

facility under certain circumstances; requiring the committing court to make certain findings and conduct certain hearings; and generally relating to the commitment of juveniles to certain facilities for the mentally retarded.

BY repealing and reenacting, with amendments, and renumbering

Article - Courts and Judicial Proceedings
Section 3-820(g)
to be Section 3-820(h)
Annotated Code of Maryland
(1980 Replacement Volume and 1980 Supplement)

BY adding to

Article - Courts and Judicial Proceedings
Section 3-820(g)
Annotated Code of Maryland
(1980 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Courts and Judicial Proceedings

3-820.

(g) THE COURT MAY NOT COMMIT A CHILD TO THE CUSTODY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR INPATIENT CARE AND TREATMENT IN A STATE MENTAL RETARDATION FACILITY UNLESS THE COURT FINDS ON THE RECORD BASED UPON CLEAR AND CONVINCING EVIDENCE THAT:

(1) THE CHILD IS MENTALLY RETARDED;

(2) THE CONDITION IS OF SUCH A NATURE THAT FOR THE ADEQUATE CARE OR PROTECTION OF THE CHILD AND OR OTHERS, THE CHILD NEEDS IN-RESIDENCE CARE OR TREATMENT; AND

(3) THERE IS NO LESS RESTRICTIVE FORM OF CARE AND TREATMENT AVAILABLE WHICH IS CONSISTENT WITH THE CHILD'S WELFARE AND SAFETY.

(H) (1) Any commitment order issued under [subsection (f)] SUBSECTIONS (F) OR (G) OF THIS SECTION shall require the Department of Health and Mental Hygiene to file progress reports with the court at intervals no greater than every 6 months during the life of the order. The Department of Health and Mental Hygiene shall provide the child's attorney of record with a copy of each report. The court shall review each report promptly and consider whether the commitment order should be modified or vacated. After the