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# **CIRCUIT COURT FOR BALTIMORE CITY JUVENILE DIVISION**

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Differentiated Case Management Plan with Related Critical  
Elaboration on Case Management, Docket Management, and  
Court Management in the Baltimore City Juvenile Court



JULY 20, 2023

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>1</b>
<b>STATEMENT OF PURPOSE .....</b>	<b>1</b>
<b>CASE MANAGEMENT.....</b>	<b>2</b>
Judges and Magistrates	2
Clerk of the Court	2
Computerized Tracking System	2
<b>TRACKS.....</b>	<b>3</b>
Delinquency Case Types – Filing Through Disposition	3
CINA Case Types - Filing Through Disposition	3
TPR Case Type – Filing to Final Decree	3
Miscellaneous Case Types	3
Special Case Types	4
<b>CASE EVENTS .....</b>	<b>4</b>
<b>DELINQUENCY.....</b>	<b>4</b>
Delinquency Non-Detention – Track 1 .....	4
Delinquency Detention – Track 2.....	5
I.    Adjudication	5
II.   Disposition	5
Timeline Summary .....	6
Additional Delinquency Potential Hearings .....	8
I.    Waiver Hearing	8
II.   Motions for Transfer	8
III.  Emergency Evaluation Hearing	8
IV.   Competency Hearing	8
V.    Restitution Hearing	9
VI.   Informal Adjustments/Abeyance Procedures	9
Additional Delinquency Policies and Procedures.....	10
I.    Electronic Summons	10
II.   Electronic Warrant Notifications	10
III.  Detention Eligible for Reporting Center	10
IV.   Youth Picked Up and Held On Writs and Warrants	10
V.    ADR Mediation	Error! Bookmark not defined.
VI.   Delinquency Docket Calls	11
<b>CHILDREN IN NEED OF ASSISTANCE (CINA) .....</b>	<b>11</b>

<b>CINA – Non Shelter – Track 3</b> .....	11
<b>CINA – Shelter – Track 4</b> .....	12
<b>Timeline Summary</b> .....	14
<b>Additional CINA Policies and Procedures</b> .....	15
<b>I. Instant Paternity Lab</b> .....	15
<b>II. Permanency Planning Mediation Program</b> .....	15
<b>III. CINA Administration</b> .....	15
<b>IV. Waiver of 30-Day Shelter Adjudication</b> .....	15
<b>V. CINA Docket Calls</b> .....	15
<b>VI. Locating Parents</b> .....	15
<b>TERMINATION OF PARENTAL RIGHTS</b> .....	16
<b>TPR – Track 5</b> .....	16
<b>Timeline Summary</b> .....	18
<b>MISCELLANEOUS CASE TYPES – Track 6</b> .....	18
<b>I. Adoptions</b> .....	18
<b>Timeline Summary</b> .....	19
<b>II. Peace Orders</b> .....	20
<b>Timeline Summary</b> .....	20
<b>III. Voluntary Placement</b> .....	21
<b>Timeline Summary</b> .....	21
<b>SPECIAL CASE TYPE – Track 7</b> .....	22
<b>I. Family Recovery Program Court</b> .....	22
<b>POLICIES AND PROCEDURES</b> .....	23
<b>I. Assignment and Scheduling</b> .....	23
<b>II. Postponements</b> .....	23
<b>A. General Postponements</b> .....	23
<b>B. Advance Postponement Requests</b> .....	23
<b>C. Postponements on the Day of the Hearing</b> .....	25
<b>D. Postponements Requested by DJS</b> .....	26
<b>E. Continuance</b> .....	26
<b>III. Interpreters</b> .....	26

## **INTRODUCTION**

This Juvenile Differentiated Case Management Plan (“DCM Plan”) is established in accordance with [Md. Rule 16-302\(b\)](#), which requires the 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.

In revising the DCM, input was sought from the various stakeholder agencies. Their suggestions were incorporated into the DCM where appropriate. This is a living document and will be updated and modified when necessary. A major milestone that the Baltimore City Juvenile Justice domain will face shortly is the transition from the existing, and much relied upon eQuest case management system. In May 2024, the courts will transition to MDEC and Odyssey case management systems. These systems have been implemented through the state, with Baltimore City being the last jurisdiction to incorporate the case management system. The transition will offer unique capabilities but will also require vigilance to ensure that the transition between the systems does not create voids in ensuring the timely and effective administration of Juvenile justice. Obviously, once MDEC is implemented, it will be necessary to reassess the DCM.

Consistent with the best interest of the child, their safety, family preservation and permanency and community safety, the Circuit Court for Baltimore City – Juvenile Division seeks to handle each case fairly and to resolve each case promptly, according to applicable federal and state statutes and regulations, Maryland Rules, and administrative case time standards.

This is a living document; in other words, the DCM is constantly seeking to capture the current environment within the Baltimore City Juvenile Justice Center. Suggestions and improvements to the DCM Plan are welcome and encouraged. Please submit suggested changes to Judge-in-Charge of the Juvenile Division of the Circuit Court for Baltimore City.

## **STATEMENT OF PURPOSE**

This DCM Plan has been created to integrate statutorily mandated time frames with caseflow events and court policy to promote the fair and efficient management of all 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 written policy, approved by the 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.

In accordance with the Performance Standards and Measures set forth by the Maryland Judiciary, it is the purpose of this DCM Plan to provide an effective case management system that will assure:

- Access to Justice;
- Expedition and Timeliness;
- Equality, Fairness, and Integrity;
- Independence and Accountability; and
- Public Trust and Confidence.

## **CASE MANAGEMENT**

The policies and procedures outlined in this plan shall be implemented by the Juvenile Court Judge-In-Charge, as designated by the Administrative Judge, and the other assigned judges and magistrates and their respective staffs. The Juvenile Court Judge-in-Charge reports to the Administrative Judge, supervises all aspects of case management, and is ultimately responsible for the implementation and monitoring of this Juvenile Differentiated Case Management Plan, pursuant to [Md. Rule 16-302\(b\)](#).

### **Judges and Magistrates**

The Juvenile Court is staffed by judges and magistrates who oversee the required reasonable efforts for rehabilitation and behavioral reform of delinquent children, promote the safety of abused and neglected children, and promote permanency for all children. Judges must, in accordance with the Maryland Rules, be designated to sit in Juvenile Court based upon specific knowledge, experience and interest in children.

All judges and magistrates shall comply with and implement in their rulings the provisions of this DCM Plan. Individual judges and magistrates are responsible for the effective management of cases assigned to them, including adherence to the Case Time Standards.

### **Clerk of the Court**

The Clerk of the Court will designate clerks to be assigned to the Juvenile Court. The employees of the Clerk's Office participate in the processing of Delinquency, Children in Need of Assistance (CINA), Termination of Parental Rights (TPR), Adoptions, and all other juvenile case types assigned to the court dockets. Duties and responsibilities include, but are not limited to:

- Assisting the Juvenile Court Judge-in-Charge in scheduling cases to the court dockets;
- Timely creation and transmittal of all mandated notices;
- Generation of court orders, directly from the courtrooms and hearing rooms for all hearings;
- Effective tracking of case files; and
- Effective, responsible, and service-oriented communication with all members of the public and employees of the court.

### **Computerized Tracking System**

Since 1994, the Juvenile Division has utilized the eQUEST Case Management System to integrate all aspects of processing cases. This computer application is an integrated tracking system, designed and customized to meet the specific needs of the Juvenile Court and related agencies; including prosecutors, defense attorneys, child welfare attorneys, court clerks, police, social workers, probation counselors, and others. QUEST links all disciplines within the framework of the juvenile judicial system enabling personnel to track all activity related to a case through its entirety and allows for the automation of documents, including the in-court generation of orders. In addition to automating the court's practical application, QUEST's seamless integration not only affords efficient, effective communication among people within the Juvenile Court, but also provides those benefits between the various judicial system agencies as well, thereby promoting a united and effective approach to case management. In May 2024, the Baltimore City Juvenile Division will transition to MDEC, which will require some changes to the existing Case Management Plan. However, the overall court management and commitment to efficiency, transparency, and equal access to justice will not be curtailed.

## **TRACKS**

Tracks define expected case processing events, the timing of events, assignments, and the expectations for case duration. The caseload time standard to disposition for Circuit Court Delinquency cases is 90 days for 98 % of cases; for CINA (Shelter) cases is 30 days; for CINA (Non-Shelter) cases is 60 days and for TPR cases is 180 days. Expected duration is based on needed time to resolution of each case (i.e., disposition), which may be less than the time standard.

A Juvenile case may follow seven potential tracks to resolution. Tracks are defined at filing based on the case type.

### **Delinquency Case Types – Filing Through Disposition**

<b><i>Track</i></b>	<b><i>Case Subtypes</i></b>	<b><i>Expected Case Duration</i></b>
Track 1 Delinquency Non-Detention	Delinquency Cases (Non-Detention)	90 Days
Track 2 Delinquency Detention	Delinquency Cases (Detention/Community Detention)	90 Days

### **CINA Case Types - Filing Through Disposition**

<b><i>Track</i></b>	<b><i>Case Subtypes</i></b>	<b><i>Expected Case Duration</i></b>
Track 3 CINA Non-Shelter	Child in Need of Assistance (CINA) cases with no shelter care	60 Days
Track 4 CINA Shelter	Child in Need of Assistance (CINA) cases with shelter care	30 Days

### **CINS Case Types - Filing Through Disposition**

<b><i>Track</i></b>	<b><i>Case Subtypes</i></b>	<b><i>Expected Case Duration</i></b>
Track 3 CINS Non-Shelter	Child in Need of Services (CINS) cases with no shelter care	60 Days
Track 4 CINS Shelter	Child in Need of Services (CINS) cases with shelter care	30 Days

### **TPR Case Type – Filing to Final Decree**

<b><i>Track</i></b>	<b><i>Case Subtypes</i></b>	<b><i>Expected Case Duration</i></b>
Track 5 Termination of Parental Rights	Termination of Parental Rights Cases	180 Days

### **Miscellaneous Case Types**

<b><i>Track</i></b>	<b><i>Case Subtypes</i></b>	<b><i>Expected Case Duration</i></b>
Track 6 Miscellaneous	Adoptions	14 days up to 6 months
	Peace Orders	14 days up to 6 months
	Voluntary Placements	30 days from filing of the petition or 180 days from placement, whichever is sooner, and every 6 months afterwards

## Special Case Types

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration</i>
Track 7 Special Case Type	Family Recovery Program Court	9 up to 24 months

## CASE EVENTS

### DELINQUENCY

#### **Delinquency Non-Detention – Track 1**

##### **Case Process Summary**

In cases whereby the respondent is not being initially detained and has been released to the custody of his/her parents, guardian or custodian, an arraignment hearing is scheduled within 14 days of the filing of the petition. Arraignment hearings are scheduled on Tuesdays, before the judge that is assigned the delinquency docket. Once the Clerk’s Office receives the petition, they shall take steps for it to be issued to the respondent and parents. The Clerk’s Office shall issue a summons for the respondent and parent, notifying the parent to appear with the respondent for a Zoom Meeting. Failure to attend the Zoom meeting for the arraignment hearing could result in a writ being issued for the respondent and a show cause hearing against the parent. The Office of the Public Defender (OPD) contacts the family in order to find out if representation is needed. If the family requests OPD representation, OPD requests the arraignment hearing be converted to a Status Conference where parent and Respondent are excused, and OPD appears on their behalf. An adjudication hearing is then scheduled by the judge or magistrate within 60 days of the arraignment hearing, generally in an assigned Home Court for the Child (See pg. 23 below for definition of “Home Court.”).

##### Adjudicatory Hearing

The purpose of the adjudicatory hearing is to determine if the child committed the offense and if a “Facts Sustained” is warranted. If the child admits to the offense, no witnesses are called.

##### Disposition Hearing

If the court determines the child committed the offense, the court will schedule a disposition hearing, typically within five days. If the court determines the child did not commit the offense, the case ends, and a disposition hearing is not required.

#### **Delinquency Detention/Community Detention – Track 2**

##### **Case Process Summary**

In cases whereby an initial determination has been made to detain a respondent due to concerns that he/she is likely to leave the jurisdiction, or is a serious, imminent danger to himself/herself or the public, a detention/shelter care hearing must be held before a fact-finding (adjudication) hearing is held. The State’s Attorney shall file a petition and a hearing must be held the same court day in order to extend the detention or shelter care. These hearings are conducted by the magistrate or judge assigned the “Emergency Delinquency Specials” for that court day. These hearings begin at 1:30 PM each day. Reasonable notice, oral or written, shall be given to the respondent and the respondent’s parents, guardian, or custodian.

At the detention/shelter care hearing, the court grants or denies continued detention/shelter care. The respondent and parents, guardian, or custodian are served with the petition, advised of the charges, and advised of their right to counsel. If a respondent and/or his/her parents, guardian, or custodian do not obtain counsel, the court must appoint counsel to represent the respondent.

The respondent could be returned to the custody of his/her parents, guardian, or custodian at the detention/shelter care hearing or detained in a secure facility or placed on community detention such as home electronic monitoring, global positioning monitoring and/or ordered to attend a Reporting Center or Pre-Adjudication Coordination and Training Center (PACT). If the court grants continued detention/shelter care, there must be an adjudication hearing held within 30 days from the detention/shelter care hearing. In addition, 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. The disposition hearing will occur if the respondent is found to have committed the alleged acts at the adjudication hearing.

## **I. Adjudication**

If the respondent is detained, placed on community detention, or any form of detention, the case process continues as follows:

Within 30 days, the court will hold a fact-finding hearing (similar to a bench trial), called the adjudication.

If the respondent has been released to the custody of his/her parents, guardian, or custodian, the case process continues as follow:

Within 60 days, the court will hold a fact-finding hearing (similar to a bench trial), called the adjudication.

The purpose of the hearing is to determine if the child committed the offense. If the child admits to the offense, no witnesses are called. If the court determines the child committed the offense, the court will schedule a disposition hearing. If the court determines the child did not commit the offense, or "Facts Not Sustained," the case ends, and a disposition hearing is no longer required.

## **II. Disposition**

The disposition hearing may be held on the same day as the adjudication hearing, or it may be held later. The disposition hearing can only be held on the same day as the adjudication hearing if all parties waive 5-day notice on the record. The disposition hearing must be held no later than 30 days after the adjudication hearing, or no later than 14 days if the child is detained.

Upon a finding of non-delinquency (no services needed), the case is closed. Upon a finding of delinquency, the court has an array of choices when making disposition, such as:

- a. Probation;
- b. Commitment to the Maryland Department of Juvenile Services (DJS) for placement in a secured facility or in the community, or to the Maryland Department of Health; and/or

- c. Restitution to compensate the victim for property that was stolen, damaged or destroyed, or for costs the victim incurred, such as medical expenses.

If a child is to be removed from the home, the court must determine if reasonable efforts were made to keep the child in the home; also, if the child is to be placed outside the home for an extended period of time, e.g., more than 60 days, schedule a permanency planning hearing on a date ten months from the date on which the child was removed from the home.

If a child is detained pending out of home placement or commencement of community-based services, a review hearing must be scheduled not less than every 14 days pending placement.

Once the respondent is placed, review hearings and permanency planning hearings are to be scheduled at 6-month and 10-month intervals, pursuant to Adoption and Safe Families Act, Title IV-E.

The court may also adopt a treatment service plan recommended by the DJS. A treatment service plan is DJS’s plan for providing specific assistance, guidance, treatment, or rehabilitation of the child.

### Timeline Summary

<b>DELINQUENCY (NON-DETENTION/DETENTION)</b>		
<b>Elapsed Time</b>	<b>Non-Detention Case Event</b>	<b>Detention Case Event</b>
<b>Day 1</b>	<p><b><u>Petition Filed</u></b> In cases whereby the respondent is released to the custody of his/her parents, guardian, or custodian, an arraignment hearing is scheduled on a Tuesday up to day 30.</p>	<p><b><u>Petition Filed</u></b> <b><u>Emergency Arraignment Hearing</u></b> <b><u>Detention/Shelter Care Hearing</u></b> In cases whereby an initial determination is made to detain a respondent, a detention/shelter care hearing is held the same day the petition is filed. An adjudication hearing is scheduled within 30 days of the detention/shelter care hearing.</p>
<b>Up to Day 30</b>	<p><b><u>Arraignment Hearing</u></b> The Clerk’s Office assigns the new arraignment with the Delinquency Judge assigned from a date received from the ASA office. Representation of respondent by counsel is determined. Adjudication hearing is scheduled.</p>	
<b>Up to Day 30</b>		<p><b><u>Adjudication Hearing</u></b> If the respondent is found facts sustained (committed the alleged acts), the case will proceed to the disposition hearing. If the respondent is found not facts sustained (did not commit the alleged acts), the case is closed.</p>

<b>DELINQUENCY (NON-DETENTION/DETENTION)</b>		
<b>Elapsed Time</b>	<b>Non-Detention Case Event</b>	<b>Detention Case Event</b>
<b>Up to Day 44</b>		<p><b>Detention Review Hearings</b> Detention review hearings must be conducted every 14 days thereafter until the disposition hearing is held.</p> <p><b>Disposition Hearing</b> Disposition must be held within 14 days if the respondent continues to be detained or is on community detention.</p>
<b>Up to Day 60</b>	<p><b>Adjudication Hearing</b> If respondent is found fact sustained (committed the alleged acts), the case will proceed to the disposition hearing. If the respondent is found not facts sustained (did not commit the alleged acts), the case is closed.</p>	
<b>Up to Day 90</b>	<p><b>Disposition Hearing</b> To be in compliance with the Maryland Judiciary Performance Standards and Measures for all delinquency cases, disposition must occur within 90 days.</p>	
<b>Up to Day 180</b>	<p><b>Review Hearing</b> A review hearing must be held every 6 months if the respondent is to remain in placement.</p>	
<b>Up to Day 365</b>	<p><b>Permanency Planning Hearing</b> If the respondent remains out of the home in a Title IV-E facility, the permanency planning hearing replaces the review hearing.</p> <p>Permanency planning review hearings are held every 6 months if the child is in out of home placement.</p>	

## **Additional Delinquency Potential Hearings**

The following hearings may also occur at different points during the course of a case:

### **I. Waiver Hearing**

Pursuant to [Md. Rule 11-410](#), if the State's Attorney's Office (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 ([Courts and Judicial Proceedings §3-8A-06](#) and [Md. Rule 11-410\(d\)\(3\)\(B\)](#)). If the waiver petition is denied, then the case must be brought to adjudication within 30 days ([Courts and Judicial Proceedings §3-8A-18\(b\)](#) and [Md. Rule 11-421\(b\)\(4\)](#)).

Waiver hearings should be completed within 60 days of State filing the waiver petition (45 days are required for the DJS prepared waiver summary; additional time for hearing is liberally granted if respondent names an opposing expert).

### **II. Motions for Transfer (from Criminal to Juvenile Court)**

All motions for transfer pursuant to [Criminal Procedure §4-202](#) are heard at the Baltimore City Juvenile Justice Center (BCJJC) now that juveniles that are initially charged as adults are detained at a specific location other than at the Baltimore City Detention Center. The Juvenile Court Judge-in-Charge will assign a judge who will preside over the motion hearing as an Adult Criminal Court Judge. Counsel who represents the juvenile defendant in a successful motion for transfer hearing are required to enter their appearance and represent the juvenile in the Juvenile Court. The Juvenile Court schedules an arraignment and detention hearing immediately after the judge signs the order of transfer. Defense counsel is expected to be available.

### **III. Emergency Evaluation Hearing**

Parents or guardians seeking emergency orders for psychiatric evaluations of minors may, during normal court hours, appear at the Juvenile Court Clerk's Office and complete a petition for an emergency evaluation. Those petitions are set immediately before a judge for a hearing. The Juvenile Court also conducts hearings on emergency requests for medical treatment in instances where a parent or guardian refused to consent to emergent medical care found by clear and convincing evidence.

### **IV. Competency Hearing**

Pursuant to [Courts and Judicial Proceedings §3-8A-17.1](#), if there is reason to believe that the child may be incompetent to proceed with a waiver hearing, an adjudication 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 Circuit Court Medical Services Division, Maryland 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 this DCM Plan and in the Maryland Rules ([Courts and Judicial Proceedings §3-8A-17.5](#)).

Competency hearings are scheduled within 60 days of the raising of the issue – 45 days being required for Court Medical to complete its evaluations of competency and public safety. Additional time for the hearing is liberally granted where Respondent names an opposing expert.

If a child is found not competent, not attainable, the petition is dismissed. If a child is found not competent, but attainable, a further competency hearing is scheduled before 180 days. If a child is found competent, an adjudication is scheduled 30 days thereafter.

## **V. Restitution Hearing**

If there is a restitution issue that will be contested by the respondent or his/her parents, guardian or custodian, a hearing must be held post-adjudication. If the respondent and/or the respondent's parents, guardian or custodian are found liable, the court may enter a judgment of restitution against the parents, guardian or custodian of a child, the child, or both ([Title 11, Subtitle 6 of the Criminal Procedure Article](#); [Courts and Judicial Proceedings §3-8A-28](#); and [Md. Rule 11-422\(g\)](#)). Restitution hearings are generally scheduled with and concluded on disposition hearing dates.

## **VI. Informal Adjustments/Abeyance Procedures**

Pursuant to [Md. Rule 11-420.1](#) and [Courts and Judicial Proceedings §3-8A-10\(n\)](#), if a motion is made by either the Respondent or the State's Attorney's Office to hold a juvenile proceeding in abeyance and refer the matter to the Department of Juvenile Services (DJS) for an informal adjustment, the court may either (1) set a hearing on the motion within 30 days to determine whether the motion should be granted and an order entered; or (2) if, consented to, enter an order holding the case in abeyance. The order shall include:

1. A deadline, of no more than 90 days from the date of the order, for the informal adjustment to be completed.
2. A requirement that DJS provide a status report to the court, the Respondent's attorney, Respondent's parent(s), guardian(s), or custodian(s) regarding the progress of the child in the informal adjustment, no later than 30 days from the date of the order.
3. A requirement that DJS provide a final report to the court, the Respondent's attorney, Respondent's parent(s), guardian(s), or custodian(s) concerning whether the Respondent has completed the informal adjustment, no later than 90 days from the date of the order.
4. A date for a status and/or adjudication hearing 90-100 days from the date of the order. The court may cancel the hearing and dismiss the case, if the court is satisfied from the final report that the Respondent has satisfactorily completed the informal adjustment.

## **Additional Delinquency Policies and Procedures**

### **I. Electronic Summons**

Electronic summonses are generated and sent to the e-mail accounts of the appropriate Baltimore Police Department Officers and their District Commanding Officer, reminding the arresting officer of their scheduled court dates. Summons are sent 30 days prior to the scheduled hearings, thereby providing sufficient time for the police officers to work out scheduling conflicts. Electronic summons returned as “undeliverable” are forwarded to the Baltimore Police Department Court Liaison in the State’s Attorney’s Office for distribution to the appropriate individuals and/or their Commanding Officer at the appropriate location.

### **II. Electronic Warrant Notification**

Appropriate functionality exists in the Quest Case Management System to provide for the electronic reporting of outstanding writs and warrants, on a daily basis, to law enforcement agencies. In addition, as soon as a new warrant is generated and electronically signed by a judge, the warrant is immediately sent via e-mail to authorize individuals in the Warrant Apprehension Task Force and the State’s Attorney’s Office.

### **III. Detention Eligible for Reporting Center**

Appropriate Quest templates were revised for those instances whereby a respondent is determined to be detention eligible for a reporting center. Whenever this selection is made in a shelter care/detention order, a copy of the court order is promptly sent to the e-mail addresses of selected DJS personnel.

### **IV. Youth Picked Up and Held On Writs and Warrants**

Youth picked up and held on writs and warrants now appear before the court on the “Delinquency Special” List on the same court day rather than being detained until their next scheduled hearing. As a result of the same court day review hearing, most of these youth are then returned to community detention until their next scheduled hearing thereby reducing actual hardware security utilization. This policy is consistent with Juvenile Detention Alternative Initiative (JDAI) best practices.

## V. ADR Mediation

A mediation protocol exists for delinquency cases. At adjudication, regarding the incident of harm, if the victim is willing to consider participating in a restorative dialogue, a referral can be made. Incidents for mediation can include, for example, second degree assault, armed robbery, unauthorized use, destruction of property and restitution. As to conflicts and incidents of harm between family members, and, in particular, parent/child conflict, mediation is also available and appropriate.

## VI. Delinquency Docket Calls

Delinquency Docket Calls have been replaced by time specific docket scheduling. This has improved efficiency and disposition in compliance with caseload time standards. The court's calendar is available for review by practitioners through eQuest. Cases will be scheduled at earliest available date and time. Parties are encouraged to provide an appropriate time estimated for their case/hearing. This will ensure the courts are allocating sufficient time to allow the parties to present their case.

## CHILDREN IN NEED OF ASSISTANCE (CINA)

Instances whereby acts of child abuse and/or neglect are alleged are referred to as Child in Need of Assistance (CINA) cases. These CINA cases are defined as either CINA – Non-Shelter (Track 3) or CINA - Shelter (Track 4). Other than the expected case duration time standards for each, the procedures to bring the cases to resolution are much the same. Both types of cases commence with the filing of a petition by the Baltimore City Department of Social Services (BCDSS).

### CINA – Non-Shelter – Track 3 Case Process Summary

Very rarely are CINA – Non-Shelter petitions filed in the Juvenile Court. Even though the Baltimore City Department of Social Services (BCDSS) files a petition requesting that the child(ren) be found CINA, the non-shelter cases are considered non-emergent by nature. Consequently, the BCDSS elects not to remove the child(ren) from their home. In the interim, the BCDSS will work to put in place applicable intensive in-home services in an attempt to ameliorate the situation to prevent a CINA finding or commitment.

Generally, within 14 days of filing the petition with the court, a preliminary hearing is held, and the child (via the child's appointed counsel) and parents, guardian, or custodian are served with the CINA petition. A subsequent pretrial/settlement hearing may be held to determine whether the case can be resolved on an expedited basis without an adjudication hearing. Cases not resolved at the pretrial/settlement hearing or by mediation, will proceed to a scheduled adjudication hearing within 60 days from the date of service of the petition.

If the allegations in the CINA petition are sustained at adjudication, the case must proceed to a separate disposition hearing, on the same day, unless the judge or magistrate finds good cause for delay ([Courts and Judicial Proceedings §3-819\(a\)\(2\)](#) and [Md. Rule 11-216\(b\)\(1\)](#)) which may not exceed 30 days. At the disposition hearing, the judge or magistrate determines whether the proven allegations are sufficient to find that the child is a Child in Need of Assistance ([Courts and Judicial Proceedings §3-819\(b\)](#) and [Md. Rule 11-216\(c\)](#)). If the child is found CINA, the case will remain with the assigned Home Court unless the court decides otherwise. The Department of Social Services is to provide the court and parties with a disposition report. This report must be provided to the court at least 10 days prior to the hearing, pursuant to [Courts and Judicial Proceedings §3-826\(a\)\(1\)](#).

Depending on the circumstances, the court will either order that the child remain in the home with conditions or be committed to the custody of the BCDSS or the Maryland Department of Human Services for placement outside the home ([Courts and Judicial Proceedings §3-819\(b\)](#) and [Md. Rule 11-216\(d\)](#)).

If the child remains in the home, under the court's jurisdiction, then the court must conduct a hearing to review the child's status within 6 months after the filing of the petition and at least every 6 months thereafter ([Courts and Judicial Proceedings §3-816.2](#) and [Md. Rule 11-219](#)).

If for some reason the child is removed from the home and custody of the parents, guardian, or custodian, the case track designation will change to Track 4. If the child is found not CINA the case ends.

#### **CINA – Shelter – Track 4 Case Process Summary**

The Baltimore City Department of Social Services (BCDSS) may remove a child from his or her home, if necessary, to protect the child from abuse or neglect as provided for in [Courts and Judicial Proceedings §3-815](#).

Pursuant to [Courts and Judicial Proceedings §3-815\(c\)](#) and [Md. Rule 11-204](#), after placing a child in emergency shelter care, BCDSS must immediately file a petition requesting continuation of shelter care if the child is not returned to the parents, guardian or custodian. The court must hear the petition at a shelter care hearing no later than the next day that the court is in session, with reasonable written notice given to the parents, guardian, or custodian, if they can be found. (See [Md. Rule 11-204\(b\)\(1\)](#)). At this hearing, the judge or magistrate will decide whether the temporary out-of-home placement of the child in "shelter care" should continue. The court can order shelter care for up to 30 days. If the child is returned to the custody of his/her parent, guardian or custodian, the case track designation will change to Track 3. If the court authorizes continued shelter care, the adjudication hearing must be held within 30 days.

If a parent of a child alleged to be a Child in Need of Assistance cannot be located and provided notice of the shelter and CINA proceedings, the court's Parent Locator is available to assist in identifying and locating missing parents at every stage of a CINA case. The current practice is for the Juvenile Court to schedule a preliminary hearing for all parents who were not present for a shelter care hearing when an address is known for those parents. Parents who appear for the preliminary hearing are provided with a copy of the CINA petition, advised of their right to counsel and given notice of the adjudication hearing. Critical identifying information is not always readily available to enable the social workers or the court to provide notice on a timely basis to the parents who are not present for the shelter care hearings.

At the adjudication hearing, the court will decide whether the facts alleged in the petition are true. At the end of the hearing, the court must proceed to the disposition hearing that same day unless the court finds good cause for delay. If it finds good cause to delay the disposition, it may order continued shelter care if appropriate. If the court delays a disposition hearing, it shall be held no later than 30 days after the conclusion of the adjudicatory hearing unless good cause is shown pursuant to [Courts and Judicial Proceedings §3-819\(a\)\(3\)](#).

At the disposition hearing, the court will make a determination whether the proven allegations are sufficient to find that the child is a "Child in Need of Assistance" (CINA). If the court finds the child is not a CINA, the court may dismiss the case. If the allegations are sustained only against one parent, and there is another parent available who is able and willing to provide care, the court may not find the child to be

CINA, but, before dismissing the case, the court may award custody to the other parent if in the child's best interest. (See *In re T.K.* 480 Md. 122) If the court finds the child is CINA, the court may:

- Return the child to the care of his or her parents;
- Return the child home, but require the Baltimore City Department of Social Services to supervise the home;
- Order the parents or child to participate in certain services;
- Order additional assessments to determine what is best for the child;
- Commit the child to the custody of a parent, or pursuant to [Courts and Judicial Proceedings §3-819\(b\)](#), to a relative or other individual.
- Commit the child to the Baltimore City Department of Social Services, the Maryland Department of Health, or both, including designation of the type of facility where the child is to be placed.

When a child has been removed from his or her home and committed to BCDSS or the custody of a relative, the court must hold regular review hearings to ensure the child is cared for properly, and to determine what the best long-term plan is for the child. The court must hold a review hearing:

- Within 6 months of when the child was placed out of the home; and
- At least every 6 months after that while the child is in the care of BCDSS or a relative.

At every 6-month review hearing, the court is to make the following findings, per [Courts and Judicial Proceedings §3-816.2\(a\)](#):

- (i) Evaluate the safety of the child;
- (ii) Determine the continuing necessity for and appropriateness of any out-of-home placement;
- (iii) Determine the appropriateness of and extent of compliance with the case plan for the child;
- (iv) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the court's jurisdiction; and (v) Project a reasonable date by which the child may be returned to and safely maintained in the home or placed for adoption or under a legal guardianship.

If reasonable efforts toward reunification should be waived because of aggravated circumstances, a request to waive reasonable efforts may be filed and a hearing on the request is scheduled ([Courts and Judicial Proceedings §3-812](#)). If the request is granted, the court must hold a permanency planning hearing within 30 days (or the same day as the reasonable efforts hearing if all of the parties agree) ([Courts and Judicial Proceedings §3-823\(b\)\(1\)\(ii\)](#)).

The initial permanency planning hearing is held no later than 11 months after a child enters out-of-home care per [Courts and Judicial Proceedings §3-823\(b\)\(1\)\(i\)](#). At that hearing and subsequent review hearings, per [§3-823\(h\)](#) the court determines what the permanency plan will be for a child. If the court changes the plan to adoption, the BCDSS will be ordered to file a petition to terminate parental rights (TPR) ([Courts and Judicial Proceedings §3-823\(g\)\(1\)](#)).

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.

## Timeline Summary

<b>CINA (NON-SHELTER/SHELTER)</b>		
<b>Elapsed Time</b>	<b>Non-Shelter Case Event</b>	<b>Shelter Case Event</b>
<b>Day 1</b>	<b><u>CINA Petition Filed</u></b> If child was not removed from the home, the Juvenile Court Clerk's Office schedules a preliminary hearing.	<b><u>CINA Petition Filed</u></b> <b><u>Shelter Care Hearing</u></b> If child was removed from the home, a shelter care hearing is held the same day the petition was filed. An adjudication hearing is scheduled.
<b>Up to Day 14</b>	<b><u>Preliminary Hearing</u></b> Child's parents, guardian, or custodian served with petition.	
<b>Day 14 To Day 28</b>	<b><u>Pretrial Settlement Conference</u></b> If an agreement is reached, and accepted by the court, the agreement is placed on the record and an order is entered. Court generally proceeds to a separate disposition hearing immediately. Cases not resolved at settlement will proceed to the scheduled contested adjudication hearing.	
<b>Up to Day 30</b>		<b><u>Adjudication Hearing</u></b> If the conditions alleged in the petition are proven, the case will proceed immediately to the disposition hearing (unless good cause).
<b>Up to Day 60</b>	<b><u>Adjudication Hearing</u></b> If the allegations in the petition are proven, the case will proceed immediately to the disposition hearing (unless good cause).	
<b>Up to Day 180</b>	<b><u>Initial Review Hearing</u></b> The court shall conduct a hearing to review the status of each child under its jurisdiction within six months after the filing of the petition and at least every six months thereafter. DSS is responsible for providing reports at least 10-days prior to the hearing in order to allow the parties sufficient time to review.	
<b>Up to Day 300</b>	<b><u>Permanency Planning Hearing with Child Consult</u></b> If the child is removed from the home post-disposition, then a permanency planning hearing is held 11 months after the filing of the petition. Subsequent review hearings are then held at subsequent 6 months intervals.	
<b>Up to Day 365</b>	<b><u>Goal to Active Permanency</u></b> Within 1 year it is the goal of the court to achieve permanency and close the case thereby terminating jurisdiction. In addition, all "Child Consults" are to occur within 1 year of the filing of the petition.  If the child has been out of the home for 15 of 22 consecutive months, then a TPR petition must be filed, unless a compelling reason is shown.	

## **Additional CINA Policies and Procedures**

Over the years, the Juvenile Court has established and implemented numerous initiatives, policies and procedures for CINA cases to improve the efficiency, equity and fairness of the court process, including:

### **I. Instant Paternity Lab**

Provides on-site paternity testing for families who are involved in the child welfare system for the purpose of providing factual information concerning the paternity of youth in order for the court to accurately and fairly make judgments early in cases.

### **II. Permanency Planning Mediation Program**

Requires cases not settled at the permanency planning settlement hearing to be set for mediation at the same time the case is set for a contested hearing. The mediation date is set prior to the contested hearing. The intent is to address issues arising as the BCDSS or another party requests a change in the permanency plan.

### **III. CINA Administrative Court**

Provides for the review and scheduling of any contested CINA adjudications and dispositions which cannot be heard within 60 days of the CINA settlement hearing. The CINA Administrative Court convenes most Fridays at 3:00 p.m. before the Juvenile Division Judge-in-Charge. The primary purpose is to improve the court's scheduling of CINA hearings so as to reduce the time to achieve permanency for children.

### **IV. Waiver of 30-Day Shelter Adjudication**

In an attempt to decrease the time to achieve disposition of cases, the BCDSS attorneys no longer waive the 30-day shelter adjudication and other time requirements in most cases. The attorneys request that the adjudication and disposition occur on the same day in most cases; oppose long-term orders controlling conduct that inappropriately delay disposition of the case; and object to most postponements that are not required by due process or fundamental fairness.

### **V. CINA Docket Calls**

CINA Docket Calls have been replaced by time specific docket scheduling. This has improved efficiency and disposition in compliance with caseflow time standards.

### **VI. Locating Parents**

The Permanency Planning Liaison (PPL) works collaboratively with the Parent Locator/Process Server to locate missing parents. Once the Parent Locator Request Form is received by the Permanency Planning Liaison, the investigation of the whereabouts of the parent to be located begins. If at any time the Permanency Planning Liaison or Parent Locator needs more information to continue in the search, the requestor of the service will be contacted by e-mail. Once the search is completed and all resources are exhausted, the requestor of the service will be notified via e-mail with the results and a result form will be submitted to the Clerk's Office with the new address, if there is one.

## **TERMINATION OF PARENTAL RIGHTS**

Since October 1, 1996, the Juvenile Court has had exclusive jurisdiction over Termination of Parental Rights (TPR) cases. Cases for the termination of parental rights are filed as new petitions in the Juvenile Court by the Baltimore City Department of Social Services (BCDSS). As a practical matter, these cases are a continuation of the CINA proceedings. Although TPR cases are filed as new cases, they are predicated upon the work that had already been engaged in by the BCDSS and the biological family to work toward reunification.

All TPR cases are to be concluded within 180 days of filing the petition. Many times, the processing of TPR cases is delayed by the difficulties encountered in attempting to locate and summons the appropriate parents and the resulting and subsequent postponements that the court may have little control over. Also, TPR hearings proceed the same way that a trial does. All attorneys, parties and witnesses must be available to proceed at the same time. When this does not occur, the hearing may have to be postponed.

Every effort will be made to ensure that TPR cases are assigned to a single judge to ensure the matter moves expeditiously and timely through the court. TPR scheduling will take priority over other matters.

### **TPR – Track 5**

#### **Case Process Summary**

Once a determination has been made that a child’s permanency plan is to be adoption, either by a relative or non-relative, the BCDSS will file a petition that seeks the termination of parental rights.

The court will issue a show cause order, pursuant to [Md. Rule 11-306](#), to be served on the child’s attorney, parents, and their attorneys, as well as the parent’s last attorney of record in the CINA case. Parents may file an objection to the guardianship within the statutorily prescribed period, which is 30 days if they live in Maryland, 60 days if they reside out-of-state, and 90 days if they live out of the country.

At the time the petition is filed, a TPR pretrial scheduling conference/hearing will be scheduled within 60 days from the filing of the petition. This hearing is used to review the status of the case and establish timelines for concluding discovery, producing records pertaining to the parents and child(ren) and any reports of experts. Also at this hearing, a settlement conference (with parties) and a termination of parental rights hearing is scheduled.

While a second pretrial hearing will rarely be scheduled, it is within the Judge’s discretion to schedule a second pretrial hearing no more than 30 days after the first pretrial hearing.

All TPR hearings/trials are to be scheduled within 180 days of the filing of the petition. The only instances whereby a case may be scheduled outside of the 180 days is if there are no courts available or it would be impossible to hold a hearing within 180 days, (e.g., the time period for objecting would not have expired by the 180<sup>th</sup> day).

This means that a case can be scheduled for trial within 180 days, but not be ready for trial at the time of scheduling. Therefore, it is important for the magistrates and judges conducting TPR pretrial hearings and settlement conferences to clearly designate when a case is ready for trial.

A case is ready for trial if:

- All parties have been served;
- The time period for objecting has expired or will expire a sufficient period of time prior to the trial;

- All parties have counsel, or counsel has been ordered to represent the party within a sufficient period of time prior to trial;
- A scheduling order is in place; and
- The parties have been summoned and/or been issued writs.

The Permanency Planning Liaison also reviews, on a consistent basis, all TPR cases that are greater than 90 days old from the date of filing. The Permanency Planning Liaison determines if trial dates have been scheduled within the 180-day time standard, if all parents have been located, and discusses with the attorneys assigned to the cases, any potential issues that could result in the case exceeding the 180-day time standard for disposition.

If service has not been accomplished, a determination is made whether to allow service by “Publication and Notice,” as posted by the BCDSS, or if a new show cause order is appropriate. Once the “Publication and Notice” is posted, individuals must be given the time to respond as prescribed in [Md. Rule 11-307](#). If the “Publication and Notice” is not posted in a timely manner, it reduces the available time to resolve the TPR case through the court process within the 180-day time standard. As in CINA cases, the Permanency Planning Liaison and Parent Locator/Process Server work collaboratively to locate missing parents.

Once served, the parties may file objections within the timeline prescribed by [Md. Rule 11-307](#). If the court grants the motion to serve by publication, objections must be filed within 30 days of last day of posting by the BCDSS or publication in a newspaper, whichever is later. Failure to file a timely objection after being served constitutes a deemed consent that cannot be revoked.

If the natural parents’ consent to the petition or do not file an objection, the court will hold an instant termination of parental rights hearing and will issue a final order of guardianship after the 30-day revocation period and schedule an initial guardianship review to be held within six months and at least once every year after the initial guardianship review hearing is held. The original CINA case is then closed, and jurisdiction is terminated.

If objections are filed, subsequent hearings may be scheduled to conduct mediations, hold settlement conferences and again to establish the timing for identifying experts, completing discovery, filing motions, etc.

If the mediation sessions result in an agreement, the written agreement is incorporated but not merged into the guardianship order. If an agreement is not reached, the case will proceed to trial. All cases must go forward on the record even if an agreement is reached, or consent is given.

Should there be a TPR settlement conference/hearing during the process, the hearing will be conducted by a judge with the goals of: (a) resolving the case; or (b) in the alternative, narrowing the issues or stipulating to undisputed facts and exhibits.

If the case results in a final order of guardianship at the termination of parental rights hearing, (just as in an instant termination of parental rights hearing), an initial guardianship review hearing is held within six months and after the first review are to be yearly, unless the parties agree to an earlier review, (*See Family Law 5-326*), until such time the child is adopted, or the guardianship is terminated.

If the court does not grant the TPR petition, thereby dismissing the petition, the case will revert back to the original CINA case, and a permanency planning review hearing will be scheduled within six months.

## Timeline Summary

TERMINATION OF PARENTAL RIGHTS	
Elapsed Time	Case Event
Day 1	<b><u>Petition to Terminate Parental Rights Filed</u></b> Petition filed by BCDSS. Court issues a show cause order pursuant to <a href="#">Md. Rule 11-306</a> to be served on the child’s attorney, parents and their attorneys. Parents may file an objection within the statutorily prescribed period which is 30 days if they live in Maryland, 60 days if they reside out-of-state, and 90 days if they live out of the country. TPR pretrial scheduling conference/hearing is scheduled.
Day 30 to Day 60	<b><u>Pretrial Scheduling Conference/Hearing</u></b> Review case status and establish timelines for concluding discovery. Schedule both a settlement conference (with parties) and a TPR hearing. All TPR hearings/trials are to be scheduled within 180 days of the filing of the petition.
Up to Day 120	<b><u>Settlement Conference</u></b> All discovery to be completed. If the parties have been served and fail to file a timely objection, then consent is deemed and a final order of guardianship may be considered.
Day 120 to Day 150	<b><u>First TPR Trial Date</u></b>
Day 180	<b><u>TPR Trial Completed</u></b> If the court grants the TPR petition, a final order of guardianship is issued. A guardianship review hearing is scheduled within 6 months and the original CINA case is closed, and jurisdiction is terminated.  If the court dismisses the TPR petition, a permanency planning review hearing will be scheduled in the original CINA case within 6 months.
Up to Day 360	<b><u>Guardianship Review Hearing</u></b> Subsequent hearings will be scheduled at least every 6 months after the final order is issued.

## MISCELLANEOUS CASE TYPES – Track 6

### Case Process Summary

Other juvenile case types are custom managed according to the following scheduled of expectations:

#### I. Adoption

The Baltimore City Department of Social Services (BCDSS) assists the *pro se* adoptive parent(s) with the preparation and filing of a petition for adoption along with a notice of filing, any other required documentation, and consents. The child’s counsel must be served with the notice of filing unless notice is waived, in writing, pursuant to [Md. Rule 9-104](#).

Once the court has received all the required documentation and necessary consents, the information will be reviewed by the appropriate Home Court magistrate for completeness, accuracy and validity. Once it is deemed that the case is in proper posture to proceed, an adoption hearing will be scheduled before a judge.

Adoption petitions must be ruled on no later than 180 days from when the petition was filed ([Family Law Article §5-348](#)). As a best practice, the adoption hearing is set within 14 days from when the petition was filed, or as soon thereafter as possible, depending on the court’s schedule.

At the adoption hearing, the adoption judgement is entered, and the adoption decree is issued and distributed to the BCDSS, the child’s counsel, and the adoptive parents.

If the petition has not been ruled on, the matter shall be dismissed or withdrawn, and revert back to the TPR case and a guardianship review hearing must be scheduled (Family Law Article §5-326).

### Timeline Summary

<b>ADOPTION</b>	
<b>Elapsed Time</b>	<b>Case Event</b>
<b>Day 1</b>	<b><u>Adoption Petition is Filed</u></b> Petition and Notice of Filing is filed by pro se adoptive parent(s) with assistance from BCDSS.
<b>Day 2 to 12</b>	<b><u>Documentation Review</u></b> All required documentation and necessary consents are reviewed by appropriate Home Court Magistrate for completeness, accuracy, and validity.
<b>Day 14</b>	<b><u>Adoption Hearing</u></b> Hearing held before a judge. Adoption judgment is entered, and the adoption decree is issued.
<b>Day 180</b>	If the petition has not been ruled on, the matter shall be dismissed or withdrawn, and revert back to TPR case and a guardianship review hearing must be scheduled.

## II. Peace Orders

Pursuant to [Courts and Judicial Proceedings §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 occurred within 30 days before the filing of the request. The request for a peace order is required by either the victim or parent/guardian of a victim. The initial hearing is to consider whether the facts in the complaint constitute actions for which a peace order could be issued. The subject of the complaint must be under age 18 and not have a child in common with the victim. If it is determined that a peace order could be issued, a peace order hearing is scheduled 14 days after the request is filed. The Clerk’s Office issues summonses for the hearing and notifies the victim and parent/guardian by first class mail. Service by the Sheriff is ordered for the respondent and the parent/guardian.

Pursuant to [Courts and Judicial Proceedings §3-8A-19.2\(c\)\(3\)](#), if the court grants a peace order request, all relief granted shall be effective for the period stated, not to exceed 6 months.

A respondent is **not** entitled to counsel in a peace order proceeding ([Courts and Judicial Proceedings §3-8A-20\(c\)\(1\)](#)). A respondent **is** entitled to counsel in a contempt proceeding regarding the peace order ([Courts and Judicial Proceedings §3-8A-20\(c\)\(2\)](#)).

A copy of the peace order shall be served on the victim, the respondent, the appropriate law enforcement agency, and any other person the court determines is appropriate, in open court or, if the person is not present at the peace order hearing, by first-class mail to the person’s last known address. A copy of the peace order served on the respondent constitutes actual notice to the respondent of the contents of the peace order. Service is complete upon mailing. ([Courts and Judicial Proceedings §3-8A-19.3](#)). Therefore, if the respondent does not appear after being properly served, a peace order may be issued in the respondent’s absence.

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 ([Courts and Judicial Proceedings §3-8A-19.4](#)).

A violation of any of the provisions of a peace order specified in [Courts and Judicial Proceedings §3-8A-19.2\(c\)\(1\)\(i\), \(ii\), \(iii\), or \(iv\)](#) is a separate delinquency act ([Courts and Judicial Proceedings §3-8A-19.5\(a\)](#)).

A police officer may take a respondent into custody if there is probable cause to believe a peace order has been violated.

### Timeline Summary

PEACE ORDERS	
Elapsed Time	Case Event
<b>Day 1</b>	<p><b>Peace Order Request Filed</b>  <b>Peace Order Request Hearing</b></p> <p>Hearing is held same day the request is filed, to consider whether the facts in the complaint constitute actions for which a peace order could be issued. If not, the request is denied. If so, a peace order hearing is scheduled.</p>

PEACE ORDERS	
Elapsed Time	Case Event
Day 14	<p><b>Peace Order Hearing</b></p> <p>At the hearing, a peace order may be granted or denied. If the court grants a peace order, all relief as ordered by the court shall be effective for a period not to exceed 6 months.</p> <p>If the respondent does not appear at the first scheduled hearing, service by the Sheriff is ordered and the hearing is postponed for approximately 14 days.</p>
6 Months	<b>End Effective Date of Peace Order</b>

### III. Voluntary Placement

A “Voluntary Placement Agreement” means a binding, written agreement entered into between the Baltimore City Department of Social Services (BCDSS) 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 BCDSS while the child is in placement ([Family Law Article §5-501\(m\)](#)).

The Juvenile Court has exclusive jurisdiction over voluntary placement hearings ([Courts and Judicial Proceedings §3-803\(a\)](#)).

A voluntary placement hearing is scheduled within 30 days after BCDSS files the petition to continue a voluntary placement agreement ([Courts and Judicial Proceedings §3-819.1\(a\)](#)), but the hearing must be held within 180 days of the placement ([Family Law Article §5-525\(b\)\(2\)\(ii\)](#)).

The court shall address voluntary placement agreements as provided in [Courts and Judicial Proceedings §3-819.1](#).

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 ([Courts and Judicial Proceedings §3-823\(b\)\(1\)\(i\)](#)).

Hearings to review the permanency plan must be held at least every 6 months thereafter until the voluntary placement is terminated ([Courts and Judicial Proceedings §3-823\(h\)\(1\)](#)).

If the court terminates the voluntary placement, then an order will be issued returning the child to his/her home with the necessary services and supports ([Courts and Judicial Proceedings §3-819.1\(b\)\(1\)](#)).

The court may order BCDSS to file a CINA petition, if necessary, to ensure the care, protection, safety and mental and physical development of the child ([Courts and Judicial Proceedings §3-819.1\(b\)\(4\)](#)). The case would then proceed as a CINA Track 3 case.

## Timeline Summary

VOLUNTARY PLACEMENT	
Elapsed Time	Case Event
Day 1	<u>Voluntary Placement Petition Filed</u>
Up to Day 30	<u>Voluntary Placement Hearing</u>
Up to Day 180	<u>Permanency Planning Hearing</u>
Up to Day 360	<u>Permanency Planning Review Hearing</u> To be held at least every 6 months until the voluntary placement is terminated.

## SPECIAL CASE TYPE – Track 7

### I. Family Recovery Program Court Case Process Summary

Implemented in August 2005, the Family Recovery Program (FRP) is a voluntary program which serves parents of children thirteen years of age or younger that have been removed from the custody of the parents by the Baltimore City Department of Social Services due at least in part to their parent(s) substance use/disorder. The children have to be drug exposed or show evidence of neglect due to a parent’s substance use disorder.

The primary objective of the program is to provide the parents with immediate access to substance abuse treatment and a full range of supportive services, including mental health care, transportation, housing assistance and case management support to either accelerate reunification with the child or to assist the court in establishing other permanency options for the child. Parents generally remain under court supervision throughout the program and must report regularly to an FRP judge/magistrate for consideration of their progress, allowing the FRP judge/magistrate to systematically track compliance with the program. Family Recovery Program Court is held every Friday morning and is presided over by the Judge-in-Charge of the Juvenile Court or his or her designee. The types of cases heard each Friday depend on specific criteria.

The primary tracks for the FRP Court hearings are as follows:

- Initial 30-Day Hearing – Introductory Track
- Standard Milestones Tracks (Phases of Recovery Assessment)
  - Track A Hearing – Weekly or as directed
  - Track B Hearing – Every 2 Weeks for the first 6 weeks
  - Track C Hearing – Every 4 Weeks
  - Track D Hearing – Every 6 Weeks
- Discovery Track (alcohol use disorder)
- Genesis Track (relapsing former FRP parents)
- Horizon Track (no court involvement)

The general time frame that parents will remain under court supervision for drug treatment is nine to 24 months, focusing on cocaine, opiates, and related substance use disorders. The separate “Genesis” Track for six months for parents who formerly completed the program but are being referred for either a new child and/or relapsed. The Milestone Track measures a parent’s identified task accomplishments toward recovery and reunification in four phases: (1)

Engagement; (2) Commitment to Recovery; (3) Strengthening Myself and Family; (4) Family Recovery. The “Discovery” Track assists parents with alcohol use disorder. Parents who successfully complete the program are rewarded with a joyful graduation ceremony and continued support assistance through the FRP alumni group.

The program reduces the length of stay in foster care for program participant children thereby producing better, safer, earlier outcomes for children, demonstrating significant cost savings to the State, reducing substance use among FRP participants and facilitating inter-agency collaboration and coordination between the program partners to assist with maintaining healthy families in our communities.

## **POLICIES AND PROCEDURES**

### **I. Assignment and Scheduling**

The Juvenile Court adheres to the “One Family – One Court” concept for the magistrates for processing all delinquency and CINA cases whereby specific families are always assigned to a specific “Home Court” for all hearings and includes a rotating assignment schedule for the magistrates that details the types of cases they will preside over on specific days. Scheduling of cases is performed by the Home Courts after the initial hearings. In addition, the assigned judges rotate responsibilities on a monthly basis for the Delinquency, Children in Need of Assistance (CINA) and Termination of Parent Rights (TPR) dockets.

Exceptions are also a priority for the court. A hearing on a filed exception, whether On the Record, or De Novo, will be scheduled and heard within 30 days of the filing. The Judge-in-Charge, in collaboration with the Juvenile Office of the Clerk, will ensure that the exception is scheduled expeditiously while ensuring the parties are consulted regarding their availability for docketing purposes.

Shelter Care Immediate Reviews will be reviewed and scheduled by the next day. [Md. Rule 11-204\(b\)\(4\)](#) provides that a party can request an immediate review either orally at the time of the hearing, or in writing by the next day. After consulting the parties, the court will schedule the matter for immediate review.

### **II. Postponements**

#### **A. General Postponements**

1. The court is committed to timely and efficient administration of justice.
2. The general policy of the court is that a postponement request will not be granted. The court is guided by Judicial Discretion and Good Cause findings in granting or denying postponements.
3. “Postponement” means a proceeding that has not been held and is being rescheduled.
4. “Continuance” means a proceeding that has begun and is extended for additional day(s).
5. Postponements and continuances are subject to the provisions contained in Maryland statutes, the Maryland Rules of Procedure, the “Revised Order of the Supreme Court of

Maryland for Continuances for Conflicting Case Assignments or Legislative Duties” and this policy.

**B. Advance Postponement Requests**

1. An advance postponement (i.e., filed more than 72 hours before the event) or continuance will not be granted except as specifically authorized by this policy.
2. A party requesting a postponement in advance of the hearing shall make a good faith effort to notify the other parties of the postponement request and obtain agreed upon proposed rescheduling dates in the event the request is granted. A good faith effort includes, at a minimum, contacting the other parties in person, or by telephone, fax and/or e-mail – in addition to mailing the request to the parties pursuant to the Maryland Rules of Procedure.
3. Except in instances in which the State and the respondent agree to mutually postpone a case in order to allow a respondent to comply with certain conditions so as to avoid a delinquency adjudication; a stipulation or agreement by the parties to a postponement will be considered but is not a determinative factor in the court’s decision whether to grant the postponement or continuance.
4. A postponement on the day of the initial CINA or delinquency adjudication and dispositional hearing is subject to the discretion of the court and may be granted for good cause. However, the court will not grant a postponement if:
  - a. The party requesting the postponement failed to make good faith efforts to notify a non-appearing witness of the hearing date; or
  - b. In a delinquency adjudication, the State knew or should have known of the unavailability of a police officer more than 72 hours prior to the hearing and failed to request an advance postponement.
5. A postponement of an exception hearing, a violation of probation hearing, or a delinquency court review hearing may be permitted for good cause if:
  - a. The party requesting the postponement was not consulted prior to the scheduling of the hearing;
  - b. The party requesting the postponement, or an attorney or witness for that party, is unavailable on the date of the scheduled hearing; and
  - c. The party can demonstrate timely good faith efforts to request a postponement upon discovering the unavailability of the party.
6. A postponement for CINA permanency planning hearings, guardianship review hearings, and delinquency permanency planning hearings will not be granted unless:
  - a. A request for postponement is made to the court no later than 45 days prior to the date of the hearing;

- b. A new material circumstance occurs within 45 days of the hearing date and the request for postponement is made as soon as it becomes known; and
  - c. The court finds good cause to postpone the hearing.
7. Once the court issues a scheduling order for a hearing on the termination of parental rights, the hearing may not be postponed beyond the scheduled hearing date for any reason other than:
- a. The court is unavailable to hear the case on the scheduled date;
  - b. Insufficient time has elapsed for a party to object to the termination of that party's parental rights;
  - c. Counsel has been appointed to represent a party without sufficient time to adequately prepare for trial;
  - d. The court otherwise finds a compelling reason to postpone the hearing; or
  - e. Parties must submit one or more available dates for the TPR trial within 180 days of petition filing, absent extraordinary cause to do otherwise.

**C. Postponement on the Day of the Hearing**

Notwithstanding the other provisions of this postponement/continuance policy, a postponement may be granted on the day of the hearing when:

- 1. An attorney, a party or a witness is unavailable because of emergent or extraordinary cause such as the serious illness or death of that person or a member of that person's immediate family;
- 2. Service of process has not been completed on one of the parties;
- 3. After a pre-hearing conference convened under Section E.3., the court determines that:
  - a. A hearing cannot be concluded as required under Section E.1 because the presiding officer, an attorney, a necessary witness, or a party has pre-scheduled leave which is scheduled during the anticipated time of the hearing; or
  - b. The anticipated length of the hearing will result in a conflict with a case that will take priority under the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties.
- 4. A court is not available because:
  - a. Another case scheduled before the presiding officer is ongoing; and
  - b. No other presiding officer in the Juvenile Court is available to hear the case on the same scheduled date of the hearing.
- 5. Exigent circumstances justify a postponement.

#### **D. Postponements Requested by DJS**

1. In the event a postponement is requested by a DJS case manager, the following protocol is to be followed:
  - a. The DJS case manager is to submit the request to the Clerk's Office and may provide 3-4 good dates as to when the postponement may be heard;
  - b. The DJS case manager is to send a copy of the request to the Chief of the Juvenile Division for the State's Attorney's Office and respondent's counsel of record;
  - c. The Clerk's Office will schedule the postponement hearing – giving at least three business days' notice – and notify the State's Attorney's Office Division Chief and respondent's counsel of record;
  - d. The DJS case manager, the Assistant State's Attorney assigned to the judge, and the Respondent's counsel or that attorney's designee, shall appear for the postponement hearing; and
  - e. The postponement will normally not be assessed against either the State or the respondent; however, that decision is ultimately within the discretion of the Court.

#### **E. Continuances**

1. Except as provided under Paragraph 2. of this Section, if a continuance is necessitated or granted during the course of a hearing, the hearing will be rescheduled for the next available day the court sits. Parties in trial, are considered in trial, and every effort will be made to conclude the matter in an expedited and efficient manner. A continued hearing shall remain on the docket day-to-day until the hearing is concluded.
2. A continued hearing may be scheduled on a day other than the next day the court sits if:
  - a. The court determines that there is good cause to continue the case for the court to entertain receipt of additional evidence; and
  - b. The additional evidence cannot be made available on the next day the court sits.
3. Prior to the commencement of a hearing, which is anticipated to take more than a half-day to conclude, the court shall convene a pre-hearing conference on the day of the hearing to estimate the length of time of the hearing and the availability of all parties and counsel to complete the hearing after it commences.

### **III. Interpreters**

[Md. Rule 1-333](#) requires a court to provide interpretation services to a party, attorney, witness, or victim who is deaf or unable to adequately understand or express himself or herself in spoken or written English. The following policy creates the necessary procedures to guide the conduct of this business and the general administration of the court's interpretation services.

1. All parties to a court proceeding in need of interpreter services are required to submit the prescribed request form for the Circuit Court for Baltimore City. If this is not done, an attorney normally contacts the Interpreter Liaison in the Clerk's Office to inform them that an interpreter is requested for a hearing.
2. The request can be submitted over the telephone to the designated interpreter coordinator in the Juvenile Court Clerk's Office not less than 15 days prior to the scheduled proceeding for which an interpreter is needed, or as soon as the need for an interpreter is known.
3. The interpreter coordinator is notified if an interpreter is needed for the next proceeding when the request is made in the generated court order. If the request is not made an interpreter will not be provided.
4. Upon receipt of a request for interpreter services, the interpreter coordinator shall enter the request into the court's automated Interpreter Services Tracking Log; shall secure the services of a qualified interpreter and follow the established protocol to enter the information into the Case Management System.