

Circuit Court for Frederick County  
Case No. C-10-JV-23-000159 and  
C-10-JV-22-000045

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1462

September Term, 2024

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IN RE: J.D.

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Arthur,  
Shaw,  
Getty  
(Senior Judge, Specially Assigned),  
JJ.

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Opinion by Shaw, J.

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Filed: January 20, 2026

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In 2022, Appellant was adjudicated delinquent by the Circuit Court for Frederick County, sitting as a juvenile court, in connection with an armed robbery. The court committed Appellant to the Department of Juvenile Services (DJS), he completed an out of home placement, and he was placed on one year of supervised probation. In August 2024, Appellant was found in violation of his probation after being found involved in a theft offense. The court held a disposition hearing on September 16, 2024, and issued an “Order of Temporary Disposition Suspended Commitment Order And Supervised Probation.” On September 26, 2024, the court found that Appellant had violated the terms of his release, and he was detained and committed to DJS for out of home placement. Appellant noted this timely appeal, and he presents two questions for our review:

1. Did the juvenile court impose an illegal disposition upon Appellant when it entered a disposition order not authorized by the Juvenile Causes Act?
2. Did the Juvenile Court’s summary revocation of Appellant’s supervised probationary status and imposition of the suspended commitment without a hearing violate the due process protections afforded by Maryland Rule 11-424 and the Maryland and U.S. Constitutions?

We hold that the juvenile court erred in imposing a disposition unauthorized by law. We, therefore, vacate the disposition and remand this matter for proceedings consistent with our holding. As a result, we decline to address question two.

## **BACKGROUND**

At a disposition hearing on September 16, 2024, following adjudication, the Circuit Court for Frederick County, sitting as a juvenile court, committed Appellant to the Department of Juvenile Services. The court then stayed the commitment and entered a

temporary disposition for six months. Appellant was placed on supervised probation with GPS monitoring and other special conditions. The court advised Appellant of the consequences of non-compliance with its order.

Three days later, Appellant appeared before the juvenile court for an emergency hearing. The State alleged that he violated the conditions of his GPS monitoring by going outside of the home beyond curfew, and that he had smoked marijuana. Appellant was detained and a hearing was scheduled for September 26, 2024. On that date, the juvenile court committed Appellant to DJS and ordered that he be sent to a behavior modification program.

At the hearing, the State asserted that Appellant was on notice that the case would be set before the court to “review detention” and to consider the “imposition of the suspended commitment.” The State “believes the evidence that we put forth before Your Honor at the first disposition hearing on the 16th was sufficient to justify a commitment, that it would be best for the public, best for respondent, for the competency and character development of respondent, accountability, public safety, for all the reasons noted in 3-802, the reasons that we placed on the record, Your Honor, we do believe were sufficient to justify that commitment.” The State explained:

While he’s out on a short leash, on a lockdown GPS pending final disposition, when everybody’s told us he gets it now—for once, he appropriately gets it. He’s pending another commitment. He’s going to take it serious. His dad takes him home, and he - - what’s he do? He turns off the cameras to the exterior of the house and goes outside. This is not a respondent who is confused. He’s been on GPS and CD for I’ll call it a year. Over and over again, he’s on CD. He’s not confused. He doesn’t understand that maybe I can’t go out. He’s not confused. He doesn’t understand that maybe I can

go out. He was outside from- - - I'll say I think the numbers are 1:50 to 2:15. Dad goes outside, sees him at a car with his friends, come inside. Dad isn't an expert, says he appears to be under the influence of substances when he comes in. Neighbors see him smoking out there with his friends. . . So, Your Honor, I do ask that Your Honor issue a commitment order today.

Appellant's counsel argued that section 3-8A-19.7 of the Courts and Judicial Proceedings Article of the Maryland Code does not permit a child to be placed in a facility used for a detention for a technical violation:

**[Appellant's Counsel]:** So in reviewing—and first, there are two orders that Your Honor issued. It was the issue for the GPS lockdown monitoring and the order temporary disposition suspended commitment order and supervised probation. So the alleged violation is, and I say alleged because I still think he's entitled to violation of probation hearing, I'll get into that, but what the alleged violation is that he violated GPS. He was outside the house, I believe on the street, not far from his house. But he was in violation for those actions. And I understand that this is a violation of the GPS monitoring. I reread the suspended commitment order and supervised probation. I don't see that it is necessarily a violation of that or that it states that for any violation he could be committed.

And in reading 3-8A-19.7 of [the] Courts and Judicial Proceedings [article], it states that a child may not be placed in a facility used for a detention for a technical violation. And this would be a technical violation. And also 3-8A-19 (d)(3)(i) says child may not be committed to DJS for out of home placement if the most serious offense—one of those specifically, it says a technical violation. So again, GPS is a separate order, even if it is a violation of whichever, it's still a technical violation.

**[Appellant's Counsel]:** 3-8A(19(d)(i) states that a juvenile—Your Honor, Juvenile law statutory and the disposition provisions by statute under that cited section are, one, the Court may place the child on probation or supervision in his own home or commit a child to DJS, Department of Health, or another agency on appropriate terms, designating the type of facility where the child's committed, or three, order participation in rehabilitation services. While the words suspended commitment do not exist, they are- and because that's not a statutory authorized disposition- the order does state with suspended commitment order and supervised probation that this has to be treated as a probation order.

So, regardless, Your Honor, due process still applies...

There must be a hearing. The burden is still going to be on the State to prove in this hearing the violations. And also statutorily to commit the violation—to commit, the violation must be a nontechnical one. . . . And really, Your Honor, in no universe does the order or law permit a commitment on a technical violation. It's not stated on the order in the first place. If it did, it would be unlawful. The court cannot circumvent statutory due process portions. . . . The right to a VOP hearing is also constitutionally required, citing *Gagnon v. Scarpelli*, 411 U. S. 778, so I have all those statutes and that case as well for Your Honor.

Your Honor, I believe that proper procedure right now, because of what the alleged violation is, is for the Court to release [J.D.] because it is unlawful to have him detained on a technical violation. And in a VOP hearing, the State would need to file a violation of probation petition. . . Maryland Rule 11-424 does address VOPs and what needs to be done as well as for Juvenile Court.

In response, the court noted that Appellant was aware of the potential consequences and that “he knew he had to walk the line.” The court stated that the “slip-up” happened right after he was put on GPS lockdown, while he was out late at night in a friend’s car and possibly under the influence. The court found that Appellant’s behavior amounted to “thumping his nose basically at the Court.”

**THE COURT:** All right. We were here back on September, I think 16<sup>th</sup> and I did make certain findings. I did find that placement was appropriate at that time due to J.D.’s needs, the need for public safety, protection of the community, accountability for [J.D.] and for the offenses committed, and for competency and character development, help him become a responsible and productive member of society, provide for his care, protection, wholesome mental and physical development, provide for a program of treatment, training, and rehabilitation consistent with his best interest and protection of public interest. And I thought it was appropriate that day. I was willing to- - because [J.D.] seemed to be on an upswing--- to give him a chance with respect to that. But in fact, he was not in the situation he purported to be that day because he had used prior to being in Court that day.

And subject to a hearing at a violation of probation hearing, I do find there is enough, and I can consider it with respect to what he did within two days of being here, but I'm not going to impose that commitment today. Everyone is on notice that I don't need to find him in violation. It's not necessarily a technical offense.

I found that all the appropriate factors to commit him were present on September 16<sup>th</sup>, and he understood he was being cut a break on the 16<sup>th</sup> because commitment was appropriate that day. It remains appropriate today as well.

The Court then committed Appellant to the care and custody of the Department of Juvenile Services for placement at a behavior modification facility. The court ordered that he be detained at a juvenile detention facility, pending placement.

## **STANDARD OF REVIEW**

Matters of statutory interpretation, like a juvenile court's authority under CJP section 3-8A-19, are reviewed *de novo*. *In re M.P.*, 487 Md. 53, 84 (2024).

## **DISCUSSION**

### **I. The Juvenile Court erred in imposing a disposition not authorized by the Juvenile Causes Act.**

Appellant argues that his September 16th disposition was illegal as there is no language in the Juvenile Causes Act or Maryland Rules authorizing a stayed commitment or a temporary disposition. The State argues that section 3-8A-19 of the Maryland Courts & Judicial Proceedings Article of the Maryland Code does not prohibit a juvenile court from ordering a stayed or temporary disposition. The State contends that the juvenile court has the discretion to fashion specific terms to meet the needs of juvenile respondents, and in this case, the court's order combined supervision in the home with a commitment to the

Department of Juvenile Services to address Appellant’s individual needs, and it fulfilled the priorities expressed in the Juvenile Causes Act. The State argues that the use of the phrase, “terms the court deems appropriate” in section 3-8A-19(d)(1)(i) of the Courts and Judicial Proceedings Article of the Maryland Code relating to probation and section 3-8A-19(d)(1)(ii) of the Courts and Judicial Proceedings Article relating to commitment, permit the court to cross apply these two subsections and issue an order of “temporary suspended commitment supervised probation.”

In examining issues requiring statutory interpretation, we always seek “to ascertain and effectuate the real and actual intent of the Legislature.” *State v. Weems*, 429 Md. 329, 337 (2012). “We [start] with the normal, plain meaning of the statute,” looking to the statute’s language. *Id.* The plain language is viewed “within the context of the statutory scheme . . . considering the purpose, aim, or policy of the Legislature in enacting the statute.” If the language is unambiguous, the inquiry ends. *Id.*

The purposes of the juvenile delinquency subtitle of the Juvenile Causes Act are stated in section 3-8A-02 of the Maryland Courts and Judicial Proceedings Article of the Maryland Code:

- (a) The purposes of this subtitle are:
  - (1) To ensure that the Juvenile Justice System balances the following objectives for children who have committed delinquent acts:
    - (i) Public safety and the protection of the community;
    - (ii) Accountability of the child to the victim and the community for offenses committed; and
    - (iii) Competency and character development to assist children in becoming responsible and productive members of society;

- (2) To hold parents of children found to be delinquent responsible for the child's behavior and accountable to the victim and the community;
- (3) To hold parents of children found to be delinquent or in need of supervision responsible, where possible, for remedying the circumstances that required the court's intervention;
- (4) To provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this subtitle; and to provide for a program of treatment, training, and rehabilitation consistent with the child's best interests and the protection of the public interest;
- (5) To conserve and strengthen the child's family ties and to separate a child from his parents only when necessary for his welfare or in the interest of public safety;
- (6) If necessary to remove a child from his home, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents;
- (7) To provide to children in State care and custody:
  - (i) A safe, humane, and caring environment; and
  - (ii) Access to required services; and
- (8) To provide judicial resources for carrying out the provisions of this subtitle.

Md. Code Ann., Cts. & Jud. Proc. § 3-8A-02.

When a juvenile court finds that a child has committed a delinquent act, it must decide if the child needs guidance, treatment, and rehabilitation and, if so, the nature of that guidance, treatment, and rehabilitation, at a “disposition hearing.” *In re M.P.*, 487 Md. 53, 62 n.3 (2024). The court’s dispositions are governed by the Juvenile Causes Act, including § 3-8A-19(d) of the Courts and Judicial Proceedings Article of the Maryland Code, which provides that:

### **Disposition by Court**

- (d) (1) In making a disposition on a petition under this subtitle, the court may:

- (i) Subject to 3-8A-19.6 of this subtitle, place the child on probation or under supervision in his own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention;
- (ii) Subject to the provisions of paragraphs (2) and (3) of this subsection, commit the child to custody or under the guardianship of the Department of Juvenile Services, the Maryland Department of Health, or a public or licensed private agency on terms that the court considers appropriate to meet the priorities set forth in section 3-8A-02 of this subtitle, including designation of the type of facility where the child is to be accommodated, until custody or guardianship is terminated with approval of the court or as required under section 3-8A-24 of this subtitle; or
- (iii) Order the child, parents, guardian, or custodian, of the child to participate in rehabilitative services that are in the best interest of the child and the family.

Md. Code Ann., Cts. & Jud. Proc. § 3-8A-19(d).

In our review of the Juvenile Causes Act, we found the statute to be clear and unambiguous. It plainly provides for three types of disposition: probation, commitment or court ordered home services. The statute does not reference or include language conferring upon the juvenile court, the ability to stay a commitment or to grant a temporary disposition. The subsections of the statute that the State argues allow the court to impose a suspended commitment or temporary disposition are distinct and do not provide that a juvenile court can mix and match dispositions or delay the imposition of a commitment. We note that “[as] a court of limited jurisdiction, the juvenile court may exercise only those powers granted to it by statute.” *In re Ryan W.*, 434 Md. 577, 602 (2013) (citing *In re Franklin P.*, 366 Md. 306, 334 (2001)). As explained in *In re W.Y.* and *In re S.F.*, a juvenile court does not have the authority to act outside of the boundaries of the statute, even if the

court determines that such requirements further the child’s rehabilitative goals. *In re W.Y.*, 228 Md. App. 596, 611(2016); *In re S.F.*, 477 Md. 296, 326 (2022).

In sum, the plain meaning of section 3-8A-19(d) of the Maryland Courts and Judicial Proceedings Article is clear and unambiguous. It permits three dispositions: probation, commitment, or services in the home for the child and family. Here, the court erred in imposing a disposition not authorized by law.

**JUDGMENT OF THE CIRCUIT  
COURT FOR FREDERICK  
COUNTY REVERSED; COSTS  
TO BE PAID BY APPELLEE.**