

FREDERICK COUNTY CIRCUIT COURT



JUVENILE/CHILD WELFARE DIFFERENTIATED CASE MANAGEMENT PLAN

January 2023



This Plan has been approved by the County Administrative Judge of the Circuit Court for Frederick County, upon authority of the Chief Justice of the Supreme Court of Maryland.

Juvenile/Child Welfare Differentiated Case Management Plan

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Juvenile/Child Welfare Differentiated Case Management Plan

OVERVIEW

This Juvenile DCM Plan is established in accordance with Md. Rule 16-302(b), which requires the County Administrative Judge to develop and, upon approval by the Chief Justice of the Supreme Court of Maryland, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action in the Circuit Court.

Consistent with the best interests of the child, the Frederick County Circuit Court's Juvenile Division seeks to handle each case fairly and to resolve each case promptly, according to applicable statutes, Maryland Rules, and administrative case time standards.

Statement of Purpose

This Juvenile Differentiated Case Management Plan has been created to integrate statutorily mandated time frames with caseflow events and court policy to promote the fair and efficient management of sensitive juvenile cases. Customized procedural tracks govern each case type and reflect the steps taken in the majority of cases. Meaningful events may be included in several tracks to facilitate timely disposition early in the case. Postponement requests are governed by a written policy, approved by the County Administrative Judge, with a view to curbing delay wherever possible.

Essential components of the Juvenile Differentiated Case Management Plan include (1) review of court processes and services that impact children and families to ensure responsiveness and efficiency and (2) evaluation of performance to address case processing issues as they arise.

It is the purpose of this DCM Plan to provide an effective case management system which will assure:

- Equal treatment of all juveniles and families by the Court;
- Timely disposition consistent with the circumstances of the individual case;
- Enhancement of the quality of the juvenile case process; and
- Public confidence in the Court as an institution.

Case Management

The policies and procedures outlined in this plan shall be implemented by the Juvenile Case Management Judge and Juvenile Case Management Magistrate (as designated by the County Administrative Judge), the Deputy Court Administrator, the Permanency Planning Liaison, and various Assignment Office and Clerk's Office staff. The Juvenile Case Management Judge and Juvenile Case Management Magistrate report to the County Administrative Judge, who supervises all aspects of case management, and is ultimately responsible for the implementation and monitoring of this plan, pursuant to Md. Rule 16-302(b). The County Administrative Judge designates certain magistrates and judges to hear the various juvenile matters and makes final decisions about whether and to whom a case should be assigned, when necessary.

All judges are responsible to comply with, and implement in their rulings, the provisions of this plan. Individual judges are responsible for the effective management of cases assigned to them. However, the scheduling of assigned cases must always be coordinated with the Assignment Office. Assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the case time standards.

TRACK DESIGNATIONS AND STATUTORY DEADLINES

A juvenile case may follow seven potential tracks to resolution. Juvenile cases are organized by delinquency and dependency categories. Tracks are defined at filing by the Clerk's Office, based on the case subtype. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration.

Consistent with the case time standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that the following time standards are met whenever possible. Expected case duration is based on needed time to reach resolution, which may be less than the time standard.

- ❖ *Juvenile delinquency cases* – 98% should be concluded within 90 days of the first appearance of the juvenile or appearance of counsel
- ❖ *Child in need of assistance (CINA) cases* – 100% should be concluded within 30 days for children that are in a shelter and within 60 days for juveniles that are not in a shelter;

- ❖ *Termination of parental rights cases* – 100% should be concluded within 180 days; and
- ❖ *All other juvenile case types* will be custom managed to address unique case processing requirements. Other juvenile case types represent a small percentage of the caseload and include the following:
 - Adoption
 - Child in need of supervision (CINS)
 - Peace order
 - Voluntary placement

Juvenile Delinquency Cases

Table 1.1 – Juvenile Delinquency Tracks, Case Types and Outcomes

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
Track 0: Peace Order	Petition for entry of Peace Order	25 days
Track 1: Standard	Delinquency cases without a detention petition	90 days – Adjudication within 60 days and Disposition within 90 days
Track 2: Complex	Delinquency cases with a detention petition	90 days – Adjudication within 30 days and Disposition within 90 days

STATUTORY DEADLINES IN JUVENILE DELINQUENT CASES

HEARING	DEADLINE	SOURCE
Detention	After Respondent is placed in detention, a petition requesting continued detention must be filed no later than the next day the Court is sitting. A hearing shall be held on the day the petition is filed	Md. Rule 11-406 CJP §3-8A-15(d)(3)
Initial Appearance	Only if Non-Detention: to be set within 14 days of the filing of the petition	
Status	Will be held within 14 days of the Initial Appearance, if the respondent does not obtain counsel	
Adjudicatory Hearing	Non-Detained: an Adjudicatory hearing shall be held within 60 days after service of the Petition	Md. Rule 11-421(2)
	Detained: an Adjudicatory hearing shall be held within 30 day from the date on which the Court ordered continued detention, community detention, or shelter	Md. Rule 11-421(3)
	NOTE: Even if the case started out as a non-detention case, it falls within the statutory guidelines above once the Respondent is detained, sheltered or placed on Community Detention (CD).	CJP §3-8A-15(d)
Competency	To be heard 15 days after receipt of expert’s evaluation and report. (For good cause, the Court may extend the time for an additional 15 days.)	Md. Rule 11-416(b)
Waiver	Detained: the waiver hearing must be held within 30 days after the date a petition for detention or community detention is granted	Md. Rule 11-410 (d)(3)(8)
	Non-Detained: if the child is not detained or on community detention, the waiver hearing shall be held within 30 days after service of the waiver petition	Md. Rule 11-410(d)(3)(B)
Post Waiver Adjudicatory Hearing	If a waiver is denied, the adjudicatory hearing shall commence within 30 days, unless the respondent is in detention, community detention or shelter care and then the adjudicatory hearing shall commence within 14 days	Md. Rule 11-421(b)(4)
Disposition	Non-Detained: shall be held no later than 30 days after the conclusion of the Adjudicatory hearing	Md. Rule 11-422(b)(3)(A)
	Detained: (includes CD) shall be held no later than 14 days after the Adjudicatory hearing	Md. Rule 11-(b)(3)(B)
Pending Placement Status	If the Respondent is detained for the specific act for which he/she has been adjudicated delinquent for more than 25 days after the Court has made its disposition, a hearing shall be held on the first available court date after the 25 th day so that DJS can explain the reason for the continued detention to the Court. A hearing shall be conducted every 25 days thereafter as long as the respondent remains detained.	Md. Rule 11-423(b)
Review Hearing	If the Respondent is committed to the custody of the Maryland Department of Health pursuant to CJP §3-8A-19(h) or CJP §3-8A-19(i), a review hearing shall be held no later than 6 months after the commitment and at intervals no greater than every 6 months thereafter.	CJP §3-8A-19(J)

Child Welfare Cases

Table 1.2 – Child Welfare Tracks, Case Types and Outcomes

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
Track 1: CINA Shelter	Child in need of assistance (CINA) cases with shelter care or shelter care petition	30 days
Track 2: CINA Non-Shelter	Child in need of assistance (CINA) cases with no shelter care or shelter care petition	60 days
Track 3: Termination of Parental Rights	1. Termination of parental rights 2. Guardianship petition following	180 days
Track 4: Custom	1. Adoption 2. Child in need of supervision 3. Voluntary placement	Custom

Track Designations Set at Filing

Track designations are automatically set at filing, based on the type, subtype and characteristics of the petition. The track designation will be automatically assigned based upon the type of petition filed. A child who is in detention on a delinquency case may be released very soon after the start of the case, but the track will remain the same. The same rules apply for a child in shelter care on a dependency case. The Clerk’s Office will enter the appropriate case subtype into the case management system, and it will automatically be assigned to the appropriate track.

STATUTORY DEADLINES IN CINA AND TERMINATION OF PARENTAL RIGHTS CASES

HEARING	DEADLINE	SOURCE
CHILD IN NEED OF ASSISTANCE CASES		
Shelter	Once a child is placed in shelter and a petition is filed, a Shelter Hearing shall be held the same day or no later than the next day that Court is in session and may be postponed or continued no more than eight days following the commencement of the child’s emergency shelter care for good cause shown	CJP §3-815(c)(ii) Md. Rule 11-204(c)
Initial Appearance	Only if Non-Shelter Case – to be set within 15 days if within County or 20 days if outside of County	
Adjudicatory Hearing	Shelter: hearing shall be commenced within 30 days from initial shelter hearing, and may only be extended for no more than an additional 30 days for good cause	CJP §3-815 Md. Rule 11-213(b)(2)
	Non-Shelter – hearing shall be commenced within 60 days after the petition and summons are served on the attorney for the child	CJP §3-817 Md. Rule 11-213(b)(3)
Disposition	The disposition shall be held on the same day as the Adjudicatory hearing unless the Court finds that there is good cause to delay it. If delayed, it shall be held no later than 30 days after the conclusion of the Adjudicatory hearing	Md. Rule 11-216(b)
CINA Review	The review hearing must be held within 6 months from the date the petition is filed. This review will be scheduled at disposition	Md. Rule 11-219(a)(1)
Voluntary Placement	Within 30 days after filing of the voluntary placement petition, the Court shall hold a voluntary placement hearing	Md. Rule 11-503(m)
Permanency Planning	If a child is in an “out of home” placement and has been for 11 months and 30 days, the Court must hold a permanency planning hearing at the time (usually set between 10-11 months). This hearing will be scheduled at the Disposition hearing	Md. Rule 11-219
Post Permanency Review	The Court shall conduct a hearing to review the permanency plan at least every 6 months after the permanency planning hearing, until the commitment is rescinded	Md. Rule 11-219
	NOTE: Yearly review is permissible if the Court determines that the “child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis”	CJP §3-823(h)(1)(ii)
Merits on Removal	A hearing shall be held within 30 days of removal from court-ordered placement. This applies to cases in a <i>post-dispositional</i> posture.	CJP §3-820
Annual consultation with Child	At least every 12 months at a hearing under this section, the Court shall consult on the record with the child in an age-appropriate manner to obtain the child’s view on permanency	CJP §3-823(j) Fam. Law §5-326
TERMINATION OF PARENTAL RIGHTS CASES		
TPR	To be ruled upon within 180 days of petition being filed AND within 45 days of consents or trial on the merits	Fam. Law §5-319 Md. Rule 11-313(b)
Initial Guardianship Review	Set no later than 180 days after the entry of Final Order of Guardianship (This applies to those cases where parental rights have been terminated.)	Fam. Law §5-324(b)(1)(vi) Md. Rule 11-316
Subsequent Annual Review of Guardianship Case	At least once each year after the initial guardianship review hearing until the Juvenile Court’s jurisdiction terminates	Fam. Law §5-324(b)(1)(vi) Md. Rule 11-316

JUVENILE DELINQUENCY PROCESS AND TIMELINES BY TRACK

Diagram 1.0, Diagram 1.1, and Diagram 1.2 illustrate the events and times required for juvenile delinquency case processing by track in flowchart form and are located immediately following each Track Description and Timeline.

Track 0 – Peace Orders

Process Summary

Pursuant to Courts and Judicial Proceedings (CJP) §3-8A-19.1, the Maryland Department of Juvenile Services (DJS) or the Office of the State’s Attorney (SAO) may file a request for a peace order, if the alleged act to the victim occurred within 30 days before the filing of the request.

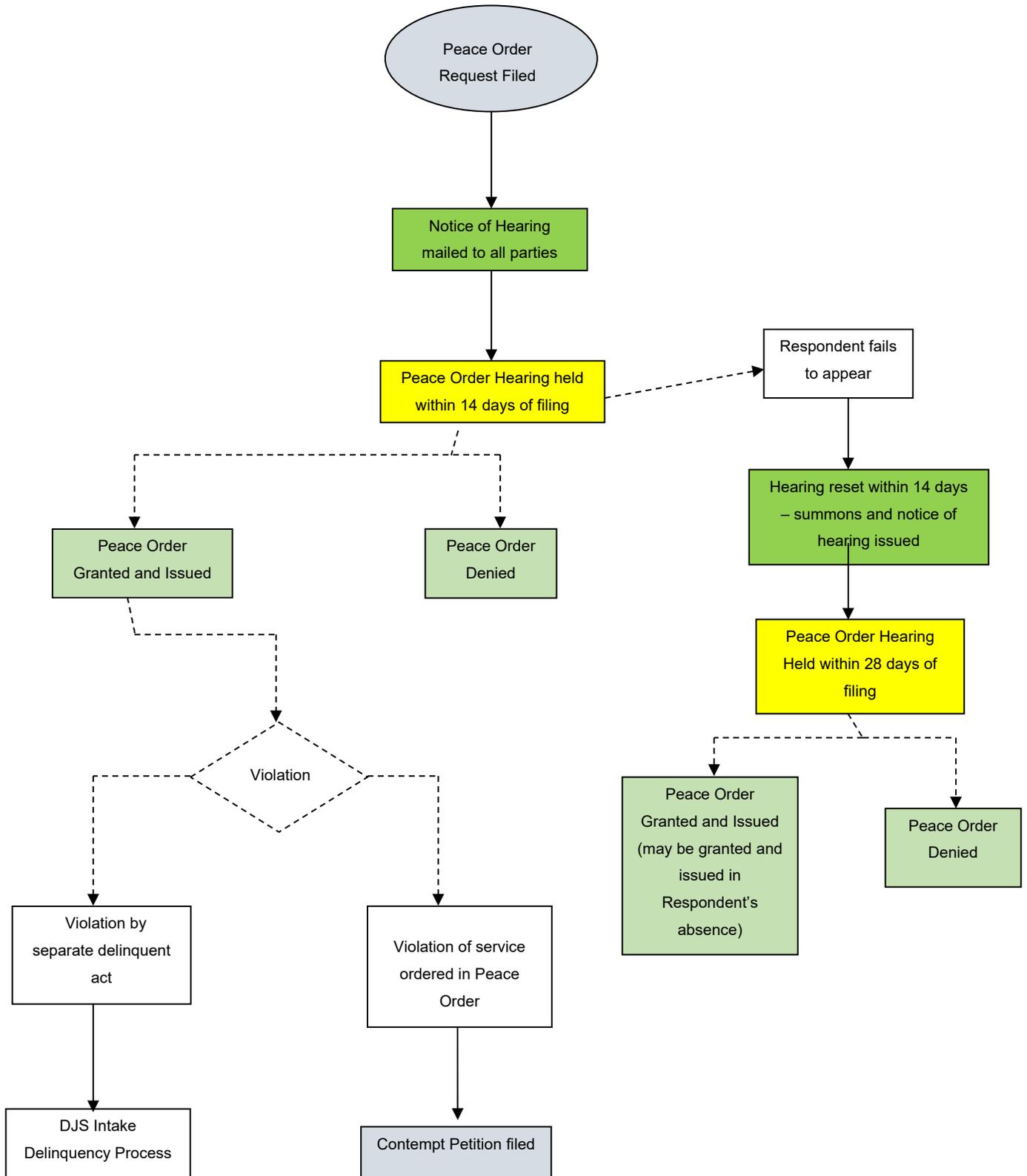
A Juvenile Peace Order Hearing will be scheduled to be heard within 14 days after the request is filed with the Court. The Clerk’s Office will mail notices of the hearing by first class mail to all parties. During the hearing, the respondent will be given an opportunity to be heard on whether the Court should issue a peace order. If the respondent does not appear at the first scheduled hearing, the hearing will be postponed for approximately 14 days and a summons with notice of the new hearing date will be served by the Sheriff. If the respondent does not appear after proper service, a peace order may be issued in the respondent’s absence.

Pursuant to CJP §3-8A-19.2(c)(3), if the Court grants a request for Peace Order, all relief granted shall be effective for the period stated, but not to exceed 6 months.

- A respondent is **not** entitled to counsel in a peace order proceeding (CJP §3-8A-20(c)(1)).
- A respondent **is** entitled to counsel in a contempt proceeding regarding the peace order (CJP §3-8A-20(c)(2)).
- The Court may modify or rescind the peace order during the term of the peace order after giving notice to the victim and the respondent and holding a hearing (CJP §3-8A-19.4).
- A violation of any of the provisions of a peace order specified in CJP §3-8A-19.2(c)(1) (i), (ii), (iii) or (iv) is a separate delinquent act (CJP §3-8A-19.5(a)).

TRACK 0 – Peace Orders

Diagram 1.0



Track 1 – Non-Detention

Process Summary

Delinquency Petition Filed

Pursuant to CJP §3-8A-13(b), all petitions alleging delinquency shall be filed by the SAO within 30 days after the receipt of a referral from the intake officer, unless the time is extended by the Court for good cause. The Clerk's Office issues and mails summonses for the respondent and the respondent's parents, guardian, or custodian to appear at an Initial Appearance Hearing, which is scheduled no more than 14 days after the delinquency petition is filed.

Initial Appearance Hearing

As stated above, these are scheduled within 14 days of the filing of the petition. At the Initial Appearance Hearing, the respondent and the respondent's parents, guardian, or custodian are served with the delinquency petition(s), advised of the charges, advised of his/her right to an attorney, and an Adjudicatory Hearing, as well as a Status Hearing and/or Pre-Trial Conference (if needed) will be scheduled. If, at the first scheduled Initial Appearance Hearing, a respondent appears without a parent, guardian, or custodian, or a parent, guardian, or custodian appears without a respondent, service of a new summons and petition(s) will be made by the Sheriff or by certified mail, if ordered, with a Status Conference scheduled approximately 14 days later.

Counsel entering appearances on behalf of respondents must file a line of appearance with the Clerk's Office in order for the Initial Appearance Hearing to be removed from the calendar, at which point the file is sent to the Assignment Office for scheduling of the Adjudicatory Hearing.

Status Conference

A Status Conference will be set within 14 days at the Initial Appearance hearing if the respondent has not obtained counsel. At the Status Conference, the Court will determine if the respondent and/or the respondent's parents, guardian, or custodian has obtained counsel, and if not, will appoint counsel to represent the respondent. (The Assignment Office will be responsible for notifying the appointed counsel at least 10 days prior to the next scheduled hearing). If set, a Status Conference may be removed when counsel enters an appearance for the respondent with the Clerk's Office.

Discovery

Discovery should be completed within 30 days of the date the delinquency petition is filed. All matters and information to which a party is entitled must be disclosed in time to permit their 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. A motion to compel discovery shall be filed no later than 10 days before the next scheduled hearing, and any response may be filed within five days after service of the motion. Applicability and time for completion is outlined in Md. Rule 11-418.

Waiver Hearing

If the SAO files a petition requesting that the Court waive its exclusive jurisdiction over the respondent (or the Court considers a waiver on its own motion), then the Court shall order a waiver investigation and schedule a Waiver Hearing prior to adjudication. If the Waiver Petition is denied, then the case must be brought to adjudication within 30 days.

Competency Hearing

If there is reason to believe that the child may be incompetent to proceed with a Waiver Hearing, an Adjudicatory Hearing, a Disposition Hearing, or a Violation of Probation Hearing, the Court on its own motion, or on a motion of the child's counsel or the State's Attorney, shall stay all proceedings and order that the Department of Health or any other qualified expert conduct an evaluation of the child's competency to proceed. At a Competency Hearing, if the Court determines that the child is competent, the Court shall enter an order stating that the child is competent, lift the stay imposed, and proceed with the delinquency petition or violation of probation petition in accordance with the time periods specified in the Maryland Rules.

Pre-Trial Conference

At the discretion of the Court and/or the request of a party, a Pre-Trial Conference may be scheduled. If needed, a Pre-Trial Conference will be set approximately one week prior to adjudication. At the Pre-Trial Conference, the Court will determine if the case can be resolved without an Adjudicatory Hearing. Cases not resolved will proceed to the Adjudicatory Hearing. Any postponement beyond the statutory deadline requires a finding of extraordinary cause by the County Administrative Judge or designee.

A plea of involvement may be taken at the Initial Appearance Hearing, or on any date prior to the Adjudicatory Hearing. The Adjudication Hearing shall not be removed from the calendar until a plea of involvement is taken by the Court or a petition is dismissed.

Adjudicatory Hearing

The Adjudicatory Hearing is held within 60 days of the appearance or waiver of counsel (usually scheduled to be held within 30 – 40 days), unless the respondent has been detained and then must be held within 30 days. In the event a petition is filed to waive jurisdiction, the Adjudicatory Hearing is held within 30 days of the Court's decision whether to retain jurisdiction.

At the Adjudicatory Hearing, the Court will hear the evidence in the case. If the respondent (juvenile) is found involved (to have committed the alleged acts), the case proceeds to disposition.

Disposition Hearing

The Disposition Hearing is held to determine whether the respondent, having been found involved, that is, to have committed the delinquent act as alleged in the petition, is in need of guidance, treatment, or rehabilitation. In some cases, the Disposition Hearing may be held the same day as the Adjudicatory Hearing, if the parties waive notice on the record, pursuant to CJP §3-8A-19(b).

If the respondent is detained or on community detention:

The Disposition Hearing must be held within 14 days of the Adjudicatory Hearing, but may be postponed upon a finding of good cause. If the respondent remains detained or on community detention, a Detention Review Hearing must be conducted every 14 days thereafter until the Disposition Hearing is held.

If the respondent is NOT detained or on community detention:

The Disposition Hearing must be held within 30 days if the respondent is in the community pending disposition.

Permitted dispositions include the following, pursuant to CJP §3-8A-19(d) (i) (ii) and (iii):

Upon a finding that the respondent is delinquent:

- The respondent may be placed on probation or under supervision in the respondent's own home or in the custody or guardianship of a relative or other fit person, upon terms the Court deems appropriate, including community detention.
- The child may be committed to the custody or under the guardianship of the DJS, the Department of Health, or a public or licensed private agency on terms that the Court considers appropriate to meet the priorities set forth in CJP §3-8A-02 of this subtitle, including designation of the type of facility where the child is to be accommodated, until custody or guardianship is terminated with approval of the Court or as required under CJP §3-8A-24.
- Order the child, parents, guardian or custodian of the child to participate in rehabilitative services that are in the best interest of the child and family.

Restitution Hearing

If there is a restitution issue that will be contested by the respondent or the respondent's parents, guardian, or custodian, a hearing must be held post-adjudication and no later than disposition. If the Court determines the respondent owes restitution, the Court may enter a judgment of restitution against the parents of a child, the child, or both (CP §11-604, CJP §3-8A-28, and Md. Rule 11-422).

Review Hearings

If the respondent is released to the community with conditions, then Review Hearings may be set at the Court's discretion. If the respondent is committed to DJS and remains in a detention facility awaiting placement, the Court must schedule a Review Hearing every 25 days that the respondent remains in the facility until the respondent is placed.

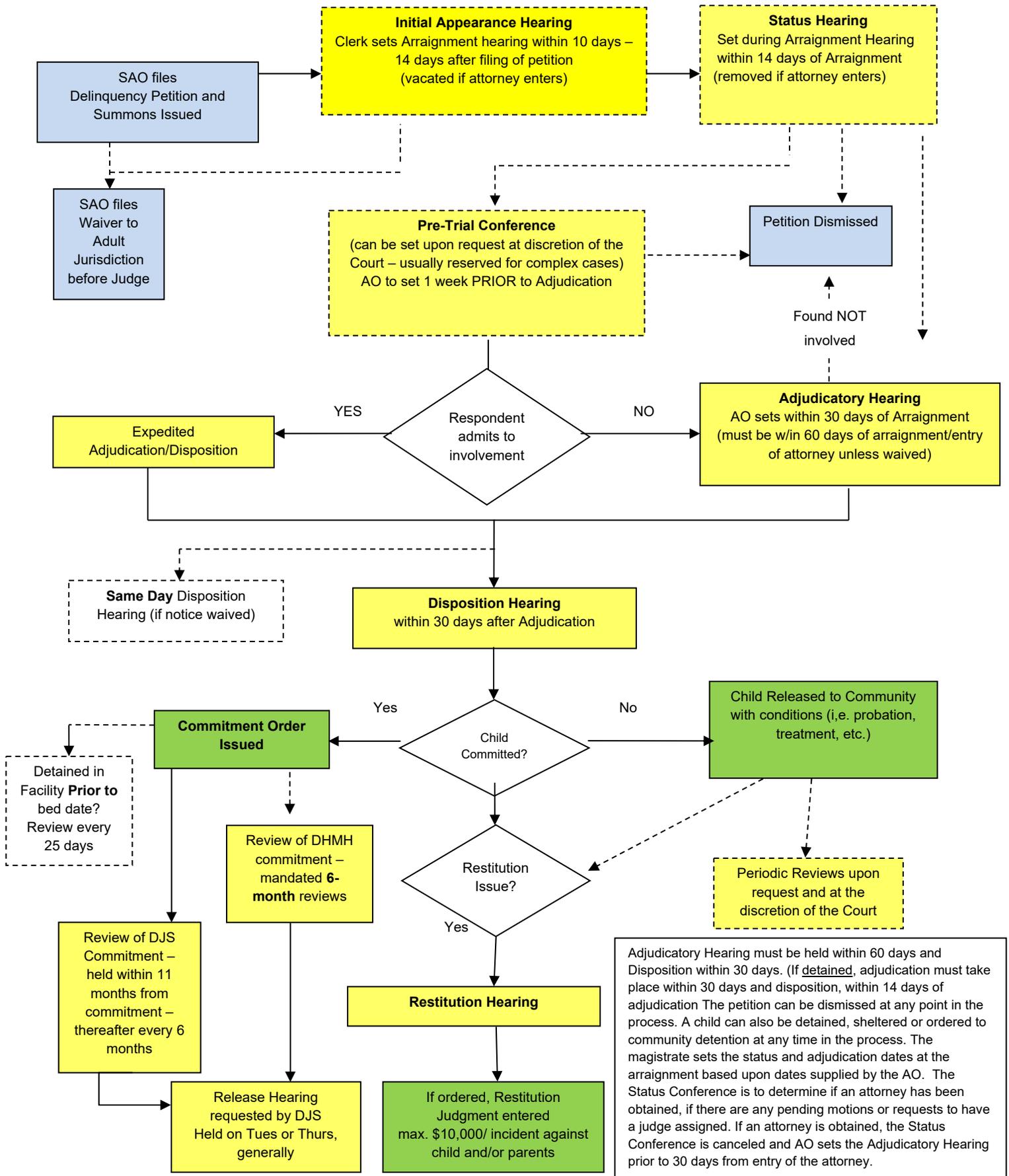
Once the respondent is placed, Review Hearings should be scheduled at 6-month and 11-month intervals, if the respondent is placed, pursuant to the Adoption and Safe Families Act, Title IV-E. If the respondent is committed to a state mental hospital or facility for children with intellectual disabilities, then Review Hearings will be held every 6 months.

Track 1 – Non-Detention: Timeline

Day 1:	Delinquency petition filed
Up to Day 14:	Initial Appearance Hearing
Up to Day 25:	Status Conference (if needed)
Up to Day 30:	Discovery completed (continuing duty to disclose - Md. Rule §11-418)
Day 35 - 50:	Pre-Trial Conference (if needed)
Up to Day 60:	Adjudicatory Hearing
Up to Day 74:	Disposition Hearing (if respondent is detained or on community detention)
Up to Day 90:	Disposition Hearing (if respondent is NOT detained or on community detention)
Up to Day 180:	Review Hearing (may be at the discretion of the Court)
Up to Day 365:	Permanency Planning Hearing (if respondent remains in Title IV-E facility)
Every 6 months:	Review Hearings (if respondent remains in Title IV-E facility)

Track 1: Juvenile Delinquency – Non-Detention

Diagram 1.1



Track 2 – Detention

Process Summary

Pursuant to CJP §3-8A-15(a), only the Court or an intake officer may authorize detention, community detention, or shelter care for a child who may be in need of supervision or is delinquent.

File a Detention Petition

If the child is not released, the intake officer from the DJS who authorized detention, community detention, or shelter care must immediately file a petition requesting its continuation.

Detention Hearing

The Court must conduct a Detention Hearing no later than the next day that the Court is in session, following the filing of a detention petition. Reasonable notice, oral or written, shall be given to the respondent and the respondent's parents, guardian or custodian.¹ An Adjudicatory Hearing is scheduled at this hearing within 30 days (available dates provided by AO).

Detention Review Hearing

If the respondent remains detained or on community detention, a hearing to review the respondent's detention status must be held every 14 days until the Disposition Hearing is held (CJP §3-8A-15(d)(6) and Md. Rule 11-406).

Discovery

Discovery should be completed within 30 days of the date the delinquency petition is filed. All matters and information to which a party is entitled must be disclosed in time to permit their 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. A motion to compel discovery shall be filed no later than 10 days before the next scheduled hearing, and any response may be filed within five days after service of the motion. Applicability and time for completion is outlined in Md. Rule 11-418.

¹ Note that the SAO may file a detention petition prior to filing a delinquency petition. The rules for conducting review hearings apply.

Waiver Hearing

If the SAO files a petition requesting that the Court waive its exclusive jurisdiction over the respondent (or the Court considers a waiver on its own motion) then the Court shall order a waiver investigation and schedule a Waiver Hearing prior to adjudication. If the Waiver Petition is denied, then the case must be brought to adjudication within 30 days.

Competency Hearing

If there is reason to believe that the child may be incompetent to proceed with a Waiver Hearing, an Adjudicatory Hearing, a Disposition Hearing, or a Violation of Probation Hearing, the Court on its own motion, or on a motion of the child's counsel or the State's Attorney, shall stay all proceedings and order that the Department of Health or any other qualified expert conduct an evaluation of the child's competency to proceed. At a Competency Hearing, if the Court determines that the child is competent, the Court shall enter an order stating that the child is competent, lift the stay imposed, and proceed with the delinquency petition or violation of probation petition in accordance with the time periods specified in the Maryland Rules.

Suppression Hearing

A Suppression Hearing may be set approximately 14 days prior to adjudication, only if requested by motion. At the Suppression Hearing, the Court will determine if certain evidence will be admissible during adjudication.

Pre-Trial Conference

At the discretion of the Court and/or the request of a party, a Pre-Trial Conference may be scheduled. If needed, a Pre-Trial Conference will be set approximately one week prior to adjudication. At the Pre-Trial Conference, the Court will determine if the case can be resolved without an Adjudicatory Hearing. Cases not resolved will proceed to the Adjudicatory Hearing. Any postponement beyond the statutory deadline requires a finding of extraordinary cause by the County Administrative Judge or designee.

A plea of involvement may be taken at the Initial Appearance Hearing, or on any date prior to the Adjudicatory Hearing. The Adjudicatory Hearing shall not be removed from the calendar until a plea of involvement is taken by the Court.

Adjudicatory Hearing

The Adjudicatory Hearing is held within 30 days of the Detention Hearing. In the event a petition is filed to waive jurisdiction, the Adjudication Hearing is held within 30 days of the Court's decision whether to retain jurisdiction, if the Juvenile Court retains jurisdiction.

At the Adjudicatory Hearing, the Court will hear the evidence in the case. If the respondent is found involved (to have committed the alleged acts), the case proceeds to disposition.

Disposition Hearing

The Disposition Hearing is held to determine whether the respondent, having been found involved, that is, to have committed the delinquent act as alleged in the petition, is in need of guidance, treatment, or rehabilitation and is therefore delinquent. In some cases, the Disposition Hearing may be held the same day as the Adjudicatory Hearing if the parties waive notice on the record, pursuant to CJP §38A-19(b).

If the respondent is detained or on community detention:

The Disposition Hearing must be held within 14 days of the Adjudicatory Hearing but may be postponed upon a finding of good cause. If the respondent remains detained or on community detention, a Detention Review Hearing must be conducted every 14 days thereafter until the Disposition Hearing is held.

If the respondent is NOT detained or on community detention:

The Disposition Hearing must be held within 30 days if the respondent is in the community without detention or in the community.

Permitted dispositions include the following, pursuant to CJP §3-8A-19(d) (i) (ii) and (iii):

Upon a finding that the respondent is delinquent:

- The respondent may be placed on probation or under supervision in the respondent's own home or in the custody or guardianship of a relative or other fit person, upon terms the Court deems appropriate, including community detention.
- The child may be committed to the custody or under the guardianship of the DJS, the Department of Health, or a public or licensed private agency on terms that the Court considers appropriate to meet the priorities set forth in CJP §3-8A-02 of this subtitle,

including designation of the type of facility where the child is to be accommodated, until custody or guardianship is terminated with approval of the Court or as required under CJP §3-8A-24.

- Order the child, parents, guardian or custodian of the child to participate in rehabilitative services that are in the best interest of the child and family.

Restitution Hearing

If there is a restitution issue that will be contested by the respondent or the respondent's parents, guardian, or custodian, a hearing must be held post-adjudication and no later than disposition. If the Court determines the respondent owes restitution, the Court may enter a judgment of restitution against the parents of a child, the child, or both (CP §11-604, CJP §3-8A-28 and Md. Rule 11-422).

Review Hearings

If the respondent is released to the community with conditions, then Review Hearings may be set at the Court's discretion. If the respondent is committed to DJS and remains in a detention facility awaiting placement, the Court must schedule a Review Hearing every 25 days that the respondent remains in the facility until the respondent is placed.

Review Hearings if Placement

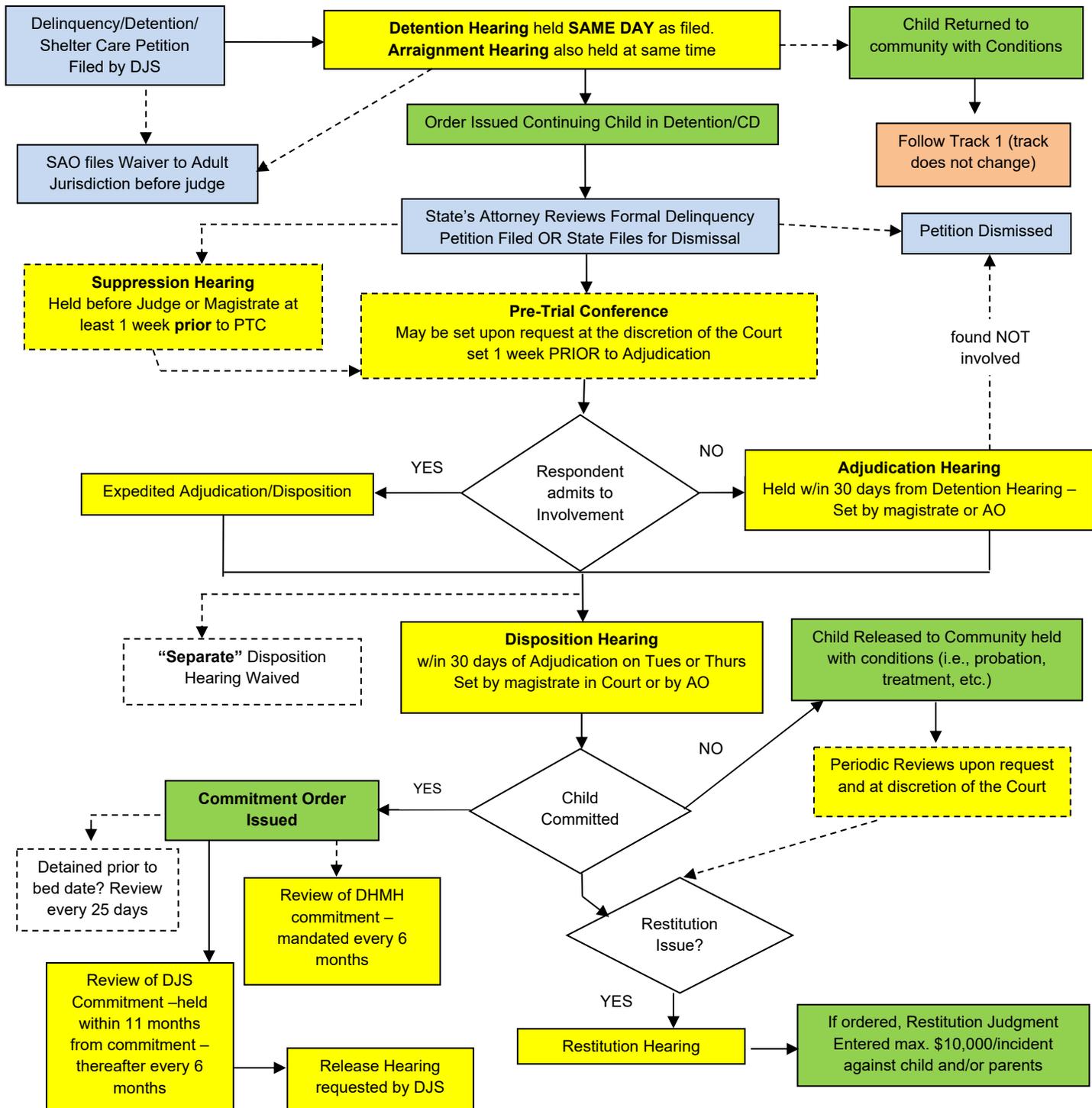
Once the respondent is placed, Review Hearings shall be scheduled at 6-month and 11-month intervals pursuant to the Adoption and Safe Families Act, Title IV-E. If the respondent is committed to a State mental hospital or facility for children with intellectual disabilities, Review Hearings will be held every 6 months.

Track 2 – Detention Care: Timeline

Day 1:	Delinquency petition filed
Day 2:	Detention Hearing
Up to Day 15:	Discovery completed (continuing duty to disclose – Md. Rule §11-418)
Day 12-19:	Suppression Hearing (if needed)
Day 17-23:	Pre-Trial Conference (if needed)
Up to Day 30:	Adjudicatory Hearing
Up to Day 44:	Disposition Hearing (if respondent is detained or on community detention)
Up to Day 60:	Disposition Hearing (if respondent is NOT detained or on community detention)
Up to Day 180:	Review Hearing (may be at the discretion of the court)
Up to Day 365:	Permanency Planning Hearing (if respondent remains in Title IV-E facility)
Every 6 months:	Review Hearing (if respondent remains in Title IV-E facility)

Track 2: Juvenile Delinquency – Detention

Diagram 1.2



Once DJS takes custody of a child, a hearing must be held immediately to determine if the child should remain in custody or be released. The SAO reviews the charges to determine if they will go forward. Serious cases may require a PTC. An Adjudicatory Hearing shall be held within 30 days of the Detention Care Hearing If the respondent is in detention or shelter care, the Adjudicatory Hearing shall be held within 30 days from the date the Court ordered the detention. The Disposition Hearing shall be held no later than 30 days after the conclusion of the Adjudicatory Hearing unless the respondent is detained. Then the Disposition Hearing must be held within 14 days.

CHILD WELFARE PROCESS AND TIMELINES BY TRACK

TRACK 1 CINA Shelter

Diagram 2.1 and Diagram 2.2

Diagrams 2.1, 2.2, and 2.3 illustrate the events and times required for child welfare case processing by track in flowchart form and are located immediately following each Track Description and Timeline

Track 1 – CINA Shelter

Process Summary

CINA Petition Filed

After placing a child in Emergency Shelter Care, the Frederick County Department of Social Services (DSS) must immediately file a petition requesting continuation of shelter care if the child is not returned to the parents, guardian, or custodian.

Shelter Care Hearing

The Court must hear the petition no later than the next day the Court is in session, with reasonable notice, oral or written, given to the parents, guardian or custodian, if they can be found. If the child is returned to the custody of the parents, an appropriate order is issued, and the Track designation is changed to Track 2 by the Assignment Office. If the Court authorizes continued shelter care, an appropriate order is issued, and the Adjudicatory Hearing must be held within 30 days. Hearing dates are set in Court as provided by the Assignment Office.

Pre-Trial Conference

A Pre-Trial Conference may be set upon request of the parties or if the Court determines one is needed. These will normally be set approximately one week prior to the Adjudicatory Hearing. If an agreement is reached, an expedited Adjudicatory Hearing is held, the agreement is placed on the record, and an order is entered. The Child In Need of Assistance (CINA) case will immediately proceed to a separate Disposition Hearing, unless the Court finds good cause to delay up to a maximum of 30 days. If an agreement is reached with only one parent, that agreement will also be placed on the record. However, the Adjudicatory Hearing will remain on the docket. If no agreement is reached with at least one parent or guardian the Adjudicatory Hearing will remain on the docket.

Adjudicatory Hearing

The Adjudicatory Hearing will be held no more than 30 days from the Shelter Care Hearing. At the Adjudicatory Hearing, the Court will hear the evidence in the case. If the allegations in the petition are proven, the case will proceed to the Disposition Hearing immediately, unless the Court makes a finding of good cause to delay the hearing, up to a maximum of 30 days.

Disposition Hearing

The Disposition Hearing is held to determine if the proven allegations are sufficient to find that the child is CINA pursuant to CJP §3-819 and Md. Rule 11-216. Depending on the circumstances, the Court will either order that the child be returned to the home, be placed in the care of a relative or other individual, or be committed to the care, custody and limited guardianship of the DSS or another agency for placement outside the home, including designation of the type of facility child is to be placed, pursuant to CJP §3-819. At this time, the Court may also order the child and the child's parent, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and family.

Review Hearing

The Court must conduct a Review Hearing within 6 months after the filing of the petition and at least every 6 months thereafter, if the child remains under the Court's jurisdiction, to review the status of that child.

Permanency Planning Hearing

When a child is in an out-of-home placement, the Court is required to hold a Permanency Planning Hearing to determine the permanency plan and the reasonable efforts to finalize the plan for the child. Possible permanency plans range from reunification to adoption. If the Court changes the plan to adoption at any point, then DSS will be ordered to file a petition to terminate parental rights (TPR), and the Court will schedule a Termination of Parental Rights Hearing in lieu of the next Permanency Planning Hearing, pursuant to CJP §3-823(g).

The first Permanency Planning Hearing is to be held within 11 months plus 30 days of shelter care placement, unless reasonable efforts toward reunification are waived due to aggravated circumstances. DSS can file a petition for waiver and a hearing will be set by the Assignment Office. If the petition for waiver is granted, the Court must then hold the Permanency Planning Hearing within 30 days of the reasonable efforts being waived (CJP §3-812(e)).

Permanency Planning Review Hearing

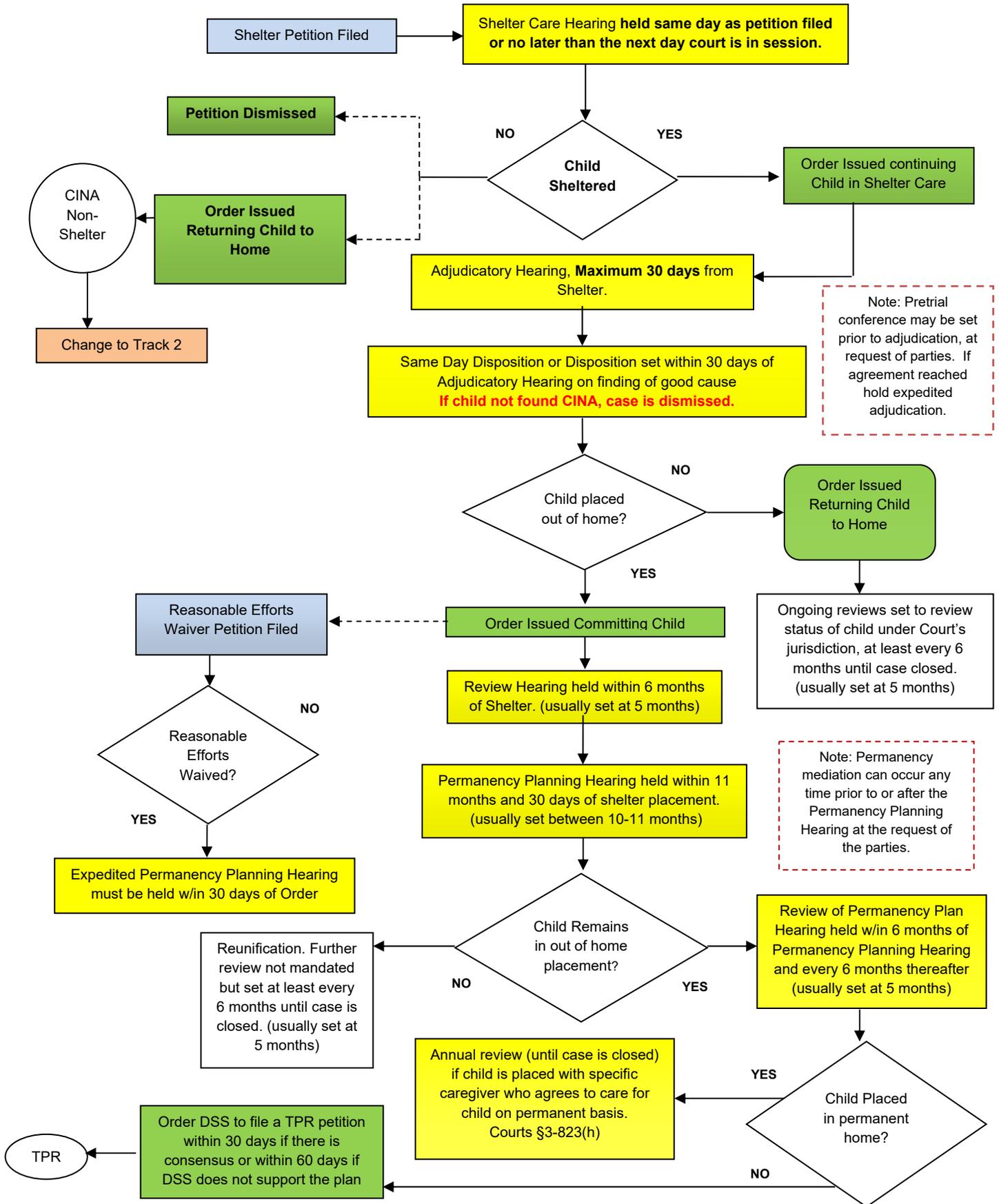
If the child remains out of the home, the Court must review the permanency plan every 6 months until the commitment is rescinded or the TPR petition is granted. If the child is placed with a specific caregiver, who agrees to care for the child on a permanent basis, the Review Hearing will take place every 12 months.

Track 1 – CINA Shelter: Timeline

Day 1:	Shelter Care Hearing
Day 10:	Discovery completed
Day 14 to 21:	Pre-Trial Conference (may be held if requested/necessary)
Up to Day 30:	Adjudicatory Hearing
Up to Day 60:	Disposition Hearing (if not held same day as Adjudicatory Hearing)
Up to Day 180:	Review Hearing
Up to Day 365:	Permanency Planning Hearing
Every 6 months:	Permanency Planning Review Hearing

TRACK 1 CINA Shelter

Diagram 2.1



Track 2 – CINA Non-Shelter

Process Summary

CINA Petition Filed

The Frederick County Department of Social Services (DSS) files a petition requesting that a child be found a Child In Need of Assistance (CINA). A Preliminary Inquiry Hearing is scheduled within 14 days, and the Clerk's Office issues summonses for the parents, guardian, or custodian of the child and prepares the order for appointment of counsel for the child.

Preliminary Inquiry Hearing

A Preliminary Inquiry Hearing is held within 14 days of the filing of the petition. At the Preliminary Inquiry Hearing, the child and the child's parents, guardian or custodian are served with the CINA petition, Notice of Court-Appointed Attorney for the child, a Guide for Parents and Guardians in Child Protection Cases, and parents and guardians are advised of their right to counsel. Hearing dates are set in open court as provided by the Assignment Office (AO).

Pre-Trial Conference

A Pre-Trial Conference may be set upon request of the parties or if the Court determines one is needed. These will normally be set approximately one week prior to the Adjudicatory Hearing. If an agreement is reached, an expedited Adjudicatory Hearing is held and the agreement is placed on the record, and an order is entered. The CINA case immediately will proceed to a separate Disposition Hearing, unless the Court finds good cause to delay up to a maximum of 30 days. If an agreement is reached with only one parent or guardian, that agreement will also be placed on the record. However, the Adjudicatory Hearing will remain on the docket. If no agreement is reached with at least one parent or guardian, the Adjudicatory Hearing will remain on the docket.

Adjudicatory Hearing

The Adjudicatory Hearing will be held no more than 60 days from the date of service. At the Adjudicatory Hearing, the Court will hear the evidence in the case. If the allegations in the petition are proven, the case will proceed to the Disposition Hearing immediately unless the Court makes a finding of good cause to delay the hearing, up to a maximum of 30 days.

Disposition Hearing

The Disposition Hearing is held to determine if the proven allegations are sufficient to find that the child is CINA pursuant to CJP §3-819 and Md. Rule 11-216. Depending on the circumstances, the Court will either order that the child be returned to the home, be placed in the care of a relative or other individual, or be committed to the care, custody and limited guardianship of DSS or another agency for placement outside the home, including designation of the type of facility the child is to be placed, pursuant to CJP §3-819. At this time, the Court may also order the child and the child's parent, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and family¹

Review Hearing

The Court must conduct a Review Hearing within 6 months after the filing of the petition and at least every 6 months thereafter, if the child remains under the Court's jurisdiction, to review the status of that child.

Permanency Planning Hearing

When a child is in out-of-home placement, the Court is required to hold a Permanency Planning Hearing to determine the permanency plan and the reasonable efforts to finalize the plan for the child. Possible permanency plans range from reunification to adoption. If the Court changes the plan to adoption, at any point, then DSS will be ordered to file a petition to terminate parental rights (TPR), and the Court will schedule a Termination of Parental Rights Hearing in lieu of the next Permanency Planning Hearing, pursuant to CJP §3-823(g).

This hearing is to be held within 11 months plus 30 days of shelter care placement, unless reasonable efforts toward reunification are waived due to aggravated circumstances. A petition for waiver is filed, and a hearing set. If the petition for waiver is granted, the Court must then hold the Permanency Planning Hearing within 30 days of the reasonable efforts being waived (CJP §3-812(e)).

Permanency Planning Review Hearing

If the child remains out of the home, the Court must review the permanency plan every 6 months until the commitment is rescinded or the TPR petition is granted. If the child is placed with a

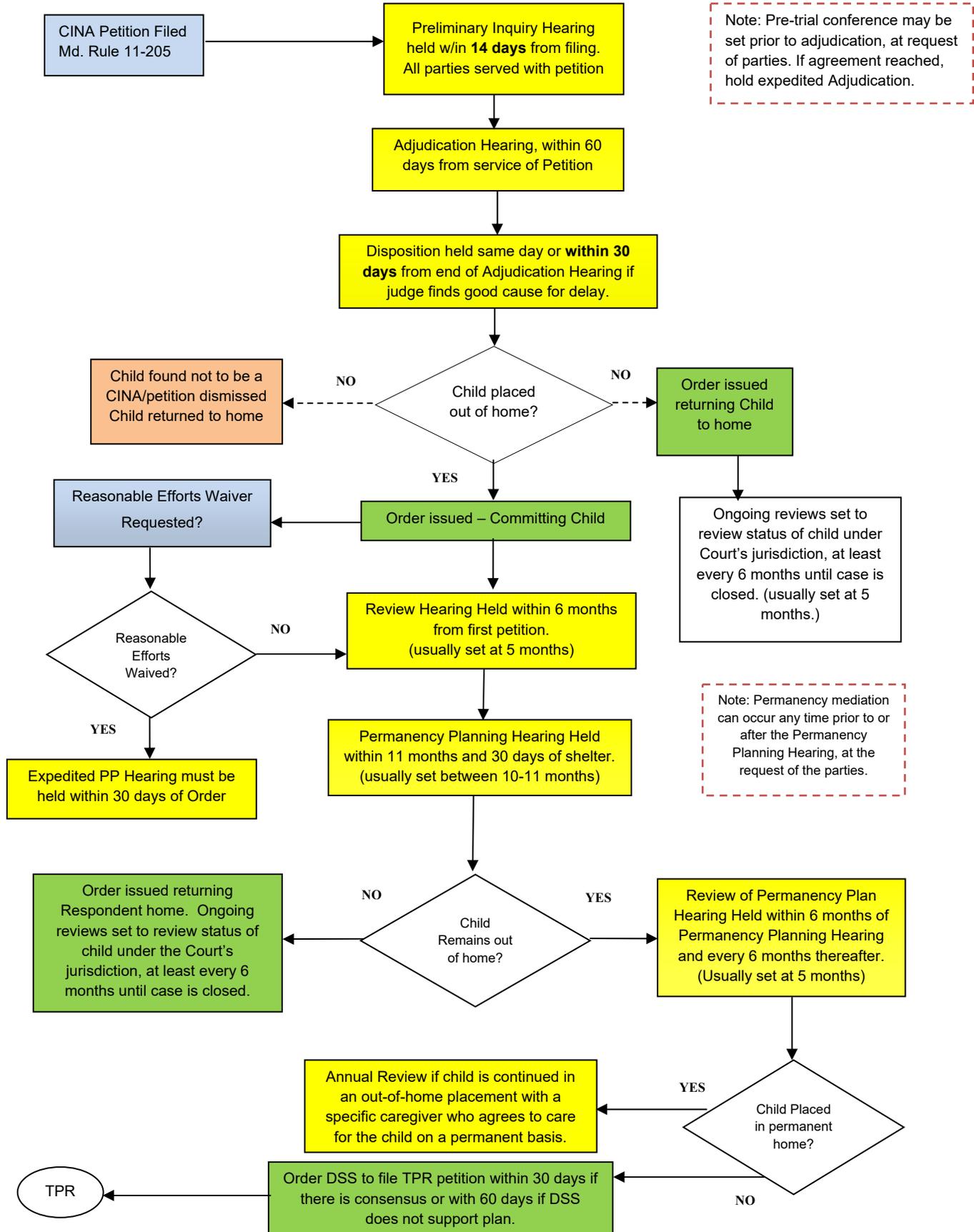
specific caregiver who agrees to care for the child on a permanent basis, the Review Hearing will take place every 12 months.

Track 2 – CINA Non-Shelter: Timeline

Day 1:	CINA Petition filed
Up to Day 14:	Preliminary Inquiry Hearing
Up to Day 20:	Discovery completed
Day 35-50:	Pre-Trial Conference (may be held if requested/necessary)
Up to Day 60:	Adjudicatory Hearing
Up to Day 90:	Disposition Hearing (if not held same day as Adjudicatory Hearing)
Up to Day 180:	Review Hearing
Up to Day 365:	Permanency Planning Hearing
Every 6 months:	Permanency Planning Review Hearing

TRACK 2 CINA Non-Shelter

Diagram 2.2



Track 3 – Termination of Parental Rights

Case Process Summary

The Juvenile Court has exclusive jurisdiction over Guardianship and Termination of Parental Rights (TPR) cases for children who have been adjudicated CINA. (CJP §3-803(a)). Within 30 days after the Court has granted the request of the DSS to change the permanency plan in a CINA case to adoption, DSS will file a petition that seeks the termination of parental rights as court ordered. If DSS does not support the plan change, they will file a petition within 60 days as court ordered.

Upon receiving the petition for termination of parental rights, the Clerk's Office will issue show cause orders and a notice of filing, pursuant to Md. Rule 11-305 and 11-306, which must be served within 90 days on the child's attorney, parents, and their attorney(s), as well as the parent's last attorney of record in the CINA case. The Assignment Office will then schedule a Service/Status Hearing within 60 days from the date of filing pursuant to Md. Rule 11-305(c), and a trial date within 180 days from the filing date. All TPR hearings and determinations will be handled by a judge.

Status Hearing (Service)

The Status Hearing (Service) for TPRs is to be held within 60 days. This Hearing is to be used to review the status of the case. If service has not been obtained, then the hearing will be rescheduled until service of all parties is obtained. If needed, the Court may reissue a new show cause order for service or allow service by publication. Once service has been obtained on all parties, the Court will determine the need for future court proceedings.

If Uncontested: (both parents consent or do not file an objection), DSS will request to remove the previously set trial date and the Court will schedule an Uncontested Termination of Parental Rights Trial after the 30-day revocation period (if anyone has the right to revoke consent, FL §5-321).

If Contested: (at least one parent has timely filed an objection), any parent may file an objection within the timelines prescribed by Md. Rule 9-107. If the Court grants a motion for service by publication, objections must be filed within 30 days of the last day of posting on the Department of Human Resources website at <https://dhs.maryland.gov>. Failure to file a timely objection after being served constitutes a deemed consent that cannot be revoked.

The Court will set a mediation date in open court as coordinated with the Permanency Planning Liaison. A Pre-Trial Conference may also be scheduled one week prior to the previously scheduled trial date if needed.

Mediation

Mediation is generally scheduled between days 90-120 days in an attempt to resolve any outstanding issues in the case before trial. If the mediation session results in an agreement, the agreement will be placed on the record the same day or the agreement will be placed on the record at a Pre-Trial Conference. If an agreement is not reached, any party may request an additional mediation session, or the case will proceed to trial.

Pre-Trial Conference

A Pre-Trial Conference is only set if determined to be necessary by the Court and is generally held within between 120 – 150 days to address the outcome of mediation, outstanding discovery issues, etc., and to ensure all parties are ready for trial.

Trial – Termination of Parental Rights

A trial date is set at the time of filing within between 130 – 170 days. All cases must go forward on the record even if an agreement is reached, or consent is given.

If the case is uncontested, the trial/hearing will be set as soon as practicable before a judge, usually on a Monday. The Petition to Terminate is granted as found in the best interest of the child and an immediate Judgment of Guardianship is issued, as well as an immediate Closure Order for the CINA case, both of which are submitted in open court by DSS.

If the case is contested, a court trial is held before a judge to determine if terminating the parental rights is in the best interest of the child. The Court may deny the petition and immediately issue a Closure Order, which is submitted by DSS, reverting back to the CINA case and setting a Review Hearing within 180 days in said CINA case. The Court may grant the Petition for Termination of Parental Rights after finding it is in the best interest of the child and issue an immediate Judgment of Guardianship, as well as an immediate Closure Order for the CINA case, both of which are submitted in open court by DSS.

Guardianship Review Hearing

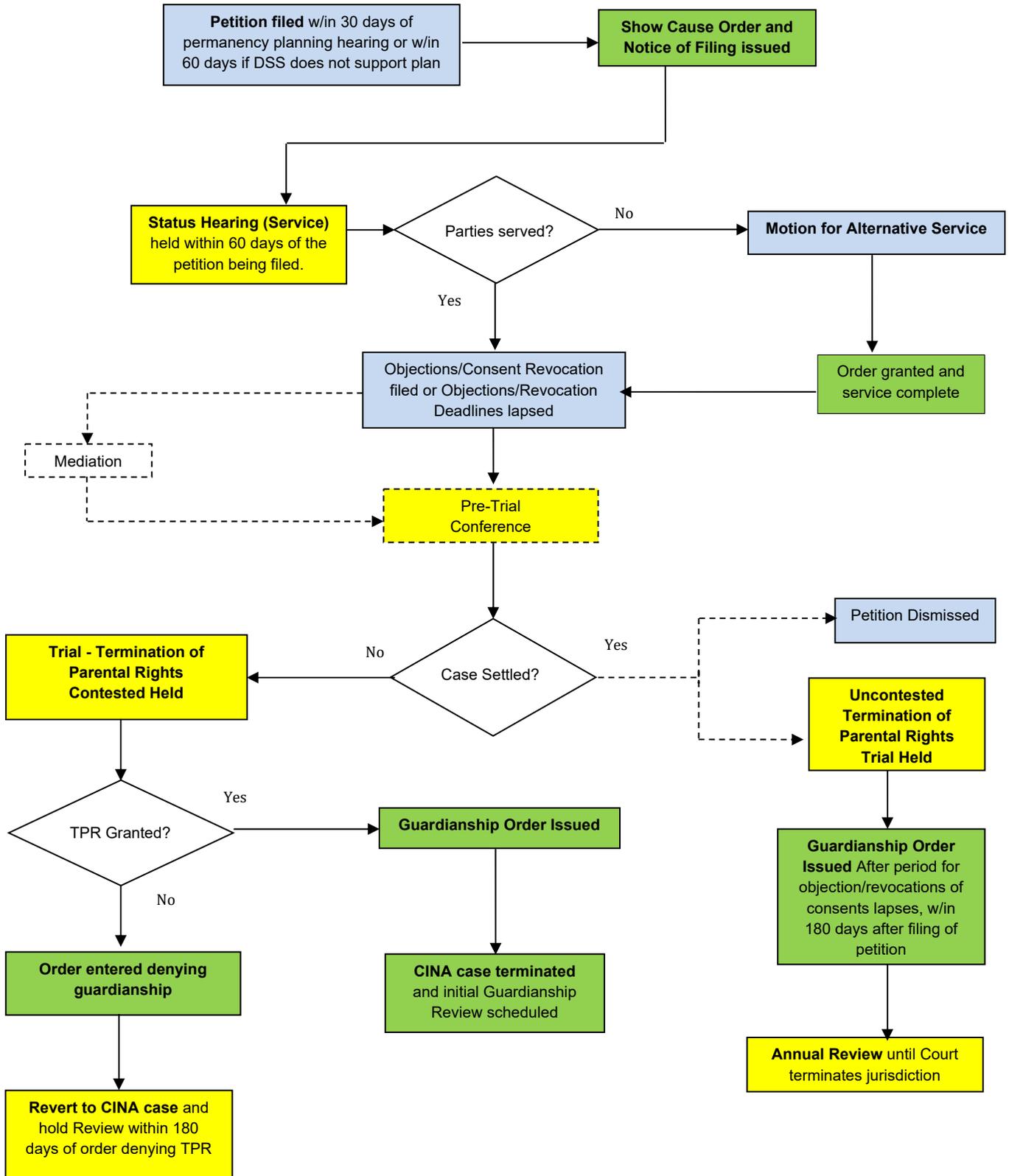
Pursuant to Md. Rule 11-316, the Initial Guardianship Review Hearing is scheduled within 6 months of the Judgment for Guardianship. Subsequent Guardianship Review Hearings are required every year, but are generally held every 6 months thereafter until the Court's jurisdiction terminates. See also emergency review hearings (FL §5-326(b)) and failed conditional placement during guardianship hearings (FL §5-327).

Track 3 – TPR Timeline:

Day 1:	Petition to Terminate Parental Rights filed
Up to Day 60:	Status Hearing (for service)
Day 90-120:	Mediation (if objections are filed/contested)
Day 120-150:	Pre-Trial Conference (may be held if requested/necessary)
Day 130-170:	Trial - Termination of Parental Rights
Up to Day 360:	Guardianship Review Hearing – set within 180 days of TPR being granted and Guardianship Order being issued (Subsequent hearings will be scheduled at least yearly, but often every 180 days until the Court's jurisdiction terminates).

TRACK 3 - Termination of Parental Rights

Diagram 2.3



Track 4 – Other Child Welfare Case Types

Other juvenile case types will be custom managed according to the following schedule of expectations:

Table 1.3 – Other Child Welfare Case Types

Other Child Welfare Case Types	Expected Duration
Interstate compact requests	
Voluntary placements	30 days to voluntary placement 11 months to permanency planning hearing permanency planning reviews every 6 months
Adoptions	180 days

Interstate Compact Requests

These cases are custom managed.

Adoptions – Process Summary

A Petition for Adoption along with a Notice of Filing, any other exhibits and consents obtained from the child and agency, and any accounting statements will be filed. The child’s counsel must be served with the Notice of Filing unless notice is waived in writing, pursuant to Md. Rule 9-103.

Once the Court has received all the necessary exhibits and consents, an Adoption Hearing, in which a judgment is entered, will be scheduled by the Assignment Office. The judge who entered the Final Order of Guardianship in the associated TPR case will hear the adoption proceeding of the child.

The Adoption Petition must be ruled on no later than 180 days from the date the petition was filed, pursuant to FL §5-336(a) and (b), as well as FL §5-348(a) and (b). As a best practice, the Adoption Hearing is set within 30 days from when the petition was filed, or as soon thereafter as possible depending on the Court’s scheduled.

At the Adoption Hearing, the Judgment of Adoption is entered and the Adoption Decree is issued and distributed to DSS, child’s counsel, and the adoptive parent(s).

Voluntary Placements – Process Summary

A “voluntary placement agreement” means a binding, written agreement entered into between the Frederick County Department of Social Services (DSS) and the parents, guardian, or custodian of a minor child that specifies, at a minimum, the legal status of the child and the rights and obligations of the parents, guardian or custodian, the child, and DSS, while the child is in placement (FL §5-501(m)).

The Juvenile Court has exclusive jurisdiction over voluntary placement hearings. A Voluntary Placement Hearing is scheduled by the Assignment Office within 30 days after DSS files the petition to continue a voluntary placement agreement. The voluntary placement can remain in place only if all parties continue to agree. If the Court continues the voluntary placement, then a Permanency Planning Hearing must be held no later than 11 months after the out-of-home placement began.

Hearings to review the permanency plan must be held at least every 6 months thereafter until the voluntary placement is terminated. If the child is placed in a psychiatric facility or a facility for the developmentally disabled, then the appropriateness of the placement must be reviewed every 6 months. If the Court terminates the voluntary placement, then an order will be issued returning the child to the child’s home with the necessary services and supports (CJP §3-819.2 (b)(1)).

The Court may order DSS to file a CINA Petition if necessary to ensure the care, protection, safety, and mental and physical development of the child (CJP §3-819.1(b)(4)). The case would then proceed as a CINA case.

Mediation is available to assist the parties with the resolution of the issues relating to the permanency plan and is coordinated by the Permanency Planning Liaison.

VARIOUS OTHER PROCEDURES – JUVENILE/CHILD WELFARE

Postponements

Motions for postponement of hearings that do not need a finding of extraordinary cause which are filed in Juvenile/Child Welfare matters will be ruled on by the County Administrative Judge or his/her designee. These motions will only be granted on a showing of good cause.

Motions for postponement of any hearing that request the matter be postponed beyond the statutorily mandated deadlines and that needs a finding of extraordinary cause will be ruled on by the Juvenile Case Management Judge in Charge or the designee of the County Administrative Judge. These motions will only be granted on a showing of extraordinary cause. Extraordinary cause is that which is not foreseeable, usual or predictable.

Generally, scheduling conflicts and joint requests on their face do not constitute extraordinary cause.

Postponement Procedures

PLEASE SEE THE ADMINISTRATIVE ORDERS THAT OUTLINE THE POSTPONEMENT POLICY FOR CHILD WELFARE CASES IN THE CIRCUIT COURT FOR FREDERICK COUNTY AT:

<https://www.mdcourts.gov/sites/default/files/import/clerks/frederick/pdfs/postponementtprandcina20220826.pdf>

AND

<https://www.mdcourts.gov/sites/default/files/import/clerks/frederick/pdfs/actingadminjudge20220826.pdf>

Emergency Hearings

If DJS or DSS file a request to hear one of the following types of emergencies, a hearing will be scheduled as soon as possible and normally no later than 1:30pm on the same day:

- Request for Shelter Care
- Detention Hearing
- Change of Placement
- Request for Juvenile Warrant
- Apprehension on a Juvenile Warrant
- Violation of Home Electronic Monitoring

REQUESTS FILED AFTER 11:30 AM MAY NOT BE HEARD UNTIL THE FOLLOWING DAY THAT THE COURT IS OPEN FOR BUSINESS.

Other requests for an Emergency Hearing filed by any party will be promptly reviewed by a judge who will determine whether and when a hearing should be scheduled.

EXCEPTION TO REQUIREMENT TO FILE BY 11:30 AM – TRANSFER CASES

When a case is transferred from Adult to Juvenile Court and the youth remains detained, an Emergency Hearing will be scheduled, without a request, on the next 1:30 p.m. emergency docket after the State files the Delinquency Petition.

When the youth is not detained and a party requests an Emergency Hearing, the hearing will be scheduled on the next 1:30 p.m. emergency docket after the State files a Delinquency Petition. A motion for Emergency Hearing that sets out the relief requested must be filed.

Motions Process

All pleadings and motions must be filed with the Juvenile Division of the Office of the Clerk of the Court and must comply with Md. Rule 1-321 – Service of pleadings and papers other than original pleadings.

- Pursuant to Md. Rule 11-104(b) – *Response*, the motion will be held for the appropriate length of time for written responses to be filed.
- When positions/responses are received from all parties or when the appropriate length of time for filing written responses has expired, the file will be sent to a judge for review and ruling.
- If a party wishes to shorten the normal response time to a motion, a motion to shorten time to respond must be filed along with a separate proposed order. If the motion to shorten time is made in the same pleading as the underlying motion, the title shall clearly state that the party is requesting that the time be shortened, e.g., “Motion to Postpone Adjudication Hearing and Motion to Shorten Time for Response.”
- A party making a motion to shorten time shall specify a date and time to which the party requests that the response time be shortened. The motion shall also include all attempts to obtain positions from the other parties in the case. If a position cannot be ascertained, then the moving party shall include all efforts made to contact that party, such as dates, times, and forms of contact.

- The motion to shorten time and proposed order should be filed with the Juvenile Clerk's Office. The motion to shorten time will be reviewed by the case manager and parties whose positions are not advanced in the motion shall be contacted for their positions, if time permits. The file will then be sent to the appropriate judge for review and ruling.
- If a party desires a hearing, a request for hearing must be included in the underlying motion or response. Pursuant to Md. Rule 11-104(c), the Court shall determine in each case whether a hearing will be held.