

JUVENILE COURT IN MARYLAND

The goal of Juvenile Court is to give children and parents the treatment and resources they need to stop cycles of delinquent behavior, to end abuse and neglect, and provide care so that the children have the opportunity to become productive citizens, rather than graduate to adult criminal court or suffer chronic, life-threatening abuse or neglect.

This brochure gives you some basic information about Juvenile Court. It is not intended as a substitute for legal advice. Laws governing Juvenile Court proceedings are found in Title 3, Subtitles 8 and 8A of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, and in Title 11 of the Maryland Rules of Procedure.

In addition to the material in this brochure, there are several resources available on the Internet for more information, including:

- MARYLAND DEPARTMENT OF JUVENILE SERVICES
WWW.DJS.STATE.MD.US
- MARYLAND DEPARTMENT OF HUMAN RESOURCES
WWW.DHR.STATE.MD.US
- MARYLAND STATE LAW LIBRARY
WWW.LAWLIB.STATE.MD.US



CHILD IN NEED OF ASSISTANCE (CINA) PROCEEDINGS

Child in Need of Assistance (CINA) cases usually begin with a shelter care hearing. A child may be placed in shelter care, which is a temporary, usually 30-day placement, if the court determines that there is an emergency situation that would make it contrary to the child's welfare to remain in the home.

At the end of the shelter care period, the case moves to adjudication. The purpose of adjudication is to determine if the factual allegations of the CINA petition are true. If the court finds that the allegations have been proven, and show neglect or abuse, the case moves to the disposition phase.



At disposition, the court determines if the child needs the court's assistance, and if so, finds the child to be a CINA.

The court may return the child to a parent under specific conditions, may place the child in foster care, or award custody and guardianship to a person who can provide appropriate care for the child.

If a child is placed out of the home for a year after the initial removal, the court must conduct a permanency planning hearing. At the hearing, the court reviews the child's permanency plan, and may order the child be returned home, placed for adoption, or any other course of action that will lead to a permanent home for the child. Permanency planning hearings are then held every six months until permanency is achieved.

Court Information Office

361 Rowe Blvd.
Annapolis, MD 21401
410-260-1488
www.mdcourts.gov

9/07

JUVENILE COURT IN MARYLAND

DELINQUENCY
hearing
DISPOSITION
probation
PETITION



WHAT IS JUVENILE COURT?

Juvenile Court handles cases involving youths who are under age 18. The court has jurisdiction even if the youth turns 18 before the case is adjudicated, and jurisdiction continues until the age of 21. In some instances, cases can start in criminal court. Cases involving children 16 years old or older charged only with traffic violations that do not carry a possible penalty of incarceration are not heard in Juvenile Court. Cases involving children 14 or older who are charged with an offense that if committed by an adult is punishable by death or life imprisonment go directly to criminal court.

Certain cases involving serious charges against children 16 and older, including kidnapping, armed robbery, carjacking, certain handgun violations and certain sexual offenses, also go to criminal court. Such cases can be transferred from criminal to Juvenile Court, and there are also provisions to allow certain juvenile cases to be transferred to criminal court.



Cases in Juvenile Court fall primarily within these categories:

- **Delinquency:** Children who are charged with having committed an act that would be a crime if committed by an adult
- **Children in Need of Assistance (CINA):** Children who have been abused or neglected by someone responsible for their care
- **Children in Need of Supervision (CINS):** Children who are habitually truant, disobedient, ungovernable, or who commit an offense applicable to children only
- Citations for violation of alcohol and tobacco laws
- Peace Order requests against juveniles
- Voluntary Placement Petitions for disabled children

Adults can be charged in Juvenile Court with contributing to conditions causing a child to be alleged delinquent, in need of assistance, supervision, or failure to send their child who is over the age of 5 and under age 16 to school. Adults charged under these statutes have additional rights that children do not have.

Maryland's 23 counties and Baltimore City have Juvenile Courts, which are part of each county's Circuit Court. Juvenile Court also has jurisdiction over adults charged with contributing to conditions causing a child to be delinquent, in need of assistance, or in need of supervision.

Juveniles are entitled to be represented by a lawyer in almost all Juvenile Court proceedings. A child's parent may also have the right to an attorney.

Hearings in Juvenile Court may be less formal than in other courts. There are no jury trials in Juvenile Court. The rules of evidence, however, do apply at most steps. Delinquency allegations must be proven beyond a reasonable doubt. Child in Need of Assistance (CINA) or Child In Need of Supervision (CINS) allegations require proof by a preponderance of the evidence.

All Juvenile Courts proceedings and records are confidential.

The adjudicatory hearing must take place within 60 days after the petition has been served on the juvenile. Before an adjudicatory hearing, the child is advised of the charges and the right to be represented by a lawyer.



WHAT IS IT CALLED?

GENERAL TERM	IN JUVENILE COURT	IN CRIMINAL COURT
CHARGING DOCUMENT	PETITION	INDICTMENT
PERSON CHARGED	RESPONDENT (OR JUVENILE)	DEFENDANT
TRIAL	ADJUDICATORY HEARING	TRIAL
SENTENCING	DISPOSITION	SENTENCING

DELINQUENCY PROCEEDINGS

A parent cannot waive (give up) a child's right to an attorney. A child cannot waive (give up) the right to an attorney unless the child appears in court, with an attorney, and the court is satisfied that the waiver is appropriate.

At the adjudicatory hearing, the court hears the evidence in a case. If the case is a trial, then the state's attorney presents witnesses and evidence, and the juvenile also has the opportunity to present witnesses and evidence. If the child admits to having committed the offense, then no witnesses are called.

If the child is found to have committed the offense, the next step in the proceedings is the disposition hearing. This hearing determines whether the child is in need of guidance, treatment or rehabilitation, and whether the child is delinquent.

If the child is found to be delinquent, the court determines the appropriate care for the child. This can include:

- **Probation:** The court establishes rules that the juvenile must obey, and the juvenile is supervised by the Department of Juvenile Services.
- **Commitment:** The court determines that the child should be removed from home and placed into an appropriate facility for care, rehabilitation or guidance. If a juvenile is committed to the Department of Juvenile Services there must be regular reviews of the commitment.
- **Restitution:** The court may also determine that restitution for victims to be a part of the disposition. If the court finds that a person's property was stolen, damaged or destroyed as a result of a juvenile's delinquent act, or that the victim suffered certain expenses, including medical or funeral expenses, both the juvenile and the parents can be held responsible for those costs up to \$10,000.

