

(1) ADEQUATE FACILITIES HAVE NOT BEEN ESTABLISHED; AND

(2) IT APPEARS TO THE SATISFACTION OF THE COURT, OR OTHER PERSON DESIGNATED BY THE COURT, THAT PUBLIC SAFETY AND PROTECTION REASONABLY REQUIRE DETENTION. A CHILD MAY NOT BE CONFINED IN A JAIL OR OTHER FACILITY FOR THE DETENTION OF ADULTS, UNLESS IN A ROOM OR WARD ENTIRELY SEPARATED FROM ADULTS.

(3) AFTER JANUARY 1, 1975, A CHILD ALLEGED TO BE DELINQUENT MAY NOT BE DETAINED IN A JAIL OR OTHER FACILITY FOR THE DETENTION OF ADULTS OR IN A FACILITY TO WHICH DELINQUENTS ARE COMMITTED.

(D) PLACEMENT OF CHILD ALLEGED TO BE NEGLECTED, DEPENDENT, OR IN NEED OF SUPERVISION.

A CHILD ALLEGED TO BE NEGLECTED, DEPENDENT, OR IN NEED OF SUPERVISION MAY NOT BE PLACED IN DETENTION, BUT ONLY IN SHELTER CARE FACILITIES MAINTAINED BY THE DEPARTMENT OF SOCIAL SERVICES OR ANY AGENCY LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES OR ANY HOME OR FACILITY MAINTAINED BY THE DEPARTMENT OF JUVENILE SERVICES FOR THE CHILD IN NEED OF SUPERVISION.

(E) PLACEMENT OF CHILD ALLEGED TO BE MENTALLY HANDICAPPED.

A CHILD ALLEGED TO BE MENTALLY HANDICAPPED MAY NEVER BE PLACED IN DETENTION, BUT ONLY IN SHELTER CARE FACILITIES MAINTAINED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ANY AGENCY LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

REVISOR'S NOTE: This section presently appears as Art. 26, §70-11 (a) and (d) and §70-12(a), (d), and (e), as amended by Ch. 737, Acts of 1973. They all contain provisions which impose limitations upon placing a child in detention or in shelter care before adjudication. The provisions dealing with limitations upon confinement of a child after adjudication are placed in §3-832 with all other similar provisions.

The provisions of subsection (b) of §70-11 are placed in §3-824 because they deal with a different subject matter. The provisions of subsections (b) and (c) of §70-12 are allocated to a separate section—§3-825.