IN THE COURT OF APPEALS OF MARYLAND

FIFTH ADMINISTRATIVE ORDER
RESTRICTING STATEWIDE JUDICIARY OPERATIONS
DUE TO THE COVID-19 EMERGENCY

WHEREAS, Pursuant to the Maryland Constitution, Article IV, § 18, the Chief Judge of the Court of Appeals is granted authority as the administrative head of the Judicial Branch of the State; and

WHEREAS, The Court of Appeals has approved Chapter 1000 of Title 16 of the Maryland Rules of Practice and Procedure setting forth the emergency powers of the Chief Judge of the Court of Appeals; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and consistent with guidance issued by the Centers for Disease Control and Prevention (CDC) and the Maryland Department of Health (MDH), an emergency exists for which measures continue to be required to mitigate potential for exposure for individuals visiting a court or judicial facility and judicial personnel; and

WHEREAS, The administration of justice necessarily has been affected by the pandemic and will continue to require the professionalism, courtesy, and cooperation of the members of the bench and the bar in navigating the changes to practices and procedures; and

WHEREAS, Remote proceedings have proved to be useful and effective in facilitating the courts' performance of core functions during the COVID-19 emergency and will continue to be necessary; and

WHEREAS, The COVID-19 emergency continues to require the Judiciary to reassess the current phase of operations in the phased approach, marking a retreat from full operational functions, while employing safety measures and monitoring local health conditions to continue to support the health and safety of Maryland residents and Judiciary personnel; and

WHEREAS, The *Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency*, filed June 3, 2020, provided for five phases of a progressive return to operations, and these phases shall be utilized should a change in the level of operations be necessary during the remainder of the COVID-19 emergency; and

WHEREAS, On October 5, 2020, the circuit courts resumed jury trials, marking the beginning of Phase V; and

WHEREAS, The rapid increase of COVID-19 infection rates throughout Maryland requires a realignment of the phase of operations consistent with the worsening health conditions and concomitant risk to individuals visiting a court or judicial facility and to judicial personnel,

NOW, THEREFORE, I, Mary Ellen Barbera, 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 12th day of November 2020, as follows:

(a) Should the CDC or MDH require a return to emergency operations during the COVID-19 emergency, a progressive, phased return to full operations by the courts in the Maryland Judiciary, court offices, administrative offices, units of the Judiciary, the Offices of the Clerks of the Circuit Courts, and the clerks' offices of the District Court shall be the policy of the Maryland Judiciary, consistent with the measures taken since March 12, 2020; and

(b) The resumption consists of five phases, each phase representing an increase in the level of operation within court locations. As the COVID-19 profile changes throughout the state over the next several months, it may become necessary to retreat from a later to an earlier phase, or to adjust the phase in one or more specific jurisdictions within the state, as determined by the Chief Judge of the Court of Appeals, with any required changes in phases to be announced as soon as feasible; and

(c) Phase I is the state of emergency operations consistent with the *Fourth Amended Administrative Order Expanding and Extending Statewide Judiciary Restricted Operations Due to the COVID-19 Emergency*, filed May 4, 2020, as noted in the attached Exhibit; and

(d) In Phase II, courts expand the scope of matters that can be heard both remotely and on-site, including matters that were postponed or deferred during restricted operations, as well as matters that must be prioritized, as described in the attached Exhibit. The Offices of the Clerks of the Circuit Courts and the clerks' offices of the District Court remain closed to the public with limited exceptions. Court activities shall proceed with restrictions to limit the concentration of individuals and allow social distancing, consistent with guidance of the CDC or MDH or both; and

(e) In Phase III, courts schedule and hold a broader range of matters, including certain non-jury trials in the District Court and the Circuit Courts and attorney disciplinary matters in the circuit courts, with limited in-person services to be offered as determined by the administrative judge and posted electronically and in the court facility, as described in the attached Exhibit. The Offices of the Clerks of the Circuit Courts and the clerks' offices of the District Court are open to the public. Court and clerk activities shall proceed with continued restrictions to limit the concentration of individuals and allow

social distancing, consistent with guidance of the CDC or MDH or both, and subject to staffing as determined in Sections (v), (w), and (x) of this Order; and

(f) In Phase IV, courts resume non-jury trials and contested hearings in criminal, civil, family, and juvenile matters, as described in the attached Exhibit, with continued restrictions to limit the concentration of individuals and allow social distancing, consistent with guidance of the CDC or MDH or both; and

(g) In Phase V, courts resume full operations, including jury trials. On October 5, 2020, jurisdictions proceeded to Phase V, as described in the attached Exhibit, with continued restrictions to limit the concentration of individuals and allow social distancing, consistent with the guidance of the CDC or MDH or both; and

(h) Effective November 16, 2020, through December 31, 2020, pending further order of the Chief Judge of the Court of Appeals, courts shall operate under Phase III as described in Section (e) and the Exhibit of this Order; and

(i) Through December 31, 2020, pending further order of the Chief Judge of the Court of Appeals, the courts are authorized and encouraged to conduct remote proceedings to the greatest extent possible, using communication platforms consistent with the *Administrative Order on the Implementation of Remote Electronic Participation in Judicial Proceedings*, filed June 18, 2018, and the *Amended Administrative Order on Remote Proceedings Held During the COVID-19 Emergency*, filed May 1, 2020, and the relevant Maryland Rules, including amendments presented in the 205th Report of the Rules Committee and approved by the Court of Appeals to take effect on July 1, 2020; and

(j) Regardless of Phase, this Order permits and encourages the courts' consideration or resolution of:

(1) Matters that can be addressed without a hearing; and

(2) Matters requiring a hearing or court trial, to the extent that an individual court has the capacity to hear such matters, either in person or on a remote basis, with access to the public as justice requires. Courts shall notify all participants to the proceeding if a matter will go forward; and

(3) Jury trials scheduled to commence between the effective date of this order through December 31, 2020, shall be postponed and rescheduled in accordance with the date established by the *Third Amended Administrative Order Re-Imposing the Statewide Suspension of Jury Trials and Maintaining Grand Juries*, filed November 12, 2020; and

(k) Phase I Matters, as identified in the Exhibit, shall continue to be scheduled or heard, either in person or remotely; and

(l) In Phases I and II, Phase I Matters and Phase II Matters, as identified in the Exhibit, shall be scheduled and heard, if at all possible, before the end of the Phase II period; and

(m) The courts are to provide services, either remotely or in person, as appropriate to the Phase and jurisdiction, to the extent feasible, and consistent with the recommendations of the CDC, MDH, and local health departments, including, but not limited to, self-help centers, alternative dispute resolution programs, family division services, law libraries, and child care for litigants, witnesses, and those who have business in the court; and

(n) No person who has been diagnosed with and remains ill with COVID-19, or is aware of having been exposed to a person infected with COVID-19 as described in CDC protocols, may enter a Judicial Branch facility; and

(o) No person who has been advised by a doctor, hospital, or local health department to self-quarantine or ordered to quarantine may enter a Judicial Branch facility during the quarantine period; and

(p) To the extent that, during this emergency, any person who attempts to enter a Judicial Branch facility and appears to be ill with a respiratory illness, protocols developed as part of extant continuing operations plans shall be employed to provide to that person, to the extent possible, the services needed without placing other court visitors and staff at risk; and

(q) Any such person and/or his or her attorney, if applicable, who has a scheduled proceeding, event, or services in a Judicial Branch facility must contact the appropriate office regarding his or her status; and

(r) Consistent with the recommendations of the CDC, MDH, and local health departments and the *Third Administrative Order Clarifying COVID-19 Health Measures in Courthouses and Judicial Branch Facilities*, filed on November 12, 2020, any person who seeks entrance to courts and judicial facilities shall be:

(1) subject to COVID-19 screening questions,

(2) subject to non-contact temperature checks where available,

(3) required to wear face masks that cover the nose, mouth, and chin completely, without vents, and

(4) required to maintain social distancing; and

(s) Any person may be denied entrance to or required to leave a court or judicial facility as a result of the screening process or as a result of refusing to comply with the requirements to wear a face mask, or maintain social distancing:

(1) if, as a result of the screening process, such person shall be provided information regarding alternative means to address the purpose of that person's intended visit to the court, and

(2) if, as a result of refusing to comply with the requirements to wear a face mask, or maintain social distancing, such person shall be required to leave the courthouse or facility; and

(t) Through December 31, 2020, pending further order of the Chief Judge of the Court of Appeals, in order to achieve the requirements of social distancing, administrative judges may limit the number of people entering the courthouse or a courtroom. The courts shall inform individuals seeking access to the courthouse that access to courtrooms and other court spaces may be limited; and

(u) Regardless of Phase, credentialed press shall be admitted to the courthouse and courtrooms (other than hearings that are closed to the public), subject to available capacity and in compliance with the guidance of the CDC and MDH; and

(v) Regardless of Phase, personnel shall report to work as required by their administrative judges, court administrators, clerks of courts, administrative clerks, and administrative heads of units of the Judiciary. An employee who is unable to serve due to illness or otherwise, will be excused consistent with applicable leave policies. Job duties, schedule, and the means of completing assigned work of any and all Judiciary employees may be adjusted or revised as necessary; and

(w) Courts seeking to stagger personnel reporting in person temporarily during Phase III operations shall do so consistent with the guidance provided by the Administrative Office of the Courts' Department of Human Resources (November 2020); and

(x) Regardless of Phase, sufficient court personnel shall be available to perform their duties between the hours of 8:30 AM to 4:30 PM, Monday through Friday, holidays excepted, with commissioners to follow established schedules; and

(y) Through December 31, 2020, pending further order of the Chief Judge of the Court of Appeals, all incumbent Maryland judges, except those judges whose only office is that of Orphans' Court, continue to be cross-designated to sit in any trial court in the State of Maryland; and

(z) The following activities are considered non-essential, pending further order of the Chief Judge of the Court of Appeals:

(1) In-State Travel. Travel within the State on official business is to be minimized to the greatest extent possible without disrupting the essential functions of the Judiciary, consistent with official directives by health and law enforcement officials, and

(2) Out-of-State Travel. All out-of-state business travel shall be suspended until further notice, and

(3) Out-of-Country Travel. All out-of-country business travel shall be suspended until further notice, and

(4) Judicial College. All in-person judicial education, professional development, and technology education classes shall be suspended, until further notice.

(A) To the extent that classes might be delivered using remote means, such classes shall be offered to those personnel who are enrolled.

(B) To the extent that these classes were necessary to fulfill judicial education requirements, these requirements shall be suspended for calendar year 2020, and

(5) Committee Meetings. Meetings of committees, subcommittees, workgroups, and other similar judicial governance entities shall be conducted by conference call or other remote hosting technology. The Chief Judge of the Court of Appeals may make an exception where the administrative head of a committee, subcommittee, workgroup, or other similar judicial governance entity provides written justification that the committee cannot fulfill its essential purpose, and

(6) Gatherings. Unless there is an emergent need, judicial personnel shall refrain from attending and/or hosting non-essential work-related gatherings; and

(aa) The *Fourth Revised Administrative Order on the Emergency Tolling or Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters*, filed November 12, 2020 (*Fourth Revised Administrative Order on Emergency Tolling or Suspension*), issued pursuant to Maryland Rule 16-1003(a)(7), shall control as to statutory and rules deadlines for the initiation of matters and for conducting certain court proceedings, except that the deadline for the scheduling of criminal jury trials shall be governed by the *Third Amended Administrative Order Re-Imposing the Statewide Suspension of Jury Trials and Maintaining Grand Juries,* filed November 12, 2020; and

(bb) Regardless of Phase, search warrants must be addressed on a 24-hour, 7-day per week basis. Search warrants shall be handled electronically to the greatest extent possible. The administrative judges of the Circuit Courts and the District Court each shall designate a judge responsible to cover search warrant duty for a specified timeframe; and

(cc) Application of case time standards shall be governed by the *Administrative Order on Case Time Standards and Related Reports for Fiscal Years 2020 and 2021 in Light of the COVID-19 Emergency*, filed May 1, 2020; and

(dd) The suspension of Maryland Rules 2-507 and 3-507 shall be governed by the *Fourth Revised Administrative Order on Emergency Tolling or Suspension*; and

(ee) Regardless of Phase, scheduling orders issued by the Circuit Courts in civil and family law matters and by the appellate courts shall continue to be addressed by motion on a case-by-case basis by the administrative judge, or, in the appellate courts, the Chief Judge, or his or her designee; and

(ff) The Maryland Electronic Courts system (MDEC) continues to be available for electronic filing and is required to be used in all MDEC counties. Through December 31, 2020, pending further order of the Chief Judge of the Court of Appeals, in non-MDEC counties, litigants are permitted to use MDEC for appellate filings pursuant to the *Administrative Order on the Permissive Use of the MDEC System for Appellate Filings During the COVID-19 Emergency*, filed on March 27, 2020; and

(gg) Through December 31, 2020, pending further order of the Chief Judge of the Court of Appeals, in Baltimore City, Montgomery, and Prince George's Counties (non-MDEC jurisdictions) only, to the extent that any of these Courts determine to make a virtual drop box available for filings during the COVID-19 emergency period, such drop boxes may be utilized consistent

with protocols adopted in an administrative order issued by that Court, announced electronically, and posted on that Court's website; and

(hh) Through December 31, 2020, pending further order of the Chief Judge of the Court of Appeals, for pleadings not required to be filed electronically or where permitted by virtual drop box, filings will be received by mail and may be received via physical drop boxes installed at local courthouses:

(1) Filings subject to the *Fourth Revised Administrative Order on Emergency Tolling or Suspension* shall have a filing date as determined by that Order, and

(2) For filings not controlled by the *Fourth Revised Administrative Order on Emergency Tolling or Suspension*, the date of filings will be considered the date a mailed filing has been postmarked or, if filed via a physical drop box, the previous business day, unless there is a timestamp on the drop box; and

(ii) Clerks of the Circuit Courts, the Court of Special Appeals, the Court of Appeals, and the District Court of Maryland shall continue to process MDEC filings, filings by virtual drop box where permitted, and paper filings; and

(jj) The *Second Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency*, filed October 2, 2020, shall be and hereby is rescinded effective immediately; and

(kk) To the extent that this Administrative Order conflicts with extant Administrative Orders, local administrative orders or policies, this Administrative Order shall prevail; and

(ll) This Administrative Order will be revised as circumstances warrant.

/s/ Mary Ellen Barbera

Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: November 12, 2020

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document is authentic.

2020-11-12 12:18-05:00

Suzanne C. Johnson, Clerk

EXHIBIT TO THE NOVEMBER 12, 2020 FIFTH ADMINISTRATIVE ORDER RESTRICTING STATEWIDE JUDICIARY OPERATIONS DUE TO THE COVID-19 EMERGENCY[1]

PHASE I: March 16, 2020 through 4:59 PM, June 5, 2020

A. All matters identified in Paragraph B, as well as those emergency matters identified in Paragraph C that the administrative judge or his or her designee determines must be heard in person or can be heard with remote electronic participation, are defined as "Phase I Matters."

B. The following emergency and urgent matters shall be scheduled or heard, either in person or remotely. The court shall notify all participants necessary to the proceeding:

(1) In the Court of Appeals:
- (A) certain election law matters
- (B) certain petitions for Writs of Mandamus
- (C) certain certified questions of law
- (D) quarantine and isolation matters

(2) In the Court of Special Appeals:
- (A) requests for injunctive relief pending appeal
- (B) appeals in cases in which a lack of action would result in a dispositive outcome
- (C) appeals from quarantine and isolation petitions

(3) In the Circuit Courts:
- (A) bail reviews/bench warrants
- (B) arraignments for detained defendants

[1]*Fifth Administrative Order Restricting Statewide Judiciary Operations*

(C) juvenile detention hearings

(D) juvenile shelter care hearings

(E) peace order petitions (juvenile respondents)

(F) emergency evaluation petitions

(G) quarantine and isolation petitions

(H) extradition cases

(I) body attachments

(J) extreme risk protective order appeals

(4) In the District Court:

(A) bail reviews/bench warrants

(B) emergency evaluation petitions

(C) quarantine and isolation violations

(D) body attachments

(5) District Court Commissioners shall handle the following matters:

(A) new extreme risk protective order petitions

(B) new domestic violence protective petitions (adult respondents)

(C) new peace order petitions (adult respondents)

(D) initial appearances

(E) applications for statement of charges

(F) acceptance of bail bonds

(G) bench warrant satisfactions

C. For all other emergency matters, including those listed below, the administrative judge or his or her designee shall review the petition, determine whether it must be heard in person, or can be heard with remote electronic participation, or can be scheduled after the emergency period has ended, or can be resolved without a hearing, including, but not limited to:

(1) CINA matters, consistent with FCCIP Subcommittee of the Maryland Judicial Council recommendations of April 3, 2020

(2) emergency delinquency hearings, including motions related to juveniles who are detained, committed pending placement, or committed, consistent with the *Administrative Order Guiding the Response of the Circuit Courts Sitting as Juvenile Courts to the COVID-19 Emergency as it Relates to Those Juveniles who are Detained, Committed Pending Placement or in Commitments*, filed April 13, 2020

(3) emergency Habeas Corpus petitions

(4) emergency issues in guardianship matters

(5) domestic violence protective orders

(6) appeals from peace orders

(7) family law emergencies, including time urgent matters related to special juvenile immigrant status

(8) temporary restraining orders

(9) criminal competency matters

(10) motions regarding:

i. extreme risk protective orders

ii. domestic violence protective orders

iii. peace orders

(11) contempt hearings related to peace or protective orders

(12) matters involving locally incarcerated defendants, consistent with the *Administrative Order Guiding the Response of the Trial Courts of Maryland to the COVID-19 Emergency as it Relates to Those Persons who are Incarcerated or Imprisoned,* filed April 14, 2020.

PHASE II: 5:00 PM, June 5, 2020, through July 19, 2020

Phase II represents an expansion of matters that can be heard by courts both remotely and on-site. Phase II shall include Phase I Matters, as well as matters that must be prioritized as listed on pages 4 through 9 of this Exhibit (collectively, the "Phase II Matters"). To the extent that Phase II Matters may be handled remotely, courts are encouraged to do so. For any proceeding held during Phase II, the court shall notify all participants necessary to the proceeding.

COURT OF APPEALS

Fully operational. All matters within the appellate jurisdiction of the Court of Appeals, with hearings occurring remotely. All matters related to the Court of Appeals' regulatory authority over the practice of law and judicial conduct, with hearings occurring remotely. Approval and promulgation of the rules of practice and procedure in the Maryland state courts.

COURT OF SPECIAL APPEALS

Fully operational. All matters within the appellate jurisdiction of the Court of Special Appeals, with most hearings occurring remotely; and mediation proceedings conducted by the Court of Special Appeals' ADR Division, which may be handled remotely.

PHASE II: CIRCUIT COURTS

In addition to PHASE I Matters:

CIVIL:

(1) emergency evaluation petitions

(2) quarantine and isolation petitions

(3) emergency Habeas Corpus petitions

(4) body attachments

(5) temporary restraining orders

(6) scheduling conferences

(7) status conferences

(8) on the record appeals

(9) matters that can be handled remotely or without testimony or both

CRIMINAL:

(1) bail reviews, bail reconsiderations, and bench warrants including matters involving locally incarcerated defendants, consistent with the *Administrative Order Guiding the Response of the Trial Courts of Maryland to the COVID-19 Emergency as it Relates to Those Persons who are Incarcerated or Imprisoned*, filed April 14, 2020

(2) arraignments for detained defendants

(3) extradition cases

(4) matters addressing competency; criminal responsibility issues not requiring witness testimony status; and discovery and *Hicks* issues

(5) deferred sentencing – for non-incarcerated defendants

(6) plea agreements without recommendations for sentences of incarceration; deferred sentence matters; and motions that can be handled remotely or without testimony or both

PHASE II: CIRCUIT COURTS (cont.)

FAMILY:

(1) scheduling conferences

(2) status conferences

(3) uncontested divorces and other uncontested family law matters

(4) domestic violence protective orders

(5) domestic violence, peace, and extreme risk protective order appeals

(6) family law emergencies that have been determined to require an expedited hearing, including time urgent matters related to special juvenile immigrant status

(7) emergency issues in guardianship matters

(8) temporary restraining orders

(9) default hearings

(10) exceptions hearings not requiring witness testimony (uncontested or consented to or requiring legal argument only)

(11) matters that can be handled remotely or without testimony or both

JUVENILE COURT:

CINA (DEPENDENCY):
with priority scheduling for those juveniles turning 21 within 90 days of the beginning of Phase II

(1) shelter care hearings

(2) CINA matters, including, if not contested and/or by proffer, adjudications, dispositions, permanency plan, and permanency plan reviews

(3) Termination of Parental Rights (TPR) by consent and/or by proffer

(4) exceptions hearings (uncontested or consented to or requiring legal argument only)

(5) Family Treatment/Recovery Court review hearings

(6) guardianships under juvenile causes

(7) adoptions concerning CINA and TPR juveniles

(8) matters that can be handled remotely or without testimony or both

PHASE II: CIRCUIT COURTS (cont.)

JUVENILE (DELINQUENCY):
with priority scheduling for those juveniles: turning 21 within 90 days of the beginning of Phase II; returning from placement; with issues with permanency plans; closures of cases; and possible placement on the juvenile and/or adult sexual offender registries

(1) juvenile detention hearings

(2) peace order petitions (juvenile respondents only)

(3) arraignments and first appearances

(4) emergency delinquency hearings, including motions related to juveniles who are detained, committed pending placement, or committed, consistent with the *Administrative Order Guiding the Response of the Circuit Courts Sitting as Juvenile Courts to the COVID-19 Emergency as it Relates to Those Juveniles who are Detained, Committed Pending Placement or in Commitments*, filed April 13, 2020

(5) adjudication with agreed to-plea and/or by proffer

(6) disposition with consent and/or by proffer

(7) disposition reviews

(8) delinquency juvenile treatment plans and reviews

(9) closure of probation and jurisdiction of Juvenile Court not requiring testimony

(10) juvenile expungements not requiring testimony

(11) juvenile permanency plans and reviews, if not contested or by proffer or both

(12) juvenile waivers, if consented to and not requiring testimony

(13) exceptions hearings not requiring witness testimony (uncontested or consented to or requiring legal argument only)

(14) matters that can be handled remotely or without testimony or both

PROBLEM-SOLVING COURTS:
including drug, mental health, family/dependency recovery, DUI, veterans', juvenile drug, and truancy courts

Any other matters that can be scheduled, heard, or resolved in accordance with Sections (i) and (j) of the *Fifth Administrative Order Restricting Statewide Judiciary Operations* are encouraged to be taken up by the circuit courts during Phase II.

PHASE II: DISTRICT COURT

In addition to PHASE I Matters:

CRIMINAL & TRAFFIC:

(1) bail reviews and bail reconsiderations, bench warrants including matters involving locally incarcerated defendants, consistent with the *Administrative Order Guiding the Response of the Trial Courts of Maryland to the COVID-19 Emergency as it Relates to Those Persons who are Incarcerated or Imprisoned*, filed April 14, 2020

(2) guilty pleas, with deferral of incarceration start date considered

(3) hearings on petitions for mental health evaluations and competency to stand trial

(4) preliminary hearings with a proposed resolution

CIVIL:

(1) emergency evaluation petitions

(2) quarantine and isolation violation petitions

(3) body attachments

(4) temporary and final domestic violence, peace, and extreme risk protective orders

(5) temporary restraining orders

LANDLORD/TENANT:

(1) emergency breach of lease involving threats or injury to people or property and associated warrants of restitution

(2) emergency wrongful detainer actions and associated warrants of restitution

PROBLEM-SOLVING COURTS:
including drug, mental health, DUI, veterans', re-entry courts and dockets

Any other matters that can be scheduled, heard, or resolved in accordance with Sections (i) and (j) of the *Fifth Administrative Order Restricting Statewide Judiciary Operations* are encouraged to be taken up by the District Court during Phase II.

PHASE II: DISTRICT COURT (cont.)

DISTRICT COURT COMMISSIONERS shall continue to handle the following matters:

(1) new extreme risk protective order petitions

(2) new domestic violence protective petitions (adult respondents)

(3) new peace order petitions (adult respondents)

(4) initial appearances

(5) applications for statement of charges

(6) acceptance of bail bonds

(7) bench warrant satisfactions

PHASE III: July 20, 2020, through August 30, 2020; and

November 16, 2020, through December 31, 2020

In Phase III, courts schedule and hold a broader range of matters, including certain criminal trials in the District Court and the Circuit Courts, with limited in-person services to be offered as determined by the administrative judge and posted electronically and in the court facility. Phase III shall include Phase II Matters and shall be, collectively, "Phase III Matters." To the extent that Phase III Matters may be handled remotely, courts are encouraged to do so. For any proceeding held during Phase III, the court shall notify all participants necessary to the proceeding.

COURT OF APPEALS

Fully operational. All matters within the appellate jurisdiction of the Court of Appeals, with hearings occurring remotely. All matters related to the Court of Appeals' regulatory authority over the practice of law and judicial conduct, with hearings occurring remotely. Approval and promulgation of the rules of practice and procedure in the Maryland state courts.

COURT OF SPECIAL APPEALS

Fully operational. All matters within the appellate jurisdiction of the Court of Special Appeals, with most hearings occurring remotely; and mediation proceedings conducted by the Court of Special Appeals' ADR Division, which may be handled remotely.

PHASE III: CIRCUIT COURTS

In addition to PHASE II Matters:

CIVIL:

(1) motions requiring witness testimony

(2) settlement hearings

(3) attorney disciplinary proceedings

CRIMINAL:

(1) motions

(2) expungements

(3) violation of probation hearings

(4) non-jury trials

(5) jury prayer status hearings

(6) sentencings previously deferred

FAMILY:

(1) resume handling of temporary domestic violence protective order petitions during court hours

(2) motions requiring witness testimony

(3) pendente lite hearings

(4) contempt proceedings

(5) adoptions

(6) guardianship – non-emergency

(7) child support matters: establishment

(8) settlement hearings

(9) court-ordered mediations

PHASE III: CIRCUIT COURTS (cont.)

JUVENILE COURT:

CINA (DEPENDENCY)

(1) all matters and motions that are contested and/or requiring testimony

(2) CINA adjudications, dispositions, permanency plans, permanency plan reviews

(3) exceptions hearings requiring witness testimony

(4) contested TPR proceedings

JUVENILE (DELINQUENCY)

(1) all matters that are contested and/or requiring testimony

(2) adjudication

(3) disposition and disposition reviews

(4) closure of probation and jurisdiction of Juvenile Court

(5) motions

(6) juvenile expungements

(7) juvenile permanency plan and permanency plan reviews

(8) juvenile and adult sex offender registration matters

(9) waiver hearings, including to and from Juvenile Court

(10) exceptions hearings

PROBLEM-SOLVING COURTS, including drug, mental health, family/dependency recovery, DUI, veterans', juvenile drug, and truancy courts

Any other matters that can be scheduled, heard, or resolved in accordance with Sections (i) and (j) of the *Fifth Administrative Order Restricting Statewide Judiciary Operations* are encouraged to be taken up by the circuit courts during Phase III.

PHASE III: DISTRICT COURT

In addition to PHASE II Matters:

CRIMINAL & TRAFFIC:

(1) criminal cases, prioritizing trials for incarcerated defendants, other criminal cases alleging violent acts, and alcohol-related motor vehicle matters.

(2) preliminary hearings

(3) minor traffic matters, including previously postponed matters

(4) violations of probation

CIVIL:

(1) civil matters, including trials, and previously postponed matters

(2) temporary domestic violence protective, peace, and extreme risk protective order petitions during court hours

LANDLORD/TENANT:

(1) rent escrow actions, provided local inspection practices are capable of being conducted

(2) tenant holding over actions and any associated warrants of restitution

(3) any breach of lease action and any associated warrants of restitution

(4) any wrongful detainer actions and any associated warrants of restitution

(5) processing of warrants of restitution for failure to pay rent actions to begin after July 25, 2020, consistent with *the Fourth Amended Administrative Order Lifting the Suspension During the COVID-19 Emergency of Foreclosures, Evictions, and Other Ejectments Involving Residences,* filed November 12, 2020

PROBLEM-SOLVING COURTS:
including drug, mental health, DUI, veterans', re-entry courts and dockets

Any other matters that can be scheduled, heard, or resolved in accordance with Sections (i) and (j) of the *Fifth Administrative Order Restricting Statewide Judiciary Operations* are encouraged to be taken up by the District Court during Phase III.

DISTRICT COURT COMMISSIONERS:

(1) interim domestic violence protective, peace, and extreme risk protective order petitions, after regular court hours

(2) continued acceptance of circuit court bail bonds through Phase IV

PHASE IV: August 31, 2020, through October 4, 2020

In Phase IV, courts resume non-jury trials and contested hearings in civil, family, and juvenile matters. Courts schedule and hold a broader range of matters, with limited in-person services to be offered as determined by the administrative judge and posted electronically and in the court facility. Phase IV shall include Phase III Matters as well as matters listed on pages 14 through 16 of this Exhibit, and shall be collectively, "Phase IV Matters." To the extent that Phase IV Matters may be handled remotely, courts are encouraged to do so. For any proceeding held during Phase IV, the court shall notify all participants necessary to the proceeding.

COURT OF APPEALS

Fully operational. All matters within the appellate jurisdiction of the Court of Appeals, with hearings occurring remotely. All matters related to the Court of Appeals' regulatory authority over the practice of law and judicial conduct, with hearings occurring remotely. Approval and promulgation of the rules of practice and procedure in the Maryland state courts.

COURT OF SPECIAL APPEALS

Fully operational. All matters within the appellate jurisdiction of the Court of Special Appeals and mediation proceedings conducted by the Court of Special Appeals' ADR Division, with remote proceedings as appropriate.

PHASE IV: CIRCUIT COURTS

In addition to PHASE III Matters:

CIVIL:

Non-jury trials and de novo appeals

CRIMINAL:

(1) post-conviction hearings

(2) three (3) judge panel sentence reviews

FAMILY:

(1) hearings and trials

(2) child support contempt hearings

JUVENILE COURT:

JUVENILE (DELINQUENCY): Fully operational

CINA (DEPENDENCY): Fully operational

PROBLEM-SOLVING COURTS: Fully operational

Any other matters that can be scheduled, heard, or resolved in accordance with Sections (i) and (j) of the *Fifth Administrative Order Restricting Statewide Judiciary Operations* are encouraged to be taken up by the circuit courts during Phase IV.

PHASE IV: DISTRICT COURT

In addition to PHASE III Matters:

CRIMINAL/TRAFFIC/CIVIL CITATIONS:

(1) All criminal matters

(2) Minor traffic matters

(3) Schedule dockets beginning October 5, 2020, for parking, red light, speed camera, school bus, toll/MTA, and other civil citations, including previously postponed matters

CIVIL: all civil matters

LANDLORD/TENANT: failure to pay rent cases

PROBLEM-SOLVING COURTS: fully operational

DISTRICT COURT COMMISSIONERS:

(1) fully operational, and

(2) continued acceptance of circuit court bail bonds through Phase IV

PHASE V: October 5, 2020, through November 15, 2020

In Phase V, all courts resume full operations, including jury trials in criminal and civil case types in the circuit courts. To the extent that PHASE V Matters may be handled remotely, courts are encouraged to do so.

COURT OF APPEALS: Fully operational.

COURT OF SPECIAL APPEALS: Fully operational.

CIRCUIT COURTS: Fully operational, including jury trials in criminal and civil case types in the circuit courts.

DISTRICT COURT: Fully operational.