

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, their safety, family preservation and permanency, and community safety, Baltimore County Circuit Court's Juvenile Division seeks to handle each juvenile case fairly and to resolve each case promptly, according to applicable federal and state 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 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 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.

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 which will ensure:

- 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 Lead Juvenile Judge, as designated by the County Administrative Judge, and the other assigned juvenile judges, magistrates and their respective staffs. The Lead Juvenile Judge reports to the County Administrative Judge, supervises all aspects of case management, and is ultimately responsible for the implementation and monitoring of the DCM Plan, pursuant to Md. Rule 16-302(b).

All juvenile judges and magistrates are responsible to comply with and implement in their rulings the provisions of this plan. Although individual juvenile judges and magistrates are responsible for the effective management of cases assigned to them, the scheduling of assigned cases must always be coordinated with the Juvenile Clerk's Office and with the Assignment Office if not scheduled on a pre-set juvenile docket. 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 seven potential tracks to resolution. Juvenile cases are organized by delinquency and child welfare 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 Maryland Rules, it is the goal of this plan to ensure that the following time standards are met whenever possible. The case time standard is based upon the initial adjudication and disposition events, as described below, even though the case remains open beyond that event for post-disposition hearings.

- ❖ *Juvenile delinquency cases* – 98% should be concluded within 90 days of the date of arraignment or entry of appearance of counsel, whichever is first. A delinquency case is concluded at the time of the disposition hearing.
- ❖ *Child in need of assistance (CINA) cases* – 100% should be concluded within 30 days for juveniles that are in shelter and within 60 days for juveniles that are not in shelter. A CINA case is concluded when a determination is made by a juvenile magistrate or judge that a child is or is not a CINA, and a disposition is ordered.

The Circuit Court for Baltimore County, Maryland Circuit 3
Differentiated Case Management Plan – Juvenile Cases

- ❖ *Termination of parental rights (TPR) cases* – 100% should be concluded within 180 days. A TPR case is concluded when a judgment is recorded in the TPR petition.
- ❖ *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

Table 1.1 – Juvenile Delinquency Tracks, Case Types and Outcomes

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
Track 1 Standard	Delinquency cases without a detention petition	90 days to disposition hearing
Track 2 Complex	Delinquency cases with a detention petition	90 days to disposition hearing
Track 3 Miscellaneous Delinquency	Peace orders	Custom

Table 1.2 – Child Welfare Tracks, Case Types and Outcomes

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
Track 1 CINA Non-Shelter	Child in need of assistance (CINA) cases with no shelter care or shelter care petition	60 days to adjudication and disposition hearing
Track 2 CINA Shelter	Child in need of assistance (CINA) cases with shelter care or shelter care petition	30 days to adjudication and disposition hearing
Track 3 Voluntary Placements	Voluntary Placements	180 days to disposition hearing
Track 4 Termination of Parental Rights	Termination of parental rights cases	180 days to entry of judgment

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 be in shelter care on a dependency case.

Juvenile Delinquency

Diagram 1.1 and Diagram 1.2 on the following pages illustrate the events and times required for juvenile delinquency case processing.

Diagram 1.1 – Juvenile Delinquency Case Processing

Baltimore County Circuit Court
Juvenile Delinquency – Non Detention

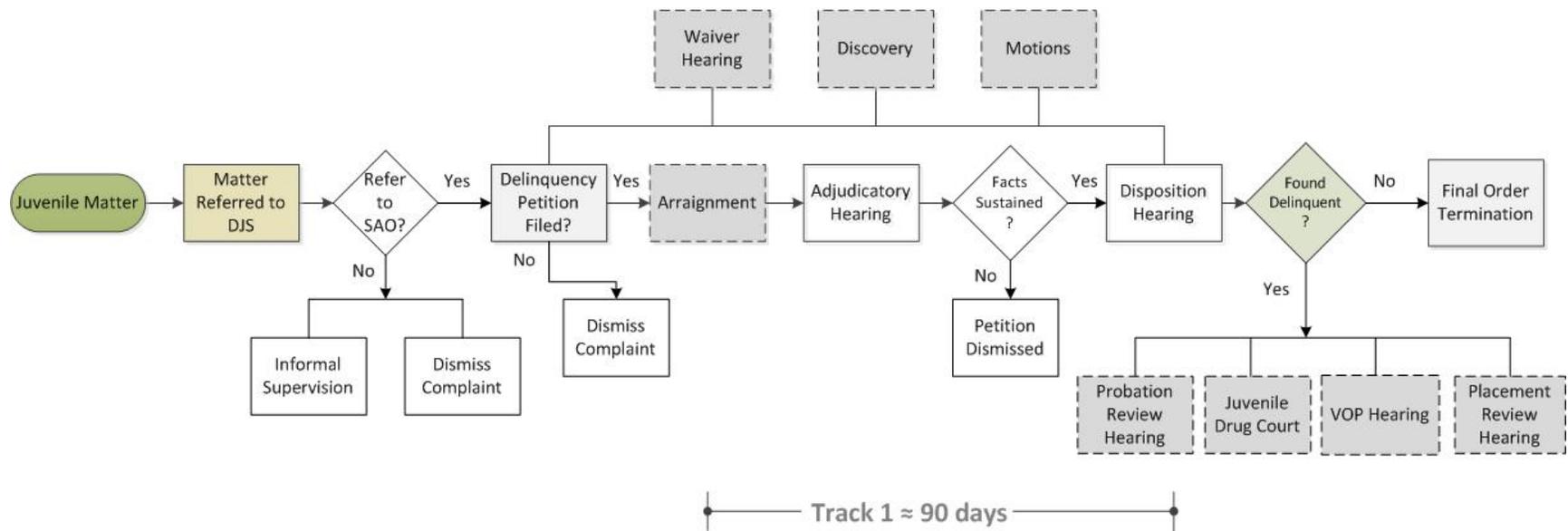
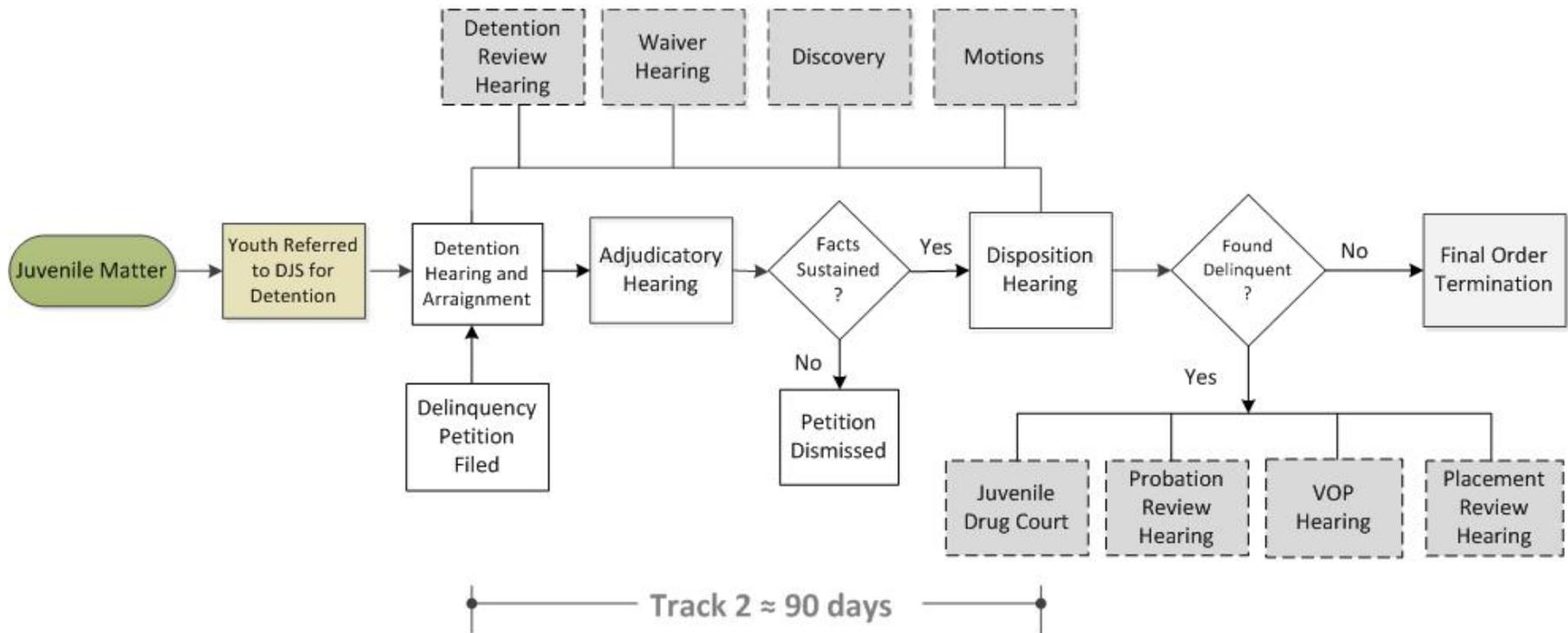


Diagram 1.2 – Juvenile Delinquency Case Processing

Baltimore County Circuit Court
Juvenile Delinquency – Detention



Track 1 – Juvenile Delinquency Non-Detention

If a juvenile respondent is not initially detained and has been released to the custody of his/her parents, guardian or custodian, an Arraignment Hearing is scheduled within up to 30 days of the filing of the petition. Arraignment Hearings are scheduled on Wednesdays before the magistrate that is assigned the delinquency docket. The Clerk's Office docket the delinquency petition and take steps for it to be issued to the respondent and his/her parents. The Clerk's Office shall issue a summons for the respondent and parent, notifying the parent to produce the respondent at the scheduled Arraignment Hearing. Failure to bring the respondent to court for the Arraignment Hearing could result in a writ being issued for the respondent. At the Arraignment Hearing, the Court shall make a determination as to representation of the respondent by counsel. The Office of the Public Defender (OPD) will provide a lawyer for the respondent if his/her family does not hire its own lawyer. An Adjudicatory Hearing is then scheduled before a magistrate.

Track 2 – Juvenile Delinquency Detention

In cases where 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 an Adjudicatory Hearing is held. The State's Attorney shall file a delinquency petition and a hearing must be held the next court day in order to extend the detention or shelter care. These hearings are conducted each day by the magistrate assigned for that court 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 delinquency 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 or global positioning monitoring. If the Court grants continued detention/shelter care, there must be an Adjudicatory 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 25 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 Adjudicatory Hearing.

Regardless if the respondent is detained, placed on community detention or has been released to the custody of his/her parents, guardian or custodian at the Detention/Shelter Care Hearing, the case process continues as follows:

Within 30 days, the Court will hold a fact-finding hearing, called the adjudication, during which the Court will hear the evidence in the case. The purpose of the hearing is to determine if the respondent committed the offense. The allegations that the respondent committed a delinquent act, as set forth in the petition, must be proven beyond a reasonable doubt. If the respondent admits to the offense, no witnesses are called. If the Court determines the respondent did not commit the offense, the petition is dismissed and the case ends. If the Court determines the respondent committed the offense, the Court will schedule a Disposition Hearing.

The Disposition Hearing is held to determine if the child requires guidance, treatment or rehabilitation. The hearing may be held immediately following the adjudication if the parties waive the five day notice requirement. Otherwise, the Disposition Hearing is scheduled no later than 30 days after the Adjudicatory Hearing. The respondent and his/her parents/guardians are served with a notice of the hearing.

Track 1 – 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.

Track 2 - Detention

A Disposition Hearing must be held within 14 days of the Adjudicatory Hearing if the respondent 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 a respondent remains detained or on community detention, a Detention Review Hearing must be conducted every 14 days thereafter until the Disposition Hearing is held.

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 a disposition, such as:

- a. probation;
- b. commitment to the Department of Juvenile Services (DJS) for placement in a secured facility or in the community, or to the Department of Health and Mental Hygiene (DHMH), or to the Department of Social Services (DSS); 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. If the child is to be placed outside the home for an extended period of time, (e.g. more than 60 days), a Permanency Planning Hearing must be scheduled no later than 10 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 25 days. Once the child is placed, review hearings are to be scheduled at six month intervals and a Permanency Planning Hearing scheduled within 10 months of removal, pursuant to the 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.

Waiver Hearing

Pursuant to Md. Rule 11-113, 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) and transfer the charges to the adult criminal court, 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 Md. Rule 11-114(b)(1)). If the waiver request is granted, the respondent is taken before a Court Commissioner that day for processing and bail review on the adult charges.

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 (DHMH) or any other qualified expert conduct an evaluation of the child's competency to proceed. The case shall be informally reviewed by the Lead Juvenile Judge once per month to determine the status of the pending evaluations. 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). If the Court determines that the child is not competent but may attain competency in the foreseeable future, the Court may order competency attainment services. The child may remain detained in an appropriate facility if necessary to protect the child or others, or if the child is likely to leave the jurisdiction, and there is no less restrictive alternative.

Competency attainment services may be ordered for an initial period of not more than 90 days. Services can be extended for a period up to six months if the child is accused of an act that would be a misdemeanor if committed by an adult, and up to 18 months for an act that would be a felony if committed by an adult.

If the Court determines the child is not competent and is unlikely to attain competency in the foreseeable future, the Court must consider whether the child poses a danger to self or others. If so, and if the child has a mental disorder or has a developmental disability, the Court may commit the child and/or make appropriate referral to the Developmental Disability Administration. If not, the Court must dismiss the petition.

Disposition Alternative

Juvenile Drug Treatment Court

The Baltimore County Juvenile Drug Treatment Court (JDTC) is a disposition option for a child in need of substance abuse treatment who meets basic criteria. The screening criteria are intentionally broad in an effort to consider a large population of juvenile offenders. The basic criteria for screening eligibility are:

1. Youth with a history of a violent offense or with a sexual offense are not eligible for JDTC.
2. The juvenile must be between the ages of 13 years and 18.5 years to be eligible. The juvenile must have some indication of a drug and/or alcohol problem either by the nature of the charge itself in the juvenile's history or in other credible information available to DJS, the

SAO, the Baltimore County Police Department or the Court. The JDTC program must be adopted as a condition of probation either by a judge or magistrate at disposition or violation of probation, or a participant may volunteer for a change in his/her service order through communication with OPD and memorandum from DJS to the Court.

The DJS and the SAO perform the initial screening functions for JDTC candidates. A juvenile may be identified and referred for JDTC screening at arraignment, adjudication, disposition, or violation of probation proceeding.

JDTC is a three-phase program. Promotion from one phase to the next is contingent upon completion of treatment objectives, primarily sustained sobriety. As the participant progresses through treatment levels, supervision and court review gradually decrease. This permits the participant to demonstrate sustained progress with decreased supervision until he/she is ready for discharge. JDTC is a strength based program which provides wraparound services for the youth and their family, as needed, to promote progress.

Positive behavior will be commended by the JDTC judge and reinforced with available incentives, such as decreased supervision, movement to the next program phase, and rewards such as pins or corporate incentive rewards. Negative behaviors will also be reviewed and may be sanctioned for repeated violations.

Ultimately, a JDTC participant can be terminated from the JDTC if the following occur:

- Persistent missed, diluted, and /or positive drug or breathalyzer tests;
- Persistent refusal to comply with the treatment plan;
- Violence or threat of violence against program staff or participants; or
- Placement in a long-term treatment facility

A JDTC youth is eligible for graduation from the JDTC after satisfactorily completing the requirements of all three phases of the program, as recommended by all members of the treatment team.

Post-Disposition Proceedings

Reopened Cases/STETS

Either party to the case may file to reopen the case for any reason within the first year. After a year, the

case may only be reopened by the State upon showing good cause to the judge. Although most cases for which a stet is entered are never reopened, when they are, it is usually because the State feels that the respondent has reoffended or failed to comply with the condition of the stet.

Review of Probation

The judge or magistrate may set a hearing to monitor and ensure that the conditions of probation ordered at disposition are being satisfied. This review is typically scheduled at the disposition hearing and docketed. Alternatively, DJS may petition the Court for a Review of Probation Hearing to review, add, or address the respondent's satisfaction or failure to satisfy conditions of probation. Upon receipt of the petition, the judge or magistrate will typically schedule a Review Hearing within 30 days.

Exceptions Hearings

Request for exceptions to the magistrate's ruling must be filed within 10 days of the disposition. The hearing is then scheduled and heard by a juvenile judge within 30 days.

Restitution Hearing

If the child is found to have committed a delinquent act, the Court may order a judgment of restitution against the parent of a child, the child, or both (Md. Courts. & Judicial Proceedings Code, Sec. 3-8A-28; Mc. Crim. Proc. Code, Sec. 11-604). Restitution against a child or parents for a delinquent act cannot exceed \$10,000. Before a court enters a judgment of restitution against a parent, the parent is entitled to a hearing and to present evidence.

Dually-Involved Youth

Children that have cases that involve both DSS and DJS should be scheduled for hearings in front of the same judge or magistrate. To identify these cases, the clerk will search the respondent's name to see if the child has any other open cases, and if so, which judge or magistrate is presiding over the case. The case will then be flagged so that subsequent to the immediate review, any future matters can be scheduled with the same judge or magistrate, ideally on the same day. The clerk will add the last known case worker from the other involved agency into the case so that both agencies receive notices of hearings regardless of case type, with the expectation that both case workers will appear at all hearings. If a respondent in a juvenile delinquency case is to be considered for a co-commitment, the judge or magistrate will delay disposition of the case and notify DSS of the possible commitment and of the new disposition date. At the disposition, if the respondent is co-committed, the judge or magistrate will

designate a lead agency. Each case will continue as required by the identified delinquency and child welfare track.

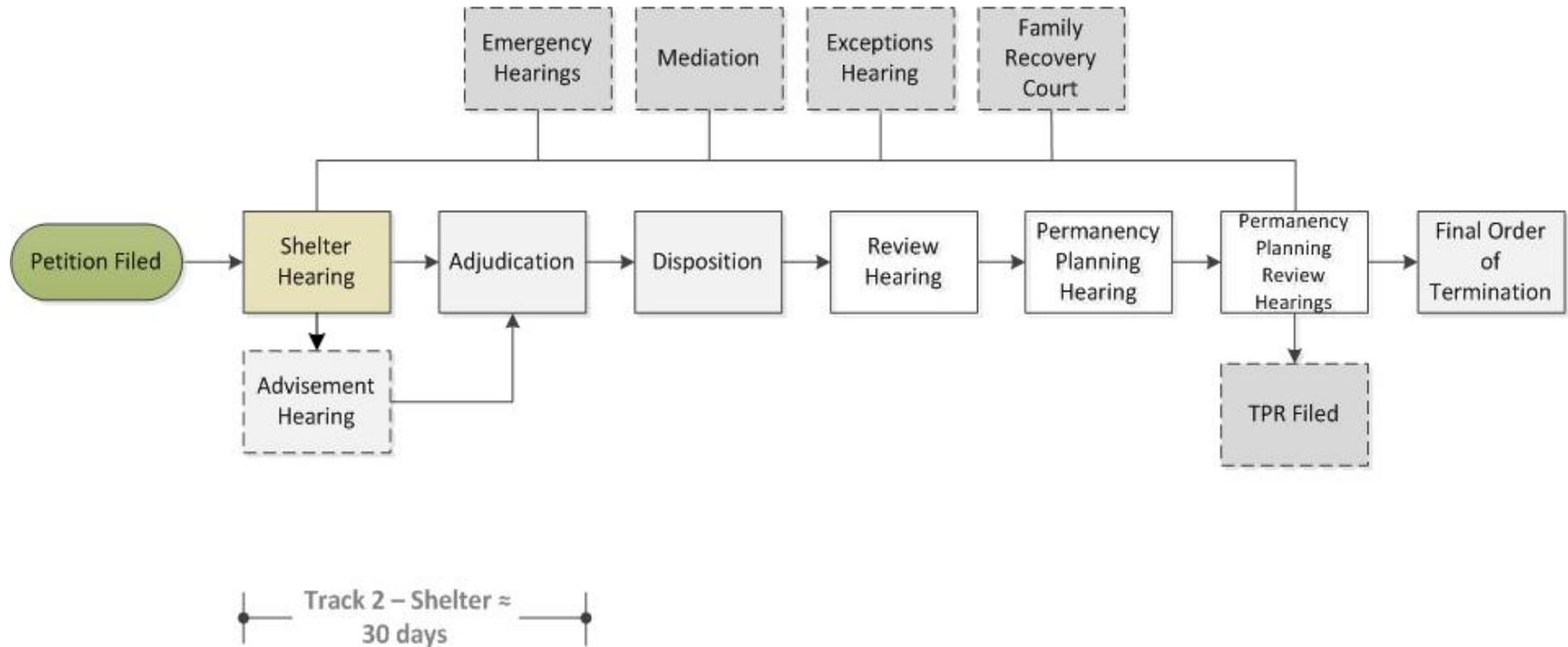
Track 3 – Juvenile Delinquency Miscellaneous Case Types

Peace Orders

Pursuant to Courts and Judicial Proceedings §3-8A-19.1, the (DJS) or the SAO may file a request for a peace order if the alleged act to the victim occurred within 30 days before the filing of the request. The request for a peace order must be made by either the victim or parent/guardian of the 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 7 to 10 days after the request is filed. The Clerk's Office issues summonses for the hearing and notifies all parties by first class mail. 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.

Diagram 1.3 – Child In Need of Assistance (CINA) Case Processing

Baltimore County Circuit Court
CINA – Shelter



Track 1 – CINA Shelter

CINA Petition Filed (Day 1)

The DSS files a Petition for Continued Shelter, alleging a Child is in Need of Assistance (CINA), and gives the parent(s), guardian or custodian notice of the hearing date. Child's counsel submits an appointment order, and the Clerk's Office schedules the initial event. It is preferred that notice of the incoming filing be given to Clerk's Office, the OPD and those associated with CINA cases in Baltimore County by 8:30 a.m. each business day by DSS. All emergency shelter care petitions filed before 12:00 p.m. will be heard the same day. The petitioner should contact the assigned magistrate's chambers if the above-mentioned timeframe cannot be met and extenuating circumstances exist.

Shelter Hearing (Day 1)

The Shelter Care Hearing may authorize the child's placement, determining whether or not the DSS made reasonable efforts to prevent removal and whether remaining in the home is contrary to the welfare of the child. At the hearing, the child 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 a Guide for Parents and Guardians in Child Protection Cases. Parents and guardians are advised of their right to counsel. If the Court makes a finding of good cause to delay the hearing, the postponement will not exceed a maximum of eight days from the time of the child's removal. An Adjudicatory Hearing will be scheduled 20-30 days from time of the filing and an advisement hearing will be set in as necessary. Shelter care can only be authorized for 30 days, and it may be extended an additional 30 days if the Adjudicatory Hearing has commenced and shelter is determined to be necessary. If the child is returned to the custody of the parent(s), the case will proceed under Track 2.

Advisement Hearing (Day 10-14)

If either parent or guardian fails to appear at the shelter hearing, an Advisement Hearing will be set within 10 days for the parent(s) and/or guardian to appear in court to be advised of their right to counsel, served with the CINA petition and issued a summons for the adjudication date. This includes instances where a parent is incarcerated, and/or otherwise unable to attend the initial Shelter Hearing. In these circumstances the clerk will set the Advisement Hearing based on the time needed to issue a writ.

Adjudicatory Hearing (Day 15-30)

At the Adjudicatory Hearing, DSS must prove the factual allegations in the petition by a preponderance of evidence. The Court will determine whether the petition allegations are proven, and if so, the Court will specify whether or not reasonable efforts were made to prevent placement and the case will proceed to the Disposition Hearing immediately. If the Court makes a finding of good cause to delay the disposition, the Court must determine where the child is to be placed prior to disposition and specify terms of visitation. If found CINA, the case will remain with the same magistrate for subsequent hearings unless a judge determines otherwise, or a parent becomes involved in Family Recovery Court (FRC).

If counsel anticipates the adjudication will be contested, and there is good cause to move the case to a judicial docket, a written request must be filed before the scheduled adjudication. If the Lead Juvenile Judge grants the request, the adjudication will still be scheduled within 30 days from the filing of the petition. On the day of the hearing if the case is found to be contested, and exceptions likely, the Central Assignment Office will be contacted and the case may be heard by a juvenile judge as early as the afternoon of the same day.

Disposition Hearing (Day 15-60)

The Disposition Hearing must be concluded within 30 days of the adjudication. It is held to determine if the child is in need of assistance, and if so, what intervention is necessary to protect the child's health, safety, and well-being. Custody and placement will be determined, as well as whether the agency's proposed plan reasonably meets the needs of the child and parent, and reasonable efforts have been made to prevent placement into DSS custody. The case permanency plan will be determined, and support and visitation will be specified. The CINA review will be set no more than six months from the time of filing and the Permanency Planning Hearing will be scheduled five months after the date of the CINA review.

Review Hearing (Day 150-180)

The Review Hearing is used to keep the Court informed of the status of the case and to continue judicial oversight. It must be held within six months of the initial filing.

Permanency Planning Hearing (Day 300-365)

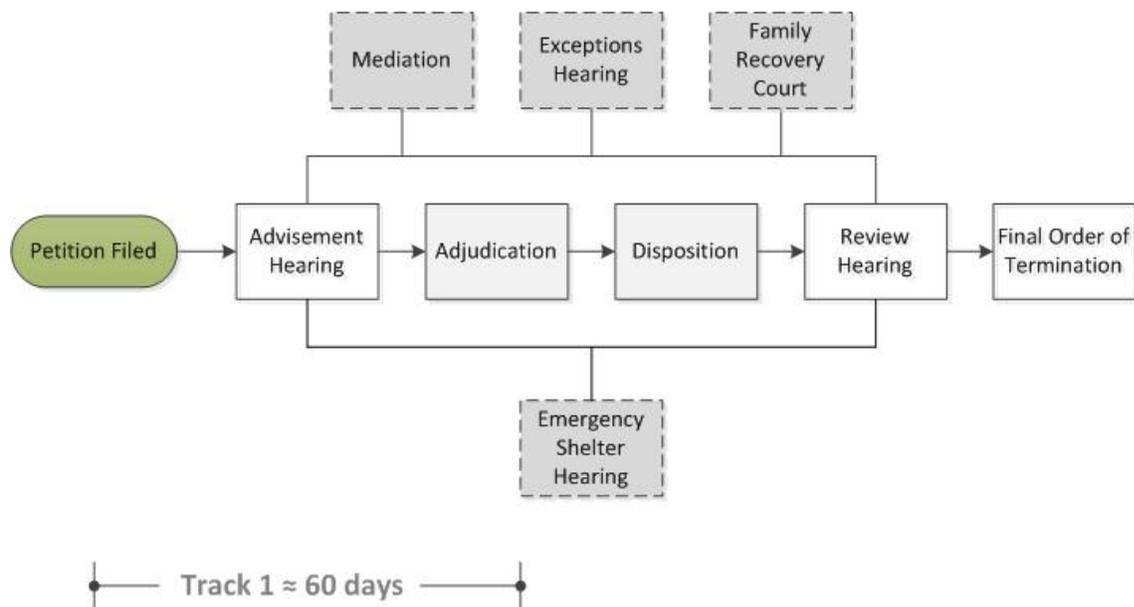
The first Permanency Planning Hearing (PPH) must be held within the first 12 months of the removal and will be set at the end of the Disposition Hearing. The PPH is held for the Court to determine the permanency plan, ranging from reunification to adoption, and reasonable efforts to finalize the plan within 24 months of placement. However, if a Reasonable Efforts Waiver petition is filed and the waiver is granted, the PPH must be held within 30 days of the Waiver Hearing, or the same day if all parties agree. If during the hearing the plan changes to a sole plan of adoption, DSS will be ordered to file a petition to terminate parental rights (Track 4).

Permanency Planning Review Hearings (Day 365+)

Permanency Planning Review hearings will be held every six months until commitment is rescinded or the TPR petition is granted. Subsequent Permanency Planning Review Hearings are held at six-month intervals. Each event will be scheduled five months from the date of the last hearing to ensure timeliness.

Track 2 – CINA Non-Shelter

Baltimore County Circuit Court
CINA – Non-Shelter



CINA Petition Filed (Day 1)

The DSS files a Petition alleging a Child is in Need of Assistance. The Clerk's Office issues and mails summons for the parent, guardian or custodian, and schedules the initial event to occur within two weeks.

Preliminary Hearing (Day 14)

The initial event in the case will be a Preliminary Hearing to determine the status of the case, the status of service, and to advise the parent(s) or guardian(s) of their right to counsel, serve the CINA petition and issue a summons for the adjudication date.

Adjudicatory Hearing (Day 28-60)

If the child is removed from the home prior to the adjudication, the case will be moved to and proceed in Track 1. At the Adjudicatory Hearing, DSS must prove the factual allegations in the petition by a preponderance of evidence, and the hearing must be concluded with 60 days of the initial filing. If proven, the case will proceed to a same day Disposition Hearing, unless good cause is determined. If found CINA, the case will remain with the same magistrate for subsequent hearings unless a judge determines otherwise, or a parent becomes involved in FRC.

If counsel anticipates the adjudication will be contested, and there is good cause to move the case to a judicial docket, a written request must be filed before the scheduled adjudication. If the Lead Juvenile Judge grants the request, the adjudication will still be scheduled within 30 days from the filing of the petition. On the day of the hearing if the case is found to be contested, and exceptions likely, Central Assignment will be contacted and the case may be heard by a juvenile judge as early as the afternoon of the same day.

Disposition Hearing (Day 28-90)

The Disposition Hearing must be concluded within 30 days of the adjudication. It is held to determine if the child is in need of assistance, and if so, what intervention is necessary to protect the child's health, safety, and well-being. Custody and placement will be determined, as well as whether the agency's proposed plan reasonably meets the needs of the child and parent. The case will then proceed like Track 1, to ensure that Permanency Planning Hearing standards are met if the child were to move placement in the future. Therefore, a Review Hearing will be set no more than six months

from the time of the filing and a Permanency Planning Hearing will be scheduled five months from the review.

Review Hearing (Day 180+)

The Review Hearing is used to keep the Court informed of the status of the case and to continue judicial oversight. The first review must be held within six months of the initial filing.

Permanency Planning Hearing (Day 300-365)

The first Permanency Planning Hearing (PPH) must be held within the first 12 months of the removal, and will be set at the end of the Disposition Hearing. The hearing is held for the Court to determine the permanency plan, ranging from reunification to adoption, and reasonable efforts to finalize the plan within 24 months of placement. However, if a Reasonable Efforts Waiver petition is filed and the waiver is granted, the PPH must be held within 30 days of the Waiver Hearing, or the same day if all parties agree. If during the hearing the plan changes to a sole plan of adoption, DSS will be ordered to file a petition to terminate parental rights (Track 4).

Permanency Planning Review Hearings (Day 365+)

Permanency Planning Review hearings will be held every six months until commitment is rescinded or the TPR petition is granted. Subsequent Permanency Planning Review Hearings are held at six-month intervals. Each event will be scheduled five months from the date of the last hearing to ensure timeliness.

CINA Supplemental Events

Emergency Hearings

If there is a request for an Emergency Placement Review or Shelter filed in a CINA case by DSS before 12:00 p.m., it will be heard the same day. If filed after 12:00 p.m., it will be heard the next business day. Other requests for an Emergency Hearing filed by any other party will be promptly reviewed by the Lead Juvenile Judge or the County Administrative Judge's designee who will determine whether and when a hearing should be scheduled. No hearing will be scheduled the next day unless the filing party has provided proper service.

Exceptions Hearing

In accordance to Maryland Rules, if any party files an exception to a magistrate’s written report and recommendation, a hearing will be held before a juvenile judge within 30 days and concluded within 45-60 days. The Juvenile Clerk’s Office will set these hearings on the Juvenile Judge’s weekly docket, issue summons for the event and email the attorneys in the case the set date. If the date selected is a conflict for one of the attorneys, a scheduling conference will be set on the Monday preceding the scheduled event.

Mediation

Mediation may be ordered or scheduled at any time, and may be used on multiple occasions. It can be used to facilitate a service agreement between DSS and the parent(s) or legal guardian, a visitation schedule for the parent(s) and siblings, or to work out an agreement for open adoption, including consents to termination of parental rights. The requesting party must call the Baltimore County Circuit Court’s Office of Mediation, obtain dates, and schedule with the other parties. If there are any difficulties in obtaining an agreed date, and a date has not been obtained within a week of contacting the Office of Mediation, the initiating party shall contact the Juvenile Clerk’s Office to set a scheduling conference. Once mediation is scheduled, it can only be vacated or postponed by court order.

Scheduling Conference

If there are any difficulties in obtaining an agreed upon date for court events, the Juvenile Clerk’s Office will set in a Scheduling Conference on the next available juvenile judge’s docket, 10-14 days out, so that parties can briefly meet in person with representatives from the Central Assignment Office and the Office of Mediation and resolve scheduling conflicts. The conferences will be held in the assigned Judge’s Chambers at 9:00 a.m. for judicial oversight, and dates will be set on the record. Conflicts will not be considered for any party or attorney who does not attend in person or via phone. Scheduling Conferences are mandatory in a Termination of Parental Rights (TPR) (Track 4) proceeding unless both parents default or consents are filed on their behalf. The judge will review the agreed upon dates to make sure they are within the time standards. In a TPR case, the judge will also issue a scheduling order.

Transferred Cases

Cases may not be transferred to other jurisdictions prior to adjudication. If a case is recommended for transfer out of Baltimore County, the Lead Juvenile Judge or County Administrative Judge will contact the Lead Juvenile Judge in the designated county to ensure the case’s acceptance. A transfer

order will be prepared in the accepting county, to ensure that the case is scheduled within the proper track and timeline. If a case is to be transferred into Baltimore County, it will be reviewed by the Permanency Planning Liaison. A Review Hearing will be scheduled within 30 days so that the case status can be assessed.

Family Recovery Court

Family Recovery Court (FRC) is a four-phase program intended to improve treatment outcomes in order to promote reunification efforts for children and families. It provides additional case management and oversight as well as interagency collaboration to families with at least one parent with a substance abuse issue. There is no exclusionary criteria outside of residency in Baltimore County. Participation is voluntary and includes a commitment to attend FRC hearings twice a month, to submit to random, supervised drug testing, to maintain contact with the program and to follow treatment recommendations. At minimum, it is a nine-month program.

In CINA cases, the case will ideally be referred to FRC at the adjudication, and referrals can be made by the social worker, the Court, the parent or any attorney in the case. If a parent becomes enrolled in FRC prior to the first Permanency Planning Hearing, the CINA case will be administratively moved and all future CINA events will be scheduled with the presiding FRC magistrate. CINA events will continue to proceed according to the designated Track, parallel to the FRC case, which proceeds on a separate docket. If a parent enrolls in FRC after the first Permanency Planning Hearing, then the presiding FRC magistrate and original magistrate or judge will determine who will preside over the CINA case.

If a parent was participating in FRC within the diversion track and a CINA petition is subsequently filed, the presiding FRC magistrate will be recused from presiding over the shelter and adjudication. If the child(ren) is found CINA, the case will return to the presiding FRC magistrate.

Court Appointed Special Advocate (CASA)

CASAs are community volunteers trained by the CASA agency, and appointed by the Lead Juvenile Judge, to advocate for the best interest of a CINA child. The CASA is responsible for gathering information by reviewing documents and records, and interviewing the children, family members and professionals in the child's life so that a written court report can be provided prior to each court

event. CASA can be requested by any party in the case or at the presiding judge or magistrate's discretion. Ideally, the CASA will be appointed as early as the adjudication.

Child Consults

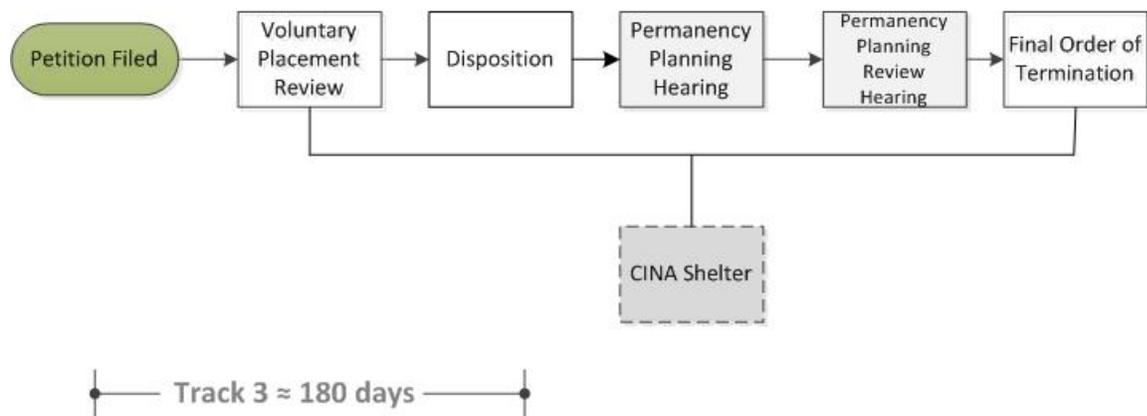
Any child that is in an out-of-home placement must be seen in person prior to the Permanency Planning Hearing and once every 12 months thereafter. According to Maryland Code, Family Law, Sec. 5-501(m), out-of-home placement is defined as placement of a child into foster care, kinship care, group care, or residential treatment care.

The assigned social worker will coordinate with placement to bring the child to his or her first CINA hearing at the beginning of each year, and the child's counsel will ensure that this process occurs. Before the docket begins, child's counsel and/or DSS will advise the court clerk of the names of the children present for the hearing. If possible, it is preferred that the child interviews occur before the beginning of the docket. The child's counsel will advise whether they recommend that the consultation occur at the bench or in the office of the presiding judge or magistrate. The consultation will occur between the judge/magistrate and child, with the child's counsel present. If the child has an assigned CASA, he/she may also be present. If other counsel or unrepresented parties wish to be present when the consultation occurs, the court clerk should be advised before the start of the docket. The judge or magistrate will then confer with the parties and counsel and determine the procedure to use for that consultation. Each consultation will be on the record, and the judge or magistrate will complete a Child Interview Form to be docketed and filed by the court clerk.

If the child was not able to be brought to the first hearing of the calendar year, or needs a consultation scheduled separately from the CINA hearing, DSS or child's counsel may make arrangements with the judicial assistant of the judge or magistrate presiding over the case. The Clerk's Office will be notified, and will set the event and send notices. If the child has medical or behavioral needs, or is placed out-of-state, the child's attorney can request the child be placed on the Alternative Consult List at the CINA hearing. If this request is approved by the presiding judge or magistrate, the child's attorney will contact the Permanency Planning Liaison to add the child to the List. The Permanency Planning Liaison will then coordinate with the social worker and the judge or magistrate to schedule a video consult or a remote hearing, and have the Clerk's Office set the interview date and time and send notices.

Track 3 – Voluntary Placement

Baltimore County Circuit Court
CINA – Voluntary Placement



Initiating Event (Day 1)

The parent(s) or legal guardian of a child may sign a written agreement with DSS that specifies, at minimum, the legal status of the child and the rights and obligations of the parent or legal guardian, the child and DSS while the child is in placement. The placement can last no longer than six months without court oversight. DSS will file a voluntary placement petition within six months of the voluntary placement, and the Court will schedule an initial hearing to occur within two weeks, but no later than 30 days.

Voluntary Placement Hearing (Day 10-30)

The Court shall make findings as to whether the continuation of the placement is in the child's best interest, and whether reasonable efforts have been made to reunify the child with family or place the child in a timely manner.

Disposition Hearing (Day 10-60)

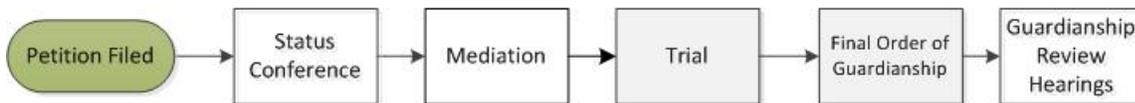
The Court shall decide whether the voluntary placement is to be terminated and the child is to return home, is to continue, or if in-patient, order an amendment to address the needs of the child. If necessary to ensure the care, protection, safety, and mental and physical development of the child, the Court can also order DSS to file a CINA petition. The Permanency Planning Hearing will be scheduled at the conclusion of the Disposition Hearing.

Permanency Planning Hearings (Day 180+)

The first Permanency Planning Hearing will be scheduled within six months of the filing of the petition as it must be held within 11 months after the child is committed under Courts and Judicial Proceedings § 3-819 or continued in a voluntary placement under § 3-819.1(b). Subsequent Permanency Planning Review Hearings are held at six-month intervals. Each event will be scheduled five months from the date of the last hearing to ensure timeliness.

Track 4 – Termination of Parental Rights

Baltimore County Circuit Court
Termination of Parental Rights



TPR Petition Filed (Day 1)

The filing of the Petition for Termination of Parental Rights (TPR) may be a decision by the DSS or by an Order of the Court. All TPR cases must be concluded within 180 days of filing. Within 30 days after the Court has granted the request of DSS to change the plan to adoption by a relative or non-relative, DSS will file a petition that seeks the termination of parental rights. If DSS does not support the plan change, they have 60 days to file the petition in accordance with Courts and Judicial Proceedings § 3-823(g)(1). The Court will issue a show cause order, pursuant to Md. Rule 9-105, which must be served within 90 days on the child’s attorney, parents and their attorney(s), as well as the parent’s last attorney of record in the CINA case. If consents are filed along with the petition, a Final Order for Guardianship will be filed 30 days after the revocation of consent period.

Service (Day 1-90)

Show Cause Orders are issued and served on the parents and their attorney(s) and the child’s attorney. Parties have 30 days if served in the State of Maryland, up to 60 days if service is outside of Maryland, or 90 days if outside the United States, to file objections. If an order is granted to serve by Publication, parties have 30 days from the date of the publication in a newspaper to object, or 60 days from the first date of the posting if published online. Failure to file a timely objection constitutes consent that cannot be revoked.

Scheduling/Status Conference

Pursuant to Md. Rule 9-104(b), the initial Status Hearing for Termination of Parental Rights is to be held within 60 days. If consents from both parents were not filed with the petition, the Juvenile Clerk’s Office will set in a Status Conference with the Lead Juvenile Judge or his or her designee, to occur at the end of the second month. This hearing is to review the status of the case, to include whether service has been obtained, and whether the parents have defaulted. The Court will either issue a TPR Scheduling Order at this hearing and/or set the case in for subsequent service status hearings.

Mediation (Day 60-90)

Mediation is scheduled between 60-90 days to resolve any outstanding issues in the case before trial. This mediation will include the parent(s), the foster parent(s), the foster care worker, the adoptions worker, CASA, and associated attorneys. If an agreement is not reached any party may request an additional mediation session, or the case will proceed to trial. A mediation may not be postponed or

vacated without Court approval. Continuing or postponing the mediation will not result in a trial date being moved.

Trial (Day 120-160)

A trial date is set between days 120-160. 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.

Guardianship Review Hearings

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 at minimum annually, no later than 365 days from Initial Guardianship Review, but preferably every six months. Cases will continue to be reviewed the court grants adoption or terminates the Guardianship.

Postponements for All Juvenile Matters

Adjudicatory Hearings

Postponement requests will only be granted on a showing of extraordinary cause, and are not to delay the case beyond the statutorily mandated deadlines. Extraordinary cause is that which is not foreseeable, usual or predictable. Generally, scheduling conflicts on their face do not constitute extraordinary cause. If a request to reschedule is granted, dates preceding the original date may be considered.

Preliminary Inquiry and Disposition Hearings

The Lead Juvenile 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 magistrate or judge, and will only be granted on a showing of good cause.

Postponement Procedures

The postponement request must follow the Juvenile Postponement Policy, and any request must

The Circuit Court for Baltimore County, Maryland Circuit 3
Differentiated Case Management Plan – Juvenile Cases

include the Baltimore County Juvenile Court Postponement Request form filled out in its entirety, including the specific reasons for the postponement, the position of all other parties with agreed upon dates, and notices of conflict attached.

If a motion to postpone is filed with the Juvenile Clerk's Office prior to 2:00 p.m. on the day before the scheduled hearing and the motion includes the positions of all parties, the motion will be processed on an expedited basis. If the position of all parties cannot be obtained, the motion will be addressed on the originally scheduled date.

A motion to postpone a hearing filed after 2:00 p.m. on the day before a scheduled hearing will be docketed by the Juvenile Clerk's Office, and will be forwarded to the assigned magistrate or judge. Due to shortness of time, the majority of these motions will be addressed in open court as a preliminary matter on the originally scheduled date.

PLEASE NOTE: Consent or joint motions are NOT automatically granted.