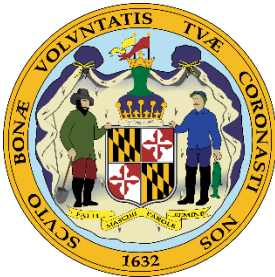


Juvenile Differentiated Case Management Plan

June 10, 2019 (Revised)



Circuit Court for Worcester County, Maryland

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Juvenile Differentiated Case Management Plan

This Juvenile DCM Plan is established in accordance with Md. Rule 16-302(b) which requires the County 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 interests of the child, Worcester County Circuit Court seeks to handle each juvenile case fairly and to resolve each case promptly, according to applicable statutes, Maryland Rules, and administrative case time standards.

Statement of Purpose

This Plan has been created to integrate statutorily mandated time frames with caseflow events and Court policy to promote the fair and efficient management of sensitive 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 tracks to facilitate timely disposition early in the case. Postponement requests are governed by a policy, approved by the administrative judge, with a view to curbing delay wherever possible.

It is the purpose of this Plan to provide an effective case management system that will assure:

- Equal treatment of all juveniles and families by the Court;
- Timely disposition consistent with the circumstances of the individual case;
- Enhancement of the quality of the juvenile case process; and
- Public confidence in the Court as an institution.

Case Management

The administrative judge supervises all aspects of juvenile case management, and is ultimately responsible for the implementation and monitoring of this Plan, pursuant to Md. Rule 16-302(b).

Assigned cases should be managed to the extent possible consistent with the provisions of this Plan, including adherence to the case time standards.

Delinquency Petition Filed

All juvenile matters begin with the filing of a warrant or summons followed by a delinquency petition. A delinquency petition is filed by the State's Attorney. The Clerk's Office issues and mails summons for the respondent and his/her parents, guardian, or custodian. Counsel entering his/her appearance on behalf of a respondent must file a line of appearance with the Clerk's Office in order for the Preliminary Inquiry to be removed from the calendar. An Adjudicatory /Waiver hearing is set within 30 days if the child is in Worcester County, and in about 45 days if the child is out of the county, but must be set within 60 days of filing the petition.

If a respondent and/or his/her parents, guardian, or custodian do not obtain counsel, the Court may refer the respondent to the Office of Public Defender for representation. The Clerk's Office will notify the appointed counsel at least 10 days prior to the next scheduled hearing or a trial is conducted.

A plea of involved may be taken at the Preliminary Inquiry, or on any date prior to the Adjudicatory Hearing. The Adjudicatory Hearing shall not be removed from the calendar until the plea of involved is taken by the Court.

Detention

Pursuant to Courts and Judicial Proceedings (CJP) §3-8A-15(a), only the Court or an intake officer may authorize detention, community detention, or shelter care for a child who may be in need of supervision or delinquent.

File a Detention Petition-If the child is not released, the intake officer from the Department of Juvenile Services (DJS), who authorized detention, community detention, or shelter care must immediately file a petition requesting its continuation.

Detention/Shelter Care Hearing

The Court must hear or conduct a Detention/Shelter Care hearing no later than the next day that the Court is in session, following the filing of a Detention Petition. Reasonable notice, oral or written, shall be given to the respondent and the respondent's parents, guardian, or custodian.

Detention Review Hearing

If the respondent (juvenile) 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 (CJP § 3-8A-15(d)(6)).

Discovery

The Office of the State's Attorney is required to provide discovery to and request discovery from the respondent (juvenile) per the requirements of Md. Rule 11-109. The respondent (juvenile) shall furnish the discovery required under this section within 10 days after a request is made. The Court, for good cause shown, may extend the time for discovery.

Adjudicatory Hearing

At the Adjudication Hearing, the Court will hear the evidence in the case. In the event a petition is filed to waive jurisdiction, the Adjudicatory Hearing is held within 30 days after the Court's decision whether or not to retain jurisdiction.

If the Court orders the juvenile to remain in detention or shelter care, the Adjudicatory Hearing is held within 30 days of the date the Court ordered the placement, or within 60 days of the filing of a delinquency petition without detention. If the respondent (juvenile) is found involved (committed the alleged acts) at the Adjudicatory Hearing, the case proceeds to a disposition at the same hearing or is continued to a Disposition Hearing in order for DJS to prepare a social history.

Disposition Hearing

The Disposition Hearing is held to determine if the allegations have been substantiated. In some cases, a disposition may be reached at the Adjudicatory Hearing.

Non-Detention

The Disposition Hearing must be held within 30 days of the Adjudicatory Hearing, if the respondent is in the community without detention or community detention. The Disposition Hearing is held to determine if the child is delinquent and in need of the Court's guidance, treatment, and rehabilitation. In some cases, a disposition may be reached at the Adjudicatory Hearing.

Detention

A Disposition Hearing must be held within 14 days of the Adjudicatory Hearing, if the respondent (juvenile) continues to be detained or is on community detention. The Disposition Hearing may be postponed upon a finding of good cause, pursuant to CJP §3-8A-15(d)(6)(ii). If respondent remains detained or on community detention, a Detention Review Hearing must be conducted every 14 days thereafter until the Disposition Hearing is held.

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.

Final Order of Termination

Following the disposition, a hearing is held to determine the termination of the case.

CINA- Child in Need of Assistance

CINA Petition Filed

The Department of Social Services (DSS) files a CINA Petition. The Clerk's Office issues and mails summons for the parent, guardian, or custodian. There are three tracks to resolution including (1) shelter, (2) non-shelter, and (3) Termination of Parental Rights (TPR).

Adjudicatory Hearing

At the Adjudication Hearing, the Court will hear the evidence in the case. If the allegations in the petition are proven, the case will proceed to the Disposition Hearing immediately, unless the Court makes a finding of good cause to delay the hearing, up to a maximum of 30 days.

Disposition Hearing

The Disposition Hearing is held to determine if the child is “Child In Need of Assistance” (CINA). In most cases, a disposition will be reached at the Adjudicatory Hearing.

Review Hearing

If the child remains in the home under the Court’s jurisdiction, a 3-816.2 Review Hearing is held every 6 months.

Permanency Planning Hearing

If the child is removed from the home, a Permanency Planning Hearing should be held within 11 months of the child’s removal, and every 6 months thereafter, for so long as the child remains in an out-of-home placement

A hearing is held for Court to determine the permanency plan and reasonable efforts to finalize it. However, if a Reasonable Efforts Waiver Petition is filed and the waiver is granted, the Permanency Planning Hearing MUST be held within 30 days of the Waiver Hearing (or the same day if all parties agree).

Termination of Parental Rights

The filing of the Petition for Termination of Parental Rights (TPR) may be a decision of the Department of Social Services, or by an Order of the Court. All TPR cases must be concluded within 180 days of filing.

Status Hearing

The initial Status Hearing for Termination of Parental Rights is to be held within 60 days. This Hearing is to be used to review the status of the case. The Court will either issue a Scheduling Order at this hearing or set the case in for subsequent Service Status Hearings.

TPR Mediation

TPR mediation may be requested by the Department of Social Services, parent counsel, child counsel, or it may be ordered by the Court. Once mediation is ordered by the assigned judge, an “Order for TPR Mediation” will go out. The mediation must be completed within 60 days of the date of the Order.

Trial

A trial date is set between days 120-160. All cases must go forward on the record even if an agreement is reached, or consent is given. 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.

Initial Guardianship Review Hearing

The Initial Guardianship Review Hearing is scheduled within 6 months of the Final Order for Guardianship.

Upon conclusion of the Initial Guardianship Review, the Court will review cases semi-annually (no later than 365 days from Initial Guardianship Review). Cases will continue to be reviewed until there is an Order of the Court terminating Guardianship.

Juvenile Drug Court

Worcester County has a Juvenile Drug Court in addition to the Adult Drug Court. It is supervised by the Drug Court Manager and a case worker. Eligible juveniles are admitted to the Drug Court at the discretion of the assigned judge. The rules for conducting review hearings apply.

Truancy Court

A truancy case is initiated by the Board of Education upon the filing of a petition.

Other Juvenile Casetypes

Other juvenile casetypes will be custom-managed according to the following schedule of expectations:

Other Juvenile Casetypes	Expected duration
Adoptions	180 days
Peace orders	14 days up to 1 year
Voluntary placements	30 days to voluntary placement 11 months to permanency planning hearing 6 months for permanency planning reviews
Child support cases (related to juvenile custody order)	
Interstate compact requests	

Postponements

Pursuant to Rule 11-114(b), motions for postponement of Adjudicatory Hearings beyond the statutorily mandated deadlines will be ruled on by the Administrative Judge or his designee. These motions will only be granted on a showing of extraordinary cause. Extraordinary cause is that which is not foreseeable, usual, or predictable. The judge shall state on the record the cause which requires an extension and specify the number of days of the extension.

Interpreters

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the Court through the Clerk's Office by using the Request for Interpreter form, at least 30 days prior to the Court date. A delay in notifying the Court of the

need for an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that may be needed. The request must also specify for whom the interpreter is needed.

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the Court immediately if the need for the interpreter changes. The interpreter will submit an invoice for approval. Once signed by the Court Administrator, the Assignment Office is responsible for submitting the invoice to the Administrative Office of the Courts.

If a request for interpreter is not cancelled at least 48 hours in advance of the trial or hearing, the Court will be billed for the interpreter's services. If the Court is billed for an interpreter needlessly as a result of counsel's failure to advise the Court that the interpreter will not be needed, or because counsel or a litigant does not appear in court in a timely fashion, the Court may assess the interpreter costs against the party or counsel causing the unnecessary expense.