

The Circuit Court for Charles County, Maryland



Juvenile Differentiated Case Management (DCM) Plan

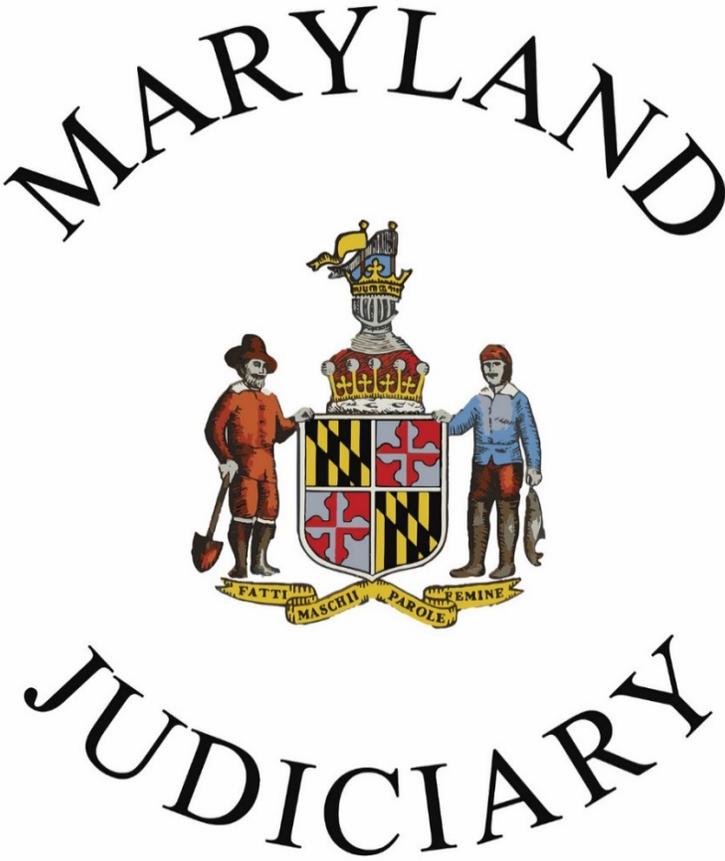


TABLE OF CONTENTS

JUVENILE DIFFERENTIATED CASE MANAGEMENT PLAN	1
Statement of Purpose	1
Case Management	2
JUVENILE DELINQUENCY TRACKS	2
JUVENILE DELINQUENCY TRACK CHART	3
TRACK 1 - STANDARD	4
Filing	4
Scheduling.....	4
Preliminary Inquiry	4
Discovery Status	4
Adjudication.....	5
Disposition	5
Exception Hearing	5
Postponements	5
Suggestion of Incompetency	6
Restitution Hearing	6
Post-Disposition Hearing	6
Termination of Case.....	6
TRACK 2 - COMPLEX	6
Filing	7
Scheduling.....	7
Preliminary Inquiry	7
Discovery Status	7
Adjudication.....	8
Disposition	8
Postponements	8
Suggestion of Incompetency	8
Detention Hearing.....	9
Restitution Hearing	9
Waiver to Adult Jurisdiction	9
Post-Disposition Hearing	10
Termination of Case.....	10
CHILD WELFARE TRACKS	10
CHILD WELFARE TRACK CHART	11
TRACK 1 - CHILD IN NEED OF ASSISTANCE, NON-SHELTER CARE	11
Filing/Preliminary Inquiry	12

The Circuit Court for Charles County, Maryland Circuit 7
 Juvenile Differentiated Case Management Plan

Adjudication.....	12
Disposition	12
Permanency Planning Hearing/Permanency Planning Review Hearing.....	12
Postponements	13
Exceptions.....	13
Permanency Planning Mediation	13
CASA Appointment.....	13
TRACK 2 - CHILD IN NEED OF ASSISTANCE, EMERGENCY SHELTER CARE	13
Filing.....	13
Shelter Care Hearing.....	14
Adjudication.....	14
Disposition	14
Permanency Planning Hearing/Permanency Planning Review Hearing.....	14
Postponements	15
Exceptions.....	15
Permanency Planning Mediation	15
CASA Appointment.....	15
TRACK 3 - TERMINATION OF PARENTAL RIGHTS (Petition for Guardianship).....	15
Filing.....	15
Scheduling.....	16
Status Conference	16
Pretrial Conference	16
Trial.....	16
Uncontested Termination of Parental Rights Hearing	16
Post Adoption Contact Mediation.....	16
Guardianship Review Hearings	16
Postponements	17
TRACK 4 - CUSTOM	17
VOLUNTARY PLACEMENT.....	17
Filing.....	17
Voluntary Placement Hearing.....	17
Voluntary Placement Review Hearing.....	17
Postponements	17
ADOPTIONS	18
Adoption after Termination of Parental Rights.....	18
Adoption without Prior Termination of Parental Rights.....	18
INTERPRETERS	18

Juvenile Differentiated Case Management Plan

This Juvenile Differentiated Case Management (DCM) Plan is established in accordance with Maryland Rule 16-302(b)(1)(A) which requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court.

Consistent with the best interests of the child, the Circuit Court for Charles County, Maryland seeks to handle each juvenile case fairly and to resolve each case promptly, according to applicable statutes, Maryland Rules and administrative case time standards.¹

Statement of Purpose

This Juvenile 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 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 administrative judge, to avoid unnecessary delay whenever 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.

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

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

Consistent with the Maryland Case Time Standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that all juvenile delinquency cases reach disposition within 90 days of the filing of the petition; and all child in need of assistance cases reach disposition within 30-60 days of the filing of the petition, depending

¹ 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 all juvenile delinquency cases reach disposition within 90 days of the filing of the petition; and all child in need of assistance cases reach disposition within 30-60 days of the filing of the petition.

upon its classification (i.e., CINA Shelter versus CINA Non-Shelter).

Case Management

Pursuant to Maryland Rule 16-302(b)(1)(A), the County Administrative Judge supervises all aspects of juvenile case management, and is ultimately responsible for the implementation of this Juvenile Differentiated Case Management (DCM) Plan. The County Administrative Judge authorizes certain family magistrates and judges to hear various juvenile matters, and make final decisions whether, and to whom, a case is assigned.

All family magistrates and judges must comply with this Plan and implement such provisions in their rulings. Individual family magistrates and judges shall effectively manage cases designated to them through dockets or specially assigned cases. The scheduling of case hearing/trial events must always be coordinated with the Assignment Office. All cases should be managed to the extent possible, consistent with the provisions of this Plan, including adherence to the case time standards.

JUVENILE DELINQUENCY TRACKS

Juvenile delinquency cases are assigned to one of two tracks by the juvenile judge's chambers upon the filing of a juvenile petition by the State's Attorney's Office. Tracks define expected case processing time and whether the matter will be assigned to the juvenile judge or family magistrate. Both juvenile delinquency tracks adhere to the same filing and scheduling procedures.

JUVENILE DELINQUENCY TRACK CHART

Juvenile Delinquency Tracks, Casetypes, and Outcomes

Track	Case Subtypes	Expected Case Duration
<p>Track 1 Standard</p> <p>Juvenile Cases similar to Adult Cases under the jurisdiction of the District Court</p> <p>Cases without a detention petition</p> <p>Typically set before a Family Magistrate</p>	<p>All misdemeanor cases (i.e., thefts, second degree assaults, etc.); Motor vehicle theft; Property crimes; Drug possession/distribution charges; and Any other case deemed appropriate for Track 1 (Standard) case assignment.</p>	<p>90 days</p>
<p>Track 2 Complex</p> <p>Cases that include most felonies</p> <p>Cases with a detention petition</p> <p>Typically set before the Juvenile Judge</p>	<p>All Sex Offenses; 1st and 2nd Degree Burglaries; 1st Degree Assaults; Robberies; Carjackings; Crimes involving guns, including “look-alikes”; Violent crimes and crimes against persons; Drug cases will be determined on a case-by-case basis; All juvenile delinquency cases with a related open CINA case for the respondent; and Any other case deemed appropriate for Track 2 (Complex) case assignment.</p>	<p>90 days</p>

TRACK 1 – STANDARD (FAMILY MAGISTRATE)

Track 1 cases are set before the family magistrate. Track 1 cases are juvenile cases similar to adult cases that are under the jurisdiction of the District Court and include, but are not limited to:

1. All misdemeanor cases (i.e., thefts, second degree assaults, etc.);
2. Motor vehicle theft;
3. Property crimes;
4. Drug possession/distribution charges; and
5. Any other case deemed appropriate for Track 1 assignment.

Filing

Juvenile delinquency petitions are filed by the State's Attorney's Office.

Scheduling

Juvenile delinquency petitions are scheduled for adjudication within 60 days of the date of service of the petition upon the respondent by the Sheriff. If the respondent is detained at the preliminary inquiry in a juvenile detention facility, or is on community detention (electronic monitoring/global positioning system (GPS)), the adjudication must be scheduled within 30 days of the date of detention.

Preliminary Inquiry

Preliminary inquiries are scheduled within three weeks of the filing of the petition before the family magistrate. The Office of the Public Defender provides a staff member at the courthouse to facilitate an intake for services on days when preliminary inquiry hearings are scheduled. All juveniles are eligible for representation by the Office of the Public Defender, and the Office of the Public Defender will enter in a respondent's case, unless the appearance of private counsel is entered.

The respondent's status pending the next hearing may be raised at the preliminary inquiry by the State's Attorney's Office or the respondent's attorney. If the family magistrate recommends that a respondent be detained at a youth detention facility, the respondent is entitled to an immediate review before the juvenile judge. A request for immediate review must be made on the record, before the family magistrate, at the conclusion of the hearing. An immediate review hearing will be held by a juvenile judge, and will be held the same day, whenever possible.

Discovery Status

A discovery status will be scheduled within three weeks of the preliminary inquiry. The State's Attorney's Office is required to provide discovery to, and request discovery from, the respondent within five days after the preliminary inquiry hearing, pursuant to Maryland Rule 11-109. The

respondent shall furnish any discovery requested within ten (10) days after a request is made.

During the discovery status, the court will inquire as to the status of discovery, whether or not the respondent has representation, and whether the parties have discussed resolution of the case.

A plea of involvement may be taken at this hearing.

Adjudication

The adjudication hearing will be scheduled within 60 days of service of the petition on the respondent, unless the respondent is detained at a youth detention facility or on community detention, in which case the adjudication hearing will be scheduled within 30 days of the date of detention. At the adjudication hearing, the court will hear the evidence in the case and make a finding as to whether the respondent was involved, or not involved, in the alleged offense(s).

A plea of involvement may be taken at this hearing.

Disposition

Disposition may take place immediately following adjudication. If a social history investigation by the Department of Juvenile is requested, the disposition must be held within 30 days of adjudication, or within 14 days of adjudication, if the respondent is detained at a youth detention facility or on community detention.

Dispositions imposed range from court-imposed tasks (such as apology letter, community service, essay, among others) to supervised probation and out-of-home placement. If a respondent is committed to the Department of Juvenile Services for appropriate placement in an out-of-home placement and is detained pending that placement, a review hearing must be held within 25 days of disposition, and every 25 days (or sooner) thereafter until placed. If a respondent is in an out-of-home placement for more than one year, a permanency plan review hearing must be held annually, with reviews at 11 month intervals (or sooner) thereafter.

Exception Hearing

For any juvenile delinquency case heard by the family magistrate, the parties are entitled to file exceptions within five business days of the filing of the findings and recommendations by the magistrate. Upon the filing of the exceptions, the juvenile judge handling delinquency cases shall promptly schedule an exceptions hearing.

Postponements

For extraordinary cause shown, a judge may extend the time beyond the 60-day mandate within which an adjudicatory hearing is to be held. No other postponements beyond the statutorily required timeframes are permitted.

Suggestion of Incompetency

If there is a good-faith basis to allege that the respondent may be incompetent to proceed at any time during the case, the court, on its own motion, or on the motion of the respondent's attorney or the State's Attorney's Office, shall stay all proceedings and order that the Department of Health and Mental Hygiene conduct an evaluation of the child's competency to proceed (and dangerousness). If the court determines at the competency hearing that the respondent is competent, the court shall enter an order stating that the child is competent, lift the stay imposed, and resume the matter in accordance with the time standards specified in this Juvenile DCM Plan, and in the Maryland Rules.

If the respondent is found not competent, the court may enter an order for competency attainment services and schedule a review within 90 days, and every six months thereafter. If the respondent does not attain competency within 18 months, the matter may be dismissed as permitted by the statute.

Restitution Hearing

Contested restitution hearings will be held post-adjudication. If the respondent and/or his/her parent(s) are found liable, the court may enter a judgment of restitution against the parents, guardian or custodian of the respondent, the respondent, or both.

Post-Disposition Hearing

A hearing may be requested by any party following a disposition hearing in order to request a review of the respondent's progress, adherence to conditions of probation, appropriateness of placement/treatment, etc. The court may schedule a hearing, or may modify an existing order without a hearing. In the event the modification may result in a revocation of probation and/or commitment, the court will issue a show cause order and schedule a hearing.

Termination of Case

The Department of Juvenile Services, the respondent/respondent's attorney, or the State's Attorney's Office may request to terminate a case after compliance with probation conditions over a period of time. The court may determine, with or without a hearing, to terminate the case and close and seal the file. Any case wherein the respondent has reached the age of 21 or the respondent has received a conviction in adult court, shall be closed and sealed without a hearing.

TRACK 2 – COMPLEX (JUVENILE JUDGE)

Track 2 cases are set before the juvenile judge. Track 2 cases include most felonies, including, but not limited to:

1. All Sex Offenses;
2. 1st and 2nd Degree Burglaries;
3. 1st Degree Assaults;
4. Robberies;
5. Carjackings;
6. Crimes involving guns, including “look-alikes;”
7. Violent crimes and crimes against persons;
8. Drug cases will be determined on a case-by-case basis;
9. All juvenile delinquency cases with a related open CINA case for the respondent; and
10. Any other case deemed appropriate for Track 2 assignment.

Filing

Juvenile delinquency petitions are filed by the State's Attorney's Office.

Scheduling

Juvenile delinquency petitions are scheduled for adjudication within 60 days of the date of service of the petition upon the respondent by the Sheriff. If the respondent is detained at the preliminary inquiry in a juvenile detention facility, or is on community detention (electronic monitoring/GPS), the adjudication must be scheduled within 30 days of the date of detention.

Preliminary Inquiry

Preliminary inquiries are scheduled within three weeks of the filing of the petition before the family magistrate. The Office of the Public Defender provides a staff member at the courthouse to facilitate an intake for services on days when preliminary inquiry hearings are scheduled. All juveniles are eligible for representation by the Office of the Public Defender. The Office of the Public Defender will enter an appearance in a respondent’s case, unless the appearance of private counsel is entered.

The respondent's status pending the next hearing may be raised at the preliminary inquiry by the State's Attorney's Office or the respondent’s attorney. If the family magistrate recommends that a respondent be detained at a youth detention facility, the respondent is entitled to an immediate review before the juvenile judge. A request for immediate review must be made on the record, before the family magistrate, at the conclusion of the hearing. An immediate review hearing will be held by a juvenile judge, and will be held the same day, whenever possible.

Discovery Status

A discovery status will be scheduled within three weeks of the preliminary inquiry. The State's Attorney's Office is required to provide discovery to, and request discovery from, the respondent

within five days after the preliminary inquiry hearing, pursuant to Maryland Rule 11-109. The respondent shall furnish any discovery requested within ten (10) days after a request is made. During the discovery status, the court will inquire as to the status of discovery, whether or not the respondent has representation, and whether the parties have discussed resolution of the case.

A plea of involvement may be taken at this hearing.

Adjudication

The adjudication hearing will be scheduled within 60 days of service of the petition on the respondent, unless the respondent is detained at a youth detention facility or on community detention, in which case the adjudication hearing will be scheduled within 30 days of the date of detention. At the adjudication hearing, the court will hear the evidence in the case and make a finding as to whether the respondent was involved, or not involved, in the alleged offense(s).

A plea of involvement may be taken at this hearing.

Disposition

Disposition may take place immediately following adjudication. If a social history investigation by the Department of Juvenile Services is required, the disposition must be held within 30 days of adjudication, or within 14 days of adjudication, if the respondent is detained at a youth detention facility or on community detention.

Dispositions imposed range from court-imposed tasks (such as apology letter, community service, essay, etc.) to supervised probation, to an out-of-home placement. If a respondent is committed to the Department of Juvenile Services for appropriate placement in an out-of-home placement and is detained pending that placement, a review hearing must be held within 25 days of disposition, and every 25 days (or sooner) thereafter until placed. If a respondent is in an out-of-home placement for more than one year, a permanency plan review hearing must be held annually, with reviews at 11 month intervals (or sooner) thereafter.

Postponements

For extraordinary cause shown, a judge may extend the time beyond the 60-day mandate within which an adjudicatory hearing is to be held. No other postponements beyond the statutorily required timeframes are permitted.

Suggestion of Incompetency

If there is a good-faith basis to allege that the respondent may be incompetent to proceed at any time during the case, the court, on its own motion, or on the motion of the respondent's attorney or the State's Attorney's Office, shall stay all proceedings and order that the Department of Health and Mental Hygiene conduct an evaluation of the child's competency to proceed (and

dangerousness). If the court determines at the competency hearing that the respondent is competent, the court shall enter an order stating that the child is competent, lift the stay imposed, and resume the matter in accordance with the time standards specified in this Juvenile DCM Plan, and in the Maryland Rules.

If the respondent is found not competent, the court may enter an order for competency attainment services and schedule a review within 90 days, and every six months thereafter. If the respondent does not attain competency within 18 months, the matter may be dismissed as permitted by the statute.

Detention Hearing

If a respondent is detained based on a new charge, a writ of attachment for failure to appear at a hearing, or as the result of a violation of probation, a detention hearing will be scheduled the next business day before the juvenile judge.

Restitution Hearing

Contested restitution hearings will be held post-adjudication. If the respondent and/or his/her parent(s) are found liable, the court may enter a judgment of restitution against the parents, guardian or custodian of the respondent, the respondent, or both.

Waiver to Adult Jurisdiction

If the State's Attorney's Office files a petition requesting the juvenile court to waive jurisdiction over the respondent and transfer to adult criminal court, the court shall order the Department of Juvenile Services to conduct a waiver investigation and issue a report. A waiver hearing is scheduled prior to adjudication. The Department of Juvenile Services requests 45 days to prepare the investigation report. The waiver hearing is scheduled approximately one week after the due date of the investigation report.

If the waiver petition is denied, adjudication in the juvenile court will occur within 30 days of the denial.

If the waiver petition is granted, the juvenile petition, along with the order transferring the matter to adult jurisdiction, shall serve as the charging document.

If the juvenile judge orders that the respondent be detained, the respondent will be taken into custody by the sheriff and transported to the Charles County Detention Center with a copy of the juvenile petition and waiver order.

Post-Disposition Hearing

A hearing may be requested by any party following a disposition hearing in order to request a

review of the respondent's progress, adherence to conditions of probation, appropriateness of placement/treatment, etc. The court may schedule a hearing, or may modify an existing order without a hearing. In the event the modification may result in a revocation of probation and/or commitment, the court will issue a show cause order and schedule a hearing.

Termination of Case

The Department of Juvenile Services, the respondent/respondent's attorney, or the State's Attorney's Office may request to terminate a case after compliance with probation conditions over a period of time. The court may determine, with or without a hearing, to terminate the case and close and seal the file. When a respondent has reached the age of 21 or the respondent has received a conviction in adult court, the case shall be closed and sealed without a hearing.

CHILD WELFARE TRACKS

Child in Need of Assistance (CINA) cases are filed when the Department of Social Services asserts that a child needs court intervention because the child has been abused or neglected, has a developmental disability or mental disorder, and has parent(s)/guardian(s) who are unable or unwilling to give proper care and attention to the child's needs, or because the child is in a voluntary placement.

CINA cases follow two tracks: Track 1 - Child in Need of Assistance, Non-Shelter Care and Track 2 - Child in Need of Assistance, Emergency Shelter Care. CINA cases are heard by the family magistrate assigned to hear CINA cases.

Termination of parental rights cases are filed when the Department of Social Services or the court finds that reunification, custody, guardianship, or another planned permanent living arrangement (APPLA) are no longer appropriate permanency plans for a child that has been found to be a CINA. After a child is in care for 15 of the last 22 months, the Department of Social Services must file a petition for guardianship, unless compelling reasons exist that make termination of parental rights not in the child's best interest.

Termination of parental rights cases are Track 3 cases and are heard by the assigned juvenile judge.

Voluntary Placements and Adoptions are Track 4 cases. Voluntary Placements are heard by the family magistrate and Adoptions are heard by the assigned juvenile judge.

CHILD WELFARE TRACK CHART

Child Welfare Tracks, Casetypes, and Outcomes

Track	Case Subtypes	Expected Case Duration
Track 1 CINA Non-Shelter	Child in need of assistance (CINA) cases with no shelter care or shelter care petition	60 days
Track 2 CINA Shelter	Child in need of assistance (CINA) cases with shelter care or shelter care petition	30 days
Track 3 Termination of Parental Rights	Termination of parental rights cases	180 days
Track 4 Custom	Voluntary placements Adoption (After or Without TPR)	Custom

TRACK 1 - CHILD IN NEED OF ASSISTANCE, NON-SHELTER CARE

Filing/Preliminary Inquiry

The Department of Social Services' attorney notifies the court that a non-emergency petition will be filed. The court sets a preliminary inquiry date as soon as practical. CINA petitions are filed by the Department of Social Services' attorney at the preliminary inquiry. The child who is the subject of the petition is appointed an attorney pursuant to Courts and Judicial Proceedings § 3-813 to represent his/her position or his/her best interests if the attorney determines that the child does not have "considered judgment" at the preliminary inquiry. The Office of the Public Defender will represent the parent(s) if they qualify for services. If they do not qualify for public defender's services, they are advised that they have the right to hire private counsel.

The parents shall be notified to bring the child to the preliminary inquiry unless the child's presence is waived by the child's attorney. The department serves the parents and all parties the CINA petition at the preliminary inquiry.

Adjudication

The adjudication hearing will be held within 60 days of the non-emergency preliminary inquiry. Evidence is presented to determine whether the facts alleged in the petition establishing that the child is a CINA are sustained.

Disposition

Disposition normally takes place immediately following adjudication, unless the court finds good cause to delay disposition. If disposition does not take place following adjudication, it shall be held within 30 days from adjudication. At disposition, a finding is made as to whether or not the child is a child in need of assistance. If the child is found to be a CINA, the disposition may range from an order controlling conduct to commitment to the care and custody of the Department of Social Services for appropriate placement. Disposition also includes court orders for services to the family, such as mental health and substance abuse evaluations, therapy, and parenting classes.

Permanency Planning Hearing/Permanency Planning Review Hearing

When a child is found to be a child in need of assistance, a permanency planning hearing is required to be scheduled within 180 days of the date of the filing of the CINA petition. If the court waives the department's obligation to make reunification efforts, a permanency planning hearing must be held within 30 days of the waiver. The department may request this waiver if aggravated circumstances exist. A permanency planning review hearing is scheduled within 180 days thereafter, for as long as the CINA case remains open. The court must consult, on the record and in an age-appropriate manner, with a child about the permanency plan at least once each year.

If the court orders a specific placement of a child, the department may not remove the child from the placement without a hearing, absent an emergency. The department shall file a motion requesting authorization to remove the child from the placement. The court shall hold an emergency review placement hearing not later than the next day after the department's motion is filed.

Postponements

For good cause shown, a hearing may be extended beyond the statutorily mandated time within which the hearing shall be held. No other postponements beyond the statutorily required timeframes are permitted.

Exceptions

For any CINA case heard before the family magistrate, the parties are entitled to file exceptions within five business days of the filing of findings and recommendations by the family magistrate. Upon the filing of the exceptions, the juvenile judge handling CINA matters shall promptly schedule an exceptions hearing.

Permanency Planning Mediation

Permanency planning mediation between the parties may be scheduled at any time at the request of any party or by the court.

CASA Appointment

Any party may request that the court appoint a CASA volunteer for the child pursuant to Courts and Judicial Proceedings § 3-830, with the purpose of providing the court with background information to aid the court in making a decision in the child's best interest and to ensure that the child is provided appropriate case planning and services. The court may appoint a CASA volunteer for a child. Reports from CASA volunteers shall be provided to the parties and the court.

TRACK 2 - CHILD IN NEED OF ASSISTANCE, EMERGENCY SHELTER CARE

Filing

CINA petitions are filed by the Department of Social Services' Attorney. The child who is the subject of the petition is appointed an attorney pursuant to Courts and Judicial Proceedings § 3-813 to represent his/her position or his/her best interests if the attorney determines that the child does not have "considered judgment." The Office of the Public Defender will represent the parent(s) if they qualify for services. If they do not qualify for the Public Defender's services, they are advised that they have the right to hire private counsel.

Shelter Care Hearing

CINA petitions requesting shelter care must be scheduled for hearing no later than the next day the court is open, following the removal of a child. The parents are given verbal notification of the shelter care hearing by the Department of Social Services. Upon granting of shelter care, the adjudication hearing is scheduled within 30 days. If the court does not grant shelter care, the adjudication hearing is scheduled within 60 days.

Adjudication

The adjudication hearing will be held within 30 days of the emergency shelter care hearing unless shelter care was not granted and then the hearing will be held within 60 days. Evidence is presented to determine whether the facts alleged in the petition establishing that the child is CINA are sustained.

Disposition

Disposition normally takes place immediately following adjudication, unless the court finds good cause to delay disposition. If disposition does not take place following adjudication, it shall be held within 30 days from adjudication. At disposition, a finding is made as to whether or not the child is a child in need of assistance. If the child is found to be a CINA, the disposition may range from an order controlling conduct to commitment to the care and custody of the Department of Social Services for appropriate placement. Disposition also includes court orders for services to the family, such as mental health and substance abuse evaluations, therapy, and parenting classes.

Permanency Planning Hearing/Permanency Planning Review Hearing

When a child is found to be a child in need of assistance (CINA), a permanency planning hearing is required to be scheduled within 180 days of the date of the filing of the CINA petition. If the court waives the department's obligation to make reunification efforts, a permanency planning hearing must be held within 30 days of the waiver. The department may request this waiver if aggravated circumstances exist. A permanency planning review hearing is scheduled within 180 days thereafter, for as long as the CINA case remains open. The court must consult, on the record and in an age-appropriate manner, with a child about the permanency plan at least once each year.

If the court orders a specific placement of a child, the department may not remove the child from the placement without a hearing, absent an emergency. The department shall immediately file a motion requesting authorization to remove the child from the placement. The court shall hold an emergency review placement hearing no later than the next day after the department's motion is filed.

Postponements

For good cause shown, a hearing may be extended beyond the statutorily mandated time within which the hearing shall be held. No other postponements beyond the statutorily required timeframes are permitted.

Exceptions

For any CINA case heard before the family magistrate, the parties are entitled to file exceptions within five business days of the filing of findings and recommendations by the family magistrate. Upon the filing of the exceptions, the juvenile judge handling CINA matters shall promptly schedule an exceptions hearing.

Permanency Planning Mediation

Permanency planning mediation between the parties may be scheduled at any time at the request of any party or by the court.

CASA Appointment

Any party may request that the court appoint a CASA volunteer for the child pursuant to Courts and Judicial Proceedings § 3-830, with the purpose of providing the court with background information to aid the court in making a decision in the child's best interest and to ensure that the child is provided appropriate case planning and services. The court may appoint a CASA volunteer for a child. Reports from CASA volunteers shall be provided to the parties and the court.

TRACK 3 - TERMINATION OF PARENTAL RIGHTS (Petition for Guardianship)

Termination of parental rights (TPR) cases are filed when the Department of Social Services or the court finds that reunification, custody, guardianship, or another planned permanent living arrangement (APPLA) is no longer an appropriate permanency plan for a child that has been found to be a CINA. After a child is in out-of-home care for 15 of the last 22 months, the Department of Social Services must file a petition for guardianship, unless compelling reasons exist that make termination of parental rights not in the child's best interests.

Filing

Petitions for guardianship are filed by the Department of Social Services' attorney. The child who is the subject of the petition is appointed an attorney pursuant to Courts and Judicial Proceedings § 3-813 to represent his/her position or his/her best interests if the attorney determines that the child does not have "considered judgment." The Office of the Public Defender will represent parent(s) who qualify for services. If a parent does not qualify for public defender services, he/she are advised that they have the right to private counsel.

Scheduling

After the filing of a petition, the juvenile judge's chambers issues a scheduling order containing all future court dates.

Status Conference

A status conference is scheduled within 45 days after the filing of the petition. The status conference is held in the juvenile judge's chambers. All attorneys are expected to attend the status conference in person or by telephone. Discussions at the status conference include: whether or not service has been accomplished; dates by which objections must be filed; scheduling for mediation; and any other concerns of the court or the attorneys.

Pretrial Conference

A pretrial conference is scheduled within 120 days after the filing of the petition. The pretrial conference is held in the juvenile judge's chambers. All attorneys are expected to attend the pretrial conference. Discussions at the pretrial conference include: outcome of mediation; discovery issues; and any other concerns of the court or the attorneys.

Trial

The trial must be concluded within 180 days from the filing of the petition. The court's practice is to schedule the trial date within 150 days from the filing of the petition.

Uncontested Termination of Parental Rights Hearing

If an agreement is reached between the parties, the termination of parental rights hearing shall be advanced to a date convenient to all parties.

Post Adoption Contact Mediation

Post adoption contact mediation between the parties may be scheduled at any time at the request of any party or by the court. Mediation is mandatory for all contested termination of parental rights cases.

Guardianship Review Hearings

After termination of parental rights, the court shall schedule a guardianship review hearing within 180 days of the date of the order terminating parental rights. Subsequent guardianship review hearings shall be held within 180 days until the case is closed because the child is adopted, placed in a permanent custody or guardianship arrangement, or is emancipated between the ages of 18 and 21.

Postponements

For good cause shown, a hearing may be extended beyond the statutorily mandated time within which the hearing shall be held. No other postponements beyond the statutorily required timeframes are permitted.

TRACK 4 – CUSTOM

VOLUNTARY PLACEMENT

A voluntary placement occurs when a child has a developmental disability or mental illness and the child needs treatment or care related to the child's disability that the parent is unable to provide. The parent enters into an agreement with the department, and the child is placed in an appropriate placement that can address his/her disability and work towards reunification. Within 180 days of a child being in a voluntary placement, the court must approve the voluntary placement.

Filing

A petition for voluntary placement is filed by the Department of Social Services' attorney within 150 days of the agreement to allow the child's attorney an opportunity to meet his/her client. The child who is the subject of the petition is appointed an attorney pursuant to Courts and Judicial Proceedings § 3-813 to represent his/her position or his/her best interests if the attorney determines that the child does not have "considered judgment." The parent(s)/guardian(s) are advised that they have the right to hire private counsel. Upon filing of the petition, the court will schedule a preliminary inquiry hearing.

Voluntary Placement Hearing

The court must hold a voluntary placement hearing within 180 days of the voluntary placement agreement and determine whether continuation of the placement is in the child's best interest and whether reasonable efforts have been made to reunify the child with the family or place the child in a timely manner in accordance with the child's permanency plan.

Voluntary Placement Review Hearing

A voluntary placement review hearing is scheduled within 180 days of the initial voluntary placement hearing, and within 180 days thereafter, for as long as the voluntary placement exists.

Postponements

For good cause shown, a hearing may be extended beyond the statutorily mandated time within which the hearing shall be held. No other postponements beyond the statutorily required timeframes are permitted.

ADOPTIONS

Adoption after Termination of Parental Rights

A child is eligible for adoption once the court terminates parental rights, the appeal period has passed, and the child has been placed with the adoptive family for six months. The child who is the subject of the petition is appointed an attorney pursuant to Courts and Judicial Proceedings § 3-813 to represent his/her position or his/her best interests if the child does not have “considered judgment.”

Adoption cases filed as a result of the termination of parental rights proceedings are processed by the juvenile judge’s chambers and scheduled for hearing as soon as possible, but no sooner than 10 days after the notice of filing has been served pursuant to Family Law § 5-546. An adoption petition must be ruled upon no later than 180 days after filing.

Adoption without Prior Termination of Parental Rights

A petition for adoption without prior termination of parental rights can be filed by prospective adoptive parent(s) with the consent of the Department of Social Services. A child may be eligible for adoption without prior termination of parental rights when both parents and the department consent, or one parent consents and the other parent is deceased or cannot be located (an affidavit of reasonable efforts to locate the missing parent must be submitted with the petition). The child who is the subject of the petition is appointed an attorney pursuant to Courts and Judicial Proceedings Section 3-813 to represent his/her position or his/her best interests if the child does not have “considered judgment.” The Office of the Public Defender will represent the parent(s) if they qualify for services. If they do not qualify for public defenders services, they are advised to hire an attorney.

Adoption cases filed without prior termination of parental rights proceedings are processed by the juvenile judge’s chambers and scheduled for hearing no earlier than 30 days after the petition, including the parent(s)’ consent, is filed. The court shall provide notice to the parent(s), unless waived; the attorney for the child; and the attorney(s) for the parent(s), as soon as possible, but no sooner than 10 days after the notice of filing has been served pursuant to Family Law § 5-546. An adoption petition must be ruled upon no later than 180 days after filing.

If a petition for adoption without prior termination of parental rights is contested, the juvenile court shall dismiss the petition.

INTERPRETERS

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court by using the Request for Interpreter form, which is available on the Maryland Judiciary web site (www.mdcourts.gov). A delay in notifying the court of the need for

an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that is needed. The request must also specify for whom the interpreter is needed.

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been scheduled and shall notify the court immediately if the need for the interpreter changes. If a request for interpreter is not canceled at least 48 hours in advance of the trial or hearing, the court will be billed for the interpreter's services.