

**Notice of**  
**Standing Committee on Rules of Practice and Procedure**  
**May 20, 2022 Open Meeting, 9:30 a.m.**  
**Instructions for Members of the Public**

The May 20, 2022, 9:30 a.m. open meeting of the Standing Committee on Rules of Practice and Procedure will be held virtually using the platform Zoom for Government. Members of the public may attend the meeting by emailing [Rules@mdcourts.gov](mailto:Rules@mdcourts.gov) to receive a link to the meeting. Please email [Rules@mdcourts.gov](mailto:Rules@mdcourts.gov) before May 19, 2022 at 3:30 p.m. to ensure that you receive the Zoom link prior to the meeting time.

If you have a comment related to a posted agenda item, you may e-mail it to [rules@mdcourts.gov](mailto:rules@mdcourts.gov) at least 24 hours prior to the beginning of the meeting. Your comment will be distributed to the members of the Rules Committee prior to the meeting.

Members of the public must observe the following protocols during the Zoom for Government virtual meeting:

- Upon joining the meeting, please note that your microphone will be muted. If you would like to request permission to speak, you may send a chat message in the Zoom platform to Colby Schmidt (the Zoom for Government meeting host). If there is an opportunity for you to speak, you will be recognized and your microphone will be unmuted by the host for the duration of your comment.
- You are advised that for the purpose of assisting staff with the preparation of minutes of the meeting, a back-up audio recording will be made. By speaking, you are consenting to the recording of your remarks.
- If there are any concerns regarding these procedures during the meeting, questions may be submitted via the chat tab during the meeting.

**Agenda and Proposed Rules Changes**

- The meeting agenda and proposed Rules changes are attached to this Notice. During the meeting, any updated materials will be available in the chat feature of the Zoom meeting.

*The agenda for a meeting of the Rules Committee generally will be posted 7-10 days before the date of the meeting. At the discretion of the Chair, items may be deleted from or added to the agenda.*

**AGENDA FOR**  
**RULES COMMITTEE MEETING**

**May 20, 2022**  
**(Friday)**

**To Be Held via Zoom for Government**

Item 1      Consideration of proposed Rules changes      Ms. Day  
pertaining to 2022 Laws of Maryland, Ch. 41/42  
(Juvenile Justice Reform)

Amendments to:

Rule 11-406 (Detention; Community Detention;  
Shelter Care)

Rule 11-422 (Disposition Hearing and Order)

Rule 11-423 (Revisory Power; Post-  
Disposition Hearings)

Rule 11-424 (Violation of Probation)

New Rule 11-420.1 (Informal Adjustment)

Conforming amendment to Rule 11-502 (Child in  
Need of Supervision)

Item 2      Consideration of proposed Rules changes      Ms. Day  
pertaining to 2022 Laws of Maryland, Ch. 50  
(Child Interrogation Protection Act)

Amendments to:

Rule 11-404 (Right to Attorney)

Rule 11-405 (Taking Child into Custody)

Rule 11-419 (Motions)

Item 3      Consideration of proposed Rules changes      Ms. Day  
pertaining to 2022 Laws of Maryland, Ch. 228  
(CINA - Custody and Guardianship Review  
Hearings)

Amendments to:

- Rule 11-219 (Post Disposition Review and Modification; Permanency Plans)
- Rule 11-220 (Termination of Proceeding)

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|--------|---|------------|
| Item 4 | Consideration of proposed amendments to Rule 11-112 (Papers in a Foreign Language)  | Ms. Day    |
| Item 5 | Consideration of a Report of the Juvenile Subcommittee pertaining to referrals from the Court of Appeals and consideration of proposed amendments to Rule 11-204 (Shelter Care) | Ms. Day    |
| Item 6 | Consideration of proposed amendments to:<br><br>Rule 16-702 (Conference of Circuit Judges)<br>Rule 16-110 (Judicial Council)<br>Rule 19-501 (State Pro Bono Committee and Plan) | Ms. Harris |
| Item 7 | Consideration of "housekeeping" amendments to Rule 8-202 (Notice of Appeal - Times for Filing)  | Reporter   |

# **AGENDA ITEM 1**

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-406 by updating a cross reference following section (a); by updating a statutory reference in subsection (c) (2); by adding new subsection (c) (4) (A) pertaining to a petition for continued detention, community detention, or shelter care; by adding new subsection (c) (4) (B) pertaining to a petition for continued detention; by adding new subsections (c) (4) (B) (i) and (c) (4) (B) (ii) containing the current provisions of subsection (c) (4); by adding new subsection (c) (4) (B) (iii) pertaining to statutory provisions governing detention; by adding new subsection (c) (4) (B) (iv) pertaining to a risk scoring instrument; by adding new subsection (c) (4) (C) pertaining to a petition for continued shelter care; by updating a cross reference following section (c); by adding a sentence to subsection (e) (1) (A) pertaining to statutory provisions governing detention; by updating a statutory reference in subsection (e) (2); by adding new section (f) governing requirements when a child is in detention; by re-lettering current section (f) as section (g); and by making stylistic changes, as follows:

Rule 11-406 version 3.3  
Juvenile S.C. approved  
For 5/20/2022 R.C.

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)~~(g).

(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)~~ (f).

(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) Generally

A petition to authorize continued detention, community detention, or shelter care shall state ~~include:~~

~~(A) The the allegations supporting the relief sought.~~

(B) Detention

~~For~~ If continued detention ~~based on allegations that~~  
~~the juvenile has committed a delinquent act,~~ is sought, the  
petitioner shall:

(i) Sufficient state sufficient details of the alleged  
~~offense delinquent act~~ 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~~

(ii) state the reasons for the emergency detention; ~~and~~

(iii) state sufficient information for the court to make  
a determination that the detention is permitted by Code, Courts  
Article, §§3-8A-15 (b) (3) and 3-8A-19.7; and

(iv) attach to the petition a copy of the results of a  
risk scoring instrument as defined by Code, Courts Article, §3-  
8A-15 (b) (2).

(C) Shelter Care

~~For~~ If continued shelter care, ~~a statement that is~~  
sought, the petition shall state:

(i) Continuation that 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~~ that 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)~~ (e) concerning the grounds for continued detention or community detention and Code, Courts Article, §3-8A-15 ~~(g)~~ (f) 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. For a child in detention, the court also shall make a finding that the

detention is permitted by Code, Courts Article, §§3-8A-15 (b) (3) and 3-8A-19.7.

(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)~~(f).

**ALTERNATIVE A (time runs from court-ordered detention)**

(f) Child in Detention - Required Actions

(1) Plan for Release

Within 10 days after a court orders detention of a child, the Department of Juvenile Services shall submit a plan to the court for releasing the child into the community.

Cross reference: See Code, Courts Article, §3-8A-15 (l).

(2) Review Hearing

Within 14 days after the court orders detention of a child, and every 14 days thereafter, the Department of Juvenile

Services shall appear at a hearing before the court with the child to explain the reasons for continued detention.

Cross reference: See Code, Courts Article, §3-8A-15 (k).

**ALTERNATIVE B (time runs from earliest detention - emergency detention or later court-ordered detention)**

(f) Child in Detention - Required Actions

(1) Plan for Release

Within 10 days after the earlier of (A) emergency detention of a child as set forth in subsection (b) (1) of this Rule or (B) entry of a court's order placing a child in detention, if the child remains in detention, the Department of Juvenile Services shall submit a plan to the court for releasing the child into the community.

Cross reference: See Code, Courts Article, §3-8A-15 (l).

(2) Review Hearing

Within 14 days after the initial detention of the child, whether by an intake officer or by order of the court, and every 14 days thereafter, the Department of Juvenile Services shall appear at a hearing before the court with the child to explain the reasons for continued detention.

Cross reference: See Code, Courts Article, §3-8A-15 (k).

~~(f)~~ (g) Review of Magistrate's Continued Detention, Community Detention, or Shelter Care Determination

(1) 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.

(2) 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 and order and shall afford the parties an opportunity for a hearing on the record or de novo review.

Cross reference: See Code, Courts Article, §3-8A-04 and §3-807 (d).

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

REPORTER'S NOTE

Proposed amendments to Rule 11-406 implement Chapters 41/42, 2022 Laws of Maryland (SB 691/HB 459). The bill generally alters provisions in Code, Courts Article, Title 3, Subtitle 8A pertaining to delinquency proceedings. Amendments to Code, Courts Article, §3-8A-15 place certain restrictions on detention of a child. Section letters in the Code section have also changed.

Subsection (c) (4), which governs contents of a petition for continued detention, community detention, or shelter care is

Rule 11-406 version 3.3  
Juvenile S.C. approved  
For 5/20/2022 R.C.

restructured. Subsection (c)(4)(A) applies generally and requires the petition to state the allegations supporting the relief. Subsection (c)(4)(B) applies to a petition for continued detention. Subsections (c)(4)(B)(i) and (c)(4)(B)(ii) contain the current provisions from subsection (c)(4) pertaining to contents of the petition. New subsection (c)(4)(A)(iii) requires information for the court to make a determination that detention is permitted by certain statutory provisions. Code, Courts Article, §3-8A-15 (b)(3) prohibits placing certain juvenile respondents in detention based on the severity of the offense and the respondent's delinquency history. Code, Courts Article, §3-8A-19.7 prohibits detention for a technical violation of probation. New subsection (c)(4)(A)(iv) requires the petitioner to attach a copy of a risk scoring instrument, which is defined by a new Code section and must be consulted prior to the detention determination. Subsection (c)(4)(C) governs a petition for continued shelter care and contains the current Rule language for those petitions.

Proposed amendments to subsection (e)(1)(A) require a court to make a finding that detention of a child is permitted by Code, Courts Article, §§3-8A-15 (b)(3) and 3-8A-19.7.

Proposed new section (f) is derived from Code, Courts Article, §3-8A-15 (k) and (l). Section (k) of the statute requires the Department of Juvenile Services to appear before the court with the child "within 14 days after the child's initial detention" and every 14 days afterward to explain the continued detention. Section (l) of the statute requires the Department to submit a plan to the court for releasing the child "within 10 days after a decision to detain a child" under the subtitle. The Juvenile Subcommittee spoke with various consultants, including individuals who were part of the bill drafting process, about what constitutes "initial detention" and a "decision to detain" a child. The individuals involved with the legislation, including a representative from the Department of Juvenile Services, suggested that the statute should be construed to mean that the times run from when the child is first detained, either by an intake officer as an emergency detention prior to a hearing or by the court. Other consultants contended that the times should run from the court's order detaining the child. In the case of a continued detention after an emergency detention, the court's order would be entered on the next court day, but entry of the order could occur later than the next calendar day due to weekends and holidays. The court may also postpone the hearing for up to five days for good

cause pursuant to the statute. The Subcommittee determined that the statutory times should begin at the same time so that the parties and the court have the benefit of the Department's plan for release at the 14-day hearing. The Subcommittee approved alternative versions of proposed new section (f) for the Committee's consideration.

**Alternative A** provides that the statutory times run from the time the court orders detention. Subsection (f)(1) governs the plan for release and includes a cross reference to Code, Courts Article, §3-8A-15 (l). Subsection (f)(2) governs the 14-day review hearings and includes a cross reference to Code, Courts Article, §3-8A-15 (k).

**Alternative B** provides that the statutory times run from the first time a child is placed in detention. Subsection (f)(1) requires the Department to submit a plan for release within 10 days of the earlier of emergency detention or court-ordered detention. The plan must be submitted if the child remains in detention, which allows for the possibility that the child could be released by the Department or the court. A cross reference to Code, Courts Article, §3-8A-15 (l) follows the subsection. Subsection (f)(2) governs the 14-day review hearings. A cross reference to Code, Courts Article, §3-8A-15 (k) follows the subsection.

Proposed amendments to current section (f) re-letter it as section (g).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-422 by adding a statutory reference to subsections (d) (1) and (d) (2); by making a stylistic change in the cross reference following subsection (d) (1), by making a stylistic change in subsection (d) (2), and by adding a cross reference following section (d), 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-19.6, 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~~ that 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 subsection (d) (1) of this ~~section~~ Rule, the court may, subject to Code, Courts Article, §3-8A-19.6, 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.

Cross reference: See Code, Courts Article, §3-8A-19.6 for limitations on the term of probation that may be imposed by the court.

(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

Rule 11-422 version 2.1  
Juvenile S.C. approved  
For 5/20/2022 R.C.

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.

REPORTER'S NOTE

Proposed amendments to Rule 11-422 implement Chapters 41/42, 2022 Laws of Maryland (SB 691/HB 459). Code, Courts Article, §3-8A-19.6 creates guidelines and parameters for placing a juvenile on probation.

Subsection (d)(1), which addresses permitted dispositions, is amended to add §3-8A-19.6 to the list of statutes with "conditions and limitations" on dispositions. Subsection (d)(2), which authorizes probation with a stay of delinquency finding, is amended to also make it subject to the new Code section.

Stylistic changes are made to the cross reference following subsection (d)(1) and to subsection (d)(2).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-423 by recaptioning section (a); by deleting the caption to subsection (a) (1); by deleting current section (b); by adding new section (b); by renumbering subsections (a) (2) though (a) (4) as (b) (1) though (b) (3), respectively; by recaptioning subsection (a) (5) as section (c); and by making stylistic changes, as follows:

Rule 11-423. REVISORY POWER; POST-DISPOSITION HEARINGS

(a) ~~Revisory Power~~ Generally

~~(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.

(b) On Motion, Own Initiative, or Recommendation

~~(2)~~ (1) 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)~~ (2) 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)~~ (3) 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)~~ (c) 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 25<sup>th</sup> 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.~~

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

REPORTER'S NOTE

Proposed amendments to Rule 11-423 implement Chapters 41/42, 2022 Laws of Maryland (SB 691/HB 459).

Section (b) is deleted. Amendments to Code, Courts Article, §3-8A-15 remove the requirement of a post-disposition review for a child adjudicated delinquent who remains in a detention facility for more than 25 days. As amended, the statute requires a hearing within 14 days of the initial detention of the child. This provision has been placed in Rule 11-406, which governs detention.

Subsection (a)(1) is retitled as "Generally." Subsection (a)(2) is retitled as new section (b), with the subsequent subsections renumbered. Subsection (a)(5) is recaptioned as section (c).



MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-424 by amending section (a) to apply to proceedings concerning alleged violations of probation, by deleting a provision in section (c) related to the conduct of hearings, and by adding new section (d) pertaining to extension of probation, as follows:

Rule 11-424. VIOLATION OF PROBATION

(a) How Initiated

Proceedings ~~for revocation~~ concerning an alleged violation 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.

(d) Extension of Probation

If the respondent is found to be in violation of a condition of probation, the court may extend the probation as permitted by Code, Courts Article, §3-8A-19.6.

Source: This Rule is derived in part from Rule 4-347 and former Rule 11-116 (2021) and is in part new.

REPORTER'S NOTE

Proposed amendments to Rule 11-424 implement Chapters 41/42, 2022 Laws of Maryland (SB 691/HB 459).

Section (a) is amended to apply to proceedings for an alleged violation of probation.

Section (c) is amended to delete a statement permitting the court to conduct the hearing informally, because Rule 11-108 requires the court to conduct all proceedings under the Title in an informal manner.

New section (d) is derived from Code, Courts Article, §3-8A-19.6, which governs extension of probation for a juvenile found to be in violation.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-420.1, as follows:

Rule 11-420.1. INFORMAL ADJUSTMENT

(a) Generally

At any time prior to the **[commencement/conclusion]** of an adjudicatory hearing, with the consent of the State's Attorney, the child, and the child's attorney, the court may hold proceedings in abeyance and order the matter referred to the Department of Juvenile Services for informal adjustment, which is a process by which the Department of Juvenile Services attempts to resolve a complaint made pursuant to Code, Courts Article, §3-8A-10 (a) without court involvement.

Cross reference: See Code, Courts Article, §3-8A-10 (n) authorizing the court to refer a matter for informal adjustment. See also Code, Courts Article, §3-8A-10 (e) and (f) pertaining to the informal adjustment process.

(b) Report

No later than 30 days following an order referring a matter for informal adjustment, the Department of Juvenile Services shall provide to the court and the parties a status

report regarding the progress of the child in the informal adjustment process.

(c) Disposition

At the conclusion of the informal adjustment process, the Department of Juvenile Services shall inform the court and the parties whether the child successfully completed the process. If the child successfully completed the informal adjustment process, the court shall dismiss the delinquency petition. If the child did not successfully complete the informal adjustment process, the court shall resume the delinquency proceedings.

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 11-420.1 implements Chapters 41/42, 2022 Laws of Maryland (SB 691/HB 459). The statute creates a new process by which the court may stay proceedings and refer a matter for informal adjustment with the consent of the parties. Informal adjustment, governed by Code, Courts Article, §3-8A-10, is a process through which the Department of Juvenile Services attempts to resolve a matter outside of court. New section (n) of the statute permits the court to refer a matter for informal adjustment before an adjudicatory hearing.

The Juvenile Subcommittee discussed whether the court should be permitted to make a referral for informal adjustment once the adjudicatory hearing has begun. The Subcommittee was divided on whether a strict reading of the statute, which permits the referral "at any time before an adjudicatory hearing," should forestall the court and the parties agreeing that the referral is appropriate after the hearing starts. The Subcommittee recommended that section (a) be transmitted to the Rules Committee with alternatives for discussion. Section (a)

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can apply either before the commencement or conclusion of an adjudicatory hearing.

Section (a) permits the court to hold proceedings in abeyance and refer a matter to the Department of Juvenile Services for informal adjustment with the consent of the parties. Because "informal adjustment" is not a defined term in the Code and is not used elsewhere in the Rules, section (a) also contains a brief description of informal adjustment and a reference to the relevant Code sections. A cross reference following the section identifies the new statutory provision and the portions of the statute addressing the informal adjustment process.

Section (b) requires a status report to the court and the parties no later than 30 days following an order referring a matter for informal adjustment. Generally, informal adjustment should not last longer than 90 days unless certain conditions exist. Section (b) allows the court to be updated regarding the initial progress of the child and the Department in the initial stages of the process.

Section (c) is derived from the statute and requires the Department to inform the court and the parties whether the child successfully completes the informal adjustment process. If the child was successful, the court must dismiss the delinquency petition. If the child was not successful, the court must resume delinquency proceedings.

MARYLAND RULES OF PROCEDURE  
TITLE 11 - JUVENILE CAUSES  
CHAPTER 500 - OTHER PROCEEDINGS

AMEND Rule 11-502 by adding a statement permitting referral for informal adjustment to subsection (q)(1)(A), and by altering a reference to Rule 11-423 in section (t), 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

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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, unless the court refers the matter for informal adjustment in accordance with Rule 11-420.1. If the court refers the matter for informal adjustment, "delinquency petition" as used in Rule 11-420.1 shall be construed to refer

to a "CINS petition" under this Rule.

(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 (a) and (b) ~~(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.

REPORTER'S NOTE

Proposed amendments to Rule 11-502 implement Chapters 41/42, 2022 Laws of Maryland (SB 691/HB 459). See the Reporter's note to Rule 11-420.1 for more information.

Proposed amendments to subsection (q)(1)(A) permit the court to refer a matter for informal adjustment in accordance with the procedures set forth in new Rule 11-420.1, except that the term "delinquency petition" in that Rule means "CINS petition" in the context of Rule 11-502.

Proposed amendments to section (t) update references to Rule 11-423.

# **AGENDA ITEM 2**

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-404 by adding a statute to the cross reference following section (a), 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-14.2 for the requirement that a juvenile consult with an attorney retained by the parent, guardian, or custodian of the child or provided by the Office of the Public Defender prior to a custodial interrogation and 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.

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(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.

REPORTER'S NOTE

Proposed amendments to Rule 11-404 implement Chapter 50, 2022 Laws of Maryland (SB 53). The chapter alters certain provisions regarding taking a child into custody and creates a new statute governing custodial interrogations of children and admissibility of any statements made by the child.

Code, Courts Article, §3-8A-14.2 (b) prohibits custodial interrogation of a child before the child has consulted with an attorney either retained by a parent, guardian, or custodian or provided by the Office of the Public Defender. There is an exception when the law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety and the questioning is limited to information pertaining to the threat. Proposed amendments to Rule 11-404 add the statute to the cross reference following section (a).

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-405 by adding a statutory reference to section (b), 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) and 3-8A-14.2.

(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.

REPORTER'S NOTE

Chapter 50, 2022 Laws of Maryland (SB 53) alters certain provisions regarding taking a child into custody and creates a new statute governing custodial interrogations of children and admissibility of any statements made by the child.

Code, Courts Article, §3-8A-14.2 imposes certain requirements on a law enforcement officer who takes a child into custody. Proposed amendments to Rule 11-405 add to section (b) a reference to the new statute.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-419 by adding a cross reference following subsection (b) (4), 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

Cross reference: See Code, Courts Article, §3-8A-14.2 regarding admissibility of a statement made by a child during a custodial interrogation.

- (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.

REPORTER'S NOTE

Chapter 50, 2022 Laws of Maryland (SB 53) alters certain provisions regarding taking a child into custody and creates a new statute, Code, Courts Article, §3-8A-14.2, governing custodial interrogations of children and admissibility of any statements made by the child. The statute does not set forth how the issue of admissibility of a statement made by a child in a custodial interrogation is generated in a delinquency proceeding or require any specific findings by the court.

The proposed amendment to Rule 11-419 adds a cross reference to the statute following subsection (b)(4), which governs motions raising the issue of "an unlawfully obtained admission, statement, or confession."

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# **AGENDA ITEM 3**

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

AMEND Rule 11-219 by deleting a certain statutory reference from section (b), by adding new subsection (e)(2)(D) pertaining to a permanency plan that is another planned living arrangement, by adding new subsection (e)(2)(E) pertaining to placement in a qualified residential treatment program, and by making stylistic changes, 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) If the permanency plan is another planned permanent living arrangement, the court shall make the determinations and take the actions required by Code, Courts Article, §3-823 (h) (3).

(E) For a child placed in a qualified residential treatment program, at the review hearing the court shall make the determinations and take the actions required by Code, Courts Article, §3-823 (h) (4).

~~(D)~~ (F) 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.

REPORTER'S NOTE

Proposed amendments to Rule 11-219 implement Chapter 228, 2022 Laws of Maryland (SB 203). The legislation alters certain provisions relating to orders granting custody and guardianship in a child in need of assistance (CINA) proceeding.

Proposed amendments to section (b) delete reference to Code, Courts Article, §3-823 (h). Any review hearings once the court grants custody and guardianship are now governed by Code, Courts Article, §3-819.2.

Proposed new subsection (e)(2)(D) is derived from Code, Courts Article, §3-823 (h)(3), which adds a provision for a permanency plan that is another planned living arrangement.

Proposed new subsection (e)(2)(E) is derived from existing language in Code, Courts Article, §3-823 (h)(4), as amended, which applies to a child placed in a qualified residential treatment program. Subsection (a)(2) applies to the initial status review of a child in such a program but does not address review hearings later, which are addressed in Code, Courts Article, §3-823 (h)(4). Current subsection (e)(2)(E) is renumbered as (e)(2)(F).



MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

AMEND Rule 11-220 by updating a statutory reference in subsection (a) (2), 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)~~ §3-823 (h) (2) (viii), 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).

REPORTER'S NOTE

A proposed amendment to Rule 11-220 (a) (2) updates an internal reference in conformance with Chapter 228, 2022 Laws of Maryland (SB 203).

# **AGENDA ITEM 4**

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 11-112 by deleting references to a unit of the State or Local government; by replacing the phrase, "the unit shall serve," with the phrase, "the court shall issue"; by requiring that a certain Multilingual Advisement Form be attached to certain documents; by altering the Committee note to refer to translation of certain documents into priority languages; by altering the Committee note to state that the Access to Justice Department does not translate case-specific documents; by altering the Committee note to state that a provision of the State Government Article applies to "certain State agencies, departments, and programs in the Executive Branch of government"; and by making stylistic changes, 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,

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or response by the individual, by reason of unfamiliarity with the English language, may be unable to read and understand the document, the court ~~unit~~ shall (1) ~~serve~~ issue the document in English and, if available in a language that the court ~~or unit~~ reasonably believes the individual can understand, in that language, or (2) if the document is not available in a language the court reasonably believes the individual can understand, attach a Multilingual Advisement Form approved by the State Court Administrator. ~~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 certain forms and materials into priority languages at the court's request. The Access to Justice Department does not provide translation of case-specific documents. See Code, State Government Article, §10-1103 requiring certain State agencies, departments, and programs in the Executive Branch of government, 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.

REPORTER'S NOTE

Proposed amendments to Rule 11-112 were requested by the Access to Justice Department of the Administrative Office of the Courts. Access to Justice reports that, since Rule 11-112 went into effect on January 1, 2022, the Department has received requests for translation of case-specific documents, a service that the Department does not provide. The Department provides interpretation services in 65 languages and is in the process of translating certain forms and documents used in Title 11 cases into priority languages.

The Department advised that a possible way to provide services to individuals with limited English proficiency is the use of a form Multilingual Advisement. The text of the advisement can be drafted once and translated into many languages. The advisement would inform the recipient that an important court document is attached and direct the individual to services already in place for non-English speakers.

Proposed amendments to Rule 11-112 remove references to “a unit of the State or local government” in the body of the Rule. A reference to Code, State Government Article, § 10-1103, which requires certain State agencies, departments, and programs in the Executive Branch of government to provide translation of certain documents, remains in the Committee note. The amendments clarify that the Rule applies to court-issued documents.

The amendments require that the document be served in English and in the language the court reasonably believes the individual can understand, if the document is available in that language. The amendments also provide for the use of a Multilingual Advisement Form approved by the State Court Administrator in lieu of the current procedures that are used

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when a document in a particular language is not available. This procedure is derived from the procedure recently approved by the Rules Committee in proposed amendments to Rule 15-901 (d) and proposed new Rule 15-902 (d).

The Committee note is amended to clarify that the Access to Justice Department provides translation of certain forms and materials into priority languages. The amendments also state that the Department does not translate case-specific documents. The Committee note is also amended to clarify that the State Government Article provision references applies to certain agencies, departments, and programs in the Executive Branch of government.

# **AGENDA ITEM 5**



**THE COURT OF APPEALS OF MARYLAND  
STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

Hon. ALAN M. WILNER, Chair  
SANDRA F. HAINES, Reporter  
COLBY L. SCHMIDT, Deputy Reporter  
HEATHER COBUN, Assistant Reporter  
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MEMORANDUM

TO : Members of the Rules Committee

FROM : Heather Cobun, Esq., Assistant Reporter

DATE : May 12, 2022

RE : Title 11 Referrals from the Court of Appeals

The Court of Appeals approved, with amendments, the proposals contained in the 208th Report and its supplement, including the rescission of the Rules in current Title 11, the adoption of new Title 11 and certain conforming amendments, and the deletion of forms in the Appendix. The new Rules went into effect January 1, 2022.

During the open meeting on the 208<sup>th</sup> Report, the Court also referred certain matters to the Rules Committee for further consideration, without making the adoption of the new Title 11 contingent on any action on those matters. The Juvenile Rules Subcommittee and various consultants discussed these matters at its May 6, 2022 meeting and did not recommend any changes, other than a clarifying amendment in Rule 11-204.

**Referred Items**

**Rule 11-103 (d) (2)** governs immediate review of an emergency order recommended by a magistrate. The subsection applies when the magistrate believes extraordinary circumstances necessitate the entry of an immediate order by a judge. The Court of Appeals approved the Rule as presented but referred to the Rules Committee the issue of what, if any, time frame should be included for the judge to rule on the magistrate's emergency order recommendation. The Subcommittee was informed that there do not appear to be any current problems with obtaining prompt rulings on emergency orders.

**Rule 11-204 (d) (4) (A) and (B)** specify that a party may request immediate review of a magistrate's order continuing shelter care. If the request is not made orally at the hearing before the magistrate, it must be made in writing. The Rules Committee had recommended that the review occur within three days of the party's request and that the parties be permitted oral argument. After discussion, the Court of Appeals amended the Rule to require the review to occur the next day after the request is made and to permit either a hearing on the record or de novo review. The Court requested that the Committee review the operation of subsection (d) (4) in practice. The Subcommittee was informed that the provisions are working; however, in some cases a party asks for "immediate review" under the subsection days or weeks after the magistrate's decision. The Subcommittee recommends amending subsection (d) (4) to specify that any written request for immediate review must be filed no later than the next day after entry of the magistrate's order.

In **Rule 11-213**, the Rules Committee had proposed subsection (b) (2) (C), which would have provided that where an adjudicatory hearing in a CINA case is not held within the required time (commenced within 30 days of the date shelter care is ordered with one optional 30-day extension for good cause), a child in shelter care must be released. The Court heard comments critical of this provision - which was heavily discussed by the Juvenile Subcommittee and the Rules Committee - and chose to strike subsection (b) (2) (C) and refer the matter to the Rules Committee for further consideration. The cross references following subsection (b) (2) were retained in the Rule as adopted.

The Subcommittee and consultants discussed the issue at length but could not agree on proposed amendments. In certain cases, there are delays due to illness, emergencies, and witness availability. Some delays may be due to funding issues and the caseload of the court and attorneys. There are competing interests between encouraging the swift resolution of the proceeding when the child and parents have been separated and protecting the safety of the child where grounds for the shelter care order exist. Any amendment to the Rule must be flexible enough to permit extensions of shelter care where there is cause. The Subcommittee discussed requiring certain considerations by the court, such as the harm to the child from the separation, consent of the parties to the extension, and best interests of the child. They Subcommittee also considered requiring

a higher threshold for the extension, such as "extraordinary cause" instead of "good cause." The Subcommittee also was informed that remote proceedings during the pandemic significantly improved the timelines of CINA cases. Increased options for remote participation in the future could reduce delays attributable to availability of parties, counsel, and witnesses. The Subcommittee requested that the Judicial Council's Juvenile Law Workgroup further study the issue. The Rules Committee staff and consultants also will explore options. The Subcommittee intends to revisit the matter at a later date.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

AMEND Rule 11-204 by requiring a written request in subsection (d) (4) (A) to be made the next day after entry of the magistrate's order, 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.

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(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 no later than the next day after entry of the magistrate's order pursuant to subsection (d) (3) of this Rule.

(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.

REPORTER'S NOTE

The proposed amendment to Rule 11-204 addresses a concern raised regarding the promptness of requests for immediate review of a magistrate's shelter care order. The Juvenile Subcommittee was informed that in some cases, a party requests "immediate review" under subsection (d) (4) (A) days or even weeks after the magistrate's order was entered. Subsection (d) (4) (A) is amended to require a request for immediate review, if not made orally at the hearing, to be made in writing no later than the next day after entry of the magistrate's order.

# **AGENDA ITEM 6**



MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

AMEND Rule 16-702 by changing the name of the Conference of Circuit Judges to the "Conference of Circuit Court Administrative Judges," by deleting references to the Circuit Administrative Judge, by expanding membership in the Conference to the County Administrative Judge of each circuit court, and by deleting provisions for the election of certain judges to membership in the Conference, as follows:

RULE 16-702. CONFERENCE OF CIRCUIT COURT ADMINISTRATIVE JUDGES

(a) Existence; Membership; Terms

There is a Conference of Circuit Court Administrative Judges. The Conference consists of the Circuit County Administrative Judge of each circuit court. ~~judicial circuit and one additional circuit court judge from each judicial circuit elected by the incumbent circuit court judges in that circuit. The elected members shall serve for a term of two years. If a vacancy occurs because an elected member resigns from the Conference, leaves judicial office, or is appointed to another judicial office, the incumbent circuit court judges in that~~

~~judge's judicial circuit shall elect a replacement member to serve for the balance of the unexpired term.~~

(b) Chair and Vice Chair

The Conference shall elect from its members a Chair and a Vice Chair. The election shall be held every two years, but an interim election shall be held if necessary because an incumbent chair or vice chair ceases to be a member of the Conference.

(c) Meetings; Quorum

The Conference shall meet at least four times a year. A majority of the authorized members of the Conference shall constitute a quorum.

(d) Duties

(1) Administration Policies

The Conference shall work collaboratively and in consultation with the Judicial Council in developing recommendations affecting the administration of the circuit courts, including:

(A) programs and practices that will enhance the administration of justice in the circuit courts;

(B) the level of operational and judicial resources for the circuit courts to be included in the Judiciary budget;

(C) recommending, opposing, or commenting on legislation or Rules that may affect the circuit courts; and

(D) the compensation and benefits for circuit court judges.

(2) Consultants

With the approval of the Chief Judge of the Court of Appeals, the Conference may retain consultants in matters relating to the circuit courts.

(3) Consultation With Chief Judge of the Court of Appeals

The Conference may nominate to the Chief Judge of the Court of Appeals circuit court judges for membership on committees and bodies of interest to the circuit courts.

(4) Majority Vote

The Conference and the Executive Committee of the Conference each shall carry out its duties pursuant to a majority vote of its authorized membership.

(e) Executive Committee

(1) Appointment; Authority

The Conference may appoint an Executive Committee, which shall have the full authority of the Conference to act when the Conference is not in session. The actions of the Executive Committee shall be reported fully to the Conference at its next meeting.

(2) Quorum

A majority of the authorized membership of the Executive Committee shall constitute a quorum.

(3) Convening the Executive Committee

The Executive Committee shall convene at the call of the Conference Chair. In the absence of the Chair, the Vice Chair may convene the Executive Committee.

(f) Conference Staff

The Administrative Office of the Courts shall serve as staff to the Conference and its Executive Committee.

Source: This Rule is derived from former Rule 16-108 (2016).

REPORTER'S NOTE

The State Court Administrator has requested changes to the membership of the Conference of Circuit Judges. In light of this request, section (a) of Rule 16-702 is proposed to be amended to change the membership of the Conference from its current format consisting of the Circuit Administrative Judge from each judicial circuit and one judge elected by the sitting judges from each judicial circuit to a new Conference comprised of the County Administrative Judge of each circuit court in the State. To conform to this change to the composition of the Conference, the name of the Conference is proposed to be changed from the "Conference of Circuit Judges" to the "Conference of Circuit Court Administrative Judges," and the name of the Rule is conformed to reflect this change.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-110 by changing the name of the Conference of Circuit Judges to the "Conference of Circuit Court Administrative Judges" in subsection (b) (3), as follows:

RULE 16-110. JUDICIAL COUNCIL

(a) Existence

There is a Judicial Council.

(b) Membership; Chair

The Judicial Council consists of:

(1) the Chief Judge of the Court of Appeals, who is the Chair of the Judicial Council;

(2) the Chief Judge of the Court of Special Appeals;

(3) the Chair and Vice Chair of the Conference of Circuit Court Administrative Judges;

(4) the Chief Judge of the District Court;

(5) the State Court Administrator;

(6) the Chair and Vice Chair of the Conference of Circuit Court Clerks;

(7) the Chair and Vice Chair of the Conference of Circuit Court Administrators;

(8) the Chair of the Court of Appeals Standing Committee on Rules of Practice and Procedure;

(9) the Chief Clerk of the District Court; and

(10) the Chair of the Senior Judges Committee; and

(11) three circuit court judges, three District Court judges, and two District Administrative Clerks appointed by the Chief Judge of the Court of Appeals.

Committee note: The Conference of Circuit Court Clerks and the Conference of Circuit Court Administrators are created and exist only by Administrative Order of the Chief Judge of the Court of Appeals. The inclusion of their Chairs or Vice Chairs on the Judicial Council is not intended to affect the authority of the Chief Judge to alter or revoke those Administrative Orders.

. . .

Source: This Rule is derived from former Rule 16-802 (2016).

REPORTER'S NOTE

The proposed amendment to Rule 16-110 conforms the Rule to an amendment to Rule 16-702, which changes the name of the Conference of Circuit Judges to the "Conference of Circuit Court Administrative Judges" and modifies the composition of the Conference.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 500 - PRO BONO LEGAL SERVICES

AMEND Rule 19-501 by changing the name of the "Conference of Circuit Judges" to the "Conference of Circuit Court Administrative Judges" in subsection (a) (2) (B), as follows:

RULE 19-501. STATE PRO BONO COMMITTEE AND PLAN

(a) Standing Committee on Pro Bono Legal Service

(1) Creation

There is a Standing Committee of the Court of Appeals on Pro Bono Legal Service.

(2) Members

The Standing Committee consists of the following members appointed by the Court of Appeals:

(A) eight members of the Maryland Bar, including one from each appellate judicial circuit and one selected from the State at large;

(B) a maximum of three Circuit Court judges selected from nominees submitted by the Conference of Circuit Court Administrative Judges;

(C) a maximum of three District Court judges selected from nominees submitted by the Chief Judge of the District Court;

(D) the Public Defender or a designee of the Public Defender;

(E) a representative from the Legal Aid Bureau, Maryland Volunteer Lawyers Service, Pro Bono Resource Center of Maryland, and one other pro bono referral organization; and

(F) at least one member of the general public.

(3) Terms

The term of each member is three years. A member may be reappointed to serve one or more additional terms. At the end of a term, a member continues to serve until a successor is appointed. Unless reappointed, a member who is appointed after a term has begun serves only for the rest of the term until a successor is appointed.

(4) Chair

The Court of Appeals shall designate one of the members as chair.

(5) Consultants

The Standing Committee may designate a reasonable number of consultants from among court personnel or representatives of other organizations or agencies concerned with the provision of legal services to persons of limited means.

. . .



Source: This Rule is derived from former Rule 16-901 (2016).

REPORTER'S NOTE

The proposed amendment to Rule 19-501 conforms the Rule to an amendment to Rule 16-702, which changes the name of the Conference of Circuit Judges to the "Conference of Circuit Court Administrative Judges" and modifies the composition of the Conference.

# **AGENDA ITEM 7**

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 correcting a cross reference after  
section (a), as follows:

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

(a) Generally

Except as otherwise provided in this Rule or by law, the  
notice of appeal shall be filed within 30 days after entry of  
the judgment or order from which the appeal is taken. In this  
Rule, "judgment" includes a verdict or decision of a circuit  
court to which issues have been sent from an Orphans' Court.  
Cross reference: Code, Courts Article, § 12-302(c) ~~(3)~~ (4).

...

REPORTER'S NOTE

The Annual Corrective Bill of 2014, Chapter 45, 2014 Laws  
of Maryland (SB 184), corrected a perceived tabulation error in  
the numbering of subsections in Code, Courts Article, § 12-  
302(c). As a result, former subsection (c) (3) was renumbered as  
subsection (c) (4) in 2014. Upon review, it was determined that  
the cross reference to § 12-302(c) (3) in Rule 8-202 was not  
updated after the renumbering. Accordingly, a proposed  
amendment to Rule 8-202 updates the cross reference after  
section (a).