

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

WHEREAS, On March 9, 2010, the Court of Appeals adopted new Rule 16-206, which provides a general procedure for the development and approval of Plans for problem-solving court programs in the Circuit and District Courts of the State; and

WHEREAS, Pursuant to the Court's Rules Order, Rule 16-206 will take effect July 1, 2010; and

WHEREAS, Rule 16-206 requires that Plans for problem-solving court programs prepared by a county administrative judge of a Circuit Court or an administrative judge of the District Court be submitted to the State Court Administrator for review and that they be consistent with the protocols and requirements in an Administrative Order of the Chief Judge of the Court of Appeals; and

WHEREAS, It is therefore necessary that an Administrative Order containing those protocols and requirements be issued;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 17th day of June, 2010, effective July 1, 2010:

1. Scope.

This Order applies, in its entirety, to problem-solving court programs submitted for

approval on or after July 1, 2010. Only Section 6 of this Order applies to problem-solving court programs in existence on July 1, 2010.

2. Definitions.

In this Order, the following words have the meanings indicated:

(a) “Participant” means a person before the court who is considered for participation in a problem-solving court program or who participates in such a program.

(b) “Plan” means a plan for a problem-solving court program subject to this Order.

(c) “Problem-Solving Court Program” means a specialized court docket or program that addresses matters under a court’s jurisdiction through a multi-disciplinary and integrated approach incorporating collaboration by the court with other governmental entities, community organizations, and parties.

(d) “Submitting judge” means the judge authorized to submit a Plan under Section 3 of this Order.

3. Submission of Plan.

(a) Who May Submit.

A Plan for a problem-solving court program in a Circuit Court may be submitted only by the county administrative judge of that court. A Plan for a problem-solving court program in the District Court may be submitted only by a District Administrative Judge, with a copy to the Chief Judge of the District Court.

(b) To Whom Submitted.

The Plan shall be submitted, along with all required attachments, to the State Court Administrator, with copies to the Judicial Conference Standing Committee on Problem-Solving Courts, the Office of Problem-Solving Courts and the Chief Judge of

the Court of Appeals.

(c) Required Consultation.

A Plan may not be submitted unless the submitting judge, or that judge's designee, in the development of the Plan, has:

(1) Conferred with the Office of Problem Solving Courts and each State, local, or federal agency or official whose participation in the program will be required under the Plan;

(2) Taken into account all comments made by those agencies or officials and made a good faith effort to address any concerns expressed by them; and

(3) Received assurance that those agencies or officials will participate in the program in a manner required for the program's success.

(d) Required Contents.

The Plan shall contain, in a format approved by the Office of Problem-Solving Courts, the following:

(1) Explicit statements regarding the nature and purpose of the program, including:

(A) the target population to be served by the program;

(B) the estimated number of persons in that target population expected to participate in the program on an annual basis; and

(C) the services to be provided by the program and which agencies or officials will be responsible for providing those services;

(2) A clear statement of the proposed structure of the program, including: the duties and functions of judges, other judicial personnel, and non-judicial personnel or agencies expected to participate in the program;

(3) Whether a judge or master proposing to preside over a program has completed the following educational courses referenced in Section 5(d) of the Administrative Order as to the Judicial Institute and Judicial Absences from Court:

(A) Introduction and Orientation to Drug Court/Mental Health Court/Truancy Court (as appropriate); and

(B) Judicial Roles Training;

(4) Specific protocols and requirements regarding referrals and entry of participants into the program, including:

(A) eligibility criteria for participation in the program, and the methods by which eligibility will be determined and participants will be approved for the program;

(B) whether self-represented participants will be accepted and, if so, how any right to the assistance of counsel will be protected;

(C) the form and content of any written agreement a proposed participant will be expected to sign and a clear statement of how such an agreement will be presented and explained to the participant and a finding made that the participant understands the agreement and enters into it knowingly and voluntarily;

(5) A clear description of how the program will operate, including:

(A) the expected role of counsel in the program;

(B) the criteria by which a participant's success will be measured;

(C) the kinds of requirements and restrictions that will be imposed on participants;

(D) the methods and procedures for measuring a participant's satisfaction of those requirements, restrictions, and criteria;

(E) the nature of any rewards and sanctions to which a participant may be subject and the procedures for implementing rewards and imposing sanctions; and

(F) criteria for both satisfactory and unsatisfactory termination of a participant's participation in the program and the procedures for determining and implementing such terminations;

(6) An estimated budget for the program approved by the submitting judge and a description of the expected funding sources; and

(7) Such other provisions required by Rule 16-206 or as reasonably directed by the Office of Problem-Solving Courts or the State Court Administrator.

4. Review by the Judicial Conference Standing Committee on Problem-Solving Courts and the State Court Administrator.

(a) By the Judicial Conference Standing Committee on Problem-Solving Courts.

Upon receipt of a Plan, the Judicial Conference Standing Committee on Problem-Solving Courts shall:

- (1) Review the Plan;
- (2) Make recommendations to the State Court Administrator; and
- (3) Provide a copy of the recommendations to the submitting judge.

(b) By the State Court Administrator.

Upon receipt of recommendations from the Judicial Conference Standing Committee on Problem-Solving Courts, the State Court Administrator shall:

- (1) Review the Plan and assure that it complies with the requirements of Rule 16-206 and this Order;
- (2) Make such investigations and solicit and acquire such additional information as the State Court Administrator deems appropriate;
- (3) Consult with the submitting judge and the Judicial Conference Standing Committee on Problem-Solving Courts with respect to any concerns;
- (4) Within (4) four months after submission of the Plan, unless that time is extended by the Chief Judge of the Court of Appeals, the State Court Administrator shall file with the Court of Appeals a Report containing the Plan, as submitted, any amendments to the Plan agreed to by the submitting judge, and any written comments and

recommendations the State Court Administrator and the Judicial Conference Standing Committee deem appropriate;

- (5) Send a copy of the Report to the submitting judge; and
- (6) Forward all comments received to the Clerk of the Court of Appeals.

5. Review of Plan by Court of Appeals.

Upon receipt of the State Court Administrator's Report, the Court of Appeals shall schedule review of the Plan for approval. The Plan may not be implemented until approved by the Court of Appeals.

6. Continued Program Operation.

(a) Periodic Monitoring.

Each problem-solving court program shall provide the Office of Problem-Solving Courts with any information requested regarding the program.

(b) Report and Recommendation.

(1) The Office of Problem-Solving Courts shall submit to the Court of Appeals annual reports and recommendations as to the status and operations of the various problem-solving court programs.

(2) The Court of Appeals may hold a hearing regarding the status and operation of a problem-solving court program and, in its discretion, may terminate a program.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge of the Court of Appeals

Filed: June 18, 2010

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland