

COURT OF APPEALS OF MARYLAND

In re: Adoption/Guardianship of Dustin R.

Dustin R. · No. No. 24, September Term, 2015 · Decided December 21, 2015

SUMMARY

The Maryland Court of Appeals considered whether the Department of Health and Mental Hygiene could appeal a juvenile court order concerning continued services for a medically fragile child transitioning from juvenile guardianship care to adult guardianship care. The Court held that the order was immediately appealable, that the juvenile court had jurisdiction and statutory authority to require development and approval of a clinically appropriate services plan, and that the order did not violate separation of powers.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Watts, J.; Barbera, C.J.; Battaglia, J.; Greene, J.; Adkins, J.; McDonald, J.; Harrell, Jr., J.; Glenn T., J. (Retired, Specially Assigned)
JURISDICTION	Maryland
DECIDED	December 21, 2015
DOCKET	No. 24, September Term, 2015
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Department of Health and Mental Hygiene appealed a juvenile court order requiring it to develop, approve, and implement a plan for continuing clinically appropriate services for Dustin R. The Court of Special Appeals dismissed the appeal on its own initiative as not taken from a final appealable order. The Court of Appeals granted Dustin's petition for certiorari, reversed the dismissal, reached the merits, and remanded with instructions to affirm the circuit court judgment.
STANDARD OF REVIEW	Statutory interpretation is reviewed without deference.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Department of Health and Mental Hygiene v. Dustin R.

TOPICS

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QUESTIONS PRESENTED

1. Whether the juvenile court's September 27, 2013 order was immediately appealable as an interlocutory order granting injunctive relief.
2. Whether the juvenile court had jurisdiction and statutory authority, before Dustin reached age twenty-one, to order DHMH to develop, approve, and implement a plan of clinically appropriate services in the least restrictive setting that would continue after the juvenile guardianship case ended.
3. Whether the juvenile court's order violated the separation of powers under Article 8 of the Maryland Declaration of Rights.

HOLDINGS

1. The juvenile court's September 27, 2013 order was immediately appealable at a minimum as an interlocutory order granting injunctive relief under Maryland Code, Courts and Judicial Proceedings § 12-303(3)(i). The Court of Special Appeals therefore erred by dismissing DHMH's appeal.
2. The juvenile court had jurisdiction and statutory authority to order DHMH, before Dustin reached age twenty-one, to develop and approve a written plan of clinically appropriate services in the least restrictive setting and to ensure continuation of services needed to protect Dustin's health and welfare after the juvenile guardianship case ended.
3. The juvenile court's order did not violate the separation of powers under Article 8 of the Maryland Declaration of Rights because the court acted pursuant to express statutory authority.

KEY QUOTATIONS

“The September 27, 2013 order was immediately appealable at a minimum as an interlocutory order granting injunctive relief.” (16)

“Plain Language We unequivocally hold that the juvenile court had jurisdiction and the statutory authority to order DHMH to develop and approve a plan that ensured that Dustin would continue to receive services, where Dustin was not yet twenty-one years old when the juvenile court issued its order and where such services were required to protect Dustin’s health and welfare;” (23-24)

“the juvenile court’s order served to bridge the gap in services as Dustin transitioned from his juvenile guardianship case to adult guardianship care.” (40)

“Here, the juvenile court did not violate the separation of powers.” (43)

FACTUAL BACKGROUND

Dustin R. is a medically fragile child with profound developmental and physical disabilities who had lived with Jacqueline and Darrell P. since early childhood. He required continuous, one-on-one skilled nursing care and numerous medical services, which had been funded through arrangements involving DHMH, Medicaid, and

other state agencies. As Dustin approached age twenty-one and transitioned from juvenile guardianship and foster care to adult guardianship, DHMH proposed a service plan that did not maintain all existing services. After a guardianship review hearing, the juvenile court found that continuity of the existing services in the P. family home was clinically necessary and ordered DHMH to develop and approve a plan bridging the transition.

PROCEDURAL HISTORY

The Circuit Court for Anne Arundel County, sitting as a juvenile court, entered a September 27, 2013 order directing DHMH to develop and approve a written plan ensuring continuation of Dustin's existing services, including round-the-clock skilled nursing care. DHMH appealed, but the Court of Special Appeals dismissed the appeal, concluding that the order was not final. The Court of Appeals held that the order was immediately appealable as an interlocutory order granting injunctive relief, upheld the juvenile court's statutory authority and jurisdiction, rejected the separation-of-powers challenge, and remanded for the Court of Special Appeals to affirm the circuit court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Court of Special Appeals and remand with instructions to affirm the judgment of the Circuit Court for Anne Arundel County. DHMH was ordered to pay costs.

CASES CITED

- Howard v. State, 440 Md. 427, 434, 103 A.3d 572, 576 (2014)
- State Comm'n on Human Relations v. Talbot Cnty. Det. Ctr., 370 Md. 115, 139, 803 A.2d 527, 541 (2002)
- Colandrea v. Wilde Lake Cmty. Ass'n, Inc., 361 Md. 371, 394-95, 761 A.2d 899, 911 (2000)
- Prince George's Cnty. v. Vieira, 340 Md. 651, 661, 667 A.2d 898, 903 (1995)
- Droney v. Droney, 102 Md. App. 672, 684, 651 A.2d 415, 421 (1995)
- Royal Inv. Grp., LLC v. Wang, 183 Md. App. 406, 448, 961 A.2d 665, 689 (2008), cert. dismissed, 409 Md. 413, 975 A.2d 875 (2009)
- In re Ryan W., 434 Md. 577, 602, 76 A.3d 1049, 1064 (2013)
- Smith v. State, 399 Md. 565, 574, 924 A.2d 1175, 1180 (2007)
- Hailes v. State, 442 Md. 488, 495, 113 A.3d 608, 612 (2015)
- Anne Arundel Cnty. Ethics Comm'n v. Dvorak, 189 Md. App. 46, 83, 983 A.2d 557, 579 (2009)
- Miller v. Miller, 142 Md. App. 239, 251, 788 A.2d 717, 723, aff'd sub nom. Goldberg v. Miller, 371 Md. 591, 810 A.2d 947 (2002)
- State v. Bell, 351 Md. 709, 721, 720 A.2d 311, 317 (1998)
- Wentzel v. Montgomery Gen. Hosp., Inc., 293 Md. 685, 702, 447 A.2d 1244, 1253 (1982)
- In re Najasha B., 409 Md. 20, 33-34, 972 A.2d 845, 852-53 (2009)

- Montgomery Cnty. Dep't of Soc. Servs. v. Sanders, 38 Md. App. 406, 418, 381 A.2d 1154, 1162 (1977)
- Dodson v. Dodson, 380 Md. 438, 448, 845 A.2d 1194, 1199 (2004)
- Getty v. Carroll Cnty. Bd. of Elections, 399 Md. 710, 730, 926 A.2d 216, 229 (2007)
- McCulloch v. Glendening, 347 Md. 272, 283, 701 A.2d 99, 104 (1997)
- Md. State Dep't of Health and Mental Hygiene v. Prince George's Cnty. Dep't of Soc. Servs., 47 Md. App. 436, 423 A.2d 589 (1980)

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