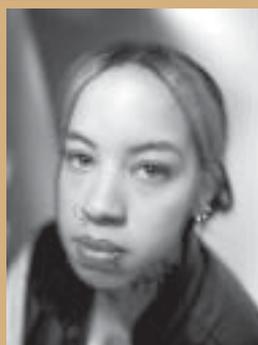


Juvenile Court in Maryland



Overview



The Juvenile Court handles cases involving youths who are under age 18. The court has jurisdiction even if the youth turns 18 before the case is adjudicated, and jurisdiction continues until the age of 21. Cases fall within these categories:

- Child in Need of Assistance (CINA), involving a juvenile who has been physically, sexually, or emotionally abused or neglected by someone responsible for his/her care;
- Child in Need of Supervision (CINS), involving a juvenile who has committed an offense such as truancy, violation of curfew laws, running away, habitual disobedience or ungovernable behavior;
- Citations which violate the alcoholic beverages laws, such as possessing liquor or misrepresenting one's age to obtain it, or drinking on school grounds;
- Children who run away across state lines, either into or out of Maryland;
- Violations of compulsory public school attendance;
- Emergency medical treatment;
- Termination of parental rights (TPR);
- Department of social services adoptions; and
- Delinquency.

Maryland's 23 counties and Baltimore City have juvenile courts, which are part of each county's circuit court. The juvenile court also has jurisdiction over adults charged with contributing to conditions that cause a child to be delinquent or CINA. Maryland's juvenile courts mainly handle cases involving Delinquency, Child in Need of Assistance (CINA), and Termination of Parental Rights (TPR).

A master is a family law expert who conducts juvenile hearings. Masters make recommendations to a judge as to how the case should be decided. The judge may accept or reject those recommendations.

Internet resources

Maryland State Law Library
www.lawlib.state.md.us

Maryland Dept. of Juvenile Services
www.djs.state.md.us

People's Law Library of Maryland
www.peoples-law.com

Terms

The goal of Juvenile Court is to give children and parents the treatment and resources they need to stop cycles of delinquent behavior, end abuse and neglect and provide medical care so that the children have the opportunity to become productive citizens, rather than graduate to adult criminal court or suffer chronic, life-threatening abuse and neglect.

To shield juveniles from the “taint of criminality,” delinquency proceedings are civil, not criminal; and special terms are used for the parties and phases of the proceeding, as noted below.

Criminal Court

defendant

indictment

trial

the defendant pleads guilty or not guilty

sentencing

a judge presides over the trial

Juvenile Court

respondent

petition

adjudicatory hearing

the juvenile may admit or deny involvement in the offense

disposition

a judge or master presides over the hearing, depending on the county where the case is heard.

Steps to resolving a case in juvenile court

Delinquency cases

Delinquency cases usually start with the filing of a petition, which is the charging document, followed by an adjudicatory hearing. If the child is considered dangerous or is a runaway, proceedings in juvenile court begin with a detention hearing. The judge or master may detain the juvenile in a secure facility pending the adjudicatory hearing.

The adjudicatory hearing must take place within 30 days after the petition was served. Before adjudication, the child and his/her parents are advised of their rights (including the right to be represented by a lawyer) and the charges against the child. If it is found that the child committed the alleged acts, a disposition hearing is held. This hearing determines two key issues:

- whether the child is in need of guidance, treatment or rehabilitation and, if so,
- whether the child is delinquent.

If the child is determined to be delinquent, the court determines the care, rehabilitation or treatment that the child needs. The court may order that the services of the Department of Juvenile Services, Department of Social Services, the Board of Education, and other care providers be combined to rehabilitate the child. For delinquency proceedings, adjudication and disposition are two separate hearings, with five days notice given at adjudication, before moving on disposition.

Finally, a restitution hearing may be held to determine the amount and award of monetary compensation of up to \$10,000 to victims who suffered damage directly resulting from a delinquent act. This stage is a separate, two-part proceeding against the child and his/her parents.

The state must prove that the victim's personal property was stolen, damaged or destroyed as a result of the delinquent act and/or that the victim had medical, dental, hospital or funeral expenses. The Judgment Restitution Program enforces periodic payments to the victim from the juvenile and/or parents and collects court costs. Making restitution for their acts may also be a condition of the juvenile's probation.

CINA cases

Child in Need of Assistance (CINA) cases generally begin with a shelter care hearing. A child may be placed in shelter care if the judge or master determines that it would be contrary to the welfare of the child to remain at home. After the shelter care hearing, the next phase is adjudication. The purpose of the adjudication hearing is to determine whether the allegations set forth in the CINA petition are true. If the judge or master finds that the allegations of abuse and/or neglect are true, the case moves into the disposition phase. At disposition, the court first determines if the child needs the court's assistance, and if so, finds the child to be CINA.

The court may return the child to a parent under a specific order, place the child in foster care, or award custody and guardianship to someone who can provide appropriate care. In CINA cases, adjudication and disposition hearings are held separately but usually on the same day.

If a child is in an out-of-home placement for a year or longer, the court must conduct a permanency planning hearing. At this hearing, the court can order that the child be returned to a parent or guardian, placed for adoption or emancipated as well, or can order any other course of action that will be in the child's best interest.

After the initial permanency planning hearing, a similar hearing must be conducted every six months until the child is returned home, placed permanently, or parental rights are terminated.

Special rules

The juvenile and his/her parents have a right to legal counsel at each stage of a Juvenile Court proceeding. Hearings are informal; there is no jury. However, the rules of evidence do apply at most steps. Delinquency cases must be proven "beyond a reasonable doubt." In cases involving children in need of assistance (CINA) or supervision (CINS), the "preponderance

Emancipation: the act of releasing a minor from parental control, and granting the minor full legal rights.

of the evidence” standard is used. “Clear and convincing evidence” is the standard for termination of parental rights.

Once a child is under the authority of Juvenile Court, the court keeps that authority until it is terminated, or until the child turns 21, whichever occurs first.

Which cases go to criminal court?

Cases involving certain offenses by juveniles go directly to criminal court, although a judge may waive (transfer) the case to juvenile court. Among the offenses:

- Children 14 or older who are charged with crimes which, if committed by an adult, are punishable by death or life in prison;
- Children 16 or older charged with robbery or attempted robbery with a dangerous or deadly weapon;
- Children 16 or older charged with non-jailable traffic/boating offenses.

Media guidelines

The 1995 case, *Baltimore Sun Co. v. State*, has influenced how the media reports on juvenile cases. New guidelines include the following:

- Court records of juveniles are confidential, and may only be open by a court order, or for “limited educational purposes.”
- To protect the privacy of the children involved, juvenile proceedings may be closed to the public.

While a court can reasonably restrict the media’s use of information learned from confidential, juvenile proceedings, it cannot control the media’s use of materials obtained from the other sources. It also cannot condition the media’s access to juvenile hearings on the newspaper, magazine, etc., publishing only the information specified by the court. While a juvenile court may decide to exclude the media from a proceeding, there are constitutional limitations to that power.



Open to the public?

If a juvenile is alleged to have committed an act that would be a felony if committed by an adult, then that case is open to the public. However, the court may choose to exclude the general public from a hearing if there are good reasons to keep the proceedings confidential. Adjudications and dispositions are normally announced in open court.

References

In this brochure, we have provided a simplified overview of the juvenile court system. It is intended to inform the public, and not to serve as legal advice. Laws governing juvenile justice are found in Title 11 of *The Maryland Rules, the Family Law Article, and the Courts and Judicial Proceedings Article*, which can be found in public libraries and/or law libraries. The media case cited is *Baltimore Sun Co. v. State*, 340 Md. 437 A.2 166 (1995).

In October 1997, a new law was passed in Maryland, which enabled juveniles who commit offenses comparable to adult felonies to be tried in open court.



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