

CIRCUIT COURT FOR FREDERICK COUNTY

START-UP PLAN

FOLLOWING COVID-19

EMERGENCY CLOSURE

The primary concern in re-opening the court to the public is to ensure the safety and well-being of our employees, counsel, litigants, and those who enter the courthouse. A substantial case backlog exists, given the length of the court closure. As we work to address this backlog, we must manage the workflow within the courthouse in a manner consistent with any existing Executive Orders, with public health recommendations from the Centers for Disease Control and State agencies, and with any restrictions or recommendations by the Frederick County Executive or local health officials in light of health advisories in this area.

The courthouse re-opening will be accomplished in phases, consistent with the directives set forth in Chief Judge Mary Ellen Barbera's Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency, issued on May 22, 2020, and as amended June 5th, 2020.

Current public health recommendations recognize the continued health risks posed by COVID-19 and the need for ongoing vigilance to reduce the risk of infection and further spread of the disease. Social distancing measures must be enforced within the courthouse to minimize exposure risks. For these reasons, this Start-Up plan will address basic safety and security measures within the courthouse. It will also establish a phased approach to increase gradually the flow of individuals entering the courthouse. At any time, the below protocol may have to be adjusted to address any emergency matters and well as cases which are deemed to have priority.

Honorable Julie S. Solt Administrative Judge
Circuit Court Re-Opening Plan (Public) 6.8.2020

Contents

General Safety and Security Measures	3
Courthouse Entry and Public Areas	3
Minimizing Census Within the Courthouse	3
Clerk’s Office Access	4
Courtrooms and Secure Areas	4
Court Staff Obligations	5
COVID-19 Positive Testing Reporting Requirements	5
Phases Governing Resumption of Court Matters	5
PHASE I (Operation through June 5th, 2020)	5
PHASE II (Initial Re-Opening: June 5, 2020 through July 20, 2020)	6
CIVIL	6
CRIMINAL	6
FAMILY	7
CINA	8
DELINQUENCY	8
CHILD SUPPORT	9
PHASE III (Gradual Docket Expansion: July 20, 2020 through August 30, 2020)	9
CIVIL	9
CRIMINAL	9
FAMILY	9
CINA	10
DELINQUENCY	10
CHILD SUPPORT	10
PHASE IV (Resumption of Non-Jury Trials: August 31, 2020 through October 4, 2020)	10
CIVIL	10
CRIMINAL	10
FAMILY	11
DELINQUENCY	11
CHILD SUPPORT	11
PHASE V (Resumption of Jury Trials and Full Operation: October 5, 2020)	11

General Safety and Security Measures

In order to promote safety and security within the building, the following protocols will be in effect:

Courthouse Entry and Public Areas

- Face coverings in public areas within the building, or in private office spaces within six-feet of another are required;
- Health screenings to enter the courthouse shall continue, and persons showing any sign or symptom of illness shall be prohibited from entering;
- All persons entering the building, to include judges, magistrates and court personnel, either through a public or a secure entrance, will be subject to health screening measures in effect;
- Any non-lawyer appearing for a scheduled matter who is refused entry based upon health screening will be given a designated telephone number in the Assignment Office, specifically **301 600-2015** to contact and inform them of the refusal. A representative from Assignment Office shall immediately notify the assigned judicial officer who determines whether the matter will be postponed, or arrangements made for the individual to participate remotely. Lawyers who are refused entry shall immediately either contact said number or directly contact chambers of the assigned judicial officer;
- Maintenance services will continue sanitize public areas, to include restrooms, elevator spaces and “high touch” areas, periodically;
- Social distancing markers will be placed in areas where lines may occur, to include the main entrance area, the main floor areas near the Clerk’s Office service windows;
- Elevators and stairwells will be restricted to use. All are directed to follow signs which will be posted.

Minimizing Census Within the Courthouse

- Telework is encouraged, if approved by a manager and appropriate in light of the job responsibilities of the employee;
- Flexible work schedules are encouraged, if approved by a manager and appropriate in light of the job responsibilities of the employee;
- The continued use of remote platforms is encouraged, if permissible under the rules and existing administrative orders, to include, but not be limited to, use for motions hearings, uncontested divorces, and status hearings

- Dockets will have staggered start times throughout the day, with matters typically scheduled every approximately forty-five (45) minutes commencing at 9:00 a.m., except during the lunch period
- During Phase II, and at times when restrictions on public activities remain in effect in the State and/or Frederick County, public access to the courthouse will be restricted to counsel, parties and necessary witnesses for cases scheduled on the daily docket, unless otherwise approved by the Administrative Judge;
- During Phases II and III, and at times when restrictions on public activities remain in effect in the State or Frederick County, services offered within the building, including but not limited to mediation, family service screenings, self-help consultations, will be conducted remotely;

Clerk's Office Access

- During Phase II, and at times when restrictions on public activities remain in effect in the State and/or Frederick County, the Clerk's Office will remain closed to the public, except by appointment pursuant to policies established by the Clerk of the Court;
- During Phases II through IV, filings that are not made electronically may still be mailed to the Clerk's Office, left in a drop box at the **back entrance** of the courthouse and shall docketed as soon as feasibly possibly.

Courtrooms and Secure Areas

- Each courtroom will have signs posted to limit capacity based upon current social distancing recommendations, which limits will be enforced by judicial officers or sheriff's deputies;
- Social distancing markers will be placed in the gallery areas of courtrooms and witness rooms to reinforce social distancing requirements;
- Each courtroom will be equipped with hand sanitizer, gloves, and disinfectant for use throughout the day to maintain hygienic conditions;
- Overflow from any courtroom will be asked to wait with appropriate social distancing in a hallway;
- Counsel will be granted leeway to arrange seating in the well of the courtroom to allow social distancing space with clients;
- Face coverings are required within courtrooms except when speaking, at the discretion of the judicial officer;
- Access to secure hallways and chambers is restricted to staff unless otherwise authorized by a judicial officer;

Court Staff Obligations

- Court staff experiencing any sign or symptom of illness must stay home from work;
- Court staff should keep personal work space clean and sanitized;
- Court staff should perform frequent handwashing;
- Court staff must employ proper social distancing;
- Court staff must wear face coverings at all times unless expressly granted permission by his or her Administrative Head;
- Any employee who tests positive for COVID-19, or who has been advised by medical personnel that he or she is presumptively positive, shall self-report immediately to his or her Administrative Head, self-quarantine, and not return to the courthouse until cleared by his or her Administrative Head;
- Any employee who has been in contact with an individual who tests positive for COVID-19, or who has been advised by medical personnel that he or she is presumptively positive, shall quarantine for 14 days or as otherwise directed by a County Health Officer;

Phases Governing Resumption of Court Matters

The Circuit Court will employ a five-phase approach to address the case backlog as the court restores normal court operations. The phases are structured based upon consideration of a variety of factors, to include: (1) the urgency of the matter; (2) the ability to handle the matter utilizing a remote platform; (3) the complexity of the proceeding, particularly the need for witnesses and exhibits; (4) the length of the matter; and (5) the need for jurors. The phases are designed to assist in scheduling matters, both remotely and within the courthouse, to enable social distancing and to protect the health and welfare of judicial employees, attorneys, parties and members of the public.

PHASE I (Through June 5th, 2020)

Phase I was the most restricted level of operation. This phase commenced when Maryland courts closed to the public on March 18, 2020, and ended on Friday, June 5, 2020, based upon the orders issued by Chief Judge Barbera. Court staff on site were restricted to essential personnel. Court operations were restricted to issues mandated by statute, or that pose genuine urgency, or that could be managed remotely without requiring increased staff presence within the courthouse, as outlined in the May 4, 2020, Fourth Amended Administrative Order. Phase I proceedings were held remotely, whenever feasible. The court continued to conduct bail and habeas hearings in criminal cases, juvenile detention and shelter hearings, emergency evaluations, and other family, civil or criminal matters where an emergency existed. Uncontested matters such as status conferences, settlement conferences, pleas and uncontested divorces were heard remotely.

PHASE II (Initial Re-Opening: June 5, 2020 through July 20, 2020)

Phase II represents a gradual expansion of matters that can be scheduled as additional court staff returns on-site. Although telework and flexible schedules are encouraged, staffing within the building will approach 50% of normal levels and judges and magistrates will resume work primarily on site. Phase II will increase slightly the members of the public who enter the building, as the court schedules matters that must be heard in person or that have priority, based upon timing limitations established by statute or rule. Matters determined to have priority status by a lead judge will also be scheduled. Building access will remain restricted to persons who must be present, and in person services will not be offered. Phase II will also expand the volume of routine matters that can be handled remotely. The following matters will be scheduled in Phase II:

CIVIL

Settlement Conferences

- Civil settlement conferences will be handled remotely, to be re-evaluated by the end of the summer

Motions, Administrative Appeals and Record Appeals

- Matters already scheduled on the docket after the court re-opens will proceed as scheduled, with the assigned judge's chambers to arrange for a remote hearing whenever possible

Status and Scheduling Conferences

- Status or scheduling conferences will be set in cases set for trial that were postponed during court closure

Trials

- Jury trials postponed during the court closure, or that are scheduled on the docket prior to Phase V will be postponed and re-set after October 5th
- Bench trials postponed during the court closure (Phase I), or that are scheduled on the docket in Phase II will be postponed and re-set after October 5th

CRIMINAL

- Specially assigned cases already set on dockets starting June 10, 2020 will remain on the docket, however they will be converted to pre-trial hearings or status conferences
- Cases postponed during the court closure will be added to dockets after Jul 20th, 2020
- Cases will be re-set by the Assignment Office without clearing dates through counsel
- Hearings for incarcerated individuals will be done remotely whenever feasible
- Postponement requests may be processed in writing, without the need for appearance
- Cases will be scheduled for agreed upon pleas and dispositions at the joint request of Counsel with the Court's approval.
- The Judges will hear video bails, postponements, issue warrants, arraignments, pretrial violations,

- The Administrative Judge shall address all “Hicks” matters
- Assigned judge will conduct pre-trial and status conferences with counsel to determine plea possibilities and set a follow-up status conference/hearings and as appropriate to set a new trial date

FAMILY

Domestic Violence and Peace Order Appeals

- Cases postponed during court closure will be set on June 9-11
- New cases will be scheduled in staggered intervals daily

Emergency Hearings (Judge)

- Cases approved for emergency or expedited hearings during Phase I will be set for hearing before a judge or magistrate

Scheduling Conferences (Magistrates)

- Will be held remotely per the usual schedule

Uncontested dockets (Magistrates)

- Will continue to schedule uncontested cases for remote hearings and re-set cases that cannot be heard remotely in Phase IV

Default cases (Magistrates)

- Will schedule as remote hearings for counsel/moving party, if possible, with magistrate in courtroom in the event the defaulting party appears

Mediation

- Will resume mediations remotely only, to be re-assessed in Phase IV

Specially Assigned Cases (Judges)

- Assigned judge will conduct status/scheduling conference in cases that were postponed, re-set on their docket after September 1st, and explore if remote platform is an option

Docket Cases (Judge Docket)

- Any matter projected to take more than one (1) day that is set prior to August 31, 2020, will be postponed and re-set later in the Fall

Special Immigrant Juvenile Status (“SIJS” Hearings)

- Cases will be set for status or if ripe, testimony to be taken
- Will review and conduct hearings for any child scheduled to turn 21 prior to September 1, 2020, on an expedited basis.

Adoptions

- Remote adoption hearings will be scheduled individually once case is ready to be finalized
- Families requesting to appear in person for an adoption hearing will be scheduled on a case by case basis subject to provisions regarding social distancing, and only after approval by a judge.

Guardianships

- Cases postponed during court closure will be re-scheduled for hearing within first 30 days utilizing a remote platform, whenever feasible
- Will facilitate the scheduling of existing contested matters, depending on time estimates

CINA

CINA Shelter Hearings

- Shelter hearings will recommence being scheduled at 1:00 p.m. daily on a remote platform before a juvenile judge (or Magistrate if uncontested) under the existing “next day” process

CINA Adjudications, Permanency Planning and Review Hearings

- CINA dockets will resume on June 10th, and cases on existing dockets will be heard as presently scheduled, with staggered start times to be assigned
- CINA dockets will continue with remote hearings unless a request for in person appearance is filed at least five days in advance of the hearing and is approved by a judge
- Any CINA reviews that were postponed during the court closure and then re-set will have the subsequent review hearing set within six months of the original scheduled review date
- Child consults will be scheduled remotely
- Any Exceptions hearings postponed during court closure will be re-set during Phase II

TPR Cases

- Assigned judge will conduct status conference for any TPR postponed during court closure and re-set case in Phase IV

DELINQUENCY

Detention Hearings

- Detention hearings will be heard daily at 1:30 p.m. before a juvenile judge on a remote platform

Adjudication and review hearings

- Dockets will resume on June 9th and matters currently set will remain on the docket
- Matters with agreed pleas will be scheduled on Tuesday and Thursdays
- Will continue to hold remote hearings unless the case is contested and a request to appear in person is filed at least 10 (10) days in advance of the hearing and approved by a judge
- State is not required to have witnesses present or on call until Phase III

Waiver hearings

- Juvenile judges will conduct status conferences on waiver hearings that were postponed during court closure and re-set hearings for matters not requiring testimony in Phase II and for all others in Phase III

Arrestment docket

- Arrestments will be scheduled on juvenile dockets, with two to three set per time slot, to limit crowds in courtrooms

CHILD SUPPORT

- Existing DSS dockets are postponed, with establishment dockets to resume in Phase III and Phase IV

PHASE III (Gradual Docket Expansion: July 20, 2020 through August 30, 2020)

Phase III signifies a further expansion of on-site courtroom proceedings. Although the volume of cases will increase, they will be spread throughout the day to permit continued social distancing. Contested matters will be limited to a maximum of one day hearings in this Phase.

The following matters will be scheduled in Phase III:

CIVIL

Bench Trials

- Will leave in one-day bench trials scheduled after July 20th
- Postpone any protracted bench trials, to be re-set in Phase V

Specially Assigned Cases – Status and Scheduling Conferences

- Assigned judge will conduct status/scheduling conference and re-set trial dates in 2021 for cases postponed during court closure or pursuant to this Start-Up Plan

CRIMINAL

VOPs

- Will re-schedule on limited basis, with assigned judge setting only one or two per day

Non-Jury Trials and Contested Motions

- Will schedule non-jury trials and contested motions with time estimates <one day

FAMILY

Pendente Lite Hearings

- Will re-set pendente lite hearings previously postponed, and proceed with those already set on existing dockets before magistrates, limited to two (2) hours or less

Judge Dockets

- Cases set for one day or less will proceed as scheduled
- Will postpone cases set for one+ days and re-set after October 5th

Guardianship

- Will schedule matters that require status reviews or other post-guardianship hearings, to be conducted remotely whenever possible

CINA

- Judges will resume hearing contested TPR matters

DELINQUENCY

- Pleas and Trials
- Will resume contested trials on dockets with staggered start times
- Will schedule contested waiver hearings on judicial dockets
- Contested Restitution hearings

CHILD SUPPORT

Establishment Dockets

- Will gradually resume weekly magistrate child support establishment dockets

PHASE IV (Resumption of Non-Jury Trials: August 31, 2020 through October 4, 2020)

Phase IV provides for expansion to matters that are more complex or require additional parties and witnesses. As the court moves into Phase IV there will be an increase in traffic within the courthouse, so renewed assessment of social distancing restrictions and courtroom capacity must be considered. The following matters will be scheduled in Phase IV:

CIVIL

Bench Trials

- Cases set for more than one day shall remain on the docket

CRIMINAL

Post-convictions and other collateral reviews

- Matters set prior to October 1, 2020, will be postponed and re-set in 2021

FAMILY

Judge Dockets

- Cases on docket set for more than one (1) day will resume

Mediation and Family Services

- Will reassess resumption of on-site mediation and family support services

Magistrates' Docket

- Will resume court status conference dockets for self-represented litigants in staggered time slots
- Will re-set cases which were postponed during court closure before magistrates starting in September in staggered time slots, including but not limited to contempt hearings

DELINQUENCY

- Juvenile Court shall return to its regular dockets before the Magistrates on Tuesdays and Thursdays.

CHILD SUPPORT

DSS Contempt Dockets

- Contempt dockets shall resume on Friday afternoons

PHASE V (Resumption of Jury Trials and Full Operation: October 5, 2020)

Phase V reflects the resumption of jury trials in both civil and criminal matters, and protracted trials in family law matters. Consideration must be given to social distancing and juror health. Recommendations developed by the Jury Trial Workgroup of the Conference of Circuit Judges will be considered as additional protocols are developed before resuming jury trials. The following principles will generally apply if all scheduled cases cannot be reached:

- Criminal cases beyond the original Hicks deadline will be given priority, and, within that group, older cases will generally be tried first
- Specially assigned civil cases that were postponed will be given priority, whenever possible
- For other civil matters, cases with multiple trial postponements and older cases will be given priority
- For family law matters, priority will be given to specially assigned cases, cases with multiple prior postponements, and older cases