

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its Two Hundred and Eighth Report to the Court, recommending rescission of current Title 11 (Juvenile Causes) of the Maryland Rules of Procedure, including current Forms 11-601, 11-602, and 11-603, and replacement of it by proposed new Title 11 (Juvenile Causes); amendments to current Rules 1-101, 2-111, 4-101, 4-501, 5-101, 8-202, 9-101, 9-102, 9-103, 9-104, 9-105, 9-106, 9-109, 9-111, 10-101, 16-807, and 16-914; rescission of current Form 9-102.1 and renumbering of Forms 9-102.2, 9-102.3, 9-102.4, 9-102.5, 9-102.6, 9-102.7, 9-102.8, 9-102.9, and 9-102.10; and rescission of Appendix: Forms, Forms for Juvenile Causes, Forms 903-P/C, 903-P/A, 904-R, 904-S, 904-R/WS, 904-WS, 904-WA, 905-OE, 912-A, 912-N, 912-P/CDSC, 912-O/CDSC, 913-P/W, 913-O/W, 914-O/A, 915-O/PDC, 915-O/CJ, 915-O/PS, 915-O/PA, 916-P/RPC, 916-P/RPSC, 916-SCO, 916-O/RCAS, 916-O/TPPS, 918-O/S, 918-O/JR, and 920-FOT; and

This Court having considered the proposed rules changes, together with comments received, at an open meeting, notice of

which was posted as prescribed by law, and making on its own motion certain amendments to the proposed changes, it is this 9th day of November, 2021,

ORDERED, by the Court of Appeals of Maryland, that the Rules and Forms in current Title 11 (Juvenile Causes) of the Maryland Rules of Procedure, including Forms 11-601, 11-602, and 11-603, heretofore adopted by this Court be, and they are hereby, rescinded; and it is further

ORDERED that current Form 9-102.1 and Appendix: Forms, Forms for Juvenile Causes, Forms 903-P/C, 903-P/A, 904-R, 904-S, 904-R/WS, 904-WS, 904-WA, 905-OE, 912-A, 912-N, 912-P/CDSC, 912-O/CDSC, 913-P/W, 913-O/W, 914-O/A, 915-O/PDC, 915-O/CJ, 915-O/PS, 915-O/PA, 916-P/RPC, 916-P/RPSC, 916-SCO, 916-O/RCAS, 916-O/TPPS, 918-O/S, 918-O/JR, and 920-FOT be, and they are hereby, rescinded; and it is further

ORDERED that new Title 11 (Juvenile Causes) be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to current Rules 1-101, 2-111, 4-101, 4-501, 5-101, 8-202, 9-101, 9-102, 9-103, 9-104, 9-105, 9-106, 9-109, 9-111, 10-101, 16-807, and 16-914 and the renumbering of Forms 9-102.2, 9-102.3, 9-102.4, 9-102.5, 9-102.6, 9-102.7, 9-102.8, 9-102.9, and 9-102.10 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after January 1, 2022 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/s/ Joseph M. Getty

Joseph M. Getty

/s/ Robert N. McDonald

Robert N. McDonald

/s/ Shirley M. Watts

Shirley M. Watts

/s/ Michele D. Hotten

Michele D. Hotten

/s/ Brynja M. Booth

Brynja M. Booth

/s/ Jonathan Biran

Jonathan Biran

/s/ Steven B. Gould

Steven B. Gould

Filed: November 9, 2021

/s/ Suzanne C. Johnson

Clerk

Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal
Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Suzanne C. Johnson, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 1 - GENERAL PROVISIONS

CHAPTER 100 - APPLICABILITY AND CITATION

AMEND Rule 1-101 by revising the Juvenile Causes exception in section (b) to refer to new Chapters 100, 200, 400, and 500 of Title 11; by revising the applicability of Title 9 in section (i) to conform to revisions to that Title; and by revising the applicability of Title 11 in section (k) to confirm to the revisions to that Title, as follows:

Rule 1-101. APPLICABILITY

. . .

(b) Title 2

Title 2 applies to civil matters in the circuit courts, except for Juvenile Causes under Title 11, Chapters 100, 200, 400, and 500 of these Rules and except as otherwise specifically provided or necessarily implied.

. . .

(i) Title 9

Title 9 applies to proceedings under Code, Family Law Article, Title 5, Subtitle 3, Parts III and IV (Adoption without Prior Termination of Parental Rights and Adoption after Termination of Parental Rights); proceedings under Code, Family

Law Article, Title 5, Subtitles ~~3 (Guardianship to and Adoption through Local Department)~~, 3A (Private Agency Guardianship and Adoption)~~7~~ and 3B (Independent Adoption); proceedings for termination of parental rights under Code, Family Law Article, Title 5, Subtitle 14; proceedings relating to divorce, annulment, alimony, child support, and child custody and visitation; and proceedings under Code, Family Law Article, Title 4, Subtitle 5 (Domestic Violence).

. . .

(k) Title 11

Title 11 applies to juvenile causes and expungement of juvenile records under Code, Courts Article, Title 3, Subtitles 8, and 8A, and 8C; public agency guardianships under Code, Family Law Article, Title 5, Subtitle 3, Part II; and criminal proceedings against an adult under Code, Courts Article, §§3-828 and 3-8A-30 and Code, Education Article, §7-301.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 2-111 by updating the Committee note following section (a), as follows:

Rule 2-111. PROCESS - REQUIREMENTS PRELIMINARY TO SUMMONS

(a) Information Report

Except as otherwise provided by administrative order of the Chief Judge of the Court of Appeals approved by the Court of Appeals, the plaintiff shall file with the complaint an information report substantially in the form available from the clerk pursuant to 16-302 (b). If the plaintiff fails to file a required information report with the complaint, the court may proceed without the plaintiff's information to assign the action to any track within the court's differentiated case management system.

Committee note: By revised administrative order of the Chief Judge approved by the Court of Appeals on December 2, 2005 effective December 2, 2005, an information report is not required to be filed with a complaint within the following categories:

. . .

(11) Juvenile cause, other than action to terminate parental rights and related adoption or to expunge criminal record (Rules 11-101 through 11-122), which procedures currently are set forth

in Rules 11-101 through 11-220, 11-401 through 11-425, and 11-501 through 11-505; and

. . .

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 100 - GENERAL

AMEND Rule 4-101 by updating a cross reference, as follows:

Rule 4-101. APPLICABILITY

The rules in this Title govern procedure in all criminal matters, post conviction procedures, and expungement of records in both the circuit courts and the District Court, except as otherwise specifically provided.

Cross reference: See Rules 4-501 and ~~11-601~~ 11-506 concerning expungement of juvenile records.

Source: This Rule is derived from former Rule 701 and M.D.R. 701.

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 500 - EXPUNGEMENT OF RECORDS

AMEND Rule 4-501 by updating an internal reference, as follows:

Rule 4-501. APPLICABILITY

The procedure provided by this Chapter is exclusive and mandatory for use in all judicial proceedings for expungement of records whether pursuant to Code, Criminal Procedure Article, §§10-102 through 10-109 or otherwise, except that expungement of juvenile records is governed by ~~Rule 11-601~~ Rule 11-506.

Source: This Rule is derived from former Rule EX2.

MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 5-101 by conforming it to the evidentiary provisions set forth in Rule 11-101 (b), as follows:

Rule 5-101. SCOPE

. . .

(b) Rules Inapplicable

The rules in this Title other than those relating to the competency of witnesses do not apply to the following proceedings:

- (1) Proceedings before grand juries;
- (2) Proceedings for extradition or rendition;
- (3) Direct contempt proceedings in which the court may act summarily;
- (4) Small claim actions under Rule 3-701 and appeals under Rule 7-112 (d) (2);
- (5) Issuance of a summons or warrant under Rule 4-212;
- (6) Pretrial release under Rule 4-216, 4-216.1, 4-216.2, or 4-216.3 or release after conviction under Rule 4-349;
- (7) Preliminary hearings under Rule 4-221;
- (8) Post-sentencing procedures under Rule 4-340;

(9) Sentencing under Rule 4-342;

(10) Issuance of a search warrant under Rule 4-601;

(11) Detention and shelter care hearings under ~~Rule 11-112~~
Title 11, Chapters 200 and 400; and

(12) Emergency hearing proceedings following the removal of
a child from a court-ordered placement under Title 11, Chapters
200 and 300;

(13) Guardianship review hearings under Rule 11-316; and

~~(12)~~ (14) Any other proceeding in which, prior to the
adoption of the rules in this Title, the court was traditionally
not bound by the common-law rules of evidence.

(c) Discretionary Application

In the following proceedings, the court, in the interest
of justice, may decline to require strict application of the
rules in this Title other than those relating to the competency
of witnesses:

(1) The determination of questions of fact preliminary to
admissibility of evidence when the issue is to be determined by
the court under Rule 5-104 (a);

(2) Proceedings for revocation of probation under Rule 4-
347;

(3) Hearings on petitions for post-conviction relief under
Rule 4-406;

(4) Plenary proceedings in the Orphans' Court under Rule 6-

462;

~~(5) Waiver hearings under Rule 11-113;~~

~~(6) Disposition hearings under Rule 11-115, including permanency planning hearings under Code, Courts Article, §3-823;~~

~~(7) Modification hearings under Rule 11-116;~~

(5) Proceedings under Title 11 of these Rules except proceedings listed in section (b) of this Rule and proceedings listed in Rule 11-101 (b) (2) in which strict application of the Rules in this Title is required;

~~(8) (6) Catastrophic health emergency proceedings under Title 15, Chapter 1100; and~~

~~(9) (7) Hearings on petitions for coram nobis under Rule 15-1206; and~~

~~(10) (8) Any other proceeding in which, prior to the adoption of the rules in this Title, the court was authorized to decline to apply the common-law rules of evidence.~~

(d) Privileges

In all actions and proceedings, lawful privileges shall be respected.

Source: This Rule is derived in part from Uniform Rule of Evidence 1101 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND COURT OF
SPECIAL APPEALS

CHAPTER 200 - OBTAINING REVIEW IN COURT OF SPECIAL APPEALS

AMEND Rule 8-202 by adding references to Rule 11-218 to
section (c), as follows:

Rule 8-202. NOTICE OF APPEAL - TIMES FOR FILING

. . .

(c) Civil Action--Post-Judgment Motions

In a civil action, when a timely motion is filed pursuant to Rule 2-532, 2-533, ~~or~~ 2-534, or 11-218, the notice of appeal shall be filed within 30 days after entry of (1) a notice withdrawing the motion or (2) an order denying a motion pursuant to Rule 2-533 or disposing of a motion pursuant to Rule 2-532, ~~or~~ 2-534, or 11-218. A notice of appeal filed before the withdrawal or disposition of any of these motions does not deprive the trial court of jurisdiction to dispose of the motion. If a notice of appeal is filed and thereafter a party files a timely motion pursuant to Rule 2-532, 2-533, ~~or~~ 2-534, or 11-218, the notice of appeal shall be treated as filed on the same day as, but after, the entry of a notice withdrawing the motion or an order disposing of it.

Committee note: A motion filed pursuant to Rule 2-535, if filed within ten days after entry of judgment, will have the same effect as a motion filed pursuant to Rule 2-534, for purposes of this Rule. *Unnamed Att'y v. Attorney Grievance Comm'n*, 303 Md. 473, 494 A.2d 940 (1985); *Sieck v. Sieck*, 66 Md.App. 37, 502 A.2d 528 (1986).

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-101 by renaming Title 9, Chapter 100 to "ADOPTION; PUBLIC AGENCY GUARDIANSHIP;" by altering section (a) to reference Code, Family Law Article, Title 5, Subtitle 3, Parts III and VI; by specifying that the Rules in Title 9 do not govern proceedings under Code, Family Law Article, Title 5, Subtitle 3, Part II; by revising the cross reference to state the new location of the Rules governing guardianships terminating parental rights; by deleting the definition of Public Agency Guardianship in subsection (b) (6); and by making stylistic changes, as follows:

Rule 9-101. APPLICABILITY; DEFINITIONS

(a) Applicability

The Rules in this Chapter apply to proceedings under Code, Family Law Article, Title 5, Subtitle 3, Parts III and IV (Adoption without Prior Termination of Parental Rights and Adoption after Termination of Parental Rights) and Subtitles 3 (Guardianship to and Adoption through Local Department), 3A (Private Agency Guardianship and Adoption), and 3B (Independent

Adoption). They do not apply to proceedings under Code, Family Law Article, Title 5, Subtitle 3, Part II (Guardianship) or Subtitle 14 (Child Conceived without Consent).

Cross reference: See Title 11, Chapter 300 for Rules dealing with public agency guardianship proceedings under Code, Family Law Article, Title 5, Subtitle 3, Part II. See Chapter 400 of this Title for Rules dealing with termination of parental rights proceedings under Code, Family Law Article, Title 5, Subtitle 14.

Committee note: The Rules in this Chapter do not apply to the guardianship of persons and property of minors and disabled persons governed by Code, Estates and Trusts Article, §13-101 *et seq.*

(b) Definitions

The terms used in this Chapter that are defined in Code, Family Law Article, Titles 1 and 5 shall have the meanings stated in those titles. In addition, in this Chapter, the following definitions apply except as expressly otherwise provided or as necessary implication requires.

. . .

~~(6) Public Agency Guardianship~~

~~"Public Agency Guardianship" means a guardianship under Code, Family Law Article, Title 5, Subtitle 3, Part II.~~

~~(7)~~ (6) TPR

"TPR" means termination of parental rights.

Source: This Rule is in part derived from former Rule D71 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-102 by deleting certain statutory references from the cross reference following section (a), by deleting a form reference from subsection (b) (1), by renumbering forms referenced in subsections (b) (1) through (b) (3), by deleting a statutory reference in subsection (c) (1) (A), and by making stylistic changes, as follows:

Rule 9-102. CONSENTS; REVOCATION OF CONSENT

(a) Consents Generally Required

Except when otherwise permitted, a judgment of adoption or guardianship may not be entered without the consents prescribed by Code, Family Law Article.

Cross reference: For provisions governing the authority to grant guardianships or adoptions and the validity of consents, see Code, Family Law Article, ~~§§5-320 and 5-321 as to a Public Agency Guardianship;~~ §§5-338 and 5-339 as to a Public Agency Adoption without Prior TPR; 5-350 and 5-351 as to a Public Agency Adoption after TPR; 5-3A-18 and 5-3A-19 as to a Private Agency Guardianship; 5-3A-35 as to a Private Agency Adoption; and 5-3B-20 and 5-3B-21 as to an Independent Adoption.

(b) Form of Consents, Affidavits of Attorneys, and Disclosure Vetoes

(1) Consent of Parent

If signed on or after July 1, 2007, the consent of a parent to a guardianship or to an adoption shall be substantially in the applicable form set forth at the end of this Title as ~~Form 9-102.1 (Consent of Parent to a Public Agency Guardianship)~~, Form ~~9-102.2~~ 9-102.1 (Consent of Parent to a Private Agency Guardianship), Form ~~9-102.3~~ 9-102.2 (Consent of Parent to a Public Agency Adoption without Prior TPR), Form ~~9-102.4~~ 9-102.3 (Consent of Parent to an Independent Adoption with Termination of Parental Rights), or Form ~~9-102.5~~ 9-102.4 (Consent of Parent to an independent Adoption without Termination of Parental Rights).

(2) Consent of Child to Adoption

If signed on or after July 1, 2007, the consent of a child to an adoption shall be substantially in the applicable form set forth at the end of this Title as Form ~~9-102.6~~ 9-102.5 (Consent of Child to a Public Agency Adoption or Private Agency Adoption) or Form ~~9-102.7~~ 9-102.6 (Consent of Child to an Independent Adoption).

(3) Attorney Affidavit

When required and if signed on or after July 1, 2007, the affidavit by an attorney as to the validity of the consent of a parent to a guardianship or adoption or a child to an adoption shall be substantially in the applicable form set forth

at the end of this Title as Form ~~9-102.8~~ 9-102.7 (Attorney Affidavit as to Consent of a Parent to a ~~Public Agency Guardianship~~ or Private Agency Guardianship), Form ~~9-102.9~~ 9-102.8 (Attorney Affidavit as to Consent of a Parent to Adoption), or Form ~~9-102.10~~ 9-102.9 (Attorney Affidavit as to Consent of a Child to Adoption).

Cross reference: See Rule 9-106 (c).

(4) Disclosure Vetoes

The disclosure vetoes that are required to be attached to the consent forms may be found on the website of the Maryland Department of Human Services.

(c) Revocation of Consent

(1) Time for Revocation of Consent

(A) By a Parent

The time for revocation of consent by a parent is as provided in Code, Family Law Article, ~~§5-321 (Public Agency Guardianship)~~, §5-339 (Public Agency Adoption without Prior TPR), §5-3A-19 (Private Agency Guardianship), and §5-3B-21 (Independent Adoption).

. . .

(2) Procedure for Revocation of Consent

. . .

(B) By Agency, Guardian, or Adoptee

An agency, guardian, or adoptee may revoke consent to

an adoption by (i) in person or through counsel on the record at a hearing or (ii) in a writing signed by the executive head of the agency, the guardian, or the adoptee and filed with the court. If the revocation is delivered to an agent of a public or private agency, the agent shall deliver the revocation promptly to the court.

Cross reference: See Rule 9-112.

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-103 by deleting certain statutory references from the cross references following subsections (b) (2) (A) (viii) and (b) (2) (A) (ix); by deleting subsection (b) (2) (A) (xiv) (1); by renumbering current subsections (b) (2) (A) (xiv) (2) and (b) (2) (A) (xiv) (3) as subsections (b) (2) (A) (xiv) (1) and (b) (2) (A) (xiv) (2), respectively; by deleting subsection (b) (2) (B) (iv) (1); by renumbering current subsections (b) (2) (B) (iv) (2), (b) (2) (B) (iv) (3), and (b) (2) (B) (iv) (4) as subsection (b) (2) (B) (iv) (1), (b) (2) (B) (iv) (2), and (b) (2) (B) (iv) (3), respectively; and by deleting a statutory reference in the cross reference following section (c), as follows:

Rule 9-103. PETITION

. . .

(b) Petition for Adoption

. . .

(2) Exhibits

(A) The following documents shall accompany the petition

as exhibits:

. . .

(viii) The original of all consents to the adoption, any required affidavits of translators or attorneys, and, if available, a copy of any written statement by the consenting person indicating a desire to revoke the consent, whether or not that statement constitutes a valid revocation;

Cross reference: See Code, Family Law Article, ~~§§5-313, 5-320, and 5-321 as to a Public Agency Guardianship; §§5-331, 5-338, and 5-339 as to a Public Agency Adoption without Prior TPR; 5-345, 5-350, and 5-351 as to a Public Agency Adoption after TPR; 5-3A-13, 5-3A-18, and 5-3A-19 as to a Private Agency Guardianship; 5-3A-35 as to a Private Agency Adoption; and 5-3B-20 and 5-3B-21 as to an Independent Adoption.~~

(ix) If applicable, proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; a certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws; and any appropriate translation of documents required to allow the child to enter the United States;

Cross reference: See, Code, Family Law Article, ~~§§5-305, 5-313, and 5-320 as to a Public Agency Guardianship; §§5-305, 5-331, and 5-338 as to a Public Agency Adoption without Prior TPR; 5-305 and 5-345 as to a Public Agency Adoption after TPR; 5-3A-05, 5-3A-13, and 5-3A-18 as to a Private Agency Guardianship; 5-3A-05 as to a Private Agency Adoption; and 5-3B-04 and 5-3B-20 as to an Independent Adoption.~~

. . .

(xiv) If required, a notice of filing as prescribed by Code, Family Law Article:

~~(1) §5-313 in a Public Agency Guardianship;~~

~~(2)~~ (1) §5-331 in a Public Agency Adoption without Prior TPR; or

~~(3)~~ (2) §5-345 in a Public Agency Adoption after TPR.

(B) The following documents shall be filed before a judgment of adoption is entered:

. . .

(iv) An affidavit of counsel for a parent, if required by Code, Family Law Article:

~~(1) §§5-307 and 5-321 in a Public Agency Guardianship;~~

~~(2)~~ (1) §§5-307 and 5-339 in a Public Agency Adoption without Prior TPR;

~~(3)~~ (2) §§5-3A-07 and 5-3A-19 in a Private Agency Guardianship; or

~~(4)~~ (3) §§5-3B-06 and 5-3B-21 in an Independent Adoption.

. . .

(c) Petition for Guardianship

A petition for guardianship shall state all facts required by subsection (b) (1) of this Rule, to the extent that the requirements are applicable and known to the petition. It shall be accompanied by all documents required to be filed as

exhibits by subsection (b) (2) of this Rule, to the extent the documents are applicable. The petition shall also state the license number of the child placement agency.

Cross reference: See, Code, Family Law Article, ~~§§5-313 as to a Public Agency Guardianship~~ and §5-3A-13 as to a Private Agency Guardianship.

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-104 by deleting subsection (a)(1); by renumbering subsections (a)(2) through (a)(6) as subsections (a)(1) through (a)(5), respectively; and by deleting "guardianship or" from section (b), as follows:

Rule 9-104. NOTICE OF FILING OF PETITION; STATUS CONFERENCE

(a) Notice of Filing of Petition

Notice of the filing of a petition for guardianship or adoption shall be given as required by Code, Family Law Article:

~~(1) §5-315 in a Public Agency Guardianship;~~

~~(2)~~ (1) §5-333 in a Public Agency Adoption without Prior TPR;

~~(3)~~ (2) §5-346 in a Public Agency Adoption after TPR;

~~(4)~~ (3) §5-3A-14 in a Private Agency Guardianship;

~~(5)~~ (4) §5-3A-30 in a Private Agency Adoption;

~~(6)~~ (5) §5-3B-14 in an Independent Adoption.

(b) Status Conference

In a public agency ~~guardianship or~~ adoption, at the time the notice of filing is sent, the court shall schedule a status conference no later than 60 days after the filing of the

petition.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-105 by deleting subsection (a) (1); by renumbering subsections (a) (2) through (a) (4) as subsections (a) (1) through (a) (3), respectively; by deleting certain statutory references from the cross reference following subsection (b) (2) (D); by deleting subsection (c) (1) (A), by renumbering subsections (c) (1) (B) through (c) (1) (D) as subsections (c) (1) (A) through (c) (1) (C), respectively; by deleting "guardianship or" from subsection (c) (3); by deleting language relating to Public Agency Guardianship from the form in section (e); by deleting language relating to Public Agency Guardianship from the form in section (f); by deleting subsection (g) (1), and by renumbering subsections (g) (2) through (g) (4) as subsections (g) (1) through (g) (3), respectively; as follows:

Rule 9-105. SHOW CAUSE ORDER; DISABILITY OF A PARTY; OTHER NOTICE

(a) Requirement for Show Cause Order

Promptly upon the filing of a petition for adoption or

guardianship, the court shall issue a show cause order in substantially the form set forth in section (e) of this Rule when required by Code, Family Law Article:

- ~~(1) §5-316 in a Public Agency Guardianship;~~
- ~~(2)~~ (1) §5-334 in a Public Agency Adoption without Prior TPR;
- ~~(3)~~ (2) §5-3A-15 in a Private Agency Guardianship;
- ~~(4)~~ (3) §5-3B-14 in an Independent Adoption.

If the petition seeks adoption of a minor, the show cause order shall not divulge the name of the petitioner. If the petition seeks appointment of a guardian, the show cause order shall state the name of the child placement agency seeking guardianship.

(b) Appointment of Attorney for Disabled Party

(1) If the parties agree that a party who is not represented has a disability that makes the party incapable of consenting or participating effectively in the proceeding, the court shall appoint an attorney who shall represent the disabled party throughout the proceeding.

(2) If there is a dispute as to whether a party who is not represented has a disability that makes the party incapable of consenting or participating effectively in the proceeding, the court shall:

- (A) hold a hearing promptly to resolve the dispute;
- (B) appoint an attorney to represent the alleged disabled

party at that hearing;

(C) provide notice of that hearing to all parties; and

(D) if the court finds at the hearing that the party has such a disability, appoint an attorney who shall represent the disabled party throughout the proceeding.

Cross reference: See Code, Family Law Article, ~~§§5-307 as to a Public Agency Guardianship;~~ §§5-307 as to a Public Agency Adoption without Prior TPR; 5-3A-07 as to a Private Agency Guardianship; and 5-3B-06 as to an Independent Adoption. For eligibility of an individual for representation by the Office of the Public Defender, see Code, Family Law Article, §5-307 and Code, Criminal Procedure Article, §16-204..

(c) Service of Show Cause Order

(1) Method of Service

The show cause order shall be served on those persons and in the manner required by Code, Family Law Article:

~~(A) §5-316 in a Public Agency Guardianship;~~

~~(B)~~ (A) §5-334 in a Public Agency Adoption without Prior TPR;

~~(C)~~ (B) §5-3A-15 in a Private Agency Guardianship; or

~~(D)~~ (C) §5-3B-15 in an Independent Adoption.

(2) Time for Service

Unless the court orders otherwise, a show cause order shall be service within 90 days after the date it is issued. If service is not made within the period, a new show cause order shall be issued at the request of the petition.

(3) Notice of Objection

A show cause order shall be served with two copies of a pre-captioned notice of objection form in substantially the form set forth in section (f) of this Rule. In a public agency ~~guardianship or~~ adoption, a copy of the petition shall be attached.

. . .

(e) Form of Show Cause Order

Except as provided in section (g) of this Rule, the show cause order shall be substantially in the following form:

IMPORTANT

THIS IS A COURT ORDER. IF YOU DO NOT UNDERSTAND WHAT THE ORDER SAYS, HAVE SOMEONE EXPLAIN IT TO YOU. YOUR RIGHT TO AN ATTORNEY IS EXPLAINED IN PARAGRAPH 3 OF THIS ORDER. IF YOU DO NOT MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED IN PARAGRAPH 2 OF THIS ORDER, YOU HAVE AGREED TO A TERMINATION OF YOUR PARENTAL RIGHTS.

(Note to Drafter of Show Cause Order: For the form of the caption of the Show Cause Order, see Rule 9-103 (a).)

SHOW CAUSE ORDER

TO:

(Name of Person to be Served)

(Address, including County)

(Relationship of person served to individual who is the subject of the proceeding)

. . .

(Note to Drafter of Show Cause Order: Include only those of the

following paragraphs that are applicable to the type of guardianship or adoption proceeding that has been filed.)

~~{In a Public Agency Guardianship:}~~

~~— You are a parent of the person for whom a guardian is sought and:~~

~~— (A) you are under 18 years of age; or~~

~~— (B) you have a disability that makes you unable to participate effectively in the case; or~~

~~— (C) you object to the guardianship and cannot afford to hire an attorney because you are indigent.~~

. . .

(f) Form of Notice of Objection

The notice of objection shall be substantially in the following form:

(Note to Drafter of the Notice of Objection/Request for Appointment of Attorney: For the caption of the form, see Rule 9-103 (a).)

NOTICE OF OBJECTION/REQUEST FOR APPOINTMENT OF ATTORNEY

(Instructions to the person served with the show cause order:

IF YOU WISH TO OBJECT, YOU MUST MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED IN THE SHOW CAUSE ORDER. You may use this form to do so. You need only sign this form, print or type your name, address, and telephone number underneath your signature, and mail or deliver it to the court at the address shown in paragraph 2 of

the show cause order. **IF THE COURT HAS NOT RECEIVED YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED IN PARAGRAPH 2 OF THE SHOW CAUSE ORDER, YOU HAVE AGREED TO A THE TERMINATION OF YOUR PARENTAL RIGHTS.** If you wish to state your reasons, you may state them on this sheet.)

1. I object to the _____ of the
(Adoption/Guardianship)
above-named individual. My reasons for objecting are as follows:

2. I do/do not want the Court to appoint an attorney to
(Circle one)
represent me. If I circled that I do want the court to appoint an attorney for me, I believe that I am entitled to a court-appointed attorney because:

(Check appropriate box or boxes)

(Note to Drafter of the Notice of Objection/Request for Appointment of Attorney: Include only those of the following paragraphs which are applicable to the type of guardianship or adoption proceeding that has been filed.)

~~**{In a Public Agency Guardianship:}**~~

~~[] I am the parent of the person for whom a guardian is sought and:~~

~~[] I am under 18 years of age.~~

~~[] I have a disability that makes me unable to participate effectively in the case.~~

~~[] I object to the guardianship and cannot afford to hire an attorney because I am indigent.~~

. . .

(g) Form of Notice for Service by Publication and Posting

The notice for service by publication and posting shall be in the form required by Code, Family Law Article:

~~(1) §5-316 in a Public Agency Guardianship;~~

~~(2)~~ (1) §5-334 in a Public Agency Adoption without Prior TPR;

~~(3)~~ (2) §5-3A-15 in a Private Agency Guardianship; or

~~(4)~~ (3) §5-3B-15 in an Independent Adoption.

Source: This Rule is in part derived from former Rule D74 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-106 by deleting subsection (a) (1); by renumbering subsections (a) (2) through (a) (6) as subsections (a) (1) through (a) (5), respectively; by deleting a statutory reference from the cross reference following section (b); by deleting subsection (c) (1) (A); by renumbering subsections (c) (1) (B) through (c) (1) (D) as subsections (c) (1) (A) through (c) (1) (C), respectively; by deleting subsection (d) (1) (A), and by renumbering subsections (d) (1) (B) and (d) (1) (C) as subsections (d) (1) (A) and (d) (1) (B), respectively, as follows:

Rule 9-106. APPOINTMENT OF ATTORNEY - ATTORNEY AFFIDAVIT - INVESTIGATION

(a) Appointment of Attorney

The court shall appoint an attorney for a party when required by Code, Family Law Article:

- ~~(1) §5-307 in a Public Agency Guardianship;~~
- ~~(2)~~ (1) §5-307 in a Public Agency Adoption without Prior TPR;
- ~~(3)~~ (2) §5-307 in a Public Agency Adoption after TPR;
- ~~(4)~~ (3) §5-3A-07 in a Private Agency Guardianship;

~~(5)~~ (4) §5-3A-07 in a Private Agency Adoption; or

~~(6)~~ (5) §5-3B-06 in an Independent Adoption.

(b) Payment of Attorney's Fees

Even if the prospective adoptee is not entitled to a court-appointed attorney, the person is entitled to consult an attorney chosen by that person. The adoptive parents or agency may agree to pay all or part of the attorney's fees on behalf of the person, or the court may order the adoptive parents or agency to do so.

Cross reference: See Code, Family Law Article, ~~§§5-309 as to a Public Agency Guardianship;~~ §§5-309 as to a Public Agency Adoption without Prior TPR; 5-3A-09 as to a Private Agency Guardianship; and 5-3B-08 as to an Independent Adoption.

(c) Affidavit of Attorney

(1) With a Parental Consent

The attorney shall file an affidavit in the applicable form set forth at the end of this Title with a consent signed by a parent when required by Code, Family Law Article;

~~(A) §5-321 in a Public Agency Guardianship;~~

~~(B)~~ (A) §5-339 in a Public Agency Adoption without Prior TPR;

~~(C)~~ (B) §5-3A-19 in a Private Agency Guardianship; or

~~(D)~~ (C) §5-3B-21 in an Independent Adoption.

. . .

(d) Investigation by Court

(1) Optional

The Court may order an investigation as provided by
Code, Family Law Article:

~~(A) §5-317 in a Public Agency Guardianship;~~

~~(B)~~ (A) §5-3A-16 in a Private Agency Guardianship; or

~~(C)~~ (B) §5-3B-16 in an Independent Adoption.

. . . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-109 by deleting subsection (a) (1) (A); by renumbering subsections (a) (1) (B) through (a) (1) (E) as subsections (a) (1) (A) through (a) (1) (D), respectively; by deleting "Public or" from subsection (a) (2); and by deleting the cross reference following subsection (a) (2), as follows:

Rule 9-109. HEARING ON THE MERITS

(a) Requirement

(1) Generally

The court shall hold a hearing and make findings on the record on the merits of a guardianship petition as provided by Code, Family Law Article:

~~(A) §5-318 in a nonconsensual Public Agency Guardianship;~~

~~(B) (A) §5-335 in a Public Agency Adoption without Prior~~

TPR;

~~(C) (B) §5-347 in a Public Agency Adoption after TPR;~~

~~(D) (C) §5-3A-32 in a Private Agency Adoption; or~~

~~(E) (D) §5-3B-17 in an Independent Adoption.~~

(2) Guardianship

The court may hold a hearing on the merits of a consensual ~~Public or~~ Private Agency Guardianship petition.

~~Cross reference: See Code, Family Law Article, §5-318 as to a Public Agency Guardianship.~~

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; ~~GUARDIANSHIP TERMINATING PARENTAL RIGHTS~~

PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-111 by deleting subsection (a) (1); by renumbering subsections (a) (2) through (a) (6) as subsections (a) (1) through (a) (5), respectively; and by adding new section (f), as follows:

Rule 9-111. JUDGMENT OF ADOPTION OR GUARDIANSHIP

(a) Time

The court may not enter a judgment of adoption or guardianship before the time set forth in Code, Family Law Article:

- ~~(1) §5-319 in a Public Agency Guardianship;~~
- ~~(2)~~ (1) §5-336 in a Public Agency Adoption without Prior TPR;
- ~~(3)~~ (2) §5-348 in a Public Agency Adoption after TPR;
- ~~(4)~~ (3) §5-3A-17 in a Private Agency Guardianship;
- ~~(5)~~ (4) §5-3A-33 in a Private Agency Adoption; or
- ~~(6)~~ (5) §5-3B-18 in an Independent Adoption.

(b) Information from Other Court

If a required consent indicates that any revocation of the consent must be filed in a court other than the trial court,

the trial court may not enter a judgment of adoption or guardianship until it has obtained from the other court a copy of all papers filed in connection with the consent or an affidavit of the clerk of the other court that no papers were filed in connection with the consent.

(c) Supplemental Report

Before entering a judgment of adoption or guardianship, the court may require a supplemental written report from the investigating officer or agency.

(d) Change of Name

If the name of the person adopted is changed, the judgment of adoption shall state the new name of the person adopted and the names of the adopting parents.

(e) Spouse of Parent

If the adopting parent is the spouse of a parent of the person to be adopted, the judgment shall specifically state whether and to what extent the parental rights of the parent are affected.

(f) Judgments of Adoption - Recording

The clerk shall record each judgment of adoption entered by the juvenile court pursuant to Code, Family Law Article, §5-352 in the adoption records of the circuit court for the county where the judgment was awarded.

Committee note: Any attempt to set aside a judgment of adoption by reason of a procedural defect shall be filed with the court within one year following entry of the judgment. See Code, Family Law Article, §§5-342 as to a Public Agency Adoption without Prior TPR; 5-353 as to a Public Agency Adoption after TPR; 5-3A-37 as to a Private Agency Adoption; and 5-3B-26 as to an Independent Adoption.

An adoptive relationship created by a judgment of adoption in another jurisdiction shall be given full faith and credit by the courts of this State. See Code, Family Law Article, §§5-305 as to a Public Agency Adoption without Prior TPR; 5-305 as to a Public Agency Adoption after TPR; 5-3A-05 as to a Private Agency Adoption; and 5-3B-04 as to an Independent Adoption.

For the legal effect of adoption of an adult, see Code, Family Law Article, §§5-341 as to a Public Agency Adoption without Prior TPR; 5-352 as to a Public Agency Adoption after TPR; 5-3A-36 as to a Private Agency Adoption; and 5-3B-25 as to an Independent Adoption.

Source: This Rule is derived in part from former Rule D79 and former Rule 11-501 (g) (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

ADOPTIONS

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

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Form ~~9-102.3~~ 9-102.2. CONSENT OF PARENT TO A PUBLIC AGENCY
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RIGHTS

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

~~FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

~~ADOPTIONS~~

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

DELETE Form 9-102.1 in its entirety, as follows:

~~Form 9-102.1. CONSENT OF PARENT TO A PUBLIC AGENCY GUARDIANSHIP~~

~~CONSENT OF PARENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT~~

~~TO ADOPTION OF _____ TO THE~~

~~_____ DEPARTMENT OF SOCIAL SERVICES~~

INSTRUCTIONS

. . .

~~A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED TO THIS CONSENT FORM.~~

~~IF YOU HAVE A POST-ADOPTION AGREEMENT, ATTACH A COPY TO THIS CONSENT FORM.~~

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

~~ADOPTIONS~~

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.2 by renumbering it as Form 9-102.1, as follows:

Form ~~9-102.2~~ 9-102.1. CONSENT OF PARENT TO A PRIVATE AGENCY GUARDIANSHIP

CONSENT OF PARENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT

TO ADOPTION OF _____ TO

_____, A LICENSED

PRIVATE ADOPTION AGENCY

INSTRUCTIONS

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

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ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.3 by renumbering it as Form 9-102.2, as follows:

Form ~~9-102.3~~ 9-102.2. CONSENT OF PARENT TO A PUBLIC AGENCY ADOPTION WITHOUT PRIOR TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Adoption of CINA without Prior Termination of Parental Rights

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

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ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.4 by renumbering it as Form 9-102.3, as follows:

Form ~~9-102.4~~ 9-102.3. CONSENT OF PARENT TO AN INDEPENDENT ADOPTION WITH TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Independent Adoption with Termination of Parental Rights

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MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

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ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.5 by renumbering it as Form 9-102.4, as follows:

Form ~~9-102.5~~ 9-102.4. CONSENT OF PARENT TO AN INDEPENDENT ADOPTION WITHOUT PRIOR TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Independent Adoption without Termination of Parental Rights

INSTRUCTIONS

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

~~ADOPTIONS~~

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.6 by renumbering it as Form 9-102.5, as follows:

Form ~~9-102.6~~ 9-102.5. CONSENT OF CHILD TO A PUBLIC AGENCY ADOPTION OR PRIVATE AGENCY ADOPTION

CONSENT OF _____ TO ADOPTION

INSTRUCTIONS

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

~~ADOPTIONS~~

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.7 by renumbering it as Form 9-102.6, as follows:

Form ~~9-102.7~~ 9-102.6. CONSENT OF CHILD TO AND INDEPENDENT ADOPTION

CONSENT OF _____ TO INDEPENDENT ADOPTION

INSTRUCTIONS

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

~~ADOPTIONS~~

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.8 by renumbering it as Form 9-102.7 and by deleting "Public Agency Guardianship" from the caption, as follows:

Form ~~9-102.8~~ 9-102.7. ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO A ~~PUBLIC AGENCY GUARDIANSHIP OR~~ PRIVATE AGENCY GUARDIANSHIP

Affidavit by Attorney as to Consent of

_____ (parent) to Guardianship

with the Right to Consent to Adoption ("Guardianship")

by _____ (agency) of _____ (child)

1. I am the attorney representing _____,
a parent of _____, the child who is the
subject of the consent.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

~~ADOPTIONS~~

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.9 by renumbering it as Form 9-102.8, as follows:

Form ~~9-102.9~~ 9-102.8. ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO ADOPTION

Affidavit by Attorney as to Consent of

_____ (parent)

to Adoption of _____

1. I am the attorney representing _____,
a parent of _____, the child who is the
subject of the consent.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

FORMS FOR ~~GUARDIANSHIPS THAT TERMINATE PARENTAL RIGHTS AND~~

~~ADOPTIONS~~

ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.10 by renumbering it as Form 9-102.9, as follows:

Form ~~9-102.10~~ 9-102.9. ATTORNEY AFFIDAVIT AS TO CONSENT OF A CHILD TO ADOPTION

Affidavit by Attorney as to Consent of

_____ (child) to Adoption

1. I am the attorney representing _____,
the individual who is the subject of this adoption proceeding
("the child").

. . .

MARYLAND RULES OF PROCEDURE

TITLE 10 - GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 10-101 by updating the Committee note following section (b), as follows:

Rule 10-101. APPLICABILITY OF TITLE; JURISDICTION

. . .

(b) Scope of Jurisdiction

In proceedings under this Title, the court may exercise its jurisdiction generally or for a limited purpose. An investment in a common trust fund by a fiduciary administering an estate subject to the jurisdiction of a court does not bring the administration of the common trust fund under the jurisdiction of the court.

Cross reference: For the definition of "common trust fund," see Code, Financial Institutions Article, §3-501 (b).

Committee note: The rules in this Title do not apply to a guardian with the right to consent to adoption (Code, Family Law Article, §5-301 *et seq.* and Title 11, Chapter 300 of these rules; and Code, Family Law Article, §5-3A-01 *et seq.* and Title 9, Chapter 100 of these rules); a trustee appointed to foreclose a mortgage or deed of trust or to make a judicial sale (Title 14, Chapters 200 and 300 of these rules); a trustee of a recovery by a minor in tort (Code, Estates and Trusts Article, §13-401 *et seq.*); a custodian of property under the Maryland Uniform Transfers to Minors Act (Code, Estates and Trusts Article, §13-301 *et seq.*); or a receiver or assignee for the benefit of creditors (Title 13 of these Rules).

Source: This Rule is derived in part from former Rule V71 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

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MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-101, as follows:

Rule 11-101. APPLICABILITY

(a) Rules in Title 11

The Rules in this Title govern procedure in juvenile causes under Code, Courts Article, Title 3, Subtitles 8, 8A, and 8C; public agency guardianships under Code, Family Law Article, Title 5, Subtitle 3, Part II; and criminal proceedings against an adult under Code, Courts Article, §§3-828 and 3-8A-30 and Code, Education Article, §7-301. The Rules in this Title do not govern adoption proceedings.

Cross reference: For procedures governing adoptions under Code, Family Law Article, Title 5, Subtitle 3, Parts III, IV, V, and VI, see the Rules in Title 9, Chapter 100.

(b) Rules of Evidence

(1) In all proceedings under this Title, lawful privileges shall be respected and the Rules governing competency of witnesses shall apply.

(2) The Rules of Evidence in Title 5 of these Rules apply to the following proceedings under this Title:

(A) Adjudicatory hearings conducted in:

(i) CINA proceedings under Chapter 200;
(ii) delinquency proceedings under Chapter 400; and
(iii) CINS, truancy, and peace order proceedings under Chapter 500;

(B) A hearing on waiver of reunification efforts under Rule 11-217;

(C) A hearing on a guardianship petition under Rule 11-312;

(D) A hearing following a failed conditional consent under Rule 11-317;

(E) A hearing on the merits of an emergency removal of a child from a court ordered placement under Chapters 200 and 300; and

(F) Proceedings in which an adult is charged in juvenile court under Rule 11-507, to the same extent that the Rules of Evidence would apply to the proceeding in adult criminal court.

(3) Subject to subsection (b)(1) of this Rule, the Rules of Evidence in Title 5 of these Rules do not apply to the following proceedings under this Title:

(A) Shelter care and detention hearings under Chapters 200 and 400;

(B) Emergency hearing proceedings following the removal of a child from a court-ordered placement under Chapters 200 and 300; and

(C) Guardianship review hearings under Rule 11-316.

(4) Subject to subsection (b)(1) of this Rule, the court, in the interest of justice, may decline to require strict application of the Rules of Evidence in Title 5 of these Rules in all other proceedings.

(c) Interstate Compacts; Indian Child Welfare Act

The Rules in this Title are subject to the applicable provisions of Code, Human Services Article, Title 9, Subtitle 3 (Interstate Compact for Juveniles); Code, Family Law Article, Title 5, Subtitle 6 (Interstate Compact on the Placement of Children); and 25 U.S.C. §1901 et seq. (the Indian Child Welfare Act).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-102, as follows:

Rule 11-102. DEFINITIONS

The following definitions apply in this Title:

(a) Statutory Definitions

The definitions in Code, Courts Article, §§3-801 and 3-8A-01 are applicable to this Title. If a definition in Code, Courts Article, Title 3, Subtitle 8 differs from the definition of the term in Code, Courts Article, Title 3, Subtitle 8A, the definition in the Subtitle under which the particular action or proceeding was filed applies.

Cross reference: See Code, Courts Article, §3-801 for definitions of "abuse," "adjudicatory hearing," "adult," "child," "child in need of assistance," "CINA," "commit," "custodian," "custody," "developmental disability," "disposition hearing," "guardian," "guardianship," "local department," "mental disorder," "mental injury," "neglect," "parent," "party," "qualified residential treatment program," "reasonable efforts," "relative," "sex trafficking," "sexual abuse," "sexual molestation or exploitation," "shelter care," "shelter care hearing," "TPR proceeding," "voluntary placement," and "voluntary placement hearing."

See Code, Courts Article, §3-8A-01 for definitions of "adjudicatory hearing," "adult," "child," "child in need of supervision," "citation," "commit," "community detention," "competency hearing," "custodian," "delinquent act," "delinquent child," "detention," "developmental disability," "disposition

hearing," "incompetent to proceed," "intake officer," "mental disorder," "mental retardation," "mentally handicapped child," "party," "peace order proceeding," "peace order request," "petition," "qualified expert," "respondent," "shelter care," "victim," "violation," and "witness."

(b) Additional Definitions

In this Title, the following additional definitions apply except as expressly otherwise provided or as necessary implication requires:

(1) Court

"Court" means the division or part of the circuit court that exercises the jurisdiction conferred on the circuit courts by Code, Courts Article, Title 3, Subtitles 8, 8A, and 8C.

(2) Next Day

"Next day" means the next day that the circuit court is in session.

(3) Respondent

"Respondent" means the juvenile who is the subject of a petition.

(4) State's Attorney

"State's Attorney" has the meaning set forth in Rule 4-102 to the extent the individual is authorized to represent the State in a proceeding under Code, Courts Article, Title 3, Subtitle 8A.

(5) Summons

"Summons" means a writ notifying the person named in the

summons that: (A) the person summoned is a party in an action that has been commenced in the court from which the summons is issued, and (B) failure to attend may result in the issuance of a body attachment or contempt proceedings for the person summoned.

Source: This Rule is derived from former Rule 11-101 (2021).

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-103, as follows:

Rule 11-103. MAGISTRATES

(a) General Authority; Applicability

(1) Generally

A magistrate appointed for juvenile causes is authorized to hear any cases and matters under this Title assigned by the court, except a hearing to terminate parental rights under Rule 11-312, a hearing on a waiver petition under Rule 11-410, or a trial under Rule 11-507.

(2) Exception

Other than the procedures set forth in section (b) of this Rule, the procedures in this Rule do not apply to hearings before a magistrate in detention or shelter care proceedings.

Cross reference: See Rule 11-204 for procedures in CINA shelter care proceedings. See Rule 11-406 for procedures in delinquency detention and shelter care proceedings.

(3) Findings, Conclusions, and Recommendations

The findings, conclusions, and recommendations of a magistrate do not constitute orders or final action of the court.

(b) Hearings

(1) Authority to Conduct and Regulate

A magistrate may conduct hearings and regulate all proceedings relating to a hearing, including:

(A) fixing the time and place of the hearing, including permitting remote participation in the hearing;

(B) directing the issuance of subpoenas to compel the attendance of witnesses and the production of documents or other tangible things;

(C) administering oaths to witnesses;

(D) ruling on the admissibility of evidence;

(E) examining witnesses;

(F) convening, continuing, and adjourning the hearing, as required; and

(G) recommending contempt proceedings or other sanctions to the court.

(2) Recording

All proceedings before a magistrate shall be recorded verbatim.

(c) Report and Recommendations

(1) Contents of Reports

The magistrate's report shall be a written report that includes proposed findings of fact, conclusions of law, and recommendations, and be accompanied by a proposed order.

(2) When Filed

Within 10 days after completing a disposition hearing or a post-disposition proceeding that requires a court order, the magistrate shall transmit to a judge assigned to the court the entire file in the case, together with the magistrate's report.

(3) Service

A copy of the report and proposed order shall be served on each party as provided by Rule 20-205 in MDEC counties or Rule 1-321 in non-MDEC counties.

Cross reference: See Rule 1-321 addressing the service of pleadings and other papers filed after the original pleading.

(d) Immediate Review

(1) By Agreement

The parties may agree to waive the right to file exceptions to the magistrate's report and recommendations and to the immediate entry of the order proposed by the magistrate with such amendments or clarifications to which the parties agree.

(2) Emergency Orders

If a magistrate finds that extraordinary circumstances exist and recommends that an order be entered immediately, a judge of the court shall review the file, any exhibits, and the magistrate's findings and recommendations and shall afford the parties an opportunity for oral argument. The court may accept, reject, or modify the magistrate's recommendations and issue an

immediate order. An order entered under this subsection remains subject to a later determination by the court on exceptions.

(e) Exceptions

(1) Filing; Content

Unless waived pursuant to subsection (d)(1) of this Rule, any party may file exceptions to the magistrate's proposed findings, conclusions, or recommended order. The exceptions shall be in writing, filed with the clerk within five days after service of the magistrate's report, and served on each other party. Exceptions shall specify:

(A) whether the excepting party requests that the hearing on exceptions be de novo or on the record made before the magistrate; and

(B) with particularity, those items to which the party excepts and, if the hearing is to be on the record, each asserted error.

(2) Transcript

If the hearing is to be on the record made before the magistrate, the excepting party shall cause to be prepared, transmitted to the court, and served on each other party, a transcript of so much of the proceeding as is necessary for the court to rule on the exceptions, unless (A) a transcript has already been filed, (B) the hearing is to be on an agreed statement of facts, or (C) the hearing is to be on an electronic

recording of the proceeding before the magistrate. The transcript shall be filed and served within 20 days after the filing of exceptions unless, upon motion made prior to expiration of the 20-day period, and for good cause, the court extends that time.

(f) Hearing on Exceptions

(1) Duty to Schedule

Upon the filing of timely exceptions which comply with this Rule, the court shall schedule a prompt hearing, which shall occur within 30 days after the filing of exceptions unless the court, with the agreement of the parties or for good cause, extends the time.

(2) Type and Scope of Hearing

(A) The hearing shall be limited to those matters to which exceptions have been filed.

(B) An excepting party, other than the State in a delinquency proceeding, may elect a hearing de novo or a hearing on the record made before the magistrate. If the excepting party did not request a de novo hearing when filing the exceptions, the hearing shall be on the record.

(C) If the State is the only excepting party in a proceeding involving juvenile delinquency, the hearing shall be on the record, supplemented by additional evidence as the judge considers relevant and to which the parties raise no objection.

(D) If the hearing is on the record, the court may confine the hearing to the particular allegations of error stated in the exceptions.

Cross reference: See Code, Courts Article, §3-807 (c).

(3) Record

(A) If the hearing is on the record made before the magistrate, the hearing shall be held either on an agreed statement of facts or on the part of the record that is relevant to the exceptions.

(B) The court, on its own initiative or on motion of a party, may accept an electronic recording of the proceeding in place of a transcript.

(g) Review by Court if No Exceptions Filed

If no exceptions have been filed in compliance with this Rule, the court, within 10 days after the expiration of the time for filing exceptions, shall:

(1) adopt the magistrate's proposed findings of fact, conclusions of law, and recommendations and enter an appropriate order based on them;

(2) remand the case to the magistrate for a further hearing;
or

(3) schedule a de novo hearing before the court, unless the parties agree to a hearing on the record.

Source: This Rule is derived in part from former Rules 11-110

and 11-111 (2021). Section (d) is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-104, as follows:

Rule 11-104. MOTIONS

(a) Generally

An application to the court for an order shall be made by motion which, unless made during a hearing, shall (1) be in writing, (2) be accompanied by a proposed order, and (3) set forth the relief or order sought. This Rule does not apply to motions required to be filed pursuant to Rule 11-419 (b).

Cross reference: See Rule 11-419 (b) addressing mandatory motions in delinquency and citation proceedings.

(b) Response

Unless the court orders otherwise:

(1) a party against whom a motion is directed is not required to file a response;

(2) any response shall be filed within 10 days after service of the motion; and

(3) if a party fails to file a response, the court may proceed to rule on the motion.

(c) Hearing

Any party desiring a hearing on a motion shall request the hearing in the motion or response under the heading "Request for Hearing." The title of the motion or response shall state that a hearing is requested.

(d) Statement of Grounds

The grounds of a written motion or response shall be stated with particularity.

(e) Affidavit

A motion or response that is based on facts not contained in the record or papers on file in the proceeding shall be supported by affidavit and accompanied by any papers or exhibits on which it is based.

Source: This Rule is new. It is derived from Rule 2-311.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-105, as follows:

Rule 11-105. SUBPOENAS

(a) Generally

Except as otherwise provided by law, the clerk shall issue a subpoena for each witness requested by any party, pursuant to Rule 2-510.

(b) Hospital Records

A subpoena for hospital records may be issued in accordance with Rule 2-510 (i).

Cross reference: See Rule 2-510 addressing subpoenas in civil proceedings generally. Section (i) of that Rule addresses records produced by custodians.

Source: This Rule is derived in part from former Rule 11-104 (2021). Section (b) is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-106, as follows:

Rule 11-106. SUMMONS

(a) Generally

Upon the filing of a petition, the clerk shall issue a summons for each party except the petitioner and a respondent child alleged to be in need of assistance.

(b) Content

(1) Generally

A summons shall contain:

- (A) the name of the court and the assigned docket reference;
- (B) the name and address of the person summoned;
- (C) the date of issue;
- (D) the date, time, and place of the scheduled hearing;
- (E) if any portion of the hearing is to be conducted by remote means pursuant to Rules 2-801 through 2-806, details regarding the manner of remote participation;
- (F) a statement that failure to attend may result in the person summoned being taken into custody; and

(G) a statement that the person summoned shall keep the court advised of the person's address during the pendency of the proceedings.

(2) Production of Child

A summons to a parent, guardian, or custodian of a respondent child shall require the person to produce the child at the place, on the date, and at the time stated in the summons.

Source: This Rule is derived from former Rule 11-104 (2021). Section (b) is new and is derived from former Form 904-S.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-107, as follows:

Rule 11-107. SERVICE OF PAPERS

(a) Summons

A summons issued pursuant to Rule 11-106 shall be served in the manner provided by Rule 2-121, and be returnable as provided by Rule 2-126.

(b) Other Papers

Except as otherwise provided by law, all other papers filed with the court, other than a petition or citation, shall be served in the manner provided by Rule 20-205 in MDEC counties or Rule 1-321 in non-MDEC counties.

Source: This Rule is derived in part from former Rule 11-104 c (2021) and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-108, as follows:

Rule 11-108. HEARINGS

(a) Non-jury

Hearings shall be conducted before a judge or magistrate without a jury, and shall be conducted in an informal manner.

(b) Recording

All proceedings shall be recorded verbatim by a recording method approved by the county administrative judge.

Committee note: The requirement that all juvenile proceedings be recorded verbatim applies regardless of the location of the hearing.

(c) Place of Hearing

A hearing may be conducted in open court, in chambers, remotely in conformance with the procedures and requirements in Rules 2-801 through 2-806, or elsewhere where appropriate facilities are available.

(d) Open and Closed Hearings

(1) Exclusion from CINA or Voluntary Placement Hearings

A determination of who may or shall be excluded from a CINA or voluntary placement hearing is governed by Code, Courts

Article, §3-810 (b).

(2) Exclusion from CINS, Delinquency, or Peace Order Hearings

A determination of who may be excluded from a CINS, delinquency, or peace order hearing is governed by Code, Courts Article, §3-8A-13 (f).

(3) Participation by Nonparties

Participation by foster parents, preadoptive parents, caregivers, and attorneys for those individuals is governed by Code, Courts Article, §3-816.3.

Cross reference: Code, Courts Article, §3-810 (b) addresses both mandatory and permissive exclusion of the general public from a CINA or voluntary placement hearing. Code, Courts Article, §3-8A-13 (f) addresses permissive exclusion of the general public from a CINS hearing or certain delinquency or peace order hearings, and requires certain delinquency proceedings to be conducted in open court.

(4) Confidential Information

The court shall take appropriate steps to prevent public disclosure of information that is confidential under state or federal law.

Committee note: Statutes that govern confidential information include Code, Health-General Article, §§4-302 and 4-307, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. §1320d *et seq.* See also the Rules in Title 16, Chapter 900 (Access to Judicial Records).

(e) List of Open Hearings

Prior to the convening of court on each day that court is in session, the clerk shall prepare and make available to the

public a list of the hearings scheduled for that day that are required by Code, Courts Article, §3-8A-13 (f) to be conducted in open court. The list shall include the full name of each respondent and the time and location of the hearing.

(f) Notice

(1) Generally

Unless the parties are notified in open court and on the record of the date, time, place, and purpose of the next hearing, and except for a hearing on a petition for continued detention or shelter care, the clerk shall issue to each party a notice of the date, time, place, and purpose of each hearing. The notice shall be served in the manner provided by Rule 11-107.

(2) Timing

The notice shall be provided as soon as practicable. It shall be provided at least five days before the hearing unless a different time is provided by law, the five day notice period is waived, or the hearing is:

(A) on a petition for emergency medical treatment pursuant to Code, Courts Article, §3-824 (a) or §3-8A-13 (h);

(B) on a petition for continued shelter care or detention;

(C) a disposition hearing held the same day as the adjudicatory hearing; or

(D) an emergency review hearing under Code, Courts

Article, §3-820 (d).

(g) Consolidation

(1) Multiple Petitions Against One Respondent

If two or more petitions are filed against a respondent, hearings on the petitions may be consolidated or severed as justice may require.

(2) Petitions Filed Against More than One Respondent

(A) Except as otherwise provided in this subsection, hearings on petitions filed against more than one respondent arising out of the same incident or conditions may be consolidated or severed as justice may require.

(B) If prejudice may result to any respondent from a consolidation, the hearing on the petition against that respondent shall be severed and conducted separately.

(C) If petitions are filed against a child and an adult, the hearing on the petition filed against the child shall be severed and conducted separately from the adult proceeding.

(h) Victims

At an adjudicatory hearing in a delinquency action, the judge, magistrate, or clerk shall (1) inquire whether any victim or victim's representative, as defined in Code, Criminal Procedure Article, §11-104 (a), or family member of a victim is present, and (2) cause to be inserted in the case file a list of all such individuals as provided by the State's Attorney's

Office. Identifying information regarding those individuals shall be shielded pursuant to the Rules in Title 16, Chapter 900 and Code, Criminal Procedure Article, §11-301.

Committee note: Code, Courts Article, §3-8A-27.1 (b)(2) requires the court to serve a petition for expungement of a juvenile record on all listed victims and all family members of a listed victim "who are listed in the court file as having attended the adjudication for the case in which the person is seeking expungement." In order to comply with that requirement, the court file must include a list of those individuals.

(i) Admissions Made in Court

A party entitled to file a response, whether or not a response was filed, may admit in court and on the record any or all of the allegations in the petition or state an intention not to deny one or more of the allegations. The court shall neither encourage nor discourage an admission or denial.

Source: This Rule is derived from former Rule 11-110 (2021), except that section (i) is derived from former Rule 11-107 (2021).

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-109, as follows:

Rule 11-109. PRODUCTION OF CHILD

Unless the child's presence is excused by the court for good cause, the child's custodian shall bring the child to all hearings under the Rules in this Title. An attorney for the child may waive the child's presence in any proceeding other than a delinquency proceeding or a child consultation pursuant to Code, Courts Article, §3-823 (j).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-110, as follows:

Rule 11-110. JUVENILE RESTRAINTS

If a child who is the subject of the proceedings is brought before the court wearing any physical restraint device, absent a particularized security concern, the device shall be removed while the child is in the courtroom or hearing room. Although security personnel have the ongoing responsibility for maintaining security and order throughout the proceeding, the judge or magistrate conducting the proceeding shall determine whether the child needs to remain in restraints while in the courtroom or hearing room.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-111, as follows:

Rule 11-111. CONTROLLING CONDUCT

(a) Authority

On its own initiative or on application or motion of a party, the court may direct, restrain, or otherwise control the conduct of any person properly before the court in accordance with the provisions of Code, Courts Article, §3-821 or §3-8A-26.

(b) Service of Order

Any order under this Rule shall be served on the person to whom it is directed.

(c) Other Remedies

In addition to the remedies provided by section (a) of this Rule, Chapter 200 of Title 15 of these Rules is applicable to juvenile causes, and the sanctions provided in that Chapter may also be imposed.

Source: This Rule is derived from Rule 11-110 e (2021).

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 100 - GENERAL PROVISIONS

ADD new Rule 11-112, as follows:

Rule 11-112. PAPERS IN A FOREIGN LANGUAGE

Whenever the court or a unit of the State or local government has reason to believe that an individual required to be served with a summons, subpoena, notice of hearing or court conference, or other document that requires a decision, action, or response by the individual, by reason of unfamiliarity with the English language, may be unable to read and understand the document, the unit shall (1) serve the document in English and in a language that the court or unit reasonably believes the individual can understand, or (2) as an attachment to the English version of the document, inform the individual in a language the court or unit reasonably believes the individual can understand that, if the individual, due to unfamiliarity with the English language, is unable to read and understand the document, upon request (A) a copy of the document in a language the individual understands will be made available, or (B) an individual fluent in the language the served individual understands will be made available to translate the document.

Committee note: The Access to Justice Department of the Administrative Office of the Courts provides translation services to the Maryland courts and can provide translations of forms and materials at the court's request. See Code, State Government Article, §10-1103 requiring State agencies, including the Department of Human Services, Department of Juvenile Services, and Attorney General's Office to provide "the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census."

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

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MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-201, as follows:

Rule 11-201. APPLICABILITY

The Rules in this Chapter govern child in need of assistance proceedings under Code, Courts Article, Title 3, Subtitle 8.

Committee note: Code, Courts Article, Title 3, Subtitle 8 applies to CINA and voluntary placement proceedings. This Chapter of the Rules addresses only CINA proceedings. Rule 11-503 governs voluntary placement proceedings.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-202, as follows:

Rule 11-202. DEFINITIONS

The following definitions apply in this Chapter:

(a) CINA Petition

"CINA petition" means a petition filed with the court pursuant to Code, Courts Article, §3-809.

(b) Emergency Shelter Care

"Emergency shelter care" means shelter care when a child has been removed from the home or placement by a local department in accordance with Code, Courts Article, §3-815.

(c) Petition for Continued Shelter Care

"Petition for continued shelter care" means a petition filed pursuant to Rule 11-204 (b).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-203, as follows:

Rule 11-203. CONFIDENTIALITY OF RECORDS

(a) Generally

All court records in CINA proceedings pertaining to a child are confidential and may not be disclosed, by subpoena or otherwise, except by order of court for good cause shown, or as permitted by Code, Courts Article, §3-827 or Code, Human Services Article, §1-202.

(b) Sealing

(1) Generally

On motion, petition, or on its own initiative, and for good cause shown, the court may order the court records of a child sealed and shall order them sealed after the child has reached the age of 21.

(2) Opening of Sealed Records

If sealed, court records of a child may not be opened for any purpose except by order of court for good cause shown.

Cross reference: See Rule 16-914 (a) regarding required denial of inspection of certain categories of records in actions involving children.

Source: This Rule is derived in part from former Rule 11-121
(2021).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-204, as follows:

Rule 11-204. SHELTER CARE

(a) Placement in Emergency Shelter Care

A local department may place a child in emergency shelter care before a hearing in conformance with Code, Courts Article, §3-815 (b).

Cross reference: See Code, Courts Article, §3-807 for the authority of a magistrate to order shelter care.

(b) Petition for Continued Shelter Care

Unless a child placed in emergency shelter care pursuant to section (a) of this Rule has been released, the local department shall:

(1) give to the child's parent, guardian, or custodian written notice of the emergency shelter care; and

(2) on the next day file a CINA petition with a request for continued shelter care or a separate petition requesting continued shelter care including the allegations supporting the request for continued shelter care.

(c) Hearing

(1) Timing

The court shall hold a hearing on a request for continued shelter care on the same day that the petition is filed. The hearing may be postponed or continued by the court for good cause shown, but it may not be postponed for more than eight days following the commencement of the respondent's emergency shelter care.

(2) Notice

The petitioner shall give reasonable notice of the time, place, and purpose of the hearing to the child's parent, guardian, and custodian, and to the child's other relatives who may be potential placement resources, if they can be located.

(3) Presence

A respondent shall be present for the hearing, except that the attorney for the respondent may waive the presence of that respondent.

Committee note: If the hearing is conducted by remote electronic means, "present" or "presence" means the ability (1) to observe the proceeding, (2) to communicate with other participants when such communication is permitted, and (3) to be observed by other participants when communicating.

(d) Order for Continued Shelter Care

(1) Limitation on Continued Shelter Care

The court may continue shelter care prior to adjudication if the court has reasonable grounds to find the

criteria in Code, Courts Article, §3-815 (d) have been satisfied.

(2) Duration

The court may not order continued shelter care for more than 30 days, except that it may extend the shelter care for an additional period not exceeding 30 days if it finds, by a preponderance of the evidence, after a hearing held as part of an adjudicatory hearing, that continued shelter care is needed to provide for the safety of the child.

(3) Findings and Order

If the court orders continued shelter care, the court shall make written findings as to the grounds for removal and the efforts that were made to avoid the need for removal as required by Code, Courts Article, §3-815 (d) and (e) and §3-816.1. If the hearing was conducted by a magistrate, the magistrate also shall make written findings, conclusions, and recommendations. If a magistrate declines to order continued shelter care, the magistrate shall prepare written findings in support of that determination and enter an order denying continued shelter care.

(4) Review of Magistrate's Shelter Care Determination

(A) Request

If a hearing under this Rule was conducted by a magistrate, a party may request immediate review of an order orally at the hearing or in writing.

(B) Review by Judge

Not later than the next day following a request for immediate review, a judge of the court shall review the file, any exhibits, and the magistrate's findings, conclusions, and recommendations and shall afford the parties an opportunity for a hearing on the record or de novo review.

Source: This Rule is derived in part from former Rule 11-112 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-205, as follows:

Rule 11-205. CINA PETITION

(a) Who May File

A CINA petition may be filed only by:

(1) a local department; or

(2) under the circumstances set forth in Code, Courts

Article, §3-809 (e), the person or agency that filed a complaint or caused a complaint to be filed with the local department.

Cross reference: See Rule 11-202 (a) for the definition of "CINA petition." See Code, Courts Article, §3-809 for administrative procedures relating to the decision whether to file a petition.

(b) Where Filed; Transfer

(1) Where Filed

A CINA petition shall be filed in the county where:

(A) the child is residing when the petition is filed; or

(B) any act on which the petition is based allegedly

occurred.

(2) Transfer

If a CINA petition is filed in a county other than the county in which the child resides, the court may transfer the case in accordance with Code, Courts Article, §3-805 (b).

Cross reference: See Code, Courts Article, §3-805 (a)(1) concerning venue for filing.

(c) Separate CINA Petition for Each Child

A separate CINA petition shall be filed for each child alleged to be a CINA.

(d) Caption

The CINA petition shall be captioned "In the Matter of"

(e) Form; Contents

The CINA petition shall be filed in substantially the form approved by the State Court Administrator and posted on the Judiciary website and shall state:

(1) the name and address of the petitioner and the basis of the petitioner's authority to file the petition pursuant to section (a) of this Rule;

(2) the child's name, address, and, if known, date of birth, and the name and address of each parent, guardian, or custodian of the child;

(3) the basis for the court's jurisdiction over the child pursuant to Code, Courts Article, §3-803 or §3-804;

(4) that the child is in need of assistance and, in clear and simple language, the alleged facts in support of that allegation;

(5) the name and address of each witness, known at the time the petition is filed, whom the petitioner intends to call to testify in support of the petition; and

(6) whether the child is in shelter care, and, if so:

(A) the date the shelter care commenced;

(B) whether the child's parent, guardian, or custodian has been notified; and

(C) whether the petitioner is seeking continued shelter care.

(f) Signature; Affidavit

(1) Who Must Sign

The CINA petition shall be signed by:

(A) the petitioner personally, if the petitioner is an individual; or

(B) an attorney for the petitioner in other cases.

(2) Effect of Signature

The signature constitutes a certification that the signer has read the petition, that to the best of the signer's knowledge, information, and belief, there is a legal and factual basis to support the petition, and that it is not filed for an improper purpose or delay.

(3) When Affidavit Required

A CINA petition filed under the Interstate Compact for Juveniles or the Interstate Compact on the Placement of Children shall be verified by affidavit and comply with the requirements of the applicable Compact.

Cross reference: For the Interstate Compact for Juveniles, see Code, Human Services Article, Title 9, Subtitle 3. For the Interstate Compact on the Placement of Children, see Code, Family Law Article, Title 5, Subtitle 6.

(g) Copies

The petitioner shall file a sufficient number of copies to provide for service on the parties.

Committee note: Electronic filing of pleadings and papers is allowed only as provided by the Rules in Title 20.

Source: This Rule is derived in part from former Rule 11-103 (2021). Section (f) is derived from former Rule 11-103 a 3 and Rule 1-311 (b).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-206, as follows:

Rule 11-206. SUMMONS; NOTICE TO ATTORNEY

(a) Issuance of Summons

The clerk shall issue a summons in accordance with Rule 11-106. If the petitioner is a person or entity other than the local department, the clerk also shall issue a summons to the local department.

(b) Notice

The summons shall contain a notice substantially in the form set forth in Form 11-206 that follows the Rules in this Chapter.

(c) Service

(1) Manner of Service

The summons, together with a copy of the petition, shall be served in the manner provided by Rule 2-121.

(2) Failure of Service

If a parent, guardian, or custodian of the respondent child cannot be served for any reason, the petitioner shall file proof of the steps taken to give notice or provide sworn

testimony of the steps taken to give notice. Notice of the pendency and nature of the proceeding shall be given as directed by the court.

(3) Effect of Delay in Service

Delay in effecting service upon, or in giving notice to, any parent, guardian, or custodian shall not prevent the court from proceeding.

(d) Notice to Child's Attorney

The clerk shall send to the respondent child's attorney a copy of the petition and a notice of any scheduled hearing.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-207, as follows:

Rule 11-207. RIGHT TO ATTORNEY; CASA

(a) Generally

A party is entitled to the assistance of an attorney at every stage of a CINA proceeding.

(b) Representation of Child

(1) Generally

A child who is the subject of a CINA petition shall be represented by an attorney. The right to an attorney for a child may not be waived.

(2) Source of Attorney

Unless the court finds that it would not be in the best interests of the child, the court (A) shall appoint an attorney with whom the Department of Human Services has contracted to provide that service, and (B) if another attorney has entered an appearance for the child, shall strike the appearance of that attorney.

(3) Assessment of Compensation for Child's Attorney

After considering the party's ability to pay, the court may assess against any party reasonable compensation for the services of an attorney appointed to represent a child.

(c) Other Parties; Representation at State Expense

(1) Limitation on Entitlement

Except as otherwise provided in this Rule and for the local department and the child who is the subject of the petition, a party is not entitled to representation at State expense unless the party is (A) indigent, or (B) otherwise not represented and (i) under the age of 18 years or (ii) incompetent by reason of mental disability.

(2) Public Defender

The Office of the Public Defender may not represent a party in a CINA proceeding unless the party (A) is the parent or guardian of the alleged CINA, (B) applies to the Office requesting representation in the proceeding, and (C) is financially eligible for the services of the Public Defender.

Cross reference: See Code, Courts Article, §3-813 concerning assistance of counsel.

(d) Court-Appointed Special Advocate

In addition to the appointment of an attorney, the court may appoint a special advocate under the Court-Appointed Special Advocate Program created by Code, Courts Article, §3-830.

Cross reference: See Code, Courts Article, §3-830 concerning Court-Appointed Special Advocates.

Source: This Rule is derived in part from former Rule 11-106 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-208, as follows:

Rule 11-208. RESPONSE TO PETITION

(a) Nature of Response

A party served with a petition may file a written response that admits or denies all or any of the facts alleged in the petition. Any allegation not admitted in the response is deemed denied.

(b) Withdrawal of Admission

At any time before disposition, the court, in the interest of justice, may permit an admission in a response to be withdrawn.

Source: This Rule is derived from former Rule 11-107 (2021).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-209, as follows:

Rule 11-209. AMENDMENTS TO PLEADINGS AND OTHER PAPERS

(a) Generally

With the approval of the court:

(1) A CINA petition may be amended at any time prior to the commencement of the adjudicatory hearing. With the approval of the court and for good cause shown, the CINA petition may be amended at any time prior to the conclusion of the adjudicatory hearing.

(2) A motion or other pleading may be amended at any time before the final disposition of the motion or pleading.

(b) Continuance; Postponement

If an amendment is made, the court shall grant the parties a continuance or postponement as justice may require in light of the amendment.

Source: This Rule is derived in part from former Rule 11-108 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-210, as follows:

Rule 11-210. STUDY; PHYSICAL OR MENTAL EXAMINATION

(a) Order

(1) Generally

Any order for a study or examination pursuant to Code, Courts Article, §3-816 shall specify the time, place, manner, conditions, and scope of the study or examination and the person or persons by whom it is to be made.

(2) Physical or Mental Examination

Any order for a physical or mental examination pursuant to Code, Courts Article, §3-816 also:

(A) shall require that the examination be conducted on an outpatient basis if, considering the child's condition, that is feasible and appropriate;

(B) may order an inpatient evaluation for a placement period not to exceed 21 days if, after a hearing, the court finds: (i) that an inpatient evaluation is necessary, and (ii) that there are no less restrictive means to obtain an evaluation; and

(C) may address (i) the filing of a report of findings and conclusions, and the testimony at a hearing by the examining physician, psychiatrist, psychologist, or other professionally qualified person, (ii) the payment of the expenses of the examination, and (iii) any other relevant matters.

(b) Copies of Report

The person making a report of a study or examination shall provide the report to the local department. Promptly upon receipt of the report, the local department shall file it with the court and serve a copy of it on the attorney for each party represented by an attorney and on each unrepresented party. Reports ordered pursuant to Code, Courts Article, §3-816 shall be served at least 5 days before presentation to the court.

(c) Use of Report Ordered Under Code, Courts Article, §3-816

The report of an examination ordered pursuant to Code, Courts Article, §3-816 and testimony regarding that report is not admissible at an adjudicatory hearing but is admissible at a disposition hearing and post-disposition hearing.

Cross reference: See Code, Courts Article, §3-816 concerning case studies.

Source: This Rule is derived in part from former Rule 11-105 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-211, as follows:

Rule 11-211. EMERGENCY MEDICAL TREATMENT

(a) Court Order

(1) Generally

The court may order emergency medical, dental, surgical, or psychiatric treatment of a child who is the subject of a petition under this Chapter and who is alleged to be suffering from a condition or illness which, in the opinion of a licensed physician or dentist, requires immediate treatment if the child's parent, guardian, or custodian is not available or, without good cause, refuses to consent to the treatment.

(2) Placement in Emergency Facility

A child may be placed in an emergency facility on an emergency basis in accordance with Code, Health-General Article, Title 10, Subtitle 6, Part IV.

Cross reference: See Code, Health-General Article, §§10-620 through 10-630.

(b) Expedited Hearing

The court shall hear and rule on a petition seeking an order for emergency medical, dental, surgical, or psychiatric treatment on an expedited basis.

(c) Life-Sustaining Procedures

The court shall apply the factors set forth in Code, Estates and Trusts Article, §13-711 (b), to the extent relevant, when deciding whether to withhold or withdraw a life-sustaining procedure as defined in Code, Estates and Trusts Article, §13-711 (c).

Cross reference: See Code, Courts Article, §3-824.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-212, as follows:

Rule 11-212. DISCOVERY

(a) Terminology

The terms "disclosure" and "discovery" are used in this Rule and other discovery Rules interchangeably. For purposes of this Rule, "disclosure" is the broader term that refers generally to information turned over to another party, whether voluntarily through informal means or pursuant to a request. "Discovery" refers more narrowly to information that must be turned over pursuant to a formal request. Neither term is intended to narrow what this Rule or other law requires to be disclosed.

(b) Informal

Before any party may seek discovery under these Rules, the parties or their respective attorneys shall make a good faith effort to resolve all questions of discovery, and to provide information required or requested under these Rules as to which there is no dispute. When there are items requested by one party that the other party has refused to disclose, the

demanding party may make an appropriate motion to the court. The motion shall be made as early as practicable prior to the next hearing and shall state, if true, that good faith efforts were made to resolve the dispute and that those efforts have been unsuccessful. Nothing in this Rule shall delay the disclosure of any items agreed upon by the parties pending resolution of any motion for discovery.

(c) Court Order

Upon a motion filed pursuant to section (b), the court may order a party to disclose and make available for inspection, photographing, or other copying any material or information within the possession or control of the party that (1) was requested but not disclosed, (2) is not precluded by this Rule or other law from disclosure, (3) is relevant to the allegations in the petition or to the adjudication or disposition of the action, and (4) in the interest of justice ought to be disclosed.

Committee note: See Code, Human Services Article, §§1-202 through 1-212, limiting the disclosure of certain records of social service agencies regarding children, and 79 Op. Atty. General 331 (1994), concluding that those statutes, as then codified, and federal law "require that an order mandating discovery in a CINA case be by a specific court order issued upon consideration of the particular circumstances of the case, rather than by a general rule." The intent of section (c) of this Rule is to permit the court to enter such an order specific to the case.

(d) Continuing Duty to Disclose

If, prior to or during a hearing, a party discovers (1) additional evidence or material previously requested or ordered to be disclosed by it that is subject to discovery or inspection under this Rule, or (2) the identity of an additional witness or witnesses, the party promptly shall notify the opposing party or the court of the additional evidence, material, or witness.

(e) Sanctions

If at any time during the proceedings the court finds that a party has failed to comply with this Rule or an order issued pursuant to this Rule, the court, consistent with the best interest of the child, may:

(1) order that party to permit discovery or inspection of the matters not previously disclosed;

(2) grant a reasonable continuance;

(3) strike the testimony to which the undisclosed matter relates;

(4) prohibit the party from introducing evidence or witnesses not disclosed; or

(5) enter any other order appropriate under the circumstances.

(f) Protective Orders

(1) Generally

On motion of a party or a person from whom disclosure is required or a person named or depicted in an item sought to be

discovered, the court, for good cause shown, may order that specified disclosures be denied or restricted in any manner that justice requires.

(2) Written Statement

Upon motion of any party, a person from whom discovery is sought, or a person named or depicted in an item sought to be discovered, the court may permit any showing of cause for denial or restriction of disclosures to be made, in whole or in part, in the form of a written statement to be inspected by the court. If the court enters an order granting relief, the entire text of the statement shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

(g) Work Product

Disclosure of legal research or of records, correspondence, reports, or memoranda shall not be required to the extent that they contain the opinions, theories, or conclusions of the attorney for a party, or members of the attorney's staff.

(h) Intervenors

If intervention has been allowed pursuant to Rule 11-215, the court may enter orders pertaining to disclosure to and from the intervenor as justice may require.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-213, as follows:

Rule 11-213. ADJUDICATORY HEARING

(a) Requirement

After a CINA petition has been filed, the court shall hold an adjudicatory hearing.

(b) Timing

(1) Generally

Unless all parties agree to an earlier date, an adjudicatory hearing may not be held earlier than 15 days after the filing of the CINA petition.

(2) Child in Shelter Care

(A) If the respondent child is in shelter care, the adjudicatory hearing shall be commenced within 30 days after the date on which the court ordered continued shelter care.

(B) For good cause, the court may extend the time for the hearing for a period not to exceed an additional 30 days. The court may not order continued shelter care for more than 30 days, except that it may extend the shelter care for an additional period not exceeding 30 days if it finds, by a

preponderance of the evidence after a hearing held as part of an adjudicatory hearing, that continued shelter care is needed to provide for the safety of the child.

Cross reference: See *In re Vanessa C.*, 104 Md. App. 452 (1995), holding that, although an adjudicatory hearing need not be completed within the permissible 30-day period, it must be commenced within that period, continue, insofar as possible, on a day-to-day basis, and be completed with a reasonable degree of continuity. See also *In re Keith W.*, 310 Md. 99 (1987), holding that failure to hold an adjudicatory hearing within the time allowed by the Rule does not require dismissal of the petition.

(3) Child Not in Shelter Care

If the respondent child is not in shelter care, the adjudicatory hearing shall be held within 60 days after the CINA petition and the summons issued pursuant to Rule 11-206 are served on the attorney for the respondent child. On motion of a party made within that period, the county administrative judge, or the judge designated by the administrative judge, for extraordinary cause shown, may extend the time within which the adjudicatory hearing may be held. The judge shall state on the record the cause that requires an extension and specify the number of days of the extension.

(c) Presentation of Evidence; Burden of Proof

The petitioner shall present the evidence in support of the CINA petition and shall have the burden of proving the allegations in the petition by a preponderance of the evidence.

Any other person authorized by the court may present evidence in support of the CINA petition.

Committee note: If the local department seeks to withdraw the CINA petition over the objection of the child, the child may elect to proceed on the CINA petition, in which event the child shall become the petitioner for the purposes of this section. See *In re Najasha B.*, 409 Md. 20 (2009).

(d) Adjudication; Findings; Adjudicatory Order

(1) Hearing Conducted by Magistrate

If the adjudicatory hearing was conducted by a magistrate, the magistrate shall announce into the record at the conclusion of the hearing the (A) findings of fact and conclusions of law supporting the recommended adjudication, and (B) a finding as required by Code, Courts Article, §3-816.1.

(2) Hearing Conducted by Judge

If the adjudicatory hearing was conducted by a judge, the judge shall:

(A) prepare and file with the clerk an adjudicatory order specifying the adjudication; and

(B) either announce and dictate into the record at the conclusion of the hearing, or include in the adjudicatory order or attached memorandum, (i) the findings of fact and conclusions of law supporting the adjudication, and (ii) a finding as required by Code, Courts Article, §3-816.1.

Source: This Rule is derived in part from former Rule 11-114 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-214, as follows:

Rule 11-214. IDENTITY AND ADDRESS OF PARENTS

(a) Duty of Court

At each hearing, the court, in accordance with Code, Courts Article, §3-822, shall:

(1) Inquire into and make findings of fact on the record regarding the identity and current address of each parent and each child before the court; and

(2) Inform each parent of the parent's obligation to notify the court and the local department of all changes in that parent's address. If disclosure of a parent's address of residence reasonably could affect the safety of the parent or others who reside at that address, the court shall keep the parent's address confidential, direct the department to keep the address confidential, and permit the parent to provide an alternate address for service of documents.

(b) Duty of Clerk

The clerk shall:

(1) Keep a listing of every address provided by a parent of a child who is the subject of a CINA petition; and

(2) On request of a local department, disclose to the local department all addresses listed by the parent within the preceding 270 days.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-215, as follows:

Rule 11-215. INTERVENTION

(a) Request to Intervene

Any person, other than a parent, may file and serve a motion to intervene in a disposition, including a proceeding to review, modify, or vacate a dispositional order, for the sole purpose of seeking custody or guardianship of the respondent child. Unless the CINA petition is dismissed, the motion may be filed at any time following adjudication. It shall state the grounds for intervention and be accompanied by a proposed pleading setting forth the claim, and it may include a request for a hearing.

(b) Proceedings on Motion

(1) Preliminary Determination

A motion filed pursuant to section (a) shall be presented immediately to the judge or magistrate in the proceeding for a preliminary determination of whether it is a proper filing seeking custody or guardianship of the respondent child. If the court finds that the movant is seeking custody or

guardianship of the respondent child, the court shall issue an order directing the clerk to provide to the movant (A) the name and address of the parties or any alternate address for service that was provided pursuant to Rule 11-214 (a) (2) and (B) the name and address of the attorneys representing the parties to enable the movant to effectuate service.

(2) Hearing; Decision

The court shall not decide a motion to intervene until:

(A) the adjudicatory hearing has been concluded; and

(B) if a hearing was requested, after a hearing on the nonparty's right to intervene.

(3) Effect of Granting Motion

If the court grants the motion, the pleading accompanying the motion shall be deemed filed, and the person permitted to intervene shall be designated as "intervenor" for the purpose of seeking custody or guardianship of the respondent child. The intervenor:

(A) shall not be deemed a party for purposes of any right to counsel at State expense under Rule 11-207; and

(B) may receive, upon request and by court order, only those studies and reports that directly relate to the intervenor's petition for custody or guardianship of the respondent child.

Cross reference: See the Committee note to Rule 11-212 (c).

(c) Termination of Intervention

Unless the court orders otherwise, intervention terminates when an intervenor:

(1) is denied custody or guardianship of the respondent child; or

(2) was granted custody or guardianship of the child and the court subsequently rescinds that custody or guardianship.

Source: This Rule is derived from former Rule 11-122 (2021).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-216, as follows:

Rule 11-216. DISPOSITION HEARING AND ORDER

(a) Generally

Unless a CINA petition is dismissed, the court shall:

- (1) determine promptly any pending motion to intervene; and
- (2) conduct a separate disposition hearing to determine whether the respondent child is a child in need of assistance as defined in Code, Courts Article, §3-801 (f).

(b) Scheduling

(1) The disposition hearing shall be held on the same day as the adjudicatory hearing unless the court, on motion of a party or on its own initiative, finds good cause for a postponement.

(2) If the court postpones the disposition hearing, it shall be held no later than 30 days after the conclusion of the adjudicatory hearing, unless the court finds good cause for a further delay.

(c) Purpose of Hearing

The purpose of a disposition hearing is to determine:

- (1) whether the child is in need of assistance; and

(2) if so, the nature and extent of the court's intervention necessary to protect the child's health, safety, and well-being. Cross reference: See Code, Courts Article, §3-801 (m).

(d) Possible Dispositions

The court shall make one of the following dispositions:

(1) find that the child is not in need of assistance and, subject to entering an order of custody pursuant to Code, Courts Article, §3-819 (e), dismiss the petition;

(2) hold in abeyance a finding whether a child with a developmental disability or mental illness is a child in need of assistance and take an action provided for in Code, Courts Article, §3-819 (b) (1) (ii); or

(3) find that the child is in need of assistance and take one or more of the actions provided for in Code, Courts Article, §3-819 or §3-819.2, as appropriate.

(e) Inpatient Commitment to Certain Facilities

(1) Order for Evaluation

If the court has reason to believe that a child should be placed for inpatient care or treatment in a psychiatric facility or facility for developmentally disabled persons and has not already received a current evaluation report pursuant to Rule 11-210, it shall order that the child be evaluated pursuant to that Rule. The order shall require the agency conducting the evaluation to submit a written report setting forth:

(A) the extent to which the standard for commitment set forth in Code, Courts Article, §3-819 (h) or (i) is met;

(B) the basis for that finding; and

(C) the reason for its recommended disposition.

(2) Conduct of Evaluation

(A) The evaluation shall be conducted on an outpatient basis unless, considering the child's condition, that is not feasible.

(B) If an inpatient evaluation is necessary, the court may authorize the admission of the child to a facility for a period not to exceed 21 days unless, for good cause, the court extends that time.

(3) Limitations on Commitment

The court may not commit a child for inpatient care and treatment in a psychiatric facility or a facility for developmentally disabled persons unless the court finds by clear and convincing evidence that the standards set forth in Code, Courts Article, §3-819 (h) or (i) are met.

(4) Commitment for Inpatient Care and Treatment

Each order that commits a child for inpatient care and treatment in a psychiatric facility or facility for developmentally disabled persons shall require the custodian to file progress reports with the court at intervals no greater than every six months during the life of the order.

Cross reference: See Rule 11-218 requiring periodic review hearings based on progress reports.

(f) Statement of Reasons

(1) By a Judge

If the disposition hearing is conducted by a judge and the disposition order includes placement of the child outside the child's home, the judge shall announce and dictate into the record a statement of the reasons for the placement.

(2) By a Magistrate

If the disposition hearing is conducted by a magistrate, the magistrate shall comply with Rule 11-103 (c).

(3) Reasonable Efforts Finding

The court shall make a finding as required by Code, Courts Article, §3-816.1.

Source: This Rule is derived from former Rule 11-115 (2021).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-217, as follows:

Rule 11-217. WAIVER OF REUNIFICATION EFFORTS

(a) Generally

A local department may ask the court to find that reasonable efforts to reunify a child with the child's parent or guardian are not required if the local department concludes that a condition listed in Code, Courts Article, §3-812 (b) exists.

(b) Timing

A request under section (a) of this Rule may be made in a petition filed pursuant to Rule 11-205 or by motion served on the parties any time after the filing of the initial petition. The court may not rule on the request unless the child is found to be in need of assistance at a disposition hearing held pursuant to Rule 11-216.

(c) Hearing

If the court finds by clear and convincing evidence after a hearing that any of the circumstances specified in Code, Courts Article, §3-812 (b) exist, the court shall waive the

requirement that reasonable efforts be made to reunify the child with the child's parent or guardian.

(d) Request for Permanency Hearing

If the court finds that reasonable efforts are not required, the local department shall request that a permanency planning hearing be held pursuant to Rule 11-218 (e), make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, and complete the steps necessary to finalize the permanent placement of the child.

Cross reference: See Code, Courts Article, §3-812.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-218, as follows:

Rule 11-218. MODIFICATION OR VACATION OF ORDER

(a) Authority

(1) Generally

Except as otherwise provided in paragraph (2) of this section, an order of the court entered in a CINA proceeding may be modified or vacated if the court finds that action to be in the best interest of the child.

(2) Limitations

If another Rule in this Chapter or in Code, Courts Article, Title 3, Subtitle 8 provides a limitation on the general authority set forth in this section, or a standard or procedure that is different from or additional to the provisions of this Rule, that limitation, standard, or procedure shall prevail.

Committee note: Various provisions in Code, Courts Article, Title 3, Subtitle 8, mostly dealing with disposition and post-disposition orders, provide certain substantive standards, limitations, and procedures, including the extent to which the Rules in Title 5 shall strictly apply, that may differ from or supplement the general provisions in this Rule. See, in particular, §§3-819.2, 3-802, and 3-823. Some of those

provisions are incorporated into other Rules in this Chapter. To the extent of any inconsistency between those provisions and this Rule, those provisions, to the extent applicable, shall prevail.

(b) On Motion, Petition, or Own Initiative

(1) Generally

The court may proceed under this Rule on motion of a party, on petition of any other person, institution, or agency having supervision or custody of a respondent child, or on its own initiative.

(2) Motion; Petition

A motion or petition shall set forth concisely and with particularity the relief sought and the grounds for that relief.

(3) Own Initiative

If the court proceeds on its own initiative, the order shall set forth the grounds on which it is based.

(c) Hearing

If the relief sought is a change in the custody, guardianship, visitation, or commitment of a respondent child and a hearing is requested, a hearing shall be held. In all other cases, the court may grant or deny the requested relief, in whole or in part, without a hearing.

(d) Time to Appeal

A motion filed pursuant to this Rule, if filed within 10 days of the entry of an order, shall act as a stay on the time for filing an appeal.

Source: This Rule is derived in part from former Rule 11-116 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-219, as follows:

Rule 11-219. POST DISPOSITION REVIEW AND MODIFICATION;
PERMANENCY PLANS

(a) Status Review

(1) Generally

Except as provided in subsection (a)(2) of this Rule, the court shall conduct a hearing to review the status of a child under its jurisdiction within six months after the filing of the first petition under this subtitle and at least every six months thereafter.

(2) Qualified Residential Treatment Program

If a child has been placed in a qualified residential treatment program, the court shall conduct a hearing to review the status of the child and determine the appropriateness of the placement within 60 days after the child enters the placement.

Cross reference: See Code, Courts Article, §3-816.2 regarding considerations at a review hearing under this section.

(b) Review of Custody and Guardianship

After granting custody or guardianship of a child to an individual pursuant to Code, Courts Article, §3-819.2, the court may order such further reviews as it determines to be in the child's best interests, consistent with Code, Courts Article, §3-823 (h).

(c) Review of Commitment to Certain Facilities

(1) In General

If a child has been committed for inpatient care and treatment in a psychiatric facility or facility for developmentally disabled individuals pursuant to Code, Courts Article, §3-819 (h) or (i), the court, on request of any party, the child's custodian, or the facility, shall hold a hearing after the first six months of the commitment and at six month intervals thereafter to determine whether the standards specified in those sections of the Code continue to exist. The court may hold a hearing at any other time for that purpose.

(2) Other Hearings Based on Individualized Treatment Plans

If an individualized treatment plan developed under Code, Health-General Article, §7-1006 or §10-706 recommends that a child no longer meets the requirements of Code, Courts Article, §3-819 (h) or (i), as applicable, the court shall hold a hearing to review the commitment order.

(d) Removal of Child from Court-Ordered Placement

(1) Emergency Hearing

(A) If, after or as part of a CINA disposition, the court orders a specific placement of the child and the local department, acting pursuant to Code, Courts Article, §3-820 (a), removes the child from that placement, gives the notice required by §3-820 (b), and files a motion to authorize a new placement, the court shall hold an emergency review hearing on the motion not later than the next day after the motion is filed.

(B) All parties shall be given reasonable notice of the hearing.

(C) The court may ratify the emergency removal only upon such evidence as would suffice under Code, Courts Article, §3-815 (d) to order shelter care.

(2) Hearing on the Merits

Unless all parties agree to the order entered following an emergency hearing, the court, at that hearing, shall schedule a full review hearing on the merits of the local department's action to be held within 30 days after the date of removal or, if agreed to by the parties or for good cause shown, at a later date.

(e) Permanency Plan Hearings

(1) Determination of Permanency Plan

If the court has ordered an out-of-home placement, as defined in Code, Family Law Article, §5-501 (i), it shall, within the times set forth in Code, Courts Article, §3-823 (b)

or (c), hold a hearing to determine a permanency plan for the child. At that hearing, the court shall determine the child's permanency plan in accordance with Code, Courts Article, §3-823 (e), (f), and (g) and make findings in accordance with Code, Courts Article, §3-816.2 (a) (2).

(2) Periodic Reviews

(A) Once a permanency plan has been approved pursuant to subsection (e) (1) of this Rule, the court shall hold periodic hearings at the times set forth in Code, Courts Article, §3-823 (h) (1) to review the current plan.

Committee note: Federal law requires the court to continue to conduct a hearing to review the status of each child under its jurisdiction at least every six months. At that hearing, the court must make the findings required by Code, Courts Article, §3-816.2 (a) (2). See 42 U.S.C. §675 (5) (B).

(B) Notice of the hearing and an opportunity to be heard shall be provided to the parties and other individuals as required by Code, Courts Article, §3-816.3.

Cross reference: See Code, Courts Article, §3-816.3 for notice to the child's foster parent, preadoptive parent, or caregiver.

(C) At the review hearing, the court shall consider any written report of a local out-of-home care review board required under Code, Family Law Article, §5-545 and make the determinations and take the actions required by Code, Courts Article, §3-823 (h) (2) and make the findings required by Code, Courts Article, §3-816.2 (a) (2).

(D) At least every 12 months, the court, at a review hearing, shall consult on the record with the child, in an age-appropriate manner. If the court determines that the child is medically fragile or that it would be detrimental to the child's physical or mental health to be transported to the place where the consultation would occur, the consultation may occur remotely pursuant to Code, Courts Article, §3-823 (j)(3) and Rules 2-801 through 2-806.

(3) Reasonable Efforts Finding

At each hearing under this section, the court shall make a finding as required by Code, Courts Article, §3-816.1.

Source: This Rule is derived in part from former Rule 11-115 c (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

ADD new Rule 11-220, as follows:

Rule 11-220. TERMINATION OF PROCEEDING

(a) Termination of Jurisdiction

(1) Generally

Except as provided in subsection (a)(2), upon termination of the court's jurisdiction over the respondent child, the court shall enter a final order terminating the proceeding.

Cross reference: See Code, Courts Article, §3-804 (b), providing that jurisdiction over a CINA continues until the child is age 21 years, unless the court terminates the case sooner.

(2) Limited Retention of Jurisdiction

If the court enters an order directing the provision of services to a child under Code, Courts Article, §3-819 (c)(3) or §3-823 (h)(2)(vii), the court retains jurisdiction for the limited purpose of enforcement, modification, or termination of the order.

Cross reference: See Code, Courts Article, §§3-804 (d) and 3-823 (k) and *In re Adoption/Guardianship Dustin R.*, 445 Md. 536 (2015) for continuing jurisdiction over a CINA.

(b) Prior to Termination of Jurisdiction

Upon a finding of good cause, the court may enter a final order terminating the proceeding prior to expiration of the court's jurisdiction by operation of law (1) on the court's own initiative, (2) on motion of a party, or (3) on the recommendation of an appropriate governmental agency exercising supervision over the respondent.

Cross reference: See *In re Emileigh F.*, 355 Md. 198 (1999) and *In re Joseph N.*, 407 Md. 278 (2009) precluding the court from terminating the proceeding while an appeal from its decision is pending.

Source: This Rule is derived from former Rule 11-120 (2021).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE FORMS

FORM

ADD new Form 11-206, as follows:

FORM 11-206. NOTICE INCLUDED IN CINA SUMMONS

TO THE PERSON SUMMONED: The Court, at this or any later hearing, may consider and enter orders concerning the shelter care, commitment, custody, treatment, and supervision of the respondent child _____ (full name of child); responsibility for the child's support; controlling the conduct of persons before the court; and assessing court costs.

You may hire a lawyer to represent you. If you do so, be sure to show this Summons to the lawyer. If you cannot afford a lawyer, promptly contact the Office of the Public Defender on any weekday between 8:30 a.m. and 4:30 p.m. at:

_____. A postponement will not be granted because you fail to contact a lawyer.

If you do not want a lawyer but wish to subpoena witnesses on your behalf, you must request promptly issuance of the subpoenas. A postponement will not be granted if you fail to do so.

If you received a Request for Witness Subpoena Form with this Summons, you must list neatly the names and addresses of the witnesses you wish to call on the form and return promptly the form to the Clerk of the Juvenile Court at the address shown on the form.

If you did not receive a Request for Witness Form, you must contact promptly the Clerk of the Juvenile Court on any weekday between 8:30 a.m. and 4:30 p.m. at _____ (telephone number), who will provide you with the necessary subpoena forms.

Any reasonable accommodation for persons with a disability must be requested by contacting the court before the hearing.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

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MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-301, as follows:

Rule 11-301. APPLICABILITY

The Rules in this Chapter apply to:

(a) Guardianship proceedings in a juvenile court to terminate parental rights after a child has been found to be a child in need of assistance; and

(b) Guardianship review proceedings in a juvenile court after the entry of an order of guardianship that terminated parental rights.

Cross reference: See Code, Courts Article, §3-803 (a)(4) and (5) and Code, Family Law Article, Title 5, Subtitle 3, Part II.

Committee note: The Rules in this Chapter do not apply to (1) the guardianship of persons and property of minors and disabled persons governed by Code, Estates and Trusts Article, §13-101 *et seq.* and Title 10 of these Rules, (2) termination of parental rights proceedings governed by Code, Family Law Article, Title 5, Subtitle 14, and Title 9, Chapter 400 of these Rules, or (3) adoption proceedings after entry of an order of guardianship that terminated parental rights governed by Code, Family Law Article, Title 5, Subtitle 3, Part IV.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-302, as follows:

Rule 11-302. DEFINITIONS

The following definitions apply in this Chapter:

(a) Statutory Definitions

The definitions in Code, Family Law Article, §5-301 are applicable to this Chapter.

Cross reference: See Code, Family Law Article, §5-301 for definitions of "caregiver," "child," "developmental disability," "guardianship," "identifying information," "parent," and "party."

(b) Additional Definitions

In this Chapter:

(1) CINA

"CINA" means a child in need of assistance under Chapter 200 of these Rules.

(2) Local Department

"Local department" means the local department of social services for the county in which the court is located. In Montgomery County, "local department" means the Department of Health and Human Services.

Cross reference: See Code, Courts Article, §§3-801 (p) and 5-301.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-303, as follows:

Rule 11-303. APPLICATION OF OTHER TITLES

The Rules in Titles 1, 2, and 5 apply to proceedings under this Chapter except as otherwise provided by law.

Source: This Rule is derived in part from former Rule 11-501 (c) (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-304, as follows:

Rule 11-304. PETITION FOR GUARDIANSHIP

(a) Who May File

A petition for guardianship may be filed only by:

- (1) a local department;
- (2) the child who would be the subject of the guardianship;

or

- (3) an attorney appointed for a child in a CINA action.

(b) Where Filed

A petition for guardianship shall be filed in the juvenile court for the county in which:

- (1) the child who is the subject of the petition was adjudicated to be a CINA; or
- (2) jurisdiction is maintained over an open CINA proceeding involving the child.

(c) Timing

The petition shall be filed before:

- (1) the child attains 18 years of age; and
- (2) a petition for adoption is filed, except as provided by

Code, Family Law Article, §5-331.

(d) New Case

The petition shall be filed as a new action that is separate from any other proceeding involving the child.

(e) Caption

The petition shall be captioned "In re Guardianship of (first name and first initial of last name of the child)."

(f) Contents

The petition shall be signed and verified and shall state, to the extent known:

(1) whether the petitioner is the local department, the child, or the attorney appointed for a child in a CINA action;

(2) the name and address of the local department;

(3) the name, sex, and date of birth of the child;

(4) the basis of the court's jurisdiction;

(5) the name of the court and the case number of each proceeding in which the child was adjudicated a CINA or in which the child is currently alleged to be a CINA;

(6) the name and address of the child's last attorney of record in the CINA proceeding;

(7) the name, address, and age of each living parent of the child;

(8) the name and address of each living parent's last attorney of record in the CINA proceeding;

(9) the names and addresses of all persons, other than a foster parent who cared for the child while the child was committed to the custody of a child placement agency, who have had legal or physical care, custody, or control of the child since the child's birth and the period during which each of those persons had such care, custody, or control;

(10) facts known to the petitioner that may indicate that a party:

(A) has a disability that makes the party incapable of consenting to the guardianship petition or participating effectively in the proceedings or, if no such facts are known to the petitioner, a statement to that effect;

(B) by virtue of illiteracy or unfamiliarity with the English language, may be unable to read or comprehend the petition and the show cause order issued pursuant to Rule 11-306 and, if the problem is unfamiliarity with the English language, (i) a statement of which language(s) the party does understand, and (ii) a statement that a copy of the petition and all attachments intended for service on that party have been translated into a language that the party understands; or

(C) is otherwise entitled to the appointment of an attorney by the court;

(11) whether any required consent that is given is conditional and the terms of any conditional consent; and

(12) whether any required consent that was given has been revoked.

(g) Attachments

The petitioner shall attach as exhibits to the petition:

(1) all written consents for the guardianship in the possession or control of the petitioner;

(2) if applicable, proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a State or other jurisdiction and a certification that the guardianship or relinquishment was granted in compliance with the laws of that State or jurisdiction;

(3) if a parent of the child cannot be identified or located, an affidavit of the petitioner describing with particularity the attempts made to identify and locate the unknown or missing parent;

(4) any post-adoption agreement; and

(5) a notice of filing that:

(A) states the date on which the petition was filed;

(B) identifies each person whose consent was filed with the petition;

(C) has printed on it the website that the State Department of Human Services maintains under Code, Human Services Article, §2-302; and

(D) includes no identifying information that would be in violation of an agreement or consent.

(h) Unknown Facts; Unavailable Documents

(1) If a fact required to be stated by section (f) of this Rule is unknown to the petitioner or a document required to be attached by section (g) is unavailable, the petitioner shall so state and give the reason in the petition or in a subsequent affidavit.

(2) If the document becomes available after the petition is filed, the petitioner shall file it as soon as it becomes available.

(i) Facts Known to Local Department

If the petitioner is the child or the attorney for the child and the local department declines to disclose to the petitioner a fact required by section (f) of this Rule which is known to the local department, the local department shall disclose the fact to the court in writing at the time the petition is filed.

Source: This Rule was derived in part from Rule 9-103 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-305, as follows:

Rule 11-305. NOTICE OF FILING; STATUS CONFERENCE

(a) Notice Requirement

Within five days after a petition for guardianship is filed, the clerk shall send, by first class mail, a copy of the petition and the notice of filing that was attached to the petition to:

- (1) the local department;
- (2) each of the child's living parents who has not waived the right to notice;
- (3) each living parent's last attorney of record in the CINA case; and
- (4) the child's last attorney of record in the CINA case.

(b) Parental Address

(1) The clerk shall keep a listing of each address given to the court for a parent.

(2) The notice to each living parent shall be sent to the parent's last address known to the court.

(c) Status Conference

At the time the notice of filing is sent, the court shall schedule a status conference for no later than 60 days after the filing of the petition and shall include the date, time, and place of that conference with the notice of filing. At the status conference, the court shall inquire into the existence of any revocations of consent not disclosed in the guardianship petition.

Committee note: A consent obtained prior to the filing of a guardianship petition is filed in the child's CINA case. See Code, Family Law Article, §5-321 (b). A revocation of consent delivered before the guardianship petition is docketed in the child's CINA case under Rule 11-309 (e) (2) (B).

Source: This Rule is derived from Rule 9-104.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-306, as follows:

Rule 11-306. ORDER TO SHOW CAUSE

(a) Issuance

Promptly after the filing of a petition for guardianship under Rule 11-304, the court shall issue a show cause order in substantial conformity with the form set forth in Form 11-306 at the end of this Chapter.

(b) Translation

If the petition alleges or the court otherwise becomes aware that, due to unfamiliarity with the English language, a party may be unable to read or comprehend the petition, the show cause order, the Notice of Objection, or the Affirmative Consent forms required to be served on the party, the court shall direct the petitioner (1) to draft and serve those documents in English and in a language that the party can understand, or (2) otherwise arrange for the documents to be translated for the party by a certified interpreter or translator.

Cross reference: See Rule 1-333 regarding certified interpreters and Rule 11-112 regarding papers in a foreign language.

(c) Service

(1) Generally

The petitioner shall serve the show cause order, together with the petition, two copies of the Notice of Objection/Request for Attorney form set forth in Form 11-307 containing the case caption and court address but otherwise blank, and any completed Consent by Parent to Guardianship forms set forth in Form 11-309 on:

(A) each of the child's living parents who has not consented to the guardianship;

(B) each living parent's last attorney of record in the CINA case; and

(C) the child's last attorney of record in the CINA case.

(2) Method of Service

Service shall be made in the manner specified in Code, Family Law Article, §5-316 (c) through (f).

Source: This Rule is derived from Rule 9-105.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-307, as follows:

Rule 11-307. NOTICE OF OBJECTION

(a) In General

Any person having the right to participate in a proceeding under this Chapter may file a notice of objection to the petition for guardianship. The notice shall be substantially in compliance with Form 11-307 at the end of this Chapter.

(b) Time for Filing

(1) An objection shall be filed:

(A) if the show cause order was served in Maryland, within 30 days after service;

(B) if the show cause order was served outside Maryland but within the United States, within 60 days after service;

(C) if the show cause order was served outside the United States, within 90 days after service; or

(D) if the show cause order was served by publication pursuant to Code, Family Law Article, §5-316 (f), not less than 30 days after the later of (i) the last date that the notice was

published in the newspaper, or (ii) the last day that the notice was posted on the Department of Human Services website.

(2) Subject to subsection (b)(3), if a notice of objection is not filed within the time specified in this section, the party will be deemed to have consented to the guardianship.

Cross reference: See *In re Adoption No. T00130003*, 370 Md. 250 (2002) and *In re Adoption No. 93321055*, 344 Md. 458 (1997) for the effect of the failure to file a notice of objection within the time specified.

(3) In the event of a late-filed objection, the court may deem the filing timely for good cause shown.

(c) Contents

An objection shall be substantially in the form set forth in Form 11-307 and may include a request for an attorney as provided in that form.

(d) Service

The clerk shall serve a copy of each notice of objection on all parties in the manner provided by Rule 1-321.

(e) Response

Within 10 days after being served with a notice of objection, any party may file a response challenging the standing of the person to file the notice or the timeliness of the filing of the notice.

(f) Hearing

If any party files a timely response, the court shall

hold a hearing promptly on the issues raised in the response.

(g) Access to Records

If the court determines that the person filing the notice of objection has standing to do so and that the notice was timely filed, it shall issue an order permitting the person to inspect the papers filed in the proceeding, subject to reasonable conditions imposed in the order.

Source: This Rule is derived from Rule 9-107.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-308, as follows:

Rule 11-308. ATTORNEY FOR PARENT AND CHILD; GUARDIAN AD LITEM

(a) Right to Attorney

Each parent and the child have a right to an attorney in a proceeding under this Chapter.

(b) Appointed Attorney for Parent

(1) Unless a parent will be represented by an attorney retained by the parent or the Office of the Public Defender provides representation under Code, Criminal Procedure Article, §16-204, the court shall appoint an attorney to represent a parent who files a timely notice of objection pursuant to Rule 11-307 and who:

(A) has a disability that makes the parent incapable of effectively participating in the case; or

(B) is a minor.

Committee note: The Office of the Public Defender is required to provide representation to indigent individuals in certain proceedings. See Code, Criminal Procedure Article, §16-204.

(2) To determine whether a disability makes a parent incapable of effectively participating in a case, the court, on

motion or its own initiative, may order an examination of the parent.

(c) Appointed Attorney for Child

The court shall appoint an attorney to represent the child in accordance with Code, Family Law Article, §5-307 (b). Ordinarily, if the child currently is represented by an attorney in a pending CINA case and that attorney is under contract with the Department of Human Services to provide services under this section, the court shall appoint that attorney.

Committee note: When appointing an attorney for the child, the court must consider the child's best interests, and it may not appoint an attorney who has a conflict of interest.

(d) Dual Representation

An attorney or firm may represent more than one party in a case but only to the extent permitted by the Maryland Attorneys' Rules of Professional Conduct.

Cross reference: See Maryland Attorneys' Rules of Professional Conduct 19-301.7 and 19-301.8.

(e) Compensation

An attorney appointed under this Rule may be awarded reasonable fees and costs, as approved by the court.

(f) Guardian Ad Litem

If, on motion by the attorney for a parent or from other compelling evidence, the court finds that (1) a parent, by reason of physical, mental, or developmental disability, is and

will remain, for an indefinite period, unable to comprehend the nature of the proceeding, read and understand the petition and show cause order, and make a knowing and voluntary decision whether to consent or file a timely notice of objection to the guardianship, and (2) the parent does not already have a court-appointed guardian of the person authorized and willing to act for the parent, the court shall appoint a guardian ad litem for the parent. After consultation with the attorney and such other persons as the guardian ad litem deems appropriate, the guardian ad litem may file a consent pursuant to Rule 11-309 or a notice of objection pursuant to Rule 11-307 on behalf of the parent.

Source: This Rule is derived in part from Rule 9-106 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-309, as follows:

Rule 11-309. AFFIRMATIVE CONSENT BY PARENT TO GUARDIANSHIP

(a) Generally

A person whose consent is required may consent affirmatively to a guardianship in accordance with this Rule. An affirmative consent may be given before or after the filing of a petition for guardianship.

(b) Form and Content

A written affirmative consent shall be substantially in the form set forth in Form 11-309. An oral affirmative consent shall be on the record before a judge and shall include a waiver of the right to revoke the consent.

Cross reference: See Code, Family Law Article, §5-321 (a) (2).

(c) Conditions to Validity

(1) An affirmative consent by a parent is not valid unless:

(A) the consent is given in a language that the parent understands;

(B) if consent is given in a language other than English, it is given before a judge on the record or accompanied by an

affidavit of a qualified translator that sets forth the translator's qualifications and states that the translation of the document of consent is accurate;

(C) the parent has received notice in writing or on the record before a judge of the provisions and rights set forth in Code, Family Law Article, §5-321 (a) (3) (iii);

(D) if signed after an attorney has entered an appearance for the parent, the consent is accompanied by an affidavit of the attorney stating that the attorney has reviewed the consent with the parent and that the consent is knowing and voluntary; and

(E) if the parent is a minor or has a disability, the consent is accompanied by an affidavit of an attorney appointed under Code, Family Law Article, §5-307 (a) stating that the consent of the parent is knowing and voluntary.

(2) The affidavit of the attorney required by subsections (c) (1) (D) and (E) shall be in the form set forth in Form 11-309.

(d) Filing of Consent

(1) Consent Obtained Before Guardianship Petition Filed

If a local department receives a consent to guardianship before a guardianship petition is filed, the local department promptly shall file the consent in the child's CINA case and serve a copy of it on (A) each living parent of the child, (B) the parent's last attorney of record in the CINA case, and (C)

the child's last attorney of record in the CINA case.

(2) Consent Obtained After Guardianship Petition Filed

If a party obtains a consent to a guardianship after a guardianship petition is filed, the party promptly shall file the consent with the court in which the petition is pending and serve a copy of it on each other party.

(e) Revocation of Consent

(1) Generally

A parent may revoke a revocable affirmative consent to a guardianship at any time within 30 days after the consent is filed pursuant to section (d) of this Rule.

Committee note: A consent entered into before a judge on the record shall include a waiver of a revocation period. See Code, Family Law Article, §5-321 (a) (2).

(2) Method of Revocation

(A) Generally

Within the time allowed by subsection (e) (1) of this Rule, a parent may revoke a revocable consent to a guardianship only (i) on the record before a judge or (ii) by a signed writing actually delivered by mail or in person to the clerk. If the revocation is delivered to an agent of the local department, the agent shall deliver the revocation promptly to the court.

(B) Revocation Before Guardianship Petition Filed; Notice

If a revocable consent was filed pursuant to

subsection (d) (1) of this Rule and a revocation is delivered before a guardianship petition is filed, the revocation shall be docketed in the child's CINA case. The court shall send to all parties in the CINA proceeding, including the person who revoked the consent, a copy of the revocation.

(3) Hearing

Upon receipt of a revocation, the court shall schedule an immediate hearing to determine the status of the petition. The clerk shall send to all parties, including the person who revoked the consent, a copy of the revocation and notice of the hearing.

(f) Non-fulfillment of Conditional Consent or Acquiescence

Non-fulfillment of conditional consent or acquiescence is governed by Rule 11-317.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-310, as follows:

Rule 11-310. INVESTIGATION

In addition to any investigation required by Code, Family Law Article, §5-323 (c), the court may order a neutral person or governmental unit to conduct any investigation that the court considers necessary to determine the child's best interests in ruling on a petition for guardianship.

Cross reference: See Code, Family Law Article, §5-317.

Source: This Rule is derived in part from Rule 9-106 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-311, as follows:

Rule 11-311. CONSOLIDATION

A guardianship proceeding may be consolidated with or severed from any other case pending in the juvenile court involving the child, as justice may require.

Source: This Rule is derived from former Rule 11-501 (2021).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-312, as follows:

Rule 11-312. HEARING - GUARDIANSHIP PETITION

(a) When Hearing is Discretionary

A hearing on the merits of a guardianship petition may be held but is not required if:

(1) the conditions set forth in Code, Family Law Article, §5-320 (a) (1) are satisfied; and

(2) no party becomes aware and the court is not advised that a condition of consent under Code, Family Law Article, §5-320 (b) may not be fulfilled.

(b) When Hearing is Required

A hearing on the merits of a guardianship petition shall be held:

(1) when required to determine paternity under Code, Family Law Article, §5-306 (b) (2);

(2) when the case is proceeding under Code, Family Law Article, §5-320 (a) (1) and a party becomes aware or the court is advised that a condition of consent under Code, Family Law Article, §5-320 (b) may not be fulfilled; or

(3) when the case is proceeding as a non-consensual guardianship under Code, Family Law Article, §5-323 and the court will be required to make a finding under Code, Family Law Article, §5-320 (a) (2), in which event the hearing shall be a trial on the merits of the petition.

(c) Notice

The court shall give reasonable notice of any hearing under this Rule to all parties.

(d) Judge to Preside

All hearings under this Rule shall be before a judge.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-313, as follows:

Rule 11-313. TIME LIMIT ON RULING

(a) Earliest Time

A court shall not enter an order for guardianship of a child under this Chapter earlier than the later of (1) 30 days after the birth of the child, (2) expiration of the time for revocation of consent that has not been waived under Code, Family Law Article, §5-321 (c), or (3) expiration of the time to respond to a show cause order.

(b) Latest Time

A court shall rule on a petition for guardianship:

(1) within 180 days after the petition is filed; and

(2) within 45 days after the earlier of (A) receipt of all consents required under Code, Family Law Article, §§5-313 through 5-328, or (B) a trial on the merits.

Cross reference: See *In re Adoption of Jayden G.*, 433 Md. 50 (2013) providing that the court's failure to rule within 180 days does not mandate dismissal of a petition.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-314, as follows:

Rule 11-314. GRANT OF GUARDIANSHIP

(a) Generally

A court may grant a petition for guardianship under this Chapter only under the circumstances set forth in Code, Family Law Article, §5-320 (a) (1) or (a) (2).

(b) With Consent

If all required consents have been given in accordance with Code, Family Law Article, §§5-313 through 5-328, and the child has not filed a timely objection, the court may enter an order for guardianship. Within five days after entry of the order, the court shall give the notices required by Code, Family Law Article, §5-322 (b).

(c) Without Consent

(1) Generally

(A) A court may grant a petition for guardianship without the required consents or over the child's objection only in accordance with Code, Family Law Article, §5-323 and this Rule.

(B) A court shall not grant a petition for guardianship

without the required consents or over the child's objection unless, after complying with subsection (c)(2) of this Rule, it finds by clear and convincing evidence that (i) the parent is unfit to remain in a parental relationship with the child, or (ii) exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the child's best interests such that terminating the rights of the parent is in the child's best interests.

(2) Required Considerations and Findings

(A) Except as provided in subsection (c)(3) of this Rule, in making the findings required under subsection (c)(1)(B) of this Rule, the court shall (i) consider the criteria set forth in Code, Family Law Article, §5-323 (d), and (ii) make specific findings as to each criterion, including findings as to how that criterion affects a determination of a parent's unfitness or the existence of exceptional circumstances that would make a continuation of the parental relationship detrimental to the best interests of the child.

Cross reference: See *In re Adoption/Guardianship of Alonza D.*, 412 Md. 442 (2010).

(B) If the court finds that an act or circumstance set forth in Code, Family Law Article, §5-323 (d)(3)(iii), (iv), or (v) exists, the court shall make a specific finding, based on facts in the record, whether return of the child to a parent's

custody poses an unacceptable risk to the child's future safety.

(3) When Consideration of Criteria Excused

(A) The court need not consider any of the criteria set forth in Code, Family Law Article, §5-323 (d) if, after a thorough investigation by a local department, the court finds that (i) the identities of the child's parents are unknown, and (ii) during the 60 days immediately after the child's adjudication as a CINA, no one has claimed to be the child's parent.

(B) The court shall not consider any of the criteria set forth in Code, Family Law Article, §5-323 (d) (1) if it waives reunification efforts under Code, Courts Article, §3-812 (d).

(C) The court may waive a local department's obligation to provide services described in Code, Family Law Article, §5-323 (d) (1) in accordance with Code, Family Law Article, §5-323 (e) (1) and (2).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-315, as follows:

Rule 11-315. GUARDIANSHIP ORDER

(a) Separate Order

An order denying or granting a petition for guardianship shall be a separate order.

(b) Order Accompanying Denial of Guardianship

If the court issues an order denying guardianship, it shall enter an additional separate order that includes:

(1) a specific finding on whether reasonable efforts have been made to finalize the child's permanency plan;

(2) any order under Code, Courts Article, Title 3, Subtitle 8 that the court finds to be in the child's best interests; and

(3) a date, no later than 180 days after the date of the order, for the next review hearing under Code, Courts Article, Title 3, Subtitle 8.

Cross reference: See Code, Courts Article, §3-823.

(c) Order Accompanying Grant of Guardianship

If the court issues an order granting guardianship, it shall enter an additional separate order that includes:

(1) a directive terminating the child's CINA case;

(2) such other directives permitted by Code, Family Law Article, §5-324 (b) that the court determines are appropriate; and

(3) a date, no later than 180 days after the date of the order, for an initial guardianship review hearing under Code, Family Law Article, §5-326 and Rule 11-316.

Committee note: As a part of the order under section (c) of this Rule, or in a subsequent order, the court may appoint or continue the appointment of a Court Appointed Special Advocate as permitted by Code, Courts Article, §3-830 and Code, Family Law Article, §5-324 (b) (1).

(d) Copies of Order

The court shall send a copy of each order to (1) each party or, if represented, to the attorney for the party; (2) each of the child's living parents who has not waived the right to notice; (3) each living parent's last attorney of record in the CINA case; and (4) the child's last attorney of record in the CINA case.

(e) Effects of Order for Guardianship

An order granting guardianship has the effects set forth in Code, Family Law Article, §5-325.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-316, as follows:

Rule 11-316. GUARDIANSHIP REVIEW HEARINGS

(a) Timing

The court shall hold:

(1) an initial guardianship review hearing scheduled in the order entered under Rule 11-315 (c) (3) no later than 180 days after the date of the order; and

(2) a guardianship review hearing at least once each year after the initial guardianship review hearing until the court's jurisdiction terminates.

Cross reference: See Code, Family Law, §5-324 (b) (1) (vi).

(b) Purpose

(1) The initial guardianship review hearing shall be held to establish a permanency plan for the child.

(2) At each guardianship review hearing, the court shall determine whether:

(A) the child's current circumstances and placement are in the child's best interests;

(B) the permanency plan that is in effect is in the

child's best interests; and

(C) reasonable efforts have been made to finalize the permanency plan that is in effect.

Cross reference: See Code, Courts Article, §3-816.1 for the required findings related to reasonable efforts by the department.

(3) A child's permanency plan may be, in order of priority:

(A) adoption of the child;

(B) custody and guardianship of the child by an individual; or

(C) for a child at least 16 years old, another planned permanent living arrangement that (i) addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and (ii) includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(c) Notice

The court shall give at least 30 days' notice before each hearing under this section to the local department, the child's attorney, and each of the child's living parents who has not waived the right to notice and to that parent's attorney. The local department shall give at least seven days' notice of the hearing to the child's caregiver.

(d) Right of Parent and Caregiver at Hearing

(1) A parent is entitled to be heard and to participate at a guardianship review hearing but is not a party solely on the basis of the right to notice and to be heard and participate.

(2) A caregiver is entitled to be heard at a guardianship review hearing but is not a party solely on the basis of the right to notice and to be heard.

Committee note: An individual entitled to notice under Code, Family Law Article, §5-326 is not a party, but may file a motion to intervene pursuant to Rule 2-215.

(e) Duty of Local Department

At least 10 days prior to a review hearing, the local department shall comply with the requirements of Code, Family Law Article, §5-326 (a) (5).

(f) Duty and Authority of Court

(1) At each guardianship review hearing, the court shall comply with the requirements of Code, Family Law Article, §5-326 (a) (8) and Code, Courts Article, §3-816.1.

(2) The court may approve a permanency plan other than adoption only if the court finds that, for a compelling reason, adoption is not in the child's best interests.

(3) At a guardianship review hearing held one year or more after the order for guardianship was entered, the court may designate an individual guardian of the child if the requirements of Code, Family Law Article, §5-326 (a) (10) are met.

(g) Removal of Child from Court-Ordered Placement

(1) Emergency Review Hearing

(A) When Required

If the court has ordered a specific placement for a child and the local department, acting pursuant to Code, Family Law Article, §5-326 (b) (1), removes the child from that placement, the court shall hold an emergency hearing on the change on the next day after the change.

Cross reference: See Rule 11-102 for definition of "next day."

(B) Notice

The court shall give reasonable notice of an emergency review hearing to (i) the child's attorney, (ii) the attorney for each other party, and (iii) each of the child's living parents who has not waived the right to notice and that parent's attorney.

(C) Standard

The standard of emergency review as to a change shall be the standard for continued shelter care in a hearing under Code, Courts Article, §3-815.

(2) Hearing on the Merits of the Department's Action

Unless all parties agree to the order entered following an emergency hearing, the court, at that hearing, shall schedule a full review hearing on the merits of the local department's action, to be held within 30 days after the date of removal or,

if agreed to by the parties, at a later date.

(h) Annual Consultation

At least every 12 months, at a hearing under this Rule, the court shall consult on the record with the child in an age-appropriate manner for the purposes and in the manner specified or allowed under Code, Family Law Article, §5-326 (c).

Committee note: This Rule deals only with the court proceedings. See Code, Family Law Article, §5-326 for additional duties imposed on the local department.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-317, as follows:

Rule 11-317. FAILED CONDITIONAL CONSENT

(a) Notice

If, at any time before the court issues an order for adoption of the child, a party becomes aware that a condition of consent to the guardianship may not be fulfilled, the party promptly shall:

- (1) file a notice with the juvenile court;
- (2) notify all other parties; and
- (3) if consent was received from a person who is not a party, give notice to that person.

(b) Hearing

The juvenile court shall hold a hearing within 30 days after the filing of the notice.

(c) Order

If the court finds that a condition to consent cannot be fulfilled and the party or person whose condition cannot be fulfilled does not enter into a new consent, the juvenile court shall:

- (1) set aside the guardianship order;
- (2) set the case in for a prompt trial on the merits of the guardianship petition; and
- (3) reopen the CINA case for review pursuant to Code, Courts Article, §3-823.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-318, as follows:

Rule 11-318. TERMINATION OF GUARDIANSHIP

(a) Local Department Guardianship

If a local department is the child's guardian, the court retains jurisdiction as provided in Code, Family Law Article, §5-328 (a).

(b) Individual Guardian

If the child's guardian is an individual, the court retains jurisdiction as provided in Code, Family Law Article, §5-328 (b).

(c) Adoption Order

An order for adoption of a child terminates the child's guardianship case.

(d) Child with Developmental Disability

If the court has entered an order directing the provision of services to the child under Code, Family Law Article, §5-324 (b) (1) (ii) (7) (B), the court retains jurisdiction to rule on any motion related to the enforcement, modification, or termination of the order for as long as the order is in effect. This section

does not apply to an order for adoption entered under section (c) of this Rule.

Cross reference: See Code, Family Law Article, §5-328 (e).

(e) Closing Case

On termination of a guardianship, the court shall enter an order closing the guardianship action.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

ADD new Rule 11-319, as follows:

Rule 11-319. COURT RECORDS

The court shall keep a separate docket for guardianship proceedings. All pleadings and other papers in guardianship proceedings shall be sealed when they are filed and are not open to inspection by any person, including a parent, except upon an order of court.

Source: This Rule is derived from Rule 9-112.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

FORMS

ADD new Form 11-306, as follows:

Form 11-306. ORDER TO SHOW CAUSE

An order to show cause shall be substantially in the following form:

[Caption of Case]

ORDER TO SHOW CAUSE

(WITH ATTACHED NOTICE OF OBJECTION/REQUEST FOR ATTORNEY)

[Name of person to be served]

[Address of person, including county]

[Relationship of person to child for whom guardianship is sought]

IMPORTANT

- This is a court order.
- Please read this document carefully.
- If you do not understand this order, have someone explain it to you.

What will happen if you do not follow the instructions in this order:

- The court may **TERMINATE YOUR PARENTAL RIGHTS** (cut off your rights) to your child, **[CHILD'S NAME]**; and
- Your child may be **ADOPTED** by someone else.

If you want to keep your parental rights and remain the parent of your child:

- You have to fill out the "**Notice of Objection,**" sign it, and return it to the clerk of the court no later than **[DATE]**. The Notice of Objection form is included with this order.
- You have the right to an attorney. The attorney in your Child in Need of Assistance (CINA) case is not automatically your attorney in this case.
- If you want the court to appoint an attorney for you, you have to fill out numbers 3 and 4 on the attached Notice of Objection Form.

You are hereby notified that:

1. Petition for Guardianship and to Terminate Parental Rights

A Petition for Guardianship was filed in the Juvenile Court for [county or Baltimore City] on [date] by [name of petitioner] to appoint a guardian for your child [child's name and date of birth]. If the court grants the petition, your parental rights to the child will be terminated permanently, and the child will be eligible for adoption by someone else.

2. Your Right to Object

If you do not want your parental rights to be terminated, you have to make sure that the court gets the attached Notice of Objection/Request for Attorney by no later than [DEADLINE].

All that you need to do is fill it out and mail or hand-deliver it to the clerk at [address of court].

You may, but do not have to, give reasons for your objection.

If the court does not get your Notice of Objection/Request for Attorney by [deadline], the court will rule that you have agreed to the guardianship and to the termination of your parental rights. You will not have a court hearing.

3. You Have the Right to an Attorney

You have the right to an attorney in this guardianship case. The attorney in your Child in Need of Assistance (CINA) case is not automatically your attorney in this case.

If you want an attorney but cannot afford one, or if you are under 18 years old or have a disability that makes you unable to participate effectively in your case, you may be entitled to have the court appoint an attorney for you for free.

If you want to hire your own attorney, you may do so. If you do not know an attorney you may call the [county or Baltimore City] bar association at [phone number] to see if they can help you.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

FORMS

ADD new Form 11-307, as follows:

Form 11-307. NOTICE OF OBJECTION/REQUEST FOR ATTORNEY

A notice of objection/request for attorney shall be substantially in the following form:

[Caption of Case]

MAKE SURE THIS FORM IS SIGNED AND COMPLETE. MAIL OR DELIVER TO:

Clerk, Juvenile Court for _____

Address

1. I, [first and last name], object to the Petition for Guardianship of my child [child's name, and date of birth].

2. My reasons for objecting are as follows: [you do not have to give any reasons]

_____.

3. I do do not want the court to appoint an attorney to represent me. (Check one)

4. If you checked that you want the court to appoint an attorney, please check the box or boxes that apply to you:

I cannot afford to hire an attorney.

I am under 18 years of age.

I have a disability that makes me unable to participate effectively in the case. My disability is

_____.

Signature

Name (printed or typed)

Address

Telephone number

E-mail address

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

FORMS

ADD new Form 11-309, as follows:

Form 11-309. CONSENT BY PARENT TO GUARDIANSHIP

A consent by a parent to guardianship shall be substantially in the following form:

CONSENT BY PARENT TO GUARDIANSHIP WITH THE RIGHT TO
CONSENT TO ADOPTION OF [NAME OF CHILD] BY [NAME OF
LOCAL DEPARTMENT/GUARDIAN]

INSTRUCTIONS

The attached written consent form is an important legal document. You must read all of these instructions BEFORE you decide whether to sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

A. What a Consent Means

If you sign this consent, you are agreeing and acknowledging that the court may, and likely will, enter an order that:

1. Except as otherwise specified in this consent, terminates all of your parental rights to your child;

2. Makes the local department of social services the legal guardian of the child;

3. Grants to the local department of social services the authority to consent to the adoption or other planned permanent living arrangement of the child without the need of any further consent by you; and

4. Also grants to the local department of social services the authority to take other actions regarding the child specified in §5-325 (b) of the Courts and Judicial Proceedings Article of the Maryland Code.

B. Right to Speak with a Lawyer

1. You have the right to speak with a lawyer before you decide whether to sign the consent.

2. If a lawyer has been appointed for you in a CINA case, speak with that lawyer before you decide whether to sign this consent. If a lawyer has not been appointed for you and you are unable to afford a lawyer, you may be eligible for a lawyer free of charge through the Office of the Public Defender. You should contact the Office of the Public Defender, and ask for a lawyer to represent you in a D.S.S. (Department of Social Services) guardianship case. The Public Defender's telephone number is _____ . The e-mail address is _____ .

3. If you are under 18 years old or have a disability that makes it difficult for you to understand this document, you must have a lawyer review the form with you before you can consent to the guardianship. You should contact the Office of the Public Defender or let the Juvenile Court know that you need to have a lawyer appointed for you.

4. Even if you do not have the right to have the court appoint a lawyer for you or to be represented through the Office of the Public Defender, you have the right to speak with a lawyer you choose before you decide whether to consent.

C. Post-Adoption Agreement

If you have made a written agreement with the adoptive parents for future contact with them or the child (known as a post-adoption agreement), a copy of that agreement must be

attached to the signed consent form. If you have a post-adoption agreement, and, after the adoption, the adoptive parents do not do what they agreed to do, it will **not** affect your consent to the guardianship or the adoption. If that happens, however, you have the right to ask a judge to make them do what they agreed to do. The judge can order you and the adoptive parents to go to mediation, order the adoptive parents to do what they agreed to do, or change the agreement if the judge decides that it is in the child's best interest.

D. Consent

If you decide to sign the consent form, you will have two choices:

1. You can consent to the guardianship and the adoption of your child by any family approved by the local [Department of Social Services or Montgomery County Department of Health and Human Services]; or

2. You can consent to the guardianship only if the child is adopted into a specific family. This is called a "conditional consent." If you sign a conditional consent, and the family whose name is on the consent cannot adopt the child, your consent will no longer be valid. The court will try to locate you to find out if you want to sign a new consent. If you do not sign a new consent, the court can have a trial to decide whether your parental rights should be ended (terminated) and whether guardianship with the right to consent to adoption should be granted, even without your consent.

E. Effect of Post-Adoption Agreement

If you have a post-adoption agreement, you will keep only the rights the agreement gives you. See Paragraph C. Violation of the agreement will not affect your consent or the adoption.

F. Filing of Consent

After you sign the consent form, the person or agency to whom you give the form must file it in the Juvenile Court promptly. If a guardianship case has been filed, it will be filed in the guardianship case. If a guardianship case has not been filed, it will be filed in the child's CINA (Child in Need of Assistance) case. When it is filed, a copy of the filed consent form will be sent to you at the address you list at the end of the consent form. It is your responsibility to let the

court know if your address changes.

G. Right to Revoke Consent

1. If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent within 30 days after the date that it is filed in Juvenile Court. The only way that you can revoke this consent is by giving a signed written revocation statement with the name, sex, and date of birth of the child (if you know it) to:

Juvenile Clerk, Circuit Court for _____, at _____ (Address).

2. The written and signed revocation statement must be sent to the court, not to your social worker or lawyer. You may deliver your written revocation of consent in person or by mail. If it is not received by the Juvenile Clerk's office within 30 days after the date the consent form was filed in court, it will be too late, and you will not be able to withdraw the consent or stop the guardianship from being granted.

H. Further Notice of Guardianship and Adoption Proceedings

1. A petition for guardianship with the right to consent to adoption has been or will be filed in the Juvenile Court for _____ County/Baltimore City. If you sign the consent form, it will also be filed in the Juvenile Court.

2. You have the right to be notified when the petition is filed, about any hearings before or after a guardianship is granted, and if a guardianship is granted, if and when the child is adopted. Any notices will be sent to the address given by you on the consent form, unless you write to the Juvenile Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed.

I. Compensation

Under Maryland law, you are not allowed to charge or receive money or compensation of any kind for the placement for adoption of your child or for your agreement to the adoptive parent having custody of your child, except that reasonable and

customary charges or fees for adoption counseling, hospital, legal, or medical services may be paid.

J. Access to Birth and Adoption Records

When your child is at least 21 years old, your child, your child's other parent, or you may apply to the Maryland Secretary of the Department of Health for access to certain birth and adoption records. If you do not want information about you to be disclosed (given) to that person, you have the right to prevent disclosure by filing a disclosure veto. Attached to this document is a copy of the form that you may use if you want to file a disclosure veto.

K. Adoption Search, Contact, and Reunion Services

When your child is at least 21 years old, your child, your child's other parent or siblings, or you may apply to the Director of the Social Services Administration of the Maryland Department of Human Services for adoption search, contact, and reunion services.

L. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an American Indian tribe, as defined by federal law, you have special legal rights under the Federal Indian Child Welfare Act (25 U.S.C. §1901). You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

M. Authorization for Access to Medical and Mental Health Records

You may be asked to sign a separate form (authorization) to allow the adoptive parents and the guardian to get your child's medical and mental health records or your medical and mental health records. If you agree to allow access to this information, the records given to the adoptive parents will not include identifying information about you unless identifying information was previously exchanged by agreement.

N. Signature, Witness, and Copy

If you decide to complete and sign the consent form, you must have a witness present when you sign it. The witness must

be someone 18 or older but may not be the child or the child's other parent. You must complete and sign the form with a pen and print or type in your name, address, and telephone number. The witness also must sign the form and print or type in the witness's name, address, and telephone number in the blanks on the last page.

You have the right to receive a copy of the signed consent form.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must first sign here to verify that you read these instructions and understand them:

(Signature)

(Date)

You must attach a copy of these signed instructions to the signed consent form.

CONSENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO
ADOPTION OR OTHER PLANNED PERMANENT LIVING ARRANGEMENT OF

_____ TO _____

Use a pen to fill out this form. You must complete each section.

A. Language of Form

1. The instructions and this consent form are in _____
(language), which is a language I can read and understand.

2. If the form is in a language other than English,
attached to it is an affidavit in English of the person who
translated the document from English attesting that the
translation is accurate and listing his or her qualifications.

B. Identifying Information

1. Name

My full name is

_____.

2. Age

My date of birth is

_____.

3. Child's Birth Information

The child who is the subject of this consent was born
on _____ (date) at _____
(name of hospital or address of birthplace) in _____
(city, state, and county, and country of birth)

4. Status as Parent

(a) I am

- the mother of the child;
- the father of the child;
- alleged to be the father of the child.

(b) If I checked "alleged to be the father of the child" (Check all that apply):

- (1) I was married to the mother of the child at the time of conception of the child.
- (2) I was married to the mother of the child at the time the child was born.
- (3) I was named as the father on the child's birth certificate.
- (4) The child's mother named me as the child's father.
- (5) I have been adjudicated by a court to be the child's father.
- (6) I have acknowledged myself orally or in writing to be the child's father.
- (7) On the basis of genetic testing, I have been have not been indicated to be the child's biological father.
- (8) I do not know if I am the father of the child.
- (9) I deny that I am the father of the child.

C. Advice of Counsel; Right to Speak with a Lawyer

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

I already have spoken with a lawyer whose name and telephone number are _____, regarding this form and whether I should consent to the guardianship. I have read the instructions in front of this form, and I am ready to consent to the guardianship with the right to consent to adoption.

OR

[] I am at least 18 years old and am able to understand this document. I have read the instructions at the front of this form, and I do not want to speak with a lawyer before I consent to the guardianship with the right to consent to adoption.

D. Consent

Check **one** of the following statements:

[] After consulting or having the opportunity to consult with an attorney, I voluntarily and of my own free will consent to the ending (termination) of my parental rights and responsibilities with respect to my child and to the appointment of _____ [Department of Social Services or Montgomery County Department of Health and Human Services] to be the guardian of my child, with the right of the guardian to consent to the child's adoption or other planned permanent living arrangement.

OR

[] I voluntarily and of my own free will consent to the ending (termination) of my parental rights and to the appointment of _____ [Department of Social Services or Montgomery County Department of Health and Human Services], to be the guardian of my child on the condition that my child is adopted by _____.

E. Further Notice

Check **one** of the following:

[] I give up (waive) the right to any further notice of the guardianship case, any reviews after guardianship is granted, or when my child is adopted.

OR

[] I give up (waive) the right to any further notice of the guardianship case or any reviews after guardianship is granted, but I want to be notified when my child is adopted.

OR

[] I want to be notified about everything that happens in the guardianship case, all reviews after guardianship is granted, and when my child is adopted.

F. Right to Revoke Consent

If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent within 30 days after the date that it is filed in Juvenile Court. The only way that you can revoke this consent is by giving a signed written revocation statement with the name, sex, and date of birth of the child (if you know it) to:

Juvenile Clerk, Circuit Court for _____, at _____ (Address).

G. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM AND GUARDIANSHIP IS GRANTED, I WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD, EXCEPT THOSE RIGHTS THAT I HAVE KEPT UNDER ANY WRITTEN POST-ADOPTION AGREEMENT.

(Signature)

(Date)

(Printed Name)

Address

(City, State, Zip Code)

(Telephone Number)

(E-Mail Address)

(Witness Signature)

(Date)

(Printed Name)

Address

(City, State, Zip Code)

(Telephone Number)

(E-Mail Address)

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

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MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-401, as follows:

Rule 11-401. APPLICABILITY

The Rules in this Chapter govern delinquency and citation proceedings under Code, Courts Article, Title 3, Subtitle 8A.

Committee note: Code, Courts Article, Title 3, Subtitle 8A applies to all juvenile cases other than Child in Need of Assistance (CINA) and Termination of Parental Rights (TPR) and includes, in addition to juvenile delinquency proceedings, peace order proceedings against juveniles, Child in Need of Supervision (CINS) proceedings, citation proceedings, and proceedings in which an adult is charged with contributing to a child being delinquent or in need of supervision. This Chapter addresses only delinquency and citation proceedings. Rules governing CINS, peace order, adult charged with contributing, and Truancy Reduction Pilot Program cases are in Chapter 500.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-402, as follows:

Rule 11-402. DEFINITIONS

The following definitions apply in this Chapter:

(a) Statutory Definitions

The definitions stated in Code, Courts Article, §§3-8A-01 and 3-8A-35 apply to this Chapter, to the extent relevant.

(b) Additional Definitions

(1) Complaint

"Complaint" means a written statement made by any person or agency to an intake officer which, if true, would support the allegations of a delinquency petition.

(2) Delinquency Petition

"Delinquency petition" means the pleading filed with the court under Code, Courts Article, §3-8A-13 alleging that a child is a delinquent child.

(3) Emergency Detention or Shelter Care

"Emergency detention or shelter care" means detention or shelter care when a child has been taken into custody in accordance with Code, Courts Article, §3-8A-15.

(4) Initial Appearance Hearing

“Initial appearance hearing” means a hearing to:

(A) determine whether the delinquency petition or citation has been served and, if not, to effect service;

(B) advise the child and the child’s parent, guardian, or custodian of the nature of the allegations and proceedings, and the range of possible dispositions; and

(C) advise the child and the child’s parent, guardian, or custodian of the right to counsel in accordance with Code, Courts Article, §3-8A-20.

(5) Probation

“Probation” means a status created by a court order under which a child adjudicated to be delinquent is to remain subject to supervision of the court under conditions the court, or the agency designated by it, deems proper, but is not removed from the home.

(6) Waiver Petition

“Waiver petition” means a petition filed pursuant to Rule 11-410.

Source: This Rule is derived in part from former Rule 11-101 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-403, as follows:

Rule 11-403. CONFIDENTIALITY OF RECORDS

(a) Generally

Files and records of the court in juvenile proceedings under this Chapter, including docket entries and indices, are confidential and shall not be open to inspection except by order of the court or as otherwise expressly provided by law.

(b) Sealing

(1) Generally

On motion or petition, or on its own initiative, the court (A) may order the court records of a child sealed for good cause shown, and (B) shall order them sealed after the child has reached the age of 21 years.

(2) Opening

If sealed, court records of a child may not be opened, for any purpose, except by order of the court for good cause shown.

Cross reference: See Code, Courts Article, §3-8A-27.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-404, as follows:

Rule 11-404. RIGHT TO ATTORNEY

(a) Generally

A party is entitled to be represented by an attorney at every stage of all proceedings under this Chapter in accordance with Code, Courts Article, §3-8A-20.

Cross reference: Code, Courts Article, §3-8A-20 contains provisions governing the waiver of representation, the court's duties when a child appears without an attorney, and representation by the Public Defender. See also Code, Courts Article, §3-8A-32 for special independent representation of a child when the court determines that is necessary.

(b) Striking of Attorney's Appearance

(1) By Motion

An attorney wishing to withdraw an appearance shall file a motion to withdraw. If the attorney's client is a child who is entitled to representation at State expense, the court shall deny the motion unless another attorney has entered an appearance.

(2) Automatic Termination of Appearance

When no appeal has been taken from a final order of termination of the proceeding pursuant to Rule 11-425, the appearance of an attorney is automatically terminated 30 days after the order of termination of the proceeding is entered.

Cross reference: See Code, Courts Article, §3-8A-20 concerning the right to the assistance of counsel.

Source: This Rule is derived in part from former Rule 11-106 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-405, as follows:

Rule 11-405. TAKING CHILD INTO CUSTODY

(a) Authority

A child may be taken into custody in accordance with Code, Courts Article, §3-8A-14 (a).

(b) Notice; Release; Detention

A law enforcement officer who takes a child into custody shall comply with the requirements of Code, Courts Article, §3-8A-14 (b).

(c) Failure to Bring Child before Court

Subject to Rule 11-412 (c), if a parent, guardian, or custodian fails to bring a child before the court when directed by the court to do so, the court may issue a writ of attachment directing that the child be taken into custody and brought before the court. The court may proceed against the parent, guardian, or custodian for contempt pursuant to the Rules in Title 15, Chapter 200.

Committee note: This section does not preclude the court from the issuance of a writ of attachment for a parent, guardian, or custodian who fails to appear when ordered to do so.

Cross reference: See Title 15, Chapter 200 of these Rules concerning civil and criminal contempt.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-406, as follows:

Rule 11-406. DETENTION; COMMUNITY DETENTION; SHELTER CARE

(a) Placement in Detention, Community Detention, or Shelter Care

(1) Who May Authorize

Only the court or an intake officer may authorize detention, community detention, or shelter care for a child alleged to be a delinquent child.

(2) Limitation on Place of Detention

A child alleged to be a delinquent child may not be detained in a jail or other facility for the detention of adults.

Cross reference: See Code, Courts Article, §3-8A-15 (a) and (h).

(b) Emergency Placement Prior to Hearing

(1) Emergency Detention

A child taken into custody may be placed in emergency detention prior to a hearing under the conditions set forth in Code, Courts Article, §3-8A-15 (b).

(2) Emergency Shelter Care

A child taken into custody may be placed in emergency shelter care prior to a hearing under the conditions set forth in Code, Courts Article, §3-8A-15 (c).

(3) Emergency Community Detention

A child may be placed in emergency community detention prior to a hearing under the conditions set forth in Code, Courts Article, §3-8A-15 (b) or (c).

(c) Continued Detention, Community Detention, or Shelter Care

(1) Who May Authorize

Only a judge or a magistrate may order continued detention, community detention, or shelter care.

(2) Basis, Conditions, and Limitations

Continued detention, community detention, and shelter care may be ordered subject to the conditions and limitations set forth in Code, Courts Article, §3-8A-15 (d) through (g).

(3) Requirement of Petition

Unless a child placed in emergency detention, community detention, or shelter care has been released, an intake officer, on or before the next day after the placement, shall file a petition to authorize continued detention, community detention, or shelter care.

(4) Contents of Petition

A petition to authorize continued detention, community detention, or shelter care shall include:

(A) The allegations supporting the relief sought;

(B) For continued detention based on allegations that the juvenile has committed a delinquent act, sufficient details of the alleged offense for the court to make a determination as to whether there is probable cause to believe that the juvenile committed the act, which shall include the allegations and reasons for the emergency detention; and

(C) For continued shelter care, a statement that:

(i) Continuation of the child in the child's home is contrary to the welfare of the child and removal of the child from the child's home is reasonable under the circumstances due to an alleged emergency situation and in order to provide for the safety of the child; or

(ii) Reasonable but unsuccessful efforts have been made to prevent or eliminate the need for removal from the child's home and, as appropriate, reasonable efforts are being made to return the child to the child's home.

Cross reference: See Code, Courts Article, §3-8A-15 (f) concerning the grounds for continued detention or community detention and Code, Courts Article, §3-8A-15 (g) concerning the grounds for continued shelter care.

(d) Notice

The petitioner shall give reasonable notice, oral or written, of the time, place, and purpose of the hearing to the child and to the child's parent, guardian, or custodian, if that person can be found.

(e) Grounds for Continued Detention, Community Detention, or Shelter Care

(1) Detention or Community Detention

(A) Generally

Detention or community detention may not be continued unless, in an order entered at or after a hearing, the court finds that (i) there was probable cause for the detention or community detention and (ii) there are reasonable grounds to find either (a) that continued detention or community detention is required to protect the child or others or (b) that the child is likely to leave the jurisdiction of the court.

(B) Release on Conditions

If the time requirements of Code, Courts Article, §3-8A-15 (d) (6) (i) are not met, the court shall release the child from detention or community detention on such terms and conditions as the court deems appropriate for the protection of the child and the safety of the community.

(2) Shelter Care

Shelter care may not be continued unless, in an order entered at or after a hearing, the court makes the findings set forth in Code, Courts Article, §3-8A-15 (g).

Source: This Rule is derived in part from former Rule 11-112 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-407, as follows:

Rule 11-407. DELINQUENCY PETITION

(a) Authority to File

A delinquency petition shall be prepared and filed by the State's Attorney.

Cross reference: See Code, Courts Article, §3-8A-13 (a) regarding the delinquency petition.

Committee note: See Code, Courts Article, §3-8A-10 for actions by the intake officer prior to the filing of a delinquency petition and time requirements for filing a petition. See also §3-8A-13 (b). In *In re Keith G.*, 325 Md. 538 (1992), however, the Court held that dismissal of the petition is not an appropriate remedy for a violation of those time requirements.

(b) Venue

A delinquency petition shall be filed in the county where the alleged delinquent act occurred.

Cross reference: See Code, Courts Article, §3-8A-08 (b) addressing the filing of the petition in the county where the alleged act occurred, subject to transfer under Code, Courts Article, §3-8A-09.

(c) Form and Content

(1) Caption

The petition shall be captioned "In the Matter of
. . . ."

(2) Contents

The petition shall state:

(A) the name and address of the petitioner and the basis of the petitioner's authority to file the delinquency petition;

(B) the respondent's name, address, and date of birth, and the name and address of the respondent's parent, guardian, or custodian;

(C) that the respondent is alleged to be delinquent;

(D) in clear, simple, and concise language but with particularity, the alleged facts which constitute the alleged delinquency, including the date of the alleged delinquent act and the law(s) allegedly violated by the respondent;

(E) the name of each witness, known at the time the petition is filed, whom the petitioner intends to call to testify in support of the petition; and

(F) whether the respondent is in detention, community detention, or shelter care and, if so, (i) when that placement commenced, (ii) whether the respondent's parent, guardian, or custodian has been notified, and (iii) whether the petitioner is seeking continued detention, community detention, or shelter care.

(3) Signature

The delinquency petition shall be signed by the State's Attorney.

(d) Copies

The State's Attorney shall file with the clerk a sufficient number of copies of the petition to provide for service on the parties.

(e) Summons; Service

Unless the court orders otherwise, the clerk, upon the filing of the petition, shall promptly issue a summons substantially in the form approved by the State Court Administrator for each party other than the State's Attorney. The summons, together with a copy of the petition, shall be served in accordance with Rule 11-107 and shall be returnable as provided by Rule 2-126.

(f) Subpoena

The clerk shall issue a subpoena for each witness requested by a party pursuant to Rule 11-105.

Source: This Rule is derived in part from former Rules 11-103 and 11-104 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-408, as follows:

Rule 11-408. CITATION

(a) Filing

If an intake officer forwards a citation to the State's Attorney pursuant to Code, Courts Article, §3-8A-10, the State's Attorney may initiate an action by filing the citation with the clerk of the court, together with a sufficient number of copies to provide for service on the parties.

Cross reference: See Code, Courts Article, §3-8A-10, addressing the intake officer procedure upon receipt of a citation.

(b) Venue

A citation shall be filed in the county where the alleged act occurred.

Cross reference: See Code, Courts Article, §3-8A-08 (b) addressing the filing of the citation in the county where the alleged act occurred, subject to transfer under Code, Courts Article, §3-8A-09.

(c) Constitutes Initial Pleading

A citation serves as the initial pleading against a child for a violation and constitutes adequate process to give the

court jurisdiction over the child. A citation constitutes a charging document.

(d) Summons; Service

Unless the court orders otherwise, the clerk, upon the filing of a citation, shall issue a summons substantially in the form approved by the State Court Administrator for each party other than the State's Attorney. The summons, together with a copy of the citation, shall be served in accordance with Rule 11-107 and shall be returnable as provided by Rule 2-126.

(e) Subpoena

The clerk shall issue a subpoena for the individual who issued the citation and for each witness requested by a party pursuant to Rule 11-105.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-409, as follows:

Rule 11-409. TRANSFER FROM CRIMINAL COURT

(a) Transfer for Trial

(1) Petition

(A) Within 10 days after a court exercising criminal jurisdiction enters an order pursuant to Code, Criminal Procedure Article, §4-202 transferring jurisdiction over a defendant to the juvenile court, the State's Attorney shall file a delinquency petition pursuant to Rule 11-407.

(B) The State's Attorney shall attach to the petition a copy of the charging document that was filed in the court exercising criminal jurisdiction and the order of that court transferring jurisdiction.

(C) If the petition is not filed as required by this section, the child shall be released from any detention, community detention, shelter care, or conditions of pre-trial release, without prejudice to the right of the State's Attorney to file a petition thereafter.

(2) Confinement; Conditions of Release

Except as provided in subsection (a) (1) (C) of this Rule, any conditions set forth in the order transferring jurisdiction relating to pre-trial release or placement of the child in detention, community detention, or shelter care shall remain in effect and be enforceable by the juvenile court pending an adjudicatory hearing unless modified or revoked by the juvenile court. On motion of the State's Attorney or the child, the court shall hold a detention hearing no later than the next day.

(b) Transfer for Disposition

If a court exercising criminal jurisdiction enters an order pursuant to Code, Criminal Procedure Article, §4-202.2 transferring jurisdiction over a defendant to the juvenile court for disposition, the juvenile court shall conduct a disposition hearing under the regular procedures of the juvenile court.

(c) Transfer Back to Criminal Court Prohibited

If jurisdiction has been transferred to a juvenile court by a court exercising criminal jurisdiction pursuant to Code, Criminal Procedure Article, §4-202 or §4-202.2, the juvenile court may not transfer jurisdiction back to the criminal court.

Cross reference: See *Smith v. State*, 399 Md. 565 (2007) prohibiting the juvenile court from remanding a case to the criminal court for sentencing once jurisdiction has been transferred to the juvenile court for disposition. See also *In re Glenn S.*, 293 Md. 510 (1982) restricting the circuit court, once it has exercised its powers as a juvenile court, to the powers granted to a juvenile court by statute.

Source: This Rule is derived in part from former Rule 11-102A (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-410, as follows:

Rule 11-410. WAIVER OF JURISDICTION

(a) Initiation of Waiver

The court's exclusive original jurisdiction may be waived by the court:

(1) on its own initiative in conformance with subsection

(b) (1) of this Rule; or

(2) on motion of the State's Attorney filed in conformance with subsection (b) (2) of this Rule.

Cross reference: See Code, Courts Article, §3-8A-03, concerning the jurisdiction of the court, and §3-8A-06, concerning the waiver of the court's exclusive jurisdiction.

(b) Timing

(1) Waiver on Court's Own Initiative

The court may waive its jurisdiction on its own initiative at any time after the filing of a delinquency petition but not later than 10 days before commencement of the first scheduled adjudicatory hearing.

(2) Motion by State's Attorney

(A) A motion to waive juvenile court jurisdiction filed by the State's Attorney may be filed with the delinquency petition or not later than five days before commencement of the first scheduled adjudicatory hearing.

(B) The motion to waive juvenile court jurisdiction shall state with particularity the reasons the State's Attorney requests the waiver, taking into account the factors required to be considered by the court under Code, Courts Article, §3-8A-06 (e).

(3) Waiver of Time Requirement

For good cause, the court may waive the time requirement of subsection (b) (2) of this Rule if, before commencement of the first scheduled adjudicatory hearing, the State's Attorney files against the child a subsequent delinquency petition accompanied by a waiver motion or an indictment or criminal information in a criminal case.

(c) Investigation

Upon the filing of a waiver motion, or prior to any waiver of jurisdiction by the court on its own initiative, the court shall order the Department of Juvenile Services to make a waiver investigation and prepare a report that addresses the criteria listed in Code, Courts Article, §3-8A-06. The report shall include all records that are to be made available to the court at a waiver hearing. The Department shall file the report

with the clerk at least five days before the scheduled waiver hearing. At the time of filing, the Department shall provide a copy of the report to the State's Attorney's Office, and the District Office of the Public Defender or private counsel. If the child is unrepresented, the Department shall provide a copy of the report to the child.

(d) Hearing

(1) Required

The court may not waive its jurisdiction without first conducting a waiver hearing in accordance with this section.

(2) Notice

Reasonable notice of the time and place of the hearing shall be given to all parties pursuant to Rule 11-108 (f).

(3) Time of Hearing

Unless otherwise ordered, a waiver hearing shall be held:

(A) prior to an adjudicatory hearing; and

(B) within 30 days after the date a petition for detention or community detention is granted, or, if the child is not detained or on community detention, within 30 days after service of the waiver petition.

Cross reference: See Rule 11-406 concerning detention and community detention.

(4) Purpose of Hearing

A waiver hearing is for the sole purpose of determining whether the court should waive its jurisdiction.

(5) Admissibility of Report of Waiver Investigation

The report of the waiver investigation is admissible as evidence at the waiver hearing. Each party has the right to present evidence concerning the report.

Cross reference: See Code, Courts Article, §3-8A-17 (c) regarding admissibility of the report of a study as evidence. For admission of evidence, generally, see Rule 11-101 (b).

(6) Jurisdiction Previously Waived

If the court has previously waived its jurisdiction with respect to a delinquency petition filed against a respondent and a delinquency petition based on another alleged delinquent act is subsequently filed against the respondent, the court may waive its jurisdiction with respect to the subsequent petition based on the previous waiver after a limited hearing of which the respondent has been notified and at which the respondent has an opportunity to be heard.

Cross reference: See *In re Michael W.*, 53 Md. App. 271 (1982) regarding compliance with fundamental principles of due process.

(7) Respondent Over 21 Years of Age

If a delinquency petition is filed against a respondent who is over 21 years of age, the court may waive its jurisdiction after a limited hearing of which the respondent has

been notified and at which the respondent has an opportunity to be heard.

(e) Required Condition for Waiver; Criteria; Considerations

(1) Required Condition

The court may not waive its jurisdiction unless it determines, by a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures.

(2) Criteria and Considerations

In considering that determination, the court shall assume that the respondent child committed the delinquent act alleged in the delinquency petition and shall consider the criteria set forth in Code, Courts Article, §3-8A-06 (e).

Cross Reference: See *Davis v. State*, __ Md. __ (2021).

(f) Waiver Order

(1) Statement of Grounds

If the court concludes that its jurisdiction should be waived, it shall prepare and file or dictate into the record a statement of the grounds for its decision and enter an order:

(A) waiving its jurisdiction and ordering the child held for trial under the appropriate criminal procedure; and

(B) committing the child to the custody of the sheriff or other appropriate officer in an adult detention facility pending a pretrial release hearing pursuant to Rule 4-222.

(2) Effect of Delinquency Petition

The delinquency petition shall be considered a charging document for the purpose of detaining the respondent child pending a pre-trial release hearing.

(3) Copies

Pending a pre-trial release hearing, the clerk promptly shall furnish to the appropriate officer true copies of the delinquency petition and the court's waiver order.

Source: This Rule is derived in part from former Rule 11-113 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-411, as follows:

Rule 11-411. TRANSFER TO ANOTHER JUVENILE COURT

(a) Authority of Transferring Court

(1) Generally

If a delinquency petition or citation is filed in a county other than the county where the child is living or domiciled, the court, on its own initiative or on motion of a party, may transfer the proceeding to the Juvenile Court of the county of the child's residence or domicile at any time prior to final termination of jurisdiction.

(2) Exception

If the child is alleged to have committed the offense of escape or attempted escape under Code, Criminal Law Article, §9-404 or §9-405, the court may not transfer the proceeding until after an adjudicatory hearing.

(b) Records

(1) Contents

Every document, social history, and record on file with the clerk of the transferring court that pertains to the case shall accompany the transfer.

(2) Timing

The clerk shall transfer the records to the receiving court no later than 30 days from the date of the order of transfer.

(c) Authority of Receiving Court

The receiving court may take further action in the matter.

Cross reference: See Code, Courts Article, §3-8A-09.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-412, as follows:

Rule 11-412. INITIAL APPEARANCE HEARING

(a) When Required

(1) Upon the filing of a delinquency petition or citation, the court shall schedule an initial appearance hearing unless an attorney has entered an appearance for the child.

(2) If an attorney enters an appearance, the hearing shall be cancelled.

(b) Notice

Notice of the date and time of the initial appearance hearing shall be included in the initial summons issued for the child and the child's parent, guardian, or custodian, directing the child and the child's parent, guardian, or custodian to appear for the hearing and directing the parent, guardian, or custodian to produce the child at the hearing.

(c) Writ of Attachment

Absent proof of actual notice by personal service of the summons or service by other means directed by the court, no writ of attachment may issue for failure to appear.

(d) Purpose of Hearing

The purpose of the initial appearance hearing is:

(1) to determine whether the petition or citation has been served and, if not, to effect service;

(2) to advise the child and the child's parent, guardian, or custodian of the nature of the allegations and proceedings, and the range of possible dispositions; and

(3) to advise the child and the child's parent, guardian, or custodian of the right to an attorney in accordance with Code, Courts Article, §3-8A-20.

Cross reference: See Code, Courts Article, §3-8A-20 concerning a party's right to the assistance of counsel.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-413, as follows:

Rule 11-413. RESPONSE TO PETITION; ADMISSION

(a) Response Permitted

A respondent served with a delinquency petition may file a response that admits or denies all or any facts alleged in the petition. Any written response shall be filed no later than 15 days prior to a scheduled adjudicatory or waiver hearing. Any allegation other than an allegation admitted in a written response is deemed denied.

(b) Admission

(1) Advice by Court; Finding

Before the court accepts a respondent's admission or non-denial of the allegations, the court shall, on the record and in open court:

(A) advise the respondent of the nature and possible consequence of the admission or non-denial; and

(B) ascertain whether the admission or non-denial is knowing, intelligent, and voluntary.

(2) Withdrawal of Admission

In the interest of justice, the court may permit the respondent to withdraw an admission at any time before disposition.

Source: This Rule is derived in part from former Rule 11-107 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-414, as follows:

Rule 11-414. AMENDMENTS

(a) Delinquency Petitions and Citations

With leave of court, a delinquency petition or citation may be amended at any time before the conclusion of the adjudicatory hearing, except that, if the amendment changes the character of the offense charged, the consent of the respondent is required.

(b) Other Pleadings and Motions

With leave of court, any other pleading or motion may be amended at any time before final disposition of the pleading or motion.

(c) Continuance or Postponement

If an amendment is made, the court shall grant the parties a continuance or postponement as justice may require in light of the amendment.

Source: This Rule is derived from former Rule 11-108 (2021).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-415, as follows:

Rule 11-415. STUDY; EXAMINATION

(a) Generally

After a delinquency petition or citation has been filed, the court may direct the Department of Juvenile Services or another qualified person to make a study concerning the child, the child's family, the child's environment, and other matters relevant to the disposition of the action in accordance with Code, Courts Article, §3-8A-17.

(b) Examination

(1) As part of the study, the court may order that the child or any parent, guardian, or custodian of the child be examined at a suitable place by a physician, psychiatrist, psychologist, or other professionally qualified individual.

(2) Any order for a physical or mental examination pursuant to this Rule shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made. Any examination of a parent, guardian, or custodian of the child shall be on an outpatient basis. The

court shall order that the examination of a child be conducted on an outpatient basis if, considering the child's condition, that is feasible and appropriate. The order may regulate the filing of a report of findings and conclusions and the testimony at a hearing by the examining physician, psychiatrist, psychologist, or other professionally qualified person, the payment of the expenses of the examination, and any other relevant matters. The court may not place a child in detention, community detention, or shelter care solely for the purpose of conducting an examination.

(c) Copies of Report

The person making a report of a study or examination shall provide the report to the Department. Promptly upon receipt of the report, the Department shall file it with the court and deliver a copy of it to the State's Attorney and to the attorney for the child.

(d) Admissibility

The report of the study and examination is admissible as evidence at a waiver hearing and a disposition hearing but not at an adjudicatory hearing. The admissibility of any statement by the child is protected by the child's privilege against self-incrimination. Prior to the offering of the report, the attorney for each party may challenge or impeach findings in the

report or study and present appropriate evidence with respect to it.

Cross reference: See Code, Courts Article, §§3-8A-12 (b) and 3-8A-17 (c).

Source: This Rule is derived in part from former Rule 11-105 a (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-416, as follows:

Rule 11-416. COMPETENCY OF CHILD

(a) Evaluation of Child's Mental Condition

(1) Generally

At any time after a delinquency petition is filed, the court, on its own initiative or on motion by the State's Attorney or the attorney for the child, shall stay all proceedings and order that the Maryland Department of Health or other qualified expert conduct an evaluation of the child's competence to proceed if the court makes the findings set forth in Code, Court's Article, §3-8A-17.1. Any motion or pleading that questions the child's competency to proceed shall be served on (A) the State's Attorney, (B) the child's attorney, (C) the child, if unrepresented by an attorney, (D) the Department of Juvenile Services, and (E) the Maryland Department of Health.

(2) Conduct of Evaluation

The evaluation shall be conducted in accordance with Code, Courts Article, §§3-8A-17.2 and 3-8A-17.3.

(b) Competency Hearing

(1) When Held

Within 15 days after receipt of a report of the evaluation, the court shall hold a competency hearing. For good cause, the court may extend the time for an additional 15 days.

(2) Conduct of Hearing

(A) In a competency hearing, the court shall presume that the child did not commit the act alleged in the petition.

Cross reference: See Code, Courts Article, §3-8A-17.11.

(B) Findings of fact shall be based on the evaluation of the child by the qualified expert. The State bears the burden of proving the child's competency beyond a reasonable doubt.

(3) Finding of Competency

If the court determines that the child is competent to proceed, it shall enter an order stating that the child is competent, lift the stay imposed under section (a) of this Rule, and proceed with the delinquency petition or violation of probation petition in accordance with the time periods specified in Code, Courts Article, §3-8A-17.5.

(4) Finding of Incompetency

(A) If the court determines that the child is incompetent to proceed but that there is a substantial probability that the child may be able to attain competency in the foreseeable future and that services are necessary to attain competency, the court shall proceed in accordance with Code, Courts Article, §3-8A-17.6.

(B) If the court determines that the child is incompetent to proceed and is unlikely to attain competency in the foreseeable future, it shall proceed in accordance with Code, Courts Article, §3-8A-17.7 or §3-8A-17.8, as appropriate.

(5) Use of Certain Evidence in Other Proceedings

The following evidence presented in connection with a competency determination is inadmissible in any proceeding except one relating to the child's competency:

(A) Any statement made by the child or information elicited during a competency evaluation, competency hearing in connection with the determination of competency, or while services were being provided under Code, Title 3, Subtitle 8A; and

(B) Any report prepared by a qualified expert unless the attorney for the child introduces the report or any part of it in a hearing other than a competency hearing.

Cross reference: See Code, Courts Article, §3-8A-17.10 (b).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-417, as follows:

Rule 11-417. EMERGENCY MEDICAL TREATMENT

The court may order emergency medical, dental, or surgical treatment of a child who is already under the jurisdiction of the court if (1) the child is alleged to be suffering from a condition or illness which, in the opinion of a licensed physician or dentist, requires immediate treatment, and (2) the child's parent, guardian, or custodian is not available or, without good cause, refuses to consent to the treatment.

Cross reference: See Code, Courts Article, §3-8A-21. Compare Code, Courts Article, §3-824, providing broader authority in CINA and voluntary placement proceedings.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-418, as follows:

Rule 11-418. DISCOVERY AND INSPECTION

(a) Rule 4-263 Applicability

The provisions of Rule 4-263 apply to proceedings under this Chapter except (1) "defendant" and "defense" as used in Rule 4-263 shall be construed to refer to a "respondent" under the Rules in this Chapter, (2) "conviction" as used in Rule 4-263 shall be construed to include a prior delinquency finding of a juvenile, and (3) the time requirements set forth in Rule 4-263 (h) and (i) are superseded by the provisions of section (b) of this Rule.

(b) Time for Completion of Discovery and Resolution of
Discovery Disputes

All matters and information to which a party is entitled must be disclosed in time to permit their beneficial use at a hearing in which the material or information may be relevant. If the material or information is not so disclosed, the court may grant a continuance or postponement of the hearing to permit the disclosure or inspection. A motion to compel discovery

shall be filed no later than 10 days before the next scheduled hearing, and any response may be filed within five days after service of the motion.

(c) Subpoena for Tangible Evidence Before Trial

On motion of a party, the court may order the issuance of a subpoena commanding a person to produce for inspection and copying at a specified time and place before trial designated documents, recordings, photographs, or other tangible things, not privileged, which may constitute or contain evidence relevant to the action. Any response to the motion shall be filed within five days.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-419, as follows:

Rule 11-419. MOTIONS

(a) Generally

(1) Content

A motion filed pursuant to this Rule shall (A) be in writing, unless the court otherwise directs, (B) state the grounds upon which it is made, and (C) set forth the relief sought. A motion requesting suppression of evidence or a motion alleging an illegal source of information as the basis for probable cause shall be supported by precise and specific factual averments. Every motion shall contain or be accompanied by a statement of points and citation of authorities.

(2) Response

A response, if made, shall be filed within 10 days after service of the motion and contain or be accompanied by a statement of points and citation of authorities.

(3) Determination

Motions filed pursuant to this Rule shall be determined on the day of trial but prior to trial, except that the court

may defer until after trial its determination of a motion to dismiss for failure to obtain a speedy trial. If factual issues are involved in determining the motion, the court shall state its findings on the record.

(b) Mandatory Motions - Generally

In a delinquency proceeding, the following matters shall be raised by motion in conformity with this Rule and if not so raised are waived unless the court, for good cause shown, orders otherwise:

(1) A defect in the institution of the prosecution;

(2) A defect in the charging document other than its failure to show jurisdiction in the court or its failure to charge an offense;

(3) An unlawful search, seizure, interception of wire or oral communication, or pretrial identification;

(4) An unlawfully obtained admission, statement, or confession; and

(5) A request for a joint trial or separate trials of respondents or offenses.

(c) Time for Filing

(1) Mandatory Motions

A motion under section (b) of this Rule shall be filed no later than five business days before the first scheduled

adjudicatory hearing, unless the court, for good cause shown, orders otherwise.

(2) Other Motions

A motion asserting failure of the charging document to show jurisdiction in the court or to charge an offense may be raised and determined at any time. Any other defense, objection, or request capable of determination before trial without trial of the general issue shall be raised by motion filed at any time before trial.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-420, as follows:

Rule 11-420. STET

(a) Entry of Stet

On motion of the State's Attorney, the court may postpone an adjudication indefinitely by ordering that a stet be entered on the docket. The respondent need not be present when the stet is ordered, but an adjudication may not be stayed under this Rule over the objection of the respondent.

(b) Notice

If neither the respondent nor the respondent's attorney is present when the stet is ordered, the clerk shall send notice to the respondent, if the respondent's whereabouts are known, and to the respondent's attorney and parent, guardian, or custodian. If notice is required, the clerk may send one notice listing all alleged delinquent acts that have been ordered stotted.

(c) Recall of Warrant or Detainer

When a stet is entered on the docket, the court shall order the clerk to take the action necessary to recall or revoke

any outstanding warrant, writ, or detainer that could lead to the arrest or detention of the respondent because of the statted alleged delinquent acts.

(d) Rescheduling of Adjudicatory Hearing

An adjudicatory hearing may be scheduled for an alleged delinquent act that has been statted pursuant to this Rule at the request of the respondent or the State's Attorney made within one year from the date the stet was entered on the docket. The petition shall be deemed terminated by operation of law when the respondent reaches the age of 21 years.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-421, as follows:

Rule 11-421. ADJUDICATORY HEARING

(a) Requirement and Purpose

After a petition or citation has been filed, the court shall hold an adjudicatory hearing unless the court has waived its jurisdiction or entered a stet pursuant to Rule 11-420.

(b) Timing

(1) Earliest Time

Unless all parties agree to an earlier date, an adjudicatory hearing may not be held earlier than 15 days after the filing of the delinquency petition or citation.

(2) Generally

An adjudicatory hearing shall be commenced within 60 days after the earlier of service of the delinquency petition on the respondent or the entry of appearance of counsel for the respondent.

(3) Respondent in Detention, Community Detention, or Shelter Care

If the respondent is in detention, community detention, or shelter care, the adjudicatory hearing shall commence within 30 days after the date on which the court ordered continued detention, community detention, or shelter.

(4) Waiver Petition Filed

If a waiver petition has been filed, the adjudicatory hearing shall be commenced within 30 days after the waiver petition is denied or withdrawn. If the respondent is in detention, community detention, or shelter care, the adjudicatory hearing shall be commenced within 14 days after the waiver petition was denied or withdrawn.

(5) Completion

Once commenced, an adjudicatory hearing shall be completed with a reasonable degree of continuity.

Committee note: See *In re Vanessa C.*, 104 Md. App. 452 (1995) and *In re Ryan S.*, 139 Md. App. 94 (2002), reversed and remanded on other grounds, 369 Md. 26 (2002), addressing the reasonable degree of continuity.

(6) Extension of Time Limits

Upon motion made on the record by the petitioner or respondent within the time limits set above, the county administrative judge or a judge designated by the administrative judge may extend the time within which the adjudicatory hearing may be held for extraordinary cause shown. The judge shall

state on the record the cause that requires an extension and specify the number of days of the extension.

(c) Evidence; Standard of Proof

The State's Attorney:

(1) shall present the evidence in support of the delinquency petition or citation; and

(2) has the burden of proving, beyond a reasonable doubt, that the respondent committed a delinquent act alleged in a petition or a violation alleged in a citation.

(d) Adjudication; Adjudicatory Order

If the adjudicatory hearing is conducted by a judge, the judge shall prepare and file a written adjudicatory order accompanied by a written statement or an oral statement dictated into the record stating (1) a finding whether or to what extent the State has proved the allegations of the juvenile petition or citation, and (2) the grounds upon which the finding is based.

If the hearing is conducted by a magistrate, the magistrate shall prepare and file a report in accordance with Rule 11-103

(c).

Source: This Rule is derived in part from former Rule 11-114 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-422, as follows:

Rule 11-422. DISPOSITION HEARING AND ORDER

(a) Generally

Upon a finding that the allegations of the delinquency petition that the child committed one or more delinquent acts or citation have been proven beyond a reasonable doubt, the court shall hold a separate disposition hearing, unless such hearing is waived in writing by all of the parties.

(b) Time for Hearing

(1) Citation

In a citation proceeding, the disposition hearing shall be held on the same day as the adjudicatory hearing unless the court, for good cause, orders otherwise.

(2) Delinquency Petition

In a delinquency petition proceeding, the disposition hearing may be held on the same day as the adjudicatory hearing if notice of the disposition hearing is waived on the record by all parties.

(3) If Not Held on Same Day

(A) If the disposition hearing is not held on the same day as the adjudicatory hearing and the respondent is not in detention or community detention, the disposition hearing shall be held not later than 30 days after the conclusion of the adjudicatory hearing.

(B) If the respondent is in detention or community detention, the disposition hearing shall be held no later than 14 days after the conclusion of the adjudicatory hearing, unless the detention is extended in conformance with Code, Courts Article, §3-8A-15 (d)(6).

(c) Priorities in Disposition

The priorities in making a disposition shall be consistent with the purposes set forth in Code, Courts Article, §3-8A-02.

(d) Permitted Dispositions - Delinquency Petition

(1) Generally

In a proceeding based on a delinquency petition, the court may enter a disposition authorized by Code, Courts Article, §3-8A-19 (d), (f), (g), (h), (i), or (j), subject to the conditions and limitations set forth in those sections and in Code, Courts Article, §§3-8A-22, 3-8A-24, and 3-8A-35.

Cross reference: Code, Courts Article, §3-8A-19 (d) addresses the court's disposition generally. Subsection (f) of that section addresses the guardian appointed under the section. Subsection (g) of that section addresses placement of a child in an emergency facility on an emergency basis under Code, Health-

General Article, Title 10, Subtitle 6, Part IV. Subsections (h) and (i) of the section address commitment of a child to the custody of the State Department of Health for inpatient care and treatment in a State mental hospital or State mental retardation facility, respectively. Subsection (j) of that section addresses the requirement that a commitment order issued under either subsection (h) or (i) must require the State Department of Health to file certain progress reports.

(2) Probation with Stay of Delinquency Finding

In addition to the dispositions permitted in (d)(1) of this section, the court may enter a disposition of probation with stay of delinquency finding, which is a status created by a court order in which the court, with the consent of the respondent, places the respondent in a probationary status with appropriate conditions after the court has made a finding that the respondent committed a delinquent act, but without making a finding that the respondent is a delinquent child.

(e) Permitted Disposition - Citation

In a proceeding based on a citation, the court may enter a disposition authorized by Code, Courts Article, §3-8A-19 (e), subject to the conditions and limitations set forth in that section.

(f) Procedure

(1) Disposition Hearing Conducted by Judge

If a judge conducts the disposition hearing, the judge shall enter a written disposition order and shall either file or announce and dictate into the record (A) a statement of reasons

for any order that includes placement of the respondent outside the respondent's home, and (B) a statement of each condition for any probation.

(2) Disposition Hearing Conducted by Magistrate

If a magistrate conducts the disposition hearing, the proceeding shall be in accordance with Rule 11-103. A commitment recommended by a magistrate is subject to approval by the court in accordance with Rule 11-103 but may be implemented in advance of court approval, subject to a stay if requested by a party, pending a hearing on exceptions.

Cross reference: See Rule 11-101 (b) concerning application of the Rules in Title 5 to a disposition hearing.

(g) Restitution

(1) Generally

As part of a disposition, the court may order that the respondent, the respondent's parents, or both pay restitution to a victim subject to the conditions and limitations as set forth in Code, Criminal Procedure Article, Title 11, Subtitle 6.

Restitution may not be ordered unless:

(A) the individual ordered to pay is given reasonable notice that restitution is being sought and of the amount that is being requested;

(B) the individual is given a fair opportunity to defend against the request;

(C) sufficient evidence is admitted to prove: (i) the amount of loss or expense incurred for which restitution is allowed and (ii) that such loss or expense was the direct result of the respondent's delinquent act; and

(D) sufficient evidence is admitted of the individual's ability to comply with the restitution order.

Cross reference: Under Code, Courts Article, §3-8A-28 the court may enter restitution against the child's parent, the child, or both, as provided by Code, Criminal Procedure Article, Title 11, Subtitle 6. That subtitle sets out the process for restitution orders. See also *In re Ramont K.*, 305 Md 482 (1986) and cases cited therein.

(2) Evidence; Burden of Proof

In a hearing to determine whether restitution should be ordered, a written statement or bill for medical, dental, hospital, counseling, funeral, or burial expenses is sufficient evidence of the amount, fairness, and reasonableness of the charges and the necessity for the services or materials provided. An individual who challenges the fairness or reasonableness of the charges or necessity for the services or materials has the burden of proving that the amount is not fair and reasonable.

Source: This Rule is derived in part from former Rule 11-115 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-423, as follows:

Rule 11-423. REVISORY POWER; POST-DISPOSITION HEARINGS

(a) Revisory Power

(1) Authority

The court may modify or vacate an order if the court finds that action to be in the best interest of the respondent or the public.

(2) On Motion

The court may exercise its authority under subsection (a)(1) of this Rule on motion of any party. A motion shall state with particularity the grounds on which the relief is requested. The court may grant or deny the relief, in whole or in part, without a hearing.

(3) Own Initiative

The court may exercise its authority under subsection (a)(1) of this Rule on its own initiative. If it proposes to do so, the court shall notify the parties of its intent and inform them of the right to respond and request a hearing within 10 days. The court may not modify or vacate an order earlier than

10 days after the issuance of the notice. If a timely request for a hearing is made, the court shall conduct a hearing.

(4) On Recommendation

The court may exercise its authority under subsection (a) (1) of this Rule on written recommendation to the court by the appropriate governmental agency exercising supervision or custody of the respondent. The governmental agency making the recommendation shall (A) notify the parties of the recommendation and provide a copy of the recommendation to the parties, (B) inform the parties of the right to respond and request a hearing within 10 days from the date the notice was sent, and (C) provide a copy of the notice and recommendation to the court, accompanied by a statement of the date that notice was sent. A response or request for a hearing shall be filed with the clerk. The court may not act on the recommendation earlier than 10 days from the date that notice is issued, unless the parties consent in writing to the entry of an order implementing the recommendation. If a timely request for a hearing is made, the court shall conduct a hearing.

Committee note: This Rule is not intended to preclude a governmental agency from making a recommendation in writing in advance of a scheduled hearing or on the record in a court proceeding.

(5) Commitment to Maryland Department of Health

If the order sought to be modified or vacated committed the respondent to the Department of Health pursuant to Code, Courts Article, §3-8A-19 (h), (i), or (j), the court shall proceed in accordance with those sections.

Cross reference: Code, Courts Article, §3-8A-19 (h) addresses the commitment of a child to the custody of the Department of Health for inpatient care and treatment in a State mental hospital. Subsection (i) of that statute addresses commitment of a child to the custody of the Department of Health for inpatient care and treatment in a State mental retardation facility. Subsection (j) of that statute addresses the requirement that a commitment order issued under either subsection (i) or (j) must require the Department of Health to file certain progress reports.

(b) Child in Detention

If a child remains in a detention facility for the act for which the child has been adjudicated delinquent for more than 25 days after the court has made a disposition pursuant to Code, Courts Article, §3-8A-19, (1) the court shall conduct a hearing on the first available court date after the 25th day and (2) the Department of Juvenile Services shall appear with the child to explain the reasons for the continued detention. A hearing shall be conducted every 25 days thereafter as long as the child remains in a facility used for detention.

Cross reference: See Code, Courts Article, §3-8A-15 (1).

Source: This Rule is derived in part from former Rule 11-116 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-424, as follows:

Rule 11-424. VIOLATION OF PROBATION

(a) How Initiated

Proceedings for revocation of probation may be initiated by the court on its own initiative or by motion. A motion shall state each condition of probation that the respondent is alleged to have violated, the nature of the violation, and the requested relief.

(b) Show Cause Order

The court shall enter an order directing the respondent to show cause why the relief should not be granted and setting a time and date for a hearing. The clerk shall cause a copy of the motion, if any, and the show cause order to be served on the parties. If the show cause order is issued on the court's initiative, the order shall state each condition of probation that the respondent is alleged to have violated and the nature of the violation.

(c) Hearing

The court shall hold a hearing to determine whether a violation has occurred and, if so, whether the probation should be revoked or modified. The court may conduct the hearing in an informal manner. The respondent shall be given the opportunity to admit or deny the alleged violations, to testify, to present witnesses, and to cross-examine the witnesses testifying against the respondent. If the respondent is found to be in violation of any condition of probation, the court shall (1) specify the condition violated and (2) afford the respondent the opportunity, personally and through counsel, to make a statement and to present information in support of or in opposition to any modification of the existing order.

Source: This Rule is derived in part from Rule 4-347 and former Rule 11-116 (2021) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-425, as follows:

Rule 11-425. FINAL ORDER OF TERMINATION

(a) Generally

Subject to section (b) of this Rule, for good cause, the court may enter a final order terminating its jurisdiction over a respondent prior to the expiration of the court's jurisdiction by operation of law (1) on motion of a party, (2) on the court's own initiative, or (3) on the recommendation of an appropriate governmental agency exercising supervision or custody of the respondent.

Cross reference: See Code, Courts Article, §3-8A-24, addressing the duration of an order in a delinquency or CINS case. Under subsection (c), an order under Courts Article, Title 3, Subtitle 8A "is not effective after the child becomes 21 years old."

(b) Own Initiative; On Recommendation

(1) Own Initiative

The court may exercise its authority under section (a) on its own initiative. If it proposes to do so, the court shall notify the parties of its intent and inform them of the right to respond and request a hearing within 10 days. The court may not

terminate its jurisdiction earlier than 10 days after the issuance of the notice. If a timely request for a hearing is made, the court shall conduct a hearing.

(2) On Recommendation

The court may exercise its authority under section (a) of this Rule on written recommendation to the court by the appropriate governmental agency exercising supervision or custody of the respondent. The governmental agency making the recommendation shall (A) notify the parties of the recommendation and provide a copy of the recommendation to the parties, (B) inform the parties of the right to respond and request a hearing within 10 days from the date the notice was sent, and (C) provide a copy of the notice and recommendation to the court, accompanied by a statement of the date that notice was sent. A response or request for a hearing shall be filed with the clerk. The court may not act on the recommendation earlier than 10 days from the date that notice is issued, unless the parties consent in writing to the entry of an order implementing the recommendation. If a timely request for a hearing is made, the court shall conduct a hearing.

Source: This Rule is derived from former Rule 11-120 (2021).

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
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MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS

ADD new Rule 11-501, as follows:

Rule 11-501. SCOPE

This Chapter includes Rules governing:

- (a) child in need of supervision (CINS) proceedings pursuant to Code, Courts Article, Title 3, Subtitle 8A;
- (b) voluntary placement proceedings pursuant to Code, Courts Article, Title 3, Subtitle 8;
- (c) peace order proceedings pursuant to Code, Courts Article, §§3-8A-19.1 through 3-8A-19.5;
- (d) proceedings concerning a child's failure to attend school as required under Code, Courts Article, §§3-8C-01 through 3-8C-10;
- (e) proceedings regarding the expungement of juvenile records pursuant to Code, Courts Article, §3-8A-27.1; and
- (f) proceedings against an adult charged with contributing to the status of a child pursuant to Code, Courts Article, §§3-810 and 3-8A-10 and an adult charged with violation of compulsory school attendance laws pursuant to Code, Education Article, §7-301.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS

ADD new Rule 11-502, as follows:

Rule 11-502. CHILD IN NEED OF SUPERVISION

(a) Applicability

This Rule governs child in need of supervision proceedings conducted pursuant to Code, Courts Article, Title 3, Subtitle 8A.

(b) Definitions

(1) The definitions stated in Code, Courts Article, §3-8A-01 apply to this Rule, to the extent relevant.

(2) "CINS petition" means the pleading filed with the court under Code, Courts Article, §3-8A-13 alleging that a child is in need of supervision.

(c) Confidentiality of Records

The confidentiality provisions stated in Code, Courts Article, §3-8A-27 and Title 16, Chapter 900 of the Maryland Rules apply to court records pertaining to a child who is or was the subject of a proceeding under this Rule.

(d) Attorney

Rule 11-404 applies with respect to the right to

representation by an attorney at a proceeding under this Rule.

Cross reference: See Code, Courts Article, §3-8A-20 (a).

(e) Taking Child into Custody

Rule 11-405 applies with respect to taking a child into custody, except that a child alleged to be in need of supervision may not be placed in detention or community detention.

(f) Shelter Care

A child alleged to be in need of supervision may be placed in shelter care in accordance with the applicable provisions of Code, Courts Article, §3-8A-15 and Rule 11-406.

(g) Emergency Medical Treatment

The court may order emergency medical, dental, or surgical treatment for a child alleged to be in need of supervision in conformance with Code, Courts Article, §3-8A-21 and Rule 11-417.

(h) CINS Petition

(1) Who May File

A CINS petition may be filed only by an intake officer.
Cross reference: See Code, Courts Article, §3-8A-13 (b).

(2) Where Filed

The CINS petition shall be filed in the county where the child resides.

Cross reference: See Code, Courts Article, §3-8A-08 (a).

(3) When Filed

The CINS petition shall be filed within the applicable time limits set forth in Code, Courts Article, §3-8A-10.

Committee note: For administrative proceedings and requirements prior to the filing of a CINS petition, see Code, Courts Article, §§3-8A-10 and 3-8A-13. A court may dismiss a petition for failure to comply with the requirements of §3-8A-10 only if the child demonstrates actual prejudice. See also *In re Keith G.*, 325 Md. 538 (1992).

(4) Form and Content

The CINS petition shall be captioned "In the Matter of" and shall state:

(A) the name and address of the petitioner and the basis of the petitioner's authority to file the petition;

(B) the child's name, address, and date of birth, and the name and address of the child's parent, guardian, or custodian;

(C) that the child is alleged to be in need of supervision;

(D) in clear, simple, and concise language but with particularity, the facts which constitute the alleged need for supervision, including the date of the alleged act(s) and, as applicable, any law(s) allegedly violated by the child;

(E) the name of each witness, known at the time the petition is filed, whom the petitioner intends to call to testify in support of the petition; and

(F) whether the child is in shelter care and, if so, (i) when that placement commenced, (ii) whether the child's parent, guardian, or custodian has been notified, and (iii) whether the petitioner is seeking continued shelter care.

(5) Copies

The intake officer shall file with the clerk a sufficient number of copies of the CINS petition to provide for service on the parties.

(i) Summons; Service

Unless the court orders otherwise, the clerk, upon the filing of the CINS petition, shall promptly issue a summons, substantially in the form approved by the State Court Administrator and posted on the Judiciary website, for each party other than the petitioner. The summons, together with a copy of the CINS petition, shall be served in accordance with Rule 11-107 and shall be returnable as provided in Rule 2-126.

(j) Subpoenas

The clerk shall issue a subpoena for each witness requested by a party pursuant to Rule 11-105.

(k) Initial Appearance Hearing

The court may hold an initial hearing to ensure service and provide notice of the right to counsel in accordance with Rule 11-412.

(l) Response to CINS Petition; Admission

A party served with a CINS petition under this Rule may file a response in conformance with Rule 11-413.

(m) Amendments

A petition, a motion, or any other paper filed under this Rule may be amended in accordance with Rule 11-414.

(n) Study; Examination

The court may direct the Department of Juvenile Services or another qualified agency to make a study concerning the child, the child's family, the child's environment, and other matters relevant to the disposition of the case, in accordance with the applicable provisions of Code, Courts Article, §3-8A-17.

(o) Discovery

(1) Generally

Without the necessity of a request, the petitioner shall furnish to the defense (A) all material or information in any form, whether or not admissible, that is possessed by or is in the control of the Department of Juvenile Services and that (i) the petitioner intends to offer into evidence or (ii) tends to negate the allegations of the petition or mitigate the severity of a disposition, and (B) all written and oral statements of the child that relate to the allegations of the petition and all material and information that relate to the acquisition of such statements. For good cause, the court may require such other

disclosures and inspections as justice may require.

(2) Matters Not Required to Be Disclosed

Notwithstanding any other provision of this Rule, the Department of Juvenile Services is not required to disclose (A) mental impressions, trial strategy, personal beliefs, or other privileged attorney work product, or (B) any other material or information if the court finds that its disclosure is not Constitutionally required and would entail a substantial risk of harm to any person that outweighs the interest of disclosure.

(3) Time for Completion

To the extent practicable, the disclosure and inspection of all matters and information required or permitted by this Rule shall be completed in time to permit its beneficial use at a hearing in which the material or information may be relevant. If the material or information is not so disclosed, the court may grant a continuance or postponement of the hearing to permit the disclosure or inspection.

(4) Disclosures Not to Be Filed with the Court

Unless otherwise ordered by the court, disclosures made pursuant to this Rule shall not be filed with the court but may be used at a hearing or as an exhibit to support or oppose a motion.

(5) Failure to Comply

The failure of a party to comply with a disclosure

obligation does not automatically disqualify a witness from testifying. If a motion is filed to disqualify the witness, disqualification is within the discretion of the court.

(p) Hearings - Generally

The court shall conduct all hearings in an informal manner. The court may exclude the general public from a hearing and admit only those persons having a direct interest in the proceeding and their representatives.

Cross reference: See Code, Courts Article, §3-8A-13 (f) (1) and (2).

(q) Adjudicatory Hearing

(1) Requirement; Purpose

(A) After a CINS petition is filed, the court shall hold an adjudicatory hearing.

(B) The purpose of the hearing is to determine whether the allegations of the petition, other than allegations that the child requires guidance, treatment, or rehabilitation, are true.

(2) Timing

(A) Unless the parties agree to an earlier date, an adjudicatory hearing may not be held earlier than 15 days after the filing of the CINS petition.

(B) If the child is not in shelter care, the hearing shall be commenced within 60 days after the later of service of the petition or the entry of appearance of counsel for the child.

(C) If the child remains in shelter care, the hearing shall be commenced within 30 days after the date on which the court ordered continued shelter care. If the hearing is not held within that time, the child shall be released from shelter care on reasonable conditions set by the court pending an adjudicatory hearing.

(D) Once commenced, an adjudicatory hearing shall be completed with a reasonable degree of continuity.

(3) Evidence; Standard of Proof

The petitioner shall present the evidence in support of the petition and has the burden of proving the allegations of the petition by a preponderance of the evidence.

(r) Adjudication; Adjudicatory Order

If the adjudicatory hearing is conducted by a judge, the judge shall prepare and file a written adjudicatory order accompanied by a written statement or an oral statement dictated into the record stating (1) a finding whether or to what extent the petitioner has proved the allegations of the petition, and (2) the grounds on which the finding is based. If the hearing is conducted by a magistrate, the magistrate shall prepare and file a report in accordance with Rule 11-103 (c) or (d).

(s) Disposition Hearing and Order

(1) Generally

Unless a CINS petition is dismissed, the court shall

conduct a separate disposition hearing to determine whether the child is in need of supervision as defined in Code, Courts Article, §3-8A-01 (e).

(2) Scheduling

The disposition hearing may be held on the same day as the adjudicatory hearing if notice of the disposition hearing is waived on the record by all parties. If the disposition hearing is not held on the same day as the adjudicatory hearing and the child is not in shelter care, the disposition hearing shall be held no later than 30 days after the conclusion of the adjudicatory hearing. If the child is in shelter care, the disposition hearing shall be held no later than 14 days after the conclusion of the adjudicatory hearing, unless shelter care is extended in conformance with Code, Courts Article, §3-8A-15 (d)(6). If shelter care is extended, the disposition hearing shall be held before expiration of the extended shelter care.

(3) Priorities in Disposition

The priorities in making a disposition shall be consistent with the purposes set forth in Code, Courts Article, §3-8A-02.

(4) Procedure

If a judge conducts the hearing, the judge shall enter a written disposition order and shall either file or announce and dictate into the record (A) a statement of reasons for any order

that includes placement of the child outside the child's home, and (B) a statement of each condition for any probation. If a magistrate conducts the hearing, the proceeding shall be in accordance with Rule 11-103.

(t) Modification or Vacation of Order

The court may modify or vacate an order if the court finds that action to be in the best interest of the child or the public. The provisions of Rule 11-423 (b) (1), (b) (2), (b) (3) (A), and (b) (3) (B) shall apply to a proceeding under this section.

(u) Termination of Jurisdiction

The court may enter a final termination of its jurisdiction in accordance with Rule 11-425.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS

ADD new Rule 11-503, as follows:

Rule 11-503. VOLUNTARY PLACEMENT

(a) Applicability; Definitions

(1) Applicability

This Rule applies to voluntary placement proceedings under Code, Courts Article, Title 3, Subtitle 8 and Code, Family Law Article, §5-525.

(2) Definitions

In this Rule, the following definitions apply:

(A) Former CINA

"Former CINA" means an individual who (i) has been found to be a CINA, (ii) is at least 18 years old but under the age of 21 years, and (iii) is subject to the jurisdiction of the court pursuant to Code, Courts Article, §3-804 (a) (2).

(B) Voluntary Placement Agreement

"Voluntary placement agreement" has the meaning stated in Code, Family Law Article, §5-501 (m).

(C) Voluntary Placement Petition

"Voluntary placement petition" means a petition filed pursuant to this Rule.

(b) Who May File

A voluntary placement petition may be filed only by a local department.

(c) Where Filed

(1) Child under Age 18

The voluntary placement petition for a child under the age of 18 years shall be filed in the county where a parent or legal guardian of the child resides.

(2) Former CINA

The voluntary placement petition for a former CINA shall be filed in the county where:

(A) the former CINA's commitment to the local department was rescinded; or

(B) the former CINA receives voluntary placement services.

(3) Transfer

If a voluntary placement petition is filed in a county other than the county in which the child or the former CINA resides, the court may transfer the case in accordance with Code, Courts Article, §3-805 (b).

Cross reference: See Code, Courts Article, §3-805 (a) (2) concerning venue for filing.

(d) Caption

The voluntary placement petition shall be captioned
"Matter of the Voluntary Placement of"

(e) Content

(1) Child under Age 18

The voluntary placement petition for a child under the age of 18 years shall be accompanied by a copy of the voluntary placement agreement and shall state:

(A) the name and address of the petitioner and the basis of the petitioner's authority to file the petition pursuant to section (b) of this Rule;

(B) the name, address, and birth date of the child who is the subject of the petition;

(C) the name of the person with whom the child is placed and the address of the child's out-of-home placement;

(D) the name and address of each parent or guardian of the child, if known;

(E) the facts supporting the finding that it is in the best interest of the child that the voluntary placement continue; and

(F) the name and address of each witness known at the time the petition is filed whom the petitioner intends to call to testify in support of the petition.

(2) Former CINA

The voluntary placement petition for a former CINA shall be accompanied by a copy of the voluntary placement agreement and shall state:

(A) the name and address of the petitioner and the basis of the petitioner's authority to file the petition pursuant to section (b) of this Rule;

(B) the name, address, and birth date of the former CINA who is the subject of the petition;

(C) that the former CINA's commitment to a local department was rescinded after the individual reached the age of 18 years but before the individual reached the age of 20 years and 6 months;

(D) that the former CINA did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty;

(E) the facts supporting the finding that it is in the best interest of the former CINA that the voluntary placement continue; and

(F) the name and address of each witness known at the time the petition is filed whom the petitioner intends to call to testify in support of the petition.

(3) Amendment

With the approval of the court, a voluntary placement petition may be amended at any time prior to the conclusion of the first voluntary placement hearing.

(f) Signature

The voluntary placement petition shall be signed by an attorney for the petitioner.

(g) Summons; Service

(1) Summons

Upon the filing of a petition, the clerk shall issue a summons in accordance with Rule 11-106.

(2) Service

(A) Generally

Service shall be made in accordance with Rule 11-107.

(B) Child under Age 18

The petition for a child under the age of 18 years shall be served on the child, the attorney for the child, each living parent, and each guardian.

(C) Former CINA

The petition for a former CINA shall be served on the former CINA and the last attorney of record in the CINA proceeding for the former CINA.

(h) Response

A party served with a petition may file a written response that admits or denies all or any of the facts alleged

in the petition. Any allegation not admitted in the response is deemed denied. At any time before disposition, the court, in the interest of justice, may permit an admission in a response to be withdrawn.

(i) Confidentiality of Records

(1) Generally

All court records in a proceeding under this Rule are confidential and may not be disclosed, by subpoena or otherwise, except by order of court on good cause shown, or as permitted by Code, Courts Article, §3-827 or Code, Human Services Article, §1-202.

(2) Sealing

On motion, petition, or on its own initiative, and for good cause shown, the court may order the court records of a child sealed and shall order them sealed after the child has reached the age of 21 years. If sealed, court records of a child may not be opened, for any purpose, except by order of court for good cause shown.

(j) Representation of Child or Former CINA

(1) Generally

A child or former CINA who is the subject of a petition for voluntary placement shall be represented by an attorney. The right to an attorney for a child under the age of 18 years may not be waived.

(2) Source of Attorney

Unless the court finds that it would not be in the best interests of the child or former CINA, the court shall (A) appoint an attorney with whom the Department of Human Services has contracted to provide that service, and (B) if another attorney has entered an appearance for the child or former CINA, strike the appearance of that attorney.

(k) Discovery

The court may enter orders pertaining to disclosures as justice may require.

(l) Study or Examination; Emergency Medical Treatment

(1) Study; Examination

The court may order a study or examination as provided in Code, Courts Article, §3-816.

(2) Emergency Medical Treatment

The court may order emergency medical, dental, surgical, or psychiatric treatment of a child who is the subject of a petition under this Rule as provided in Code, Courts Article, §3-824 and Rule 11-211.

(m) Hearing

(1) Requirement

Within 30 days after a voluntary placement petition is filed, the court shall hold a voluntary placement hearing and make findings as required by subsection (m)(2) of this Rule.

For a child under the age of 18 years, the hearing shall be held prior to the child's 18th birthday.

(2) Findings

(A) Child under Age 18

For a child under the age of 18 years, the court shall make findings as to whether:

(i) continuation of the placement is in the child's best interests; and

(ii) reasonable efforts have been made to reunify the child with the family or to place the child in a timely manner in accordance with the child's permanency plan.

Cross reference: See Code, Family Law Article, §5-525 (b) (1) (i) and (iii) regarding minor children. See Code, Family Law Article, §5-525 (b) (2) (ii), requiring approval of a juvenile court for a continuation beyond 180 days of an out-of-home placement pursuant to a voluntary placement agreement.

(B) Former CINA

For a former CINA, the court shall make findings as to whether a continuation of the voluntary placement is in the best interest of the former CINA.

Cross reference: See Code, Family Law Article, §5-525 (b) (3) regarding former CINAs.

(3) Review Hearings

The court shall conduct a hearing to review the status of the child as required by Code, Courts Article, §3-816.2.

(n) Disposition

(1) Child under Age 18

Following the hearing for a child under the age of 18 years, the court shall enter an order making a disposition in accordance with Code, Courts Article, §3-819.1 (b).

(2) Former CINA

Following the hearing for a former CINA, the court shall enter an order making a disposition in accordance with Code, Courts Article, §3-819.1 (c).

Cross reference: See Code, Courts Article, §3-819.1 concerning voluntary placement hearings.

(o) Modification or Vacation of Order

An order of the court entered in a voluntary placement proceeding may be modified or vacated if the court finds that action to be in the best interest of the child unless a provision in Code, Courts Article, Title 3, Subtitle 8 provides otherwise.

(p) Permanency Plan Hearing

(1) Determination of Permanency Plan

The court shall hold a permanency plan hearing to determine the permanency plan for a child under the age of 18 years no later than 11 months after a child continued in a voluntary placement under Code, Courts Article, §3-819.1 (b) enters an out of home placement. At that hearing, the court

shall determine the child's permanency plan in accordance with Code, Courts Article, §3-823 (e), (f), and (g).

(2) Periodic Reviews

(A) Once a permanency plan has been approved pursuant to subsection (p)(1) of this Rule, the court shall hold periodic review hearings at the times set forth in Code, Courts Article, §3-823 (h)(1) to review the current plan.

(B) Notice of the hearing and an opportunity to be heard shall be provided to the parties and other individuals as required by Code, Courts Article, §3-816.3.

Cross reference: See Code, Courts Article, §3-816.3 for notice to the child's foster parent, preadoptive parent, or caregiver.

(C) At the review hearing, the court shall consider any written report of a local out-of-home care review board required under Code, Family Law Article, §5-545 and make the determinations and take the actions required by Code, Courts Article, §3-823 (h)(2).

(D) At least every 12 months, the court, at a review hearing, shall consult on the record with the child as required by Code, Courts Article, §3-823 (j).

(q) Continuing Jurisdiction

If the court obtains jurisdiction over a child, that jurisdiction continues in that case until the child reaches the age of 21 years, unless the court terminates the case.

Cross reference: See Code, Courts Article, §3-804 (b), providing that jurisdiction over a child in voluntary placement continues until the child is age 21, unless the court terminates the case.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS

ADD new Rule 11-504, as follows:

Rule 11-504. TRUANCY REDUCTION PILOT PROGRAM

(a) Applicability

This Rule governs Truancy Reduction Pilot Program proceedings under Code, Courts Article, Title 3, Subtitle 8C.

(b) Definition

In this Rule, "truancy petition" means the pleading filed with the court under Code, Courts Article, §3-8C-04 alleging a violation of Code, Courts Article, §3-8C-03.

(c) Confidentiality of Records

The confidentiality provisions stated in Code, Courts Article, §3-8A-27 and Title 16, Chapter 900 of the Maryland Rules apply to court records pertaining to a child who is or was the subject of a proceeding under this Rule.

(d) Truancy Petition

(1) Who May File

An authorized school official designated pursuant to an agreement between the court and the local school system may file

a petition in the juvenile court alleging a violation of Code, Courts Article, §3-8C-03.

Cross reference: See Code, Courts Article, §3-8C-04, providing that an authorized school official may file a petition alleging a violation of Subtitle 8C.

(2) Where Filed

The truancy petition shall be filed in the county in which the child is living or domiciled, and which has a Truancy Reduction Pilot Program established pursuant to Code, Courts Article, Title 3, Subtitle 8C.

(3) Content

The petition shall allege that the child is required to attend school and has failed to do so without lawful excuse and shall set forth in clear and simple language the facts supporting that allegation.

(e) Summons; Service

Unless the court orders otherwise, the clerk, upon the filing of the petition, promptly shall issue a summons, substantially in the form approved by the State Court Administrator, for the child, the child's parent, guardian, or custodian, and the petitioner. The summons, together with a copy of the petition, shall be served in accordance with Rule 11-107 and shall be returnable as provided in Rule 2-126.

(f) Response to Petition

A party served with the petition may file a response that admits or denies all or any facts alleged in the petition. A response shall be in writing and shall be filed within 15 days after service of the petition. Any allegation not admitted in a written response is deemed denied.

(g) Transfer of Proceeding

If the petition is filed in a county other than the county where the child is living or domiciled, the court, on motion of a party or on its own initiative, promptly may transfer the proceeding to the county where the child lives or is domiciled, and which has a Truancy Reduction Pilot Program established pursuant to Code, Courts Article, Title 3, Subtitle 8C, at any time prior to final termination of its jurisdiction. Every document, social history, and record on file with the clerk pertaining to the case shall accompany the transfer. The court to which the case is transferred may take further action.

(h) Subpoena

The clerk shall issue a subpoena for each witness requested by a party pursuant to Rule 11-105.

(i) Adjudicatory Hearing

(1) Requirement; Purpose

After a petition has been filed, the court shall hold an adjudicatory hearing to determine whether the facts alleged in the petition are true.

Cross reference: See Code, Courts Article, §3-8A-13 (f) for the guidelines for determining who may or shall be excluded from a proceeding under this Rule.

(2) Burden of Proof

The petitioner has the burden of proving the allegations of the petition by a preponderance of the evidence.

(j) Disposition Hearing

(1) Requirement

Upon a finding that the allegations of the petition have been sustained, the court shall hold a separate disposition hearing.

(2) When Held

The court shall hold the disposition hearing on the same day as the adjudicatory hearing unless, on motion of a party or the court's own initiative, the court finds good cause to delay the disposition hearing. If the disposition hearing is delayed, it shall be held within 15 days after the conclusion of the adjudicatory hearing unless good cause is shown for a further delay.

Cross reference: See Code, Courts Article, §3-8C-06 (a) through (c) concerning the disposition hearing.

(k) Permitted Dispositions

The court may order the child to take one or more of the following actions:

(1) attend school;

- (2) perform community service;
- (3) attend counseling, including family counseling;
- (4) attend substance abuse evaluation and treatment;
- (5) attend mental health evaluation and treatment; or
- (6) keep a curfew with the hours set by the court.

Cross reference: See Code, Courts Article, §3-8C-06 (d) concerning disposition orders.

(1) Retention of Jurisdiction

The court shall retain jurisdiction until every condition of the court's order is satisfied.

Committee note: Jurisdiction under this Rule terminates when a child is no longer required to attend school pursuant to Code, Education Article, §7-301.

Cross reference: See Code, Courts Article, §3-8C-10 concerning retention of jurisdiction.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS

ADD new Rule 11-505, as follows:

Rule 11-505. PEACE ORDER PROCEEDINGS

(a) Applicability

This Rule applies to proceedings authorized under and governed by Code, Courts Article, §§3-8A-19.1 through 3-8A-19.5. Unless specifically incorporated in this Rule, the procedures set forth in Code, Courts Article, Title 3, Subtitle 15 and Rule 3-731 are not applicable.

Cross reference: See Code, Courts Article, §3-1502 (b).

(b) Definition

In this Rule, "victim" means an individual against whom an act set forth in Code, Courts Article, §3-8A-19.1 (b) was committed or is alleged to have been committed.

(c) Confidentiality of Records

The confidentiality provisions stated in Code, Courts Article, §3-8A-27 and Title 16, Chapter 900 of the Maryland Rules apply to court records pertaining to a child who is or was the subject of a proceeding under this Rule.

(d) Request for Peace Order

(1) Who May File

A request for a peace order may be filed by a Department of Juvenile Services intake officer pursuant to Code, Courts Article, §3-8A-19.1 (b) (1) or a State's Attorney pursuant to §3-8A-19.1 (b) (2).

(2) Where Filed

A request shall be filed in the county where the alleged act occurred subject to transfer as provided in Code, Courts Article, §3-8A-09.

Cross reference: See Code, Courts Article, §3-8A-08 (c).

(3) Content

The request shall allege that the child committed one or more of the acts set forth in Code, Courts Article, §3-8A-19.1 (b) against a victim within 30 days before the filing of the request.

(4) Summons; Service

Upon the filing of a request, the clerk shall issue a summons for the child, the parent, guardian, or custodian of the child, and the victim to appear for a hearing at the time and place stated in the summons. The request and summons shall be served on the child and the parent, guardian, or custodian of the child pursuant to Rule 2-121. The summons shall be served on the victim. If the summons is not served within 180 days, the court shall dismiss the request.

(e) Right to Hearing

The child has a right to be heard on the question of whether a peace order should be issued.

(f) Issuance of Peace Order

(1) Findings

The court may issue a peace order if:

(A) the court finds by clear and convincing evidence that the child has committed and is likely in the future to commit an act set forth in Code, Courts Article, §3-8A-19.1 (b) against the victim; or

(B) the child consents to the issuance of the peace order.

(2) Order by Magistrate

Relief pursuant to this Rule may be ordered by a magistrate subject to review by a judge upon request. A request for review shall be made within two days after entry of the order.

(g) Forms of Relief

(1) Generally

A peace order may contain any of the relief set forth in Code, Courts Article, §3-8A-19.2 (c) (1).

(2) Limitations

(A) The order shall contain only the relief that is minimally necessary to protect the victim.

(B) Relief granted in the peace order shall be effective for the period stated in the order, not to exceed six months.

(h) Service of Peace Order

A copy of the peace order shall be served on the victim, the child, the child's parent, guardian, or custodian, the appropriate law enforcement agency, and any other person directed by the court. If the person to be served is present at a hearing, the order shall be served at that time. Otherwise, the order shall be served by first class mail to the person's last known address.

(i) Modification; Rescission

After giving notice to the victim and the child, and conducting a hearing, the court may modify or rescind the peace order during the term of the order.

Cross reference: See Code, Courts Article, §3-8A-19.5 regarding violations of a peace order.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS

Add Rule 11-506, as follows:

RULE 11-506. EXPUNGEMENT

(a) Applicability

This Rule applies to petitions for expungement of juvenile records under Code, Courts Article, §3-8A-27.1.

(b) Definitions

In this Rule, the following definitions apply:

(1) Expungement

"Expungement" means the removal of court or police records from public inspection:

(A) by obliteration;

(B) by removal to a separate secure area to which the public and other persons having no legitimate reason for being there are denied access; or

(C) if access to a court or police record can be obtained only by reference to another court or police record, by the expungement of that record or the part of that record providing the access.

(2) Juvenile Record

"Juvenile record" means a court or police record concerning a child alleged or adjudicated delinquent or in need of supervision or who has received a citation for a violation. A juvenile record does not include records maintained under Code, Criminal Procedure Article, Title 11, Subtitle 7 or by a law enforcement agency for the sole purpose of collecting statistical information concerning juvenile delinquency and that do not contain any information that would reveal the identity of a person.

(3) Petition

"Petition" means a petition for expungement of juvenile records in accordance with this Rule.

(4) Petitioner

"Petitioner" means the person who files a petition in accordance with this Rule.

(5) Victim

"Victim" means a person against whom a delinquent act has been committed or attempted.

Cross reference: See Code, Courts Article, §3-8A-01 for other definitions.

(c) Venue

A petition shall be filed in the court in which the juvenile petition or citation was filed, except that, if the

case was transferred, the petition shall be filed in the court to which the case was transferred.

(d) Service

The clerk shall have a copy of the petition served by mail or delivered to:

(1) all listed victims in the case in which the petitioner is seeking expungement at the address listed in the court file in that case;

(2) all family members of a victim listed in subsection (d)(1) of this Rule, who are listed in the court file as having attended the adjudication for the case in which the petitioner is seeking expungement; and

(3) the State's Attorney.

(e) Content

The petition shall be substantially in the form set forth in Form 11-506.1.

(f) Objection

A person entitled to service pursuant to section (d) of this Rule may file an objection to the petition.

(g) Hearing

(1) On Own Initiative

The court may hold a hearing on its own initiative, whether or not an objection is filed.

(2) If Objection Filed

Except as provided in subsection (g) (4) of this Rule, the court shall hold a hearing if an objection is filed within 30 days after the petition is served.

(3) If No Objection Filed

The court may grant the petition without a hearing if no timely objection is filed.

(4) Facially Deficient Petition

The court may deny the petition without a hearing if the court finds that the petition, on its face, fails to meet the requirements of Code, Courts Article, §3-8A-27.1 (c).

(h) Grant or Denial of Petition

(1) Expungement Granted

If, after applying the standards and conditions set forth in Code, Courts Article, §3-8A-27.1 (c) and (d), the court finds that the petitioner is entitled to expungement, it shall grant the petition and order the expungement of all court and police records relating to the delinquency or the child in need of supervision petition, or citation. An order for expungement shall be substantially in the form set forth in Form 11-506.2.

(2) Expungement Denied

If, after applying the standards and conditions set forth in Code, Courts Article, §3-8A-27.1 (c) and (d), the court finds that the petitioner is not entitled to expungement, it shall deny the petition.

(i) Service of Order and Compliance Form

Upon entry of a court order granting or denying expungement, the clerk shall serve a copy of the order and any stay of the order pending an appeal on all parties to the proceeding. Upon entry of an order granting expungement, the clerk shall serve on the custodian of juvenile records a true copy of the order and a blank form of the Certificate of Compliance set forth in Form 11-506.3.

(j) Appeal

The petitioner or the State's Attorney may appeal an order granting or denying the petition within 30 days after entry of the order by filing a notice of appeal with the clerk of the court from which the appeal is taken and by serving a copy on the opposing parties or attorneys.

(k) Stay Pending Appeal

(1) Entry

If the court, over the objection of the State's Attorney, enters an order granting expungement, the order is stayed for 30 days after entry and thereafter if a timely notice of appeal is filed, pending the disposition of the appeal and further order of court.

(2) Lifting

The court shall lift a stay upon disposition of any appeal or, if no notice of appeal was timely filed, upon

expiration of the time prescribed for filing a notice of appeal. If an order for expungement has been stayed and no appeal is pending, the stay may be lifted upon written consent of the State's Attorney.

(3) Notice

Promptly upon the lifting of a stay, the clerk shall send notice of the lifting of the stay to the parties and to the custodian of records, including the Central Repository, to which an order for expungement and a compliance form are required to be sent pursuant to section (i) of this Rule.

(1) Advice of Compliance

Unless an order is stayed pending an appeal, each custodian of juvenile records subject to the order of expungement shall advise, in writing, the court, the petitioner, and all parties to the petition for expungement proceeding of compliance with the order within 60 days after entry of the order.

Source: This Rule is derived from former Rule 11-601 (2021).

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS

ADD new Rule 11-507, as follows:

Rule 11-507. ADULT CHARGED WITH CONTRIBUTING; SCHOOL ATTENDANCE VIOLATIONS

(a) Applicability

This Rule applies to proceedings in which an adult has been charged under Code, Courts Article, §3-828 or §3-8A-30 with willfully contributing to, encouraging, causing, or tending to cause any act, omission, or condition that renders a child in need of assistance, in need of supervision, or delinquent and criminal proceedings in which an adult has been charged under Code, Education Article, §7-301 for a violation of the compulsory school attendance laws.

Committee note: The court has concurrent jurisdiction with the District Court and the criminal division of the circuit court over adults charged under Code, Courts Article, §§3-828 and 3-8A-30. See Code, Courts Article, §§3-803 (c), 3-8A-03 (b), and 4-303. The court has concurrent jurisdiction with the District Court over violations arising under Code, Education Article, §7-301. See Code, Courts Article, §§3-8A-03 (c), 4-302 (c), and 4-303.

(b) Definitions

(1) Statutory Definitions

The definitions stated in Code, Courts Article, §§3-801 and 3-8A-01 apply to this Rule, to the extent relevant.

(2) Defendant

In this Rule, "defendant" means the adult charged under Code, Courts Article, §3-828 or §3-8A-30, or Code, Education Article, §7-301.

(c) Confidentiality of Records

The confidentiality provisions contained in Code, Courts Article, Title 3, Subtitles 8 and 8A do not apply to records pertaining to an adult charged under Code, Courts Article, §3-828 or §3-8A-30. Provisions relating to the confidentiality of records pertaining to a child shall apply.

Cross reference: See Code, Courts Article, §§3-827 and 3-8A-27.

(d) Counsel

An adult charged under Code, Courts Article, §3-828 or §3-8A-30 or Code, Education Article, §7-301 is entitled to be represented by counsel at every stage of all proceedings under this Rule. Absent a waiver in accordance with Rule 4-215, an indigent defendant shall be represented by the Office of the Public Defender.

(e) Pretrial Release

If the defendant was arrested, the defendant shall be presented to a judicial officer in accordance with Rules 4-213, 4-216, 4-216.1, 4-216.2, 4-216.3, and 4-217.

(f) Petition

(1) Charging Document

A charge against an adult pursuant to Code, Courts Article, §3-828 or §3-8A-30 or Code, Education Article, §7-301 shall be made by a petition which, for the purposes of this Rule, constitutes a charging document. The petition shall be prepared and filed by the State's Attorney.

Cross reference: See Code, Courts Article, §3-8A-13 (b) and Rule 4-102 (a).

(2) Caption

The petition shall be captioned "In re (first name and last name of the defendant)."

(3) Where Filed

The petition shall be filed in the county where the alleged conduct occurred.

Cross reference: See Code, Courts Article, §§3-8A-08 (b) and 3-8A-09 regarding venue and transfer for a petition alleging a violation of Code, Courts Article, §3-8A-30.

(4) Form and Content

(A) Generally

The petition shall be labeled a petition but shall otherwise be in the form and contain the specificity of a

charging document. The petition shall contain the notice required by Rule 4-202 (a).

(B) Adult Charged with Contributing

A petition alleging an adult willfully contributed to, encouraged, caused, or tended to cause any act, omission, or condition that renders a child in need of assistance, in need of supervision, or delinquent shall advise the defendant that (i) the defendant has the right to have the charge tried in either the District Court or the criminal division of the circuit court by filing a motion in the juvenile court asking that court to waive its jurisdiction and transfer the action, and (ii) the defendant has a right to have the action tried before a jury, and, to exercise that right, the defendant must file a motion pursuant to section (h) of this Rule asking that the action be transferred to the criminal division of the circuit court for a jury trial.

(C) Compulsory School Attendance

A petition alleging an adult violated a provision of Code, Education Article, §7-301 shall state that the defendant has the right to have the charge tried in the District Court by filing a motion in the juvenile court asking that court to waive its jurisdiction and transfer the action.

(5) Service

A copy of the petition shall be served on the defendant in accordance with Rule 4-212, and any summons shall be issued in accordance with subsection (b) (2) of that Rule.

(g) Preliminary Hearing

(1) Generally

No later than 15 days after service of the petition, the court shall schedule a preliminary hearing.

(2) Purpose of Hearing

The purpose of the hearing is:

(A) if an attorney has not entered an appearance for the defendant, to comply with Rule 4-215; and

(B) to consider any other preliminary matter that may properly be considered at that time, including advice to the defendant (i) of the right to request a waiver of the court's jurisdiction and transfer of the action to the District Court or the criminal division of the circuit court, as permitted by law, and (ii) if the defendant is charged with a violation of Code, Courts Article, §3-828 or §3-8A-30, of the right to a jury trial, which may be implemented by requesting a waiver of the court's jurisdiction and transfer of the action to the criminal division of the circuit court pursuant to section (h) of this Rule.

(h) Waiver of Jurisdiction

(1) Transfer on Motion

The court shall waive its jurisdiction and transfer the action to the District Court or the criminal division of the circuit court, as permitted by law, on motion of the State's Attorney or the defendant made on the record at a hearing held pursuant to section (g) of this Rule or filed in writing no later than 30 days prior to the first scheduled trial date. If the defendant files a motion requesting a transfer permitted by law and the State's Attorney files a motion that differs on the choice of transferee court, the State's Attorney's motion shall be denied and the defendant's motion shall be granted.

(2) Court-Initiated Transfer

For a defendant charged with a violation of Code, Courts Article, §3-828 or §3-8A-30:

(A) Other Charges Pending

The court may waive its jurisdiction on its own initiative within the time period specified in subsection (h)(1) if other charges arising from the same incident are pending against the adult in the District Court or the criminal division of the circuit court. The court shall transfer the action to the court where the other charges are pending.

(B) Jury Trial Right

If a defendant fails to file a motion during the time period specified in subsection (h)(1), a judge of the court, on the record, shall conduct a hearing, at which the defendant

shall be present. At the hearing, the court shall advise the defendant that (i) the defendant has a right to a jury trial, (ii) if the defendant requests a jury trial, the court must grant the request, and (iii) failure to make such a request will constitute a waiver of the right to a jury trial. Unless, after conducting the inquiry required by Rule 4-246 (b), the court determines that the defendant has knowingly and voluntarily waived the right to a jury trial, the court shall transfer the action to the criminal division of the circuit court on its own initiative.

(i) Bill of Particulars

The defendant may file a demand for a bill of particulars in accordance with Rule 4-241.

(j) Plea

The defendant shall enter a plea in accordance with Rule 4-242. An initial plea shall be entered within 15 days after the appearance of an attorney has been entered or a finding by the court that the defendant has waived the right to counsel pursuant to Rule 4-215. If the defendant fails to enter a plea within the time allowed, the court shall enter a plea of not guilty for the defendant.

(k) Discovery

The parties are entitled to discovery in accordance with Rule 4-262.

(1) Trial

An action under this Rule shall be tried before a judge under procedures applicable to the trial of a criminal action in the District Court. The State has the burden of proving guilt beyond a reasonable doubt.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS
FORMS

ADD new Form 11-506.1, as follows:

Form 11-506.1. PETITION FOR EXPUNGEMENT OF JUVENILE RECORDS

(Caption)

PETITION FOR EXPUNGEMENT OF JUVENILE RECORDS

(Code, Courts Article, §3-8A-27.1)

1. (Check one of the following boxes) On or about

_____, I was [] arrested or [] served

(Date)

with a citation by an officer of the _____

(Law Enforcement Agency)

at _____, Maryland, as a

result of the following incident _____

_____.

2. I was charged with the offense of _____

3. On or about _____, the charge was

(Date)

disposed of as follows (check one of the following boxes):

- a. The State's Attorney entered a nolle prosequi.
- b. The delinquency or Child in Need of Supervision petition or the citation was dismissed.
- c. The court, in an adjudicatory hearing, did not find that the allegations in the delinquency or Child in Need of Supervision petition or citation were true.
- d. The adjudicatory hearing was not held within two years after the delinquency or Child in Need of Supervision petition or citation was filed.
- e. The court, in a disposition hearing, found that I did not require guidance, treatment, or rehabilitation.
- f. The court, in a disposition hearing, found that I did require guidance, treatment, or rehabilitation.

4. Each of the following statements are true (check each true statement):

- a. I am at least 18 years old.
- b. At least two years have elapsed since the last official action in my juvenile record.
- c. I have never been adjudicated delinquent, or, I was

only adjudicated delinquent one time.

- d. [] I have not subsequently been convicted of any offense.
- e. [] No delinquency petition or criminal charge is pending against me.
- f. [] I have not been adjudicated delinquent for an offense that, if committed by an adult, would constitute: a crime of violence (as defined in Code, Criminal Law Article, §14-101); a violation of Code, Criminal Law Article, §3-308; or a felony.
- g. [] I have not been required to register as a sex offender under Code, Criminal Procedure Article, §11-704.
- h. [] I have not been adjudicated delinquent for an offense involving the use of a firearm, (as defined in Code, Public Safety Article, §5-101) in the commission of a crime of violence (as defined in Code, Criminal Law Article, §14-101).
- i. [] I have fully paid any monetary restitution ordered by the court in the delinquency proceeding.
- j. [] I understand that the court shall consider my best interests, my stability in the community, and the safety of the public in its consideration of this petition.

WHEREFORE, I request the court to enter an Order for

Expungement of my juvenile record pertaining to the above
action.

I solemnly affirm under the penalties of perjury that the
contents of this petition are true to the best of my knowledge,
information, and belief.

(Date)

(Signature)

(Address)

(Telephone No.)

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS
FORMS

ADD new Form 11-506.2, as follows:

Form 11-506.2. ORDER FOR EXPUNGEMENT OF JUVENILE RECORDS

(Caption)

ORDER FOR EXPUNGEMENT OF JUVENILE RECORDS

Having found that _____

(Name)

of _____

(Address)

is entitled to expungement of the juvenile records and the court records in this action, it is by the _____

Court for _____

City/County, Maryland, this _____ day of _____, _____.

(Month) (Year)

ORDERED that the clerk forthwith shall have a copy of this Order served by certified mail on or delivered to all listed victims in the case in which the person is seeking expungement; and it is further

ORDERED that the clerk forthwith shall have a copy of this Order served by certified mail on or delivered to all family members of the victim, who are designated in the court file as having attended the adjudication for the case in which the person is seeking expungement; and it is further

ORDERED that the clerk forthwith shall have a copy of this Order served by certified mail on or delivered to the State's Attorney; and it is further

ORDERED that within 60 days after the entry of this Order or, if this Order is stayed, 30 days after the stay is lifted, the clerk and the following custodians of court and police records relating to the delinquency or Child in Need of Supervision petition or citation shall (1) expunge all court and police records relating to the delinquency or Child in Need of Supervision petition, or citation in their custody, (2) file an executed Certificate of Compliance, and (3) serve a copy of the Certificate of Compliance on the petitioner; and it is further

ORDERED that the clerk and other custodians of records forthwith upon receipt of this Order, if it is not stayed, or the stay has been lifted, shall expunge and remove the records from public inspection; and it is further

ORDERED that this Order

[] is stayed pending further order of the court.

[] is not stayed.

(Custodian)	(Address)
Date	Judge

NOTICE TO PETITIONER: Until a custodian of records has received a copy of this Order AND filed a Certificate of Compliance, expungement of the records in the custody of that custodian is not complete and may not be relied upon.

MARYLAND RULES OF PROCEDURE
TITLE 11 - JUVENILE CAUSES
CHAPTER 500 - OTHER PROCEEDINGS
FORMS

ADD new Form 11-506.3, as follows:

Form 11-506.3. CERTIFICATE OF COMPLIANCE

(CAPTION)

CERTIFICATE OF COMPLIANCE

On this _____ day of _____, _____, I have
(Month) (Year)

complied with the Order for Expungement of Records dated
_____ entered in the above-captioned case.

Custodian

Signature

Title

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS

AMEND Rule 16-807 by updating an internal reference in subsection (b) (1), as follows:

Rule 16-807. APPOINTMENT, COMPENSATION, DUTIES OF MAGISTRATES

. . .

(b) Special Magistrates

(1) Appointment; Compensation

The circuit court of a county may appoint a special magistrate for a particular action, except proceedings on matters referable to a standing magistrate under Rule 9-208 or Rule ~~11-111~~ 11-103. Unless the compensation of a special magistrate is paid with public funds, the court (A) shall prescribe the compensation of the special magistrate, (B) may tax the compensation as costs, and (C) may assess the costs among the parties.

Cross reference: See Code, Courts Article, § 2-102(b) (4) and (c) and § 2-501(b).

. . .

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURT ADMINISTRATION
CHAPTER 900 - ACCESS TO JUDICIAL RECORDS

AMEND Rule 16-914 by adding certain proceedings to subsection (a) (2) and by adding a clarifying sentence to the Committee note following subsection (a) (2), as follows:

Rule 16-914. CASE RECORDS - REQUIRED DENIAL OF INSPECTION - CERTAIN CATEGORIES

Except as otherwise provided by law, court order, or the Rules in this Chapter, the custodian shall deny inspection of:

(a) All case records filed in the following actions involving children:

(1) Actions filed under Title 9, Chapter 100 of the Maryland Rules for:

(A) adoption;

(B) guardianship; or

(C) revocation of a consent to adoption or guardianship for which there is no pending adoption or guardianship proceeding in that county.

(2) Delinquency, child in need of assistance, public agency guardianship terminating parental rights, voluntary placement, child in need of supervision, peace order, and truancy actions

in Juvenile Court, except that, if a hearing is open to the public pursuant to Code, Courts Article, § 3-8A-13 (f), the name of the respondent and the date, time, and location of the hearing are open to inspection unless the record was ordered expunged.

Committee note: In most instances, the "child" or "children" referred to in this section will be minors, but, as Juvenile Court jurisdiction extends until a child is 21, in some cases, the children legally may be adults. The Juvenile Court also has jurisdiction over certain proceedings against an adult. Case records pertaining to these proceedings are not subject to this section. See Rule 11-507.

. . .

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

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~~Form 904-WS. WITNESS SUBPOENA~~

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SUPERVISION AND FOR COMMITMENT~~

~~Form 916-SCO. SHOW CAUSE ORDER~~

~~Form 916-O/RCAS. ORDER RESCINDING COMMITMENT AND FOR AFTERCARE
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~~Form 920-FOT. FINAL ORDER OF TERMINATION~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 903-P/C in its entirety, as follows:

~~Form 903-P/C. JUVENILE PETITION-CHILD~~

~~MATTER OF~~

~~_____~~

~~-(Respondent)~~

~~IN THE _____ COURT~~

~~FOR _____ CITY/COUNTY~~

~~SITTING AS A JUVENILE~~

~~COURT~~

~~_____ CASE NUMBER _____~~

~~JUVENILE PETITION-CHILD~~

. . .

~~STATE OF MARYLAND~~

~~by _____~~

~~State's Attorney/Intake~~

~~Officer for~~

~~_____ City/County~~

~~Petitioner~~

~~The names of each witness to be summoned in support of this~~
petition are: _____

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 903-P/A in its entirety, as follows:

~~Form 903-P/A. JUVENILE PETITION-ADULT~~

~~(CAPTION)~~

~~JUVENILE PETITION-ADULT~~

~~TO THE HONORABLE JUDGE OF THE COURT:~~

~~The Petition of the State of Maryland respectfully shows:~~

~~. . .~~

~~WHEREFORE, the State asks that the Court make appropriate findings and dispositions under the Juvenile Causes Law (Title 3, Subtitle 8, Courts Article, Annotated Code of Maryland).~~

~~STATE OF MARYLAND~~

~~by _____~~

~~State's Attorney/Intake~~

~~Officer for~~

~~_____ City/County~~

~~Petitioner~~

~~The names of each witness to be summoned in support of this petition are: _____~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 904-R in its entirety, as follows:

~~Form 904-R. RECOGNIZANCE OF PARENT, GUARDIAN, OR CUSTODIAN
RECOGNIZANCE OF PARENT, GUARDIAN, OR CUSTODIAN~~

~~RECOGNIZANCE OF PARENT, GUARDIAN, OR CUSTODIAN~~

~~I hereby acknowledge:~~

~~1. That I am the parent, guardian, or custodian of _____;~~

~~. . .~~

~~6. That I will immediately notify the Clerk of the Juvenile~~

~~Court at _____,~~

~~_____ Address _____ Telephone~~

~~of any new address for me or the child.~~

Witness _____ Parent/Guardian/Custodian

_____ Address

Date _____

_____ Telephone Number

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 904-S in its entirety, as follows:

~~Form 904-S. SUMMONS~~

~~(CAPTION)~~

~~SUMMONS~~

~~STATE OF MARYLAND _____ City/County~~

~~. . .~~

~~RETURN OF SERVICE~~

~~SUMMONED _____ by _____ Non Est:~~

~~personal service and delivering _____ Other~~

~~a copy of this Summons and~~

~~the attached _____ ATTEMPTS AT SERVICE~~

~~_____ Date Time Date Time~~

~~to the said _____~~

~~at _____~~

~~this ___ day of _____ 19____~~

~~_____ By: _____~~

~~_____ Sheriff~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 904-R/WS in its entirety, as follows:

~~Form 904-R/WS. REQUEST FOR WITNESS SUBPOENA~~

~~(CAPTION)~~

~~REQUEST FOR WITNESS SUBPOENA~~

~~Clerk, Juvenile Court for _____ City/County~~

~~. . .~~

~~_____ Signed _____~~

~~_____ Respondent, Parent, Guardian, Custodian or Attorney~~

~~_____ (Circle appropriate status)~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 904-WS in its entirety, as follows:

~~Form 904-WS. WITNESS SUBPOENA~~

~~(CAPTION)~~

~~WITNESS SUBPOENA~~

~~STATE OF MARYLAND _____ City/County:~~

~~. . .~~

~~this _____ day of _____ 19____~~

~~_____ By: _____~~

~~_____ Sheriff~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 904-WA in its entirety, as follows:

~~Form 904-WA. WRIT OF ATTACHMENT~~

~~(CAPTION)~~

~~WRIT OF ATTACHMENT~~

~~TO THE SHERIFF OF _____ CITY/COUNTY~~

~~. . .~~

~~NON EST _____~~

_____ Sheriff

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 905-OE in its entirety, as follows:

~~Form 905-OE. ORDER FOR PHYSICAL OR MENTAL EXAMINATION OF
RESPONDENT~~

~~(CAPTION)~~

~~ORDER FOR PHYSICAL OR MENTAL EXAMINATION OF RESPONDENT~~

~~WHEREAS, the Respondent is before this Court on a Juvenile
Petition alleging that he is:~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 912-A in its entirety, as follows:

~~Form 912-A. AUTHORIZATION FOR EMERGENCY DETENTION OR SHELTER
CARE PENDING HEARING~~

~~(CAPTION)~~

~~AUTHORIZATION FOR EMERGENCY DETENTION
OR SHELTER CARE PENDING HEARING~~

. . .

~~STATE OF MARYLAND~~

~~By _____~~

~~Juvenile Services Intake Officer~~

~~for _____ City/County~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 912-N in its entirety, as follows:

~~Form 912-N. NOTICE OF EMERGENCY DETENTION/SHELTER CARE AND
NOTICE OF HEARING~~

~~(CAPTION)~~

~~NOTICE OF EMERGENCY DETENTION/ SHELTER CARE AND NOTICE OF
HEARING~~

. . .

~~STATE OF MARYLAND~~

~~By _____~~

~~Juvenile Services Intake Officer for~~

~~_____~~

~~City/County~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 912-P/CDSC in its entirety, as follows:

~~Form 912-P/CDSC. PETITION FOR CONTINUED DETENTION OR SHELTER
CARE~~

~~(CAPTION)~~

~~PETITION FOR CONTINUED DETENTION OR SHELTER CARE~~

. . .

~~STATE OF MARYLAND~~

~~By _____~~

~~Juvenile Services Intake Officer~~

~~for _____ City/County~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 912-O/CDSC in its entirety, as follows:

~~Form 912-O/CDSC. ORDER FOR CONTINUED DETENTION OR SHELTER CARE~~

~~(CAPTION)~~

~~ORDER FOR CONTINUED DETENTION OR SHELTER CARE~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 913-P/W in its entirety, as follows:

~~Form 913-P/W. PETITION FOR WAIVER OF JUVENILE JURISDICTION~~

~~(CAPTION)~~

~~PETITION FOR WAIVER OF JUVENILE JURISDICTION~~

. . .

~~STATE OF MARYLAND~~

~~By _____~~

~~State's Attorney~~

~~for _____ City/County~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 913-O/W in its entirety, as follows:

~~Form 913-O/W. ORDER WAIVING JUVENILE JURISDICTION~~

~~(CAPTION)~~

~~ORDER WAIVING JUVENILE JURISDICTION~~

~~. . .~~

~~ORDERED, that a copy of this Order be served upon the Respondent, the State's Attorney for _____ City/County, Maryland, and the sheriff or other custodian of the adult detention facility.~~

Judge

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 914-O/A in its entirety, as follows:

~~Form 914-O/A. ORDER OF ADJUDICATION~~

~~(CAPTION)~~

~~ORDER OF ADJUDICATION~~

. . .

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 915-O/PDC in its entirety, as follows:

~~Form 915-O/PDC. ORDER FOR PROBATION OF DELINQUENT CHILD~~

~~(CAPTION)~~

~~ORDER FOR PROBATION OF DELINQUENT CHILD~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 915-O/CJ in its entirety, as follows:

~~Form 915-O/CJ. ORDER FOR COMMITMENT OF JUVENILE~~

~~(CAPTION)~~

~~ORDER FOR COMMITMENT OF JUVENILE~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 915-O/PS in its entirety, as follows:

~~Form 915-O/PS. ORDER FOR PROTECTIVE SUPERVISION~~

~~(CAPTION)~~

~~ORDER FOR PROTECTIVE SUPERVISION~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 915-O/PA in its entirety, as follows:

~~Form 915-O/PA. ORDER FOR PROBATION-ADULT~~

~~(CAPTION)~~

~~ORDER FOR PROBATION-ADULT~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 916-P/RPC in its entirety, as follows:

~~Form 916-P/RPC. PETITION FOR REVOCATION OF PROBATION AND FOR
COMMITMENT OF DELINQUENT CHILD~~

~~(CAPTION)~~

~~PETITION FOR REVOCATION OF PROBATION AND FOR COMMITMENT OF
DELINQUENT CHILD~~

. . .

~~STATE OF MARYLAND~~

By _____

~~(Agency)~~

Petitioner

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 916-P/RPSC in its entirety, as follows:

~~Form 916-P/RPSC. PETITION FOR REVOCATION OF PROTECTIVE
SUPERVISION AND FOR COMMITMENT~~

~~(CAPTION)~~

~~PETITION FOR REVOCATION OF PROTECTIVE SUPERVISION AND FOR
COMMITMENT~~

. . .

~~STATE OF MARYLAND~~

By _____

~~(Agency)~~

Petitioner

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 916-SCO in its entirety, as follows:

~~Form 916-SCO. SHOW CAUSE ORDER~~

~~(CAPTION)~~

~~SHOW CAUSE ORDER~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 916-O/RCAS in its entirety, as follows:

~~Form 916-O/RCAS. ORDER RESCINDING COMMITMENT AND FOR AFTERCARE SUPERVISION~~

~~(CAPTION)~~

~~ORDER RESCINDING COMMITMENT AND FOR AFTERCARE SUPERVISION~~

. . .

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 916-O/TPPS in its entirety, as follows:

~~Form 916-O/TPPS. ORDER TERMINATING PROBATION/PROTECTIVE
SUPERVISION~~

~~(CAPTION)~~

~~ORDER TERMINATING PROBATION/PROTECTIVE SUPERVISION~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 918-O/S in its entirety, as follows:

~~Form 918-O/S. ORDER FOR SUPPORT~~

~~(CAPTION)~~

~~ORDER FOR SUPPORT~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 918-O/JR in its entirety, as follows:

~~Form 918-O/JR. ORDER FOR JUDGMENT OF RESTITUTION~~

~~(CAPTION)~~

~~ORDER FOR JUDGMENT OF RESTITUTION~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~_____~~

~~Judge~~

MARYLAND RULES OF PROCEDURE

APPENDIX: FORMS

FORMS FOR JUVENILE CAUSES

DELETE Form 920-FOT in its entirety, as follows:

~~Form 920-FOT. FINAL ORDER OF TERMINATION~~

~~(CAPTION)~~

~~FINAL ORDER OF TERMINATION~~

~~. . .~~

~~Recommended:~~

~~_____~~

~~Master for Juvenile Causes~~

~~Judge~~