

Honorable T. J. S. Waxter, Director, Department of Public Welfare (cont'd)

Up to this point we have been discussing only the civil rights and obligations of parents. However, the equity courts exercise what might be determined a quasi-criminal jurisdiction through the Juvenile Division. The Division of Juvenile Causes was set up by the Act of Legislature 1943, Chapter 818 and is now contained in the 1949 Charter and Public Local Laws of Baltimore City as Sections 239 to 257.

Section 240 defines "Delinquent Child" and "Neglected Child", and Section 241 provides that the Juvenile Division shall have original and exclusive jurisdiction concerning such children. Section 241 further provides that the court shall have -

"original, exclusive jurisdiction to try, subject to the right of trial by jury unless waived * * * any parent, guardian or other adult for any wilful act or omission contributing to, encouraging or tending to cause any condition bringing a child within the jurisdiction of the Court."

Section 243 provides that -

"any adult over whom the judge may have jurisdiction under Section 241, if found guilty of any act or omission as therein defined, shall be punished by fine or imprisonment, and that upon upon such conviction the judge may suspend sentence and place the adult on probation and by order impose upon such adult during probation such duties as shall be deemed for the best interest of the child".

Section 249 states that -

"if the judge determines that the child is within the jurisdiction of the court and is in need of care or treatment within the provisions and intent of this sub-title by reason of dependency or neglect, the judge shall commit the child to the Department of Public Welfare."

In Section 251 it is provided that whenever -

"the judge * * * * places a child in the custody of someone other than the child's parents or in the custody of an agency or institution, the judge may, upon application, after giving the parent a reasonable opportunity to be heard, order that such parent shall pay in such manner as the court may direct, such sum as will cover in whole or in part the support of such child and if such parent shall wilfully fail or refuse to pay such sum, the judge may proceed against him for contempt."

Thus it is apparent that the Juvenile Court may enforce a support order upon either parent unless the parent demands jury trial or the judge waives jurisdiction and refers the matter to the criminal courts.