

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER AS TO THE MARYLAND FOSTER CARE COURT
IMPROVEMENT PROJECT

WHEREAS, The Maryland Judiciary recognizes that for children who have been poorly nurtured or injured by their caregivers, society must provide interventions and protections; and

WHEREAS, The Maryland Judiciary further recognizes that the preservation and reformation of families, and the protection of children from abuse and neglect are missions of the juvenile court; and

WHEREAS, The State Court Improvement Program (CIP) was created as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103-66, which, among other things, provided federal funds to state child welfare agencies and Indian tribes for preventative services and services to families at risk or in crisis; and

WHEREAS, The OBRA designated a portion of these federal funds as grants to the highest courts of each state to conduct assessments of foster care and adoption laws and judicial processes, and to develop and implement improvement plans; and

WHEREAS, In 1994, the Maryland Foster Care Court Improvement Project (FCCIP) received its initial grant and, through the FCCIP Advisory Committee formed by the Chief Judge of the Court of Appeals, began an assessment; and

WHEREAS, In 1997, the FCCIP Advisory Committee published the results of its assessment in a Report entitled *Improving Court Performance for Abused and Neglected Children*; and

WHEREAS, Following completion of the assessment, the Chief Judge of the Court of Appeals appointed juvenile court judges and masters, representing jurisdictions throughout the State, to serve on the newly formed FCCIP Implementation Committee, along with relevant child welfare stakeholders; and

WHEREAS, The Implementation Committee established subcommittees to assist in the implementation of the assessment recommendations; and

WHEREAS, For several years, the FCCIP has continued to fulfill its obligation to implement the assessment recommendations, and enhance its plan of improvement, as appropriate, so that abused and neglected children before the juvenile court are provided with safe and permanent homes as expeditiously as possible; and

WHEREAS, The Chief Judge of the Court of Appeals has determined that the FCCIP staff should be employees of the Court of Appeals, and the basic funds for the operation of the FCCIP allocated in the annual budget of the Court of Appeals; and

WHEREAS, It is appropriate that an Administrative Order be issued to memorialize the existence and functions of the FCCIP.

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 7th day of June 2012, effective immediately.

1. Foster Care Court Improvement Project.

A. Governance and Structure.

(1) The FCCIP is responsible for implementing the recommendations for court and foster care system improvement identified in its initial and subsequent assessments of foster care and adoption laws and judicial processes, in an effort toward court and foster care system improvement.

(2) Pursuant to federal guidelines, a multi-disciplinary statewide task force must be established to guide CIP activities. The FCCIP Implementation Committee will serve in this capacity as the governing body designated to provide oversight and supervision to the FCCIP.

(3) The Implementation Committee will be composed of 16 members consisting of: juvenile court judges and masters representing jurisdictions throughout the State; the Executive Director of the Maryland Social Services Administration of the Department of Human Resources; the representative of the Citizens' Review Board for Children; and other relevant child welfare stakeholders.

(4) The Chair and all other members of the Implementation Committee, with the exception of the Executive Director of the Social Services Administration and the representative of the Citizens' Review Board for Children, shall be appointed by the Chief Judge of the Court of Appeals. Appointment of the representatives from other child welfare stakeholders shall be made after consultation with the Secretary of the agency in question.

(5) The following provisions shall govern Implementation Committee member terms:

(a) The terms of the Chair and each member of the Committee shall be for a maximum of three (3) years; member terms shall be staggered so that the terms of at least four (4) members expire each year; the initial terms of four (4) members

shall be one (1) year; the initial terms of five members shall be two (2) years; and the initial terms of five (5) members shall be three (3) years.

(b) A member may not serve more than two (2) consecutive three-year terms, nor more than a total of six (6) consecutive years;

(c) At the end of a term, a member shall continue to serve until a successor is appointed;

(d) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed;

(e) A member may be removed before the expiration of his or her term by the appointing authority.

(6) In addition to the Implementation Committee, subcommittees have been established to support the work of the FCCIP.

(a) The subcommittees presently are: Legislative Policy and Legal Research Subcommittee, Representation, Practice and Procedures Subcommittee, Quality Assurance and Improvement Subcommittee, Resource and Programming Subcommittee, and the Training, Education and Development Subcommittee.

(b) The Implementation Committee shall establish such additional committees as it determines are necessary.

(c) The Implementation Committee will appoint subcommittee members and determine their terms.

(7) The FCCIP shall have an Executive Committee. This Committee will consist of the Implementation Committee Chair, Vice Chair, and one other subcommittee chair, as determined by the Chair. The Executive Committee, in consultation with the Chair, will provide administrative oversight of the FCCIP. The Committee will ensure that the vision is set for the FCCIP, ensure compliance, provide consultation, and authorize and approve all work product before distribution to federal or state partners.

B. Staff.

(1) The FCCIP shall have a Director and Deputy Director who will oversee its operations, as well as the development of its programs and policies.

(2) The Director will be under the direction of the Executive Committee and the supervision of the Chair.

(3) All other FCCIP staff will be under the supervision of the Director.

(4) All FCCIP staff, including the Director and Deputy Director, will be Court of Appeals personnel.

2. Funding of the Foster Care Court Improvement Project.

A. Basic Funding. Basic funds for the operation of the FCCIP shall be allocated in the annual budget of the Court of Appeals, and the federal CIP budget, as available.

B. Federal CIP Funding. Federal CIP funding shall continue to be requested to support the Judiciary's ability to assess its role, responsibilities and effectiveness in improving the handling of proceedings related to foster care and adoption.

C. Additional Funding. As deemed appropriate, outside funding sources shall be developed to support additional court-focused child welfare initiatives.

3. Functions.

A. Purposes. The FCCIP shall continue to be designated, and serve as the Judiciary's primary entity designated to address Children in Need of Assistance (CINA) and related Termination of Parents Rights (TPR)/Guardianship and Adoption matters. By

demonstrating meaningful, ongoing collaboration with the Department of Human Resources and other relevant Executive Branch agencies, the FCCIP will identify and work toward shared goals and initiatives designed to increase the safety, permanency, and well-being of children in the child welfare system.

B. Duties. To carry out its purposes, the FCCIP shall:

(1) Implement the findings and recommendations yielded from independent program assessments for improving the juvenile court in areas related to child abuse and neglect cases.

(2) Assign one of the members of the Implementation Committee (judge or master) as a liaison to the Family Law Committee. The liaison's responsibilities shall include reporting to the Family Law Committee relevant activities and proposed actions of the Implementation Committee and its subcommittees, encouraging feedback from the Family Law Committee, its respective subcommittees, and the Family Administration Department, and reporting back to the Implementation Committee, or the appropriate subcommittee, as the case may be. The Family Law Committee, in turn, will assign one of its members to serve as a liaison to the Implementation Committee, and likewise will report to the Implementation Committee relevant activities and proposed actions of the Family Law Committee, its respective subcommittees, and the Family Administration Department, as they might relate to child welfare matters, encouraging feedback from the Implementation Committee, or the appropriate subcommittee, as the case may be.

(3) Review, revise, and/or develop legislation relating to child welfare matters to ensure compliance with federal statutes and policies. Any proposed legislation regarding child welfare proposed to be introduced as Judiciary legislation shall be presented by the FCCIP directly to the Legislative Committee of the Judicial Conference. The FCCIP will not present any proposed legislation before:

(a) having presented such legislation to the Conference of Circuit Judges

and the Family Law Committee,

(b) having received and considered feedback from the Conference of Circuit Judges and the Family Law Committee.

Members of the Implementation Committee or its Legislative Policy and Legal Research Subcommittee, and members of the FCCIP staff, shall be available to the Legislative Committee of the Judicial Conference to present any proposed legislation, address concerns, and/or answer questions. Testimony before any committee of the General Assembly shall be given by the Chair of the Implementation Committee, the Chair of the Legislative Subcommittee, or their designee, upon express authorization of the Chief Judge of the Court of Appeals or the Chair of the Legislative Committee of the Judicial Conference.

(4) Provide various training opportunities to juvenile court judges and masters by producing and hosting an annual multi-day conference, the CANDO conference, designed to train juvenile court judges and masters.

(5) Develop a foster care and dependency curriculum for newly appointed juvenile court judges and masters, and track curriculum completion.

(6) Present or sponsor an annual Judicial Institute course on CINA, and related TPR/Guardianship and Adoption matters.

(7) Maintain a listing of national and local training opportunities and make such recommendations concerning attendance at such trainings by judges, masters, staff and other such persons as may be deemed appropriate by the Implementation Committee.

(8) Ensure competent and effective representation of all parties in child abuse and neglect cases, by providing training opportunities to Maryland child welfare attorneys.

(9) Improve the quality of child welfare data and statistics through the use of automation and uniformity of terminology and practice.

C. Report. The FCCIP shall prepare and file with the U.S. Department of Health and Human Services, Administration for Children and Families, and with the Court of Appeals, an annual report of the progress of the FCCIP's work during the preceding 12 months.

4. Scope of Authority.

A. Representation. The FCCIP shall represent the Court of Appeals for purposes of complying with federal CIP dependency or child welfare grants. The FCCIP shall be a committee of the Judicial Conference.

B. Presentations. The FCCIP shall:

(1) Make a presentation and/or provide a report of its activities, proposed actions and/or legislation, when requested, to the Conference of Circuit Judges and/or any Judicial Conference committee or entity impacted or otherwise affected by its activities.

(2) Solicit and consider feedback generated by/resulting from any such presentation.

(3) At the request of the Chief Judge of the Court of Appeals, report to the Court of Appeals, the Judicial Cabinet or to any other Judicial Conference committee or entity on FCCIP activities, decisions, and/or proposed legislation.

C. Approval. Any final decision of the FCCIP shall be subject to the approval of the Chief Judge of the Court of Appeals.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge of the Court of Appeals

Filed: June 7, 2012

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland