

Juvenile Differentiated Case Management Plan

Statement of Purpose

This Juvenile Differentiated Case Management Plan (Juvenile DCM Plan) has been created to promote the fair and efficient management of juvenile cases. It is the purpose of this Juvenile DCM Plan to provide an effective case management system, which will assure:

- Equal treatment of all juveniles and families by the Court;
- Timely disposition of cases consistent with case time standards, applicable statutes and Maryland Rules, and the circumstance of each individual case;
- An understanding of the different court hearings and procedures; and
- Public confidence in the Court as an institution.

This Plan has been written in accordance with the statutes and rules that are applicable to juvenile matters. If any section of this Plan conflicts with applicable law, the law governs.

The terms included in this Juvenile DCM Plan have the meanings indicated in the definitions set forth in Courts and Judicial Proceedings Sections 3-801 and 3-8A-01, Family Law Article Section 5-301, and Maryland Rules 9-101 and 11-101.¹

Juvenile Court

Overall Structure

The Circuit Court for Harford County sitting as a Juvenile Court hears all juvenile matters. Cases are scheduled three days a week, but emergency detentions and shelter care hearings are scheduled throughout the week as the emergency arises. The administrative judge of the circuit court supervises all aspects of the juvenile court, including the implementation and monitoring of the Juvenile DCM Plan. Magistrates and judges presiding over juvenile matters, along with clerks and staff, are responsible for the timely disposition of cases in accordance with statutory and rule time limits and this Juvenile DCM

¹ Unless otherwise noted, throughout the Juvenile DCM Plan short references to the Annotated Code of Maryland and Maryland Rules will be used as follows: Courts and Judicial Proceedings (C & J), Family Law Article (Fam. Law) and Maryland Rules (Md. Rules).

Plan. Although matters that fall within the jurisdiction of the juvenile court may be heard by magistrate and/or a judge, in the Circuit Court for Harford County, a juvenile magistrate designated by the administrative judge of the circuit court presides over most juvenile dockets, except those matters that are specifically assigned to a judge or must be heard by a judge, such as termination of parental right cases and exceptions.

When the juvenile magistrate is unavailable to hear a case/docket, the administrative judge will designate other magistrates and/or judges to hear juvenile matters. The administrative judge makes final decisions about whether and to whom a case should be assigned. The assignment of cases shall be in accordance with the policies and procedures implemented by the administrative judge. When a case is specially assigned to a judge, the judge is responsible for the effective management of the case, which must be done in accordance with statutes, rules and this Juvenile DCM Plan.

In terms of scheduling matters, juvenile clerks are responsible for all scheduling, which must be done in accordance with the time frames set forth in applicable law and this Juvenile DCM Plan. When necessary, a juvenile clerk will coordinate with the Circuit Court's Assignment Office to ensure that matters are scheduled to avoid unnecessary delays and conflicts.

Juvenile Cases

Juvenile matters fall within four main categories: delinquency, child in need of assistance (CINA), termination of parental rights (TPR) and other juvenile cases. Delinquency cases involve the filing of a petition by the State's Attorney's Office (SAO), which alleges that a juvenile (respondent) has committed a delinquent act (an act which would be a crime if committed by an adult). CINA and TPR cases involve actions taken by the Department of Social Services (DSS) related to the safety and welfare of a child. These cases include: 1) the removal of a child from the home for placement in shelter care; 2) a petition filed by the DSS seeking a child to be found CINA; and 3) a petition filed by the DSS to terminate a

parent's right and have the child placed for adoption. Other juvenile cases include matters that require the juvenile court's intervention to protect the welfare and safety of a child, and include: adoption after TPR, voluntary placement and peace orders, as well as any other case concerning the welfare of a child.²

In the Circuit Court for Harford County, a juvenile case may follow six potential tracks to resolution. Tracks are defined at filing, based on the case subtype. Each track defines how a case will be processed through the juvenile court system and it includes, but is not limited to: the scheduling of a case, timing of certain events, and the expectation for the case duration. Track designations are automatically set at filing, based on the type and characteristics of the petition filed in the juvenile court, regardless of a change that may occur in how the case was filed. For example, 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 (filing of a petition with detention). The same rules apply for a child that may be in emergency shelter care when a CINA case is first brought before the juvenile court, but the child is later returned to his or her home (filing a petition with shelter care). Although the track designation does not change, in some cases, the time frame of scheduling certain matters may change, particularly in those cases where a child is not continued in shelter care.

Case Management

Tracks

Delinquency juvenile cases will follow one of the following tracks:

1. Track 1 – Delinquency Case without Detention
2. Track 2 – Delinquency Case with Detention

² Child in Need of Supervision (CINS) cases are not commonly filed in the Juvenile Court for Harford County.

All other juvenile cases will follow one of the following tracks:

1. Track 3 – CINA Non-Shelter
2. Track 4 – CINA Shelter
3. Track 5 – TPR
4. Track 6 – Other Juvenile Cases
 - a. Adoptions (initiated by DSS action)
 - b. Peace Orders
 - c. Voluntary Placement
 - d. Interstate Compact Requests
 - e. Truancy Court

Time Standards for each Track.

Juvenile cases must be resolved in time periods set forth by applicable statutes and Maryland Rules. Case time standards have been created to ensure timely resolution of cases in accordance with times mandated by statutes and rules. Expected compliance with time standards and case duration is detailed below:

- **Juvenile delinquency cases** – 98% should be concluded (adjudicated to disposition) within 90 days;
- **CINA cases** - 100% should be adjudicated within:
 - 30 days for juveniles that are in a shelter care; and
 - 60 days for juveniles that are not in a shelter care;
- **TPR cases** – 100% should be concluded within 180 days; and
- **All other juvenile case types** will be custom managed to address unique case processing requirements.

Case type time standards, including start times, suspension periods, case time stop and additional measures used to define the time standard period are attached as Appendix B to this Juvenile DCM Plan.

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 Delinquency Non-Detention	Delinquency cases without a detention petition	DE	90 days
Track 2 Delinquency Detention	Delinquency cases with a detention petition		90 days

Table 1.2 – CINA, TPR and Other Juvenile Cases

<i>Track</i>	<i>Case Subtypes</i>		<i>Expected Case Duration and Notes</i>
Track 3 CINA Non- Shelter	CINA with no shelter care	CINA	60 days
Track 4 CINA Shelter	CINA with shelter care		30 days
Track 5 Termination of Parental Rights	Termination of parental rights cases	TPR	180 days
Track 6 Other Juvenile Cases	1. Adoptions 2. Peace orders 3. Voluntary placements 4. Interstate compact requests 5. Truancy Court		1. 180 days 2. 14 days and up to 6 months 3. 6 months, with 6 month reviews 4. Custom, depending on case type 5. Custom

Management of Juvenile Cases

Juvenile Delinquency

Juvenile delinquency cases follow two possible tracks depending on whether a juvenile is detained prior to the filing of the juvenile petition: Track 1 – Non-Detention Cases; and

Track 2 – Detention Cases.

1. Track 1 – Non-Detention Cases

a. Scheduling

A juvenile delinquency matter is initiated in the juvenile court upon the filing of a delinquency petition by the SAO charging a juvenile (respondent) with a delinquent act. The juvenile clerk schedules the matter for arraignment no later than 30 days from the filing of the petition and places the case on an arraignment docket. The juvenile clerk will send notices of the arraignment docket to the SAO, Office of the Public Defender (OPD) and Department of Juvenile Services (DJS). Upon receiving notice of the arraignment docket, the SAO will issue summons for the respondent and parent(s) to appear at the arraignment hearing. At the arraignment hearing, an adjudicatory hearing will be scheduled within 30 days. If a respondent is found responsible for a delinquent act, a disposition hearing will be held right after the adjudication hearing or it will be scheduled within 30 days. Track 1 cases will be concluded (reach disposition) within 90 days of when the respondent first appears for the arraignment or entry of appearance by counsel.

b. Arraignment

An arraignment will be scheduled within 30-45 days of the filing of the petition. The SAO will issue a summons to be served by the Sheriff's Office on the respondent's parent(s) and respondent, which will notify the parent(s) to appear for the arraignment and produce the respondent. If the Sheriff is unsuccessful in serving the parent(s) and/or securing the presence of the respondent for the arraignment, the juvenile clerk will notify the juvenile magistrate who will make a determination regarding the appropriate steps to effectuate service and have the parent(s) and/or respondent appear. In the event the whereabouts of a respondent are unknown, the

juvenile clerk shall request from the administrative judge or designee a writ of attachment for the respondent's detention.

At the arraignment, the juvenile clerk will schedule the adjudication hearing and will serve the respondent and his/her parent(s) with notice of the hearing. At the arraignment hearing, the juvenile magistrate will ensure that a respondent and parent(s) have been served with the delinquency petition, and will advise the respondent and parent(s) of the allegations contained in the petition and of the respondent's right to an attorney, including representation by the OPD. If at the arraignment a respondent appears without parent(s), the juvenile magistrate will consider other options to secure the presence of a parent. In such a case, a second arraignment hearing may be scheduled, unless an attorney enters an appearance on behalf of the respondent.

In all juvenile proceedings, a respondent has a right to be represented by counsel. If the respondent is indigent, the OPD or a court appointed attorney will represent the respondent. If a parent is financially able but unwilling to employ counsel for a respondent, the respondent is entitled to representation by the OPD. The respondent and/or his/her parent may waive representation; however, the election to waive must be done on the record before the juvenile magistrate and in accordance with Md. Rule 11-106.

If after the arraignment is scheduled an attorney enters an appearance on behalf of the respondent, the arraignment date will be removed from the docket and the juvenile clerk will coordinate scheduling the adjudication date with the attorney and the SAO. Any dates selected shall be in accordance with applicable statutes, rules and the Juvenile DCM Plan.

c. Adjudicatory Hearing

The adjudicatory hearing is generally held within 30-45 days after the arraignment or, if no arraignment was held, from the date an attorney entered his/her appearance on behalf of the respondent. To ensure compliance with Md. Rule 11-114, an adjudicatory hearing shall not be scheduled later than 60 days from when the petition was served on the respondent. If a waiver petition is filed by the SAO, the case will be stayed pending final determination of the waiver petition by the Circuit Court. If the Circuit Court orders that the juvenile court shall retain jurisdiction, then the adjudicatory hearing will be held within 30 days of the Circuit Court's decision. Md. Rule 11-114b.

A strict postponement policy applies to all juvenile matters. Once an adjudicatory hearing date is set, if a need for a postponement arises, it will only be granted in accordance with Md. Rule 11-114b and the Postponement Policy approved by the administrative judge, which is attached as Appendix A to the Juvenile DCM Plan.

At the adjudicatory hearing, unless an agreement has been reached regarding final disposition of the petition, a hearing on the petition shall be held in accordance with Md. Rule 11-114. If after the adjudicatory hearing the respondent is found responsible for the crimes alleged, a disposition hearing shall be held immediately or scheduled within 30 days.

d. Disposition Hearing

At the disposition hearing, the juvenile magistrate shall determine whether or not a respondent should be found delinquent. If a delinquency finding is made, the juvenile magistrate will take appropriate action regarding probation and/or commitment. If a finding is made that the respondent is not in need of juvenile services, then the juvenile magistrate shall determine that the respondent is not delinquent and the petition shall be dismissed. In some cases, the juvenile

magistrate may withhold making a final determination on delinquency and instead place the juvenile on a probationary period with certain conditions to be completed. After the probationary period, at the request of the respondent and/or the SAO, a hearing will be scheduled for the juvenile magistrate to make a final determination, and, if appropriate, the delinquency petition may be dismissed if the juvenile successfully completes all conditions and is in no further need of services.

In the event a juvenile is committed to the DJS for placement, the procedures and time frames included in Track 2 – Detention Cases Section 2(e) below apply.

2. Track 2 – Detention Cases

A. Scheduling

Juveniles who are detained pursuant to an arrest warrant and are not released to the custody of a parent, will be brought before the Court either on the same day as detention or the next day the circuit court is in session. At the detention hearing, an adjudication hearing will be scheduled within 30 days of the detention hearing. If an attorney does not enter his or her appearance at the detention hearing, then an arraignment hearing will also be scheduled within 14 days of the detention hearing. Track 2 cases will be concluded (reach disposition) within 90 days of when the respondent first appears at the detention hearing.

B. Detention Hearing

Following the filing of a Petition for Continual Detention, the Court will conduct a detention hearing no later than the next day that it is in session. The DJS will provide notice, oral or written, to the respondent and the respondent's parent(s) regarding the date and time of the detention hearing. If the respondent does not have private counsel, the OPD will provide representation to the respondent at the detention hearing, unless representation is waived. Pursuant to Md. Rule 11-112 the hearing may be postponed or continued by the Court for good cause shown, but for no more than 8 days from the date of the detention hearing.

At the detention hearing, a DJS caseworker will provide a report to the juvenile magistrate regarding the allegations against the respondent that led to the detention, the respondent's prior contacts with the juvenile system, and any recommendation regarding continual detention, community detention, and/or release to the custody of a parent or third party. The juvenile magistrate will make a determination regarding the respondent's status pending adjudication in accordance with CJP § 3-8A-15 and Md. Rule 11-112.

If an attorney does not enter his/her appearance on behalf of the respondent at the detention hearing, an arraignment hearing will be scheduled to be held within 14 days. At the detention hearing, the juvenile clerk will provide notice of the arraignment hearing to the respondent and parent(s), as well as notice of the adjudication hearing. If an attorney enters an appearance prior to the arraignment hearing, the arraignment will be removed from the Court's docket and the matter will proceed to the adjudication hearing.

After the detention hearing, the SAO will file with the Court a delinquency petition, and will send copies to the OPD or attorney representing the respondent, and to the respondent if he or she does not have legal representation.

C. Arraignment

An arraignment hearing shall only be held if an attorney has not entered on behalf of the respondent. At the arraignment hearing, the juvenile magistrate will ensure that a respondent and parent(s) have received a copy of the delinquency petition, advise the respondent and parent(s) of the allegations contained in the petition, and advise the respondent of the right to an attorney, including representation by the OPD.

In all juvenile proceedings, a respondent has a right to be represented by counsel. If the respondent is indigent, the OPD or a court appointed attorney will represent the respondent. If a parent is unwilling to employ counsel for a respondent, the

respondent is entitled to representation by the OPD. The respondent and/or his parent(s) may waive representation; however, the election to waive must be done on the record before the juvenile magistrate and in accordance with Md. Rule 11-106.

D. Adjudicatory Hearing

The adjudication hearing will be held no later than 30 days from the detention hearing. If a waiver petition is filed by the SAO, the case will be stayed pending final determination of the waiver petition by the Circuit Court. If the Circuit Court orders that the juvenile court shall retain jurisdiction, then the adjudicatory hearing will be held within 30 days of the Circuit Court's decision. Md. Rule 11-114b. A strict postponement policy applies to all juvenile matters. Once an adjudicatory hearing date is set, if a need for a postponement arises, it will only be granted in accordance with Md. Rule 11-114b and the Postponement Policy approved by the administrative judge, which is attached as Appendix A to the Juvenile DCM Plan. In the event the adjudicatory hearing is not held within 30 days, Md. Rule 114(b)(2) requires that a respondent be released on conditions imposed by the Court pending the adjudicatory hearing. A detention hearing will be held to have the juvenile magistrate consider the respondent's pre-hearing release conditions.

At the adjudicatory hearing, unless an agreement has been reached regarding final disposition of the petition, a hearing on the petition shall be held in accordance with Md. Rule 11-114. If after the hearing the respondent is found responsible for the crimes alleged, a disposition hearing shall be held immediately after the adjudicatory hearing or held within 14 days of the adjudicatory hearing. CJP § 3-8A-15(d)(6)(ii).

The juvenile magistrate may continue detention of the respondent pending the disposition hearing for a period not longer than 30 days after the adjudicatory hearing or of a denial of petition for waiver. Md. Rule 11-112(c).

E. Disposition Hearing

At the disposition hearing, the juvenile magistrate shall determine whether or not a respondent should be found delinquent. If a delinquency finding is made, the juvenile magistrate will make a decision regarding the appropriate disposition, which may include, but is not limited to, probation and/or commitment to either the DJS or the Maryland Department of Health for treatment.

If a respondent is committed for placement, the respondent shall be placed in an appropriate facility. In the event the respondent has not been placed at the appropriate facility within 25 days of the disposition hearing, and remains at a detention facility, a status hearing will be held on the first available court date after the 25th day for the DJS to explain the respondent's status and reason for continual detention, as required by CJP § 3-8A-15(k).

If a finding is made that the respondent is not in need of juvenile services, then the juvenile magistrate shall determine that the respondent is not delinquent and the petition shall be dismissed. In some cases, the juvenile magistrate may determine to withhold making a final determination on delinquency. In such a case, the respondent may be placed on a probationary period with certain conditions to be completed during the probationary period. After the probationary period, at the request of the respondent and/or the SAO, a hearing will be scheduled for the juvenile magistrate to determine the appropriate disposition and, if appropriate, the delinquency petition may be dismissed if the juvenile successfully completes all conditions and is in no further need of services.

3. Procedures relevant to all delinquency cases.

a. Discovery

In all juvenile delinquency matters, Md. Rule 11-109 sets forth the discovery obligations of the SAO and the respondent. Pursuant to the rule, the SAO shall provide discovery to the respondent within five days after the earlier of the appearance of counsel or the waiver of counsel. For good cause, the juvenile magistrate may extend the discovery deadlines. In the event discovery is not provided or disputes arise, a party may file a motion to compel discovery. Upon the filing of a motion, the juvenile clerk will notify the parties of a hearing date for the motion to be addressed by the juvenile magistrate. In accordance with Md. Rule 11-109(a)(7) a hearing on the motion shall be held within three days after the motion is filed. In the event the parties resolve the discovery dispute prior to the hearing, the party that filed the motion shall notify the juvenile clerk and the hearing on the motion shall be canceled.

b. Pre-Adjudication Motions

Depending on the issue raised, most motions will be addressed on the same day prior to the adjudicatory hearing. For those motions that may require extensive presentation of evidence and/or argument, the parties shall contact the juvenile clerk to schedule a motion's hearing prior to the adjudicatory hearing. The hearing may be scheduled before the juvenile magistrate or a judge. In the event a judge is needed to hear the motion, the juvenile clerk will coordinate with the Court's Assignment Office prior to scheduling. The timely disposition of juvenile matters is mandated by rules and statute. If the SAO and/or the respondent's attorney wait until the adjudicatory hearing to notify the juvenile magistrate regarding an issue that requires a pre-adjudication motion, the failure to timely notify may cause conflict with the scheduled docket resulting in unnecessary delay in holding the adjudicatory hearing. Therefore, the party who has filed a motion and seeks a hearing on the motion shall file a timely request for a hearing with the juvenile clerk to avoid unnecessary delays.

c. Waiver Hearing and Transfers of Jurisdiction from the Circuit Court.

If the SAO seeks to file a petition to waive the juvenile court's jurisdiction, it shall do so in accordance with Md. Rule 11-113. The Court on its own initiative may also waive its exclusive jurisdiction. Md. Rule 11-113(a). In either case, the court shall order a waiver investigation and schedule a Waiver Hearing prior to adjudication. CJP § 3-8A-06. If the Waiver Petition is denied, then the case will be brought to adjudication within 30 days. CJP § 3-8A-15(d)(6) and Md. Rule 11-114(b)(1).

If the Circuit Court grants a reverse waiver and transfers jurisdiction to the juvenile court, the case in the juvenile court will be initiated once the SAO files a delinquency petition. The SAO must file a delinquency petition within 10 days of the Circuit Court's Order granting the reverse waiver. Md. Rule 11-102A. Once the delinquency petition is filed, the juvenile clerk will schedule the adjudicatory hearing. In the event the petition is not filed, Md. Rule 11-102A requires that if a respondent is in detention, shelter care or pre-trial release, the respondent shall be released, without prejudice to the right of the SAO to file a subsequent petition.

d. Violations of Probation

DJS will file a violation of probation (VOP) request with the Court. Once the VOP report is filed, the juvenile clerk will schedule an arraignment and issue a summons to the respondent and parent to appear at the arraignment hearing. At the arraignment, the juvenile magistrate will ensure that the respondent has received a copy of the VOP report and will advise the respondent regarding the allegations contained in the report and his/her right to an attorney. At the arraignment, the VOP hearing will be scheduled and the respondent will be served with notice of the VOP hearing. The VOP hearing will be scheduled no later than 30 days from the arraignment hearing. If an attorney enters an appearance prior to the arraignment date, the arraignment date will be canceled and the VOP will be scheduled for a hearing.

e. Competency Hearing

If there is reason to believe that the respondent 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 respondent's counsel or the SAO, will stay all proceedings and order that the Maryland Department of Health or any other qualified expert conduct an evaluation of the respondent's competency to proceed. Once an evaluation is ordered, in accordance with CJP § 3-8A-17.3, the evaluation report must be completed and filed with the Court within 45 days after the initial order of evaluation is issued, and once the report is received by the Court a hearing on competency must be held within 15 days, unless for good cause shown the time periods are extended. To ensure compliance with the time frames required by CJP § 3-8A-17.3 the juvenile clerk will schedule a competency hearing within 60 days of the Court's initial order for evaluation. 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 Juvenile DCM Plan and applicable rules and statute. CJP § 3-8A-17.5.

If the respondent is found incompetent, then the Court will take action, issue orders and commitments as required by CJP §§ 3-8A-17.6 – 17.9.

f. Restitution Hearing

If there is a restitution issue that will be contested by the respondent or his/her parent, a hearing will be held post-adjudication. The restitution hearing will be held either at the disposition hearing or the issue of restitution shall be left open for a later hearing to be scheduled. If the respondent and/or the respondent's parent are found liable, the Court may enter a judgment of restitution against the parent, the respondent, or both. Criminal Procedure Article § 11-604 and Md. Rule 11-118.

g. Modification or Termination Hearing

The juvenile court may modify or vacate a prior order in accordance with Md. Rule 11-116. The Court's action may be done pursuant to request filed by either the DJS, the SAO, the respondent, or on the Court's own initiative.

If the DJS files a request to terminate probation, a hearing on the request will not be scheduled unless an objection is filed by the SAO within 15 days of the request being filed. If the SAO does not file an objection, no hearing will be scheduled and the juvenile magistrate will grant the request and the probation will be terminated. If an objection is filed, the juvenile clerk will schedule a hearing, which will be held within 30 days after the SAO files its objection.

h. Exceptions

Exceptions to the juvenile magistrate's report and recommendation are governed by Md. Rule 11-111. Exceptions must be filed within five days after the juvenile magistrate's report is served upon a party. As required by Md. Rule 11-111(c), a prompt hearing will be scheduled on the exceptions before a judge. The juvenile clerk will coordinate with the Court's Assignment Office to schedule a hearing on the exceptions, which will be held before a judge.

B. CINA, TPR and Other Juvenile Cases

Child welfare cases may follow four potential tracks, depending on what action is filed before the Court: Track 3 – CINA Non-Shelter, Track 4 – CINA Shelter, Track 5 – TPR, and

Track 6 – Other Cases

1. Track 3 CINA – Non-Shelter

In non-shelter cases, the DSS files a CINA Petition without having removed a child on an emergency basis from his or her home.

a. Scheduling

CINA non-shelter cases commence when the parent(s) has been served with the CINA Petition. After the DSS files a CINA Petition, the juvenile clerk will promptly schedule the matter for an initial advisement hearing. Once the hearing date is selected, DSS will issue the summons and notice of the hearing to the parent(s) and child. After the advisement hearing, an adjudicatory hearing will be scheduled. At the adjudicatory hearing, if the allegations in the CINA Petition are proven, a disposition hearing will be heard immediately after the adjudication or no later than 30 days from the adjudication. Track 3 cases will be adjudicated within 60 days of when the CINA Petition is served on the parent(s).

b. Initial Advisement Hearing

The purpose of the hearing is to ensure that the child and parent(s) have been served with the CINA Petition and to advise the parent(s) of the right to counsel. In all CINA matters a child is required to be represented by counsel and if he or she does not have an attorney, the court will appoint an attorney to represent the child in accordance with CJP § 3-814(d).

At the initial advisement hearing, the juvenile clerk will set an adjudicatory hearing and all parties will be served with notice of the adjudicatory hearing. The adjudicatory hearing will be scheduled within 60 days of service of the CINA Petition on the parent(s). In some cases, if after the initial advisement hearing a parent has not obtained counsel, or does not appear, the Juvenile Clerk may

schedule a second advisement hearing prior to the adjudicatory hearing. The scheduling of a second advisement hearing will be done on a case by cases basis.

c. Adjudicatory Hearing

At the adjudicatory hearing, the juvenile magistrate will hear the evidence in the case and will make a determination whether the allegations contained in the petition, other than the allegations that the child requires intervention, are true. CJP § 3-801(c). If the allegations are proven, a disposition hearing will be held immediately after the adjudication hearing, unless the juvenile magistrates makes a finding of good cause to delay the hearing. If the disposition hearing is scheduled for a later date, a hearing date will be selected at the adjudicatory hearing and the juvenile clerk will provide notice to all the parties of the disposition hearing date.

At the adjudicatory hearing, the DSS has the burden to prove the allegation in the CINA Petition by a preponderance of the evidence. CJP § 3-817(c). All evidence presented will be in accordance with the Maryland Rules of Evidence. If the allegations in the petition are not proven, the juvenile magistrate will dismiss the petition and the matter will be terminated.

d. Disposition Hearing

The disposition hearing will be held on the same day after the conclusion of the adjudication hearing. Either the Court on its own initiative or any party may, for good cause shown move to have the disposition held at a later date. Delay in the disposition hearing will be for no more than 30 days from the adjudicatory hearing. CJP § 3-819.

At the disposition hearing, the juvenile magistrate will determine whether a child is in need of assistance and, if so, what court intervention is necessary to ensure the protection of the child's health, safety and well-being in accordance with findings

made under CJP § 3-819. If a CINA determination is made, a review hearing will be scheduled within 6 months of when the CINA Petition was filed to determine if the child is still CINA. Thereafter, review hearings will be held at least every 6 months until a CINA determination is terminated.

2. Track 4 – CINA Shelter Care

A CINA shelter care case is initiated in the juvenile court when the DSS on an emergency basis removes a child from his/her home. In these cases, the DSS will file a Shelter Care and CINA Petition.

a. Scheduling

Upon the emergency removal of a child from his/her home, a shelter care hearing will be scheduled before the juvenile court either the same day as removal or the next day the court is in session. The DSS will provide notification of the date and time of the shelter care hearing to the parent(s). If the parent(s) cannot be located or does not appear at the shelter care hearing, the juvenile magistrate may for good cause shown postpone the shelter care hearing for a maximum of 8 days from when the child was placed in emergency shelter. Md. Rule 11-112(a)(3).

If after the shelter care hearing the child is returned to his/her home, the adjudicatory hearing will be scheduled within 60 days.

If after the shelter care hearing the child is continued in shelter care, an adjudicatory hearing will be scheduled within 30 days of when the child was removed from the home, and if the allegations in the petition are proven, a disposition hearing will be held on the same day, unless for good cause shown it is delayed for 30 days from the adjudicatory hearing. Track 4 cases will be concluded within 30 days of a child's continual placement in shelter care.

b. Shelter Care Hearing

The Shelter Care Hearing will be held on either the same date the child is removed from the home or the next day the circuit court is in session. At the hearing the DSS will file a Petition for Continued Shelter Care and CINA. All interested parties will be served with a copy of the Petition. Unless counsel has entered an appearance on behalf of the parent(s), the juvenile magistrate will advise the parent of the procedures involving the shelter care hearing and the right to counsel, as required by CJP § 3-813.

At the shelter hearing, the juvenile magistrate will take testimony or accept agreements/proffers to determine if continued removal of the child from the home is necessary in accordance with CJP § 3-815(d). If continued shelter care is ordered, it will only be ordered for no more than 30 days, pending adjudication. Md. Rule 11-112(b)(2). The adjudicatory hearing will be set within 30 days of the shelter care hearing.

In those cases where a parent does not appear at the shelter care hearing, after notice of the hearing was provided to the parent, the juvenile magistrate may elect to schedule an advisement hearing to be held within 14 days of the shelter care hearing to advise the parent(s) of the right to counsel and to ensure that the parent(s) has received a copy of the petition.

c. Adjudicatory Hearing

At the Adjudicatory Hearing, the juvenile magistrate will hear the evidence in the case and will make a determination whether the allegations contained in the petition, other than the allegations that the child requires intervention, are true. CJP § 3-801(c). The DSS has the burden to prove the allegation in the CINA Petition by a preponderance of the evidence. CJP § 3-817(C). All evidence presented will be in accordance with the Maryland Rules of Evidence.

If the allegations are proven, a disposition hearing will be held immediately after the adjudication hearing, unless the juvenile magistrates makes a finding of good cause to delay the hearing. If the disposition hearing is scheduled for a later date, a hearing date will be selected at the adjudicatory hearing and the juvenile clerk will provide notice to all the parties of the disposition hearing date. If a child is in shelter care, the juvenile magistrate may continue the child in shelter care pending disposition, but for a period not longer than 30 days after the adjudication. Md. Rule 11-112(c).

If the allegations in the petition are not proven, the juvenile magistrate will dismiss the petition and the matter will be terminated.

d. Disposition Hearing

The disposition hearing will be held on the same day after the conclusion of the adjudication hearing. Either the court on its own initiative or any party may for good cause shown move to have the disposition held at a later date. Delay in the disposition hearing will be for no more than 30 days from the adjudicatory hearing. CJP § 3-819.

At the disposition hearing, the juvenile magistrate will determine whether a child is in need of assistance and, if so, what court intervention is necessary to ensure the protection of the child's health, safety and well-being in accordance with findings made under CJP § 3-819. If a CINA determination is made in which the child is placed in an out of home placement, a Permanency Review Hearing and Planning Hearing will be scheduled in accordance with time frames set forth in CJP §§ 3-816.2 and 3-823.

e. Permanency Review Hearing and Planning Hearing

If after the disposition hearing the juvenile magistrate commits the child to an out of home placement, the following permanency review and planning hearings will be scheduled:

1. Permanency Review Hearing – In accordance with CJP § 3-816.2, the review hearing will be held within 6 months after the filing of the petition to determine a child’s status and appropriateness of out-of-home placement. Thereafter a review hearing will be scheduled no later than every 6 months unless the commitment is rescinded. If a permanency plan has been determined for a child, then instead of a review hearing, the juvenile magistrate may hold a permanency plan hearing. CJP § 3-816.2(b).
2. Permanency Planning Hearing – In accordance with CJP § 3-823, a permanency planning hearing will be held no later than 11 months after a child enters an out of home placement. A child is considered to enter an out of home placement 30 days after the child is placed in an out-of-home placement. CJP § 3-823 (b)(2). At least 10 days before the permanency planning hearing, the DSS will provide all parties and the Court with a copy of the Permanency Plan. At the hearing, after the evidence is presented and the parties have been heard, the juvenile magistrate will determine the child’s permanency plan. In making that determination, the juvenile magistrate will make findings in accordance with CJP § 3-823(e). After the Permanency Planning hearing, a review hearing will be held every 6 months until the commitment is rescinded, or every 12 months if the child is placed with a relative and the juvenile court has not terminated jurisdiction. CJP § 3-823(h). As required by CJP § 3-823(h)(3), every reasonable effort will be taken to finalize the child’s placement within 24 months. If at any time the child’s permanency plan is changed to adoption, the juvenile court will order the DSS to file a Petition for Guardianship. The DSS will file the Petition for

Guardianship within 30 days of the court's order if it supports the change to adoption; otherwise, within 60 days. Thereafter, a TPR will be scheduled no later than 6 months of the filing of the Petition for Guardianship. CJP § 3-823(g).

f. Other Related CINA Procedures

- (1) At the 12-month review hearing, the court will consult on the record with the child by any appropriate means. CJP § 3-823(j).
- (2) Any request for a review hearing and/or permanency planning hearing to be scheduled earlier than the time frames listed in the Juvenile DCM Plan must be filed in writing with the juvenile court setting forth the reasons for an earlier date. CJP § 3-823(c). Approval for an earlier hearing will be done on a case by case request.
- (3) If a parent is in custody at a correctional facility, any party may request that a Writ of Attachment be issued by the juvenile clerk to secure the presence of the parent for any hearing related to the child. To avoid unnecessary delays, requests for writs should be made at least 14 days before the scheduled hearing to ensure that the correctional facility will have sufficient time to process the writ and transport the parent.
- (4) Exceptions – upon timely filing of exceptions, the juvenile clerk will coordinate with the Court's Assignment Office to schedule an exceptions hearing before a judge. Exception hearings will be scheduled promptly to avoid unnecessary delay in finalizing a permanency plan for a child.
- (5) Postponements – CINA cases must adhere to a strict time requirement pursuant to statutes and rules. Therefore, to ensure the timely resolution of these cases, a postponement of any hearing shall be granted only in accordance with the Court's Postponement Policy included in Appendix A to this Juvenile DCM Plan.

3. Track 5 – TPR

The Juvenile Court has exclusive jurisdiction over Guardianship and TPR cases for children who have been found CINA. These cases originate in the juvenile court upon the filing of a Petition for Guardianship. The administrative judge will specially assign contested TPR cases to be heard by a judge. TPR cases are to be concluded within 180 days of the filing of the petition. Therefore, the management of these cases is handled by the administrative judge, the juvenile clerk and the judge assigned to hear a TPR case. The timely resolution of these cases is governed by statutes and rules.

a. Scheduling Procedures

Once a TPR is filed, the juvenile clerk will issue a show cause order, pursuant to Md. Rule 9-105. Unless otherwise ordered by the Court, the show cause order 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. Parents may file an objection to the guardianship within 30 days after the show cause order is served, but if service was done outside the State of Maryland, the time period to respond is 60 days.

After the petition is filed, the juvenile clerk will schedule a status conference within 60 days of the filing of the petition.

Once the parents are served, if objections to the petition are filed, the administrative judge will specially assign the case to a judge who will handle the matter. The assigned judge will hold a Scheduling Conference in which the judge, juvenile clerk, assignment clerk, and the parties will select all dates relevant to the resolution of the case. The trial date will be scheduled within 180 days from the filing of the petition. A Scheduling Order will be issued by the judge.

If the parents consent to the petition or do not file an objection, the Scheduling Conference will be before the administrative judge, or designee, who will set a date for a hearing on the petition. At the hearing, the petition will be granted and a Final Order of Guardianship will be issued, as well as an order terminating the CINA case. The hearing will be scheduled after the 30-day period to revoke consent has expired, but no later than 45 days after receipt of all consents. If the consent is done on the record, the hearing may be scheduled earlier than the 30-day period.

Once the petition is granted, an Initial Guardianship Review Hearing will be scheduled within 180 days of when the petition was granted. Subsequent review hearings are required by statute to be scheduled within 12 months, but the court will schedule at least every 6 months, until a final adoption is granted. If the Court does not grant the TPR petition, the case will revert back to the original CINA case and a Permanency Planning Review Hearing will be scheduled within 180 days.

b. Status Conference

The juvenile clerk will schedule the status conference within 60 days of the filing of the Petition for Guardianship. The date of the Status Conference will be selected by the juvenile clerk who will notify all the necessary parties of the date and time of the conference. The Administrative Judge or designee will preside over the Status Conference.

c. Scheduling Conference

Once service has been obtained, a Scheduling Conference will be scheduled. If the matter is not contested, the conference will be before the administrative judge or designee. If the case is contested, the conference will be scheduled before the judge who is specially assigned to hear the case. At the conference, all necessary parties will appear with their calendars to select a trial date and all dates related to the resolution of the case, including in contested cases: pre-trial conference and mediation. The trial date in all cases, whether contested or not, will be scheduled

within 180 days of when the Petition for Guardianship was filed. In contested cases, the judge will issue a Scheduling Order, consistent with the agreed upon dates.

Generally, the Scheduling Conference will be held the first Monday of every month, unless otherwise ordered by the administrative judge or designee, or the judge assigned to hear a contested TPR case.

d. Pre-trial Conference and Mediation

In contested TPR cases, the assigned judge will schedule with the parties dates for pre-trial conference and mediation. At the pre-trial conference, the judge will address any outstanding issues related to discovery and/or motions, and also ensure that all parties are ready for trial.

The mediation will be held before a mediator, and will generally be scheduled at least 30 days before the scheduled trial date. If an agreement is reached, a TPR Agreement Hearing will be scheduled to have the agreement placed on the record. If an agreement is not reached the case will proceed to trial. If the parties believe either a second mediation or settlement conference may result in resolution of the case, the request must be made to the assigned judge for his/her approval; however, except for extraordinary cause, the trial date will not be postponed beyond 180 days to allow for mediation and/or settlement discussions.

e. Trial

All trials will be scheduled within 180 days of when the Petition of Guardianship is filed. Fam. Law § 5-319(a). All cases whether contested or uncontested must be resolved on the record, within 45 days after the earlier of receipt of all consents or trial on the merits. Fam. Law § 5-319(a). 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. The review hearings and

final adoption will be scheduled before the judge who granted the Petition for Guardianship.

If the petition is denied, then a permanency review hearing will be scheduled in the original CINA case within 6 months, before the juvenile court. Fam. Law § 5-324(a)(3).

f. Initial Guardianship Review Hearing and Subsequent Reviews

The initial guardianship review hearing will be scheduled within 6 months of the Final Order for Guardianship. Fam. Law §§ 5-324(b)(1)(vi) and 5-326(a). After the initial guardianship review hearing, the Court is required to review cases annually, no later than 365 days from initial guardianship review; however, to ensure timely termination of the guardianship, the review hearings will be scheduled every six months. Fam. Law § 5-326(a)(1)(ii). Cases will continue to be reviewed until an order of the Court terminating guardianship is entered or judgment of adoption is granted.

4. Track 6 – Other Juvenile Cases

Track 6 case types include all other juvenile matters that pertain to the welfare of a child. With some of these cases, timely resolution is dependent on time frames mandated by statutes and rules.

a. Adoptions (resulting from DSS action)

Adoption cases in the juvenile court originate in three possible ways: 1) After a Petition for Guardianship has been granted, and a Petition for Adoption is subsequently filed; 2) A Petition for Adoption filed for a child who is in the custody of the DSS; and 3) When a TPR has occurred in another state and the adoption is filed in the State of Maryland.

To ensure the timely resolution of adoption cases, once the Adoption Petition is filed, the juvenile clerk will schedule the adoption hearing within 180 days of when the petition is filed. Fam. Law Article §§ 5-336(a) and 5-348(a). All necessary show cause orders and notices of hearing will be sent by the juvenile clerk.

If a Petition for Adoption was filed after a judge granted a Petition for Guardianship, the Petition for Adoption will be scheduled before the same judge, unless ordered otherwise by the administrative judge. All other Petitions for Adoptions will be scheduled before the administrative judge or designee.

b. Peace Orders

Peace Orders filed in the juvenile court are governed by CJP §§ 3-8A-10 and 3-8A-19.1 – 3-8A-19.5. A request for a Peace Order is filed by either the DJS or the SAO. Once a Peace Order request is filed, a hearing will be scheduled within 7-14 days. Notice of the hearing will be sent to the Respondent by summons, which will include a copy of the Peace Order request. At the final hearing, a Final Peace Order may be granted for up to a 6-month period.

c. Voluntary Placements

The juvenile clerk will schedule a voluntary placement hearing within 30 days of when the DSS files a Petition for Voluntary Placement. Fam. Law § 3-819.1(a). The DSS will issue summons for all interested parties. At the hearing, if the parents and DSS continue to agree to allow for the voluntary placement, the juvenile magistrate will issue an order continuing the voluntary placement. Thereafter, 6-month permanency plan hearings will be scheduled, followed by review hearings every 6-month until termination of the voluntary placement.

d. Interstate Compact Orders

All cases that are transferred to the juvenile court from other states, will be initiated by DSS or DJS. DSS or DJS will file all the necessary paperwork with the juvenile clerk and send notices to all interested parties. These cases will be handled in accordance with existing juvenile court orders related to each cases, statutes, rules and the procedures set forth in this Juvenile DCM Plan.

e. Truancy Court

In accordance with CJP §§3-8C-02-10 the juvenile court will hold truancy court on Petitions for Truancy filed by the SAO or a school official. After service of the Petition for Truancy, the juvenile clerk will schedule an adjudicatory hearing. If the allegations in the petition are proven, a disposition hearing will be held immediately after the adjudicatory hearing, unless for good cause shown it is delayed. If a disposition hearing is delayed, it will be held within 15 days. If the allegations in the petition are proven, the magistrate will order any condition necessary to ensure a child's school attendance.

APPENDIX A

Juvenile Court Postponement Policy

POLICY

Juvenile cases must be resolved within time periods set forth by applicable statutes and the Maryland Rules. Therefore, postponements will not be granted, except in accordance with this policy.

- 1) Adjudicatory Hearings - to ensure the timely resolution of cases in accordance with times mandated by statutes and rules, adjudicatory hearings (CINA and delinquency) will not be postponed beyond the statutory time frame except by a showing of extraordinary cause. Md. Rule 11-114. Extraordinary cause is that which is not foreseeable, usual or predictable. Generally, a scheduling conference does not constitute extraordinary cause. Postponement requests that do not cause an adjudicatory hearing to be scheduled beyond the statutory time frame may be granted for good cause.
- 2) Disposition Hearings – to avoid any delay in reaching a final resolution in either a CINA or delinquency case, postponements will not be granted unless good cause is shown. The determination of good cause will be on a case by case basis.
- 3) Exceptions Hearings – these hearings must be promptly heard by the court to avoid unnecessary delay in placement or termination of parental rights. Therefore, postponements will not be granted except upon a showing of good cause. The determination of good cause will be on a case by case basis.
- 4) TPR cases – these cases must be tried within 180 days. Therefore postponements will not be granted without good cause. In the event of a compelling issue that arises requiring a postponement, the judge assigned to the TPR will determine if good cause exists to postpone the case.
- 5) Other cases – will only be postponed upon a showing of good cause.

PROCEDURE

All postponements requests must be in writing and filed with the court. Notice must be provided to the other side, and the postponement request must indicate whether or not the other side is in agreement or opposition. If the postponement request for an adjudicatory,

disposition or permanency review hearing will not result in a delay in resolving a case within the statutory time frame, the postponement may be granted for good cause and rescheduled by the juvenile clerk. If the postponement will cause a hearing to be scheduled beyond the statutory time frame, a hearing on the postponement will be scheduled before the magistrate or the Administrative Judge.

For all other cases, the Administrative Judge or designee will rule on the postponement, and if the matter is specially set, the specially assigned judge will rule on the postponement.

TIMELINE SUMMARY FOR TRACKS

Track 1 - Delinquency - Non-Detention

Court Event	Timing
Petition for Delinquency	Filed in the Juvenile Court by the SAO.
Arraignment	Within 30-45 days from the filing of the petition.
Adjudicatory Hearing	Within 30-45 days from arraignment or entry of attorney appearance.
Disposition	Same day as adjudicatory hearing or within 30 days, but no later than 90 days from arraignment or entry of attorney appearance.

Track 2 – Delinquency - Detention

Court Event	Timing
Petition for Emergency Detention	Hearing held same date or next day court in session.
Petition for Delinquency	Filed in the Juvenile Court by the SAO
Arraignment	14 days from detention hearing, if an attorney has not entered appearance.
Adjudication Hearing	Within 30 days from detention hearing.
Disposition	Same day as adjudicatory hearing or if held at a later date within 14 days of the adjudication hearing, but no later than 90 days from initial detention.

Track 3 –CINA Non-Shelter

Court Event	Timing
Petition for CINA	Filed in the Juvenile Court by DJS
Initial Advisement Hearing	Promptly after petition filed but no later than 30 days.
Adjudicatory Hearing	Within 60 days of advisement hearing or from when attorney enters appearance, whichever is earlier.
Disposition Hearing	Generally same day as adjudication hearing, but if held on another day, within 60 days of service of petition or entry of attorney appearance.

Track 4 –CINA Shelter

Court Event	Timing
Emergency Shelter Care Hearing	Shelter Care and CINA Petition filed in Juvenile Court same day as Shelter Care Hearing, which will be held same day child is removed from the home or the next day the court is in session.
Advisement Hearing	If necessary, within 14 days of shelter hearing.
Adjudicatory Hearing	No later than 30 days from the shelter care hearing
Disposition Hearing	Same day as adjudicatory hearing, but for good cause may be delayed.

Track 5 –TPR

Court Event	Timing
Petition for Guardianship	Filed in the Juvenile Court and show cause order issued.
Status Conference	Within 60 days of filing of the petition
Scheduling Conference	After service of show cause order (or publication period) and after the earlier of 30-day period to file objections to the Petition for Guardianship has expired, or objections filed. If contested, pre-trial conference and mediation will be scheduled. If not contested, hearing will be scheduled within 45 days after receipt of all consents or time to object expired.
Pre-Trial Conference	Will be scheduled within 90 to 120 days after petition filed.
Mediation	Will be scheduled within 120 to 150 days after petition filed.
Trial	Within 180 days of the filing of the petition if contested.

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Track 6 - Custom

Other Juvenile Case types	Expected duration
Adoptions	Within 180 days from when Petition for Adoption filed.
Peace orders	14 days up to 6 months
Voluntary placements	Within 30 days from the filing of the Petition for Voluntary Placement, and if voluntary placement continues then 6 month review hearings/11 month permanency plan hearing.
Interstate compact requests	Custom
Truancy Court	Custom