

## Juvenile Differentiated Case Management (DCM) Plan

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

Consistent with the best interests of the child, Allegany County Circuit Court, sitting as a Juvenile Court, seeks to handle each case fairly and to resolve each case promptly, according to applicable statutes, Maryland Rules and administrative case time standards.

### Statement of Purpose

This Juvenile 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 County Administrative Judge, with a view to curbing delay wherever possible.

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

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

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

### Case Management

The policies and procedures outlined in this plan shall be implemented by the County Administrative Judge, the Associate Judge, and the Family Law Magistrate assigned to hear Juvenile

cases and their respective staffs. The Associate Judge and Family Law Magistrate report to the County Administrative Judge. The County Administrative Judge supervises all aspects of family case management, and is ultimately responsible for the implementation and monitoring of this Juvenile DCM Plan, pursuant to MD Rule 16-302(b). The County Administrative Judge designates certain magistrates and judges to hear the various juvenile matters, and makes final decisions about whether and to whom a case should be assigned, when necessary.

All judges and magistrates are responsible to comply with and implement in their rulings the provisions of this Plan. Individual judges and magistrates are responsible for the effective management of cases assigned to them; however, the scheduling of assigned cases must always be coordinated with the Assignment Office. Assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the Case Time Standards.

## **Juvenile Tracks**

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

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

- ❖ *Juvenile delinquency cases* – 100% should be concluded within 90 days of the filing date;
- ❖ *Child in need of assistance (CINA) cases* – 100% should be concluded within 30 days for juveniles that are in a shelter and within 60 days for juveniles that are not in a shelter;
- ❖ *Termination of parental rights cases* – 100% should be concluded within 180 days; and
- ❖ *All other juvenile case types* will be custom managed to address unique case processing requirements. Other juvenile case types represent a small percentage of the caseload and include the following:
  - Adoption
  - Child in need of supervision (CINS)
  - Peace order (juvenile custody matters)

- Child support on juvenile custody orders
- Voluntary placements
- Interstate compact requests

**Table 1.1 – Juvenile Delinquency Tracks, Casetypes and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1</b> Standard	Delinquency cases without a detention petition	90 days
<b>Track 2</b> Complex	Delinquency cases with a detention petition	90 days

**Table 1.2 – Child Welfare Tracks, Casetypes and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1</b> CINA Non-Shelter	Child in need of assistance (CINA) cases with no shelter care or shelter care petition	60 days
<b>Track 2</b> CINA Shelter	Child in need of assistance (CINA) cases with shelter care or shelter care petition	30 days
<b>Track 3</b> Termination of Parental Rights	Termination of parental rights cases	180 days
<b>Track 4</b> Custom	<ol style="list-style-type: none"> <li>1. Adoption</li> <li>2. Child in need of supervision</li> <li>3. Peace orders</li> <li>4. Child support on juvenile custody orders</li> <li>5. Voluntary placements</li> <li>6. Interstate compact requests</li> </ol>	Custom

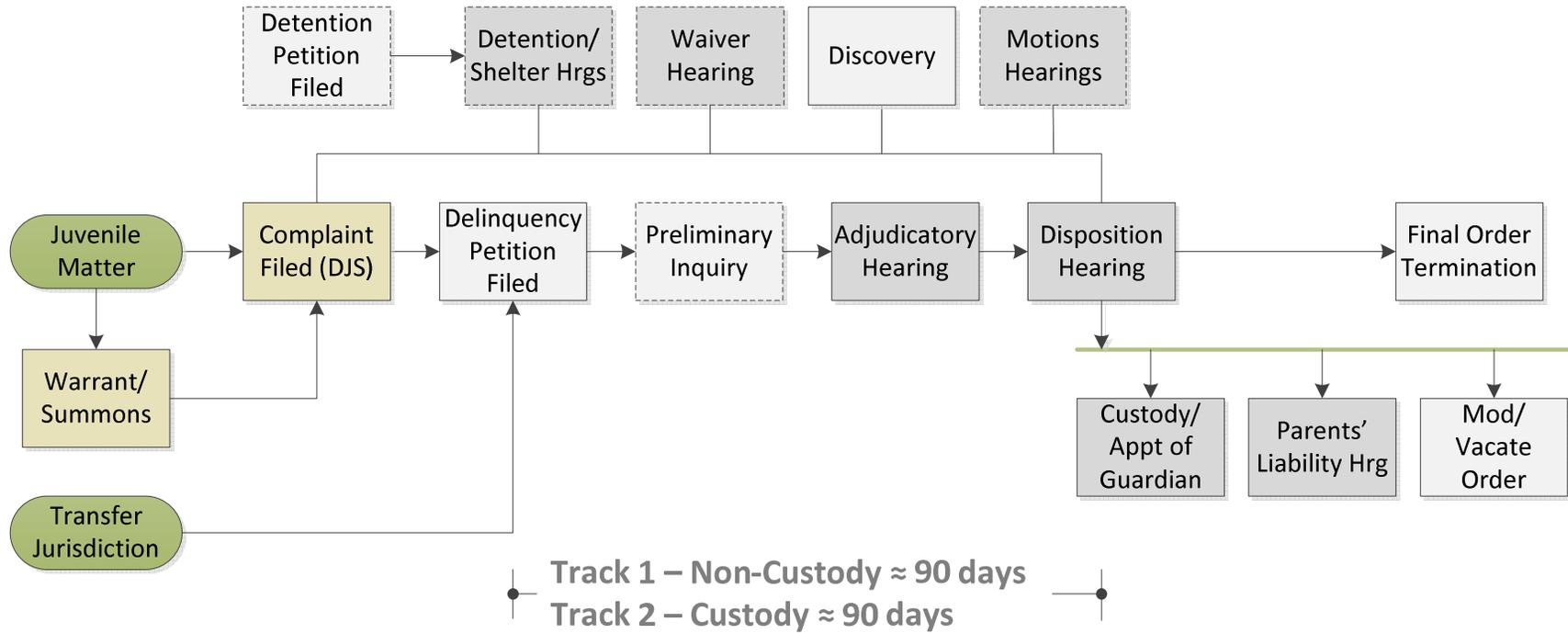
### **Track Designations Set at Filing**

Track designations are automatically set at filing, based on the type and characteristics of the petition. A child that is in detention on a delinquency case may be released very soon after the start of the case, but the track will remain the same. The same rules apply for a child that may in shelter care on a dependency case.

### **Juvenile Delinquency**

Diagram 1.1 on the following page illustrates the events and times required for juvenile delinquency case processing tracks.

**Diagram 1.1 – Juvenile Delinquency Case Processing**



### **Delinquency Petition Filed**

All juvenile matters begin with the filing of a warrant or summons followed by a delinquency petition. A delinquency petition is filed by the State's Attorney. The Clerk's Office issues and mails summons for the respondent and his/her parents, guardian or custodian. Counsel entering his/her appearance on behalf of a respondent must file a line of appearance with the Clerk's Office in order for the Preliminary Inquiry to be removed from the calendar. Within 10 days after the petition is filed, a complaint is filed with the Department of Juvenile Services (DJS).

### **Preliminary Inquiry**

A Preliminary Inquiry Hearing is scheduled within 14 days of the filing of the petition. At the Preliminary Inquiry Hearing, the respondent and his/her parents, guardian or custodian are served with the petition for continued detention/shelter care, advised of the charges, advised of his/her right to an attorney, and given the Scheduling Order. If, at the first scheduled Preliminary Inquiry, a respondent appears without a parent, guardian or custodian, or a parent, guardian or custodian appears without a respondent, service of the summons, petition(s) and Scheduling Order by the Sheriff or certified mail is ordered and the Preliminary Inquiry Hearing is rescheduled.

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 Clerk's Office will notify the appointed counsel at least 10 days prior to the next scheduled hearing.

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

### **Detention**

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

### **File a Detention Petition**

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

### **Detention/Shelter Care Hearing**

The Court must hear/conduct a Detention/Shelter Care Hearing no later than the next day that the Court is in session, following the filing of a Detention Petition. Reasonable notice, oral or written, shall be given to the respondent and the respondent's parents, guardian or custodian.<sup>1</sup>

### **Detention Review Hearing**

If the respondent (juvenile) 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 (Courts and Judicial Proceedings § 3-8A-15(d)(6)).

## **Discovery**

The State's Attorney's Office (SAO) is required to provide discovery to and request discovery from the respondent (juvenile) per the requirements of Md. Rule 11-109, within five days after the earlier of the appearance of counsel, or the waiver of counsel under Md. Rule 11-106. The respondent (juvenile) shall furnish the discovery required under this section within 10 days after a request is made. The Court, for good cause shown, may extend the time for discovery.

### **Waiver Hearing**

Pursuant to Maryland Rule 11-113, if the SAO files a petition requesting that the Court waive its exclusive jurisdiction over the respondent (or the Court considers a waiver on its own motion) then the Court shall order a waiver investigation and schedule a Waiver Hearing prior to adjudication (Courts and Judicial Proceedings §3-8A-06). If the Waiver Petition is denied, then the case must be brought to adjudication within 30 days (Courts and Judicial Proceedings §3-8A-15(d)(6) and Maryland Rule 11-114(b)(1)).

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

### **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 Adjudicatory Hearing, a Disposition Hearing, or a Violation of Probation Hearing, the Court on its own motion, or on a motion of the child's counsel or the State's Attorney, shall stay all proceedings and order that the Department of Health and Mental Hygiene 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).

### **Adjudicatory Hearing**

At the Adjudicatory Hearing, the Court will hear the evidence in the case. In the event a petition is filed to waive jurisdiction, the Adjudicatory Hearing is held within 30 days after the Court's decision whether or not to retain jurisdiction.

If the Court orders the juvenile to remain in detention or shelter care, the Adjudicatory Hearing is held within 30 days of the date the court ordered the placement or within 60 days of the filing of a delinquency petition without detention. If the respondent (juvenile) is found involved (committed the alleged acts) at the Adjudicatory Hearing, the case proceeds to a Disposition Hearing and may be held the same day if notice of the Disposition Hearing, as prescribed by the Maryland Rules, is waived on the record by all the parties.

### **Disposition Hearing**

Disposition Hearings are held as outlined below:

#### **Non-Detention**

The Disposition Hearing must be held within 30 days of the Adjudicatory Hearing, if the respondent is in the community without detention or community detention. The Disposition Hearing is held to determine if the allegations have been substantiated. In some cases, a disposition may be reached immediately following the Adjudicatory Hearing. The Disposition Hearing that may be held the same day if notice of the Disposition Hearing, as prescribed by the Maryland Rules, is waived on the

record by all the parties.

### **Detention**

A Disposition Hearing must be held within 14 days of the Adjudicatory Hearing, if the respondent (juvenile) continues to be detained or is on community detention. The Disposition Hearing may be postponed upon a finding of good cause, pursuant to Courts and Judicial Proceedings §3-8A-15(d)(6)(ii). If respondent remains detained or on community detention, a Detention Review Hearing must be conducted every 14 days thereafter until the Disposition Hearing is held.

### **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).

### **Final Order of Termination**

Following the disposition, a hearing is held to determine the termination of the case.

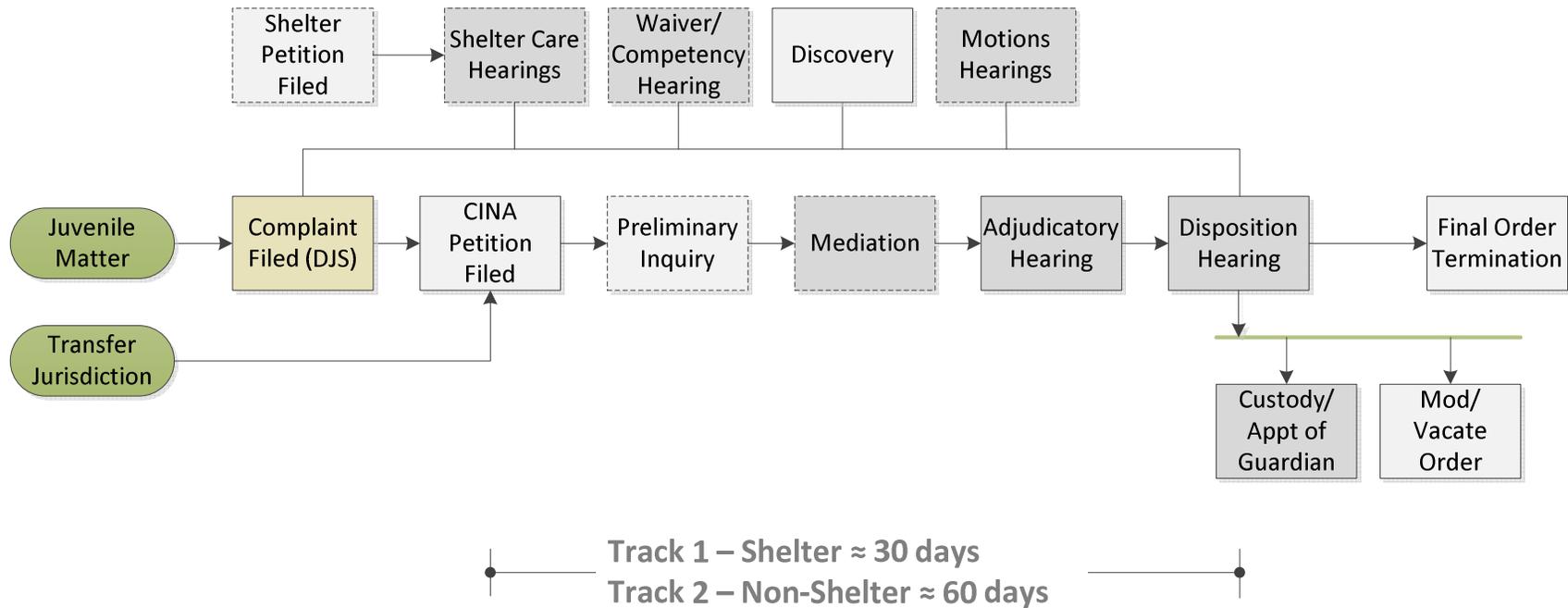
## **Child Welfare Tracks 1 and 2 – Shelter and Non-Shelter**

Diagram 1.2 on the following page illustrates the events and times required for CINA case processing tracks.

### **CINA Petition Filed**

The Department of Social Services (DSS) files a CINA Petition. The Clerk's Office issues and mails summons for the parent, guardian or custodian, prepares the appointment order for counsel for the child, and generates the initial trial assignment.

**Diagram 1.2 – Child In Need of Assistance (CINA) Case Processing**



### **Preliminary Inquiry**

A Preliminary Inquiry Hearing is scheduled within 14 days of the filing of the petition. At the Preliminary Inquiry Hearing, the juvenile and his/her parents, guardian or custodian are served with the CINA petition, the petition for continued shelter care (Track 1), Notice of Court-Appointed Attorney for the child, and parents and guardians are advised of their right to counsel.

### **Adjudicatory Hearing**

At the Adjudicatory Hearing, the Court will hear the evidence in the case. If the allegations in the petition are proven, the case will proceed to the Disposition Hearing immediately, unless the Court makes a finding of good cause to delay the hearing, up to a maximum of 30 days.

### **Disposition Hearing**

The Disposition Hearing is held to determine if the child is a CINA. In most cases, a disposition will be reached immediately following the Adjudicatory Hearing.

### **Review Hearing**

If the child remains in the home under the Court's jurisdiction a 3-816.2 Review Hearing is held every six months.

### **Permanency Planning Hearing**

If the child is removed from the home post-disposition, then the Permanency Planning Hearing and Permanency Planning Review Hearing are held at six month intervals.

A hearing is held for Court to determine the permanency plan and reasonable efforts to finalize it. However, if a Reasonable Efforts Waiver petition is filed and the waiver is granted, the Permanency Planning Hearing MUST be held within 30 days of the Waiver Hearing (or the same day if all parties agree).

## **Track 3 – Termination of Parental Rights**

The filing of the Petition for Termination of Parental Rights (TPR) may be a decision of the Department of Social Services, or by an Order of the Court. All TPR cases must be concluded within 180 days of filing.

### **Status Hearing**

The initial Status Hearing for Termination of Parental Rights is to be held within 60 days. This hearing is to be used to review the status of the case. The Court will either issue a Scheduling Order at this hearing or set the case in for subsequent Service Status Hearings.

### **Service Status Hearings**

A Service Status Hearing may be set between days 2-60. If a Scheduling Order has been issued a Status Hearing will not be set unless requested. If all parties have not been served the Service Status Hearing will address the causes of delay.

### **Trial**

A trial date is set between days 120-160. All cases must go forward on the record even if an agreement is reached, or consent is given. If the case results in a Final Order of Guardianship the case will continue to be reviewed until such time as the respondent is adopted or the guardianship is terminated.

### **Initial Guardianship Review Hearing**

The Initial Guardianship Review Hearing is scheduled within six months of the Final Order for Guardianship.

Upon conclusion of the Initial Guardianship Review the Court will review cases annually (no later than 365 days from Initial Guardianship review). Cases will continue to be reviewed until an Order of the Court terminating Guardianship is issued.

## **Track 4 – Other Juvenile Casetypes**

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

**Table 1.3 – Other Juvenile Casetypes**

<b>Other Juvenile Casetypes</b>	<b>Expected duration</b>
Adoptions	180 days
Peace orders	14 days up to 1 year
Voluntary placements	30 days to voluntary placement 11 months to permanency planning hearing 6 months for permanency planning reviews
Child support cases (related to juvenile custody order)	
Interstate compact requests	

## Postponements

### Adjudicatory Hearings

Motions for postponement of Adjudicatory Hearings beyond the statutorily mandated deadlines will be ruled on by the magistrate or the designee of the County Administrative Judge. These motions will only be granted on a showing of extraordinary cause. Extraordinary cause is that which is not foreseeable, usual or predictable. Generally, scheduling conflicts on their face do not constitute extraordinary cause.

### Preliminary Inquiry and Disposition Hearings

The magistrate or County Administrative Judge or his/her designee will rule on written motions for postponement of hearings that exceed statutorily mandated deadlines, but do not require a finding of extraordinary cause. These motions will only be granted on a showing of good cause.

Motions for postponement made on the day of a hearing, that exceed the statutorily mandated deadlines, but not requiring a finding of extraordinary cause, will be ruled on by the presiding judge, and will only be granted on a showing of good cause.

### Postponement Procedures

A motion to postpone is filed with the Clerk’s Office. The motion will be ruled upon by the magistrate in accordance with Maryland Rules regarding postponements.