

Approved May 26, 2004.

**CHAPTER 442**  
**(Senate Bill 163)**

AN ACT concerning

**Juvenile Law - Waiver of Counsel**

FOR the purpose of prohibiting a child from waiving the right to the assistance of counsel in certain proceedings except under certain circumstances; prohibiting a parent, guardian, or custodian of a child from waiving the child's right to the assistance of counsel; prohibiting the juvenile court from accepting a waiver of the child's right to the assistance of counsel except under certain circumstances; requiring the court to consider certain factors in determining whether a waiver is knowing and voluntary; requiring the court to continue and the clerk to reschedule a waiver or adjudicatory hearing under certain circumstances; requiring the clerk to issue a certain notice within a certain time period; requiring the Office of the Public Defender to enter an appearance for the child under certain circumstances; requiring the Office of the Public Defender, after entry of its appearance, to verify eligibility for continued Public Defender representation in a certain manner; establishing that the continuance of a waiver or adjudicatory hearing may not be a basis for detaining the child; and generally relating to the right to the assistance of counsel in juvenile proceedings.

BY repealing and reenacting, with amendments,  
Article - Courts and Judicial Proceedings  
Section 3-8A-20  
Annotated Code of Maryland  
(2002 Replacement Volume and 2003 Supplement)

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

**Article - Courts and Judicial Proceedings**

3-8A-20.

(a) Except as provided in subsection [(c)] (D) of this section, a party is entitled to the assistance of counsel at every stage of any proceeding under this subtitle.

(b) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A CHILD MAY NOT WAIVE THE RIGHT TO THE ASSISTANCE OF COUNSEL IN A PROCEEDING UNDER THIS SUBTITLE.

(2) A PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD MAY NOT WAIVE THE CHILD'S RIGHT TO THE ASSISTANCE OF COUNSEL.

(3) AFTER A PETITION OR CITATION HAS BEEN FILED WITH THE COURT