

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-815(d)(4) and (5)

Annotated Code of Maryland

(1989 Replacement Volume and 1994 Supplement)

(As enacted by Chapter _____ (H.B. 407) of the Acts of the General Assembly of 1995)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

3-815.

(a) Only the court or an intake officer may authorize detention or shelter care for a child who may be in need of supervision or delinquent. The local department, pursuant to regulations promulgated by the Department of Human Resources, may authorize shelter care for a child who may be in need of assistance.

(b) If a child is taken into custody, the child may be placed in detention prior to a hearing if:

(1) Such action is required to protect the child or person and property of others;

(2) The child is likely to leave the jurisdiction of the court; or

(3) There are no parents, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required.

(c) A child taken into custody may be placed in emergency shelter care prior to a hearing if:

(1) One or more of the circumstances stated in subsection (b) of this section exist; and

(2) (i) 1. Continuation of the child in the child's home is contrary to the welfare of the child; and

2. Removal of the child from the child's home is reasonable under the circumstances due to an alleged emergency situation and in order to provide for the safety of the child; or

(ii) 1. Reasonable, but unsuccessful, efforts have been made to prevent or eliminate the need for removal from the child's home; and

2. As appropriate, reasonable efforts are being made to return the child to the child's home.