



CIRCUIT COURT FOR BALTIMORE 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 Baltimore 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. 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.

Honorable Kathleen G. Cox
Administrative Judge

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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

- The Administrative Order requiring face coverings in public areas within the building, or in private office spaces within six-feet of another, remains in effect;
- Health screenings upon entry remain in effect, to include temperature checks where equipment is available, 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;
- Persons entering the courthouse can complete the entry health screening questions in advance through the URL: <https://BACOsafe.org>, and display results on a smart phone in order to expedite the entry process;
- Any person appearing for a scheduled matter who is refused entry based upon health screening may complete an information form which will then be forwarded to the assigned judicial officer to determine whether the matter will be postponed, or arrangements made for the individual to participate remotely;
- The revolving door at the Plaza entrance will not be in use;
- Housekeeping services will sanitize public areas, to include restrooms, elevator spaces and “high touch” areas, periodically throughout the day;
- Social distancing markers will be placed in areas where lines may occur, to include the Plaza entry area, the ground floor waiting areas around G-10, the second-floor areas near the Clerk’s Office service windows, and the fifth floor waiting areas for Settlement Court and adjacent to the Orphan’s Court and Register of Wills;
- Elevators will be restricted to two riders at a time, with the exception of family groups that may ride together;
- Stairways will be used to divert people from elevators, with the north stairway designated to go up, and the south stairway designated to go down;
- The grand jury room and the jury assembly room will be utilized as waiting areas for courtrooms or other overflow, with chairs spaced for appropriate social distancing;
- Toys will be removed temporarily from the family waiting room on the 4th floor;

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, scheduling conferences, status hearings, and settlement conferences;

- Dockets will have staggered start times throughout the day, with matters typically scheduled at 9:00 a.m., 11:00 a.m., 1:30 p.m. and 3:00 p.m. depending upon case type;
- During Phases I and II, and at times when restrictions on public activities remain in effect in the State and/or Baltimore 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 I, II, and III, and at times when restrictions on public activities remain in effect in the State or Baltimore County, services offered within the building, including but not limited to mediation, family service screenings, self-help consultations, parenting classes, and guardianship orientations, will be conducted remotely;

Clerk's Office Access

- During Phases I and II, and at times when restrictions on public activities remain in effect in the State and/or Baltimore County, the Clerk's Office will remain closed to the public, except by appointment pursuant to policies established by the Clerk of the Court;
- Public kiosks will be located on the First Floor during times when the Clerk's Office and the Courthouse Library remain closed to the public;
- During Phases I through IV, filings that are not made electronically may be left in a drop box at the Plaza entrance to the courthouse, and docketed in the manner outlined in prior Administrative Orders;

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, sheriff's deputies, or security staff;
- Social distancing markers will be placed in the gallery areas of courtrooms and waiting 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 or in the jury assembly room on the mezzanine;
- Counsel will be granted leeway to arrange seating in the well of the courtroom or jury box to allow social distancing space with clients;
- Face coverings are required within courtrooms except when speaking, at the discretion of the speaker;
- 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 in a manner consistent with the Administrative Order;

COVID-19 Positive Testing Reporting Requirements

- 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;

Inmate Transportation and Care

- During Phases I and II, transportation of inmates between the Detention Center and the courthouse will be minimized, to the extent possible, with no more than 12 inmates transported for morning and for afternoon court sessions;
- An inmate may not be transported from the Detention Center to the courthouse if the inmate: (1) is in quarantine within the Detention Center; (2) tests positive for COVID-19; (3) exhibits any sign or symptom of illness; or (3) has a temperature greater than 100.3 degrees;
- Inmates will be transported by the Sheriff's Department in a manner that allows for proper social distancing within the transport vehicle;
- Inmates will be provided face coverings before they are transported from the Detention Center, and they are required to wear face coverings while they are present in the courthouse;
- Inmates will be held in separate lockups, to the extent possible, to allow for proper social distancing;
- Inmates transported from the Detention Center will be held and transported separately from individuals taken into custody at the courthouse in order to minimize the risk of infection and to avoid the need for quarantine upon re-entry into the Detention Center;
- During Phases I and II, deferred sentencing and delayed reporting options should be considered, as appropriate, to minimize risks of infection within the Detention Center.

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 (Current Operation)

Phase I reflects the most restricted level of operation. This phase commenced when Maryland courts closed to the public on March 18, 2020, and it remains in effect until June 5, 2020, based upon the orders issued by Chief Judge Barbera. Court staff on site are restricted to essential personnel. Court operations are restricted to issues mandated by statute, or that pose genuine urgency, or that can 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 will be held remotely, whenever feasible. The court will continue 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 exists. Uncontested matters such as scheduling and status conferences, settlement conferences, and uncontested divorces may be heard remotely. Similarly, civil and family law motions and juvenile matters not requiring testimony may also be 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 continue to 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, or that are scheduled on the docket in Phase I and II will be postponed and re-set after October 5th

CRIMINAL

- Dockets will resume on June 10, 2020
- Cases already set on dockets starting June 10, 2020 will remain on the docket, but new notices will be issued to assign a staggered start time at 9:00, 11:00, 1:30 or 3:00
- Cases postponed during the court closure will be added to dockets starting June 10, 2020 so that there are two felony dockets and one misdemeanor docket each day, in addition to the plea docket and administrative matters
- 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, pursuant to the attached Criminal Postponement policy
- The State will not be required to have witnesses summonsed for cases on a docket until Phase V unless a case is set for a bench trial on an agreed date
- Six criminal judges will be assigned daily starting 6/10/20 as follows:
 - Administrative/plea judge to hear video bails, postponements, arraignments, pretrial violations, and Hicks matters
 - Plea judge to hear preset pleas scheduled through Phil Pokorny or the Assignment Office, to be set in half hour intervals from 9:00 a.m. through noon and 1:30 through 3:30 p.m.
 - Misdemeanor/DCA docket
 - Two felony dockets
 - Electronic Warrants/Motions judge
- **Competency Hearings**
 - Will be scheduled on existing dockets before Judge Purpura
- **Postponed Specially Assigned Cases**
 - Assigned judge will schedule a status conference with counsel to determine plea possibilities and set a follow up status conference/hearing 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 before Family Division judges
 - New cases will be scheduled in staggered intervals daily
- **Emergency Hearings (Judge)**
 - Cases approved for emergency or expedited hearings by Judge Jakubowski will be set for hearing before a Family Division judge
- **Scheduling Conferences (Magistrates)**
 - Will be held remotely per the usual schedule
- **Status Conference Dockets (Magistrates)**
 - Will suspend status conference dockets for self-represented litigants until October
- **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 before magistrate in staggered intervals with 2-3 per slot

- Will schedule as remote hearings for counsel/moving party, if possible, with magistrate in courtroom in the event the defaulting party appears
- **Settlement Court**
 - Commencing on June 15, 2020, will leave cases with counsel in on current dates in staggered intervals, with no more than two cases per time slot
 - Mediation Office will conduct remote status conferences on cases involving self-represented parties that were not reached during court closure to determine if a new settlement conference should be set or the matter should be scheduled for trial
 - Standby cases will not be referred to settlement court on the day of trial until the court resumes normal operation in Phase V
- **Mediation**
 - Will resume mediations remotely only, to be re-assessed in Phase IV
- **Family Services**
 - Screenings, evaluations and other services will be conducted remotely, if feasible, to be re-assessed in Phase IV
 - Visitation Center will remain closed, 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 >1 day that is set prior to August 31, 2020, will be postponed and re-set later in the Fall
 - Commencing June 10th, all other matters on existing dockets will proceed as scheduled, but notices will be re-issued to stagger start times
 - Family Division Judge assigned to any docket will arrange in advance for remote hearings, if feasible
 - Cases postponed during court closure will be re-set after September 1st
- **Docket cases (Magistrates)**
 - Will postpone any matter projected to take > 1 day that is set prior to August 31, 2020
 - Commencing June 10th, all other matters on existing dockets will proceed as scheduled, subject to review/postponement by magistrate if the case involves multiple witnesses, is likely to be protracted, or cannot reasonably be completed within existing time estimate
 - Staggered start times will be set for matters remaining on dockets, with no more than two cases per time slot
- **Special Immigrant Juvenile Status (“SIJS” Hearings)**
 - Will review and conduct in court hearing for any child scheduled to turn 21 prior to September 30, 2020, and postpone other matters until after September
- **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 late afternoon, one family per day, at 4:00 p.m.
- **Guardianships**
 - Cases postponed during court closure will be re-scheduled for hearing within first 30 days utilizing a remote platform, whenever feasible
 - Jessica Labenberg will contact counsel or parties in new matters to see if a remote hearing is an option, with guardianship training conducted on line
 - Will schedule contested matters on existing guardianship dockets, depending upon time estimate

CINA

- **CINA Shelter Hearings**
 - Shelter hearings will be scheduled at 3:00 p.m. daily on a remote platform before a juvenile judge under the existing “next day” process
- **CINA Adjudications, Permanency Planning and Review Hearings**
 - CINA dockets will resume on June 15th, and cases on existing dockets will be heard as presently scheduled, with staggered start times to be assigned
 - Cases with consent dispositions will be scheduled for a remote hearing before a magistrate on Mondays at 1:30 p.m.
 - 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
 - Two magistrates will be assigned daily on Mondays, Thursdays and Fridays, and one magistrate on Tuesdays (morning only) and Wednesdays, with cases staggered between 9:00, 11:00, 1:30 and 3:00 sessions
 - Juvenile judge will be assigned each day to assist with contested cases coming off a magistrate’s remote docket
 - Cases postponed during the court closure will be added to the expanded magistrate docket schedule
 - 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**
 - All will be scheduled remotely
- **Exceptions**
 - Exceptions hearings postponed during court closure will be re-set during Phase II
- **Judicial Docket**
 - Cases postponed during court closure will be re-scheduled in Phase II
- **TPR Cases**
 - Assigned judge will conduct status conference for any TPR postponed during court closure and re-set case in Phase III or IV
- **Family Recovery Support Program**
 - Will continue remote status reviews

DELINQUENCY

- **Detention Hearings**
 - Detention hearings will be heard daily at 11:00 a.m. before a juvenile judge on a remote platform
- **Adjudication and review hearings**
 - Dockets will resume on June 15th and matters currently set will remain on the docket
 - Matters with agreed pleas will be scheduled on Mondays at 3:00 p.m. before a magistrate
 - Adjudications will be re-set in first 30 days if the youth is detained
 - Will continue to hold remote hearings unless the case is contested and a request to appear in person is filed at least five days in advance of the hearing and approved by a judge/magistrate

- State is not required to have witnesses present or on call until Phase III unless a judge or magistrate approves scheduling a contested adjudication in this Phase
- **Waiver hearings**
 - Juvenile judge 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
- **Arraignment docket**
 - Arraignments will be scheduled on juvenile dockets, with two to three set per time slot, to limit crowds in courtrooms
- **Juvenile Drug Court**
 - Will continue remote contact with current participants, with in court reviews suspended until Phase IV

CHILD SUPPORT

- **Contempt status hearings for pick-up/release defendants**
 - Status hearings for individuals released on Body Attachments during court closure that are currently scheduled for June and August will be postponed until September
- **Child Support Enforcement Dockets**
 - Existing Child Support Enforcement Agency dockets are postponed, with establishment dockets to resume in Phase III and contempt dockets to resume in 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 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 one day 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

- **TPRs**
 - 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

CHILD SUPPORT

- **Establishment Dockets**
 - Will gradually resume daily magistrate child support establishment dockets
- **FESP Docket**
 - Will resume FESP docket

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 >one day shall remain on the docket

CRIMINAL

- **Expungements**
 - Will resume expungement dockets twice per month
- **Post-convictions and other collateral reviews**
 - Matters set prior to October 1, 2020, will be postponed and re-set in 2021
 - Matters set after October 1, 2020, will remain on the calendar, but moved into a time slot

FAMILY

- **Judge Dockets**
 - Cases on docket set for >one day will resume
- **Mediation and Family Services**
 - Will reassess resumption of on site mediation and family support services
- **Status Conferences (Magistrates)**
 - Will resume court status conference dockets for self-represented litigants in staggered time slots
- **Uncontested or Default Cases with Self-Represented Parties (Magistrates)**
 - Will re-set cases postponed during court closure before magistrates starting in September in staggered time slots
- **Contempt hearings**
 - Will resume contempt cases in staggered time slots

DELINQUENCY

- **Juvenile Drug Court**
 - Will assess resumption of juvenile drug court, based upon number and location of participants, but centralize docket

CHILD SUPPORT

- **Civil Contempt and FESP Dockets**
 - Will resume civil contempt dockets with staggered time slots
- **Criminal Contempt Matters**
 - Will re-schedule postponed criminal contempt matters

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