

COURT OF APPEALS OF MARYLAND

In re Kaela C.

394 Md. 432 (2006) · Decided September 8, 2006

SUMMARY

The Maryland Court of Appeals considered whether a juvenile court could immediately adopt a master’s recommendations transferring custody and dismissing CINA petitions before expiration of the five-day period for filing exceptions. The court held that the appeal was not moot because the mother continued to suffer collateral consequences and that the circuit court erred by adopting the recommendations before the exceptions period expired.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Battaglia, J.; Wilner, J.
JURISDICTION	Maryland
DECIDED	September 8, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioner sought review by writ of certiorari of the Court of Special Appeals' judgment affirming a juvenile court order that adopted a master's findings and recommendations and transferred custody of the children before the expiration of the five-day period for filing exceptions under Maryland Rule 11-111(c).
STANDARD OF REVIEW	The court reviewed the interpretation of statutes and Maryland Rules de novo, applying the same principles used in statutory construction. It began with the plain language and structure of the rules and considered legislative history, case law, and statutory purpose only to resolve ambiguity.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Leslie C. v. Frederick County Department of Social Services, Christopher C.

TOPICS

- family law procedure
- child custody
- due process
- appellate procedure
- mootness

PRACTICE AREAS

family law

juvenile law

child custody

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the appeal became moot after California assumed jurisdiction over the children's custody and visitation proceedings.
2. Whether the juvenile court erred by adopting the master's findings and recommendations before expiration of the five-day period for filing exceptions under Maryland Rule 11-111(c).
3. Whether adopting the master's recommendations before expiration of the exceptions period violated the petitioner's due process right to have the matter reviewed by a judge.
4. Whether the Court of Special Appeals' treatment of the immediate-implementation issue could properly be applied to the petitioner.

HOLDINGS

1. The appeal was not moot because the petitioner continued to suffer collateral consequences from the Maryland judgment transferring custody to the father, including the judgment's effect on subsequent California custody determinations.
2. A circuit court may not adopt a juvenile master's findings, conclusions, recommendations, or proposed orders before expiration of the five-day period for filing exceptions under Maryland Rule 11-111(c).
3. The right to file exceptions during the five-day period is a protective component of due process because it provides the means for a litigant to obtain a prompt hearing before a duly qualified judge; the circuit court violated the petitioner's due process rights by adopting the master's recommendations before that period expired.
4. The circuit court could not rely on Maryland Rule 9-208(h)(2) to immediately adopt the master's recommendations because Title 9 of the Maryland Rules does not apply to actions in a juvenile court.

KEY QUOTATIONS

“By Rule 11 — 115(b)’s plain language, a master’s recommendations are “subject to approval by the court in accordance with Rule 11-111,” and Rule 11-111 unmistakably provides parties five days to file exceptions to a master’s recommendations.” (472-73)

“Thus, the right to file exceptions is a required protective provision of litigants’ due process right to have his or her matter heard by a duly qualified judge.” (475)

“We therefore hold that the circuit court erred in adopting the master’s recommendations prior to the expiration of the five days afforded by Rule 11 — 111(c) for filing exceptions.” (476)

FACTUAL BACKGROUND

Leslie C. and Christopher C. were the biological parents of three children who had been removed from Leslie's care after abuse allegations and placed in shelter and foster care. At a disposition hearing, a master

recommended dismissing the CINA petition and transferring custody to Christopher, who was stationed in the Navy and planned to relocate to California. Although Leslie stated that she intended to file exceptions, the circuit court adopted the master's recommendations two days later and immediately transferred custody. California later assumed jurisdiction over custody and visitation and relied in part on the Maryland judgment in subsequent custody orders.

PROCEDURAL HISTORY

The Frederick County juvenile court adopted the master's recommendations two days after the disposition hearing, transferred legal and physical custody of the children to their father, and dismissed the CINA petition. The Court of Special Appeals affirmed, holding that the custody transfer could be implemented immediately under Maryland Rule 11-115(b) and that the petitioner retained the right to file exceptions. During the Maryland appeal, California assumed jurisdiction over custody and visitation proceedings. The Court of Appeals held that the appeal was not moot because the Maryland judgment continued to cause collateral consequences, reversed the intermediate appellate judgment, and remanded with instructions to reverse the juvenile court and dismiss the action.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Court of Special Appeals' judgment; reverse the judgment of the Circuit Court for Frederick County; and remand to the circuit court with instructions to dismiss the action.

CASES CITED

- Hammen v. Baltimore County Police Dept., 373 Md. 440, 818 A.2d 1125 (2003)
- J.L. Matthews, Inc. v. Maryland-Nat'l Capital Park and Planning Comm'n, 368 Md. 71, 792 A.2d 288 (2002)
- Toler v. Motor Vehicle Admin., 373 Md. 214, 817 A.2d 229 (2003)
- Harris v. Melnick, 314 Md. 539, 552 A.2d 38 (1989)
- In re Russell G., 108 Md. App. 366, 672 A.2d 109 (1996)
- In re Adoption/Guardianship No. 10941, 335 Md. 99, 642 A.2d 201 (1994)
- Domingues v. Johnson, 323 Md. 486, 593 A.2d 1133 (1991)
- O'Brien v. O'Brien, 367 Md. 547, 790 A.2d 1 (2002)
- Matter of Jackson, 22 Md. App. 108, 321 A.2d 827 (1974)
- Anthony Plumbing of Maryland, Inc. v. Attorney General, 298 Md. 11, 467 A.2d 504 (1983)
- Caldor, Inc. v. Bowden, 330 Md. 632, 625 A.2d 959 (1993)
- In re Dewayne H., 290 Md. 401, 430 A.2d 76 (1981)
- General Motors Corp. v. Seay, 388 Md. 341, 879 A.2d 1049 (2005)
- Mayor and Town Council of Oakland v. Mayor and Town Council of Mountain Lake Park, 392 Md. 301, 896 A.2d 1036 (2006)

- City of Frederick v. Pickett, 392 Md. 411, 897 A.2d 228 (2006)

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