

## Juvenile Differentiated Case Management (DCM) 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, the Circuit Court for Prince George's County 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 Juvenile DCM 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 several tracks to facilitate timely disposition early in the case. Postponement requests are governed by a written policy, approved by the County Administrative Judge, with a view to curbing delay wherever possible.

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

- Fair 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 policies and procedures outlined in this Plan shall be implemented by the Juvenile Coordinating Judge (Delinquency cases), the Family Coordinating Judge (CINA cases), and the judge in the charge of the Guardianship docket (TPR cases), as well as their back-up judges and their respective staffs. The Coordinating Judges report to the County Administrative Judge. The County Administrative Judge supervises all aspects of case management, and is ultimately responsible for the implementation and monitoring of this Juvenile Case Management Plan, pursuant to Md. Rule 16-302(b). The County

Administrative Judge designates certain magistrates and judges to hear the various juvenile matters, and makes final decisions about whether and to whom a case should be assigned, when necessary.

All judges are responsible to comply with and implement in their rulings the provisions of this Plan. Individual judges are responsible for the effective management of cases assigned to them; however, the scheduling of assigned cases must always be coordinated with the Office of Calendar Management. Assigned cases should be managed to the extent possible consistent with the provisions of this Plan, including adherence to the case time standards.

## Juvenile Tracks

A juvenile case may follow six potential tracks to resolution. Juvenile cases are organized by delinquency and dependency categories. Tracks are defined at filing based on the case subtype. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration.

Consistent with the case time standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that the following time standards are met whenever possible. Expected case duration is based on needed time to reach resolution, which may be less than the time standard.

- ❖ *Juvenile Delinquency cases* – 98% should reach disposition within 90 days of the filing date;
- ❖ *Child in Need of Assistance (CINA) cases* – 100% should be adjudicated within 30 days for juveniles that are in shelter care and within 60 days for juveniles that are not in shelter care;
- ❖ *Termination of Parental Rights cases* – 100% should reach disposition within 180 days; and
- ❖ *All other juvenile casetypes* will be custom managed to address unique case processing requirements. Other juvenile casetypes represent a small percentage of the caseload and include the following:
  - Adoption (filed by the Department of Social Services)
  - Child in Need of Supervision (CINS)
  - Child support on juvenile custody orders
  - Voluntary placements
  - Interstate compact requests
  - Peace order (juvenile custody matters)

**Table 1.1 – Juvenile Delinquency Tracks, Casetypes and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Time Standard</i>
<b>Track 1</b> Standard	Delinquency cases without a detention petition	90 days
<b>Track 2</b> Complex	Delinquency cases with a detention petition	90 days

**Table 1.2 – Child Welfare Tracks, Casetypes and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Time Standard</i>
<b>Track 1</b> CINA Non-Shelter	Child in need of assistance (CINA) cases with no shelter care or shelter care request	60 days
<b>Track 2</b> CINA Shelter	Child in need of assistance (CINA) cases with shelter care or shelter care request	30 days
<b>Track 3</b> Termination of Parental Rights	Termination of parental rights cases	180 days
<b>Track 4</b> Custom	<ol style="list-style-type: none"> <li>1. Adoption</li> <li>2. Child in need of supervision</li> <li>3. Peace orders</li> <li>4. Child support on juvenile custody orders</li> <li>5. Voluntary placements</li> <li>6. Interstate compact requests</li> </ol>	No time standard

**Track Designations Set at Filing**

Track designations are automatically set at filing, based on the type and characteristics of the petition. 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. The same rules apply for a child that may be in shelter care on a dependency case.

## Juvenile Delinquency

### **Delinquency Petition Filed**

All juvenile delinquency matters begin with either the filing of a J-1 incident report by police (with or without arrest) or by a civilian complaint at the Department of Juvenile Services (DJS). DJS then reviews the incident report or complaint (when detention has not been requested) and decides whether to forward it to the State's Attorney Office (SAO). If the report/complaint is forwarded, the SAO decides whether to charge. If the SAO decides to charge, a delinquency petition is then filed by the SAO. The Clerk's Office then 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 arraignment to be removed from the calendar.

### **Arraignment**

An arraignment is scheduled within 14 days of the filing of the petition. At the arraignment, the respondent (juvenile) and his/her parents, guardian, or custodian are served with the delinquency petition, advised of the charges, and advised of his/her right to an attorney. If no one appears, the Court will order service by certified mail. If no one appears on the next arraignment date after certified mail has been issued, the Court will request sheriff service if the respondent lives in-state. If no one ever appears, a writ of attachment may be issued, and a writ review date is set. If a respondent appears without a parent or guardian, all efforts are made to make contact with the parent or guardian to conclude the arraignment or the youth may be referred to the Office of the Public Defender.

If an attorney files a line of appearance before the arraignment hearing date (not in court that day), the arraignment is marked moot and taken off the docket and scheduled for an Adjudicatory Hearing.

### **Track 2 – 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 intake officer from the DJS authorizes detention, community detention, or shelter care, the paperwork is sent to the SAO who must immediately file a petition requesting its continuation.

#### **Detention/Shelter Care Hearing**

The Court must conduct a Detention/Shelter Care Hearing no later than the next day that the Court is in session, following the authorization by the DJS intake officer of detention. Reasonable notice, oral or written, shall be given to the respondent and the respondent's parents, guardian, or custodian.<sup>1</sup>

#### **Detention Review Hearing**

If the respondent remains detained or on community detention following the Adjudicatory Hearing, 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)). This does not apply to detention pending the Adjudicatory Hearing.

### **Discovery**

The SAO is required to provide discovery to and request discovery from the respondent per the requirements of Md. Rule 11-109, within five days after the earlier of the appearance of counsel, or the waiver of counsel under Md. Rule 11-106. The respondent 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.

#### **Waiver Hearing**

Pursuant to Md. Rule 11-113, if the SAO files a petition requesting that the Court waive its exclusive jurisdiction over the respondent (or the Court considers a waiver on its

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<sup>1</sup> Note that the SAO may file a detention petition prior to filing a delinquency petition. The rules for conducting review hearings apply.

own motion), then 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 must be brought to adjudication within 30 days (CJP §3-8A-15(d)(6) and Md. Rule 11-114(b)(1)).

### **Competency Hearing**

Pursuant to CJP §3-8A-17.1, if there is reason to believe that the child 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 child's counsel or the State's Attorney, shall stay all proceedings and order that the Department of Health 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 (CJP §3-8A-17.5).

### **Adjudicatory Hearing**

The Adjudicatory Hearing is held to determine if the allegations have been substantiated. At the Adjudicatory 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,<sup>2</sup> 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.

### **Disposition Hearing**

The Disposition Hearing is held to determine if the respondent is delinquent after already having

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<sup>2</sup> If an adjudicatory hearing is not held within thirty days, the juvenile is released on the conditions imposed by the court pending an adjudicatory hearing. That hearing is held within the time limits set forth described above.

determined at the Adjudicatory Hearing that the respondent was involved in the allegations. In some cases, a disposition may be reached at the Adjudicatory Hearing. If, at the Adjudicatory Hearing, the respondent is found to be not involved in the allegations, a Disposition Hearing is not held.

#### **Track 1 – 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 respondent is delinquent after already having determined at the Adjudicatory Hearing that the respondent was involved in the allegations. In some cases, a disposition may be reached at the Adjudicatory Hearing.

#### **Track 2 - Detention**

A Disposition Hearing must be held within 14 days of the Adjudicatory Hearing if the respondent 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 the 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, a hearing must be held post-adjudication. If the respondent and/or the respondent's parents are found liable, the Court may enter a judgment of restitution against the parents, the child, or both (Title 11, Subtitle 6 of the Criminal Procedure Article).

#### **Treatment Service Plan**

If the Court adopts a treatment service plan at disposition pursuant to CJP §3-8A-20.1, the DJS must ensure that implementation of the treatment service plan occurs within 25 days after the date of disposition. If a treatment service plan requires specified supervision, mentoring, mediation, monitoring, or placement, implementation of the treatment service plan is considered to have occurred when the supervision, mentoring, mediation, monitoring, or placement occurs. The DJS



must certify in writing to the court within 25 days after the date of disposition whether implementation of the treatment service plan has occurred.

If a treatment service plan is not implemented by the DJS within 25 days, the Court will schedule, within 7 days after receipt of the certification, a disposition review hearing to be held within 30 days after receipt of the certification. The Court will hold a disposition review hearing unless the DJS certifies in writing to the Court prior to the hearing that implementation of the treatment service plan has occurred. At a disposition review hearing, the Court may revise the disposition previously made and revise the treatment service plan previously adopted.

### **Final Order of Termination**

At the conclusion of a case, following all post-disposition hearings to include but not limited to probation reviews, commitment hearings, and treatment service plan hearings, a hearing is held to determine the termination of the case.

## **Child Welfare Tracks 1 and 2 – Shelter and Non-Shelter**

### **CINA Petition Filed**

The County Attorney's Office or the Department of Social Services files a CINA petition. If there is no shelter care request when the petition is filed, the Clerk's Office issues and mails summons for the parent, guardian, or custodian and prepares the appointment order for counsel for the child.

### **Arraignment**

An Arraignment Hearing is scheduled within 14 days of the filing of the petition if there is no shelter care request. If there is a shelter care request, the case must come in on the next day that the Court is open, and there will be a Shelter Care Hearing. At the Arraignment Hearing, the parents, guardian, or custodian are served with the CINA petition, advised of their right to remain silent, advised of their right to counsel, and provided with change of address information and how to get a paternity test. They will also be advised of the next day to return to court for the Adjudicatory Hearing.

For cases with a request for shelter care, if shelter is granted, the Adjudicatory Hearing must be

set within 30 days of the removal. If shelter care is not granted, the Adjudicatory Hearing is set within 60 days.

### **Mediation**

Cases are ordered to mediation where appropriate and at any stage of the case.

### **Adjudicatory Hearing**

At the Adjudicatory Hearing, the Court will hear the evidence in the case. If the allegations in the petition are proven by preponderance of the evidence, 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, having found the allegations to be proven, the child is in need of assistance. 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 Review Hearing is held every 6 months pursuant to CJP §3-816.2.

### **Permanency Planning Hearing**

If the child is removed from the home post-disposition, then the first Permanency Planning Hearing and Permanency Planning Review Hearing are held 6 months after the filing of the petition. A hearing is held for Court to determine the permanency plan and reasonable efforts to finalize it. If the plan is changed to TPR/Adoption at the Child in Need of Assistance Permanency Planning Hearing, the case is set in for a Child in Need of Assistance Status Hearing at 30-60 days for the Court to determine if the matter is actually going to result in the filing of a TPR petition.

## **Track 3 – Termination of Parental Rights**

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

### **Status Hearing**

The initial Status Hearing for Termination of Parental Rights is to be held within 60 days of the petition being filed. This hearing is to be used to review the status of the case.

#### **Service Status Hearings**

The Court will either establish a trial date at this hearing or set the case in for a subsequent TPR Status Hearing on the issue of the status of service.

### **Mediation**

If requested by the parties to attempt to reach an agreement before the trial on conditional consent to terminate parental rights, the parties are referred to Family Support Services for a date and time for mediation to occur as soon as possible.

If the mediation session results in an agreement, the agreement will be placed on the record the same day. If an agreement is not reached, any party may request an additional mediation session, or the case will proceed to trial.

### **Pretrial Hearing**

A Pre-Trial Hearing may be set between days 90-120 to address any outstanding discovery issues and ensure all parties are ready for trial.

### **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 every 6 months when possible, or at least annually (no later than 365 days from Initial Guardianship Review). Cases will continue to be reviewed until an Order of the Court is issued terminating guardianship.

## Track 4 – Other Juvenile Casetypes

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

**Table 1.3 – Other Juvenile Casetypes**

<b>Other Juvenile Casetypes</b>	<b>Expected duration</b>
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

### Adjudicatory Hearings

Motions for postponement of Adjudicatory Hearings beyond the statutorily-mandated deadlines will be ruled on by the Family or Juvenile Coordinating Judge or the designee of the County Administrative Judge. These motions will only be granted on a showing of extraordinary cause. Extraordinary cause is that which is not foreseeable, usual, or predictable. Generally, scheduling conflicts on their face do not constitute extraordinary cause.

### Disposition Hearings

The County Administrative Judge or his/her designee will rule on written motions for postponement of hearings that exceed statutorily mandated deadlines, but do not require a finding of extraordinary cause. These motions will only be granted on a showing of good cause.

Motions for postponement made on the day of a hearing, that exceed the statutorily-

mandated deadlines, but not requiring a finding of extraordinary cause, will be ruled on by the presiding judge, and will only be granted on a showing of good cause.

### **Postponement Procedures**

Do not send original Motions for Postponement directly to chambers. Courtesy copies may be provided once the original motion is filed with the Clerk's Office. The motion should include specific reasons for the postponement and if possible the position of all other parties. In delinquency cases, the requesting counsel must clear new dates with the Office of Calendar Management in addition to opposing counsel. Dates certain are to be included in the order. In CINA cases, the attorney filing the motion should clear the date with the magistrate and all counsel and include the date and time on the proposed order.

If a Motion to Postpone is filed with the Clerk's Office prior to 2:00 p.m. on the day before the scheduled hearing and the motion includes the positions of all parties, or the Clerk's Office is able to obtain the positions of all parties, the motion will be processed on an expedited basis. If the position of all parties cannot be obtained, the motion will be addressed on the originally scheduled date.

A motion to postpone a hearing filed after 2:00 p.m. on the day before a scheduled hearing will be docketed by the Clerk's Office, and will be forwarded to the magistrate/judge. Due to shortness of time, the majority of these motions will be addressed in open court as a preliminary matter on the originally scheduled date.

PLEASE NOTE: Consent or joint motions are NOT automatically granted.

### **Crossover Youth Practice Model**

The Circuit Court for Prince George's County has adopted the Crossover Youth Practice Model (CYPM) to better serve children in both the delinquency and CINA systems. The goals of the CYPM are to reduce the number of youth placed in out-of-home care, reduce the number of youth placed in congregate care, reduce the disproportionate representation of children of color, particularly in

the crossover population, and reduce the number of youth crossing over and/or becoming dually-adjudicated. Since the CYPM implementation, youth involved in the child welfare and delinquency systems are being handled by the same judge or magistrate.