

The Circuit Court for Queen Anne's County
Juvenile Differentiated Case Management Plan

Md. Rule 16-302(a) provides that the county administrative judge shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible.

Md. Rule 16-302(b)(1)(A) mandates that the county administrative judge shall develop and, upon approval by the chief judge of the Court of Appeals, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification. This plan serves as a guide to the management of cases in Queen Anne's County.

The provisions set forth in this plan are intended to serve as a general guideline for the processing of cases which come before the Circuit Court for Queen Anne's County. However, the provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness. Additionally, this plan is prepared within the confines of case time standards and the plan does not purport to override any requirements of the Md. Rules or the Annotated Code of Maryland.

I. JUVENILE MATTERS

It is the goal of this plan to ensure that all juvenile matters be concluded within the Case Time Standards adopted by the Judicial Council, Constitutional requirements and applicable Md. Rules. To achieve this goal, the Circuit Court for Queen Anne's County is committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases.

A. DELINQUENCY

When a petition for continued detention is filed by the Department of Juvenile Services (DJS), the magistrate and/or the county administrative judge are notified for the purpose of coordinating a date and time for a continued detention hearing with the state's attorney, public defender or defense counsel, and the DJS. A hearing on the petition is scheduled the next day that court is in session, unless extended not more than five (5) business days for good cause shown. (Md. Code, Courts and Judicial Proceedings, §3-8A-15(d)(2)).

The court holds two (2) regularly scheduled delinquency dockets each month, but matters may be specially set to accommodate specific circumstances and ensure compliance with time standards. With very limited exceptions, delinquency proceedings are held in a closed courtroom and only those individuals who are a party to the case, a representative of an agency working with the family or otherwise have a direct interest in the proceeding are permitted in the courtroom.

When a delinquency petition is filed by the state's attorney, the clerk schedules dates for the initial appearance and adjudication on the dates designated on the court's calendar and issues appropriate summonses. The initial appearance will be removed from the docket if an attorney enters his or her appearance for the juvenile respondent. At the initial appearance, the magistrate

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confirms that the respondent and the respondent’s parents have received copies of the petition and advises the juvenile of the right to representation by counsel and the location and availability of the Office of the Public Defender. If the respondent is in detention, his/her detention status is reviewed.

If the respondent is found to be involved as to any of the allegations in the petition at the adjudication, a disposition hearing will be scheduled at the conclusion of the adjudicatory hearing. Disposition is set within thirty (30) days after adjudication. However, disposition can be held on the same day as adjudication if the parties and the magistrate agree it is appropriate to do so and a waiver of notice of separate disposition and waiver of the right to file exceptions have been noted on the record.

If a juvenile is found to be delinquent (i.e., the child has committed a delinquent act and requires guidance, treatment or rehabilitation), the court may place the respondent on probation or commit respondent to the custody of the DJS for an appropriate placement. If a probation order is issued, a review hearing may be scheduled depending on the circumstances of the case. If the respondent is committed to the DJS for placement, the review is scheduled within thirty (30) days to ensure that the placement has been made and that the respondent is not lingering in detention. The DJS files a certificate of implementation (COI) in every case in which a juvenile is found delinquent. A review hearing will be held in those cases where a COI is not timely filed. Periodic reviews of cases may also be scheduled when requested by a party or agency and deemed appropriate by the court.

If the DJS or the state’s attorney’s office determines that a respondent on probation is not compliant with terms of supervision, it may file a petition for revocation or revision with the court. Upon filing, the court will issue a show cause order establishing dates for both an initial appearance and adjudication. A show cause hearing is set within 30-45 days, on one of the designated delinquency dates on the court’s calendar. Proceedings on a petition for revocation or revision (also referred to as “violation of probation”) occur in the same manner as described above for an initial adjudication and disposition.

Juvenile delinquency matters are typically scheduled before the magistrate. If exceptions to the magistrate’s recommendations are filed, an exceptions hearing is scheduled before the judge as soon as is practicable and in accordance with the timelines established by the Maryland Rules.

B. CHILD WELFARE

(1) CHILD IN NEED OF ASSISTANCE (CINA)

When the Queen Anne’s County Department of Social Services (DSS) files a petition for emergency shelter care of a child, counsel for the DSS contacts the assignment office so a hearing may be scheduled. A hearing is held no later than the next day in which court is in session, unless extended upon good cause shown. (Md. Code, Courts and Judicial Proceedings, §3-815(c)(2)(ii). Once provided with a date and time, counsel for DSS contacts the Office of the Public Defender CINA Division and the attorney for children as designated by contract with the

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Maryland Department of Health, to notify them of the date and time of the hearing. Counsel for the DSS also notifies CASA of Mid Shore, Inc. that a petition has been filed and provides CASA personnel with a copy of the petition.

At the shelter care hearing, parents are advised of their right to counsel, the nature of the proceedings and other obligations to the court. The court determines whether continued placement of the child outside the home is warranted. Normally, shelter care and CINA petitions are filed simultaneously, but a CINA petition may be filed without an initial request for shelter care.

Adjudication on the CINA petition is scheduled within thirty (30) days of the date of filing, unless a shelter care hearing occurs. A court appointed special advocate (CASA) volunteer may be appointed through CASA of Mid Shore, Inc. before or after adjudication. Unless good cause is shown, adjudication and disposition hearings are held on the same day. If good cause is shown, disposition may be deferred for not more than thirty (30) days.

Following disposition, CINA cases are reviewed regularly depending upon the specific needs and circumstances of the child. The court holds an initial permanency hearing no later than 11 months after an out-of-home placement and the plan is reviewed at least every six (6) months thereafter.

(2) VOLUNTARY PLACEMENT

The DSS will file a petition for review of voluntary placement for a child who has been placed out of the home pursuant to a voluntary placement agreement for more than six (6) months. Within thirty (30) days after a voluntary placement petition is filed, the court holds a voluntary placement hearing to determine if continuation of the placement is in the child's best interests. Reviews are scheduled every six (6) months thereafter until such time as the voluntary placement agreement is terminated.

(3) GENERALLY

At least once every 12 months, the court consults on the record with the child in an age-appropriate manner.

The court holds one (1) regularly scheduled child welfare docket each month, but matters may be specially set to accommodate specific circumstances and ensure compliance with time standards. Child welfare review hearings are held in a closed courtroom, excluding those who are not a party to the case, a representative of an agency working with the family or a representative of CASA.

Child welfare matters are typically scheduled before the magistrate. If exceptions to the magistrate's recommendations are filed, an exceptions hearing is scheduled before the judge as soon as is practicable and in accordance with the timelines established by the Maryland Rules.

C. TERMINATION OF PARENTAL RIGHTS (TPR)

When the Queen Anne's County Department of Social Services files a petition for guardianship, the case is forwarded to the magistrate or judge for immediate review and the issuance of show cause orders.

A show cause hearing is set 45-60 days after the filing of the petition for guardianship before the judge. The hearing and all orders emanating from the results of the hearing are concluded and finalized within 180 days from the date the petition is filed.

If an order for guardianship is entered, the child's CINA case is terminated and reviews are scheduled by the juvenile court at least every six (6) months until an adoption is finalized. Reviews are both scheduled and conducted in the same manner as in child welfare matters.

At least every 12 months, the court must consult on the record in an age-appropriate manner with the child under guardianship to obtain the child's views on permanency.

Guardianship reviews are typically scheduled before the magistrate. If exceptions to the magistrate's recommendations are filed, an exceptions hearing is scheduled before the judge as soon as is practicable and in accordance with the timelines established by the Maryland Rules.

D. ADOPTION

When a petition for adoption is filed, the case is forwarded to the county administrative judge for review. The case is reviewed by the county administrative judge, with the support of the judge's judicial clerk, using a checklist to ensure that it complies with all legal requirements. To the extent required, a judge issues a show cause order, appoints counsel and causes the preparation of a home study or investigation. If the petition is in order, and once all the supporting documents are filed, the county administrative judge sets a date for a hearing as soon as is practicable on the court's calendar. The proceedings are closed to anyone who is not an interested party or counsel for an interested party.

II. POSTPONEMENT POLICY

A. GENERALLY

A party who desires a change of the time of any trial, hearing or conference shall immediately obtain several possible alternate times from the Assignment Commissioner and, within 5 days thereafter:

- (1) Attempt to secure the agreement of all other parties to one of those alternate times;
and
- (2) File with the Clerk a written request for change to one of those alternate times.

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On its own initiative, or if all parties are not agreed, the county administrative judge or his designee may act upon the request *ex parte* or submit the matter to conference under Md. Rule 2-504.1(b). Whether or not the parties have discussed and/or agreed upon an alternate date, any existing Notice of Trial, Scheduling Order or Pretrial Order remains in full effect until the change has been approved *in writing* by the administrative judge or his designee. If a change of date is approved, all instructions or provisions of the original Notice or Order so modified remain fully applicable to the new date.

In considering all postponement or continuance requests, the court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement or continuance on the parties and witnesses in the case, and evaluate future scheduling issues. The court shall also consider Maryland Circuit Court Time Standards for processing cases.

B. JUVENILE CAUSES

When a child is detained or sheltered, except under extraordinary circumstances and as justice so requires, no postponement of the adjudicatory hearing will be granted due to conflict with the attorney's schedule if the postponement will result in a violation of statutory time requirements. It is expected that attorneys confirm their availability to attend all scheduled adjudicatory hearings prior to agreeing to represent a detained or sheltered child.

All other juvenile postponement requests shall be handled in accordance with the general postponement policy.

C. OTHER

The Circuit Court for Queen Anne's County schedules the vast majority of the juvenile cases in open court with either a judge or magistrate presiding and in the presence of the parties and/or their counsel; therefore, postponements and continuances are granted only in extraordinary circumstances. Great care is taken during the scheduling process to select reasonable dates and to confirm that all parties and counsel are available on those dates. In order to facilitate the timely disposition of cases, it is the policy of the court to grant postponements/continuances in these types of matter only sparingly.

III. ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT

The Circuit Court for Queen Anne's County is committed to ensuring that all people have reasonable access to the courthouse and the services provided therein. Accordingly, we encourage any person who requires an accommodation to inform courthouse staff either directly or through their representative as soon as the need for an accommodation is identified. The following Maryland Rule provides guidance in that regard.

According to Md. Rule 1-332(b):

- (1) *Notification of Need for Accommodation* - A person requesting an accommodation under the ADA, for an attorney, a party, a witness, a victim, a juror, or a prospective juror shall notify the court promptly. To the extent practicable, a request for an accommodation shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and on the Judiciary website and (2) submitted not less than 30 days before the proceeding for which the accommodation is requested.
- (2) *Sign Language Interpreter* - The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the ADA; *Md. Code Ann., Cts. & Jud. Proc.*, § 9-114 (2013, 2018 Supp.); and *Md. Code Ann., Crim. Proc.*, § 1-202 and 3-103 (2018).
- (3) *Provision of Accommodation* - The court shall provide an accommodation if one is required under the ADA. If the accommodation is the provision of a sign language interpreter, the court shall appoint one in accordance with Rule 1-333(c).

IV. INTERPRETERS

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court through the clerk's office by using the Request for Spoken Language Interpreter form, at least 30 days prior to the court date. A delay in notifying the court of the need for an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that may be needed. The request must also specify for whom the interpreter is needed.

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the court immediately if the need for the interpreter changes. According to Md. Rule 1-333(b)(5), Notice When Interpreter Is Not Needed - If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding. This court requires at least 48 business hours' notice to cancel a request for interpreter prior to a proceeding. If the court is billed for an interpreter needlessly as a result of the party or counsel's failure to advise the court that the interpreter will not be needed or because counsel or a litigant does not appear in court in a timely fashion, the court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

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V. PLAN APPROVAL

Maryland Rule 16-302(b)(1)(B), directs that the county administrative judge shall send a copy of the plan and all amendments to it to the state court administrator. The state court administrator shall review the plan or amendments and transmit the plan or amendments, together with any recommended changes, to the Chief Judge of the Court of Appeals. This plan was sent to the state court administrator on _____; accordingly, the forgoing plan is approved this _____ day of _____, 2021, by the undersigned:

Lynn Knight
County Administrative Judge
Circuit Court for Queen Anne's County