

CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

Differentiated Case Management Plan for Civil, Domestic & Juvenile Cases

REQUIREMENT

Rule 16-202 (b)(1) mandates that a case management plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a track based on that classification. This plan is a guide to case management envisioned by Rule 16-202(b). 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 GENERAL PROVISIONS

1.1 Categories. In this plan all actions have been divided into the following 5 categories:

(a) Chambers. Chambers matter are actions that require the court to act when the case is filed, and actions that ordinarily do not involve a trial, such as absent or unknown persons,¹ adoption,² guardianship preliminary to adoption,³ guardianship of the person or property,⁴ matters involving trustees or guardians,⁵ arbitration,⁶ sale of burial ground,⁷ contempt (except in domestic relations actions),⁸ foreclosure of mortgage, deed of trust, land installment contract or other lien,⁹ foreclosure of tax sale redemption,¹⁰ mechanics' lien actions,¹¹ habeas corpus,¹² receivership,¹³ writ of survey,¹⁴ and change of name.¹⁵ Also included are the following proceedings at such time as court involvement becomes required: confession of judgment,¹⁶ consent judgment,¹⁷ and enforcement of judgment for writ of execution,¹⁸ garnishment,¹⁹ enforcement awarding possession or prohibiting or mandating action,²⁰ charging orders,²¹ ancillary relief in aid of judgment,²² and possession after judicial sale.²³

(b) General/Civil. These are civil actions that ordinarily involve a trial, including all actions for damages (including wrongful death²⁴ and actions involving the Maryland Automobile Insurance Fund²⁵), and the following special proceedings: condemnation,²⁶ mandamus,²⁷ injunction (except requests for injunction filed in a domestic relations action),²⁸ judicial release of mental patients,²⁹ partition or sale in lieu of partition,³⁰ replevin and detinue,³¹ release of lien,³² and redemption of ground rent.³³

(c) Domestic Relations. Domestic relation actions include divorce,³⁴ annulment,³⁵ alimony,³⁶ support,³⁷ custody and visitation,³⁸ paternity,³⁹ actions under the Maryland Interstate Family Support Act (UIFSA),⁴⁰ and requests for special relief in such actions, including contempt⁴¹ and requests for injunction.⁴²

(d) District Court and Judicial Review. These matters include actions transferred from the District Court, by prayer for jury trial⁴³ or appeal,⁴⁴ and petitions for judicial review of orders or actions of an administrative agency, including the Workers' Compensation Commission.⁴⁵

(e) Juvenile Proceedings.⁴⁶

1.2. Common tracks. Many actions, such as on-the-record appeals from the District Court and judicial review of administrative proceedings, are assigned to a track according to complexity and priority by the nature of the proceeding.

1.3. Information reports. Copies of the forms required by Rule 16-202(b)(3) and adopted by the Court of Appeals shall be made available by the clerk's office to all parties, without charge. Information reports are not required in juvenile proceedings, and in other actions specified in current administrative order of the Chief Judge of the Court of Appeals. However, even if required, failure to file an information report does not affect acceptance or processing of a complaint or answer. When filed, information reports shall be placed in the case file, and shall be used to assist in making the determinations required in other Sections of this Differentiated Case Management Plan, and not for any other purpose.

1.4. Telephone participation. 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.

1.5 Postponements – changes of assignment.

(a) Procedure for making changes. A date contained in a scheduling order, settlement conference order or pretrial order may be changed by the court, on its own initiative, or on request of a party submitted for court approval in the manner provided in section (b) of this paragraph.

(b) Change of trial, hearing or conference dates. A party who desires a change of the date and/or time of any trial, hearing or conference must file a motion, which clearly states the reason the postponement is being requested. If a conflict in court appearance schedules is the reason given for the request, the name and location of the other court and the case number presenting the conflict must be included in the motion. An existing notice of trial, scheduling order or pretrial order remains in full effect until a change has been approved in writing by the court. If a change of date is approved, all instructions and other provisions of the original notice or order remain in effect unless changed by the court.

(c) Removal from trial calendar. An action shall not be passed for settlement or otherwise removed from the trial calendar except by the filing of a stipulation of dismissal, an order in accordance with Rule 2-506, or other documentation required by the court.

1.6. Striking of attorney's appearance. Pursuant to Maryland Rule 2-132, unless a litigant has another attorney of record, attorneys must file a motion to withdraw their appearance. The rule also states in part that "the court may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice." Therefore, if there is any matter scheduled in the case within thirty (30) days of a motion to withdraw, extenuating circumstances may have to exist in order for the court to grant the motion. Extenuating circumstances may include safety

concerns or issues of perjury. Non-payment of legal fees shall not constitute extenuating circumstances, unless specifically approved by the court.

SECTION II CIVIL CASES

2.1 Conferences to determine case track and progression.

(a) Scheduling conferences and orders.

(i) When anticipated length of trial and complexity of case warrant, a scheduling conference shall be held in contested general civil trial actions and in common category actions which may involve trial to discuss: case track, discovery deadlines other pretrial activity, settlement conference date, other matters referred to in Rules 2-504 through 2-504.2, employment of Alternative Dispute Resolution (“ADR”) measures, other matters relevant to the management of the case, and, to the extent then feasible, establishment of a trial date.

(ii) At the conclusion of the conference (or shortly thereafter), the court shall issue a scheduling order, setting forth the date of a pretrial conference, prior to which all discovery and pretrial activity must be completed (Rule 2-404), and other matters decided which control the subsequent course of the action, and are subject to modification by the court, Rule 2-504.2 (c).

(b) Pretrial conferences. Pretrial conferences may be held at any time in accordance with Rule 2-504.2 and shall ordinarily be held shortly prior to trial to address unresolved issues. A written statement addressing the matters listed in Rule 2-504.2 (b) must be filed by the parties not later than five days before the pretrial conference. The conference may include discussion of subjects referred to in Rules 2-504 through 2-504.2, and any other matter pertinent to the management of the case. At the conclusion of the conference (or shortly thereafter), a pretrial order amending or supplementing any prior scheduling order or notice of trial may be issued in accordance with Rule 2-504.2(c), setting forth the matters decided which control the subsequent course of the action, subject to modification by the court.

2.2. Assignment to trial tracks.

(a) Expedited trial track. Workers’ Compensation cases and other actions shall be assigned to the expedited trial track when it appears (i) that only minimal discovery, informally arranged by the parties is required, (ii) the parties shall be prepared for trial in approximately six months, and (iii) only one or two days shall be required for trial. A scheduling order, setting forth all appropriate dates and deadlines, shall be issued by the Assignment Office. A pretrial conference may be waived, if the court deems appropriate.

(b) Standard trial track. An action shall be assigned to the standard trial track when it appears that the need for trial preparation is approximately seven to nine months. At, or promptly after the initial pretrial/scheduling conference, the Assignment Office shall issue a scheduling order that includes the dates for completion of all discovery and other pretrial activity in sufficient time to provide for a meaningful discussion at the follow-up pretrial conference. A follow-up pretrial conference shall be conducted between four to six weeks prior to trial.

(c) Complex trial track. An action shall be assigned to the complex trial track when it appears that more than nine months shall be required for pretrial procedures or that the action is

otherwise of an unusual or complex nature. At, or promptly after the initial pretrial/scheduling conference, the Assignment Office shall issue a scheduling order that includes the dates for completion of all discovery and other pretrial activity in sufficient time to provide for a meaningful discussion at the follow-up pretrial conference, which shall be conducted approximately eight to ten months after the initial pretrial/scheduling conference and is at least three months before trial.

2.3. Assignment of trial date.

(a) Assignment of trial dates. Unless a trial date has been previously assigned or the court otherwise directs, immediately following a follow-up pretrial/settlement conference, the Assignment Office shall assign the action for trial and give the parties verbal notification of that date. Written notice of the trial date shall be sent within five working days of the follow-up pretrial/settlement conference.

(b) Motions to be filed prior to trial. All notices of trial shall contain the provisions of paragraph 1.5(a) of this Differentiated Case Management Plan. In actions to be tried by jury, the following procedure shall be observed: (i) motions to provide peremptory challenges different from those provided in Rule 2-542 (four per Party, with several plaintiffs or several defendants considered as a single party) must be filed at least 45 days prior to trial date; (ii) *voir dire* requests must be filed at least seven days before trial; and (iii) requests for instructions must be filed before the commencement of trial. Requests for standard instructions may be made by reference only to the appropriate section of the Maryland *Pattern Jury Instructions*.

2.4. Hearings (effect and scope). Establishment of a hearing date does not affect any existing scheduling order, pretrial order or trial date, unless otherwise ordered by the court. In addition to any specific matter referred to in a notice of hearing, a hearing shall involve (i) consideration of all other motions filed at least twenty days before the hearing date, (ii) a pretrial/scheduling conference, if none has been held, (iii) any other matter relevant to management of the action which may be considered at a pretrial/ scheduling, pretrial or pretrial/settlement conference, and as appropriate, (iv) issuance or modification of a scheduling or pretrial order.

2.5. Orders and notices.

(a) General contents. All orders and notices relating to the assignment of cases for trial, conference or hearing shall contain the date, time, location, purpose and scope of the proceeding referred to in the order or notice and may contain any other matter referred to in Rules 2-504 through 2-504.2 which is pertinent to the management of the case.

(b) Contents of pretrial/settlement conference orders. All orders for a scheduling, pretrial or settlement conference shall direct that the parties confer in person or by telephone and attempt to reach agreement or narrow the areas of disagreement regarding the matters that may be considered at the conference or other proceeding which is the subject of the order or notice, as required by Rule 2.504.1.

(c) Contents of scheduling orders. In addition to other information required by the immediately preceding section (b) of this paragraph, scheduling orders shall contain the date for a pretrial/settlement conference and provide for completion of all pretrial activity at least twenty

days prior to that conference by establishing: (i) dates by which each party must identify all persons whom the party expects to call as expert witnesses at trial, including all information specified in Rule 2-402 (e)(1)(A); (ii) dates for the completion of all discovery; (iii) a date by which all motions for summary judgment or other dispositive motions must be filed; (iv) a date by which any additional parties must be joined or amendments made to the pleadings; and, (v) a direction that the parties and counsel be prepared at the time of the pretrial/settlement conference to establish a trial date.

(d) Contents of Pretrial Orders. A Pretrial order shall contain the information required for a Scheduling Order, except that a Pretrial order which amends only sections of an existing scheduling or pretrial order may include only the amendment and a statement that all other provisions of the existing order remain in effect.

2.6. Notices of hearing or trial.

(a) Effect of Notices. Notices of a hearing or trial date do not change or modify any date or other provision of any existing pretrial orders. A notice changing the date of a conference, hearing or trial shall contain a statement reflecting that fact and need not set forth other provisions of a prior order.

(b) Contents relating to hearings. In addition to the information required in paragraph 2.7 of this Differentiated Case Management Plan, Notices that relate to hearings shall contain the information required by paragraph 2.4 of this Differentiated Case Management Plan.

(c) Contents relating to trial. In addition to the information required in paragraph 2.5 of this Differentiated Case Management Plan, Notices of Trial shall direct that (i) motions *in limine* must be filed at least fifteen days prior to the trial date; (ii) counsel shall be present in the Courtroom at least thirty minutes prior to the beginning of trial; and (iii) all materials which may be offered as exhibits shall be presented to the Courtroom Clerk at that time for pre-marking, but an object so marked and not referred to at trial shall not be considered as an exhibit for purposes of Rule 2-516.

2.8. Regular Child Support Days. The court shall normally hear arraignment and contempt hearings involving child support filed by the Bureau of Support Enforcement three days each 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.

SECTION III DOMESTIC RELATIONS PROCEDURES

3.1. Emergency situations (domestic violence petitions / ex parte petitions /ex parte hearings).

(a) Emergency inquiry. Notwithstanding any other provisions of this Differentiated Case Management Plan, if a complaint, answer or other paper filed by a party suggests that a serious crisis exists which may result in serious physical or catastrophic financial harm to a party or a minor child of the parties unless immediate action is taken, and the court determines that the

petitioner has notified the opposing party, the court shall conduct an “on-the-record” inquiry as deemed necessary. The record of such inquiry may be limited to tape recording the proceedings.

(b) Search for related cases, granting of *ex parte*, and case transfer. Clerk’s Office personnel shall research District and Circuit Court databases for other pending domestic cases involving the parties listed in the petition (specifically, child custody and visitation, alimony, spousal support, child support, and other domestic violence cases). If a case is found to be pending in the District Court, this Court may direct that the case be transferred to District Court for the protective order hearing, after conferring with the District Court judge to coordinate timing of the hearing. Clerk’s Office staff shall coordinate the protective order hearing date, time and place with the receiving court, and the judge shall include that information in the *ex parte* order. Clerk’s Office staff shall notify the receiving court of any transfer of actions, including information regarding related cases within the receiving court.

(c) Granting of *ex parte* order – scheduling protective order hearing. If the results of the Clerk’s Office search for related pending cases is negative, and the judge grants the petition, the *ex parte* order shall be issued in the courtroom, and shall include the date, time and location for the protective order hearing, which shall be conducted within seven days, provided the respondent is served. The file shall be presented to the judge on the date scheduled for the protective order hearing whether the respondent has or has not been served. The file shall include information advising the judge of the status of service. If no return of service is in the file, Clerk’s Office personnel shall contact the agency responsible for service, determine the status, and advise the judge, in writing, of the agency’s response. If the respondent is not served, the petitioner can request an extension of the *ex parte* order for service on the respondent. In addition, if the respondent has not been served, the judge, in his/her own discretion, may extend the *ex parte* order without a request. The *ex parte* order cannot be extended beyond thirty days from the original date of the order.

(d) Denial of *ex parte* petition. If the judge denies the petition, the case is concluded, and no further action shall be taken.

3.2. Requests for emergency relief and requests for expedited relief (non-protective order cases)

(a). Emergency relief. Requests for emergency relief or *ex parte* relief shall be verified and filed in writing giving the opposing party 24 hours’ notice. No motions for emergency relief shall be granted unless a pleading for permanent relief has been filed at the same time or prior to the emergency motion.

(b) Initial review. The request for relief shall be reviewed by the master or a judge, if the master is unavailable, for an initial determination of the existence of an emergency.

(c) Hearing for emergency relief. If the court determines that an emergency exists, it shall be the practice to have the parties and counsel appear for a brief hearing on the issue of the emergency only. Typical emergencies would involve child abuse or neglect with a sufficient showing that there is an imminent risk of substantial and immediate physical harm or harassment to a child or party.

(d) Expedited relief. A party or counsel may file a motion for expedited relief, if the facts of the case do not rise to the standard for emergency relief. These issues typically involve unreasonable deprivation of visitation for an extended period of time, financial hardship to one party, inability to enroll a child in school, and inability to provide medical care. In these cases,

the court may schedule a conference call, a status/scheduling conference or a hearing depending on the circumstances, and may result in an order shortening the time to answer.

(e) **New cases – issuance of summons.** In situations where the case is new and a request for emergency or expedited relief has been requested, the clerk shall issue a summons for the underlying request for permanent relief. Once the pleadings have been served, the case shall follow the normal procedures for a new filing.

3.3. Procedure when domestic action case is filed.

(a) **Case number.** If the initial information report discloses a prior proceeding between the parties in this court, the action shall be filed in that prior proceeding, unless the action is a new paternity proceeding. No new action shall be filed in a domestic violence proceeding.

(b) **Contempt.** If the action involves a request to find a person in contempt, Clerk's Office personnel shall forward the file to the court (master or judge) for consideration in accordance with Maryland Rule 15, Section 200.

(c) **Other actions.** In any other action, the procedures set forth in paragraph 2.4 shall be followed when an answer is filed.

3.4. Procedure when answer filed.

(a) **Uncontested action.** If an answer or amended answer filed by an unrepresented litigant or by an attorney indicates that the action is wholly uncontested, the action shall be set in for hearing for uncontested divorce, usually within 45 days of answer. Notice shall be sent to attorneys and unrepresented litigants; such hearing notice shall inform attorneys and the parties of the requirement to have a corroborating witness present at the hearing.

(b) **Contested action, scheduling conference.** If an answer or amended answer indicates that issues are contested, the court shall review the file and forward the file to the Assignment Office. Unless both parties are self-represented, the Assignment Office shall then set a scheduling conference on a date that is within thirty days of the filing of the answer. Generally, no scheduling conference shall be conducted for self-represented litigants.

(c) Contested custody/visitation - ADR programs.

(i) The Family Services Office shall schedule those Alternative Dispute Resolution programs that the Court has directed and prepare an order for the court's signature.

(ii) Regardless of the results of the mediation process, the mediator shall file a written report with the Family Services Office when the process is completed but no later than thirty days from the final mediation session. If the parties reach agreement, the mediator shall submit that agreement to the court through the Family Services Office. If the written agreement is received and found acceptable by the court prior to the settlement conference, and all other issues are resolved, the court may proceed with an uncontested divorce on the date of the settlement conference. Otherwise, the conference may be canceled and the action shall be set for an uncontested divorce hearing. If there are issues, other than custody and visitation, the case shall proceed to a settlement conference.

(iii) If the parties fail to reach an agreement through the initial ADR programs, the mediator shall notify the Court in writing within fifteen days. At the scheduling conference, the court shall determine if further services are necessary. The court may direct the Family Services Office to arrange for one, or a combination, of the following services: (i) custody

evaluation by the court-appointed evaluator; (ii) home study by the Department of Social Services; (iii) substance abuse evaluation by designated agency; (iv) psychological evaluation by the court-appointed psychologist, or (v) any other program the court deems necessary.

(iv) If the parties reach agreement on custody and/or visitation during this process and prior to the settlement conference, and such agreement is reduced to writing and accepted by the court, the court may proceed on an uncontested divorce on the date of the settlement conference, provided there are no other contested issues between the parties.

3.5. Scheduling conference; assignment to track. On the basis of information obtained at the scheduling conference, the court shall assign an action to one of the following tracks.

(a) **Emergency domestic track.** An action shall be assigned to an emergency domestic track when it appears that an emergency exists as to require an immediate or expedited hearing by the court. Appropriate orders and notices shall be issued as required.

(b) **Expedited domestic track.** An action shall be assigned to the expedited domestic track when it appears that, issues, although not deemed to be an emergency, are of such concern to the court as to require shortened time to answer. A trial date shall be set on the earliest possible date, but not later than the third calendar month after the scheduling conference. If a settlement conference is not waived by the court, a scheduling order shall be issued which includes provisions for a settlement conference on a date not later than sixty days after the date of the scheduling conference, and specified dates for completion of all discovery and other pretrial activity in sufficient time to provide meaningful discussion at the settlement conference. The Assignment Office shall issue a notice of trial and, if required, a notice of settlement conference, promptly after the scheduling conference.

(c) **Standard domestic track.** All actions not assigned to the emergency or expedited domestic tracks shall be assigned to the standard domestic track. Trial shall be held as soon as possible after a settlement conference. Following the scheduling conference, a scheduling order shall be issued which includes provisions for a pretrial/settlement conference on a date within three months after the date of the scheduling conference and specific dates for completion of all discovery and other pretrial activity in sufficient time to provide for meaningful discussion at the pretrial/settlement conference.

3.6 Assignment of domestic trial date. At (or promptly after) a scheduling conference, unless a trial date has been previously assigned or the court otherwise directs, the action shall be set for trial and a notice of trial shall be issued.

3.7. Financial information. All parties are required to comply strictly with Rule 9-202 (e) (Financial statement – Spousal support) and Rule 9-202 (f) (Financial statement - Child support) and Rule 9-207 (Joint Statement of Marital and Non-Marital Property). Further attention is called to (i) the sanctions permitted by these rules, and (ii) the status of a financial statement attached to a pleading or amended pleading in accordance with Rule 9-202 (e) and Rule 9-202 (f) as “a section of the formal pleadings”, as a result of which information materially differing from the most recently filed statement may not be permitted at trial.

3.9 Submission of judgments for divorce. A party seeking to file a final judgment in a divorce action must: (i) provide a proposed form of judgment, (ii) provide a completed report in

the form required by Section 2-503 of the *Family Law Article* of the *Maryland Annotated Code*, and (iii) pay all open costs. A disposition date shall be scheduled for the presentation of a judgment of absolute divorce or any other order to be prepared by counsel and not presented at the time of the hearing. If the order or judgment has not been filed prior to the disposition date, the presence of counsel is required on the disposition date, and the parties may be required to appear if the court deems it appropriate.

3.9 Dismissal of limited divorce action. If a limited divorce case settles and the parties do not wish to obtain a judgment for limited divorce, the parties may file a line of dismissal with the clerk of the court along with a proposed order, or the court, at its discretion, may close the case and require the parties to re-open the case when they are ready to proceed with an absolute divorce.

SECTION IV DISTRICT COURT ACTIONS - JUDICIAL REVIEW PROCEDURES

4.1 Definition of “claim.” In connection with District Court actions referred to in this section, “claim” means the amount originally claimed by the plaintiff and does not include (i) the amount of any judgment which may have been rendered in the District Court or (ii) interest, costs or attorney’s fees. If a counterclaim was filed in the District Court, “claim” means the higher of the amounts claimed in the complaint or counterclaim. In landlord and tenant actions, “claim” refers to the amount of rent claimed (*Courts Article*, Section 4-405).

4.2. District Court prayer for jury trial.

(a) **Types of action involved.** By Rule 2-326, prayers for jury trial are treated in the circuit court on the basis of the amount of the claim or the subject matter of the action: (i) actions involving replevin, landlord and tenant (*Real Property Article*, Sections 8-401 and 8-402), distraint, forcible entry and detainer, recovery against a grantee (*Real Property Article*, Section 14-019) continue on the pleadings already filed, regardless of the amount of the claim and (ii) all other actions in which the claim is for \$30,000 require the filing of new pleadings.

(b) **Action when file received.** When the file is received from the District Court after prayer for a jury trial, Clerk’s Office personnel shall issue a notice advising the parties of the docketing of the action in accordance with Rule 2-236(a) and, if appropriate include advice concerning the requirement for filing new pleadings in accordance with Rule 2-326(c).

(c) **Other actions.** Appealed *De Novo* actions shall be set for a scheduling conference within thirty days after the action is filed. The action shall then proceed in accordance with Section I of this Differentiated Case Management Plan, as if the action had been originally filed in this court, except that, unless a counter-claim, cross-claim, or amended pleading exceeding \$30,000 is filed, pleadings and discovery shall be governed by Title 3 of the rules.

4.3. District Court prayer for jury trial - new pleadings.

(a) **Application of paragraph.** This paragraph applies only to cases involving prayers for jury trial in which notice was given in accordance with Rule 2-326(c).

(b) Action when new pleadings filed. When an answer is filed by any defendant in an action subject to this paragraph, a scheduling conference shall be set which is at least thirty days after the answer is filed. The action shall then proceed in accordance with Section I of this Differentiated Case Management Plan, as if the action had been originally filed in this court.

(c) Inaction by Parties. In an action subject to this paragraph, Clerk's Office personnel shall present the file for consideration by the court: (i) if a new complaint is not filed by the plaintiff within thirty days after the date of the notice, or (ii) if a defendant does not file an answer within thirty days after the date of service shown on the certificate attached to the new complaint.

4.4. District Court appeals.

(a) Types of action. In accordance with Rule 7-102, appeals from the District Court are classified as a *de novo* appeal or an appeal on the record. A *de novo* appeal involves a retrying of the case; an appeal on the record involves review of the District Court's decision.

(b) *De novo* District Court appeals. When the record is received from the District Court in a *de novo* appeal, a hearing shall be set within thirty days. The action shall be conducted in accordance with Rule 7-112, except that if a counter-claim, cross-claim, or amended pleading exceeding \$30,000 is filed, pleadings and discovery shall be governed by Title 3 of the rules.

(c) On-the-record District Court appeals. When the record is received from the District Court in an on the record appeal, Clerk's Office personnel shall (i) forward the file to the Assignment Office to set the case for a hearing which is at least sixty days after the date the record is filed; (ii) issue a notice advising parties of receipt of the record in accordance with Rule 7-113 (c) and of the date of the hearing; and (iii) make a notation to take any further action which may be required by section (d) if no memorandum is filed by the party who filed the appeal or if neither party requests a hearing. (See Rules 7-102 (a) and 7-113).

(d) Inaction by the parties. In cases in which notice is given in accordance with section (c) in an on the record appeal, Clerk's Office personnel shall present the file for consideration by the court 31 days after the notice was issued, prior to the assigned hearing date, if no party has requested oral argument in writing (See Rule 7-113 (d)(3) and (e)) or if no memorandum has been filed.

4.5. Judicial review; procedure when petition filed. At the time when a petition is filed seeking judicial review of an action or order of an administrative agency, Clerk's Office personnel shall (i) send notice of filing of petition for judicial review as required by Rule 7-202 (d)(2) and (ii) make a notation to take the further action provided in the next paragraph. When entering the caption of the agency proceeding in accordance with Rule 7-202 (b), it is sufficient to indicate the agency case number.

4.6. Judicial review; procedure before record filed. Prior to the time when the record is received from the administrative agency, Clerk's Office personnel shall present the file to the court for consideration:

(a) if the administrative agency fails to file the certificate of compliance required by Rule 7-202 (e) within thirty days after the date when the notice was mailed by this court.

(b) if any person files a response more than thirty days after the date when notice was given by the administrative agency, as shown in the certificate of compliance, as required by Rule 7-204 (c); or

(c) if the record is not filed by the administrative agency within sixty days of the date of the notice or any further time granted by the court, as required by Rule 7-206 (d).

4.7. Judicial review; procedure when record filed.

(a) **Action when record filed.** At the time when the record is filed by the administrative agency, Clerk's Office personnel shall (i) issue notice to the parties in compliance with Rule 7-206 (e) and take the other action indicated in this paragraph, (ii) forward the file to the Assignment Office to set a hearing which is at least ninety days after the record is filed, as required by Rule 7-208 (b), and (iii) make a notation to take the further action set forth in this paragraph.

(b) **Alcoholic beverages appeals.** If the record is filed by the Board of Liquor License Commissioners, the hearing date referred to in section (b) shall be on a regular hearing day of the second calendar month after that in which the record is filed (see, *Code*, Article 2B, Section 16-101(e)(3)).

(c) **Waiver of hearing.** Clerk's Office personnel shall present the file for consideration by the court at any time when all parties have waived a hearing in writing (Rule 7-207).

(d) **Inaction of appealing party.** If no memorandum has been filed by the party seeking judicial review within thirty days after the notice was issued, the Clerk's Office personnel shall present the file for consideration by the court.

(e) **Application.** This section does not apply to judicial review of action of the Workers Compensation Commission.

4.8. Judicial review; Workers Compensation record. At the time when a record is filed by the Workers Compensation Commission, Clerk's Office personnel shall (i) issue notice to the parties in compliance with Rule 7-206 (e) and (ii) forward the file to the Assignment Office to set a scheduling conference which is at least thirty days after such filing. The action shall then proceed in accordance with Section I of this Differentiated Case Management Plan, as if the action had been originally filed in this court.

SECTION V JUVENILE PROCEDURES - DELINQUENCY

5.1. Character of Action. These actions are those in which the court sits as a juvenile court for the purpose of delinquency proceedings. Information reports are not required.

5.2 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 State's Attorney's Office on an emergency and priority basis. If a petition has been filed, an initial appearance shall be held at that time.

5.3. 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.

(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 Rule 11-104, and take the other actions required by this paragraph.

(c) **Petitions involving delinquency.** 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. Predisposition hearing shall be within thirty days of the initial appearance.

5.4. 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 predisposition hearing has been set, the Assignment Office shall immediately arrange a date for a predisposition hearing.

5.5. Juvenile regular hearing days. The court shall normally hear juvenile cases eight days per month, on average, as directed by the county administrative judge. Changes in regular days, including addition of hearing dates to the court calendar shall be approved by the county administrative judge. Notwithstanding any other provision of this Differentiated Case Management Plan, the court shall make arrangements to conduct emergency detention hearings when requested by the Department of Juvenile Services.

5.6. Adjudicatory hearing.

(a) **Generally.** Except as provided in section (b) of this paragraph, an adjudicatory hearing shall be held within sixty 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 thirty 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 thirty 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 thirty days of the date of the denial.

5.7 Disposition hearings. 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 thirty days after the adjudicatory hearing.

5.8 Revocation of probation hearings. If a petition for revocation of probation is filed in a proceeding involving delinquency, the Assignment Office shall (i) place the action on the calendar for the next regular juvenile day which is at least five days thereafter, for initial appearance, and (ii) place the action on the calendar for hearing on the next regular juvenile day which is at least fourteen days after the date of the initial appearance. Department of Juvenile Services personnel shall prepare and forward to the court a proposed order to show cause setting forth those dates in accordance with Rule 11-116.

5.9. 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 the Department of Juvenile Services 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 5.8.

(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

**SECTION VI
JUVENILE PROCEDURES - CINA, CINS & TPR**

6.1 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), CINS (Child in Need of Supervision), and TPR (Termination of Parental Rights) cases. Information reports are not required. 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.

6.2 Emergency situations. 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. If a petition has been filed, an initial appearance shall be held at that time.

6.3. Procedure when petition filed.

(a) **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.

(b) Initial appearance. At the time when an original petition is filed, the Department of Social Services 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 Rule 11-104, and take the other actions required by this paragraph.

(c) Petition not involving delinquency. Unless a date has been previously established by the Assignment Office, in proceedings not involving delinquency, Clerk's Office personnel shall indicate in the summonses that the date of the adjudicatory hearing shall be established at the initial appearance.

(d) Petition for Termination of Parental Rights.

(i) Upon the filing of a petition for guardianship 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:

- a. Trial date- to be set at approximately 150 days from the filing date;
- b. Status hearing date- to be set approximately 45 days from filing date. Matters such as service of parties, availability of future dates, scheduling of mediation shall be discussed;
- c. Pretrial hearing date- to be set approximately 120 days from filing date;
- d. A statement that discovery shall be completed by the pretrial hearing;
- e. A statement that mediation shall be completed by the pretrial hearing.

(ii) A mediation order shall be prepared and signed upon filing of the petition.

(iii) Personnel in 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.

(iv) The Office of Family Services shall maintain a checklist on all TPR matters to ensure that the case proceeds expeditiously. TPR matters awaiting trial shall be reviewed bi-weekly by the family services coordinator or the administrative judge

6.4 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 adjudicatory hearing has been set, the Assignment Office shall immediately arrange a date for the adjudicatory hearing.

6.5. CINA / CINS / TPR regular hearing days. The court shall normally hear CINA (Child in Need of Assistance), CINS (Child in Need of Supervision) and TPR (Termination of Paternal Rights) cases three days per month, as directed by the county administrative judge. In CINA cases, settlement conferences shall be scheduled, usually on the Friday before the CINA hearing. 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 Differentiated Case Management Plan, the court shall make arrangements to conduct emergency shelter hearings when requested by the Department of Social Services.

6.6 Postponements.

(a) **Generally.** As a general rule, postponements will not be granted in CINA and TPR cases. No postponement will be granted unless extraordinary circumstances and justice warrant such action. All motions for postponements shall be submitted to the administrative judge for consideration, or in the absence of the administrative judge, to the senior associate judge.

(b) **Motions.** Absent extraordinary circumstances, all motions for postponements must:

- (i) Be in writing;
- (ii) Be submitted as soon as the need for the postponement is discovered, preferably not less than five business days before the hearing date;
- (iii) Include the reason for requesting a postponement (the underlying, unforeseen event);
- (iv) Include the position of all parties and their counsel;
- (v) Include the next available dates for all parties and their counsel, within the time constraints imposed by law or the Maryland Rules.

(c) **Granting of motion; rescheduling.** If a postponement is granted, the matter shall be reset for hearing as soon as possible. Postponed cases shall be identified on the court's docket as having been previously postponed and shall remain on the CINA docket each day until the hearing is concluded.

6.7 Continuances.

(a) **Generally.** As a general rule, continuances will not be granted, and cases shall be heard and concluded on the same day or on consecutive days. If the case cannot be concluded in one day and cannot be heard on the next regular court date, the case shall have to be continued to another date. The presiding judge may continue a case in which testimony has begun, provided that the matter is reset and resumed as soon as possible.

(b) **Motions.** A motion to continue the case shall be made on the record and must be for a compelling reason.

(c) **Granting of motion; rescheduling.** If a continuance is granted, the matter shall be reset for hearing as soon as possible. Continued cases shall be identified on the court's docket as having been previously continued and shall remain on the CINA docket each day until the hearing is concluded.

6.8 Adjudicatory hearing.

(a) **Generally.** Except as provided in section (b) of this paragraph, an adjudicatory hearing shall be held within sixty days of the date when the petition was served on the juvenile respondent. 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 shelter care. If the respondent is in shelter care, the adjudicatory hearing must be within thirty days after the date on which such shelter care was ordered by the court.

(c) Settlement conference. In CINA shelter-care cases, a settlement conference shall be conducted prior to the adjudicatory hearing.

6.9 Disposition hearings. The court shall hold a separate disposition hearing after an adjudicatory hearing. The disposition hearing shall be held on the same day as the adjudicatory hearing unless on its own motion or motion of a party, the court finds that there is good cause to delay the disposition hearing to a later day. If the court delays a disposition hearing, it shall be held no later than thirty days after the conclusion of the adjudicatory hearing, unless good cause is shown.

6.10. Assignment of other proceedings.

(a) Review hearings. Following disposition in a CINA, CINS or TPR case, the Assignment Office shall set the matter for a review hearing no more than six months from the date of disposition and every six months thereafter until the case is closed.

(b) Modification of non-delinquency orders. When a request is filed to modify any order relating to custody or support in a proceeding not involving delinquency, the Assignment Office shall assign the matter for hearing as a priority matter. Such notice shall be given on the earlier of (i) fifteen days after the request is filed or (ii) the date when any person has filed a response to such request.

(c) 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 paragraph 6.7.

(d) Time of hearing. In non-delinquency proceedings, the hearing shall be assigned as a priority matter.

This plan is approved this ___ day of January, 2012.

Warren J. Krug, Administrative Judge
Circuit Court for Calvert County, Maryland

¹ Rules, Title 10, Chapter 600

² Rules, Title 9, Chapter 100

³ Rules, Title 9, Chapter 100

⁴ Rules, Title 10, Chapters 100, 200, 300, 700

⁵ Rules, Title 10, Chapters 100, 500, 700

⁶ Rule 15-101 (Uniform Arbitration Act) and Title 15, Chapter 400 (Health Claims Arbitration)

⁷ Rule 14-401

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- ⁸ Rules, Title 15, Chapter 200
- ⁹ Rules, Title 14, Chapters 200 and 300
- ¹⁰ **Code**, Tax Property Article, Title 14, Subtitle 8; Rules, Title 14, Chapter 500
- ¹¹ Rules, Title 12, Chapter 300
- ¹² Rules, Title 15, Chapter 300
- ¹³ Rules, Title 13
- ¹⁴ Rule 12-101
- ¹⁵ Rules, Title 15, Chapter 900
- ¹⁶ Rule 2-611
- ¹⁷ Rule 2-612
- ¹⁸ Rules 2-641 through 2-644
- ¹⁹ Rules 2-645 and 2-646
- ²⁰ Rules 2-647 and 2-648
- ²¹ Rule 2-649
- ²² Rule 2-651
- ²³ Rule 14-102
- ²⁴ Rule 15-1001
- ²⁵ **Code**, Article 48A, Section 243H, and Rules, Title 15, Chapter 800
- ²⁶ Rules, Title 12, Chapter 200
- ²⁷ Rule 15-701
- ²⁸ Rules, Title 15, Chapter 500
- ²⁹ **Code**, Health-General Article, Section 10-805, and Rule 15-601
- ³⁰ Rule 12-401
- ³¹ Rules, Title 12, Chapter 600
- ³² Rule 12-103
- ³³ Rule 12-501
- ³⁴ **Code**, Family Law Article, Title 7, and Rules, Title 9, Chapter 200
- ³⁵ Rules, Title 9, Chapter 200
- ³⁶ **Code**, Family Law Article, Title 11, and Rules, Title 9, Chapter 200
- ³⁷ **Code**, Family Law Article, Titles 10 and 12. *cf.* Rules, Title 9, Chapter ____
- ³⁸ **Code**, Family Law Article, Title 5, Subtitle 2, and Title 9. *cf.* Rules, Title 9, Chapter 200
- ³⁹ **Code**, Family Law Article, Title 5, Subtitle 10.
- ⁴⁰ **Code**, Family Law Article, Title 10, Subtitle 3.
- ⁴¹ Rules, Title 15, Chapter 200.
- ⁴² Rules, Title 15, Chapter 500.
- ⁴³ **Code**, Courts Article, Section 4-402 (e), and Rule 2-326.
- ⁴⁴ Rules, Title 7, Chapter 100
- ⁴⁵ Rules, Title 7, Chapter 200
- ⁴⁶ **Code**, Judicial Proceedings Article, Title 3, Subtitle 8; Rules, Title 11