

Office of the Attorney General

200 St. Paul Place
Baltimore, Maryland 21202
(410) 576-7292

DATE: October 19, 2000

TO: All Clerks of the Circuit Courts

FROM: Julia Andrew, Assistant Attorney General *JMA*

SUBJECT: Peace orders - Juvenile Court

Some of your offices have started receiving telephone calls or visits from pro se individuals seeking information about filing a petition for a peace order against a respondent who is a juvenile. These individuals have advised your personnel that they were referred to the circuit court clerk's office by District Court personnel. Please be advised that such pro se individuals should be referred to the intake officer assigned to the juvenile court by the Department of Juvenile Justice.

By Acts of 2000, Chapter 404, effective October 1, 2000, various provisions of the Courts and Judicial Proceedings Article ("CJ") were amended to provide juvenile court jurisdiction over peace order proceedings in which the respondent is a juvenile. As indicated in CJ §3-810(a), the intake officer is authorized to receive a complaint from a person who has knowledge of facts that might cause a person to be subject to the jurisdiction of the juvenile court; that would include complaints alleging that a juvenile committed any act(s) that would justify the issuance of a peace order. Under CJ §3-810(c)(3), after an initial inquiry and within 25 days after receiving a complaint, the intake officer may authorize the filing of a peace order request, propose informal adjustment of the matter, or refuse authorization to file a peace order request; as indicated in §3-810(c)(4), under certain circumstances the intake officer is to refer the complaint to the State's Attorney who then determines whether a peace order request should be filed. Subsection (d)(1) of §3-810 indicates when an intake office may authorize the filing of a peace order request and requires the intake officer to notify, among others, the victim and, if other than the victim, the person who filed the complaint. CJ §3-812(c) provides that "[a] peace order request shall be filed by the intake officer in accordance with §3-820.1(b)(1) of this subtitle or the State's Attorney in accordance with §3-820.1(b)(2) of this subtitle."

Under no circumstances does the law authorize an individual to file a peace order request in juvenile court. Therefore, your staff should refer to the intake officer assigned to your juvenile court any individual inquiring about how to obtain a peace order against a juvenile.

If you have any questions regarding this matter, please do not hesitate to contact me.

LEXSTAT MD. COURTS AND JUDICIAL PROCEEDINGS CODE ANN. § 3-8A-10

Annotated Code of Maryland
Copyright 2005 by Matthew Bender and Company, Inc.
a member of the LexisNexis Group
All rights reserved.

*** CURRENT THROUGH 2004 REGULAR AND SPECIAL SESSIONS, WITH CHANGES
*** AND CORRECTIONS THROUGH APRIL 25, 2005 ***
*** ANNOTATIONS CURRENT THROUGH MAY 5, 2005 ***

COURTS AND JUDICIAL PROCEEDINGS
TITLE 3. COURTS OF GENERAL JURISDICTION — JURISDICTION/SPECIAL CAUSES OF ACTION
SUBTITLE 8A. JUVENILE CAUSES — CHILDREN OTHER THAN CINAS AND ADULTS

GO TO MARYLAND STATUTES ARCHIVE DIRECTORY

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-10 (2004)

STATUS: CONSULT SLIP LAWS CITED BELOW FOR RECENT CHANGES TO THIS DOCUMENT LEXSEE
2005 Md. ALS 601 — See section 1.

§ 3-8A-10. Complaint; preliminary procedures

(a) Applicability. — This section does not apply to allegations that a child is in need of assistance, as defined in § 3-801 of this title.

(b) Receipt of complaints. — An intake officer shall receive:

(1) Complaints from a person or agency having knowledge of facts which may cause a person to be subject to the jurisdiction of the court under this subtitle; and

(2) Citations issued by a police officer under § 3-8A-33 of this subtitle.

(c) Jurisdictional inquiry. —

(1) Except as otherwise provided in this subsection, in considering the complaint, the intake officer shall make an inquiry within 25 days as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child.

(2) An inquiry need not include an interview of the child who is the subject of the complaint if the complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of *the Criminal Law Article*.

(3) In accordance with this section, the intake officer may, after such inquiry and within 25 days of receiving the complaint:

(i) Authorize the filing of a petition or a peace order request or both;

(ii) Propose an informal adjustment of the matter; or

(iii) Refuse authorization to file a petition or a peace order request or both.

(4) (i) If a complaint is filed that alleges the commission of an act which would be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of *the Criminal Law Article*, and if the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer shall immediately:

1. Forward the complaint to the State's Attorney; and

2. Forward a copy of the entire intake case file to the State's Attorney with information as to any and all prior

intake involvement with the child.

(ii) The State's Attorney shall make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. The need for restitution may be considered as one factor in the public interest. After the preliminary review the State's Attorney shall, within 30 days of the receipt of the complaint by the State's Attorney, unless the court extends the time:

1. File a petition or a peace order request or both;
2. Refer the complaint to the Department of Juvenile Services for informal disposition; or
3. Dismiss the complaint.

(iii) This subsection may not be construed or interpreted to limit the authority of the State's Attorney to seek a waiver under § 3-8A-06 of this subtitle.

(c-1) Mental health and substance abuse screening referrals. —

(1) In this subsection, "seriously emotionally disturbed" has the meaning stated in § 15-130 of the *Health - General Article*.

(2) (i) As soon as possible and in no event later than 25 days after receipt of a complaint, the intake officer shall discuss with the child who is the subject of a complaint and the child's parent or guardian information regarding a referral for a mental health and substance abuse screening of the child.

(ii) The screening authorized under subparagraph (i) of this paragraph shall be conducted by a person who:

1. Has been selected by the child's parent or guardian;
2. Has been approved by the child's health insurance carrier; and
3. Is:
 - A. A qualified health, mental health, or substance abuse professional; or
 - B. Staff trained by a qualified health, mental health, or substance abuse professional.

(iii) Within 15 days of the date of the discussion with the child and the child's parent or guardian, the intake officer shall document whether the child's parent or guardian made an appointment for a mental health and substance abuse screening of the child who is the subject of a complaint.

(3) If, as a result of the screening authorized under paragraph (2) of this subsection, it is determined that the child is a mentally handicapped or seriously emotionally disturbed child, or is a substance abuser, the qualified health, mental health, or substance abuse professional or staff, no later than 5 working days after the screening, shall conduct a comprehensive mental health or substance abuse assessment of the child.

(4) The Department of Juvenile Services and the Department of Health and Mental Hygiene:

(i) May not disclose to any person any information received by the departments relating to a specific mental health and substance abuse screening or assessment conducted under this section that could identify the child who was the subject of the screening or assessment; and

(ii) May make public other information unless prohibited by law.

(5) The Secretary of Juvenile Services and the Secretary of Health and Mental Hygiene jointly shall adopt any regulation necessary to carry out this subsection.

(d) Authorization decision. —

(1) The intake officer may authorize the filing of a petition or a peace order request or both if, based upon the complaint and the inquiry, the intake officer concludes that the court has jurisdiction over the matter and that judicial action is in the best interests of the public or the child.

(2) An inquiry need not include an interview of the child who is the subject of the complaint if the complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of

the Criminal Law Article.

(3) In delinquency cases, the need for restitution may be considered by the intake officer as one factor in the public interest.

(4) The intake officer shall inform the following persons of any authorization decision specified in paragraph (1) of this subsection and the reasons for the decision:

- (i) The child who is the subject of the complaint, if practicable;
- (ii) The parent, guardian, or custodian of the child who is the subject of the complaint;
- (iii) The victim;
- (iv) The arresting police officer; and
- (v) The person or agency that filed the complaint or caused it to be filed.

(e) Informal adjustment — Authorized. —

(1) The intake officer may propose an informal adjustment of the matter if, based on the complaint and the inquiry, the intake officer concludes that the court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child.

(2) The intake officer shall propose an informal adjustment by informing the victim, the child, and the child's parent or guardian of the nature of the complaint, the objectives of the adjustment process, and the conditions and procedures under which it will be conducted.

(3) The intake officer may not proceed with an informal adjustment unless the victim, the child, and the child's parent or guardian consent to the informal adjustment procedure.

(f) Same—Process. —

(1) During the informal adjustment process, the child shall be subject to such supervision as the intake officer deems appropriate and if the intake officer decides to have an intake conference, the child and the child's parent or guardian shall appear at the intake conference.

(2) The informal adjustment process may not exceed 90 days unless that time is extended by the court.

(3) If the victim, the child, and the child's parent or guardian do not consent to an informal adjustment, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

(4) If at any time before the completion of an agreed upon informal adjustment the intake officer believes that the informal adjustment cannot be completed successfully, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

(g) Denial of authorization to file petition or peace order request — In general. —

(1) If based upon the complaint and the inquiry, the intake officer concludes that the court has no jurisdiction, or that neither an informal adjustment nor judicial action is appropriate, the intake officer may deny authorization to file a petition or a peace order request or both.

(2) If the intake officer denies authorization to file a petition or a peace order request or both, the intake officer shall inform the following persons of the decision, the reasons for it, and their right of review provided in this section:

- (i) The victim;
- (ii) The arresting police officer; and
- (iii) The person or agency that filed the complaint or caused it to be filed.

(3) The intake officer shall inform the persons specified in paragraph (2) of this subsection of the decision to deny authorization to file a petition for the alleged commission of a delinquent act through use of the form prescribed by § 3-

8A-11 of this subtitle.

(h) Same — Appeal. —

(1) If the complaint alleges the commission of a delinquent act and the intake officer denies authorization to file a petition, the following persons may appeal the denial to the State's Attorney:

- (i) The victim;
- (ii) The arresting police officer; and
- (iii) The person or agency that filed the complaint or caused it to be filed.

(2) In order for an appeal to be made, it must be received by the State's Attorney's office within 30 days after the form prescribed by § 3-8A-11 of this subtitle is mailed by the juvenile intake officer to the person being informed of the intake officer's decision.

(3) (i) The State's Attorney shall review the denial.

(ii) If the State's Attorney concludes that the court has jurisdiction and that judicial action is in the best interests of the public or the child, the State's Attorney may file a petition.

(iii) This petition shall be filed within 30 days of the receipt of the complainant's appeal.

(i) Same — Review by Department of Juvenile Services Area Director — Child in need of supervision. —

(1) If authorization to file a petition for a complaint which alleges a child is in need of supervision or if authorization to file a peace order request is denied, the person or agency that filed the complaint or caused it to be filed, within 15 days of personal notice of the denial to that person or agency or the mailing to the last known address, may submit the denial for review by the Department of Juvenile Services Area Director for the area in which the complaint was filed.

(2) The Department of Juvenile Services Area Director shall review the denial.

(3) If, within 15 days, the Department of Juvenile Services Area Director concludes that the court has jurisdiction and that judicial action is in the best interests of the public and the child, the Department of Juvenile Services Area Director may authorize the filing of a petition in writing.

(4) The petition shall be filed within 5 days of the decision.

(j) Violation of traffic laws. —

(1) If the complaint alleges that a minor 16 years of age or older has committed an act in violation of any provision of the Maryland Vehicle Law or other traffic law or ordinance under the jurisdiction of the juvenile court, the complaint shall be filed directly with the State's Attorney of the jurisdiction in which the alleged violation occurred.

(2) If the State's Attorney elects to proceed with the case, the State's Attorney may prepare a petition for filing with the court of proper jurisdiction.

(k) Citation other than one issued under § 10-108 of the Criminal Law Article — Permissible action. —

(1) If the intake officer receives a citation other than a citation authorized under § 10-108 of the Criminal Law Article, the intake officer may:

- (i) Refer the child to an alcohol education or rehabilitation program;
- (ii) Assign the child to a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for the second or subsequent violation;
- (iii) Require the parent or guardian of the child to withdraw the parent's or guardian's consent to the child's license to drive, and advise the Motor Vehicle Administration of the withdrawal of consent; or
- (iv) Forward the citation to the State's Attorney.

(2) The intake officer shall forward the citation, other than a citation authorized under § 10-108 of the Criminal Law Article, to the State's Attorney if:

- (i) The parent or guardian of the child refuses to withdraw consent to the child's license to drive;
- (ii) The child fails to comply with an alcohol education or rehabilitation program referral; or
- (iii) The child fails to comply with a supervised work program assignment.

(l) Citation authorized under § 10-108 of the Criminal Law Article — Permissible action. —

(1) If the intake officer receives a citation authorized under § 10-108 of the Criminal Law Article, the intake officer may:

- (i) Refer the child to a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use;
- (ii) Assign the child to a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation; or
- (iii) Forward the citation to the State's Attorney.

(2) The intake officer shall forward the citation authorized under § 10-108 of the Criminal Law Article to the State's Attorney if the child fails to comply with a smoking program referral or a supervised work program assignment described under paragraph (1) of this subsection.

(m) Time for filing complaint. —

(1) Except as provided in paragraph (2) of this subsection, within 15 days after a law enforcement officer takes a child into custody under this subtitle the law enforcement officer shall file a complaint with an intake officer.

(2) If a child is referred to a diversion program, the law enforcement officer may file the complaint with an intake officer more than 30 days after but no later than 120 days after the law enforcement officer took the child into custody.

(n) Dismissal of petition or peace order request. — The court may dismiss a petition or a peace order request for failure to comply with this section only if the respondent has demonstrated actual prejudice.

HISTORY: An. Code 1957, art. 26, §§ 70-6, 70-7; 1973, 1st Sp. Sess., ch. 2, § 1; 1974, ch. 209; ch. 691, § 8; 1975, ch. 554, §§ 1, 3; 1976, ch. 457; 1978, chs. 803, 814; 1979, ch. 257; 1980, chs. 88, 304, 552, 685; 1981, ch. 279; 1982, chs. 469, 612, 844; 1984, ch. 237; 1986, ch. 457; 1987, ch. 290; 1988, ch. 6, § 1; 1989, ch. 539, § 7; chs. 706, 814; 1991, ch. 343; 1992, chs. 7, 19; 1994, ch. 110; 1995, ch. 8, §§ 1, 4; 1997, ch. 370; 1999, ch. 446; 2000, ch. 61, § 1; ch. 404; 2001, ch. 29, § 1; ch. 415, § 6; 2002, ch. 213, § 6; 2003, ch. 53, § 4.

NOTES:

EFFECT OF AMENDMENTS.—Chapter 61, Acts 2000, approved Apr. 25, 2000, and effective from date of enactment, substituted "§ 406" for "§ 405A" in the introductory language of (l), (m), and (n), and near the beginning of (o).

Chapter 404, Acts 2000, effective Oct. 1, 2000, reenacted (a), (b), (c-1) and (j) without change; substituted "an act" for "a delinquent act" in (c) (2), in the introductory language of (c) (4) (i) and in (d) (2); added "or a peace order request or both" in (c) (3) (i) and (iii), (c) (4) (ii) 1, twice in (f) (3) and (4), and once in (g) (1); inserted "may authorize the filing of a petition or a peace order request or both" in (d) (1); substituted "any authorization decision specified in paragraph (1) of this subsection" for "the authorization decision" in the introductory language of (d) (4); substituted "may" for "shall" in (e) (3) and (f) (2); rewrote the introductory language of (g) (2); added (g) (3); substituted "subtitle" for "article" in (h) (2); inserted "or if authorization to file a peace order request" in (i) (1); and inserted "or a peace order request" in (q).

Chapter 29, Acts 2001, approved Apr. 10, 2001, and effective from date of enactment, inserted the first comma in (e) (1).

Chapter 415, Acts 2001, effective Oct. 1, 2001, rewrote (a) and (b); substituted "§ 3-8A-06" for "§ 3-817" in (c) (4) (iii); rewrote (d) (1); deleted "or the local department" following "intake officer" in (d) (4); substituted "§ 3-8A-11" for "§ 3-810.1" in (g) (3) and (h) (2); deleted former (j) and redesignated subsections and paragraphs accordingly; rewrote present (l) (2); and inserted "under this subtitle" in present (m) (1).

Section 6, ch. 213, Acts 2002, effective Oct. 1, 2002, substituted "§ 4-203 or § 4-204 of the Criminal Law Article" for "Article 27, § 36B of the Code" in (c) (2), in (c) (4) (i), and in (d) (2); and substituted "§ 10-108 of the Criminal Law Article" for "Article 27, § 406 of the Code" in the introductory language of both (k) and (l), and in (l) (2).

Chapter 53, Acts 2003, effective July 1, 2003, substituted "Services" for "Justice" throughout the section.

EDITOR'S NOTE.—Section 4, ch. 29, Acts 2001, provides that "the provisions of this Act are intended solely to correct technical errors in the law and that there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act."

MARYLAND LAW REVIEW.—For article, "Maryland's Exchangeable Children: A Critique of Maryland's System of Providing Services to Mentally Handicapped Children," see *42 Md. L. Rev.* 823 (1983).

For survey, "Developments in Maryland Law, 1991-92," see *52 Md. L. Rev.* 530 (1993).

LEGISLATIVE INTENT.—The General Assembly intended by the 1982 additions that when a juvenile 16 years of age or older allegedly committed a felony, either a felony enumerated under Art. 27, § 441 (e) or one not enumerated under that section, the State's Attorney was to have input into the handling of such a case, i.e., the Juvenile Services Administration could no longer close out a juvenile case by way of the successful completion of the informal adjustment process; this does not mean, however, that the State's Attorney was given unfettered control over complaints alleging the commission of every felony. *In re Patrick A.*, 70 Md. App. 191, 520 A.2d 743 (1987), aff'd, 312 Md. 482, 540 A.2d 810 (1988).

The 1982 additions to this section had no effect upon the intake procedure applicable to juvenile offenders under the age of 16 or to those offenders over 16 who committed acts which would be adult misdemeanors. *In re Baron C.*, 77 Md. App. 448, 550 A.2d 740 (1988), appeal dismissed, 316 Md. 571, 560 A.2d 1130 (1989).

The purpose of requiring use of the form in former § 3-810.1 (now § 3-8A-11) of this article when authorization to file a petition is denied is to guarantee that those persons with the right to appeal understand the reasons behind the intake officer's decision. There is no indication that the General Assembly intended the form to alter the preexisting division of authority relegated to the intake officer and State's Attorney's office contained in the body of the statute. *In re Kemmo N.*, 75 Md. App. 269, 540 A.2d 1202 (1988), aff'd, 315 Md. 193, 553 A.2d 1273 (1989).

CONSTRUCTION.—There is no conflict or any ambiguity, patent or latent between this section and former § 3-810.1 (now § 3-8A-11) of this article. *In re Kemmo N.*, 315 Md. 193, 553 A.2d 1273 (1989).

ADHERENCE TO PROCEDURAL REQUIREMENTS IS MANDATORY.—In order to ensure that the best interests of the child are advocated, it is necessary that both the Department of Juvenile Services and the State adhere to the procedural requirements of this section as mandated by the *General Assembly*. *In re Steven B.*, 84 Md. App. 1, 578 A.2d 223, cert. denied, 321 Md. 385, 582 A.2d 1255 (1990).

The Secretary of the Department of Juvenile Services is not free to ignore the purposes of the juvenile causes statute and adopt policies that are contrary to the legislative will, even if those policies are considered to be more expedient. *In re Steven B.*, 84 Md. App. 1, 578 A.2d 223, cert. denied, 321 Md. 385, 582 A.2d 1255 (1990).

The Department of Juvenile Services may not adopt a policy which ignores, limits, or restricts the intake officer's role in the juvenile cause process. The intake officer should conduct a more detailed review of the case, rather than merely classifying the offense allegedly committed by the juvenile as falling within the ambit of subsection (b) (3) (i) of this section (now see (c) (4) (i) of this section) and automatically authorizing the filing of a petition charging delinquency. *In re Steven B.*, 84 Md. App. 1, 578 A.2d 223, cert. denied, 321 Md. 385, 582 A.2d 1255 (1990).

ALLEGATION OF DELINQUENCY IS MADE BY FILING OF PETITION under this section and former § 3-812 (now § 3-8A-13) of this article. *In re Appeal No. 1038*, 32 Md. App. 239, 360 A.2d 18 (1976).

Filing of petition was not untimely where communications between the prosecutor and the Maryland Department of Juvenile Justice (now Juvenile Services) involved in the determination whether to charge the mentally disabled juvenile at all proceeded for months before the petition was filed; the communications were not ex parte, and the time for filing had not begun to run, because the juvenile was not yet a party to the proceeding before the petition was filed, and, in any case, the delay was not unreasonable in a constitutional sense since the juvenile was not found to have been prejudiced. *In re Timothy C.*, 376 Md. 414, 829 A.2d 1024 (2003).

ROLE OF STATE'S ATTORNEY.—Delinquency proceeding petitions must be prepared, signed and filed by the *State's Attorney*. *United States v. Ramapuram*, 432 F. Supp. 140 (D. Md. 1977), aff'd, 577 F.2d 738 (4th Cir.), cert. denied, 439 U.S. 926, 99 S. Ct. 309, 58 L. Ed. 2d 318 (1978).

State's Attorney has discretion whether to file a petition against a juvenile only when a juvenile, 16 years or older, commits an enumerated felony as set forth under former Article 27, § 441(e) (see now § 5-101(c) of the *Public Safety Article*). As to other felonies committed by a juvenile, 16 years or older, the State's Attorney must comply with the

4 of 17 DOCUMENTS

Annotated Code of Maryland
Copyright 2005 by Matthew Bender and Company, Inc.
a member of the LexisNexis Group
All rights reserved.

*** CURRENT THROUGH 2004 REGULAR AND SPECIAL SESSIONS, WITH CHANGES
*** AND CORRECTIONS THROUGH APRIL 25, 2005 ***
*** ANNOTATIONS CURRENT THROUGH MAY 5, 2005 ***

COURTS AND JUDICIAL PROCEEDINGS
TITLE 3. COURTS OF GENERAL JURISDICTION — JURISDICTION/SPECIAL CAUSES OF ACTION
SUBTITLE 8A. JUVENILE CAUSES — CHILDREN OTHER THAN CINAS AND ADULTS

GO TO MARYLAND STATUTES ARCHIVE DIRECTORY

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-8A-13 (2004)

§ 3-8A-13. Petition; general procedures

(a) Allegations generally. — A petition shall allege that a child is either delinquent or in need of supervision. If it alleges delinquency, it shall set forth in clear and simple language the alleged facts which constitute the delinquency, and shall also specify the laws allegedly violated by the child. If it alleges that the child is in need of supervision, the petition shall set forth in clear and simple language the alleged facts supporting that allegation.

(b) Petitions alleging delinquency or violation of § 3-8A-30. — Petitions alleging delinquency or violation of § 3-8A-30 of this subtitle shall be prepared and filed by the State's Attorney. A petition alleging delinquency shall be filed within 30 days after the receipt of a referral from the intake officer, unless that time is extended by the court for good cause shown. Petitions alleging that a child is in need of supervision shall be filed by the intake officer.

(c) Peace order request. — A peace order request shall be filed by the intake officer in accordance with § 3-8A-19.1 (b) (1) of this subtitle or the State's Attorney in accordance with § 3-8A-19.1 (b) (2) of this subtitle.

(d) Applicability of Maryland Rules. — The form of petitions, peace order requests, and all other pleadings under this subtitle, and except as otherwise provided in this subtitle, the procedures to be followed by the court under this subtitle, shall be as specified in the Maryland Rules.

(e) Dismissal by State's Attorney. — The State's Attorney, upon assigning the reasons, may dismiss in open court a petition alleging delinquency.

(f) Hearings generally. —

(1) The court shall conduct all hearings under this subtitle in an informal manner.

(2) In any proceeding in which a child is alleged to be in need of supervision or to have committed a delinquent act that would be a misdemeanor if committed by an adult or in a peace order proceeding, the court may exclude the general public from a hearing, and admit only the victim and those persons having a direct interest in the proceeding and their representatives.

(3) Except as provided in paragraph (4) of this subsection, in a case in which a child is alleged to have committed a delinquent act that would be a felony if committed by an adult, the court shall conduct in open court any hearing or other proceeding at which the child has a right to appear.

(4) For good cause shown, the court may exclude the general public from a hearing or other proceeding in a case in which a child is alleged to have committed a delinquent act that would be a felony if committed by an adult and admit only the victim and those persons having a direct interest in the proceeding and their representatives.

(5) Except as provided in paragraph (6) of this subsection, the court shall announce, in open court, adjudications and

dispositions in cases where a child is alleged to have committed a delinquent act which would be a felony if committed by an adult.

(6) For good cause shown, the court may exclude the general public from a proceeding at which an adjudication or disposition is announced and admit only the victim and those persons having a direct interest in the proceeding and their representatives.

(g) Trial by court. — The court shall try cases without a jury.

(h) Expedited hearings. — The court shall hear and rule on a petition seeking an order for emergency medical treatment on an expedited basis.

HISTORY: 1975, ch. 554, §§ 1, 3; 1978, ch. 814; 1980, chs. 34, 88, 304; 1984, ch. 709; 1989, ch. 707; 1991, ch. 343; 1995, ch. 8, § 4; 1997, ch. 314; 1999, ch. 619; 2000, ch. 404; 2001, ch. 415, § 6.

NOTES:

EFFECT OF AMENDMENTS.—Chapter 404, Acts 2000, effective Oct. 1, 2000, inserted "of this subtitle" in the first sentence of (b); inserted present (c) and redesignated the remaining subsections accordingly; inserted "peace order requests" in present (d); and inserted "or in a peace order proceeding" in present (f) (2).

Chapter 415, Acts 2001, effective Oct. 1, 2001, deleted "or in need of assistance" preceding "in need of supervision" twice in (a); in (b), substituted "§ 3-8A-30" for "§ 3-831" following "violation of," and deleted the last two sentences; in (c), substituted "§ 3-8A-19.1 (b) (1)" for "§ 3-820.1 (b) (1)," and substituted "§ 3-8A-19.1 (b) (2)" for "§ 3-820.1 (b) (2)"; in (d), inserted "under this subtitle" twice; inserted "under this subtitle" following "hearings" in (f) (1); deleted "or assistance" following "supervision" in (f) (2); deleted former (h); and redesignated former (i) as present (h).

MARYLAND LAW REVIEW.—For note discussing the standard of proof in a juvenile waiver hearing and the problem of unreported opinions, see *41 Md. L. Rev. 169 (1981)*.

For article, "Maryland's Exchangeable Children: A Critique of Maryland's System of Providing Services to Mentally Handicapped Children," see *42 Md. L. Rev. 823 (1983)*.

For article discussing the competing interests of media access to juvenile court proceedings and the First Amendment Freedom of the Press, see "Recent Decisions," *56 Md. L. Rev. 656 (1997)*.

UNIVERSITY OF BALTIMORE LAW REVIEW.—For comment discussing the history, analysis and proposed reform of Maryland law on child abuse and neglect, see *6 U. Balt. L. Rev. 113 (1976)*.

ALLEGATION OF DELINQUENCY IS MADE BY THE FILING OF A PETITION under this section and former § 3-810 (now § 3-8A-10) of this article. *In re Appeal No. 1038, 32 Md. App. 239, 360 A.2d 18 (1976)*.

FILING OF PETITION CREATES JURISDICTION.—When a delinquency petition has been filed, the court, sitting as a juvenile court, has "exclusive original jurisdiction" over the child. *Parojinog v. State, 282 Md. 256, 384 A.2d 86 (1978)*.

PETITION "FILED" ON DATE DELIVERED.—Where the delinquency petitions at issue were actually delivered before midnight on the last day of the filing deadline to a person authorized to receive them, they were considered filed on that date and should have been "stamped in" as of that date instead of the following day. *In re Vy N., 131 Md. App. 479, 749 A.2d 247 (2000)*.

ALLEGATION OF ONE OR MORE VICTIMS.—When there is one delinquent act, and one violation of law, the identity of any victim or the existence of all victims need not be alleged in the delinquency petition, if the existence of one or more victims is alleged. *In re Tyrek S., 118 Md. App. 270, 702 A.2d 466 (1997)*, aff'd, *351 Md. 698, 720 A.2d 306 (1998)*.

DISCRETION OF STATE'S ATTORNEY.—State's Attorney has absolute discretion in deciding whether delinquency proceedings are appropriate. *United States v. Ramapuram, 432 F. Supp. 140 (D. Md. 1977)*, aff'd, *577 F.2d 738 (4th Cir.)*, cert. denied, *439 U.S. 926, 99 S. Ct. 309, 58 L. Ed. 2d 318 (1978)*.

Juvenile causes in Maryland cannot proceed without the approval of the State's Attorney, and his discretion operates independently of the courts. *United States v. Ramapuram, 432 F. Supp. 140 (D. Md. 1977)*, aff'd, *577 F.2d 738 (4th Cir.)*,