

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 the sole 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 UNDER THIS SUBTITLE, IF A CHILD INDICATES A DESIRE TO WAIVE THE RIGHT TO THE ASSISTANCE OF COUNSEL, THE COURT MAY NOT ACCEPT THE WAIVER UNLESS:

(I) THE CHILD IS IN THE PRESENCE OF COUNSEL AND HAS CONSULTED WITH COUNSEL; AND

(II) THE COURT DETERMINES THAT THE WAIVER IS KNOWING AND VOLUNTARY.

(4) IN DETERMINING WHETHER THE WAIVER IS KNOWING AND VOLUNTARY, THE COURT SHALL CONSIDER, AFTER APPROPRIATE QUESTIONING IN OPEN COURT AND ON THE RECORD, WHETHER THE CHILD FULLY COMPREHENDS:

(I) THE NATURE OF THE ALLEGATIONS AND THE PROCEEDINGS, AND THE RANGE OF ALLOWABLE DISPOSITIONS;

(II) THAT COUNSEL MAY BE OF ASSISTANCE IN DETERMINING AND PRESENTING ANY DEFENSES TO THE ALLEGATIONS OF THE PETITION, OR OTHER MITIGATING CIRCUMSTANCES;

(III) THAT THE RIGHT TO THE ASSISTANCE OF COUNSEL IN A DELINQUENCY CASE, OR A CHILD IN NEED OF SUPERVISION CASE, INCLUDES THE