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Conference of Circuit Judges

MARYLAND JUDICIAL CENTER
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ANNAPOLIS, MD 21401

Meeting of the Conference of Circuit Judges

A meeting of the Conference of Circuit Judges was held Monday, March 24, 2025, via Zoom for Government, beginning at 9:30 a.m.

Members Present

Hon. Fred S. Hecker, Chair
Hon. Yolanda L. Curtin, Vice-Chair

Matthew Barrett
Hon. James A. Bonifant
Hon. Audrey J.S. Carrión
Hon. DaNeeka V. Cotton
~~Hon. William W. Davis, Jr.~~

Hon. Heather S. DeWees
Hon. Wendy S. Epstein
Hon. Jeffrey S. Getty
Hon. Julia A. Martz-Fisher
~~Hon. Vicki M. Pauler~~

Hon. Brenda A. Sexton
Hon. Brian D. Shockley
~~Hon. Kevin R. Tucker~~
~~Hon. Anthony F. Vittoria~~
Hon. Lara C. Weathersbee

Also, Present:

Nancy Faulkner (DSCA)
Hon. Lawrence P. Fletcher-Hill
Anthony Gaskins (Chief, DPSCS)
Hon. Karen A. Murphy Jensen
Hon. Heather L. Price
Secretary Carolyn J. Scruggs (DPSCS)

Hon. Cathy H. Serrette
David A. Soulé (Executive Director, MSCCSP)
Nisa Subasinghe (Staff, Domestic Law Committee)
Hon. Mark Tyler
Hon. Julia B. Weatherly
Unique Wright (Staff)

1. Welcome Returning and New Members – *Hon. Fred S. Hecker*

Judge Hecker opened the meeting by welcoming everyone and asking if there were any additions or corrections to the previous minutes. No comments or corrections were made. The minutes from the previous meeting were then approved.

2. Dept. of Public Safety and Correctional Services – *Carolyn J. Scruggs, Secretary, DPSCS*

Secretary Scruggs began by discussing victim restitution. The offender case management system is being updated to interface with the public-facing victim portal, which will connect to Truist Bank for payment processing. The portal will allow victims to view payments owed to them, while offenders can check their payment obligations and submit electronic payments. The public portal will be hosted on the DPSCS extranet, which will be launched after July 1, 2025. Additionally, restitution cases were audited to identify missing details, such as payee information and amounts. She requested that documents be filled out completely, especially with payee information, to make the data input process easier.

Secretary Scruggs also noted that the Polycom system is no longer supported. A temporary solution is in place, and a procurement process is underway to replace the Polycom system in courtrooms and hearing rooms. Another challenge discussed was staffing shortages, particularly related to transport of incarcerated individuals. Secretary Scruggs inquired whether virtual court evaluations could be considered, as there is an increasing need for them due to the growing number of cases. She also stated that Baltimore City Sheriff's Department was concerned about escorts within the Baltimore City Circuit Courthouse, and per their policy they are following the MCTU manual and escorting as needed. She included that they will continue to do a 2-on-1 escort for all jury trials. Additionally, security site visits are continuing daily by both MCTU supervision and Security Operations staff. They have met with both Judge Copeland and the Sheriff's Department. The DPSCS will lend a hand in monitoring hallways if needed, and she asked the judges to inform her of any security concerns. Judge Hecker sought clarification on whether she was referring to 8-505 evaluations. Secretary Scruggs confirmed that the reference was to 8-505 evaluations. Judge Hecker explained that these evaluations are managed by the Department of Health, and the court is not typically involved. He asked how the court could be part of this process. Secretary Scruggs clarified that the current court order mandates direct referrals to the Department of Health, and she asked whether the judges could amend the order to allow for virtual evaluations. Judge Hecker noted that a workgroup, chaired by Judge Marina L. Sabett, is addressing this issue. Secretary Scruggs agreed to reach out to Judge Sabett. Secretary Scruggs offered to schedule either quarterly or monthly meetings with the judges, should they wish to do so.

3. Maryland Sentencing Guidelines – *David A. Soulé, Executive Director, Maryland State Commission on Criminal Sentencing Policy*

Dr. Soulé presented to the Conference to review projected sentencing guidelines and related updates. He began by discussing the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) appointments, noting that Judge Dana Middleton would serve as the chair, with Chief Justice Fader appointing additional members: Hon. Melanie M. Shaw, Hon. Brian L. DeLeonardo, and Hon. Michelle R. Saunders. Dr. Soulé noted that each jurisdiction receives monthly and biannual reports that track the status of sentencing guidelines worksheets. The reports play a key role in ensuring the completeness and submission of the worksheets. A new

on-demand version of this report will be made available in MDEC, providing real-time tracking that will help judges stay informed about the status of worksheets, particularly before sentencing.

The discussion shifted to the plan to replicate the Maryland Criminal Code Classification (MCCC) On-Demand Worksheet Status Report statewide. Dr. Soulé explained that MCCC provided the programming code for this initiative, and it was approved by the Judiciary's Major Projects Committee in June 2024. This statewide tool is expected to improve the efficiency of the sentencing process and assist courts in complying with the requirement in Criminal Procedure § 6-216 to consider the guidelines at sentencing. Dr. Soulé addressed the revised available "departure" reasons for sentencing guidelines, explaining that the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) reviewed and updated these reasons to better align with current data and reflect input from circuit court judges. The new reasons, which take effect in July 2025, include considerations such as the offender's mental or physical condition, their age and health, and the severity of their criminal history. Some older departure reasons were removed, such as those related to coercion or the victim's participation in the offense. Dr. Soulé also introduced a proposal to assess automatically assigning victim injury points in cases of child sexual abuse. Building on the 2021 revisions that applied permanent victim injury points to child pornography cases, this proposal reflects well-documented research about the long-term effects of sexual abuse on children. The MSCCSP Guidelines Subcommittee is set to review this proposal in April 2025. Finally, Dr. Soulé shared plans for an exploratory study on the Prior Adult Criminal Record Score, explaining that the matrix used to score prior adult records had not been updated since the inception of the guidelines. MSCCSP is planning a study in 2025 to assess whether revisions to the scoring methodology are needed. Judge Bonifant offered that the state could reach out to the IT Department at the Circuit Court for Montgomery County, stating they would have no problem receiving calls in regard to any of the topics Dr. Soulé discussed. Judge Epstein asked when the on-demand MAGS report would be rolled out, and Dr. Soulé responded that they currently did not have a specific date as they were awaiting input from Judiciary Information Systems, due to ongoing IT issues.

4. IDEAL Guardianship – *Hon. Cathy H. Serrette and Hon. Karen A. Murphy Jensen*

Judge Serrette, chair of the Domestic Law Committee, requested the Conference's support for the court-specific recommendations in the report, *IDEAL Approach to Guardianship and Its Alternatives*. The report, which is the result of the work of the Guardianship and Vulnerable Adults Workgroup, outlines recommendations for trial courts and the Administrative Office of the Courts. The *IDEAL* approach — "Identify, Evaluate, Assess, Limit" — is a person-centered model for guardianship. Judge Serrette asked for the Conference's endorsement of these recommendations as the new roadmap for the workgroup's efforts and the Judiciary's guardianship reform efforts. Judge Hecker noted the challenges in cases filed by hospitals and thanked the group for providing helpful guidance. Judge Jensen credited Ms. Subasinghe for leading this project, emphasizing that it represents the most comprehensive evaluation of the state's guardianship system to date.

A motion to support the recommendations was approved. If adopted by the Judicial Council, the workgroup will proceed with these recommendations under the banner of "Guardianship 2.0".

5. Child Support Blueprint – *Hon. Cathy H. Serrette, Hon. Julia B. Weatherly, and Hon. Mark Tyler*

Judge Serrette sought the Conference's support for the approval of the *Child Support Problem Solving Court Blueprint* that can serve as a roadmap for any Maryland court interested in implementing a child support problem solving court. She explained that in June 2019, the Abell Foundation issued a report, which found that current child support practices in Maryland contribute to instability for families. This led to the creation of the Child Support Workgroup that developed a four-phase program aimed at improving outcomes for families.

Judge Hecker inquired whether data from other states supports the effectiveness of child support problem-solving courts. Judge Weatherly shared that the workgroup, led by Magistrate Tyler, researched similar programs in various jurisdictions, including Baltimore County's Family Support Program, as well as programs in Missouri, Colorado, and North Carolina. Although none of the programs had empirical data, they reported positive impacts. The recommendation is to develop data for any new program, which would be sponsored by the Judiciary.

Judge Hecker also asked how the recipient parent fits into this program. Magistrate Tyler explained that the programs often address family issues, such as parenting disputes, and can include mediation services. Programs can also help with arrears and job search assistance, aiming to address underlying barriers to payments. Judge Serrette emphasized that both the Attorney General's Office and the Office of Child Support were involved in developing the blueprint. Judge Weatherly highlighted that traditional enforcement methods, such as incarcerating non-payers, do not address the root causes of non-payment, such as lack of employment. The goal of the proposed child support problem-solving courts is to provide the resources needed to help individuals gain employment and make payments. Judge Serrette clarified that this was not a commitment to implement the program in each county but rather an endorsement to continue exploring its implementation. Judge Hecker called for a motion, with the exception of Judge Curtin, all were in favor. The motion was approved.

6. Committee on Complex Litigation – *Hon. Lawrence P. Fletcher-Hill*

Judge Fletcher-Hill explained that the seat for a judge from the Second Circuit on the Complex Litigation Committee was previously held by Judge Kehoe, who was appointed to the Appellate Court. He requested approval from the Conference to have Judge Heather L. Price take that seat. Judge Hecker called for a motion. The motion was approved.

7. For the Good of the Order

Judge Cotton raised a renewed request from Parole and Probation agents, who are seeking approval to bring protective gel into court for their safety. The request stems from concerns following the killing of one of their agents. While the gel is not being referred to as pepper spray, agents are requesting it for protection during their work. Judge Cotton inquired whether the request had been made in other courts and if so, what was the response. Judge Hecker indicated that there is a contraband policy in place in the Circuit Court for Carroll County, which prohibits such items from being brought into the court. Judge Curtin mentioned that she previously discussed the issue with security regarding Parole and Probation bringing in protective spray. She stated she would reach out to her Sheriff and provide an update. Judge Hecker shared that he also received requests from lawyers asking if they are permitted to bring firearms into the court, with bailiffs holding them while in court. He clarified that the answer was no, as even off-duty officers are not allowed to bring firearms into his courthouse. Judge Bonifant raised the issue of who is responsible for preparing Domestic Violence (DV) orders. Judge Cotton confirmed that the clerks are currently handling this responsibility in her court. Further discussion will take place at a later date regarding the DV orders. Judge Hecker shared that the next meeting will be held on May 19, 2025, via Zoom. The meeting was adjourned at 11:15 AM.