

The Circuit Court for Washington County, Maryland



Differentiated Case Management (DCM) Plan

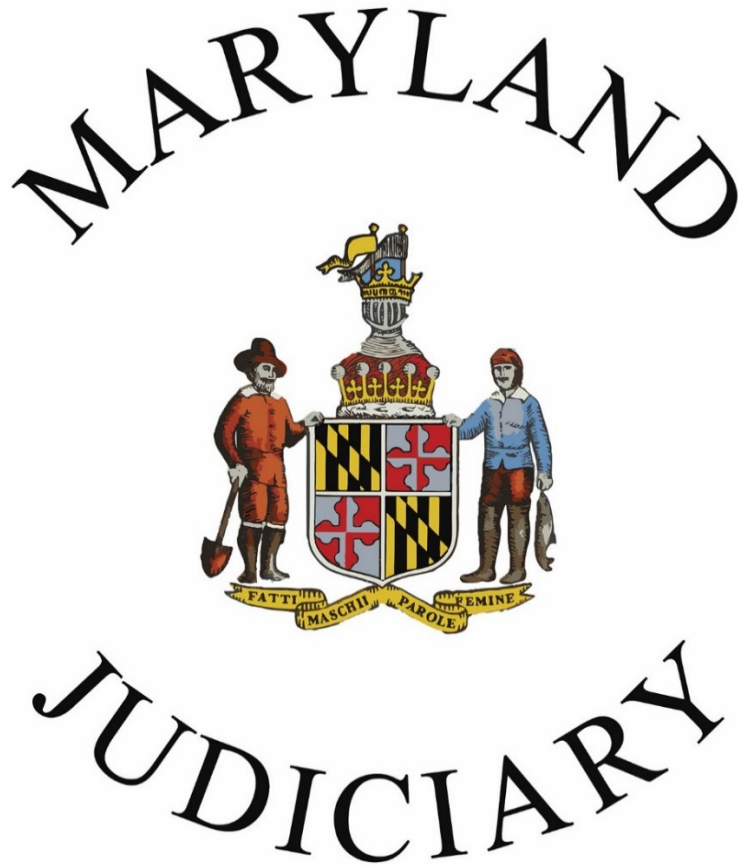


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Introduction

The original Differentiated Case Management Plan for the Circuit Court for Washington County was adopted September 27, 1994 in an effort to provide uniform, effective and efficient management of Circuit Court cases. The Plan is now being updated pursuant to Maryland Rule 16-302 (b) to reflect changes in case management processes and the establishment of uniform case time standards.

General information

Reports are regularly run by court staff to monitor open cases and to prevent case files from not be disposed of in a timely manner. This applies to all case types.

Section 1: Civil Domestic

1.1 Adoptions

WITH CONSENT – file tickled for 30 days, then sent to the Assignment Office. Hearing held within three weeks.

WITHOUT CONSENT – file sent to the Assignment Office for scheduling of a hearing to be held within four months.

1.2 Custody/Visitation

Upon receipt of the answer(s), the file is forwarded to the Family Services Coordinator for review:

- Verification of Court’s jurisdiction
- Identification of legal issues to be resolved
- Determination of services (home studies, mediation, etc.)
- Consultation with Family Law Magistrate on contested issues
- Forwarding to the Assignment Office for scheduling:
 - Contested – heard by judge within six months
 - Uncontested – heard by Family Law Magistrate within three months

1.3 Divorce

Upon receipt of the answer:

With children, file is forwarded to the Family Services Coordinator for review:

- Verification of Court's jurisdiction
- Identification of legal issues to be resolved
- Determination of services (home studies, mediation, etc.)
- Consultation with Family Law Magistrate on contested issues
- Forwarding to the Assignment Office for scheduling:
 - Contested:
 - Pendente lite hearing, 90 days after review
 - Merits trial, within 120 days of pendente lite hearing
 - Uncontested:
 - Family Law Magistrate hearing set within 90 days

Without children, file is forwarded to Family Law Magistrate for review:

- Verification of Court's jurisdiction
- Identification of legal issues to be resolved
- Determination of services (Home Studies, Mediation, etc.)
- Forwarding to the Assignment Office for scheduling:
 - Contested:
 - Pendente lite hearing 90 days after review
 - Merits trial within 120 days of pendente lite hearing
 - Uncontested:
 - Referral to equity examiner

Section 2: Domestic Violence

2.1 Domestic Violence Petition

Upon notice of a party filing a Petition for Domestic Violence, the clerk will contact the Assignment Office for available judge and hearing times for that day.

2.2 Transferred Cases

When a Petition for Domestic Violence filed in District Court indicates that there is an active custody/divorce case in the Circuit Court, the file is forwarded to the Circuit Court for the Final Protective Order. The District Court clerk contacts the Assignment Office to obtain a hearing date and time to be set within seven days.

2.3 Appealed Cases

When a Petition for Domestic Violence filed in District Court is appealed, the file is forwarded to the Circuit Court. After docketing the case, the clerk forwards the file to the Assignment Office for scheduling, within 60 days.

2.4 Emergency Custody

Upon completion of the Motion for Emergency Custody, the file is forwarded to the Family Services Coordinator:

- File presented to the Family Law Magistrate or Motions Judge for review and hearing is scheduled as soon as possible

2.5 Guardianships

NORMAL: after docketing, the file forwarded to Motions Judge for show cause order

EMERGENCY: counsel contacts judge directly to schedule

UNIFORM CUSTODY (REGISTRATION OF FOREIGN ORDER):

Monitored by the clerks' office:

- After 25 days and proof of service, or upon receipt of consent answer; file forwarded to judge for registration order
- Upon receipt of contested answer, file is forwarded to the Assignment Office for a hearing within five weeks

- If no proof of service after 25 days, matter to be monitored for lack of jurisdiction pursuant to Md. Rule 2-507

Section 3: Civil Non-Domestic

Unless otherwise addressed, upon receipt of answer(s):

- Clerk forwards file to Administrative Judge for review
- Administrative Judge forwards to Assignment Office for Scheduling Conference, set within 120 days
- All counsel to attend Scheduling Conference with trial calendars (out-of-town counsel may request to participate by telephone):
 1. To establish:
 - Pre-Trial/Settlement Conference, 30-45 days prior to trial
 - Bench/Jury Trial, approximately 180 days from the date of the Scheduling Conference
 2. To establish discovery deadlines
 3. To set mediation
 4. To evaluate case from the perspective of both sides to determine an estimate of time needed for Bench/Jury Trial
- The court to issue Scheduling Order

Section 4: Judicial Review Cases

ADMINISTRATIVE AGENCY APPEALS: All administrative agency appeals, except for Workers' Compensation, shall be tracked as follows:

- File sent to the Assignment Office upon receipt of the agency record

- Hearing set:
 - Normally, 90 days from receipt of record
 - Complex issues, Scheduling Conference may be set
 - No Pre-trial Conference unless specifically requested

WORKERS' COMPENSATION: Per Md. Rule 7-202(c)(1)(d), *"if the review sought is of a decision of the Workers' Compensation Commission, **state whether any issue is to be reviewed on the record** before the Commission and, if it is, identify the issue"*. These case shall be tracked as follows:

RECORD APPEALS:

- File sent to the Assignment Office upon receipt of the agency record
- Hearing set:
 - Normally, 180 days from receipt of record
 - Complex issues, Scheduling Conference may be set
 - No Pre-trial Conference unless specifically requested

DE NOVO APPEALS:

- File sent to the Assignment Office after response(s) received
- Hearing set:
 - Normally, within 180 days
 - Complex issues, Scheduling Conference may be set
 - No Pre-trial Conference unless specifically requested

DISTRICT COURT APPEALS: All appeals from the District Court are sent to the Assignment Office upon receipt and scheduled as follows:

RECORD APPEALS: scheduled within 180 days from receipt

DE NOVO APPEALS: scheduled within 60 days from receipt

Section 5: Juvenile

DETENTION HEARINGS are heard on the next business day following the juvenile being detained.

ADJUDICATION HEARINGS are scheduled for hearing within 30-45 days of the filing of the Petition.

DISPOSITION HEARINGS are heard at the same time as with the Adjudication or Violation of Probation Hearing. If not heard at the same time as the Adjudication or Violation of Probation Hearing, the Disposition Hearing is scheduled in open court by the judge.

VIOLATION OF PROBATION HEARINGS are scheduled by the court upon the signing of the Show Cause Order and are heard within 30 days.

REVIEW HEARINGS are scheduled by the court upon the approval of the court and in collaboration with the clerk's office, State's Attorney's Office and the Department of Juvenile Services and are heard within 30 days.

JUVENILE DRUG COURT HEARINGS are held twice per month on the second and fourth Mondays.

5.1 Child Welfare

CINA REVIEWS are scheduled every six months.

CINA ADJUDICATIONS are scheduled when the Petitions are filed and are heard within 60 days.

CINA SHELTERS are heard within 24 hours of the filing of the Petition or the removal of the child.

DISPOSITION HEARINGS are heard with the Adjudication Hearing. If not heard at that time, the Disposition Hearings are scheduled in open court by the judge.

JUVENILE GUARDIANSHIPS are heard within 90 days from date of filing.

GUARDIANSHIP REVIEWS are heard every six months.

Section 6: Criminal

INITIAL APPEARANCES for defendants who are incarcerated locally or who are not in custody are scheduled within six weeks of the filing of a criminal information, grand jury indictment or jury trial prayer from District Court. Defendants who are incarcerated outside the county or with DOC are scheduled within six weeks of criminal information being filed, grand jury indictment or jury trial prayer from District Court.

MISDEMEANOR TRIALS are scheduled to be heard eight weeks after the initial appearance or entry of appearance by counsel.

FELONY TRIALS are heard within 12 weeks after the initial appearance date or entry of appearance by counsel. Suppression Hearings on felony cases are scheduled eight weeks from the initial appearance.

VIOLATION OF PROBATION HEARINGS are heard within 12 weeks from receipt of a copy of the served VOP warrant or subpoena from the clerk's office.

POST CONVICTIONS AND CORAM NOBIS Hearings are scheduled no later than 12 months from filing.

ASSIGNMENT OF TRIAL JUDGE

The trial judge for all case types is assigned by the Administrative Judge. Consideration is given to those cases in which a specific judge must hear a case(s). Most judicial assignments

are made 90 days prior to trial date. Cases that are judge specific have the designation made at the time of scheduling.

POSTPONEMENTS

The Circuit Court for Washington County has a strict postponement policy applicable to all case types. All trial dates are considered firm when assigned. Postponements are considered on a case by case basis and are granted only for good cause as follows:

CIVIL: domestic and non-domestic alike, the following criteria applies:

- Hearing date less than 18 days from filing – file presented to Administrative Judge, or designee, for ruling
- Hearing date greater than 18 days from filing – file placed on shelf and pulled for ruling:
 - At the expiration of 18 days
 - Answer(s) filed by opposing party(s)

STATUS CONFERENCES

Status Conferences are scheduled for every case type on an as-needed basis. That determination is made by either the trial judge or the Administrative Judge.

THIS DIFFERENTIATED CASE MANAGEMENT PLAN IS HEREBY APPROVED AND ADOPTED THIS 1st DAY OF MARCH, 2017.

Daniel P. Dwyer

Administrative Judge