

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON APPROVAL OF PROBLEM-SOLVING COURT
PROGRAMS IN THE CIRCUIT COURTS AND DISTRICT COURT

WHEREAS, Rule 16-207 requires that plans for problem-solving court programs be prepared by a county administrative judge of a circuit court or an administrative judge of the District Court and submitted first to the Office of Problem-Solving Courts and then to the State Court Administrator for review and, further, that they be consistent with the protocols and requirements contained in an Administrative Order of the Chief Judge of the Court of Appeals; and

WHEREAS, An Administrative Order containing protocols and requirements for those plans was issued previously on June 18, 2010; and

WHEREAS, It being appropriate that an updated Order consistent with current requirements be issued,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 18th day of June 2019, that:

- A. Scope. This Order applies, in its entirety, to problem-solving court programs submitted for approval on or after July 1, 2019.
- B. Definitions. In this Order, the following words have the meanings indicated:
 1. “Plan” means a document that describes the policies, procedures, and organizational structure governing the implementation and operation of a problem-solving court program subject to this Order.
 2. “Problem-Solving Court Program” means a specialized court docket or program that addresses the issues challenging participants, including substance abuse, addiction, and mental health disorders, through a multi-disciplinary and integrated approach incorporating court collaboration with other governmental entities, community organizations, treatment providers, and parties.
- C. Submission of Plan.
 1. Required Consultation. In addition to the required consultation with the Office of Problem-Solving Courts prior to submitting the plan for approval, the submitting judge, or that judge’s designee, in the development of the Plan, must consult with and obtain a commitment from each State, local, or

federal agency or official whose participation will be required under the Plan.

2. Required Contents.

The required contents of the Plan are outlined in the Application and Plan for Proposed Problem-Solving Courts, which is available on the Problem-Solving Courts webpage of the Maryland Judiciary website. A Plan shall include:

- a. Explicit statements regarding the nature and purpose of the program, including:
 1. The target population to be served by the program;
 2. The estimated number of persons in that target population expected to participate in the program on an annual basis; and
 3. The services to be provided by the program and which agencies or officials will be responsible for providing those services.
- b. A clear statement of the proposed structure of the program, including the duties and functions of judges, other judicial personnel, and non-judicial personnel or agencies expected to participate in the program.
- c. A statement as to whether a judge or magistrate proposing to preside over a program has completed the appropriate educational courses as required by Section (g)(2) of the Administrative Order on Continuing Education of Judges, Magistrates, and Commissioners.
- d. Specific protocols and requirements regarding referrals and entry of participants into the program, including:
 1. Eligibility criteria for participation in the program, and the methods by which eligibility will be determined and participants will be approved for the program;
 2. Whether self-represented participants will be accepted and, if so, how any right to the assistance of counsel will be protected;
 3. Protocols on any waivers, including ex parte communications consistent with Rules 18-102.9 and 18-202.9; and
 4. The form and content of any written agreement a proposed participant will be expected to sign, as well as a clear statement of how such an agreement will be presented and explained to the participant, including documentation of a finding by the admitting court that the participant understands the agreement and enters into it knowingly and voluntarily.
- e. A clear description of how the program will operate, including:
 1. The expected role of counsel in the program;
 2. The criteria by which a participant's success will be measured;

3. The kinds of requirements and restrictions that will be imposed on participants;
 4. The methods and procedures for measuring a participant's satisfaction of those requirements, restrictions, and criteria;
 5. The nature of any rewards and sanctions to which a participant may be subject and the procedures for implementing rewards and imposing sanctions; and
 6. Criteria for both satisfactory and unsatisfactory termination of a participant's participation in the program and the procedures for determining and implementing such terminations.
- f. An estimated budget for the program approved by the submitting judge and a description of the expected funding sources.
 - g. Such other provisions required by Rule 16-207 or as reasonably directed by the Office of Problem-Solving Courts or the State Court Administrator.
- D. Submission and Approval: The plan shall be submitted and approved consistent with the procedure described in Rule 16-207.
- E. The Administrative Order on Approval of Problem-Solving Court Programs in the Circuit and District Courts, filed June 18, 2010, shall be rescinded effective July 1, 2019.

/s/ Mary Ellen Barbera

Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: June 18, 2019

/s/ Suzanne C. Johnson

Suzanne C. Johnson
Clerk
Court of Appeals of Maryland