

**MONTGOMERY COUNTY  
CIRCUIT COURT  
FAMILY DIVISION**



**JUVENILE DIFFERENTIATED  
CASE MANAGEMENT PLAN  
THIRD EDITION  
JANUARY 2016**

Revised March 28, 2016

# INTRODUCTION

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The mission of the Montgomery County Circuit Court is to serve the Sixth Judicial Circuit residents in the determination of litigation in serious criminal matters and more substantive civil cases in accordance with the Constitution, to adjudicate domestic and child support cases and to administer justice in a fair, timely and efficient manner.

To that end, the Juvenile Differentiated Case Management Plan has been created to integrate statutorily mandated time frames with case flow 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 early in the case are included in several tracks to facilitate timely disposition. For example, Preliminary Inquiries in cases where children remain in the home encourage parties to retain attorneys at the start of the case. Pretrial/Settlement hearings, which include mediation in child welfare matters, offer parties an opportunity to resolve matters prior to trial. Postponement requests are governed by a written policy, approved by the Administrative Judge, with a view to curbing delay wherever possible.

Essential components of the Juvenile Differentiated Case Management Plan include (1) continual review of court processes and services that impact children and families to ensure responsiveness and efficiency and (2) persistent statistical measurement and evaluation of performance to address case processing issues as they arise.

The success of the Juvenile DCM plan is facilitated by the Juvenile Department and the active role played by the three Case Managers for Juvenile Causes and their Supervising Case Manager. Their function ranges from the preparation of the pre-trial dockets and scheduling of expedited hearings when a child's situation requires adjustment on an urgent basis, to the screening of CINA cases in advance of court-ordered mediation and scheduling of mediators for those events. By shepherding matters through the different tracks, case management facilitates timely and efficient case resolution for these sensitive matters.

We strive to provide the highest level of judicial service to our community and we look forward to continuing to serve the children and families in our community who find themselves before the court.

For more information on the Montgomery County Circuit Court, visit our website:

<http://www.montgomerycountymd.gov/circuitcourt/index.html>

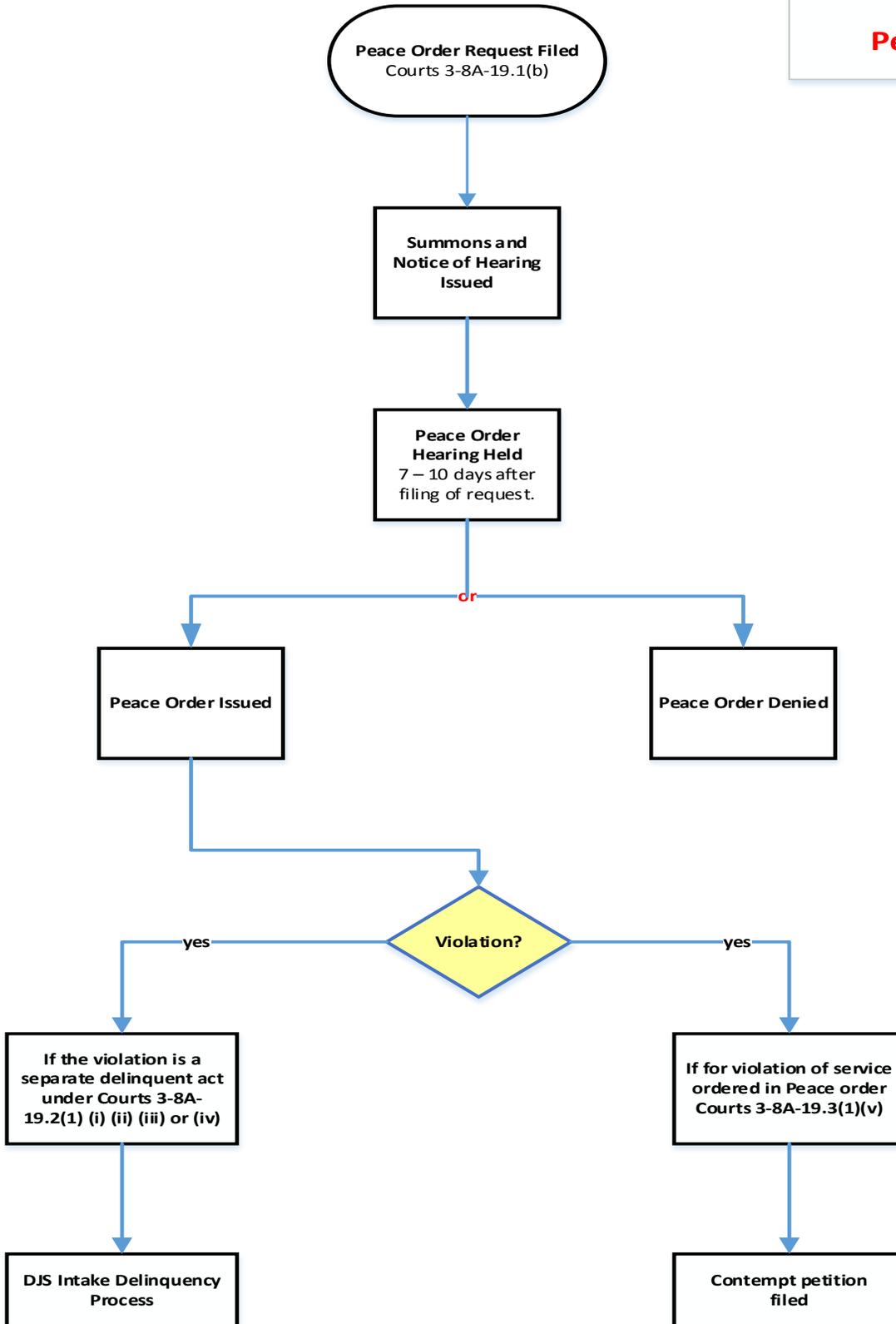
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# TRACK 0 - Peace Order

**TRACK 0  
Peace Order**



# TRACK 0

## Peace Orders

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### Case Process Summary:

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.

A Peace Order Hearing will be scheduled 7 to 10 days after the request is filed with the Court and the Clerks' Office will notify all parties by first class mail. The respondent will be given an opportunity to be heard on whether the Court should issue a Peace Order. If the respondent does not appear at the first scheduled hearing, service by the Sheriff will be ordered and the hearing is postponed for approximately 14 days. If the respondent does not appear after being properly served, a Peace Order may be issued in the respondent's absence.

Pursuant to Courts and Judicial Proceedings §3-8A-19.2(c)(3), if the Court grants a Peace Order Request, all relief granted shall be effective for the period stated, not to exceed 6 months.

- A respondent is **not** entitled to counsel in a Peace Order proceeding (*Courts and Judicial Proceedings §3-8A-20(d) (1)*).
- A respondent **is** entitled to counsel in a contempt proceeding regarding the Peace Order (*Courts and Judicial Proceedings, §3-8A-20(d) (2)*).
- The court may modify or rescind the peace order during the term of the peace order after giving notice to the victim and the respondent, and holding a hearing (*Courts and Judicial Proceedings, §3-8A-19.4*).
- A violation of any of the provisions of a peace order specified in Courts and Judicial Proceedings §3-8A-19.2(c) (1) (i), (ii), (iii), or (iv) is a separate delinquent act (*Courts and Judicial Proceedings §3-8A-19.5(a)*).

DCM Track 0 Timeline:

**Day 1: Peace Order Request Filed**

DJS files the petition. The Clerk's Office schedules a hearing, issues summonses for the Peace Order Hearing, and notifies all parties by first class mail.

**Day 7 to Day 10: Peace Order Hearing**

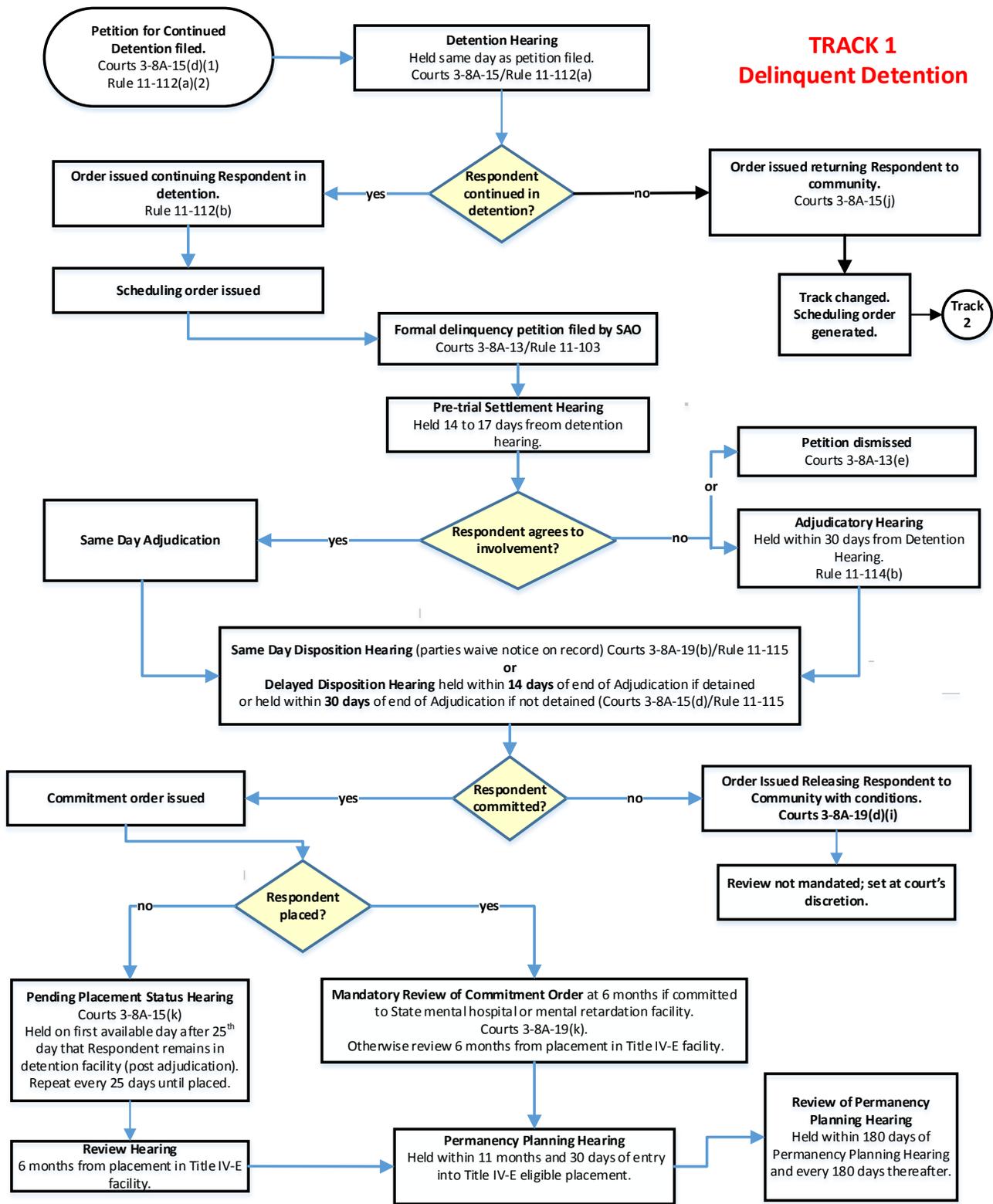
At the hearing, a Peace Order may be granted or denied. If granted, a copy of the peace order shall be served on the victim, the respondent, the appropriate law enforcement agency, and any other person the court determines is appropriate, in open court or, if the person is not present at the peace order hearing, by first-class mail to the person's last known address. A copy of the peace order served on the respondent constitutes actual notice to the respondent of the contents of the peace order. Service is complete upon mailing. (*Courts and Judicial Proceedings §3-8A-19.3*).

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.

If the respondent does not appear after being properly served, a Peace Order may be issued in the respondent's absence.

# TRACK 1 Delinquent Detention

## TRACK 1 Delinquent Detention



Note: A STET or Waiver can be filed at any time up to adjudication. The issue of competency can be raised any time after a petition alleging delinquency has been filed. If raised as an issue, the question of restitution is addressed post-adjudication.

# TRACK 1

## Delinquent Detention/Shelter Care

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### Case Process Summary:

Pursuant to Courts and Judicial Proceedings §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. 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. The Court must hear that petition no later than the next day the Court is in session. Reasonable notice, oral or written, shall be given to the respondent and the respondent's parents, guardian or custodian.

Pursuant to Courts and Judicial Proceedings §3-8A-15(d), if the Court grants continued detention/shelter care, there must be an Adjudicatory Hearing **held within 30 days**. The Court will issue a scheduling order to all parties outlining all hearing dates and deadlines.

If the respondent is returned to the custody of his/her parents, guardian or custodian and not placed on community detention prior to the Adjudicatory Hearing, the case track designation will change to Track 2 and new scheduling orders will be issued.

*Note: If the respondent is released on Home Electronic Monitoring, Global Positioning Monitoring, or ordered to attend the Evening Reporting Center, the Track 1 assignment will not change*

The State's Attorney's Office will then review the petition filed by DJS and, if it decides to proceed, will file a petition formally charging the respondent.

Approximately two weeks after the Detention/Shelter Care Hearing, the Pre-Trial/Settlement Hearing will be held to determine whether the case can be resolved without an Adjudicatory Hearing. Cases that are not resolved will proceed to an Adjudicatory Hearing **no more than 30 days from the Detention/Shelter Care Hearing**.

If the respondent is found involved (committed the alleged acts) at the Adjudicatory Hearing, the case must proceed to the Disposition Hearing, either on the same day, if the parties waive notice on the record (*Courts and Judicial Proceedings §3-8A-19(b)(2)*), or within 14 days, if the respondent continues to be detained, or within 30 days if the

respondent is released. The Disposition Hearing may be postponed upon a finding of good cause, and if the respondent remains detained, a Review Hearing to review the respondent's detention status must be held every 14 days until the Disposition Hearing is held (*Courts and Judicial Proceedings §3-8A-15(d)(6)*).

Permitted Dispositions include the following: the Court may place the child on probation or under supervision in his own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention; or commit the child to the custody or under the guardianship of the Department of Juvenile Services, the Department of Health and Mental Hygiene, or a public or licensed private agency on terms that the court considers appropriate (*Courts and Judicial Proceedings §3-8A-19(d)(i) and (ii)*).

If the respondent is released to the community with conditions, then Review Hearings may be scheduled at the Court's discretion. If the respondent is committed to and remains in a detention facility awaiting placement, the Court must schedule a Pending Placement Status Hearing on the first available day after the 25<sup>th</sup> day that the respondent remains in the facility, and every 25 days thereafter until the respondent is placed (*Courts and Judicial Proceedings §3-8A-15(k)*).

Once the respondent is placed, Review Hearings and Permanency Planning Hearings should be scheduled at 6 month and 11 month intervals, depending on the nature of the facility in which the respondent is placed, pursuant to Adoption and Safe Families Act, Title IV-E. If the respondent is committed to a State mental hospital or mental retardation facility, then Review Hearings must be held every 6 months from placement (*Courts and Judicial Proceedings §3-8A-19(k)*).

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

*STET Hearing:* The Montgomery County Circuit Court allows some cases to be placed on a stet docket prior to adjudication in a manner similar to Maryland Rule 4-248 under Title 4, Criminal Causes, for which there is no equivalent procedure under Title 11, Juvenile Causes.

*Waiver Hearing:* Pursuant to Maryland Rule 11-113, if the State 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)*).

*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 under Courts and Judicial Proceedings § 3-8A-06, an Adjudicatory Hearing under Courts and Judicial Proceedings § 3-8A-18, a Disposition Hearing under Courts and Judicial Proceedings § 3-8A-19, 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 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 SUBTITLE 8-A. and in the Maryland Rules (*Courts and Judicial Proceedings §3-8A-17.5*).

*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 as provided under Title 11, Subtitle 6 of the Criminal Procedure Article.

DCM Track 1 Timeline:

**Day 1: Delinquency Detention/Shelter Care Hearing**

Petition for continued detention/shelter care is filed by DJS. The Clerk's Office generates the scheduling order. At the 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, advised of their right to counsel, and given the scheduling order.

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 Clerk's Office notifies the respondent, the respondent's parents, guardian or custodian, and the appointed counsel at least 10 days prior to the next scheduled hearing.

**Up to Day 7: Discovery**

The State's Attorney shall furnish discovery to the respondent in accordance with Maryland Rule 11-109.

**Day 14 to 17: Pre-Trial/Settlement Hearing**

No resolution reached: Case proceeds to Adjudicatory Hearing. Judge and parties confirm or modify the Adjudicatory Hearing date. Any request for a postponement beyond the statutory deadline will require a finding of extraordinary cause by the Administrative Judge or his/her designee.

Resolution of one or more petitions: A plea of involvement may be taken at the Pre-Trial/Settlement Hearing, or on a date prior to the Adjudicatory Hearing (Adjudication/No Witness Hearing). The Adjudicatory Hearing will not be removed from the calendar until the plea of involvement is taken by the Court.

**Up to Day 30: Adjudicatory Hearing**

If the respondent is found involved (committed the alleged acts) at the Adjudicatory Hearing, the case will proceed to the Disposition Hearing.

**Up to Day 44:      **Disposition Hearing (if respondent is detained or on community detention)****

The Disposition Hearing must be held within 14 days 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 Courts and Judicial Proceedings §3-8A-15(d)(6)(ii). If the respondent remains detained or on community detention, Detention Review Hearings must be conducted every 14 days thereafter until the Disposition Hearing is held.

**Up to Day 60:      **Disposition Hearing (if respondent is not detained or on community Detention)****

The Disposition Hearing must be held within 30 days if the respondent is in the community and not on community detention.

**Up to Day 180:      **Review Hearing****

A Review Hearing must be held every **6 months** if the respondent is to remain in placement.

**Up to Day 365:      **Permanency Planning Hearing** (if the respondent remains out of the home in a Title IV-E facility) The Permanency Planning Hearing Replaces the Review Hearing.**

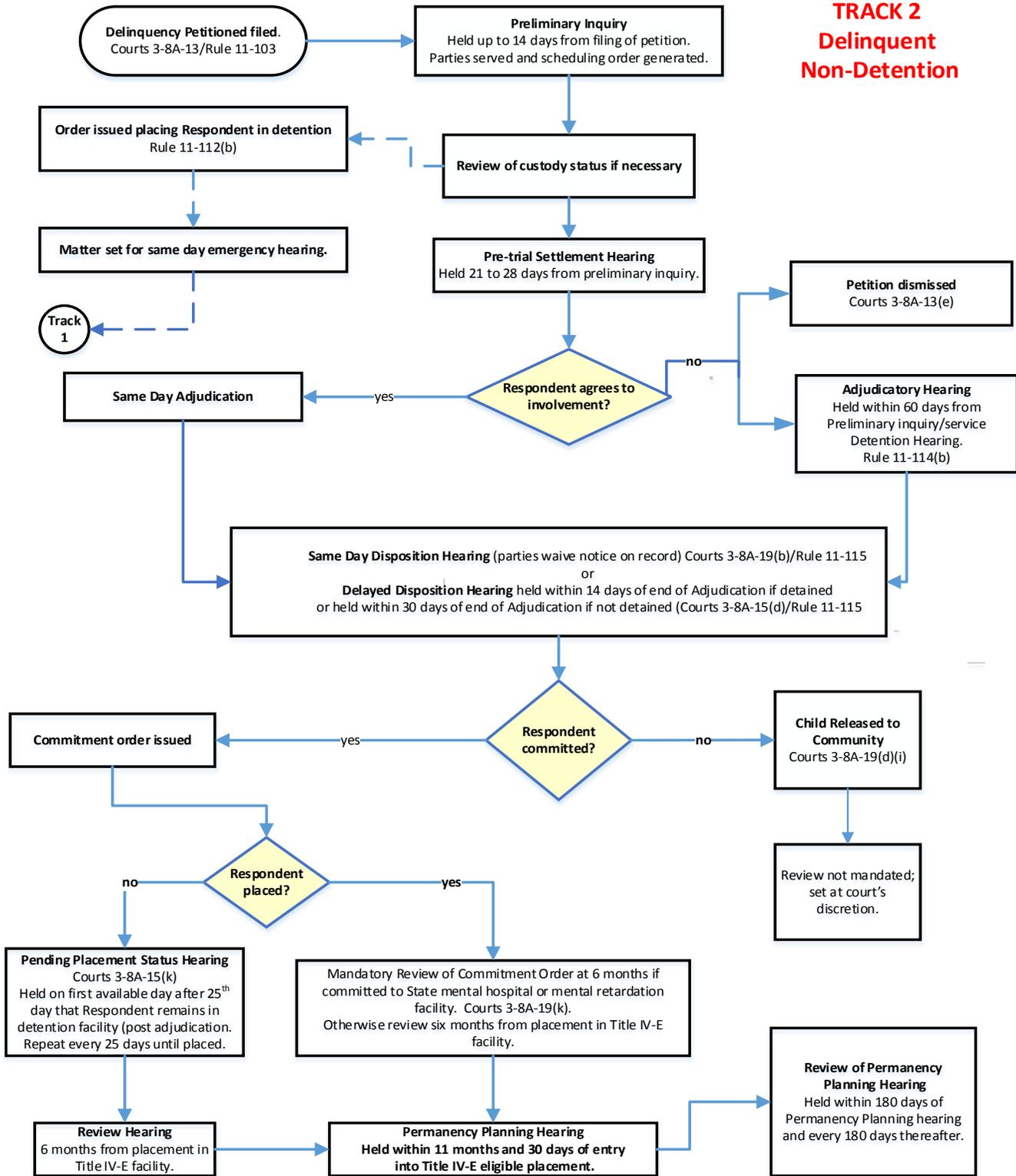
**Every 6 months:      **Permanency Planning Review Hearings****

Review the progress of the permanency plan every **6months** if the child remains out of the home.

If the respondent is committed to DJS and detained while awaiting placement, a Pending Placement Status Hearing must be held within 25 days and every 25 days until placed.

# TRACK 2 Delinquent Non- Detention

## TRACK 2 Delinquent Non-Detention



Note: A STET or Waiver can be filed at any time up to adjudication. The issue of competency can be raised any time after a petition alleging delinquency has been filed. If raised as an issue, the question of restitution is addressed post-adjudication.

# TRACK 2

## Delinquent Non-Detention

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### Case Process Summary:

Pursuant to Courts and Judicial Proceedings §3-8A-13(b), petitions alleging delinquency shall be filed by the Office of the State's Attorney within 30 days after the receipt of a referral from the intake officer, unless that time is extended by the Court for good cause shown. The Clerk's Office will issue summonses for the respondent and his/her parents, guardian or custodian, to appear at a Preliminary Inquiry Hearing, which is scheduled no more than 14 days after the delinquency petition is filed, and will notify the parties by first-class mail. The respondent and his/her parents, guardian or custodian will be served the delinquency petition(s) at the Preliminary Inquiry Hearing.

If, at the Preliminary Inquiry Hearing, a respondent appears without a parent, guardian or custodian or a parent, guardian or custodian appears without the respondent, service is incomplete. Service of the summons, petition(s) and scheduling order by the Sheriff's Office or Certified Mail is ordered and the Preliminary Inquiry Hearing is rescheduled.

Approximately 21 days after the Preliminary Inquiry Hearing, a Pre-Trial/Settlement Hearing will be held to determine whether the case can be resolved without an Adjudicatory Hearing. Cases that are not resolved will proceed to an Adjudicatory Hearing **within 60 days after service is achieved.**

If the respondent is detained or placed on community detention prior to the Adjudicatory Hearing, the case track designation will change to Track 1 and new scheduling orders will be issued. *Note: If the respondent is placed on Home Electronic Monitoring, Global Positioning Monitoring, or at the Evening Reporting Center, the case designation will change to Track 1.*

If the respondent is found involved (committed the alleged acts) at the Adjudicatory Hearing, the case must proceed to the Disposition Hearing within 30 days if the parties waive notice on the record (*Courts and Judicial Proceedings §3-8A-19(b)(2)*) or within 14 days if the respondent is placed on community detention or detained. If the Disposition Hearing is postponed, and 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 (*Courts and Judicial Proceedings § 3-8A-15(d)(6)*).

Permitted dispositions include the following: the Court may place the child on probation or under supervision in his own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention or commit the child to the custody or under the guardianship of the Department of Juvenile Services, the Department of Health and Mental Hygiene, or a public or licensed private agency on terms that the court considers appropriate (*Courts and Judicial Proceedings §3-8A-19(d)(i) and (ii)*).

If the respondent is released to the community with conditions, then Review Hearings may be scheduled at the Court's discretion. If the respondent is committed to the Department of Juvenile Services and remains in a detention facility awaiting placement, the Court must schedule a Pending Placement Status Hearing on the first available day after the 25<sup>th</sup> day that the respondent remains in the facility, and every 25 days thereafter until the respondent is placed (*Courts and Judicial Proceedings § 3-8A-15(k)*).

Once the respondent is placed, Review Hearings and Permanency Planning Hearings should be scheduled at 6 month and 11 month intervals, depending on the nature of the facility in which the respondent is placed, pursuant to Adoption and Safe Families Act, Title IV-E. If the respondent is committed to a State mental hospital or mental retardation facility, then Review Hearings must be held every 6 months from placement (*Courts and Judicial Proceedings §3-8A-19(k)*).

*Additional Information: The following hearings may also occur at different points during the course of the case:*

*STET Hearing:* The Montgomery County Circuit Court allows some cases to be placed on a stet docket prior to adjudication in a manner similar to Maryland Rule 4-248 under Title 4, Criminal Causes, for which there is no equivalent procedure under Title 11, Juvenile Causes.

*Waiver Hearing:* Pursuant to Maryland Rule 11-113, if the State files a Petition requesting that the Court waive its exclusive jurisdiction over the respondent (or the Court considers the 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)*).

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 under Courts and Judicial Proceedings § 3-8A-06, an Adjudicatory Hearing under Courts and Judicial Proceedings § 3-8A-18, a Disposition Hearing under Courts and Judicial Proceedings § 3-8A-19, or a Violation of Probation Hearing, the Court on its own motion, or on motion of the child's counsel or the State's Attorney, shall stay all proceedings and order that the 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 SUBTITLE 8-A. and in the Maryland Rules (*Courts and Judicial Proceedings § 3-8A-17.5*).

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 as provided under Title 11, Subtitle 6 of the Criminal Procedure Article.

DCM Track 2 Timeline:

**Day 1: Delinquency Petition Filed**

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.

**Up to Day 14: Preliminary Inquiry Hearing**

At the Preliminary Inquiry Hearing, the respondent and his/her parents, guardian or custodian are served with the petition for continued detention/shelter care, advised of the charges, advised of his/her right to an attorney, and given the scheduling order. If, at the first scheduled Preliminary Inquiry Hearing, a respondent appears without a parent, guardian or custodian, or a parent, guardian or custodian appears without a respondent, service of the summons, petition(s) and scheduling order by the Sheriff or certified mail is ordered and the Preliminary Inquiry Hearing is rescheduled.

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 Clerk's Office will notify the appointed counsel at least 10 days prior to the next scheduled hearing.

**Up to Day 21: Discovery**

The State's Attorney shall furnish discovery to the respondent in accordance with Maryland Rule 11-109.

**Day 35 to 42: Pre-Trial/Settlement Hearing**

No resolution reached: Case proceeds to Adjudicatory Hearing. Judge and parties confirm or modify the Adjudicatory Hearing date. Any request for postponement beyond the statutory deadline requires a finding of extraordinary cause by the Administrative Judge or his /her designee.

Resolution of one or more petitions: A plea of involvement may be taken at the Pre-Trial/Settlement Hearing, or on a date prior to the Adjudicatory Hearing (Adjudication/No Witness Hearing). The Adjudicatory Hearing shall not be removed from the calendar until the plea of involvement is taken by the Court.

**Up to Day 60: Adjudicatory Hearing**

If the respondent is found involved (committed the alleged acts) at the Adjudicatory Hearing, the case proceeds to the Disposition Hearing.

**Up to Day 74: Disposition Hearing (if respondent is detained or on community detention)**

The Disposition Hearing must be held within 14 days 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 Courts and Judicial Proceedings §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.

**Up to Day 90: Disposition Hearing (if respondent is not detained or on community Detention)**

The Disposition Hearing must be held within 30 days if the respondent is in the community without detention or community detention.

**Up to Day 180: Review Hearing**

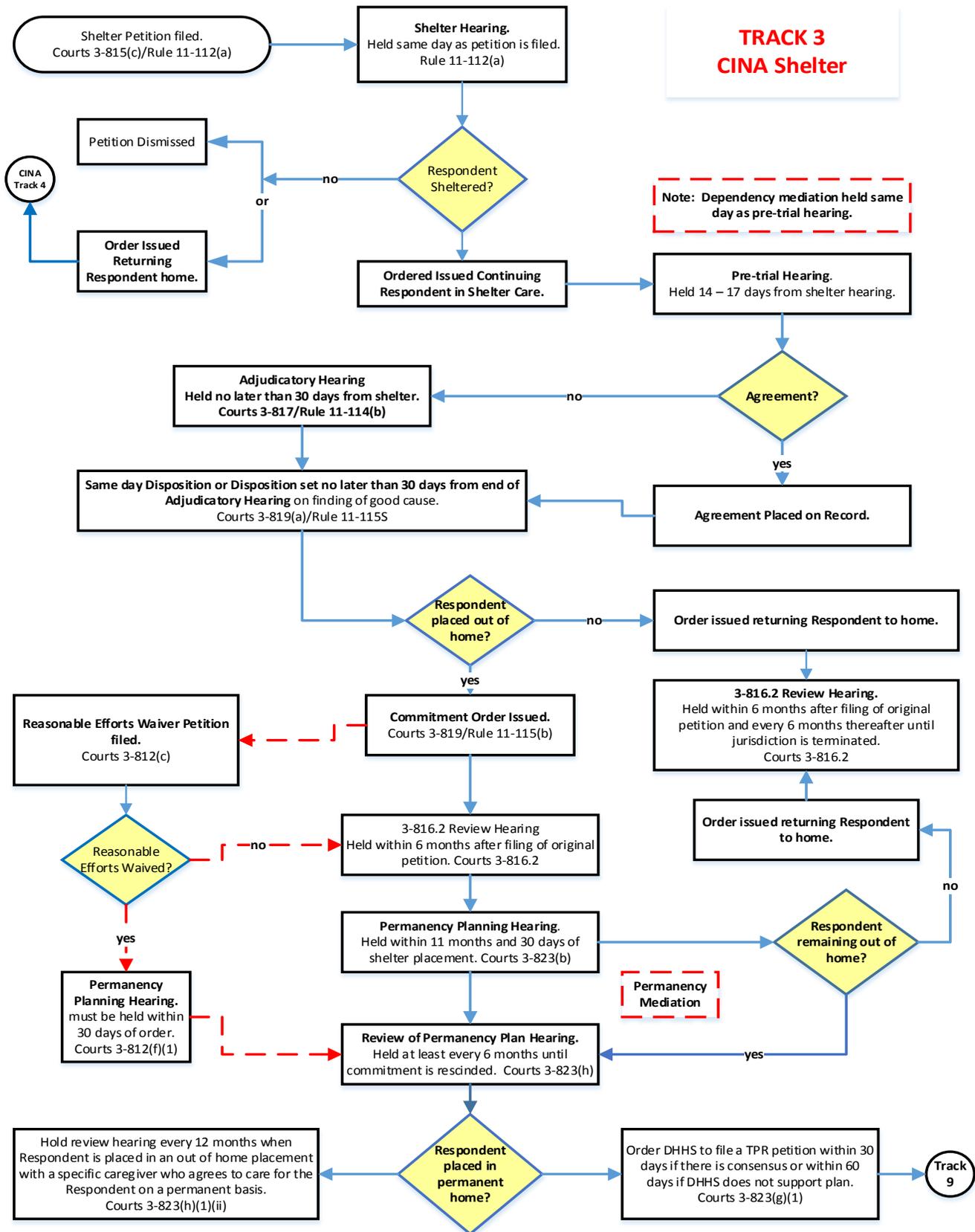
A Review Hearing must be held every **6 months** if the respondent is in placement.

**Up to Day 365: Permanency Planning Hearing (if the respondent remains out of the home in a Title IV-E facility). The Permanency Planning Hearing Replaces the Review Hearing.**

**Every 6 months: Permanency Planning Review Hearings**

Review the progress of the permanency plan every **6** months if the child remains out of the home.

# TRACK 3 CINA Shelter



# TRACK 3

## CINA Shelter

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### Case Process Summary:

Pursuant to Courts and Judicial Proceedings §3-815(c), after placing a child in Emergency Shelter Care, the Montgomery County Department of Health and Human Services (DHHS) 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 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. If the child is returned to the custody of his/her parents, guardian or custodian, the case track designation will change to Track 4. If the Court authorizes continued shelter care, the adjudicatory hearing must be held within 30 days. The Court will generate a Scheduling Order with dates for discovery, Pre-Trial/Settlement Hearing and Adjudicatory Hearing for distribution to the parties at the hearing.

Approximately 2 weeks after the Shelter Care Hearing, a Pre-Trial/Settlement Hearing will be held to determine whether the case can be resolved on an expedited basis without an Adjudicatory Hearing. Most cases that have not resolved by the Pre-Trial/Settlement Hearing proceed to mediation the same day. Those cases where an agreement is not reached will proceed to the scheduled Adjudicatory Hearing **no more than 30 days from the Shelter Care Hearing.**

If the allegations in the CINA Petition are proven or admitted, the case must proceed to a separate Disposition Hearing on the same day as the Adjudicatory Hearing unless the court finds good cause for delay, which may not exceed 30 days (*Courts and Judicial Proceedings §3-819(a)(2)*). At the Disposition Hearing, the Judge will make a determination whether the proven allegations are sufficient to find that the child is a Child In Need of Assistance (CINA) (*Courts and Judicial Proceedings §3-819(b)*). If the child is found CINA, the case will remain with one judge for subsequent hearings.

Depending on the circumstances, the Court will either order that the child be returned to the home or be committed to the custody of the Department of Health and Human Services or any other agency for placement outside the home (*Courts and Judicial Proceedings §3-819*).

The Court must conduct a 3-816.2 Review 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, if the child remains in the home. (*Courts and Judicial Proceedings §3-816.2*).

When a child is placed out-of-home, DHHS must develop a Permanency Plan. The Court is required to hold a Permanency Planning Hearing within 11 months plus 30 days after shelter care placement (*Courts and Judicial Proceedings §3-823(b) (i)*).

However, if reasonable efforts toward reunification should be waived because of aggravated circumstances, a petition for 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 to adoption. If the Court changes the plan to adoption, then DHHS 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)*).

If the child is returned home any time after disposition the court must hold a 3-816.2 Review Hearing every 6 months (*Courts and Judicial Proceedings §3-816.2*).

### DCM Track 3 Timeline:

**Day 1: Shelter Care Hearing**

Petition filed by the Montgomery County Department of Health and Human Services (DHHS). A hearing is held no later than the next day that the Court is in session. At the hearing, the child's attorney and parent, guardian or custodian are served with the petition and a Guide for Parents and Guardians in Child Protection Cases. Shelter care status is determined by the Court, and an order is issued.

**Day 10: Discovery Complete**

**Day 14 to 17: Pre-Trial Settlement Conference**

Cases are ordered to mediation where appropriate. Mediation referrals are coordinated by the Juvenile Case Managers.

Agreement reached: Agreement is placed on the record and an order is entered. The Court proceeds to a separate Disposition Hearing immediately unless the Court makes a finding of good cause to delay up to a maximum of 30 days.

No Agreement: Cases that are not resolved will proceed to the scheduled Adjudicatory Hearing.

Agreement of One Parent, Guardian or Custodian: One parent, guardian or custodian's agreement is placed on the record. The Adjudicatory Hearing remains on the docket. If the facts are sustained, the case proceeds to the Disposition Hearing and then an order is entered.

**Up to Day 30: Adjudicatory Hearing**

If the conditions alleged 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.

**Up to Day 60:**      **Disposition Hearing (if not held the same day as the Adjudicatory Hearing)**

**Up to day 180:**      **3-816.2 Review Hearing (*Courts and Judicial Proceedings §3-816.2*)**

The court shall conduct a hearing to review the status of each child under its jurisdiction within 6 months after the filing of the first petition and at least every 6 months thereafter.

**Up to Day 365:**      **Permanency Planning Hearing (Up to 365 days from placement in shelter)**

Cases may be referred to mediation services at the parties' request. (Mediation referrals are coordinated by the Juvenile Case Managers.)

A hearing is held for the Court to determine the permanency plan and reasonable efforts to finalize the plan.

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).

**Every 6 months:**      **Permanency Planning Review Hearing or 3-816.2 Hearing**

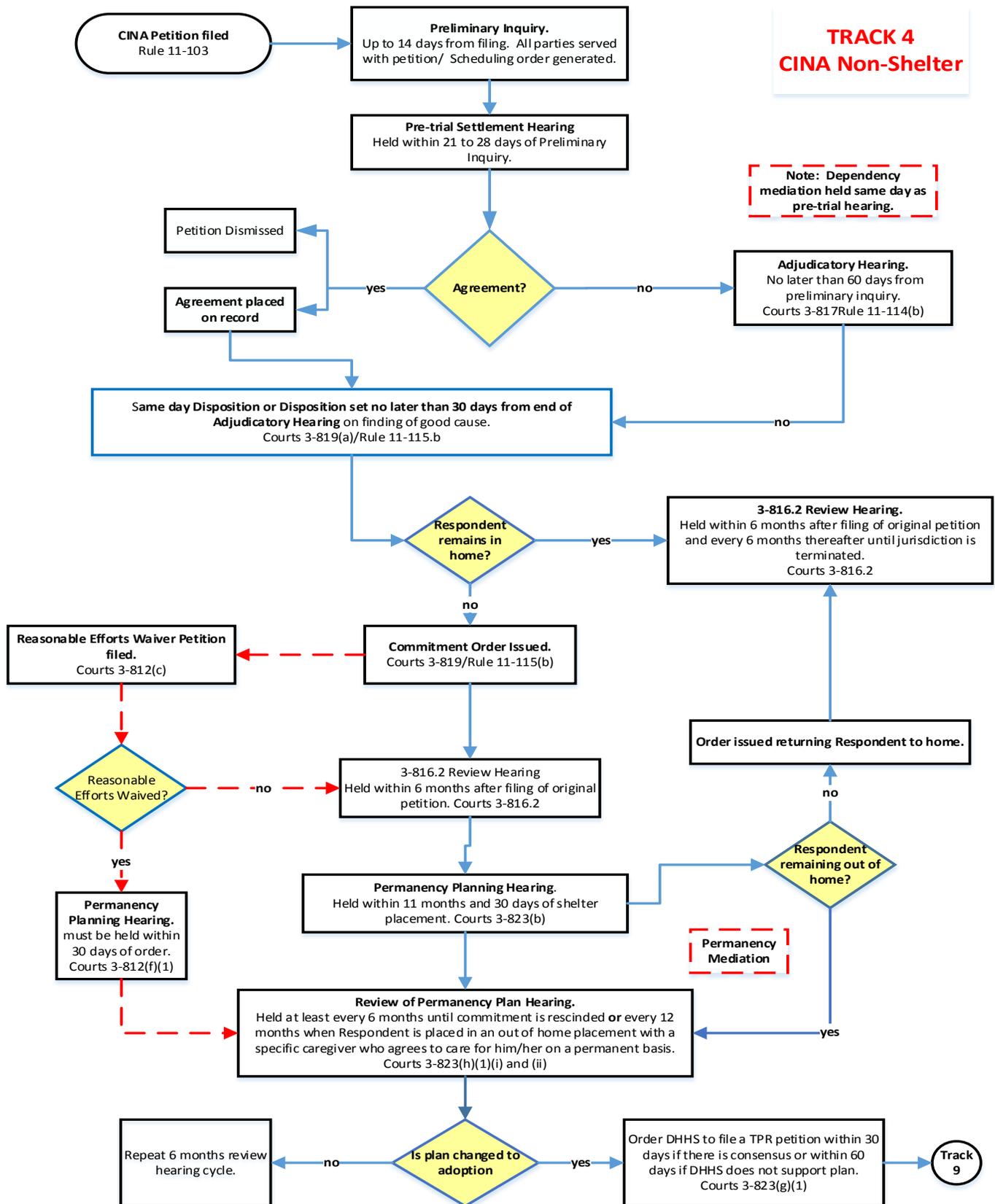
Review of the Permanency Plan's progress is held every 6 months if the child remains out of the home. Otherwise, a 3-816.2 Review Hearing will continue to be held.

If the child is placed with a specific caregiver who agrees to care for him/her on a permanent basis, Permanency Planning Review Hearings will be scheduled every 12 months. (*Courts and Judicial Proceedings §3-823(h) (1)(ii)*).

# TRACK 4 CINA Non-Shelter

## TRACK 4 CINA Non-Shelter

Note: Dependency mediation held same day as pre-trial hearing.



# TRACK 4

## CINA Non-Shelter

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### Case Process Summary:

The Department of Health and Human Services (DHHS) files a petition requesting that the child be found a Child in Need of Assistance (CINA). Within 14 days of filing, a Preliminary Inquiry Hearing is held and the child (via the child's appointed Counsel) and parents, guardian or custodian are served with the CINA Petition. Service of the petition is not complete until a parent, guardian or custodian and child are served.

Between 21 and 28 days after the petition is served at the Preliminary Inquiry Hearing, a Pre-Trial/Settlement Hearing will be held to determine whether the case can be resolved on an expedited basis without an Adjudicatory Hearing. Most cases that have not resolved by the Pre-Trial/Settlement Hearing will proceed to mediation the same day. Those cases that are not resolved will proceed to the scheduled Adjudicatory Hearing **within 60 days from** service.

If the child is removed from the home prior to adjudication, the case track designation will change to Track 3 and a new Scheduling Order will be issued.

If the allegations in the CINA petition are sustained at adjudication, the case must proceed to a separate Disposition Hearing, on the same day, unless the Judge finds good cause for delay (*Courts and Judicial Proceedings §3-819(a)(2)*) which may not exceed 30 days. At the Disposition Hearing, the Judge makes a determination whether the proven allegations are sufficient to find that the child is a Child In Need of Assistance (*Courts and Judicial Proceedings §3-819(b)*). If the child is found CINA, the case will remain with one Judge for subsequent hearings.

Depending on the circumstances, the Court will either order that the child remain in the home with conditions or be committed to the custody of the Department of Health and Human Services or any other agency for placement outside the home (*Courts and Judicial Proceedings §3-819*).

If the child remains in the home, under the Court's jurisdiction, then the Court must conduct a hearing to review the child's status within 6 months after the filing of the petition and at least every 6 months thereafter (*Courts and Judicial Proceedings §3-816.2*).

If the child is placed out of the home, DHHS must develop a Permanency Plan. The Court is required to hold a Permanency Planning Hearing within 11 months plus 30 days after the shelter care placement (*Courts and Judicial Proceedings §3-823(b)(i)*).

At the Permanency Planning Hearing, the Court determines what the Permanency Plan will be, ranging from reunification to adoption. If the Court changes the plan to adoption, then the DHHS 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, then the Court must review the permanency plan every 6 months until the commitment is rescinded or the TPR Petition is granted. In those cases where 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)*).

However, if reasonable efforts toward reunification should be waived because of aggravated circumstances (*Courts and Judicial Proceedings §3-812*), a hearing is scheduled after a petition for waiver is filed. If the petition is granted, the Court must hold a Permanency Planning Hearing within 30 days (which can be held the same day as the Reasonable Efforts Hearing if all of the parties agree) (*Courts and Judicial Proceedings §3-823(b)(ii)*).

**DCM Track 4 Timeline:**

**Day 1: CINA Petition Filed**

The County Attorney's Office files Petition. The Juvenile Clerk's Office issues and mails summons for the parent, guardian or custodian, prepares the appointment order for counsel for the child, and generates the initial Scheduling Order.

**Up to Day 14: Preliminary Inquiry**

At the hearing, the child's parents, guardian or custodian are served with the petition, scheduling order, Notice of Court-Appointed Attorney for the child, a Guide for Parents and Guardians in Child Protection Cases, and are advised of their right to counsel.

**Up to Day 21: Discovery Complete**

**Day 21 - 28: Pre-Trial Settlement Conference**

Cases are ordered to mediation where appropriate. Mediation referrals are coordinated by the Juvenile Case Managers.

Agreement reached: Agreement placed on record and order is entered. The Court proceeds to a separate Disposition Hearing immediately unless the Court makes a finding of good cause to delay up to a maximum of 30 days.

No Agreement: Cases that are not resolved will proceed to the scheduled Adjudicatory Hearing.

Agreement of One Parent, Guardian or Custodian: One parent, guardian or custodian's agreement is placed on the record. The Adjudicatory Hearing remains on the docket. If the facts are sustained, the case proceeds to the Disposition Hearing and then an order is entered.

**Up to Day 60: Adjudicatory Hearing**

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.

**Up to Day 90: Disposition Hearing (if not held the same day as the Adjudicatory Hearing)**

**Up to day 180: 3-816.2 Review Hearing (*Courts and Judicial Proceedings §3-816.2*)**

If the child remains in the home under the Court's jurisdiction a 3-816.2 Review Hearing is held every 6 months. If the child is removed from the home post-disposition, then the Permanency Planning Hearing and Permanency Planning Review Hearing are held at 6 month intervals.

**Up to Day 365: Permanency Planning Hearing (Up to 365 days from placement in shelter)**

Cases may be referred to mediation services at the parties' request. (Mediation referrals are coordinated by the Juvenile Case Managers.)

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).

**Every 6 months: Permanency Planning Review Hearing or 3-816.2 Hearing**

Review of the Permanency Plan's progress is held every 6 months if the child remains out of the home. Otherwise, a 3-816.2 Review Hearing will continue to be held.

If the child is placed with a specific caregiver who agrees to care for him/her on a permanent basis, Permanency Planning Review Hearings will be scheduled every 12 months. (*Courts and Judicial Proceedings §3-823(h)(1)(ii)*).

# Discontinued TRACKS

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## **Effective January 4, 2016:**

The Montgomery County Circuit Court, Juvenile Division, discontinued the use of the following Tracks:

TRACK 5- COMPLEX (Delinquent Detention/ Shelter Care)

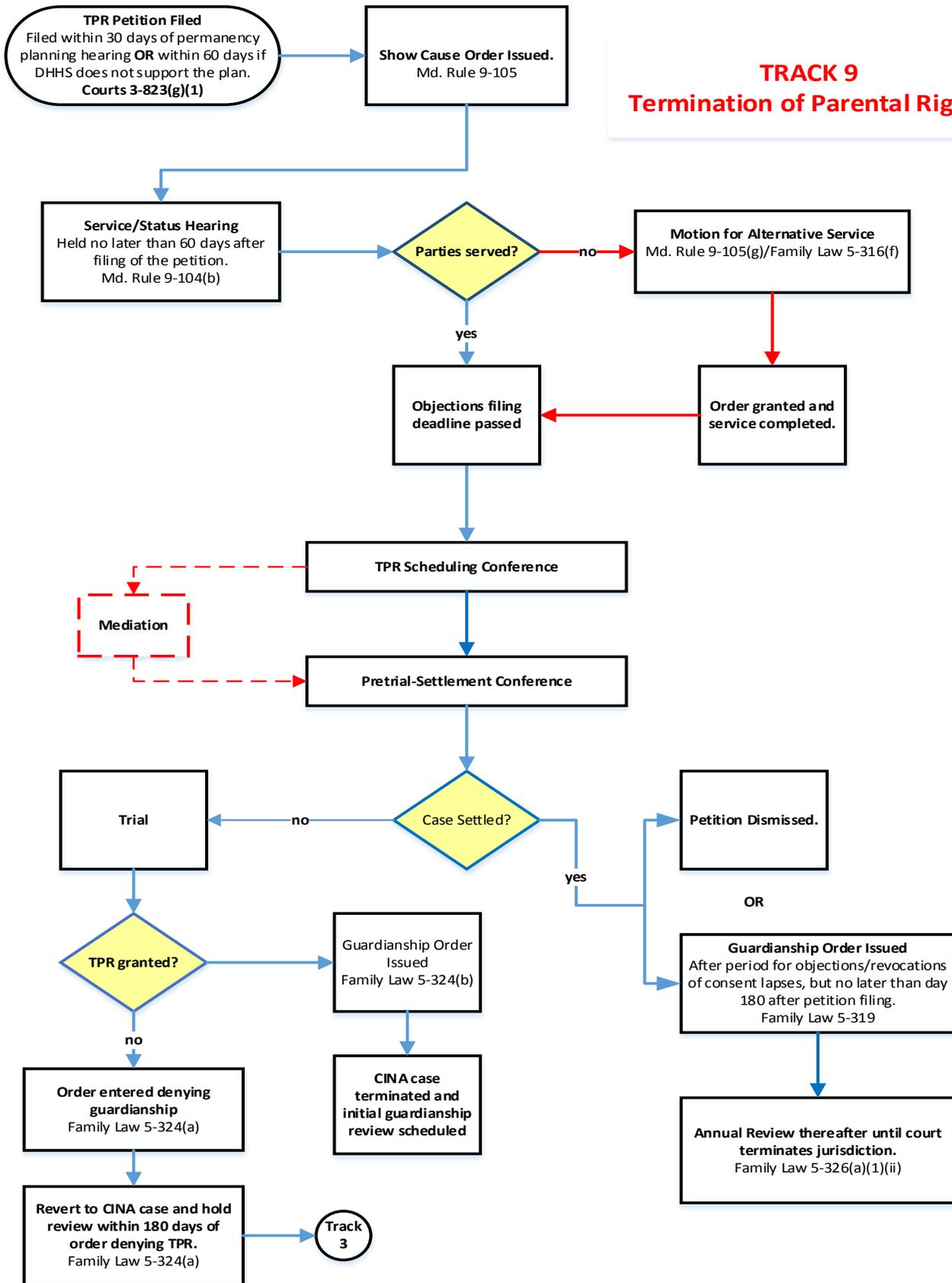
TRACK 6 - COMPLEX (Delinquent Non-Detention)

TRACK 7 - COMPLEX (CINA Shelter)

TRACK 8- COMPLEX TRACK 8 (CINA Non-Shelter)

# TRACK 9 TPR

## TRACK 9 Termination of Parental Rights



# TRACK 9

## Termination of Parental Rights

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### Case Process Summary:

The Juvenile Court has exclusive jurisdiction over Guardianship and Termination of Parental Rights (TPR) cases for children who have been adjudicated CINA. (*Courts and Judicial Proceedings §3-803(a)*). The judge who heard the CINA case will hear the TPR case, when possible. Within 30 days after the Court has granted the request of DHHS to change the permanency plan to adoption by a relative or non-relative, DHHS will file a petition that seeks the termination of parental rights. If DHHS does not support the plan change, they have 60 days to file the petition.

The Court will issue a show cause order, pursuant to Maryland Rule 9-105, which must be served within 90 days on the child's attorney, parents and their attorney(s), as well as the parent's last attorney of record in the CINA case. At the time the petition is filed, the Court shall set a Service Status Hearing within 60 days from the filing of the petition, pursuant to Maryland Rule 9-104(b), and a Trial date within 180 days from the filing date. If service has not been accomplished the Court will determine at the Service Status Hearing whether to allow service by publication or if a new show cause order is appropriate.

Once served, the parties may file objections within the timelines prescribed by Maryland Rule 9-105. If the Court grants the motion to serve by publication, objections must be filed within 30 days of last day of posting on the Department of Human Resources website <http://www.dhr.state.md.us>. Failure to file a timely objection after being served constitutes a deemed consent that cannot be revoked.

If the natural parents' consent the petition or do not file an objection, the Court will issue a Final Order of Guardianship after the 30 day revocation period (if anyone has the right to revoke consent) (*Family Law Article §5-321*), and set an initial Guardianship Review Hearing to be held within 180 days and at least once each year after the initial guardianship review hearing is held. (*Family Law Article §5-324 and §5-326*). (Best practice to schedule every 6 months)

If objections are filed, a Scheduling Conference will be held within 15 days of objection to establish the timing for identifying experts, completing discovery, filing motions, conducting mediation, and to schedule a date for the Pre-Trial/Settlement Conference and the Trial date(s). The Court may also hold a Scheduling Conference prior to the time for

filing objections when the whereabouts of a parent are unknown, or where service is made by publication and the time for filing objections has not expired, in which case, the Trial will be scheduled after the time for filing objections has expired.

If the Court does not grant the TPR petition, the case will revert back to the original CINA case and a Permanency Planning Review Hearing will be scheduled within 180 days.

If the Court terminates the parental rights, then a Final Order of Guardianship will be issued, along with an order to close the CINA case, and a Guardianship Review Hearing will be scheduled within 180 days.

## DCM Track 9 Timeline:

### **Day 1: Petition to Terminate Parental Rights Filed**

DHHS will file the petition.

### **Up to Day 60: Service/Status Hearing**

This hearing will remain on the docket even if all parties are served.

If the parties have been served and objections filed, a Scheduling Conference is scheduled. 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.

### **From Filing of Objections:**

### **Up to Day 15: Scheduling Conference**

Scheduling Order is issued.

### **Day 150 to Day 180: Trial**

If the Court grants the TPR Petition, a Final Order of Guardianship is issued. A Guardianship Review Hearing is scheduled and the original CINA case is closed.

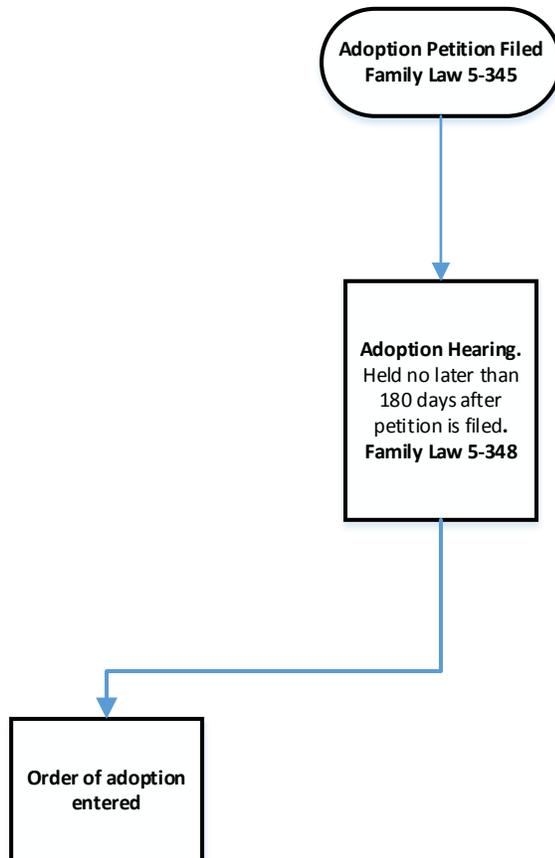
If the Court dismisses the TPR Petition, a Permanency Planning Review Hearing will be scheduled in the original CINA case within 180 days.

### **Up to Day 360: Guardianship Review Hearing**

Subsequent hearings will be scheduled at least every 180 days after the final order is issued.

## TRACK 10 Adoption

### TRACK 10 Adoption



# Track 10

## Adoption

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### Case Process Summary:

The County Attorney's Office will file a Petition for Adoption along with a Notice of Filing, any other exhibits and consents obtained from the child, the agency, and any required accounting statements. The child's counsel must be served with the Notice of Filing unless notice is waived in writing, pursuant to Maryland Rule 9-103.

Once the Court has received the necessary consents, an Adoption Hearing, in which a judgment is entered, will be scheduled by the Adoption Case Manager. The Judge who entered the Final Order of Guardianship in the associated TPR case will handle the Adoption Petition of the child.

The Adoption Petition 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.

At the Adoption Hearing, the adoption judgment is entered and the adoption decree is issued and distributed to the County Attorney, the child's counsel, and the adoptive parents.

If the Adoption Petition is not ruled on within 180 days from filing, the Petition must be withdrawn by the County Attorney's Office and a Guardianship Review Hearing must be scheduled in the original TPR case within 180 days (*Family Law Article §5-336*).

**DCM Track 10 Timeline:**

**Day 1: Adoption Petition is filed**

Petition and Notice of Filing is filed by the County Attorney. The Adoption Case Manager schedules the Adoption Hearing once the case is in the proper posture to proceed to an Adoption Hearing.

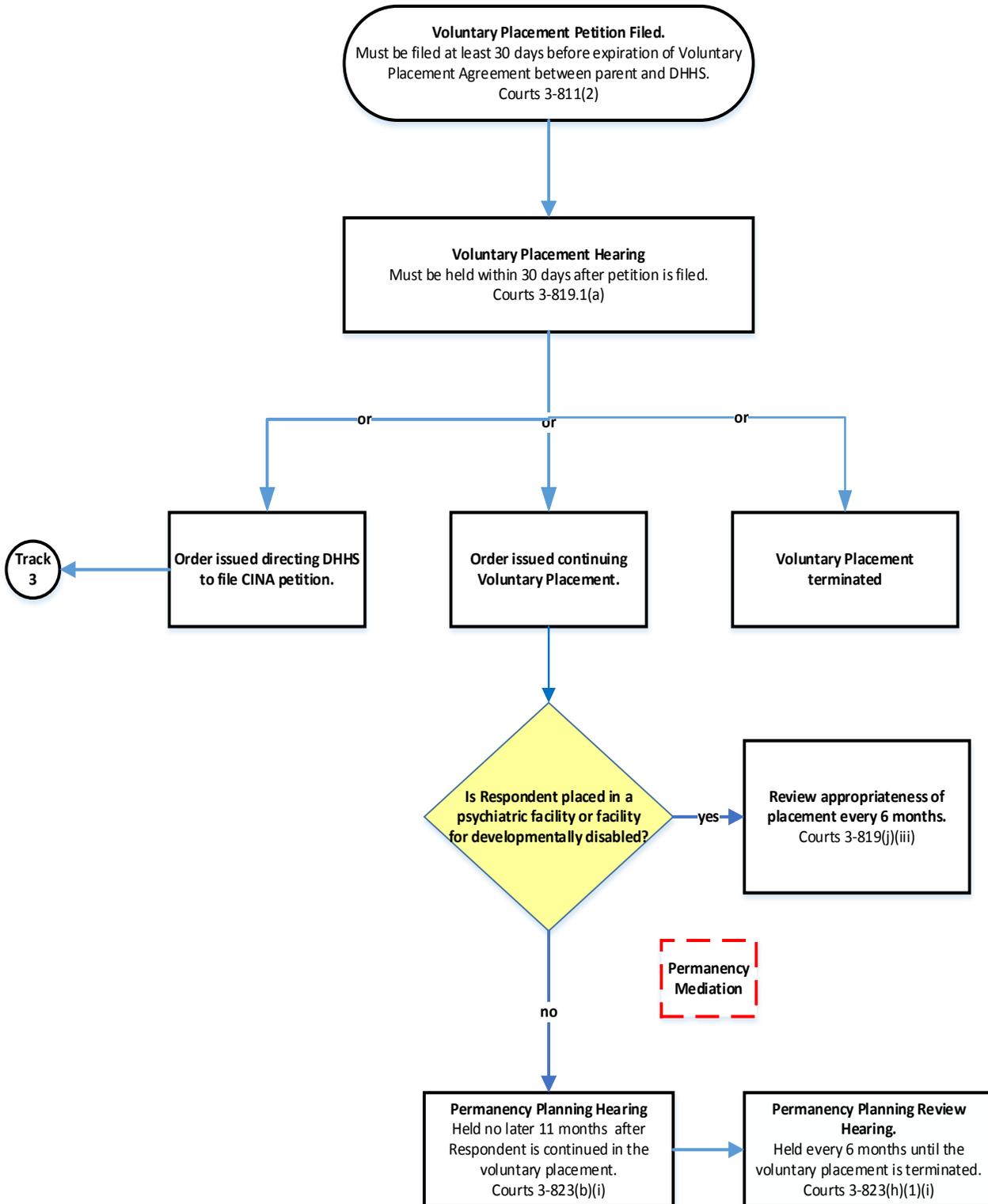
**Day 30 to 90: Adoption Hearing**

Adoption judgment is entered and decree is issued.

**Day 180: If the petition has not been ruled on, the matter shall be dismissed or withdrawn, and revert back to the TPR case and a Guardianship Review Hearing must be scheduled within 180 days.**

# TRACK 11 Voluntary Placement

## TRACK 11 Voluntary Placement



# TRACK 11

## Voluntary Placement

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### Case Process Summary:

A “voluntary placement agreement” means a binding, written agreement entered into between the Montgomery County Department of Health and Human Services (DHHS) and the parents, guardian or custodian of a minor child that specifies, at a minimum, the legal status of the child and the rights and obligations of the parents, guardian or custodian, the child, and DHHS, while the child is in placement (*Family Law Article §5-501(r)*).

The Juvenile Court has exclusive jurisdiction over voluntary placement hearings (*Courts and Judicial Proceedings §3-803(a)*).

Hearings are scheduled within 30 days after DHHS files the petition to continue a voluntary placement agreement (*Courts and Judicial Proceedings §3-819(a)*).

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 §3-823(h)(1)(i)*).

If the child is placed in a psychiatric facility or a facility for the developmentally disabled, then the appropriateness of the placement must be reviewed every 6 months. (*Courts and Judicial Proceedings §3-819(j)(iii)*).

If the Court terminates the voluntary placement, then an order will be issued returning the child to his/her home with the necessary services and supports (*Courts and Judicial Proceedings §3-819.2 (b)(1)*).

The Court may order DHHS to file a CINA Petition if necessary to ensure the care, protection, safety, and mental and physical development of the child (*Courts and Judicial Proceedings §3-819.1(b)(4)*). The case would then proceed as a CINA Track 3 case.

Mediation is available to assist the parties with the resolution of issues relating to the permanency plan.

**DCM Track 11 Timeline:**

**Day 1:** Voluntary Placement Petition Filed

**Up to Day 30:** Voluntary Placement Hearing

**Up to Day 180:** Permanency Planning Hearing

**Up to Day 360:** Permanency Planning Review Hearing

To be held at least every 6 months until the voluntary placement is terminated.

# JUVENILE CASE MANAGER FUNCTIONS

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All cases in juvenile court are assigned to a case manager who follows that case for its entire life in the court. Case managers perform many functions, including but not limited to the following:

- Monitor cases for proper track designation
- Monitor cases for compliance with statutory deadlines
- Review all motions for legal sufficiency, gather parties' positions, and monitor for ripeness
- Prepare the delinquency pretrial docket, noting statutory deadlines, needed track changes, absence of counsel, and probationary status of respondent
- Set dates in cases that flow from a written and filed motion (all other dates are set in the court)
- Manage the dependency mediation program, including preparation of cases for mediation
- Monitor TPR case to ensure that service is achieved and scheduling hearings are held in a timely fashion
- Bring matters that need adjustment or correction to the attention of the court.

# Emergency Hearings

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- If the Department of Juvenile Services or the Department of Health and Human Services file a request to hear one of the following types of emergencies, a hearing will be scheduled at 1:30 p.m. on the same day:
  - Request for shelter care
  - Detention hearing
  - Change of placement
  - Request for juvenile warrant
  - Apprehension on a juvenile warrant
  - Violation of home electronic monitoring

**Requests filed after 11:30 a.m. will be heard at 1:30 p.m. on the following day that the court is open for business**

- Other requests for an emergency hearing filed by any party will be promptly reviewed by a judge who will determine whether and when a hearing should be scheduled.
- **Exception to Requirement to File by 11:30 a.m. – Transfer Cases:**  
When a case is transferred from Adult to Juvenile Court and the youth remains detained, an emergency hearing will be scheduled, without a request, on the next 1:30 p.m. emergency docket after the State files the Delinquency Petition.

When the youth is not detained and a party requests an emergency hearing, the hearing will be scheduled on the next 1:30 p.m. emergency docket after the State files a Delinquency Petition. A motion for emergency hearing that sets out the relief requested must be filed.

# JUVENILE MOTIONS PROCESS

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All pleadings and motions must be filed with the Juvenile Clerk and must comply with MD Rule 1-321 - *Service of pleadings and papers other than original pleadings*.

Motions will be delivered by the Juvenile Clerk's Office to the Juvenile Case Manager for review. Motions are reviewed by the case managers for compliance with Maryland Rule 2-311 - *Motions*.

- Pursuant to Maryland Rule 2-311 (b) - *Response*, the motion will be held for the appropriate length of time for written responses to be filed.
- When positions/responses are received from all parties or, when the appropriate length of time for filing written responses has expired, the file will be sent to the judge for review and ruling.
- If a party wishes to shorten the normal response time to a motion, a motion to shorten time to respond must be filed along with a separate proposed order. If the motion to shorten time is made in the same pleading as the underlying motion, the title shall clearly state that the party is requesting that the time be shortened, e.g., "Motion to Postpone Adjudicatory Hearing and Motion to Shorten Time for Response."
- A party making a motion to shorten time shall specify a date and time to which the party requests that the response time be shortened. The motion shall also include all attempts to obtain positions from the other parties in the case. If a position cannot be ascertained, then the moving party shall include all efforts made to contact that party, such as dates, times, and forms of contact.
- The motion to shorten time and proposed order should be filed with the Juvenile Clerk's Office. The motion to shorten time will be reviewed by the case manager and parties whose positions are not advanced in the motion shall be contacted for their positions, if time permits. The file will then be sent to the appropriate judge for review and ruling.
- If a party desires a hearing, a request for hearing must be included in the underlying motion or response. Pursuant to Maryland Rule 2-311(f), the Court shall determine in each case whether a hearing will be held.

# Postponement Policy for Juvenile Matters

## Montgomery County Circuit Court

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**Pursuant to Maryland Rule 11-114, adjudicatory hearings shall be held within 30 days of detention or shelter and within 60 days of service if the respondent is not sheltered or detained. Also, several pre-adjudicatory and post-dispositional hearings must be held within strict time frames. To uphold the requirements of the law and facilitate timely disposition of matters, rehabilitation of juveniles, and permanent placement of affected children, the following policy has been put in place:**

### **Motions Requiring a Ruling of Extraordinary Cause:**

Motions for postponement of adjudicatory hearings beyond the statutorily mandated deadlines will be ruled on by the Family and Juvenile Judge in Charge or the designee of the 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.**

### **Motions Exceeding Statutorily Mandated Deadlines - Not Requiring a Ruling of Extraordinary Cause:**

The 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 Procedure for Juvenile Matters

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Motions to Postpone a hearing in a juvenile matter must be filed with the Juvenile Clerk's Office. The motion will be processed by the assigned juvenile case manager and will be sent to the appropriate judge for ruling. The motion must comply with MD Rule 2-311- *Motions* and MD Rule 1-321 - *Service of pleadings and papers other than original pleadings*.

- Do not send original Motions for Postponement directly to the case manager or chambers. Courtesy copies may be provided once the original motion is filed with the Juvenile Clerk's Office.
- The motion should include specific reasons for the postponement and if possible the position of all other parties.
- If a motion to postpone is filed with the Juvenile 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 case manager 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 Juvenile Clerk's Office, and will be forwarded to the case manager. 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.
- If a party wishes to shorten the normal response time to a motion, a motion to shorten time to respond must be filed along with a separate proposed order. If the motion to shorten time is made in the same pleading as the underlying motion, the title shall clearly state that the party is requesting that the time be shortened, e.g., "Motion to Postpone Adjudicatory Hearing and Motion to Shorten Time for Response."
- A party making a motion to shorten time shall specify a date and time to which the party requests that the response time be shortened. The motion shall also include all attempts to obtain positions from the other parties in the case. If a position cannot be ascertained, then the moving party shall include all efforts made to contact that party, such as dates, times, and forms of contact.
- The motion to shorten time and proposed order should be filed with the Juvenile Clerk's Office. The motion to shorten time will be reviewed by the case manager and parties whose positions are not advanced in the motion shall be contacted for their

positions, if time permits. The file will then be sent to the appropriate judge for review and ruling.

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

# STATUTORY DEADLINES CINA CASES

STATUTORY DEADLINES IN CINA CASES	
Hearing	Deadline
<b>Shelter</b>	Once a child is placed in shelter, a petition for continued shelter shall be filed on the next day the court is sitting. The (shelter) hearing on that petition must be held the day the petition is filed. Courts sec. 3-815 (c)(ii)
<b>Adjudication</b>	<b>Shelter:</b> within 30 days from shelter hearing. Md. Rule 11-114(b)(2).  <b>Non-shelter:</b> within 60 days after the preliminary inquiry. Md. Rule 11-114(b)
<b>Disposition</b>	The disposition shall be held on the same day as the adjudicatory hearing unless the court finds that there is good cause to delay it. If delayed, it shall be held no later than 30 days after the conclusion of the adjudicatory hearing
<b>6 Month Review</b>	This hearing must be held 6 months from the shelter date (mandatory effective 10/01/13). Courts sec.3-816.2 Schedule at disposition.
<b>Voluntary Placement</b>	Within 30 days after filing of petition Courts sec. 3-819.1(a)
<b>Permanency Planning</b>	If a Respondent is in an out of home placement and has been for 11 months and 30 days, the court must hold a permanency planning hearing at that time (1 year). Courts sec. 3-823(b). Schedule at disposition.
<b>Post Permanency Review</b>	The court shall conduct a hearing to review the permanency plan at least every 6 months after the permanency planning hearing, until the commitment is rescinded. Courts sec.3-823(h)  <b>NOTE:</b> Yearly review is permissible if court determines that "child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis." Courts sec. 3-823(j)(1)(ii)
<b>Merits on Removal</b>	A hearing shall be held within 30 days of removal from court ordered placement. Courts sec. 3-820
<b>Annual Consultation With Child</b>	At least every 12 months at a hearing under this section, the court shall consult on the record with the child in an age-appropriate manner to obtain the child's views on permanency. Courts sec. 3-823(k) and Family Law sec. 5-326(c)

# STATUTORY DEADLINES DELINQUENT CASES

STATUTORY DEADLINES IN DELINQUENT CASES	
Hearing	Deadline
<b>Detention</b>	After Respondent is placed in detention, a petition requesting continued detention must be filed no later than the next day the court is sitting. Md. Rule 11-112.a.2 A hearing shall be held on the day the petition is filed Md. Rule 11-112.a.3.
<b>Adjudication</b>	<p><b>Non-detained:</b> an adjudication shall be held within 60 days after the PI. Md. Rule 11-114.b.1</p> <p><b>Detained:</b> an adjudication shall be held within 30 days from the date on which the court ordered continued detention Md. Rule 11-114.b.2.</p> <p style="text-align: center;"><b>NOTE:</b> HEM is a form of community detention, Even if the case started out as a non-detention case, it falls within the statutory guidelines above once the Respondent is placed on HEM. Courts sec. 3-8A-15(d)(6)</p> <p style="text-align: center;">Ex: Respondent has his PI on 5/1. His trial deadline would be 6/30. If he is placed on HEM on 5/10, his new trial deadline becomes 6/9</p>
<b>Competency</b>	15 days after receipt of the expert's report (Courts sec. 3-8A-17.4(a)(1))
<b>Waiver</b>	<p><b>Detained:</b> the waiver hearing must be held within 30 days of detention. Courts sec.3-8A-15(d)(6)(i)</p> <p><b>Non-detained:</b> the law is not as clear on the timing of the hearing, so we follow the normal guidelines for a 60 day case.</p>
<b>Post Waiver Adjudication</b>	If a waiver is denied the case must be brought to adjudication within 30 days, regardless of detention status. Md. Rule 11-114.b.
<b>Disposition</b>	<p><b>Non-detained:</b> no later than 30 days after the conclusion of the adjudicatory hearing Md. Rule 11-115.a.</p> <p><b>Detained</b> (includes HEM). No later than 14 days after the adjudicatory hearing. Courts sec. 3-8A-15(d)(6)(ii)</p>
<b>Pending Placement Status</b>	<p>If Respondent is detained for the specific act for which he/she has been adjudicated delinquent for more than 25 days after the court has made its disposition, a hearing shall be held on the first available court date after the 25th day so that DJJ can explain the reason for the continued detention to the court. Courts sec 3-8A-15(k)</p> <p><b>NOTE: This hearing must repeat every 25 days thereafter until Respondent is placed</b></p>
<b>Permanency Planning</b>	If Respondent is in an out of home placement other than detention, and has been so placed for 11 months and 30 days, a permanency planning hearing must be held at the one year mark.

## Caseflow Management Performance Measures and Indicators

Montgomery County Circuit Court acknowledges the importance and value of measurement as a means to inform the development and modification of case management practices. Demonstrating the importance and value of measurement is achieved through the continuous monitoring of performance metrics. Figure 1 provides a list of juvenile delinquency and child welfare case processing metrics along with currently defined benchmarks (where available) that are regularly examined to ensure accountability in the court's case management efforts. The metrics primarily focus on case processing efficiency but also include a few aimed at monitoring the timely completion of meaningful caseflow events.

**Figure 1: Juvenile and Child Welfare Caseflow Management Performance Measures and Indicators**

### Juvenile Delinquency

Indicator	Definition	Benchmark	Reporting Period
<b>Efficiency: Gauges the variability and stability in key processes</b>			
Time to Disposition (overall, and by DCM Track)	The percentage of cases that complete disposition (or are otherwise resolved) within 90 days of first appearance of respondent or respondent's counsel.	98% within 90 days	Annually, Case Assessment Report
Time to Disposition, Alternative Track 1 Case Processing Performance	The percentage of cases that complete disposition (or are otherwise resolved) within statutory timelines: 44-days and 74-days from first appearance of respondent or respondent's counsel.	To be defined.	Annually, Case Assessment Report (sub-analysis)
<b>Time Between Major Case Processing Events</b>			
Time to Adjudication (Track 2 over-standard cases, Involved respondents)	The average case processing time between first appearance of respondent or respondent's counsel and adjudication hearing held (based on finding of involved).	Average case time within 60 days	Annually, Case Assessment Report (sub-analysis)
Time between Adjudication and Disposition (Track 2 over-standard cases, Involved respondents)	The average case processing time between adjudication hearing held (based on adjudicatory findings) and disposition hearing held (based on finding of delinquent or not delinquent).	Average case time within 30 days	Annually, Case Assessment Report (sub-analysis)
<b>Meaningful Court Events:</b>			
Hearing Postponements by Termination Status	The frequency and percentage of hearing postponements by termination status (as defined by the Maryland Time Standards).	Non-defined.	Annual, Case Assessment Analysis
Hearing Postponement Reasons by Termination Status	The frequency and percentage of hearing postponement reasons by termination status (as defined by the Maryland Time Standards).	Non-defined.	Annual, Case Assessment Analysis

## Child Welfare – Child In Need of Assistance (CINA) Shelter and Non-Shelter, as well as TPR

Indicator	Definition	Benchmark	Reporting Period
<b>Efficiency: Gauges the variability and stability in key processes</b>			
Time to Adjudication: Shelter	The percentage of cases that began adjudication (or otherwise resolved) within 30 days from the date of continued shelter hearing or shelter petition granted. Annual, Case Assessment Analysis	100% within 30 days	Annual, Case Assessment Analysis
Time to Adjudication: Non-Shelter	The percentage of cases that began adjudication (or otherwise resolved) within 60 days from the date of service of parent(S), guardians(s), and/or custodian(s) (First Service Entry Date). Annual, Case Assessment Analysis	100% within 60 days	Annual, Case Assessment Analysis
Time to Final Order of Guardianship: TPR	The percentage of cases that entered their final order of guardianship (or otherwise disposed) within 180 days of filing of the TPR petition. Annual, Case Assessment Analysis	100% within 180 days	Annual, Case Assessment Analysis
<b>Meaningful Court Events:</b>			
Dependency Mediation Orders	Number of cases ordered to mediation at pre-trial hearing	Non-defined.	Real-time, ongoing monitoring
Agreements (Full and Partial) among Cases Ordered to Dependency Mediation	Number of cases where full or partial agreements are obtained for those cases ordered to mediation at pre-trial.	Non-defined.	Real-time, ongoing monitoring
Hearing Postponements by Termination Status	The frequency and percentage of hearing postponements by termination status (as defined by the Maryland Time Standards).	Non-defined.	Annual, Case Assessment Analysis

**Child Welfare – Child In Need of Assistance (CINA) Shelter and Non-Shelter, as well as TPR**

<b>Indicator</b>	<b>Definition</b>	<b>Benchmark</b>	<b>Reporting Period</b>
<b>Meaningful Court Events:</b>			
Hearing Postponement Reasons by Termination Status	The frequency and percentage of hearing postponement reasons by termination status (as defined by the Maryland Time Standards).	Non-defined.	Annual, Case Assessment Analysis
Extraordinary Cause Postponements by Termination Status (CINA ONLY)	Frequency and percentage of postponements where an extraordinary cause finding among cases with original terminations (as defined by the Maryland Time Standards).	Non-defined.	Annually, Case Assessment Report (sub-analysis), manual review
Extraordinary Cause Postponement Reasons (CINA ONLY)	Frequency and percentage of extraordinary cause postponement reasons among cases with original terminations (as defined by the Maryland Time Standards).	Non-defined.	Annually, Case Assessment Report (sub-analysis), manual review
<b>Post-Disposition Efficiency:</b> Gauges the variability and stability in key processes			
Time to First Permanency Hearing	Statutory Requirement (Courts Sec 3-819.1(a)): If a respondent is in an out of home placement and has been for 11 months and 30 days, the court must hold a permanency planning hearing at that time (i.e., by one year, 365 days).	Average case time should be within 365 days	Annually, Federal Fiscal Year, FCCIP reporting
Time to Subsequent Permanency Hearing	Statutory Requirement (Courts Sec. 3-823(h)): The court shall conduct a hearing to review the permanency plan at least every 6 months (180 days) after the permanency plan hearing, until the commitment is rescinded.	Average case time should be within 180 days	Annually, Federal Fiscal Year, FCCIP reporting

*Additional Performance Measures can be found on the Courts Website:*

<http://www.montgomerycountymd.gov/circuitcourt/court/Publications/publications.html>

# Sample Scheduling Orders

## TRACK 1 - Scheduling Order Sample

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A JUVENILE COURT

In the Matter of:

Petition #

DOB:

SCHEDULING ORDER - TRACK 1  
(1226)

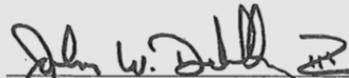
A Delinquency Detention Petition having been filed in the above case, it is this 3rd day of December, 2015, by the Circuit Court for Montgomery County, Maryland, Juvenile Division,

ORDERED, that this is your official notice of dates and required Court appearances. ANY MODIFICATION OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must justify the requested modification. Stipulations between counsel shall not change any deadlines in the Order absent Court approval.

This case is assigned to Track 1 of the Juvenile Division. All discovery shall be completed pursuant to Maryland Rule 11-109. The following schedule has been established:

State's Attorney Discovery Certification, on or before			12/10/2015
(no later than five (5) days after counsel's entry of appearance)			
Pre-Trial Settlement Hearing*	4F	8:30 AM*	12/23/2015
Adjudicatory Hearing*	4F	9:30 AM*	12/31/2015
	Courtroom	Time	Date

\*Please arrive thirty (30) minutes before hearing.

  
John W. Debelius III  
Administrative Judge

Possession and use of cell phones, computers, other electronic devices, and cameras may be limited or prohibited in designated areas of the court facility. The use of any camera, cell phone, or any electronic device for taking, recording, or transmitting photographs, videos, or other visual images is prohibited in the court facility at all times, unless the court expressly grants permission in a specific instance.

**TRACK 2- Scheduling Order Sample**

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A JUVENILE COURT  
50 Maryland Avenue  
Rockville, Maryland 20850  
240-777-9530

In the Matter of: \_\_\_\_\_ Petition # \_\_\_\_\_  
DOB: \_\_\_\_\_

SCHEDULING ORDER - TRACK 2  
(1226)

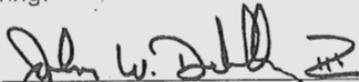
A Delinquency Petition having been filed in the above case, it is this 2nd day of December, 2015, by the Circuit Court for Montgomery County, Maryland, Juvenile Division,

ORDERED, that this is your official notice of dates and required Court appearances. ANY MODIFICATION OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must justify the requested modification. Stipulations between counsel shall not change any deadlines in the Order absent Court approval.

This case is assigned to **Track 2** of the Juvenile Division. All discovery shall be completed pursuant to Maryland Rule 11-109. The following schedule has been established:

	Courtroom	Time	Date
State's Attorney Discovery Certification, on or before (no later than five (5) days after counsel's entry of appearance)			12/22/2015
Preliminary Inquiry	4I	8:00 AM	12/15/2015
Pre-Trial Settlement Hearing*	5F	8:30 AM*	01/13/2016
Adjudicatory Hearing*	5H	9:30 AM*	02/09/2016

\*Please arrive thirty (30) minutes before hearing.

  
John W. Debelius III  
Administrative Judge

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**TRACK 3- Scheduling Order Sample**

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A JUVENILE COURT

In the Matter of:

Petition #

DOB:

SCHEDULING ORDER - TRACK 3  
(1226)

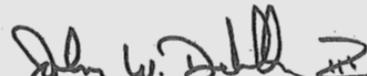
A Child in Need of Assistance Shelter Petition having been filed in the above case, it is this 3rd day of December, 2015, by the Circuit Court for Montgomery County, Maryland, Juvenile Division,

ORDERED, that this is your official notice of dates and required Court appearances. **ANY MODIFICATION OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S).** The motion must justify the requested modification. Stipulations between counsel shall not change any deadlines in the Order absent Court approval.

This case is assigned to **Track 3** of the Juvenile Division. All discovery shall be completed pursuant to Maryland Rule 11-109. The following schedule has been established:

Discovery Complete			12/11/2015
Pre-Trial Settlement Hearing*	4I	11:30 AM*	12/17/2015
Adjudicatory Hearing*	5H	9:30 AM*	12/31/2015
	Courtroom	Time	Date

\*Please arrive thirty (30) minutes before hearing.

  
John W. Debelius III  
Administrative Judge

**NOTICE: Home Study shall be served and filed five (5) days prior to the designated scheduled hearing. All other reports shall be distributed and filed ten (10) days prior to the designated scheduled hearing.**

**NOTICE: Pretrial Settlement Hearing and Mediation Session resume at 1:30PM if no agreement at 11:30AM.**

Possession and use of cell phones, computers, other electronic devices, and cameras may be limited or prohibited in designated areas of the court facility. The use of any camera, cell phone, or any electronic device for taking, recording, or transmitting photographs, videos, or other visual images is prohibited in the court facility at all times, unless the court expressly grants permission in a specific instance.

