



Circuit Court for Cecil County
Differentiated Case Management Plan
Juvenile Cases

June 23, 2017



The Second Judicial Circuit of Maryland
Circuit Court for Cecil County

KEITH A. BAYNES
COUNTY ADMINISTRATIVE JUDGE


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ADMINISTRATIVE ORDER

In accordance with Maryland Rule §16-302(b), the Case Management Plan attached hereto shall be applied and interpreted in such a manner as to effect the prompt and efficient scheduling and disposition of all actions now pending or hereafter filed in the Circuit Court for Cecil County.

7-17-17

Date



Hon. Keith A. Baynes
County Administrative Judge
Circuit Court for Cecil County, Maryland

PART V JUVENILE

1. General Information

Juvenile matters follow the procedures dictated by the Maryland Code and Maryland Rules. Timely disposition of all juvenile cases which is in compliance with the time standards set by the Court of Appeals is the goal of this plan. Cases are generally heard on the regularly scheduled juvenile days. Matters which may require lengthy hearing may be specially set at the discretion of the juvenile Judge.

2. Emergency Matters

Detention hearings and other emergency matters are handled by the juvenile Judge as needed on an expedited basis.

2.1 Detention Hearings

The Court shall hold a detention hearing on the day of the next session of court, following the filing of the petition for continued detention.

3. Juvenile Delinquency

Juvenile delinquency cases are initiated by the State's Attorney. The State's Attorney's Office (SAO) files the petition with the Clerk of the Court. The arraignments, adjudicatory hearings, and disposition hearings are scheduled immediately by the Clerk of the Court, as provided by the State's Attorney.

3.1 Scheduling hearings

- Adjudicatory hearings shall be held within 60 days unless a waiver petition is filed, in which case the adjudicatory hearing shall be held within 30 days after the Court's decision to retain jurisdiction. If the respondent is in detention or shelter care, the adjudicatory hearing shall be held within 30 days from the date on which the court ordered detention or shelter care. If the adjudicatory hearing is not held within 30 days, the respondent shall be released on conditions imposed by the Court pending an adjudicatory hearing. See Rule §11-114.
- Disposition hearings shall be held within 30 days of the adjudicatory hearing

4. CINA

4.1 Permanency Planning Hearings

Permanency planning hearings shall be held as required by CJ §3-823, after a child is placed in out-of-home care including review, guardianship, and termination of parental rights (TPR) hearings. Deadlines in Section §3-823 include but are not limited to the following:

1. Permanency planning hearing within 11 months of child entering out-of-home placement
2. Review hearing at least every six (6) months while the child is in care

Each subsequent hearing shall be scheduled in open court upon conclusion of the previous hearing, and no §3-823 hearing shall be concluded until the next hearing is scheduled and parties and counsel notified.

4.1.2 Pursuant to Family Law, Section §5-319, a hearing shall occur on a guardianship/TPR petition within 165 days after the petition is filed and the date for the said hearing shall be set when the petition is filed and noted on the petition when served on the parties.

4.2 Courts Article

This Case Management Plan will comply fully with Courts Article, Sections §3-801 et seq., which control all aspects of CINA Proceedings, especially including deadlines for certain actions.

4.3 Shelter Care Hearings

A shelter care hearing shall be held not later than the next day the Court is in session where a child has been placed in emergency shelter care and the local Department of Social Services files a petition for continued shelter care.

Adjudicatory Hearings

4.4 Pursuant to Rule §11-114 an adjudicatory hearing shall be held within sixty (60) days after service of the petition on the respondents, unless the respondent child is in shelter care, in which case, the adjudicatory hearing shall be held within 30 days from the date on which the Court ordered continued shelter care. The dates for adjudicatory and disposition hearings in CINA cases shall be set when the petition is issued and noted on the petition.

Disposition Hearings

4.5 Pursuant to Courts Article, Section §3-819, a disposition hearing shall be held on the same day as the adjudicatory hearing or, upon good cause shown, within 30 days thereafter.

5. **Postponement Policy**

This policy reflects Maryland Judicial Council's definitions, as follows:

Postponement – a proceeding that was not held and is being rescheduled

Continuance – a proceeding that has begun and is extended for additional day(s)

The purpose of this policy is to promote timely disposition and the avoidance of unnecessary delay of cases in the Circuit Court for Cecil County in accordance with the Maryland Annotated Code and the Maryland Rules of Procedure.

Postponement of any previously set court date greatly increases the challenge to the court in managing its cases expeditiously. It has a rippling effect on the court staff, assignment of judicial time, and allocation of resources generally. All dates, once set, are important dates. Trial/hearing dates which take the case beyond the Maryland Time Performance Standards are violations by the court of the standards. Postponements will be granted only for substantial, unforeseen and unforeseeable reasons which reasons make the possibility of a fair trial/hearing remote or non-existent.

In consideration of all postponement requests, the Court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement on the parties and witnesses, and evaluate future scheduling issues. The Court will meet the Maryland Circuit Court Time Standards for processing cases. This will require a strict and uniformly applied postponement policy.

Attorneys are expected to know their schedules prior to entering their appearance in any case.

5.1 Requirements for litigants in making a request for postponement include the following:

- Requests for postponements shall be made as soon as counsel/party is aware that a reason for postponement exists.
- Requests, except those involving an emergency, shall be made within twenty (20) days of the receipt of the assignment notice.
- Requests made prior to the hearing or trial date shall be filed with the Clerk of the Court, and include a certificate of service.
- Requests shall include a statement that indicates the opposing party's/parties' position on the request for postponement.
- Requests for postponements made by counsel as a result of a conflicting court date shall be accompanied by a copy of the assignment notice of the conflicting case. A conflicting case scheduled subsequently to the scheduling in Cecil County will not be a basis for postponement. (See Court of Appeals Administrative Order)
- Unless impossible due to emergency, requests shall include an alternate date agreed upon by the parties and the Assignment Office which is within the applicable Maryland Circuit Court Time Performance Standards. No request for postponement which does not include the alternate date will be considered. Requests for postponement which include the alternate date will not, by that fact alone, be successful; the reason(s) for the postponement must still meet the other criteria set forth herein. Requests to reschedule a court date to a date sooner than the original date will be granted when possible.

On its own initiative, or if all parties are not in agreement to the postponement and/or dates for rescheduling the case, the Court may act upon the request without a hearing or issue an order requiring the parties to attend a scheduling conference.

5.1 Postponements

All postponement requests will be considered in accordance with Rule §11-115 in juvenile matters, for good cause shown. The Court will also apply the *Administrative Order for Continuances for Conflicting Case Assignment or Legislative Duties of the Court of Appeals*.

Any trial Judge or Magistrate, including a visiting Judge, has the authority to deny a postponement. Only the Administrative Judge has the authority to grant one in any case, criminal, civil, or juvenile, except pursuant to specific, advance, written authorization issued by the Administrative Judge, to grant postponements.

No postponement will be granted in a juvenile adjudicatory hearing where a child is detained or sheltered except under extraordinary circumstances and as justice so requires. Attorneys are expected to know their schedules prior to entering their appearance; no postponement of an adjudication hearing where a child is in detention or shelter care will be granted due to conflict of an attorney's schedule. All other juvenile postponement requests shall be handled in accordance with the above policy.

Requests for postponement which would take the trial date beyond the Maryland Time Performance Standard will generally be denied. Postponements will not be granted for failures of discovery, vacation or training plans made after the trial date was set or not made known to the Court when the trial date was set, conflicts with other cases set after the trial date was scheduled, and/or last minute entry of appearance by counsel which creates a conflict with a previously set case in this or another jurisdiction.

There will be no indefinite postponements of any case. If and when a postponement is granted, the Judge granting the postponement shall sign an order setting the new date. If the need for the postponement or continuance arises in open court or, because of emergency circumstances, an approved alternate date could not be provided in the request for postponement or continuance, the Court shall direct the parties to get a new trial date from the Assignment Office before leaving the Courthouse or, if, because of the emergency one of the attorneys is not present, within 48 hours.

5.2 Continuance

Trial Judges and Magistrate have authority to deny a continuance and limited authority to grant one.

Cases which start but do not finish as scheduled should be continued by the trial Judge or Magistrate to the next trial day and from day to day thereafter until completed unless impossible because of the unavailability of the trial Judge or Magistrate or the specific, substantial reason for the continuance. The next days' dockets do not create unavailability, with one exception. Where a case commenced on a Wednesday before a Judge does not finish it will be continued to Friday so that all Judges are available for Thursday jury prayer dockets. As soon as the trial Judge or

Magistrate knows the case will carry over, he or she will notify the Assignment Office so that planning for the next days' docket can commence as soon as possible.

Where a continuance is granted for a specific, substantial reason other than not finishing, it must be continued to a date certain, approved by all counsel and assignment and expressed in a written order, signed by the Judge, which date will permit the case to conclude within the original time performance standard for that case.

The parties have ample pre-trial time to conduct discovery, investigate and prepare their cases, including selection of expert and lay witnesses. Doing additional discovery and/or investigations is not a reason for continuance.

Only the Administrative Judge has the authority to grant a continuance for any reason other than carry over if the case is already outside the applicable time standard or the continuance will cause the case to conclude beyond the time standard.

The Judge granting the continuance will communicate with Judges in other cases as necessary to deal with conflicts. Where a carried over case creates a conflict with a case scheduled for trial in another court, the Circuit Court Judge will communicate with the Judge in the other court, to reach an accommodation which creates the least inconvenience for the parties and witnesses involved in the two cases.

In CINA/TPR/Adoption cases, every effort will be made to continue the matter to the next day the court is in session and have it remain on the docket until the matter is concluded. The only exception is a case that is continued pending the receipt of additional evidence. In such a case, the matter shall be rescheduled as soon as possible. If continuing the case to the next day court is in session is not possible, it shall be continued to the next earliest possible date, keeping the timelines in mind so as not to exceed the required federal and state statutory timelines.

5.3 Twenty-Five Day Postponement Plan

On motion of any party for a postponement filed within twenty-five (25) days of the scheduled hearing and/or trial, such motion shall fully comply with all requirements for requesting a postponement outlined herein. Upon receipt such motion shall immediately be forwarded to the Assignment Office for verification of the proposed alternative date(s) submitted by counsel. Once the alternative date(s) has/have been verified, the Assignment Office will forward the request to the appropriate judge for consideration and ruling. Opposing Counsel is encouraged to file an immediate response to the request for postponement. The Court may grant or deny such request, with or without a hearing, as justice may require.