
CIRCUIT COURT FOR BALTIMORE CITY
JUVENILE DIVISION

Differentiated Case Management Plan

August 23, 2016
(revision made 11/18/16)

Juvenile Differentiated Case Management Plan

The Juvenile Differentiated Case Management Plan (“DCM Plan”) is established in accordance with MD Rule 16-302(b) which requires the 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 interest of the child, their safety, family preservation and permanency and community safety, the Circuit Court for Baltimore City – Juvenile Division seeks to handle each case fairly and to resolve each case promptly, according to applicable federal and state statutes and regulations, Maryland Rules and administrative case time standards.

STATEMENT OF PURPOSE

This DCM Plan has been created to integrate statutorily mandated time frames with caseload 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 written policy, approved by the Administrative Judge, with a view to curbing delay wherever possible.

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 assure:

- Access to Justice;
- Expedition and Timeliness;
- Equality, Fairness, and Integrity;
- Independence and Accountability; and
- Public Trust and Confidence.

CASE MANAGEMENT

The policies and procedures outlined in this plan shall be implemented by the Juvenile Court Judge-In-Charge, as designated by the Administrative Judge, and the other assigned judges and magistrates and their respective staffs. The Juvenile Court Judge-in-Charge reports to the 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 16-202(b).

Judges and Magistrates

The Juvenile Court is staffed by three full-time judges and ten full-time magistrates, who oversee the required reasonable efforts for rehabilitation and behavior reform of delinquent children promoting the safety of abused and neglected children, and promoting permanency for all children. All judges and magistrates are responsible to comply with and implement in their rulings the

provisions of this DCM Plan. Individual judges and magistrates are responsible for the effective management of cases assigned to them, including adherence to the Case Time Standards.

Clerk of the Court

The Clerk of the Court will designate clerks to be assigned to the Juvenile Court. The employees of the Clerk's Office participate in the processing of Delinquency, Children in Need of Assistance (CINA), Termination of Parental Rights (TPR), Adoptions, and all other cases assigned to the court dockets. Duties and responsibilities include but are not limited to:

- Assisting the Juvenile Court Judge in Charge in scheduling cases to the court dockets;
- Timely creation and transmittal of all other mandated notices;
- Generation of court orders, directly from the courtrooms and hearing rooms for all hearings;
- Effective tracking of case files; and
- Effective, responsible and service-oriented communication with all members of the public and employees of the court.

Computerized Tracking System

Since 1994, the Juvenile Division has utilized the QUEST Case Management System to integrate all aspects of processing cases. This computer application is an integrated tracking system, designed and customized to meet the specific needs of the Juvenile Court and related agencies; including prosecutors, defense attorneys, child welfare attorneys, court clerks, police, social workers, probation counselors and others. QUEST links all disciplines within the framework of the juvenile judicial system enabling personnel to track all activity related to a case through its entirety. In addition to automating the Court's practical application, QUEST affords the court-related agencies controlled and immediate access to a wealth of case-specific information thereby promoting a united and effective approach to case management.

TRACK DESIGNATIONS

Tracks define expected case processing events, the timing of events, assignments, and the expectations for case duration. The case-flow time standard to disposition for Circuit Court Delinquency cases is 90 days for 98% of the cases; for CINA (Shelter) cases is 30 days; for CINA (Non-Shelter) cases is 60 days and for TPR cases is 180 days. Expected duration is based on needed time to resolution of each case (adjudication in CINA cases and disposition in Delinquency and TPR cases), which may be less than the time standard.

A Juvenile case may follow seven potential tracks to resolution. Tracks are defined at filing based on the case type.

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration</i>
Track 1 Delinquency Non-Detention	Delinquency Cases (Non-Detention)	90 Days

Track	Case Subtypes	Expected Case Duration
Track 2 Delinquency Detention	Delinquency Cases (Detention)	90 Days
Track 3 CINA Non- Shelter	Child in Need of Assistance (CINA) cases with no shelter care	60 Days
Track 4 CINA Shelter	Child in Need of Assistance (CINA) cases with shelter care	30 Days
Track 5 Termination of Parental Rights	Termination of Parental Rights Cases	180 Days
Track 6 Miscellaneous	Adoptions	14 days up to 6 months
	Peace Orders	14 days up to 6 months
	Voluntary Placements	30 days from filing of the petition or 180 days from placement, whichever is sooner, and every 6 months afterwards
Track 7 Special Case Types	Operation Safe Kids Court Family Recovery Program Court	Custom 365 days (standard)

CASE EVENTS

Delinquency – Non Detention - Track 1

In cases whereby the respondent is not being initially detained and has been released to the custody of his/her parents, guardian or custodian, an arraignment hearing is scheduled within 14 days of the filing of the petition. Arraignment hearings are scheduled on Tuesdays, Wednesdays and Thursdays before the judge that is assigned the delinquency docket. Once the Clerk’s Office receives the petition, they shall take steps for it to be issued to the respondent and 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 and a contempt proceeding against the parent. At the arraignment hearing, the Court shall make a determination as to representation of the respondent by counsel. The Office of the Public Defender will provide a lawyer for the respondent if his/her family does not hire its own lawyer. An adjudication hearing is then scheduled by the judge or magistrate, generally in an assigned Home Court for the child.

Delinquency –Detention - Track 2

In cases whereby 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 a fact-finding (adjudication) hearing is held. The State’s Attorney shall file a petition and a hearing must be held the next court

day in order to extend the detention or shelter care. These hearings are conducted by the magistrate or judge assigned the “Emergency Delinquency Specials” for that court day. These hearings begin at 1:30 PM each 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 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, global positioning monitoring and/or ordered to attend the Evening Reporting Center, Pre-Adjudication Coordination and Training Center (PACT) or Detention Reduction and Advocacy Program (DRAP). If the Court grants continued detention/shelter care, there must be an adjudication 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 14 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 adjudication 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, the case process continues as follows:

Within 30 days, the Court will hold a fact-finding hearing (similar to a bench trial), called the adjudication. The purpose of the hearing is to determine if the child committed the offense. If the child admits to the offense, no witnesses are called. If the Court determines the child committed the offense, the Court will schedule a disposition hearing. If the Court determines the child did not commit the offense, the case ends and a disposition hearing is not required.

The disposition hearing may be held on the same day as the adjudication hearing, or it may be held later. The disposition hearing can only be held on the same day as the adjudication hearing if all parties waive 5 day notice on the record. The disposition hearing must be held no later than 30 days after the adjudication hearing.

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);
- 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; also, if the child is to be placed outside the home for an

extended period of time, (e.g. more than 60 days), schedule a permanency planning hearing on a date ten 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 pending placement being achieved.

Once the respondent is placed, review hearings and permanency planning hearings are to be scheduled at 6 month and 10 month intervals, pursuant to Adoption and Safe Families Act, Title IV-E.

The Court may also adopt a treatment service plan recommended by the Department of Juvenile Services (DJS). A treatment service plan is DJS’s plan for providing specific assistance, guidance, treatment, or rehabilitation of the child.

Timeline Summary

DELINQUENCY (NON-DETENTION/DETENTION)		
Elapsed Time	Non-Detention Case Event	Detention Case Event
Day 1	<p><u>Petition Filed</u> In cases whereby the respondent is released to the custody of his/her parents, guardian or custodian, an arraignment hearing is scheduled within 14 days of the filing of the petition.</p>	<p><u>Petition Filed</u> <u>Emergency Arraignment Hearing</u> <u>Detention/Shelter Care Hearing</u> In cases whereby an initial determination is made to detain a respondent, a detention/shelter care hearing is held the same day the petition is filed. An adjudication hearing is scheduled within 30 days of the detention/shelter care hearing.</p>
Up to Day 14	<p><u>Arraignment Hearing</u> Representation of respondent by counsel is determined. Adjudication hearing is scheduled.</p>	
Up to Day 30		<p><u>Adjudication Hearing</u> If the respondent is found delinquent (committed the alleged acts), the case will proceed to the disposition hearing. If the respondent is found not-delinquent (did not commit the alleged acts), the case is closed.</p>

DELINQUENCY (NON-DETENTION/DETENTION)		
Elapsed Time	Non-Detention Case Event	Detention Case Event
Up to Day 44		<p><u>Detention Review Hearings</u> Detention review hearings must be conducted every 14 days thereafter until the disposition hearing is held.</p> <p><u>Disposition Hearing</u> Disposition must be held within 14 days if the respondent continues to be detained or is on community detention.</p>
Up to Day 60	<p><u>Adjudication Hearing</u> If respondent is found delinquent (committed the alleged acts), the case will proceed to the disposition hearing. If the respondent is found not delinquent (did not commit the alleged acts), the case is closed.</p>	
Up to Day 90	<p><u>Disposition Hearing</u> To be in compliance with the Maryland Judiciary Performance Standards and Measures for all delinquency cases, disposition must occur within 90 days.</p>	
Up to Day 180	<p><u>Review Hearing</u> A review hearing must be held every 6 months if the respondent is to remain in placement.</p>	
Up to Day 365	<p><u>Permanency Planning Hearing</u> If the respondent remains out of the home in a Title IV-E facility, the permanency planning hearing replaces the review hearing.</p> <p>Permanency planning review hearings are held every 6 months if the child is in out of home placement.</p>	

Additional Delinquency Potential Hearings

The following hearings may also occur at different points during the course of a delinquency case:

Waiver Hearing

Pursuant to Maryland 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) 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 Maryland Rule 11-114(b) (1)).

Waiver hearings should be completed within 60 days of the SAO filing the waiver petition. (45 days are required for the DJS prepared waiver summary; additional time for hearing is liberally granted if respondent names an opposing expert.)

Motions for Transfer (from Criminal to Juvenile Court)

All motions for transfer are heard at the Baltimore City Juvenile Justice Center (BCJJC) now that juveniles that are initially charged as adults are detained in a specific location at the BCJJC rather than at the Baltimore City Detention Center. The Juvenile Court judge presiding over the delinquency docket will preside over the motion hearing as an Adult Criminal Court Judge. Counsel who successfully represents the juvenile defendant in a motion for transfer hearing are required to enter their appearance and represent the juvenile in the Juvenile Court. The Juvenile Court schedules an arraignment and detention hearing immediately after the judge signs the order of transfer. Defense counsel is expected to be available.

Emergency Evaluation Hearing

Parents or guardians seeking emergency orders for psychiatric evaluations of minors may, during normal court hours, appear at the Juvenile Court Clerk's Office and complete a petition for an emergency evaluation. Those petitions are set immediately before a judge for a hearing. The Juvenile Court also conducts hearings on emergency requests for medical treatment in instances where a parent or guardian refused to consent to emergent medical care found by clear and convincing evidence.

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 adjudication 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 Circuit Court Medical Services Division, Department of Health and Mental Hygiene, or any other qualified expert, conduct an evaluation of the child's competency to proceed. 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 DCM Plan and in the Maryland Rules (Courts and Judicial Proceedings §3-8A-17.5)

Competency hearings are scheduled within 60 days of the raising of the issue – 45 days being required for Court Medical to complete its evaluations of competency and public safety. Additional time for the hearing is liberally granted where respondent names an opposing expert. If a child is found not competent, not attainable, the petition is dismissed. If a child is found not competent, attainable, a further competency hearing is scheduled before 180 days. If a child is found competent, an adjudication is scheduled 30 days thereafter

Restitution Hearing

If there is a restitution issue that will be contested by the respondent or his/her parents, guardian or custodian, a hearing must be held post-adjudication. If the respondent and/or the respondent's parents, guardian or custodian are found liable, the Court may enter a judgment of restitution against the parents, guardian or custodian of a child, the child, or both (Title 11, Subtitle 6 of the Criminal Procedure Article). Restitution hearings are generally scheduled with and concluded on disposition hearing dates.

Children In Need of Assistance (CINA)

Instances whereby acts of child abuse and/or neglect are alleged are referred to as Children in Need of Assistance (CINA) cases. These CINA cases are defined as either CINA – Non Shelter (Track 3) or CINA – Shelter (Track 4). Other than the expected case duration time standards for each, the procedures to bring the cases to resolution are much the same. Both types of cases commence with the filing of a petition by the Baltimore City Department of Social Services.

CINA – Non Shelter – Track 3

Very rarely are CINA – Non Shelter petitions filed in the Juvenile Court. Even though the Baltimore City Department of Social Services (BCDSS) files a petition requesting that the child(ren) be found CINA, the non-shelter cases are considered non-emergent by nature. Consequently, the BCDSS elects not to remove the child(ren) from their home. In the interim, the BCDSS will work to put in place certain intensive in-home services in an attempt to ameliorate the situation to prevent a CINA finding or commitment.

Generally, within 14 days of filing the petition with the Court, a preliminary hearing is held and the child (via the child's appointed counsel) and parents, guardian or custodian are served with the CINA petition. A subsequent pre-trial/settlement hearing may be held to determine whether the case can be resolved on an expedited basis without an adjudication hearing. Cases not resolved at the pre-trial/settlement hearing, will proceed to a scheduled adjudication hearing within 60 days from the date of service of the petition. If for some reason the child is removed from the home and custody of the parents, guardian or custodian, the case track designation will change to Track 4. If the child is found not CINA the case ends.

CINA – Shelter – Track 4

The Baltimore City Department of Social Services (BCDSS) may remove a child from his or her home, if necessary, to protect the child from abuse or neglect. If a child is removed from the home, the BCDSS will file a petition alleging that: the child has been abused, neglected, has a developmental disability or a mental disorder; and the child's parents, guardian, or custodian are unable or unwilling to provide proper care for the child.

Pursuant to *Courts and Judicial Proceedings* §3-815(c), after placing a child in emergency shelter care, BCDSS must immediately file a petition requesting continuation of shelter care if the child is not returned to the parents, guardian or custodian. The Court must hear the petition at a shelter care hearing no later than the next day that the Court is in session, with reasonable notice, oral or written, given to the parents, guardian or custodian, if they can be found. At this hearing, the

judge or magistrate will decide whether the temporary out-of-home placement of the child in “shelter care” should continue. The Court can order shelter care for up to 30 days. If the child is returned to the custody of his/her parent, guardian or custodian, the case track designation will change to Track 3. If the Court authorizes continued shelter care, the adjudication hearing must be held within 30 days.

If a parent of a child alleged to be a Child in Need of Assistance (CINA) cannot be located and provided notice of the shelter and early CINA proceedings, the Court’s Parent Locator is available to assist in identifying and locating missing parents at every stage of a CINA case. The current practice is for the Juvenile Court to schedule a preliminary hearing for all parents who were not present for a shelter care hearing when an address is known for those parents. Parents who appear for the preliminary hearing are provided with a copy of the CINA petition, advised of their right to counsel and given notice of the adjudication hearing. Critical identifying information is not always readily available to enable the social workers or the Court to provide notice on a timely basis to the parents who are not present for the shelter care hearings.

At the adjudication hearing, the Court will decide whether the facts alleged in the petition are true. At the end of the hearing, the Court can grant an order continuing shelter care, if appropriate, and must proceed to the disposition hearing that same day unless the Court finds good cause for delay.

At the disposition hearing, the Court will make a determination whether the proven allegations are sufficient to find that the child is a “Child in Need of Assistance” (CINA). If the Court finds the child is not a CINA, the Court may dismiss the case. If the Court finds the child is CINA, the Court may:

- Return the child to the care of his or her parents;
- Return the child home but require the Department of Social Services to supervise the home;
- Order the parents or child to participate in certain services;
- Order additional assessments to determine what is best for the child;
- Commit the child to the custody of a parent, or pursuant to *Courts and Judicial Proceedings* §819(b)(1)(iii)2.B, to a relative or other individual.
- Commit the child to the Department of Social Services, the Department of Health and Mental Hygiene, or both, including designation of the type of facility where the child is to be placed.

When a child has been removed from his or her home and committed to the care of BCDSS or the care of a relative, the Court must hold regular review hearings to ensure the child is cared for properly, and to determine what the best long-term plan is for the child. These are called permanency planning hearings. The Court must hold a permanency planning hearing:

- Within 6 months of when the child was placed out of the home; and
- At least every 6 months after that while the child is in the care of BCDSS or a relative.

However, if reasonable efforts toward reunification should be waived because of aggravated circumstances, a petition of waiver is filed and a hearing on the request is scheduled (*Courts and Judicial Proceedings* §3-812). If the petition is granted, the Court must hold a permanency

planning hearing within 30 days (or the same day as the reasonable efforts hearing if all of the parties agree) (*Courts and Judicial Proceedings* §3-823(b) (ii)).

At the permanency planning hearing, the Court determines what the permanency plan will be, ranging from reunification (preferred and presumptive plan in all cases) to adoption, to alternative planning living arrangement (APPLA). If the Court changes the plan to adoption, the BCDSS will be ordered to file a petition to terminate parental rights (TPR) (*Courts and Judicial Proceedings* §3-823(g) 1).

If the child remains out of the home, the Court must review the permanency plan every 6 months until the commitment is rescinded or the TPR petition is granted. If the child is placed with a specific caregiver, who agrees to care for the child on a permanent basis, the review will be every 12 months (*Courts and Judicial Proceedings* §3-823(h)).

Timeline Summary

CINA (NON-SHELTER/SHELTER)		
Elapsed Time	Non-Shelter Case Event	Shelter Case Event
Day 1	<u>CINA Petition Filed</u> If child was not removed from the home, the Juvenile Court Clerk’s Office schedules a preliminary hearing.	<u>CINA Petition Filed</u> <u>Shelter Care Hearing</u> If child was removed from the home, a shelter care hearing is held the same day the petition was filed. An adjudication hearing is scheduled.
Up to Day 14	<u>Preliminary Hearing</u> Child’s parents, guardian or custodian served with petition.	
Day 14 To Day 28	<u>Pre-Trial Settlement Conference</u> Cases may be referred to mediation. If an agreement is reached, the agreement is placed on the record and an order is entered. Court generally proceeds to a separate disposition hearing immediately. Cases not resolved at mediation will proceed to the scheduled adjudication hearing.	
Up to Day 30		<u>Adjudication Hearing</u> If the conditions alleged in the petition are proven, the case will proceed immediately to the disposition hearing.
Up to Day 60	<u>Adjudication Hearing</u> If the allegations in the petition are proven, the case will proceed immediately to the disposition hearing.	
Up to Day 180	<u>Initial Review Hearing</u> The court shall conduct a hearing to review the status of each child under its jurisdiction within 6 months after the filing of the petition and at least every 6 months thereafter.	

CINA (NON-SHELTER/SHELTER)		
Elapsed Time	Non-Shelter Case Event	Shelter Case Event
Up to Day 300	<u>Permanency Planning Hearing with Child Consult</u> If the child is removed from the home post-disposition, then a permanency planning hearing is held 10 months after the filing of the petition. Subsequent review hearings are then held at subsequent 6 months intervals.	
Up to Day 365	<u>Goal to Active Permanency</u> Within 1 year it is the goal of the court to achieve permanency and close the case thereby terminating jurisdiction. In addition all “Child Consults” are to occur within 1 year of the filing of the petition. If the child has been out of the home for 15 of 22 consecutive months, then a TPR petition must be filed.	

Termination of Parental Rights

Since October 1, 1996, the Juvenile Court has had exclusive jurisdiction over Termination of Parental Rights (TPR) cases. Cases for the termination of parental rights are filed as new petitions in the Juvenile Court by the Baltimore City Department of Social Services (BCDSS). As a practical matter, these cases are a continuation of the CINA proceedings. Although TPR cases are filed as new cases, they are predicated upon the work that had already been engaged in by the BCDSS and the biological family to work toward reunification. All TPR cases are to be concluded within 180 days of filing the petition.

TPR – Track 5

Once a determination has been made that a child’s permanency plan is to be adoption or guardianship, either by a relative or non-relative, the BCDSS will file a petition that seeks the termination of parental rights.

The Court will issue a show cause order, pursuant to Maryland Rule 9-105, to be served on the child’s attorney, parents and their attorneys, 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 order is served.

At the time the petition is filed, a TPR pretrial scheduling conference/hearing will be scheduled within 60 days from the filing of the petition. This hearing is used to review the status of the case and establish timelines for concluding discovery, producing records pertaining to the parents and child(ren) and any reports of experts. Also at this hearing, a settlement conference (with parties) and a termination of parental rights hearing is scheduled.

While a second pretrial hearing will rarely be scheduled, it is within the magistrate’s discretion to schedule a second pretrial hearing no more than 30 days after the first pretrial hearing.

All TPR hearings/trials are to be scheduled within 180 days of the filing of the petition. The only instances whereby a case may be scheduled outside of the 180 days is if there are no courts

available or it would be impossible to hold a hearing within 180 days, (e.g., the time period for objecting would not have expired by the 180th day).

Timeline Summary

TERMINATION OF PARENTAL RIGHTS	
Elapsed Time	Case Event
Day 1	<p><u>Petition to Terminate Parental Rights Filed</u> Petition filed by BCDSS. Court issues a show cause order, pursuant to Maryland Rule 9-105, to be served on the child’s attorney, parents and their attorneys. Parents may file an objection within 30 days after the order is served. TPR pretrial scheduling conference/hearing is scheduled.</p>
Day 30 to Day 60	<p><u>Pretrial Scheduling Conference/Hearing</u> Review case status and establish timelines for concluding discovery. Schedule both a settlement conference (with parties) and a TPR hearing. All TPR hearings/trials are to be scheduled within 180 days of the filing of the petition.</p>
Up to Day 120	<p><u>Settlement Conference</u> All discovery to be completed. If the parties have been served and fail to file a timely objection, then consent is deemed and a final order of guardianship may be considered.</p>
Day 120 to Day 150	<p><u>First TPR Trial Date</u></p>
Day 180	<p><u>TPR Trial Completed</u> If the Court grants the TPR petition, a final order of guardianship is issued. A guardianship review hearing is scheduled within 6 months and the original CINA case is closed and jurisdiction is terminated. If the Court dismisses the TPR petition, a permanency planning review hearing will be scheduled in the original CINA case within 6 months.</p>
Up to Day 360	<p><u>Guardianship Review Hearing</u> Subsequent hearings will be scheduled at least every 6 months after the final order is issued.</p>

Miscellaneous Case Types – Track 6

Adoptions

Adoption petitions must be ruled on no later than 180 days from when the petition was filed (*Family Law Article §5-336*). As a best practice, the adoption hearing is set within 14 days from when the petition was filed, or as soon thereafter as possible, depending on the Court’s schedule.

Timeline Summary

ADOPTION	
Elapsed Time	Case Event
Day 1	<u>Adoption Petition is Filed</u> Petition and Notice of Filing is filed by BCDSS.
Day 2 to 12	<u>Documentation Review</u> All required documentation and necessary consents are reviewed by appropriate Home Court Magistrate for completeness, accuracy and validity.
Day 14	<u>Adoption Hearing</u> Hearing held before a judge. Adoption judgement is entered and the adoption decree is issued.
Day 180	If the petition has not been ruled on, the matter shall be dismissed or withdrawn, and revert back to a TPR case and a guardianship review hearing must be scheduled within 180 days.

Peace Orders

Pursuant to *Courts and Judicial Proceedings §3-8A-19.1*, the Maryland Department of Juvenile Services (DJS) or the Office of the State’s Attorney 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 is required by either the victim or parent/guardian of a 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.

Timeline Summary

PEACE ORDERS	
Elapsed Time	Case Event
Day 1	<p>Peace Order Request Filed <u>Peace Order Request Hearing</u> Hearing is held same day the request is filed, to consider whether the facts in the complaint constitute actions for which a peace order could be issued. If not, the request is denied. If so, a peace order hearing is scheduled.</p>
Day 7 to 10	<p><u>Peace Order Hearing</u> At the hearing, a peace order may be granted or denied. If the Court grants a peace order, all relief as ordered by the Court shall be effective for a period not to exceed 6 months.</p> <p>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.</p>
Day 180	End Effective Date of Peace Order

Voluntary Placement

A voluntary placement hearing is scheduled within 30 days after BCDSS files the petition to continue a voluntary placement agreement (*Courts and Judicial Proceedings §3-819.1 (b) 2(2)*), but the hearing must be held within 180 days of the placement (*Family Law Article §5-525 b (1)(iii)(2)(11)*).

The voluntary placement can remain in place only if all parties continue to agree (*Courts and Judicial Proceedings §3-819.1 (b) (2)*).

If the Court continues the voluntary placement, then a permanency planning hearing must be held no later than 11 months after the out of home placement began (*Courts and Judicial Proceedings §3-823 (b) (i)*).

Hearings to review the permanency plan must be held at least every 6 months thereafter until the voluntary placement is terminated (*Courts and Judicial Proceedings §3-819 (j) (iii)*).

Timeline Summary

VOLUNTARY PLACEMENT	
Elapsed Time	Case Event
Day 1	Voluntary Placement Petition Filed
Up to Day 30	Voluntary Placement Hearing

VOLUNTARY PLACEMENT	
Elapsed Time	Case Event
Up to Day 180	Permanency Planning Hearing
Up to Day 360	<u>Permanency Planning Review Hearing</u> To be held at least every 6 months until the voluntary placement is terminated.

Special Case Types – Track 7

Operation Safe Kids Court

Operation Safe Kids Court (“OSK Court”) is an intensive community based program that seeks to prevent out of home placement for youth on probation. Youth who agree to participate in the program receive services and monitoring from a designated Department of Juvenile Services Case Manager and team from the Baltimore City Health Department. A judge will monitor progress and compliance with the program, in accordance with the OSK Consequences and Rewards Policy. OSK Court participants and their families are expected to comply with terms of the court order and conditions of the program. These include bi-weekly court reviews and other conditions as appropriate. Failure to comply will result in court-ordered sanctions and may include short term out-of-home placement for chronic noncompliance. OSK Court is held every other Friday morning and hearing types consist of initial hearings, review hearings and, occasionally, a violation of probation hearing.

Once admitted into the program, youth are matched with an OSK Youth Development Technician (YDT) and a DJS Case Manager, who work together to ensure that the needs in each youth’s Individual Service Plan (ISP) are met, monitor compliance, and respond immediately to positive and negative behaviors. OSK and DJS staff will collaborate with the Office of the State’s Attorney, the Public Defender, and the Juvenile Court to coordinate services and to monitor the youth’s progress.

OSK Court participants will receive access to mental health and substance abuse treatment, job readiness training and employment, and other services to help them avoid negative behavior that can lead to out-of-home placements. Families will also receive family counseling, housing support and other services to help them create an environment that will promote the youth’s success.

Family Recovery Program Court

Implemented in August 2005, the Family Recovery Program (FRP) serves parents of children ten years of age or younger that have been removed from the custody of the parents by the Baltimore City Department of Social Services due at least in part to their parent(s) illegal drug use/addiction. The children have to be drug exposed or show evidence of neglect due to the parents’ substance abuse.

The primary objective of the program is to provide the parents with immediate access to substance abuse treatment and a full range of supportive services, including mental health care,

transportation, housing assistance and case management support to either accelerate reunification with the child or to assist the Court in establishing other permanency options for the child. Parents remain under Court supervision throughout the program and must report regularly to a judge about their progress, allowing the judge to systematically track compliance with the program. FRP Court is held every Friday morning and is presided over by the Judge-in-Charge of the Juvenile Court. The types of cases heard each Friday depend on specific criteria.

The five primary tracks for the FRP Court hearings are as follows:

- FRP Initial 30 Day Hearing
- FRP Track A Hearing – Weekly
- FRP Track B Hearing – Every 2 Weeks
- FRP Track C Hearing – Every 4 Weeks
- FRP Track D Hearing – Every 8 Weeks

The general time frame that parents will remain under Court supervision for drug treatment is one year, focusing on cocaine, opiates, and related substance abuse. There is a separate “Genesis” Track for six months for parents who formerly completed the program but are being referred for a new child and relapse. There also is a separate “Phoenix” Track for six months focusing on THC – Marijuana substance abuse. Parents who successfully complete the program are rewarded with the reunification of their child(ren) in a joyful graduation ceremony.

The program reduces the length of stay in foster care for program participant children thereby producing better, safer, earlier outcomes for children, significant cost savings to the State, reduces substance abuse among FRP participants and engages inter-agency collaboration and coordination between the program partners to assist with maintaining healthy families.

POLICIES AND PROCEDURES

Assignment and Scheduling

The Juvenile Court adheres to the “One Family – One Court” concept for the magistrates for processing all delinquency and CINA cases whereby specific families are always assigned to a specific “Home Court” for all hearings, and includes a rotating assignment schedule for the magistrates that details the types of cases they will preside over on specific days. Scheduling of cases is performed by the Home Courts after the initial hearings. In addition, the assigned judges periodically rotate responsibilities on a monthly basis for the Delinquency, Children in Need of Assistance (CINA) and Termination of Parent Rights (TPR) dockets.

Postponements

A. General Postponements

1. The general policy of the Court is that a postponement request will not be granted.
2. “Postponement” means a proceeding that has not been held and is being rescheduled.

3. “Continuance” means a proceeding that has begun and is extended for additional day(s).
4. Postponements and continuances are subject to the provisions contained in Maryland statutes, the Maryland Rules of Procedure, the “Revised Order of the Court of Appeals for Continuances for Conflicting Case Assignments or Legislative Duties” and this policy.

B. Advance Postponement Requests

1. An advance postponement (i.e., filed more than 72 hours of court open days before the event sought to be postponed) or continuance will not be granted except as specifically authorized by this policy.
2. A party requesting a postponement in advance of the hearing shall make a good faith effort to notify the other parties of the postponement request and obtain agreed upon proposed rescheduling dates in the event the request is granted. A good faith effort includes, at a minimum, contacting the other parties in person, or by telephone, fax and/or e-mail – in addition to mailing the request to the parties pursuant to the Maryland Rules of Procedure.
3. Except in instances in which the state and the respondent agree to mutually postpone a case in order to allow a respondent to comply with certain conditions so as to avoid a delinquency adjudication, a stipulation or agreement by the parties to a postponement will be considered but is not a determinative factor in the Court’s decision whether to grant the postponement or continuance.
4. A postponement on the day of the initial CINA or Delinquency adjudication and dispositional hearing is subject to the discretion of the Court and may be granted for extraordinary cause. However, the Court will not grant a postponement if:
 - a. The party requesting the postponement failed to make good faith efforts to notify a non-appearing witness of the hearing date; or
 - b. In a delinquency adjudication, the state knew or should have known of the unavailability of a police officer more than 72 hours prior to the hearing and failed to request an advance postponement.
5. A postponement of an exception hearing, a violation of probation hearing or a delinquency review hearing may be permitted for good cause if:
 - a. The party requesting the postponement was not consulted prior to the scheduling of the hearing;

- b. The party requesting the postponement, or an attorney or witness for that party, is unavailable on the date of the scheduled hearing; and
 - c. The party can demonstrate timely good faith efforts to request a postponement upon discovering the unavailability of the party.
 6. A postponement for CINA permanency planning hearings, guardianship review hearings, and delinquency permanency planning hearings will not be granted unless:
 - a. A request for postponement is made to the Court no later than 45 days prior to the date of the hearing;
 - b. A new material circumstance occurs within 45 days of the hearing date and the request for postponement is made as soon as it becomes known; and
 - c. The Court finds good cause to postpone the hearing.
 7. Once the Court issues a scheduling order for a hearing on the termination of parental rights, the hearing may not be postponed beyond the scheduled hearing date for any reason other than:
 - a. The Court is unavailable to hear the case on the scheduled date;
 - b. Insufficient time has elapsed for a party to object to the termination of that party's parental rights;
 - c. Counsel has been appointed to represent a party without sufficient time to adequately prepare for trial;
 - d. The Court otherwise finds a compelling reason to postpone the hearing; or
 - e. Parties must submit one or more available dates for the TPR trial within 180 days of petition filing, absent extraordinary cause to do otherwise.

C. Postponement on the Day of the Hearing

Notwithstanding the other provisions of this postponement/continuance policy, a postponement may be granted on the day of the hearing when:

1. An attorney, a party or a witness is unavailable because of emergent or extraordinary cause such as the serious illness or death of that person or a member of that person's immediate family;
2. Service of process has not been completed on one of the parties;

3. After a pre-hearing conference convened under Section E.3, the Court determines that:
 - a. A hearing cannot be concluded as required under Section E.1 because the presiding officer, an attorney, a necessary witness, or a party has pre-scheduled leave which is scheduled during the anticipated time of the hearing; or
 - b. The anticipated length of the hearing will result in a conflict with a case that will take priority under the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties.
4. A Court is not available because:
 - a. Another case scheduled before the presiding officer is ongoing and continuing; and
 - b. No other presiding officer in the Juvenile Court is available to hear the case on the same scheduled date of the hearing.
5. In the discretion of the Court, exigent circumstances justify a postponement.

D. Postponements Requested by DJS

In the event a postponement is requested by a DJS case manager, the following protocol is to be followed:

1. The DJS case manager is to submit the request to the Clerk's Office and may provide 3-4 good dates as to when the postponement may be heard;
2. The DJS case manager is to send a copy of the request to the Chief of the Juvenile Division for the State's Attorney's Office and respondent's counsel of record;
3. The Clerk's Office will schedule the postponement hearing – giving at least three business days' notice – and notify the State's Attorney's Office Division Chief and respondent's counsel of record;
4. The DJS case manager, the Assistant State's Attorney assigned to the judge, and the respondent's counsel or that attorney's designee, shall appear for the postponement hearing; and
5. The postponement will normally not be assessed against either the State or the respondent; however, that decision is ultimately within the discretion of the Court.

E. Continuances

1. Except as provided under Paragraph 2. of this Section, if a continuance is necessitated or granted during the course of a hearing, the hearing will be rescheduled for the next day the Court sits. A continued hearing shall remain on the docket day-to-day until the hearing is concluded.
2. A continued hearing may be scheduled on a day other than the next day the Court sits if:
 - a. The Court determines that there is good cause to continue the case for the Court to entertain receipt of additional evidence; and
 - b. The additional evidence cannot be made available on the next day the Court sits.
3. Prior to the commencement of a hearing, which is anticipated to take more than a half-day to conclude, the Court shall convene a pre-hearing conference on the day of the hearing to estimate the length of time of the hearing and the availability of all parties and counsel to complete the hearing after it commences.

Interpreters

All parties to a court proceeding in need of interpreter services are required to submit the prescribed request form for the Circuit Court for Baltimore City. The request form must be completed and submitted to the designated interpreter coordinator in the Clerk's Office at the Juvenile Justice Center not less than 30 days prior to the scheduled proceeding for which an interpreter is needed.

Other Policies and Procedures

A. Docket Calls

A Docket Call Policy was established and implemented for each daily docket over which a magistrate presides. At these docket calls, that begin at 9:00 a.m. each day, all counsel of record are to appear for each case on the magistrate's docket. The magistrate shall address any postponement issues and dismissals and shall determine which cases are ready to be called and assign a time for counsel to return. As to delinquency trials, the States Attorney's Office is to provide offers and the Office of the Public Defender is to make best efforts to respond by 10:00 a.m. for the morning docket and by 2:20 p.m. for the afternoon docket. As to the CINA trial docket, all parties are to come prepared with written stipulations of fact, all contested issues, and pre-marked exhibits to be offered in each party's direct testimony. In addition, a CINA Settlement Sheet was developed that is to be completed and submitted at docket call prior to every CINA contested matter.

The first case for each Court shall be called no later than 10:00 a.m. for the morning docket and 2:20 p.m. for the afternoon docket. However, the CINA shelter and delinquency emergency arraignment dockets shall begin at 1:30 p.m.

B. First Case Designation

The “first case” is a case whereby all attorneys of record on the case have previously agreed that the case will be ready by 9:30 a.m. on the scheduled day of the hearing. Each daily “first case” on the individual dockets will be determined and designated in advance of the scheduled hearing date and will appear in bold, red print on the Court docket screens in Quest to differentiate it from the other cases on the dockets. In addition, judges, magistrates and clerks are instructed and Quest has been programmed to not allow the designation of more than one “first case” per day on the individual court dockets and to also not allow the designation of more than one “first case” for the same attorney on each day.