

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5324. Protection of Abused Children: Wardship.

(a) Within 30 days of a temporary wardship finding, the court shall determine whether the wardship should be continued. In order to continue a wardship, the Office of the Attorney General shall prove by a preponderance of the evidence that the child is either:

(1) In need of proper and effective parental care or control and has no parent or guardian willing to exercise or capable of exercising such care or control; or

(2) Within a home that is an unfit place for the child by reason of neglect, cruelty, depravity, or physical abuse by the parents, guardians, or persons in whose custody or care the child is in.

(b) If the court determines that a wardship should continue, it shall declare the child a ward of the court for any period up to one year. At the end of one year, wardship may be continued only upon a new finding based on another hearing.

(c) If a child is declared a ward of the court, the court may:

(1) Limit the control to be exercised over the ward by any parent or guardian; or

(2) Place the child under the care, custody, and control of the Division of Youth Services who shall place the child with a reputable person of good moral character who consents to take care of the child or a group whose objective is to care for such children or with a public agency organized to provide care for children.

(d) The court shall not remove the child from a parent or guardian and place the child with the Division of Youth Services unless it first makes a finding that the removal is in the best interests of the child.

Source: PL 3-18, § 7; amended by PL 3-57, § 5; repealed and reenacted by PL 16-53 § 3 (January 29, 2010).