

CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

Differentiated Case Management Plan for Juvenile Cases

INTRODUCTION

This Juvenile DCM Plan is established in accordance with Md. Rule 16-302(b) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action in the Circuit Court.

Consistent with the best interests of the child, the Circuit Court for Calvert County seeks to handle each juvenile case fairly and to resolve each case promptly, according to applicable statutes, Maryland Rules and administrative case time standards.

This Plan has been created to integrate statutorily mandated time frames with caseflow events and court policy to promote the fair and efficient management of sensitive juvenile cases. Customized procedural tracks govern each case type and reflect the steps taken in the majority of cases. Meaningful events may be included in several tracks to facilitate timely disposition early in the case. Postponement requests are governed by a written policy, approved by the County Administrative Judge, with a view to curbing delay wherever possible.

Essential components of the Plan include (1) review of court processes and services that impact children and families to ensure responsiveness and efficiency and (2) evaluation of performance to address case processing issues as they arise.

It is the purpose of this Plan to provide an effective case management system which will assure:

- Equal treatment of all juveniles and families by the court;
- Timely disposition consistent with the circumstances of the individual case;
- Enhancement of the quality of the juvenile case process; and
- Public confidence in the court as an institution.

The provisions of the Plan are not intended to be rigid; some deviation from them is to be expected from time to time. Additionally, the plan does not purport to override the Maryland Rules or procedural requirements contained in the *Annotated Code of Maryland*.

SECTION I

JUVENILE PROCEDURES – DELINQUENCY

1.1. Character of Action. These actions are those in which the Court sits as a juvenile court for the purpose of delinquency proceedings.

1.2. Emergency Situations. Requests involving pre-hearing detention and other emergency situations involving juveniles shall be immediately referred to the Court and shall be scheduled by the Assignment Office on an emergency and priority basis. If a petition has been filed, an initial appearance shall be held at that time.

1.3. Cancellation of Appearance. If the appearance of an attorney is entered in writing prior to the time of an initial appearance, Clerk's Office personnel shall notify the Assignment Office to have the action removed from the initial appearance calendar. If no date for a pre-trial hearing has been set, the Assignment Office shall immediately arrange a date for a pre-trial hearing.

1.4. Juvenile Hearing Days. The Court shall normally hear juvenile cases six days per month, on average, as directed by the County Administrative Judge. Changes in regular days, including the addition of hearing dates to the court calendar shall be approved by the County Administrative Judge. Notwithstanding any other provision of this DCMP, the Court shall make arrangements to conduct emergency detention hearings when requested by the Department of Juvenile Services (DJS).

1.5. Procedure When Petition Filed.

(a) **Docketing.** If the respondent has been the subject of a prior proceeding, each new original petition shall be filed in a new proceeding. At the time of docketing, the case is assigned to one of two tracks- Track J1 for cases without pre-adjudication detention, Track J2 for cases with pre-adjudication detention.

(b) **Initial Appearance.** At the time when an original petition is filed, the State's Attorney's Office shall notify the Assignment Office to set action for initial appearance on the next regular juvenile initial appearance court day, which is at least five days thereafter. Clerk's Office personnel shall include the date in the summonses issued in accordance with Md. Rule 11-104, and take the other actions required by this paragraph. If an attorney enters his or her appearance prior to the initial appearance date, the initial appearance is canceled.

1.6. Pretrial Hearing.

(a) **Generally.** If the petition alleges delinquency or requests waiver of jurisdiction, the matter shall be set for pretrial at the time of the initial appearance or by the Assignment Office at the time an attorney's appearance has been entered. A Pre-Trial Hearing shall be within 30 days of the initial appearance.

(b) Postponement. The County Administrative Judge or his/her designee will rule on written motions for postponement of hearings that exceed statutorily mandated deadlines, but do not require a finding of extraordinary cause. These motions will only be granted on a showing of good cause. Motions for postponement made on the day of a hearing, that exceed the statutorily mandated deadlines, but not requiring a finding of extraordinary cause, will be ruled on by the presiding judge, and will only be granted on a showing of good cause.

1.7. Adjudicatory Hearing.

(a) Generally. Except as provided in section (b) of this paragraph, an Adjudicatory Hearing shall be held within 60 days of the date when the petition was served on the juvenile respondent unless a waiver petition is filed, in which case an Adjudicatory Hearing shall be held within 30 days after the Court's decision to retain jurisdiction at the conclusion of the Waiver Hearing. This requirement may be changed only by the County Administrative Judge, upon motion made on the record within these time limits by the petitioner or the respondent, for extraordinary cause.

(b) Effect of Detention, Shelter Care or Denial of Waiver. If the respondent is in detention or shelter care, the Adjudicatory Hearing must be within 30 days after the date on which such detention or shelter care was ordered by the Court. Similarly, if the Court denies waiver of jurisdiction, an Adjudicatory Hearing must be held within 30 days of the date of the denial.

(c) Postponements. Motions for postponement of Adjudicatory Hearings shall be filed with the Clerk's Office and will be ruled on by the designee of the County Administrative Judge. These motions will only be granted on a showing of extraordinary cause. Extraordinary cause is that which is not foreseeable, usual or predictable. Generally, scheduling conflicts on their face do not constitute extraordinary cause.

1.8. Disposition Hearings.

(a) Generally. The date of Disposition Hearings in proceedings involving delinquency, if not established by the Court at the Adjudicatory Hearing, shall be established immediately thereafter by the Assignment Office, preferably on a regular juvenile day, which is not more than 30 days after the Adjudicatory Hearing for Track J1 cases. For Track J2 cases, the disposition shall be conducted within 14 days of the Adjudicatory Hearing.

(b) Postponements. The County Administrative Judge or his/her designee will rule on written motions for postponement of hearings that exceed statutorily mandated deadlines, but do not require a finding of extraordinary cause. These motions will only be granted on a showing of good cause. Motions for postponement made on the day of a hearing, that exceed the statutorily mandated deadlines, but not requiring a finding of extraordinary cause, will be ruled on by the presiding judge, and will only be granted on a showing of good cause.

**Table 1
Timing of Track J1 and Track J2 Hearings**

	Track J1	Track J2
Continued Detention of Respondent	n/a	Next court date
Initial Appearance	21 days	Next court date
Pretrial	30 days	15 days
Adjudicatory Hearing	45 days	30 days
Disposition	60 days	45 days

1.9. Assignment of Other Proceedings.

(a) Delinquency Proceedings. The Assignment Office may assign hearings for review of probationary status and hearings regarding termination of commitment of jurisdiction in delinquency proceedings on a regular juvenile day on the request of the State's Attorney, the respondent's attorney or DJJ if (i) the request is made at least five business days before the hearing, (ii) the person making the request indicates that the date is satisfactory to all other parties and counsel, and (iii) the assignment shall not affect the ability of the court to dispose of all juvenile matters assigned on that day.

(b) Other Petitions or Motions. At the time when any other motion or request is filed in a juvenile proceeding, including requests relating to termination of commitment or jurisdiction or for review of the status of a proceeding, the Assignment Office shall issue a notice of hearing in accordance with this section.

(c) Time of Hearing. Except as provided with respect to hearing of matters involving revocation of probation, all hearings referred to in this paragraph shall be assigned to the calendar of the next regular juvenile day.

1.10. Remote Participation. (a) Scheduling or Pretrial Conference by telephone. An attorney may elect to participate in a Scheduling or Pretrial Conference by telephone, if such participation is expressly authorized by the Court. Attorneys and their clients must be present for a Settlement Conference. Attorneys participating by telephone shall be considered, for all purposes, to be in the presence of the Court. An attorney who is not physically present or participating by telephone at the time stated in the Order for Scheduling Conference shall be considered absent and subject to all decisions made at the Scheduling Conference and/or appropriate sanctions for failure to appear.

(b) All other matters. Attorneys, parties and litigants may appear for trials and hearings through video or audio conferencing offered by CourtCall. Advance permission must be obtained from the court using the motion provided on the court's website. To expedite matters, the party requesting the remote hearing must notify all other attorneys or unrepresented parties and receive their consent. Approval depends on the nature of the matter to be heard and the reason for the request. If other attorneys or unrepresented parties do not consent, the motion will be considered

on its merits. The party requesting the remote appearance shall be responsible for all costs incurred.

SECTION II
JUVENILE PROCEDURES
CHILD WELFARE

2.1. Generally.

(a) Character of Actions. These actions are those in which the Court sits as a juvenile court other than delinquency proceedings, including CINA (Child in Need of Assistance) and TPR (Termination of Parental Rights) cases. The provisions of this section include proceedings filed in the juvenile court in accordance with Section 3, Subtitle 8 of the *Courts & Judicial Article of the Maryland Annotated Code* and Rule 11-501 of the Maryland Rules.

(b) Docketing. Notwithstanding the fact that the respondent may have been the subject of a prior proceeding, each new original petition shall be filed in a new proceeding. At the time of docketing, the case is assigned to one of four tracks- Track J3 for CINA non-shelter cases, Track J4 for CINA shelter cases, Track J5 for Termination of Parental Rights cases and Track J6 for all others.

(c) Hearing Days. The Court shall normally hear child welfare cases three days per month, as directed by the County Administrative Judge. Changes in regular days, including addition of hearing dates to the court calendar must be approved by the County Administrative Judge. Notwithstanding any other provision of this Plan, the Court shall make arrangements to conduct Emergency Shelter Hearings when requested by the Department of Social Services (DSS).

(d) Timing of Settlement Conference. In CINA cases, Settlement Conferences shall be scheduled, usually on the Friday before the CINA hearing.

2.2 CINA.

(a) Non-Shelter (Track J3).

(i) Initial Appearance. When an original petition is filed, the DSS shall notify the Assignment Office to set the action for an initial appearance on the next regular CINA court day, which is at least five days thereafter. Clerk's Office personnel shall include that date in the summonses issued in accordance with Md. Rule 11-104, and take the other actions required by this paragraph.

(ii) Cancellation of Initial Appearance. If the appearance of an attorney is entered in writing prior to the time of an initial appearance, Clerk's Office personnel shall notify the Assignment Office to have the action removed from the initial appearance calendar. If no date for the Adjudicatory Hearing has been set, the Assignment Office shall immediately arrange a date for the Adjudicatory Hearing.

(iii) Date of Adjudicatory Hearing. Unless a date has been previously established by the Assignment Office, Clerk's Office personnel shall indicate in the summonses that the date of the Adjudicatory Hearing shall be established at the initial appearance. An Adjudicatory Hearing on the petition shall be held within 60 days of the filing of the petition. Disposition shall occur at the conclusion of the Adjudicatory Hearing.

(b) Shelter Care (Track J4).

(i) Petition. Requests involving shelter care and other emergency situations involving juveniles shall be immediately referred to the Court and shall be scheduled by the Assignment Office on an emergency and priority basis. A Shelter Care Hearing is set within 24 hours of the filing of the petition. If the petition is filed on a Friday, it is set for the following Monday. The initial appearance shall be held at the time of the Shelter Care Hearing.

(ii) Settlement Conference. A Settlement Conference shall be conducted prior to the Adjudicatory Hearing.

(iii) Adjudicatory Hearing. An Adjudicatory Hearing on the petition shall be held within 30 days of the filing of the petition. Disposition shall occur at the conclusion of the Adjudicatory Hearing.

2.3. Termination of Parental Rights (Track J5).

(a) Scheduling Order. Upon the filing of a petition for termination of parental rights with right to consent to adoption, a Scheduling Order shall be prepared by the Assignment Office and sent to all parties of record, the Office of the Public Defender (with a copy of the petition) and to the Family Services Coordinator. The Scheduling Order shall contain the following:

- (i)** Trial date,
- (ii)** Status hearing date,
- (iii)** Pretrial hearing date,
- (vi)** A statement that discovery shall be completed by the pretrial hearing,
- (v)** A statement that mediation shall be completed by the pretrial hearing.

(b) Status Hearing. The Status Hearing shall be set within 45 days of the filing date. Matters such as service of parties, availability of future dates, and scheduling of mediation shall be discussed. Additional Status Hearings will be held if needed to monitor service of the parties.

(c) Mediation. Mediation is scheduled between days 45-120 to resolve any outstanding issues in the case before trial. If the mediation session results in an agreement, the agreement will be placed on the record the same day. If an agreement is not reached, any party may request an additional mediation session, or the case will proceed to trial.

(d) Pre-Trial Conference. A Pre-Trial Conference is set between days 90-120 to address any outstanding discovery issues and ensure all parties are ready for trial.

(e) **Trial.** A trial date is set between days 120-150. All cases must go forward on the record even if an agreement is reached, or consent is given. If the case results in a Final Order of Guardianship the case will continue to be reviewed until such time as the respondent is adopted or the guardianship is terminated.

(f) **Document Review.** The Clerk’s Office shall forward to chambers for review all documents received on all TPR matters awaiting trial, once the document has been docketed.

(g) **Review of Pending Cases.** The Office of Family Services shall maintain a checklist of all TPR matters to ensure that the case proceeds expeditiously. The family services coordinator or the County Administrative Judge shall review all TPR pending TPR cases on a bi-weekly basis.

**Table 2
Timing of Track J3, Track J4 and Track J5 Hearings**

	Track J3	Track J4	Track J5
Shelter Care Hearing	n/a	24 hours	n/a
Initial Appearance	14 days	24 hours	
Status Hearing	n/a	n/a	45 days
Mediation	30 days	27 days	45-120 days
Pre-trial Hearing	n/a	n/a	45-120 days
Adjudicatory Hearing	60 days	30 days	150 days
Disposition	60 days	30 days	150 days

2.4 Other Juvenile Case Types (Track J6).

Other juvenile case types will be custom managed according to the following schedule of expectations:

Table 3 – Track J6 Case Types

Other Juvenile Case Types	Expected duration
Adoptions	180 days
Peace orders	14 days up to one year
Voluntary placements	30 days to voluntary placement 11 months to permanency planning hearing Six months for permanency planning reviews

Child support cases (related to juvenile custody order)	Up to one year
Interstate compact requests	Up to one year