQUENT OFFENSE OF  
 PERJURY IS ALLEGED, AND THE STATEMENT IS RELEVANT TO THAT 478  
 CHARGE AND IS OTHERWISE ADMISSIBLE. 479

3-828. 481

(D) AFTER A CHILD HAS REACHED 21 YEARS OF AGE, THE 483  
 COURT MAY, UPON PETITION OR ON ITS OWN MOTION, EXPUNGE 484  
 RECORDS OF THE CHILD IN A CASE IN WHICH AN ADJUDICATION 485  
 OF THE CHILD AS DELINQUENT, IN NEED OF SUPERVISION OR IN 486  
 NEED OF ASSISTANCE HAS NOT BEEN MADE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act 490  
 shall take effect July 1, 1976. 492



ARTICLE IV § 41A OF THE MARYLAND CONSTITUTION AS AMENDED.

The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State; [except that in Montgomery County said] HOWEVER, THE Court may have such jurisdiction [of] OVER juvenile causes as [may be] IS provided by law.