

St. Mary's Circuit Court Attachment A

EXHIBIT TO THE MAY 22, 2020 ADMINISTRATIVE ORDER ON THE PROGRESSIVE RESUPTION OF FULL FUNCTION OF JUDICIARY OPERATIONS PREVIOUSLY RESTRICTED DUE TO THE COVID-19 EMERGENCY (see 1 below)

PHASE I: March 16, 2020 through 4:59 PM, June 5, 2020

A. All matters identified in Paragraph B, as well as those emergency matters identified in Paragraph C that the administrative judge or his or her designee determines must be heard in person or can be heard with remote electronic participation, are defined as “Phase I Matters.”

B. The following emergency and urgent matters shall be scheduled or heard, either in person or remotely. The court shall notify all participants necessary to the proceeding;

(3) In the Circuit Courts:

- (A) bail reviews/bench warrants
- (B) arraignments for detained defendants
- (C) juvenile detention hearings
- (D) juvenile shelter care hearings
- (E) peace order petitions (juvenile respondents)
- (F) emergency evaluation petitions

(1) this document refers to the entire original Exhibit, and is limited only to Circuit Court matters any page numbers referenced in this document can be found reflected in the unabridged Exhibit and are not the page number contained in this document

- (G) quarantine and isolation petitions
- (H) extradition cases
- (I) body attachments
- (J) extreme risk protective order appeals

C. For all other emergency matters, including those listed below, the administrative judge or his or her designee shall review the petition, determine whether it must be heard in person, or can be heard with remote electronic participation, or can be scheduled after the emergency period has ended, or can be resolved without a hearing, including, but not limited to:

- (1) CINA matters, consistent with FCCIP Subcommittee of the Maryland Judicial Council recommendations of April 3, 2020 Exhibit
- (2) emergency delinquency hearings, including motions related to juveniles who are detained, committed pending placement, or committed, consistent with the Administrative Order Guiding the Response of the Circuit Courts Sitting as Juvenile Courts to the COVID-19 Emergency as It Relates to Those Juveniles who are Detained, Committed Pending Placement, or in Commitments, filed April 13, 2020
- (3) emergency Habeas Corpus petitions
- (4) emergency issues in guardianship matters
- (5) domestic violence protective orders
- (6) appeals from peace orders
- (7) family law emergencies, including time urgent matters related to special juvenile immigrant status
- (8) temporary restraining orders

- (9) criminal competency matters
- (10) motions regarding:
 - i. extreme risk protective orders
 - ii. domestic violence protective orders
 - iii. peace orders
- (11) contempt hearings related to peace or protective orders
- (12) matters involving locally incarcerated defendants, consistent with the Administrative Order Guiding the Response of the Trial Courts of Maryland to the COVID-19 Emergency as It Relates to Those Persons who are Incarcerated or Imprisoned, filed April 14, 2020.

PHASE II: 5:00 PM, June 5, 2020, through July 19, 2020

Phase II represents an expansion of matters that can be heard by courts both remotely and on-site. Phase II shall include Phase I Matters, as well as matters that must be prioritized as listed on pages 4 through 9 of this Exhibit (collectively, the “Phase II Matters”). To the extent that Phase II Matters may be handled remotely, courts are encouraged to do so. For any proceeding that will be held during Phase II, the court shall notify all participants necessary to the proceeding

PHASE II: CIRCUIT COURTS In addition to PHASE I Matters:

CIVIL:

- (1) emergency evaluation petitions
- (2) quarantine and isolation petitions
- (3) emergency Habeas Corpus petitions
- (4) body attachments

- (5) temporary restraining orders
- (6) scheduling conferences
- (7) status conferences
- (8) on the record appeals
- (9) matters that can be handled remotely or without testimony or both

CRIMINAL:

- (1) bail reviews, bail reconsiderations, and bench warrants including matters involving locally incarcerated defendants, consistent with the Administrative Order Guiding the Response of the Trial Courts of Maryland to the COVID-19 Emergency as It Relates to Those Persons who are Incarcerated or Imprisoned, filed April 14, 2020
- (2) arraignments for detained defendants
- (3) extradition cases
- (4) matters addressing competency; criminal responsibility issues not requiring witness testimony status; and discovery and Hicks issues
- (5) deferred sentencing – for non-incarcerated defendants
- (6) plea agreements without recommendations for sentences of incarceration; deferred sentence matters; and motions that can be handled remotely or without testimony or both

FAMILY:

- (1) scheduling conferences
- (2) status conferences
- (3) uncontested divorces and other uncontested family law matters
- (4) domestic violence protective orders
- (5) domestic violence, peace, and extreme risk protective order appeals

- (6) family law emergencies that have been determined to require an expedited hearing, including time urgent matters related to special juvenile immigrant status
- (7) emergency issues in guardianship matters
- (8) temporary restraining orders
- (9) default hearings
- (10) exceptions hearings not requiring witness testimony (uncontested or consented to or requiring legal argument only)
- (11) matters that can be handled remotely or without testimony or both

JUVENILE COURT:

CINA (DEPENDENCY):

with priority scheduling for those juveniles turning 21 within 90 days of the beginning of Phase II

- (1) shelter care hearings
- (2) CINA matters, including, if not contested and/or by proffer, adjudications, dispositions, permanency plan, and permanency plan reviews
- (3) Termination of Parental Rights (TPR) by consent and/or by proffer
- (4) exceptions hearings (uncontested or consented to or requiring legal argument only)
- (5) Family Treatment/Recovery Court review hearings
- (6) guardianships under juvenile causes
- (7) adoptions concerning CINA and TPR juveniles
- (8) matters that can be handled remotely or without testimony or both

JUVENILE (DELINQUENCY):

with priority scheduling for those juveniles: turning 21 within 90 days of the beginning of Phase II; returning from placement; with issues with permanency

plans; closures of cases; and possible placement on the juvenile and or adult sexual offender registries

- (1) juvenile detention hearings
- (2) peace order petitions (juvenile respondents only)
- (3) arraignments and first appearances
- (4) emergency delinquency hearings, including motions related to juveniles who are detained, committed pending placement, or committed, consistent with the Administrative Order Guiding the Response of the Circuit Courts Sitting as Juvenile Courts to the COVID-19 Emergency as It Relates to Those Juveniles who are Detained, Committed Pending Placement, or in Commitments, filed April 13, 2020
- (5) adjudication with agreed to-plea and/or by proffer (6) disposition with consent and/or by proffer
- (7) disposition reviews
- (8) delinquency juvenile treatment plans and reviews
- (9) closure of probation and jurisdiction of Juvenile Court not requiring testimony
- (10) juvenile expungements not requiring testimony
- (11) juvenile permanency plans and reviews, if not contested or by proffer or both
- (12) juvenile waivers, if consented to and not requiring testimony
- (13) exceptions hearings not requiring witness testimony (uncontested or consented to or requiring legal argument only)
- (14) matters that can be handled remotely or without testimony or both

PROBLEM-SOLVING COURTS:

including drug, mental health, family/dependency recovery, DUI, veterans', juvenile drug, and truancy courts.

Any other matters that can be scheduled, heard, or resolved in accordance with Section (i) of the Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency, filed May 22, 2020, are encouraged to be taken up by the circuit courts during Phase II.

PHASE III: July 20, 2020, through August 30, 2020

In Phase III, courts will schedule and hold a broader range of matters, with limited in-person services to be offered as determined by the administrative judge and posted electronically and in the court facility. Phase III shall include Phase II Matters and shall be, collectively, “Phase III Matters.” To the extent that Phase III Matters may be handled remotely, courts are encouraged to do so. For any proceeding that will be held during Phase III, the court shall notify all participants necessary to the proceeding.

PHASE III: CIRCUIT COURTS In addition to PHASE II Matters:

CIVIL:

- (1) motions requiring witness testimony
- (2) settlement hearings
- (3) attorney disciplinary proceedings

CRIMINAL:

- (1) motions
- (2) expungements
- (3) violation of probation hearings
- (4) non-jury trials
- (5) jury prayer status hearings

- (6) sentencings previously deferred

FAMILY:

- (1) resume handling of temporary domestic violence protective order petitions during court hours
- (2) motions requiring witness testimony
- (3) pendente lite hearings
- (4) contempt proceedings
- (5) adoptions
- (6) guardianship – non-emergency
- (7) child support matters: establishment
- (8) settlement hearings
- (9) court-ordered mediations

JUVENILE COURT: CINA (DEPENDENCY)

- (1) all matters and motions that are contested and/or requiring testimony
- (2) CINA adjudications, dispositions, permanency plans, permanency plan reviews
- (3) exceptions hearings requiring witness testimony
- (4) contested TPR proceedings

JUVENILE (DELINQUENCY)

- (1) all matters that are contested and/or requiring testimony
- (2) adjudication
- (3) disposition and disposition reviews
- (4) closure of probation and jurisdiction of Juvenile Court
- (5) motions
- (6) juvenile expungements
- (7) juvenile permanency plan and permanency plan reviews
- (8) juvenile and adult sex offender registration matters

- (9) waiver hearings, including to and from Juvenile Court
- (10) exceptions hearings

PROBLEM-SOLVING COURTS, including drug, mental health, family/dependency recovery, DUI, veterans', juvenile drug, and truancy courts

Any other matters that can be scheduled, heard, or resolved in accordance with Section (i) of the Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency, filed May 22, 2020, are encouraged to be taken up by the circuit courts during Phase III.

PHASE IV: August 31, 2020, through October 4, 2020

In Phase IV, courts will resume non-jury trials and contested hearings in criminal, civil, family, and juvenile matters. Courts will schedule and hold a broader range of matters, with limited in-person services to be offered as determined by the administrative judge and posted electronically and in the court facility. Phase IV shall include Phase III Matters as well as matters listed on pages 14 through 16 of this Exhibit, and shall be collectively, "Phase IV Matters." To the extent that Phase IV Matters may be handled remotely, courts are encouraged to do so. For any proceeding that will be held during Phase IV, the court shall notify all participants necessary to the proceeding.

PHASE IV: CIRCUIT COURTS In addition to PHASE III Matters:

CIVIL:

Non-jury trials and de novo appeals

CRIMINAL:

- (1) post-conviction hearings

- (2) three (3) judge panel sentence reviews

FAMILY:

- (1) hearings and trials
- (2) child support contempt hearings

JUVENILE COURT:

JUVENILE (DELINQUENCY): Fully operational

CINA (DEPENDENCY): Fully operational

PROBLEM-SOLVING COURTS: Fully operational

Any other matters that can be scheduled, heard, or resolved in accordance with Section (i) of the Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency, filed May 22, 2020, are encouraged to be taken up by the circuit courts during Phase IV

PHASE V: October 5, 2020, forward

In Phase V, all courts will resume full operations, including jury trials in criminal and civil case types in the circuit courts. To the extent that PHASE V Matters may be handled remotely, courts are encouraged to do so.

CIRCUIT COURTS: Fully operational, including jury trials in criminal and civil case types in the circuit courts.