

**CIRCUIT COURT FOR DORCHESTER COUNTY,
MARYLAND**

DIFFERENTIATED CASE MANAGEMENT PLAN

JUVENILE CASES

Effective October 1, 2017

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PREAMBLE

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 16-202(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 Dorchester County and is a product of the collaborative effort of the Dorchester County administrative judge, the magistrate, the circuit court administrator, the clerk of the circuit court, and family support services. 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 Dorchester County. However, the provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness. Further, this plan is prepared within the confines of case time standards. Additionally, the plan does not purport to override any requirements of the Maryland Rules or the Annotated Code of Maryland.

JUVENILE DELINQUENCY

When a petition for continued detention is filed by the Department of Juvenile Services (DJS), the magistrate and 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 DJS. A hearing on the petition is heard no later than the next court day, unless extended for more than (five) 5 days by the court upon good cause shown (Md. Code, Courts and Judicial Proceedings, §3-8A-15(d)(2)).

When a delinquency petition is filed by the state's attorney, the clerk sets dates for the initial appearance and adjudication and issues appropriate summonses. Two (2) full weeks are allowed for service before the initial appearance. 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 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. When staffing allows, staff from the Office of the Public Defender are available for onsite intake at the time of the initial appearance. If the respondent is in detention, his/her detention status is reviewed. A respondent detained pending adjudication cannot remain in detention more than thirty (30) days prior to adjudication (Md. Code, Court and Judicial Proceedings, §3-8A-15(d)(6)(i)).

If the respondent admits or 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. The magistrate recommends that DJS prepare a Social History Investigation and disposition is set within thirty (30) days after Adjudication. However, Disposition can be held on the same day as Adjudication if the parties Waive the five (5) day Exception period and the court concludes that a Social History Investigation is not necessary (Md. Code, Court and Judicial Proceedings, §3-8A-19(b)).

If a juvenile is found to be delinquent (i.e., the child has committed a delinquent act and requires guidance, treatment or rehabilitation ((Md. Code, Court and Judicial Proceedings, §3-8A-01(m))), the court may place the respondent on probation or commit to DJS for placement. For probation cases, the first review hearing is set 30-60 days after Disposition, depending upon the respondent's needs and circumstances and the case is reviewed regularly thereafter. At the conclusion of each Review Hearing, the parties are informed of the next Hearing date. If the respondent is committed to DJS for placement, the Initial Review is set within twenty one (21) days to ensure that the placement has been made and that the respondent is not lingering in detention.

If DJS determines that a respondent on probation is not compliant with terms of supervision, it may file a Petition for Revocation with the court and the court will issue a Show Cause Order to be served on the respondent. A hearing on the revocation is set at least 45 days later to allow time for service. Proceedings on a petition for revocation (also referred to as "violation of probation") proceed in the same manner as an initial adjudication and disposition described above.

CINA (Child in Need of Assistance)

When the Dorchester County Department of Social Services files a petition for emergency shelter care of a child, a hearing is held no later than the next day on which court is in session (Md. Code, Courts and Judicial Proceedings, §3-815(c)(2)(ii)). The clerk contacts the Office of the Public Defender CINA Division, counsel for the Department of Social Services and the attorney for children as designated by contract with the Department of Human Resources (now known as Maryland Department of Health) (Md. Code, Courts and Judicial Proceedings, §3-813(d)), to schedule a hearing on continued shelter care.

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. Md. Code, Courts and Judicial Proceedings, §3-819(c)(1). 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 filing. Prior to the date for adjudication, the court enters an [Order Appointing Counsel for Child\(ren\)](#) (Md. Code, Courts and Judicial Proceedings, §3-813(d)). A court appointed special advocate (CASA) volunteer may be appointed through CASA of Mid Shore, Inc. before or after adjudication (Md. Code, Courts and Judicial Proceedings, §3-830). Unless good cause is shown, adjudication and

disposition hearings are held on the same day (Md. Code, Courts and Judicial Proceedings, §3-819(a)). If good cause is shown, disposition may be deferred 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 eleven (11) months after out of home placement pursuant to Md. Code, Courts and Judicial Proceedings, §3-823(b) and the plan is reviewed at least every six (6) months thereafter (Md. Code, Courts and Judicial Proceedings, §3-823(h)(1)).

The Dorchester County Department of Social Services 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 (Md. Code, Courts and Judicial Proceedings, §3-804).

At least once every twelve (12) months, the court consults on the record with the child in an age- appropriate manner pursuant to Md. Code, Courts and Judicial Proceedings, §3-823(j).

The court holds one (1) regularly scheduled CINA docket each month, but matters can be specially set to accommodate special circumstances and ensure compliance with time standards. CINA and voluntary placement 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.

TERMINATION OF PARENTAL RIGHTS (TPR)

When the Dorchester County Department of Social Services files a petition for guardianship, the case file is forwarded immediately to the county administrative judge for review, consideration and the issuance of show cause orders pursuant to Md. Code, Family Law, §5-316, [Order Appointing Counsel for Child\(ren\)](#) and order appointing CASA volunteer.

A status/scheduling hearing is set approximately sixty (60) days after the filing of the petition for guardianship. At the status/scheduling hearing, any deficiencies in the case file are addressed and a plan to cure any deficiency is articulated. The guardianship/termination of parental rights hearing is set for approximately ninety (90) days after the status/scheduling hearing, which falls approximately 150 days after the petition is filed. 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 (FL §5-348).

If an order for guardianship is entered pursuant to FL§5-324, the child's CINA case is terminated and periodic reviews are scheduled by the juvenile court until an adoption is finalized (FL §5-326). 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 (Md. Code, Family Law, §5-326(c)).

ADOPTIONS

When a petition for adoption is filed, the case is forwarded to the county administrative judge for review. If the adoption stems from a CINA and TPR/guardianship case, those cases are reviewed by the county administrative judge, with the support of the judge's judicial clerk, along with the adoption case file using a checklist to ensure that it complies with all legal requirements. To the extent required, a judge issues a show cause order, appoints of counsel, and causes the preparation of a home study or investigation. The requirements for adoption petitions are set forth in Md. Code, Family Law, Title 5, Subtitles 3, 3A and 3B and Md. Rules, Title 9, Chapter 100 and Md. Rule 11-501. If the petition is in order and once all the supporting documents are filed, the county administrative judge instructs the clerk to set a date in the near future for an in-chambers (on the record) hearing. In the event the adoption is contested, the hearing is scheduled in a courtroom in a proceeding closed to anyone who is not an interested party or counsel for an interested party.

CONTINUANCE POLICY

This plan incorporates and is not intended to conflict with Md. Rule 16-804 Continuances or Postponements for Conflicting Case Assignments or Legislative Duties which was derived from the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties from The Honorable Chief Judge Robert C. Murphy, dated April 26, 1995, effective May 15, 1995. Additionally, the court follows the First Judicial Circuit's Postponements/Continuance Policy as follows:

Postponement/Continuance Policy - First Judicial Circuit Dorchester-Somerset-Wicomico-Worcester Counties

The purpose of this policy is to promote timely disposition and to avoid unnecessary delays in processing cases within the courts of the First Judicial Circuit of Maryland. The policy reflects the Maryland Judicial Council's definitions of postponement as a proceeding that was not held and is being rescheduled and continuance as a proceeding that has begun and is extended for additional day(s).

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.

Requirements for Litigants in Making a Request for Postponement:

- Requests shall be made as soon as counsel/party is aware that a reason for postponement exists.

- Requests, except those involving an emergency, shall be made within five (5) days of the receipt of the assignment notice.
- Requests made prior to the hearing or trial date shall be made in writing, noting a copy has been forwarded to all counsel/parties.
- Requests shall include a statement that indicates the opposing party's/parties' position on the request for postponement.
- Requests shall also include two (2) suggested dates that have been agreed upon by the parties and assignment office within the time limits of Maryland Circuit Court Case Time Standards.

On its own initiative, or if all parties are not in agreement to the postponement and/or dates for rescheduling the case, the court may act upon the request *ex parte* or issue an order requiring the parties to attend a scheduling conference.

Requests for postponements made by counsel as a result of a conflicting court date shall be accompanied by a copy of the assignment notice of the previously scheduled case. Requests for postponements based on conflicting court schedules or legislative duties will be considered and granted by the court pursuant to the revised Administrative Order issued by the Court of Appeals and dated May 15, 1995.

In the event that a trial or hearing has commenced but cannot be concluded on the scheduled date(s) and time, the judge or magistrate presiding is authorized to continue the matter to the next available date.

In CINA/TPR/adoption cases, the matter shall be continued to the next day the court is in session and shall remain on the docket until the matter is concluded. The only exception is a case that is continued pending the receipt of additional evidence. If a case is continued pending the receipt of additional evidence, the matter shall be rescheduled as soon as possible.

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 above policy.

The Circuit Court for Dorchester County schedules the vast majority of cases in open court with either a judge or magistrate presiding and in the presence of the parties and/or their counsel; therefore, 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 continuances sparingly.

ACCOMODATION under the AMERICANS with DISABILITIES ACT

The Circuit Court for Dorchester 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; Code, Courts Article, § 9-114; and Code, Criminal Procedure Article, §§ 1-202 and 3-103.

(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).

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.

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 August 31, 2017; accordingly, the forgoing plan is approved this 31st day of August, 2017, by the undersigned:

Brett W. Wilson
County Administrative Judge
Circuit Court for Dorchester County, Maryland