

# **Circuit Court for Baltimore County Family Law Differentiated Case Management Plan**

---

**(Effective February 2025)<sup>1</sup>**



---

<sup>1</sup> The Court's original Family Law Differentiated Case Management Plan was submitted and approved by the Chief Judge of the Court of Appeals (now the Chief Justice of the Supreme Court of Maryland) in October of 1994. It was modified in 2006, 2015, and 2017.

## Table of Contents

<b>Section 1 - Statement of Purpose</b> .....	2
<b>Section 2 – Case Processing for All Family Case Types</b> .....	3
<b>Section 3 – Family Tracks</b> .....	6
Section 3.1 – Track 1 – Family Expedited Cases .....	8
Section 3.2 – IV-D Child Support Establishment & Contempt Petitions .....	12
Section 3.3 – Adoption Cases.....	14
Section 3.3.1 The Petition .....	14
Section 3.3.2 The Prospective Adoptee .....	15
Section 3.3.3 The Investigation .....	15
Section 3.4 – Guardianship Cases.....	16
Section 3.5 – Special Immigrant Status Cases.....	16
Section 3.6 – Track 2 – Family Standard.....	17
Section 3.7 – Track 3 – Family Complex .....	18
Section 3.7.1 Complex Child Access Evaluation Cases .....	18
Section 3.7.2 Complex Divorce Cases.....	19
<b>Section 4 – General Family Case Processing Policies and Procedures</b> .....	20
Section 4.1 – Scheduling Conferences.....	20
Section 4.2 – Re-Scheduling Conferences (Postponements).....	22
Section 4.3 – Family Services and Programs.....	22
Section 4.4 – Emergency Hearings, Expedited Hearings, and <i>Ex Parte</i> Orders.....	25
Section 4.5 – <i>Ex Parte</i> Hearing Requests .....	25
Section 4.6 – Emergency Hearings.....	26
Section 4.7 – Expedited Hearings .....	27
Section 4.8 – Domestic Violence Hearings.....	27
Section 4.9 – Modification or Rescission of a Final Protective Order.....	27
Section 4.10 – Domestic Violence Appeals .....	28
Section 4.11 – Winter Holiday Visitation Disputes .....	28
Section 4.12 – Hearings on Exceptions.....	29
Section 4.13 – Family Law Case Motions .....	30
Section 4.14 – Settlement Conferences.....	31
Section 4.15 – Required Documentation .....	31
Section 4.16 – Postponement or Cancellation of Settlement Conference .....	32

Section 4.17 – Procedure for Scheduling Merits Hearing.....	32
Section 4.18 – Family Assignment and Scheduling.....	32
Section 4.19 – Special Assignment.....	33
Section 4.20 – Postponements .....	34
Section 4.21 – Postponements of Show Cause, Motions Hearings or Mediation..	34
Section 4.22 – Modification of Scheduling of Order and Postponement of Settlement Conference or Final Merits Hearing .....	34
Section 4.23 – Good Cause Requirement.....	34
Section 4.24 – Rulings on Requests to Modify Scheduling Orders or to Postpone.....	35
Section 4.25 – Requests to Strike Appearance of Counsel.....	36
Section 4.26 – Interpreters/ADA Accommodations.....	36
Section 4.27 – Forms .....	37

## **Section 1 - Statement of Purpose**

The Court prepared this Family Law<sup>2</sup> DCM Plan pursuant to [Md. Rule 16-302\(b\)](#), which requires the County Administrative Judge to develop and, upon approval by the Chief Justice of the Supreme Court of Maryland, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court. This Family Law DCM Plan is intended to promote the fair, effective and efficient resolution of family cases, whether that resolution is by trial or settlement. This Family Law DCM Plan also provides an effective case management system which to ensure: 1) equal treatment of all litigants by the Court, 2) timely disposition consistent with the circumstances of the individual case, 3) enhancement of the quality of the litigation process, and 4) public confidence in the Court as an institution.

Consistent with the case time standards adopted by the Judicial Council, constitutional requirements and applicable Maryland Rules, the goal of this Family Law DCM Plan is for 98% of family cases to be concluded, *i.e.*, by judgment or disposition, within 12 months (365 days) of the filing date. The Court is committed to resolving different categories of family cases, referred to as case subtypes, within a regular and predictable time frame warranted by the needs of those cases. For less complex cases, the warranted time frame may be shorter than 12 months.

The policies and procedures outlined in this Family Law DCM Plan are implemented by the Lead Family Judge (or designee). The Lead Family Judge reports to the County Administrative Judge. The County Administrative Judge supervises all aspects of family case management and is ultimately responsible for the implementation and monitoring of this Family Law DCM Plan pursuant to [Md. Rule 16-302\(b\)](#). The County Administrative Judge or Lead Family Judge designates certain judges to hear family cases and makes final decisions about whether and to whom a case should be specially assigned when appropriate. Judges and magistrates are responsible for compliance with this Family Law DCM Plan.

---

<sup>2</sup> Family law cases have historically been referred to as "civil domestic cases."

## **Section 2 - Case Processing for All Family Case Types**

**File a complaint** with the Court (electronically through File and Serve, or in person at the Circuit Court Clerk's Office if you are a self-represented party) **with a completed Civil Domestic Case Information Report** ([CC-DCM-001](#)), except for the following case types: 1) contempt for failure to pay child support, when filed by a government agency, 2) domestic violence relief under [Family Law Article, §§ 4-501 through 4-516](#), including transfer pursuant to [Md. Rule 3-326\(c\)](#), 3) guardianship, other than action to terminate parental rights ([Md. Rules 10-201 through 10-305](#)), and 4) paternity, when filed by government agency ([Family Law Article, §§ 5-1001 through 5-1048](#)).

**Pay the filing fee.** Refer to the Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court for fees. Filing fees may be waived by the Court, based on the following conditions: 1) filing by the plaintiff and granting by the Court of the Request for Waiver of Costs ([CC-DC-089](#)), 2) representation by a Legal Aid lawyer or MVLS appointed attorney, or 3) other determination by the Court. If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay any filing fees and other required fees, sometimes referred to as "prepaid costs." At the conclusion of the case, if a party cannot afford to pay the final court costs assessed against them, they must complete the Request for Final Waiver of Open Costs form ([CC-DC-090](#)), provide a copy of the request to the opposing party or that person's lawyer, file the request with the Clerk's Office, and submit the request in open court on the day of the hearing.

**Notify the other party.** The plaintiff is required to attempt to notify the defendant that a complaint or other pleading has been filed against the defendant. The Clerk's Office will issue a summons to officially notify the defendant that a pleading has been filed (See [Md. Rule 2-112](#)). The summons must be served on the defendant within 60 days. After the time limit has expired, the summons is no longer valid, unless reissued at the request of the plaintiff. The original complaint and summons must be delivered to the defendant by: 1) certified mail, restricted delivery, return receipt requested, 2) private process server, or 3) the Sheriff's Department. The individual who makes service must be a non-party, a competent person, and at least 18 years of age. If the defendant has not been served within 120 days of the filing of a complaint, the filing is subject to dismissal without prejudice, and the Clerk's Office will send notice that an

order of dismissal will be entered after 30 days unless a motion to defer the order of dismissal is filed. If no motion to defer is filed, the case is referred to a judge for dismissal. A docket entry is made that the case is dismissed without prejudice for lack of jurisdiction or prosecution.

**File proof of service.** When service is made by a private process server, the person who served the other party must complete and sign an Affidavit of Service (Private Process) ([CC-DR-55](#)) form or an Affidavit of Service (Certified Mail) ([CC-DR-56](#)) with an attached original return receipt when service is made by certified mail, restricted delivery, return receipt requested. These forms, together with a copy of the writ of summons, must be filed with the Clerk's Office. If the Court does not receive proof of service within the time allotted for the defendant to file an answer, the plaintiff may not be able to present their case on the trial date unless the defendant has filed an answer.

**Defendant files a response.** The defendant generally must file an answer or other responsive pleading within 30 days after service unless an exception based on [Md. Rule 2-321](#) applies. Any defendant who seeks to modify any information on the original Civil Domestic Case Information Report or expects to file a counterclaim must file with the answer Defendant's Domestic Case Information Report.

**Complaint may be dismissed for lack of prosecution.** If there is no activity in a case for 1 year, the Court may dismiss the case for lack of prosecution pursuant to [Md. Rule 2-507\(c\)](#). The Court may, but is not required to, schedule a status conference with all parties before a magistrate to determine the reason(s) for lack of prosecution or to determine why the defendant has not filed an answer. Failure of the plaintiff to appear at the status conference may result in the case being dismissed without prejudice, which means the plaintiff will have to refile the complaint, pay filing fees again, and serve the defendant, again. Following the status conference, if an answer has still not been filed or, following the answer, no other action has been taken on the case after 1 year, the Clerk's Office will send notices to the parties that they have 30 days to file a motion to vacate or defer the order of dismissal, or the case will be dismissed without prejudice. After the 30-day expiration, the Clerk's Office refers the case to a judge for dismissal if no motion to defer is filed. A docket entry is made to reflect that a case was dismissed without prejudice for lack of jurisdiction or prosecution.

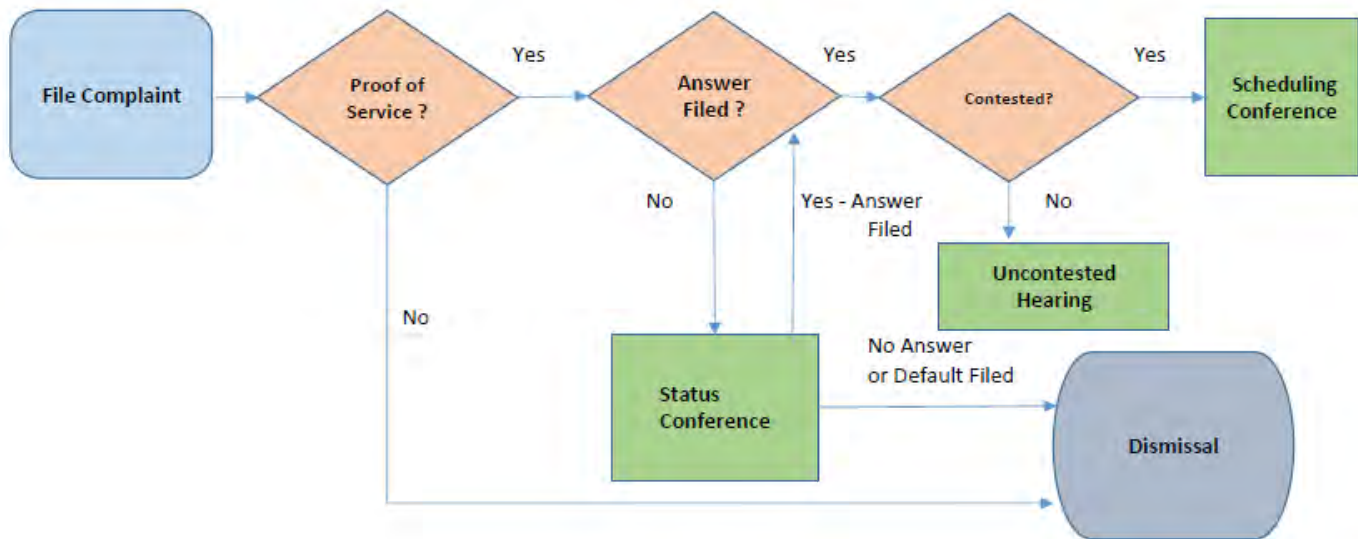
**Some cases settle before or during trial.** If a case is settled and a consent order is filed with the Court, an uncontested hearing may be set before a magistrate. Counsel must notify the Civil Assignment Office of all settlements that occur at any time. Consent settlement orders must be signed by all attorneys or all parties for a *pendente lite* hearing to be removed from the docket. If settlement occurs between the settlement conference and the date of trial, notice must also be provided to the Central Assignment Office. In cases involving self-represented litigants, the Court may schedule a *voir dire* hearing with a magistrate before the settlement is accepted.

**A final order/judgment is entered by the Clerk's Office following a trial.** The date of the judgment is the date the clerk enters the judgment in the electronic case management system docket ([Md. Rule 2-601](#)). Types of judgments include judgments and consent orders. The parties have 10 days to file a motion to alter or amend a judgment ([Md. Rule 2-534](#)) and 30 days to file an appeal. On appeal, a Circuit Court case will be reviewed by the Appellate Court of Maryland.

**Enforcement of a judgment:** After the Court issues a judgment and it is entered into the record by the Clerk's Office, the parties will receive a copy of the judgment by mail. The Court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file the appropriate pleading with the Court, pay the required filing fees, and appear in Court for additional hearings. The prevailing party usually must wait 10 days before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment: 1) garnishing the other person's wages, 2) garnishing the other person's bank account, or 3) seizing the other person's personal property or real estate. The prevailing party must file pleadings with the Court and provide the other party with copies of all motions or correspondence filed with the Court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment.

**Some proceedings are held remotely.** The following proceedings are routinely conducted remotely: 1) scheduling conferences, 2) guardianship hearings, 3) uncontested divorce and custody hearings, 4) special immigrant juvenile status hearings, 5) adoptions, and 6) other proceedings for good cause, at the discretion of the Lead Family Judge or the judge assigned for the hearing.

The following diagram illustrates how most family law cases are processed:



### Section 3 - Family Tracks

A family case may follow one of three potential tracks. Most tracks are defined at the scheduling conference based on the case subtype. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The case flow time standard for Circuit Court family cases is 12 months (365 days) for 98% of cases, but expected case duration is based on time needed to reach resolution, which may be more or less than the time standard. The following chart summarizes the 3 tracks:



Circuit Court for Baltimore County, Maryland  
**Family Law Differentiated Case Management Plan**

---

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1 Family Expedited</b>	<ol style="list-style-type: none"> <li>1. Uncontested Divorce</li> <li>2. Uncontested or Minor Child Support Issues</li> <li>3. Uncontested or Minor Child Access Issues</li> <li>4. Annulment</li> <li>5. Defaults</li> <li>6. Name Change</li> <li>7. Modification of Child Support and/or Simple Visitation Issues</li> <li>8. Contempt Petitions</li> <li>9. IV-D Child Support Establishment &amp; Contempt Petitions</li> <li>10. Adoption</li> <li>11. Guardianship</li> <li>12. Special Immigrant Juvenile Status</li> </ol>	Answer + 120-150 days = 150-180 days
<b>Track 2 Family Standard</b>	<ol style="list-style-type: none"> <li>1. Contested Divorce, with or without custody and child support</li> <li>2. Contested Child Support</li> <li>3. Contested Child Access</li> <li>4. Contested Adoption</li> <li>5. Modification of Custody, Alimony, or Settlement Agreements</li> <li>6. Paternity</li> </ol>	Answer + 240 days = 270 days
<b>Track 3 Family Complex</b>	<ol style="list-style-type: none"> <li>1. A contested case with extensive property holdings, complicated business valuations, significant assets held in various forms, contested pensions, and claims for significant alimony.</li> <li>2. A contested case with high conflict child access issues and where it has been determined by a Family Support Services Social Worker that a Child Access Evaluation is necessary.</li> </ol>	270-330 days 3-5% of caseload; specially assigned and custom managed

**Track designations are set at the scheduling conference.** After receipt by the Court of the first answer, and if the case is contested, the DCM Office will review and schedule the case for a scheduling conference before a magistrate. At the scheduling conference, the magistrate will review and assign the case to a track. If an attorney or party disagrees with the designated track assignment, the attorney or party

may submit to the DCM Office a request in writing to change the track, stating the reason(s) why a different track assignment is appropriate. All requests to change the track designation must be made within 15 days of the scheduling conference. The DCM Office will then contact all attorneys or unrepresented parties in the case to see if they concur with the request to change the track assignment. If the attorneys/parties cannot come to an agreement on a track assignment, the Lead Family Judge will decide on a particular track based on track assignment guidelines. The DCM Office will assign all family cases under the Family DCM Plan to one of the three tracks.

This table illustrates the events and times required for family case processing tracks:

<i>Track</i>	<i>Family Tracks</i>	<i>Filing</i>	<i>Answer Filed</i>	<i>Scheduling Conference</i>	<i>Mediation</i>	<i>Pendente lite Hearing</i>	<i>Discovery/ Motions Deadline</i>	<i>Settlement Conference</i>	<i>Exhibit List</i>	<i>Merits Hearing</i>
Track 1	Expedited	0 Days	30 Days	60 Days	120 Days	-	120 Days	120-150 Days	-	150-180 Days
Track 2	Standard	0 Days	30 Days	60 Days	120 Days	150 Days	180 Days	210 Days	210 Days	270 Days
Track 3	Complex	0 Days	30 Days	60 Days	120-180 Days	120-210 Days	180-240 Days	210-270 Days	240-300 Days	270-330 Days

### **Section 3.1 – Track 1 – Family Expedited Cases**

**Uncontested Divorce Hearings:** After an answer is filed and both parties agree that the case is uncontested, the Civil Assignment Office will automatically set the case for an uncontested hearing with a magistrate approximately 30-45 days after an answer has been filed or approximately 60 days after a default order has been issued.<sup>3</sup> If a party or attorney has a conflict on the date of the scheduled hearing, they may submit to the Civil Assignment Office a written request to reset the hearing, with a copy of the request

---

<sup>3</sup> Particularly when the litigants are self-represented, sometimes uncontested divorces cannot go forward because the pleadings are inadequate. For example, a plaintiff may plead mutual consent as the only grounds for divorce but not file a signed marital settlement agreement. The Civil Assignment Office refers these cases to the DCM Office for intervention.

sent to the opposing party/counsel. If the matter becomes contested, the DCM Office should be contacted so that the hearing date is vacated, and a scheduling conference can be scheduled.

**Uncontested Child Custody/Support Hearings:** All domestic cases in which parties consent to grant custody of a minor child or consent to vacating or modifying a child support order will be set in for a hearing before a magistrate. The following are the policies and procedures for handling these cases:

- When a complaint with consent and accompanying affidavits is filed with the Clerk's Office, the Clerk's Office will issue a summons for the defendant, just as in a contested custody case. The plaintiff must have the defendant served, and there must be either an answer or an order of default docketed before a hearing can be scheduled. A consent is not a substitute for an answer.
- After an answer is filed or the time to respond to an order of default has passed, the Civil Assignment Office will schedule a hearing before the designated magistrate on the first available docket.
- The designated magistrate will conduct a hearing, take testimony, and make the appropriate report and recommendation in each consent case scheduled on their docket.

**Contested Expedited Cases:** The following are the criteria and scheduling procedures for contested expedited cases:

A contested case with minor property, child support, and/or child access issues. The expedited track includes contested cases with minor property and/or child access issues: divorce, custody, child support, and simple modifications of custody and child support. These cases will be set before a magistrate unless there is a dispute regarding marital property and/or a prayer for alimony, in which case it will be set before a judge.<sup>4</sup> Magistrates may, however, decide alimony, property issues, and use and possession on a *pendente lite* basis. Simple contested modifications of child support and visitation will

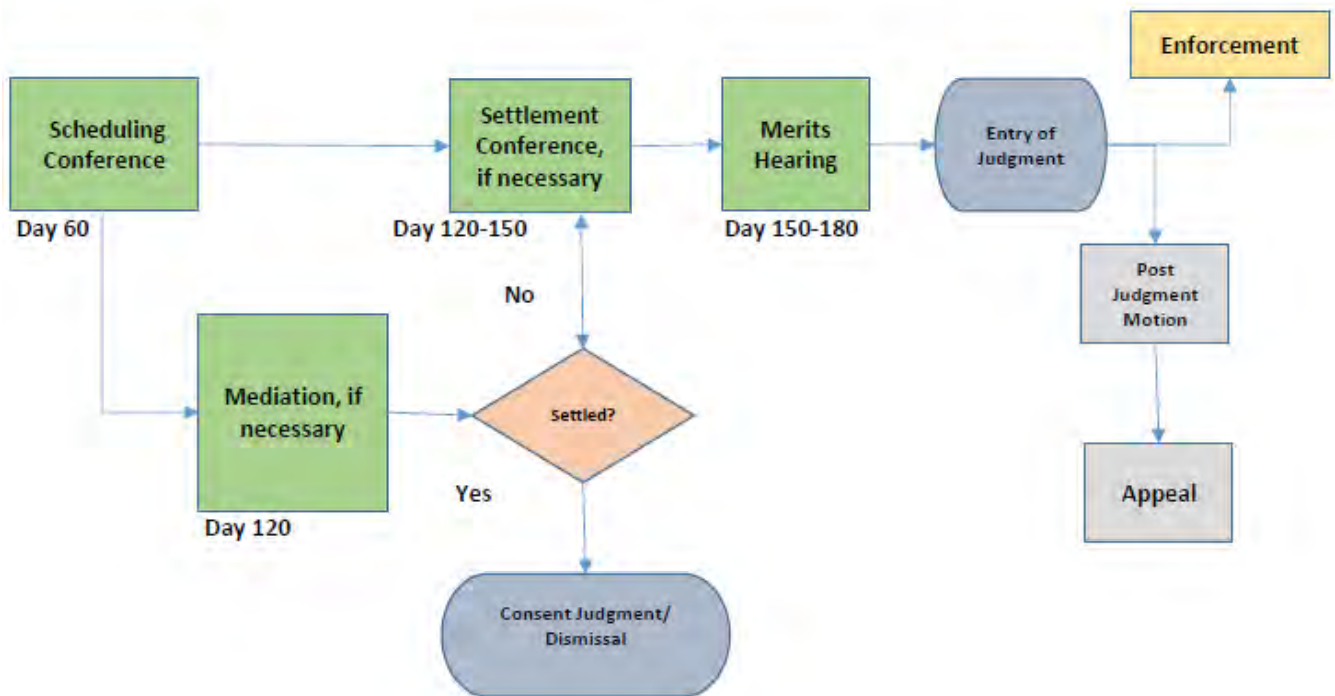
---

<sup>4</sup> Magistrates hear alimony, use and possession, and family use personal property issues *pendente lite*, but do not generally decide these issues on the merits.

also be scheduled using this track and will be scheduled before a magistrate. The anticipated length of the hearing should be ½ day or less.<sup>5</sup>

**Scheduling:** If modification of child support is the only issue, the case will be set for a final hearing before a magistrate no more than 90 days from the date of the scheduling conference. Otherwise, the case will be set for a settlement conference no more than 90 days after the scheduling conference. If necessary, a trial date will be set at the time of the settlement conference and will be set no more than 60 days from the date of the settlement conference. If mediation is appropriate, a mediation session will be scheduled approximately 60 days after the scheduling conference.

**Diagram 1.3 – Family Track 1 – Contested Expedited Case Processing**



**Petitions for Contempt:** Pursuant to [Md. Rule 15-206\(c\)\(2\)](#), the Court refers all non-IV-D child support petitions for contempt of custody, visitation, or financial issues to a pre-hearing contempt conference. These conferences, which are held 45 days after the filing of the contempt proceeding, are designed to foster efficiency by ensuring that no case is scheduled for a hearing until the alleged contemnor has been served. The

<sup>5</sup> The Expedited Track should not be confused with an expedited hearing. An expedited hearing can be requested for any case, regardless of track assignment.

pre-hearing contempt conferences are facilitated by staff members from the Access to Justice Resource Center or the DCM Office. If there is service, the conference may be vacated.

The Civil Assignment Office enters the date and time of the pre-hearing contempt conference on a show cause order, which is then submitted to a judge for signature. The show cause order, together with a copy of any petition and other document filed in support of the allegations of contempt, must be served on the party pursuant to [Md. Rule 15-206\(d\)](#). If the petition has been served, the facilitator will so advise the Civil Assignment Office, which will schedule the case for a contempt hearing before a magistrate or judge as soon as possible after the conference. If the petition has not been served, the Lead Family Judge will issue an order giving the petitioner a deadline to have the show cause order reissued. If this deadline is not met, the petition is dismissed without prejudice and must be re-filed if the petitioner wishes to proceed with the contempt. If the petitioner fails to appear for the pre-hearing contempt conference, the petition is dismissed without prejudice.

If an affidavit of service is filed prior to the pre-hearing contempt conference, the conference may be waived. Parties may request a waiver in writing, or the Court may waive the conference on its own. The matter is then scheduled for a hearing.

The following are examples of issues generally heard by judges:

1. Breach of separation agreement/contract provision
2. Interpretation of separation agreement or order
3. House repair/sale
4. Pension/retirement
5. Tax credits
6. Failure to pay monetary award, if monetary award was ordered by judge

The following are examples of issues generally heard by magistrates:

1. Child access/visitation
2. Communication/legal custody
3. Nonpayment of child support, including reducing the arrears to a judgment
4. Nonpayment of alimony
5. Use and possession
6. Health or life insurance
7. Drug testing

If a petition for contempt is filed in a case that is specially assigned to a judge, the petition is referred to that judge for review. The specially-assigned judge will hear the case unless they determine that the matter can be heard by a magistrate.

When a hearing is held before a magistrate on a civil contempt issue and the magistrate concludes that there are reasonable grounds to believe that the party is in contempt and that incarceration may be an appropriate sanction (pursuant to [Md. Rule 9-208 \(d\)](#)), the magistrate does not make a report and recommendation in the case. Instead, a summons is issued at the time of the magistrate's hearing and a subsequent hearing is held before a Family Division Judge approximately 30 days (but not earlier than 20 days) from that date. At the time of the magistrate's hearing, the defendant is provided notice pursuant to [Md. Rule 15-206 \(c\)\(2\)](#) and informed that they may hire private counsel or must contact the Public Defender's Office for services at least 10 business days prior to the date of the new hearing before a Family Division Judge. All issues before the Family Division Judge are held *de novo* since no exceptions were actually filed in the case. (See [Md. Rule 9-208 \(h\)\(1\)](#))

### **Section 3.2 IV-D Child Support**

#### **IV-D Child Support Establishment & Contempt Petitions**

All cases to establish or enforce child support through the Baltimore County Office of Child Support ("Child Support Office") are considered IV-D child support cases. A IV-D child support case is any case in which the Child Support Office provides child support services as directed by the State of Maryland and authorized by Title IV-D of the Social Security Act. A IV-D child support case is comprised of:

- a dependent child or children;
- a custodial party who may be a parent, caretaker relative or other custodian, including an entity such as a foster care agency; and
- a non-custodial parent or parents, a mother, a father, or a putative father whose paternity has not been legally established.

#### **IV-D Establishment Petitions**

Upon the filing of a child support application by a custodial parent, the Child Support Office will file a petition to establish child support with the Clerk's Office. After

the petition is filed, the Child Support Office will schedule a pretrial hearing approximately 30 days from the date of filing the petition, and a child support establishment hearing approximately 60 days after the filing of the petition. The non-custodial parent is served a subpoena with notice of both hearing dates. If, at the time of the pretrial hearing all parties come to an agreement, a consent order is prepared by the Child Support Office and submitted to the Court for judicial approval and signature, and the child support establishment hearing is vacated. If the non-custodial parent contests paternity at the time of the pretrial hearing, the Child Support Office schedules the case on the paternity docket for a genetic test to be performed and the child support establishment hearing is rescheduled for a date after the genetic testing results are returned.

#### **IV-D Contempt Petitions**

All petitions for contempt filed by the Child Support Office are scheduled on the IV-D magistrate's docket approximately 30 days after the petition for contempt and show cause order have been filed and served upon the non-custodial parent. At the conclusion of the hearing before the magistrate, the magistrate may:

- (1) recommend dismissal of the petition, if the magistrate does not find that the non-custodial parent is in contempt or determines that any outstanding child support has been paid;
- (2) continue the case before himself/herself, if the magistrate is satisfied that the non-custodial parent is making sufficient payments toward the original child support award and any arrearages;
- (3) refer the case to the judicial child support docket, if the magistrate is **not** satisfied that the non-custodial parent is making sufficient payments toward the original child support award and any arrearages. The magistrate will arraign the non-custodial parent and give the non-custodial parent a summons with a date to appear before the judge in approximately three weeks;
- (4) refer the case to the judicial medical docket if the non-custodial parent claims that they are unemployed and unable to make child support payments due to a medical disability. Again, the magistrate will arraign the non-custodial parent and give the non-custodial parent a summons

- with a date to appear before the judge in approximately three weeks. The non-custodial parent will need to bring any documentation of their medical condition and show how it limits their ability to work;
- (5) refer the case to the Family Employment Support Program (“FESP”) if the non-custodial parent is not making child support payments because of unemployment. The non-custodial parent is given an appointment for a FESP intake. The non-custodial parent will need to comply with all FESP requirements, which include weekly appointments with an employment specialist and attendance at all FESP reviews, which are scheduled every 60 days until the non-custodial parent obtains employment and is paying child support;
  - (6) recommend the issuance of a body attachment if a non-custodial parent fails to appear for the hearing.

### **Section 3.3 - Adoption Cases**

Any adult may petition the Court for an adoption in accordance with [Title 5, Subtitle 3B-Independent Adoption of the Family Law Article of the Annotated Code of Maryland](#) and the [Maryland Rules of Procedure Title 9, Chapter 100](#). Parties must follow the format in the Maryland Rules regarding forms, including consents, petitions, show cause orders, appointments of attorney, objections, and accounting reports. Failure to follow the statutes and rules may result in the petition for adoption being held in abeyance or dismissed.

#### **Section 3.3.1 The Petition**

If the petitioner is married, the petitioner's spouse must join in the petition unless the spouse is separated from the petitioner (under a circumstance that gives the petitioner a ground for divorce or annulment), is not competent to join in the petition, or is a parent of the prospective adoptee and has consented to the proposed adoption. If the marital status of a petitioner changes before entry of a final order, the petitioner must amend the petition accordingly.

In addition to the information presently required, the petition must also include contact information for any biological parent(s) who executed a consent to the adoption. Ideally, the petition should be filed **prior** to the expiration of the biological parent's right to revoke the consent to the adoption, but this is not mandatory. The



petition must be filed in order to obtain a temporary custody order in a non-relative adoption, which would occur before the 30-day revocation period. See [Family Law Article, § 5-3B-13](#).

The Family Case Manager will review all petitions for adoption to ensure that all required filings have been submitted. An order holding the matter in abeyance will be issued by the designated Adoption Judge if the filing is deficient. Failure to correct issues within the time frame specified by the order may result in the petition for adoption being dismissed without prejudice.

### **Section 3.3.2 The Prospective Adoptee**

In the event a prospective adoptee is 10 years or older, that child must execute a consent to the proposed adoption. The child must be represented by independent counsel, who is required to review the consent form with the child. When a petition has been filed and a child has executed a consent to the adoption without counsel, the Court will appoint an attorney to represent the child and inform petitioners or counsel that a new consent must be executed by the child in the presence of the child's attorney and filed with the Court. Counsel for the child must file an affidavit ([Form 9-102.9](#)) indicating that he or she met with the child and explained the consent and that the child signed it voluntarily and not because of duress or coercion. The petitioners may be responsible for the payment of the attorney representing a prospective adoptee 10 years or older and/or the attorney that may be appointed by the Court to represent a biological parent. [Family Law Article, § 5-3B-06\(a\)-\(b\)](#).

### **Section 3.3.3 The Investigation**

All independent adoptions will be forwarded to the Office of Family Support Services for an investigation. The investigation will include an interview with the petitioners and the prospective adoptee, a criminal record check, and a Department of Social Services record search of any and all past or current involvement with the Child Protective Services department. Home studies will be conducted in all cases, except for adoptions by a step-parent if a motion to waive home study is filed with the petition. The investigator will determine what, if any, funds were spent on behalf of the biological parent or parents. Expenses paid by the petitioners should be listed in the petition and the investigator will verify those expenditures.

### **Section 3.4 - Guardianship Cases**

Guardianship cases are divided into two categories. Cases involving only guardianship of the person of a minor are considered family cases and are generally heard by judges in the Family Division. The cases are managed by the Clerk's Office Family Law Department and the Lead Family Judge, assisted by the Family Case Manager. The Family Case Manager reviews all new petitions to determine whether they meet all the requirements of the [Maryland Rules \(Title 10\)](#). Filings that do not meet the requirements are held in abeyance and the Lead Family Judge issues an order identifying the deficiencies to be corrected. Once a complete petition that meets all the requirements has been filed, the Lead Family Judge issues a show cause order providing deadlines for service and for responses by the minor and the interested persons. A hearing before a judge is scheduled only after the Court receives proof of service on the minor and all interested persons. These cases may be heard on any day a judge is available.

Cases involving Guardianship of Property – Adult, Guardianship of Person – Adult, Guardianship of Person & Property – Adult, Guardianship of Property – Minor, and Guardianship of Person and Property – Minor, are administered pursuant to the policies and procedures outlined in the Guardianship Differentiated Case Management Plan. The County Administrative Judge designates certain judges to hear guardianship matters and within that designated group, appoints a Lead Guardianship Judge. This group is often referred to as the Guardianship Bench, and the individual judges on the Guardianship Bench are responsible for the effective case management of cases assigned to them. The judges are supported by the Guardianship Case Manager and Trust Clerk. All pleadings and correspondence are processed by the Trust Clerk. Self-represented filers who are not registered MDEC users are directed to file via mail to Trust Division, Circuit Court for Baltimore County, 401 Bosley Ave., P.O. Box 6754, Towson MD 21204.

### **Section 3.5 - Special Immigrant Status Cases**

Special Immigrant Juvenile Status ("SIJS") petitions provide a mechanism for undocumented children to apply to the United States Citizen and Immigration Services to adjust their immigration status and remain legally in the United States. [8 U.S.C. § 1101\(a\)](#); [8 C. F. R. § 204.11\(a\), \(d\)\(2\)\(iii\)](#). SIJS requests typically accompany a petition

seeking custody or guardianship of a minor; however, Maryland law extends jurisdiction for SIJS requests to “an unmarried individual under the age of 21 years.” See [Family Law Article, § 1-201\(a\)](#).

The County Administrative Judge has designated certain judicial officers to review all SIJS requests. Any case seeking SIJS findings will be forwarded to a magistrate for initial screening after the case is docketed. The magistrate will review the file to determine if necessary parties have been named, whether valid consents from necessary parties are attached, whether any required service of process has occurred, and whether the case is ripe for a hearing. The magistrate will document any action that remains to be taken before a hearing can be set and will also note any scheduling exigency that may exist, based upon the age of the party seeking SIJS. The magistrate also makes a recommendation, which is forwarded to one of the designated SIJS judges for final review and approval. Once the SIJS request is ripe for hearing, the case will be referred to the Civil Assignment Office to schedule a hearing before a designated judge or magistrate who handles these matters.

### **Section 3.6 – Track 2 – Family Standard**

The following are the criteria and scheduling procedures for all family standard cases:

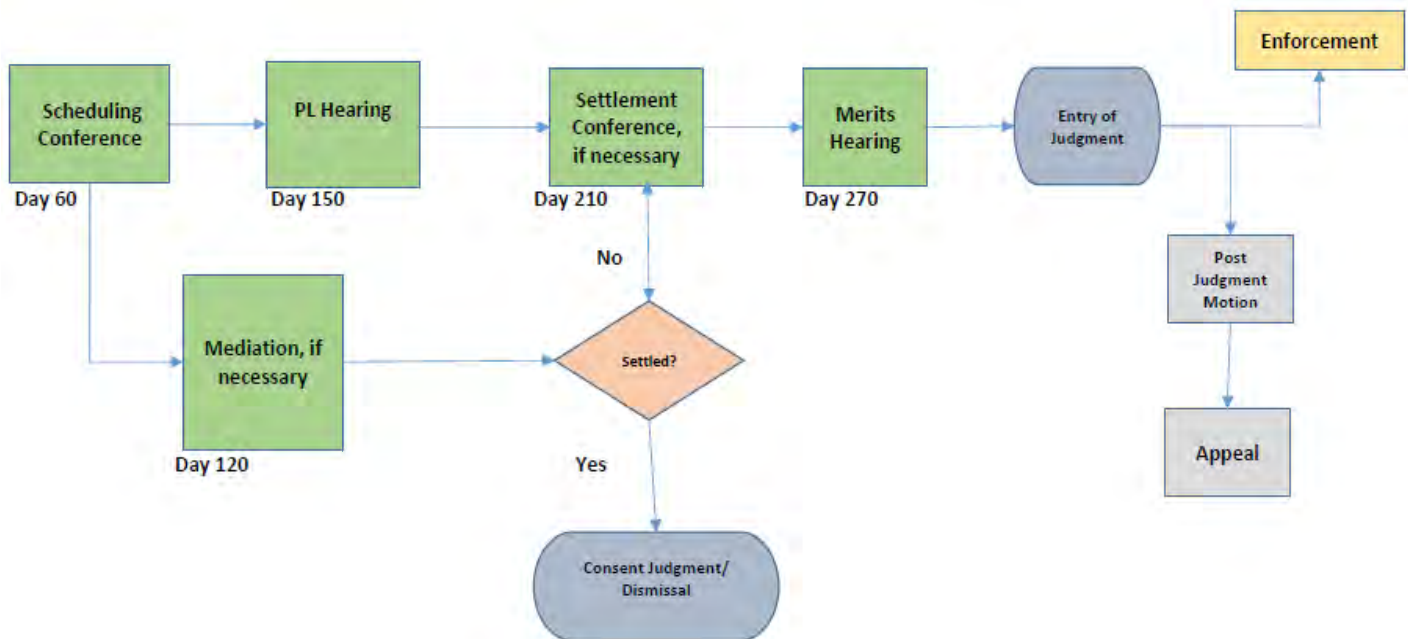
**Criteria:** A contested case that does not have significant financial issues or high conflict child access issues, but the contested issues are not minor. The merits hearings in these cases will generally be set before a magistrate unless marital property and/or alimony is at issue. Modifications of custody that do not require a child access evaluation and modifications of alimony will also be scheduled under this track and will be scheduled before a magistrate, unless the order being modified resulted from a contested hearing before a judge. If so, the case should be scheduled before the judge who issued the order in this scenario. The anticipated length of the hearing will be 1–2 days.

**Scheduling:** If a *pendente lite* hearing is requested, it will generally be set before a magistrate no later than 90 days from the date of the scheduling conference.

*Pendente lite* hearings are typically set for half a day. The magistrate may approve a full-day hearing if requested at the scheduling conference. Any request for longer than a full

day must be made in writing by the parties or attorneys and will be considered by the Lead Family Judge or designee. A settlement conference will generally be set no later than 150 days from the date of the scheduling conference. If necessary, a merits trial date will be set at the time of the settlement conference and will generally be set no more than 60 days from the date of the settlement conference. If mediation is appropriate, a mediation session will be scheduled approximately 60 days after the scheduling conference.

**Diagram 1.4 – Family Track 2 - Standard Case Processing**



### Section 3.7 – Track 3 – Family Complex

#### **Section 3.7.1 Complex Child Access Evaluation Cases**

The following are the criteria and scheduling procedures for complex child access evaluation cases:

**Criteria:** A contested case where it has been determined by a Family Support Services Social Worker that a child access evaluation is necessary. These cases will likely include high conflict issues, such as significant domestic violence, significant substance abuse, child protective orders and/or other significant contact by the parties with the

Department of Social Services, significant and reoccurring mental health issues, and any other high conflict issues between the parties that necessitate a child access evaluation.

**Scheduling:** A child access evaluation conference will be set approximately 120 days from date of the scheduling conference. If a *pendente lite* hearing is requested on child support, custody, or access, it will be set no more than 30 days after the date of the child access evaluation conference. A request for a *pendente lite* hearing on any other issue, such as alimony or counsel fees, will generally be set before a magistrate within 60 days of the scheduling conference. A settlement conference will generally be set no more than 30 days after the child access evaluation conference or 30 days after the *pendente lite* hearing on child support, custody, and/or access, if one is requested. If necessary, a trial date will typically be set at the time of the settlement conference and will generally be set no more than 60 days from the date of the settlement conference. If the case does not fully settle at the time of the child access evaluation conference, the case may be specially assigned by the Lead Family Judge at that time. All further hearings will be heard by that assigned judge.

If at the time of the scheduling conference a magistrate determines that one of the parties does not have any access at all, the parties may be referred for a mediation session to attempt to resolve the access issue.

### **Section 3.7.2 Complex Divorce Cases**

The following are the criteria and scheduling procedures for complex divorce cases:

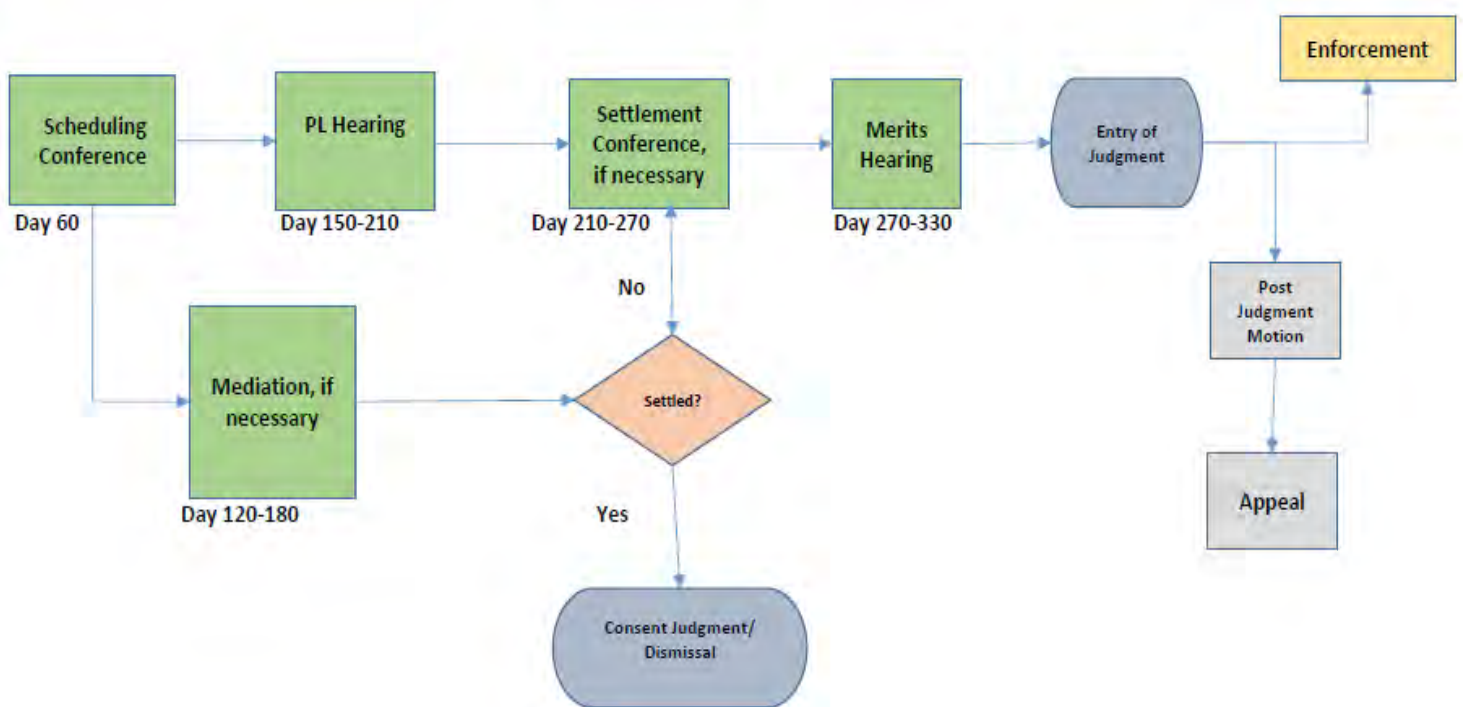
**Criteria:** A contested case with extensive property holdings, complicated business valuations, significant assets held in various forms, contested pensions, and legitimate claims for significant alimony. The anticipated length of the hearing will be 3 days or more.

**Scheduling:** If a *pendente lite* hearing is requested, it will typically be set before a magistrate no later than 150 days from the date of the scheduling conference. A settlement conference will generally be set no later than 210 days from the date of the scheduling conference and a trial date will typically be set at the time of the scheduling conference and will generally be no later than 270 days from the date of the scheduling conference. If the complex financial case also has high conflict child access issues and it

is determined that a child access evaluation is also necessary, then a child access evaluation conference will be scheduled approximately 120 days after the scheduling conference. If mediation is appropriate, a mediation session will be scheduled approximately 60 days after the scheduling conference.

Complex cases are not automatically specially assigned to a judge. If the parties/attorneys wish to have a complex case specially assigned, they must submit a written request to the Lead Family Judge.

**Diagram 1.5 – Family Track 3 - Complex Case Processing**



## Section 4 – General Family Case Processing Policies and Procedures

### Section 4.1 Scheduling Conferences

The goals of a scheduling conference include the following:

- (a) provide an early opportunity for the parties to settle any of the issues in their case;
- (b) establish track assignments;
- (c) determine the contested issues in each case;

- (d) determine the need for mediation, investigations, or any other support related services;
- (e) screen high conflict family cases so that the parties and children can be identified for services as early as possible. This may result in intensive services mediation, investigations, or evaluations in child access cases;
- (f) Magistrates, having reviewed the files, can inform counsel and parties of missing pleadings, problems, and any procedural issues; and
- (g) Parties' contact information will be confirmed.

At the scheduling conference, all parties and attorneys first meet with a magistrate who may attempt to settle all or any of the contested issues in the case, to identify all contested issues and determine whether the case needs to be screened by a Family Support Services Social Worker. The magistrate will also determine whether allegations of abuse exist in the case, determine the appropriate scheduling track, and arrive at a time estimate for any necessary hearings. If the parties come to an agreement at the conference, the magistrate will prepare a consent agreement (unless an agreement or order is prepared by counsel) that will be signed by all parties and attorneys and forwarded to a judge for approval. The magistrate will conduct voir dire of the parties on the record as to their agreement.

If the case is screened by a Family Support Services Social Worker, the social worker will determine whether the case is appropriate for a child access evaluation, an investigation, supervised visitation, or any other family support services. (See some of these services listed below.)

If the entire case is not settled at the conference, agreed dates are obtained from the attorneys and parties for the scheduling of co-parenting classes and mediation, any necessary *pendente lite* hearings, and settlement conferences. A scheduling order will then be generated and distributed at the time of the conference. Hearing dates established at the time of the conference will not be postponed except for extraordinary reasons.

In cases where there are no minor children and both parties are represented by counsel, the scheduling conference may be conducted by a DCM Office staff member without the involvement of a magistrate. These conferences are generally brief and are focused on selecting dates for the settlement conference and *pendente lite* hearing.

### **Section 4.2 Re-Scheduling Conferences (Postponements)**

If a party and/or attorney is unable to attend a scheduling conference, they must file a postponement request. Failure to request a postponement or failure to appear at the scheduling conference may result in scheduling order being issued without any opportunity to be modified, or, if the moving party fails to appear, the matter being dismissed.

A DCM staff member will provide the party/attorney seeking to modify the date with new available dates to reschedule the conference. That party/attorney must contact all parties or attorneys in the case and get an agreed date. The new date for the conference must be set within 21 days of the originally scheduled conference date. If the parties/attorneys cannot agree on a new date within this time frame, the party/attorney seeking to change the originally scheduled date will need to submit in writing to the DCM Office request to reschedule the scheduling conference. The request must contain the reason for the postponement and why a new date cannot be set within the 21-day time frame. The request will be reviewed and ruled upon by the Lead Family Judge or designee.

### **Section 4.3 Family Services and Programs**

The following are some of the services that may be ordered as part of an ongoing contested domestic case. Ideally, the need for any service will be determined at the time of the scheduling conference. However, a judge may order, or a magistrate may recommend, any of these services at any time in the case process. The services and programs are as follows:

- (1) Co-Parenting Classes** – This course is offered on-line by an outside vendor. It is recommended that this program be taken prior to any scheduled mediation. Designed to educate parents about the impact that family conflict may have upon children, these classes also explain better ways to understand relationships and assist parents in finding more improved methods of communication. There is a fee for co-parenting education classes.
- (2) Supervised Visitation and Monitored Exchange** – Supervised visitation and monitored exchange of children for visitation are provided



through the Family Division. The service is provided at a neutral site location under certain restrictions ordered by a judge. Supervised visitation can be ordered for a period of up to 12 months. This program is coordinated through the Family Support Services Office.

**(3) Mediation** – A case may be referred to mediation on all child access and financial issues, including modification and contempt petitions, whenever the Court determines that the case is appropriate for mediation.<sup>6</sup> The mediation session will take place on an agreed future date scheduled at the time of the conference. All mediation sessions are held via Zoom with staff mediators from the Office of Family Mediation.

**(4) Intensive Services Mediation** – This service may be ordered in place of standard mediation in cases involving high levels of conflict. This is a facilitative, problem-solving process that allows the parties to be interviewed separately (*i.e.*, caucus method), if necessary. This process also helps in identifying the underlying problems of the dispute and a methodology for improving communications between the parties.

**(5) Family Support Services** – Some special services are coordinated through the Family Support Services Office including substance abuse screening, monitoring, and evaluation. The Family Support Services Office also maintains a list of parent coordinators and may provide referrals to other services (e.g., mental health, parenting, anger management). There may be fees charged by the various providers of these services.

**(6) Child Access Investigations** – Child access investigations and home studies are conducted by the staff of the Family Support Services Office, usually within 60 to 90 days after being requested by a judge or magistrate. Psychosocial assessments and emergency investigations are performed by social workers in the Family Support Services Office.

---

<sup>6</sup> For example, cases with allegations of domestic violence may not be appropriate for mediation. The Court participates in a screening program to identify cases that may not be suitable for mediation due to domestic violence.

**(7) Psychiatric Evaluations** – These are conducted by the Office of the Court Psychiatrist when ordered by a judge. Two forensic psychiatrists, one forensic psychologist and a clinician are available to perform these family mental health assessments. Psychiatric evaluations may be part of the child access evaluation, if the Family Support Services social worker determines one is necessary, or a party may file a motion for a psychiatric evaluation.

**(8) Child Access Evaluations** – These evaluations and reports will include information such as the quality of relationship between parent and child, the ability of each parent to parent a child, the relationship between the parents and their ability to co-parent, the mental health of the parties, the mental health of the child, and the patterns of domestic abuse. At the conclusion of the evaluation, a conference is held for purposes of presenting the report and reaching an agreement with the parties. If needed, mediation can be utilized to further encourage this agreement.

**(9) Family Recovery Support Program** – The Family Recovery Support Program (FRSP) is a four-phase program intended to improve treatment outcomes for children and families when a parent’s substance abuse problem is affecting their ability to parent. FRSP provides additional case management and oversight to families with at least one parent with a substance abuse issue. Participation is voluntary and includes a commitment to attend FRSP hearings twice a month, to submit to random, supervised drug testing, to maintain contact with the program and to follow treatment recommendations. At minimum, it is a nine-month program. A parent in a child access dispute may be referred and accepted into FRSP at any time, but is often referred at the time of a scheduling conference or after a mediation or child access evaluation.

#### **Section 4.4 Emergency Hearings, Expedited Hearings, and *Ex Parte* Orders**

Parties may seek to advance a ruling in a family case based upon a variety of circumstances. These requests are divided into three general categories: (1) *ex parte*

requests; (2) emergency hearing requests; and (3) expedited hearing requests. A request seeking any form of advance hearing should clearly indicate the type of relief sought. If both an *ex parte* hearing and an emergency hearing are sought, they should be requested in separate pleadings. If an emergency or expedited hearing is sought, the request should clearly articulate the projected harm if an adversarial hearing is not set.

#### **Section 4.5 *Ex Parte* Hearing Requests**

A request for an *ex parte* ruling is one seeking a ruling on the day it is filed in response to a situation that warrants urgent Court intervention. While *ex parte* requests still require notice and an opportunity for input, they are an expedited proceeding, without discovery, so a full evidentiary record is not developed. Therefore, the relief that is entered is for limited duration until a full adversary hearing can be set.

A motion for *ex parte* relief must be filed in accordance with Md. Rules [1-351](#) and [15-504](#). Before the Court will consider the merits of the motion, the moving party must certify in writing that all parties who will be affected by a ruling have been given notice of the time and place the motion is being presented, or the moving party must certify in writing that efforts commensurate with the circumstances have been made to give notice.

Motions for *ex parte* relief are presented to the Chambers Judge. The moving party should submit an advance copy to the Chambers Judge, arrange a time when the matter may be heard by the Judge, and communicate that information to the opposing party or their counsel. The motion for *ex parte* relief must be filed in the Clerk's Office before the matter is heard by the Chambers Judge. *Ex parte* requests may be denied without a hearing by the Chambers Judge if the request does not sufficiently state a claim that warrants immediate action or if proper notice is not given to the opposing side.

Motions for *ex parte* relief should be sought sparingly and only in circumstances that require immediate intervention. *Ex parte* relief will be denied unless there is a sufficient showing that there is an imminent risk of immediate, substantial and irreparable harm or harassment to a party or minor child before an adversary hearing can be held. Motions seeking immediate payment of child support and/or alimony or to enforce visitation do not typically qualify for *ex parte* relief.

If *ex parte* relief is granted, a temporary restraining order will be issued. The duration is limited to 10 days from issuance for a resident, and not more than 35 days for a non-resident, which may be extended for one additional period. The party affected by the order may apply for modification or dissolution of the order on two (2) days-notice to the party who obtained the *ex parte* order. If the moving party seeks further extension beyond the temporary order, a follow up hearing will be scheduled by the Central Assignment Office on any motion for preliminary injunction or for emergency hearing.

#### **Section 4.6 Emergency Hearings**

A party may request an emergency hearing if there exists some immediate, substantial risk of injury or harm to the party or the party's child or children before a regularly scheduled hearing will be held. In order to request an emergency hearing, the case must be at issue (i.e., where a complaint has already been filed and all opposing parties have filed an answer, or defaults have been entered against any party who has been properly served and who has not filed a timely answer.) The written request should be captioned as a request for an emergency hearing and should contain the relevant facts that demonstrate why the matter needs immediate Court attention. It is helpful to include a time estimate with the request, and to indicate whether medical experts are likely to be called.

An affidavit(s) and certificate of service must accompany the request for an emergency hearing detailing the facts that give rise to the emergency. The request for an emergency hearing will be reviewed and decided, in the first instance, by a magistrate, unless the matter is specially assigned to a judge. Upon written request sent to the Central Assignment Office, the decision of the magistrate may be reconsidered by the Lead Family Judge or designee. If the request for an emergency hearing is granted, the matter will be scheduled before a judge within 10 days by the Central Assignment Office. If a request for an emergency hearing is denied, the case will be referred to Civil Assignment to be set under the normal DCM procedures. The case must be at issue or the request will be denied.

#### **Section 4.7 Expedited Hearings**

A request for an expedited hearing is a request to advance a hearing date for a case at issue to an earlier time than would typically be set under the DCM track. A request to expedite a hearing should set forth in detail the factual basis for the request. A request for an expedited hearing will be reviewed and decided by the Lead Family Judge or designee. If the request for an expedited hearing is granted, the matter will be referred to the Civil Assignment Office with direction to re-set the hearing at issue. The case must be at issue or the request will be denied.

#### **Section 4.8 Domestic Violence Hearings**

A petition for protection from domestic violence must be filed with the Clerk's Office. Once the petition is docketed, the matter is referred to the Chambers Judge for a hearing to determine whether to grant a temporary protective order. If a temporary protective order is granted by the judge, a final protective order hearing will be scheduled before a judge within 7 days. The date of the final protective order hearing will be included on the temporary protective order and the temporary protective order will be served upon the respondent by a law enforcement officer. If the respondent is not served with the temporary order and notice of the final hearing, an extension order may be entered by the assigned trial judge, and the matter will be re-set for hearing on the final protective order.

#### **Section 4.9 Modification or Rescission of a Final Protective Order**

If a party files a motion to modify, extend, or rescind a final protective order, the motion is sent to the judge designated to review protective order modifications or, alternatively, to the County Administrative Judge. The designated judge may deny the motion without a hearing, but the matter must be scheduled for a hearing, with notice to all parties, in order to modify, rescind, or extend a final protective order. If a motion to extend a protective order is filed during the term of an existing order, the reviewing judge will forward the request to the Central Assignment Office to schedule a hearing before the expiration of the existing final order, if possible, and in any event, no later than 30 days from the date of the request for extension. In the event the hearing date is beyond the expiration date on the existing final order, the reviewing judge will enter an order to extend the expiration date on the existing order to the date the hearing is set

on the request for extension. The extended order will be served upon the respondent by law enforcement.

#### **Section 4.10 Domestic Violence Appeals**

An appeal from a final protective order entered in District Court is filed in the District Court and then transferred to the Clerk of the Circuit Court. The Central Assignment Office will schedule a *de novo* hearing on a domestic violence appeal within 10 business days from the date the appeal is docketed in the Clerk's Office. Notice of the hearing will be sent to all parties by the Central Assignment Office.

#### **Section 4.11 Winter Holiday Visitation Disputes**

Any party who has a court order already in place that sets forth custody/visitation arrangements may seek the assistance of a Family Division Judge to resolve any winter holiday visitation disputes. A specific time period for resolving these disputes is set every year, generally beginning the week before Thanksgiving and ending the week before Christmas, and information is disseminated to the local bar. To obtain intervention of the Court, contact the Family Case Manager. The following information should be provided, in writing:

1. Name of the Case
2. Case Number
3. What the last order states with regard to visitation
4. Name and telephone number of attorney or self-represented party on the other side
5. What efforts (stating facts) have been made to reach an agreement with the other side
6. The specifics of what is being requested as relief
7. The specifics of what the other side has offered, if anything

The Family Case Manager will review the file to determine the appropriate handling to include mediation or referral to a judge. If mediation is unsuccessful, the case will then be referred to a judge for further handling. Once a judge is assigned, the party may contact the judge's chambers on the next business day.

If a case has been filed along with a response but no custody order is in place, then the parties may contact the Office of Family Mediation at 410-887-6570 to schedule a mediation session on the issue of holiday access. There is no guarantee that

the Office of Family Mediation will be able to accommodate the request for a mediation session.

#### **Section 4.12 Hearings on Exceptions**

In accordance with [Md. Rule 9-208\(f\)](#), a party may file exceptions to a magistrate's report and recommendation within 10 days of the recommendations being placed on the record or served pursuant to section (e) of [Md. Rule 9-208](#). Counter-exceptions must be filed within 10 days of service of the exceptions. If exceptions are not filed within 10 days, the magistrate's recommended order is sent to the Chambers Judge for signature.

Notices for hearings on exceptions are issued by the Civil Assignment Office. The time requirements prescribed in the scheduling order remain in effect, even though exceptions are pending. Exceptions are decided on the evidence presented to the magistrate, unless the excepting party's request sets forth with particularity the reason additional evidence should be offered, and the Court determines it should be considered.

Exceptions are assigned to a judge for hearing, if requested, and for ruling if no hearing was requested. After ruling on the exceptions, the assigned judge will either (1) enter the order originally recommended by the magistrate; (2) enter an amended order, consistent with the ruling on the exceptions; or (3) remand the matter to the magistrate for further proceedings, consistent with the ruling on the exceptions.

If, at the time of the hearing before the magistrate, the magistrate determines that extraordinary circumstances exist and the magistrate recommends that an order concerning relief be entered immediately, the Court must afford the parties oral argument before an immediate order is entered. The Court may accept, reject or modify the magistrate's recommendations and issue an immediate order. An order entered under this subsection remains subject to a later determination by the Court on exceptions. ([Md. Rule 9-208 \(h\)\(2\)](#)). The parties/counsel will schedule the oral argument through the Central Assignment Office. If the question of extraordinary circumstances arises subsequent to the magistrate's hearing and exceptions have been filed, the parties/counsel may request an emergency hearing on the exceptions with the Lead Family Judge. (See generally, Section 4. Emergency Hearings and [Md. Rule 9-208](#).)

### **Section 4.13 Family Law Case Motions**

#### **UCCJEA Motions**

Any motions dealing with jurisdictional issues under the [Uniform Child Custody Jurisdiction and Enforcement Act](#) (UCCJEA) will be forwarded to the Family Case Manager who will review the file and contact the Court in the other jurisdiction to determine whether there is an active case pending in that Court and to identify the judge handling that case. The Family Case Manager will then assign the UCCJEA motion to a judge assigned to handle UCCJEA motions, providing the case and contact information from the other jurisdiction. The assigned judge will then arrange a conference call/hearing with the judge in the other jurisdiction to address the jurisdictional issue.

**Motions for Family Division Services:** Any motion dealing with a request for a Family Division service, such as a psychological evaluation, child access evaluation, investigation or home study, will also be forwarded to the Family Case Manager. After appropriate investigation, the Family Case Manager will make a recommendation to the Lead Family Judge.

**Motions for Appointment of Child Counsel (Best Interest, Child Privilege Waiver, Child Advocate, Parent Coordinator):** All motions for the appointment of child's counsel in a family law case will be referred by the Clerk's Office to a magistrate, who will review the request and make a recommendation. It will then be forwarded to a judge for a ruling. If the judge grants the motion, they will make an appointment from the court-approved roster of child's counsel attorneys (the roster is maintained by the Family Support Services Coordinator) for each case, unless the parties and their attorneys agree to appointment of an attorney who is not on the Court's roster. Periodically, the Court may assume the costs of child counsel on a limited basis when either one or both parties are indigent. Under those circumstances, the Court may pay a set hourly fee for the fees and/or expenses of a best interest attorney who is appointed to represent a child or children in custody cases. Additionally, for a children's privilege attorney appointed in accordance with [Nagle v. Hooks, 296 Md. 123 \(1983\)](#), the Court may pay \$250/ hour or up to a cap of \$750 for the fees and/or expenses. In order to qualify for payment by the Court, one or both parties must be either representing themselves (*pro se*) or represented by a pro bono or a reduced fee attorney.



**All Other Family Law Motions:** All administrative motions, such as motions to change venue, to stay a case, to defer [Md. Rule 2-507](#) dismissal, or to shield all or any part of a file, will be forwarded to the County Administrative Judge or their designee for ruling. Motions to strike an appearance will be forwarded to the Lead Family Judge or their designee.

All other motions, including discovery and dispositive motions, will be forwarded to a magistrate to review and prepare a recommended ruling. The motion, and recommended ruling, is then assigned to a judge for ruling. If the judge believes a hearing is necessary, the judge will schedule and conduct a hearing.

A motion for a protective order and/or a motion to quash confidential or protected documents (such as Department of Social Services records or a party's medical records or mental health records) will be screened by a magistrate. If the magistrate determines that the records need to be reviewed in-camera, they will prepare the appropriate protective order. The agency/entity will send the records directly to the magistrate for an in-camera review. Upon completion of the review, the magistrate will either recommend that the documents be disseminated with an additional protective order or quashed.

#### **Section 4.14 Settlement Conferences**

A settlement conference is set on all contested divorce, custody, and visitation matters, including those before the Court on a request for modification. The date of the conference will be set at the scheduling conference or when the initial scheduling order is issued. All settlement conferences are routinely held before a senior judge, who will place on the record any settlement agreement reached between the parties. Unless a remote conference is requested in writing and approved in advance of the settlement conference, parties and counsel must appear in person.

#### **Section 4.15 Required Documentation**

**Marital property:** Counsel and unrepresented parties are required to prepare and exchange initial drafts of a [Md. Rule 9-207 Joint Statement of Parties Concerning Marital and Non-Marital Property](#) in all cases with contested issues involving marital property. A finalized joint statement must be filed prior to the settlement conference by a date specified in the scheduling order.

**Decision-making authority and parenting time:** Counsel and unrepresented parties are required to prepare and exchange initial drafts of a [Md. Rule 9-204.2 Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time](#) in all cases with contested issues involving child custody and visitation. A finalized joint statement must be filed prior to the settlement conference by a date specified in the scheduling order.

**Child support:** Counsel and unrepresented parties are required to prepare and exchange proposed child support guidelines in all cases with contested child support issues. The draft guidelines must be filed prior to the settlement conference by a date specified in the scheduling order.

#### **Section 4.16 Postponement or Cancellation of a Settlement Conference**

Any request to postpone or re-schedule a settlement conference must be made in writing in accordance with the Family Division Postponement Policy. Requests made within 10 days of the scheduled conference are strongly discouraged. If a case settles in advance of the settlement conference, parties or their counsel must notify the Settlement Court at 410-887-2920 so the matter is removed from the schedule.

#### **Section 4.17 Procedure for Scheduling Merits Hearing**

If the parties do not reach a settlement at a settlement conference, parties and counsel will agree on a trial date, which can only be postponed by the Lead Family Judge prior to the day of trial or by the trial judge on the day of trial. Any follow up settlement conference must be set prior to that date.

#### **Section 4.18 Family Assignment and Scheduling**

The County Administrative Judge designates judges to handle the responsibility for various matters required for the efficient management of this Family DCM Plan, including the designation of a Lead Family Judge with judges who are assigned to primarily hear family cases on a rotating basis. Other judges may periodically hear family cases, even if they are not on the family law rotation. The County Administrative Judge also designates the magistrates and judges who have the primary responsibility for the handling of the scheduling conferences, status conferences and settlement conferences.

If a judge has been assigned and held a substantive hearing (i.e., *pendente lite* hearing or a trial on the merits), then the case will be referred back to that judge for hearings on modifications and contempt petitions, even if the judge is no longer

assigned to the family law rotation. A judge may refer a routine modification or contempt of child support to a magistrate for hearing after coordination with the Assignment Office.

#### **Section 4.19 Special Assignment**

The special assignment of all family matters is the primary responsibility of the Lead Family Judge. At the request of any party or if the magistrate or judge determines it is appropriate that a case be specially assigned for the purposes of litigation management and trial, such request or recommendation should be forwarded to the Lead Family Judge.

When appropriate, a case may be specially assigned to a judge by the Lead Family Judge. Individual judges are responsible for the effective management of cases specially assigned to them. However, the scheduling of specially assigned cases must always be coordinated with the Central Assignment Office in order to ensure judicial availability. Specially assigned cases should be managed to the extent possible consistent with the provisions of this Family Law DCM Plan, including adherence to the case time standards.

Special assignment does not guarantee priority status on the Court's docket. If the case is specially assigned, subsequent case management decisions and the selection of a trial date will be made by the specially assigned judge consistent within the case time standards and in accordance with the basic plan procedures outlined herein, unless the trial date has already been scheduled in advance of the special assignment. The scheduling or re-scheduling of all specially assigned cases must be cleared with the Central Assignment Office in advance in order to ensure judicial availability.

If a family case is heard on the merits by a judge, it will be specially assigned to that judge at the conclusion of the hearing, and all future disputes will be heard by that judge.

#### **Section 4.20 Postponements**

It is the policy of this Court to resolve family law disputes without unnecessary delay or undue waste of the time and other resources of the Court, the litigants, and other case participants. Although it may be necessary or appropriate to postpone a hearing or court event, such requests should be based upon a showing of good cause and should be done well in advance of any scheduled court deadline or event. Requests

for postponement are particularly disfavored on the day of a hearing or trial. The Court also views with disfavor any request for postponement or for modification of a scheduling order that delays the resolution of the matter beyond twelve months from the date of filing, which is the case time standard that applies to domestic proceedings.

#### **Section 4.21 Postponement of Show Cause, Motions Hearings or Mediation**

The date of a show cause hearing, motions hearing, or a mediation may be reset by conference call between the parties and the Court. If the party requesting the change is unable to arrange a conference call with all necessary parties or counsel, or obtain agreement on a new proposed date, the request must then be made in writing and directed to the Civil Assignment Clerk to process. All such requests must be made no later than 15 days prior to the scheduled event. Conference calls to re-schedule a show cause or motions hearings will be directed to Civil Assignment at 410-887-2660; and for mediation will be directed to the Office of Family Mediation at 410-887-6570.

#### **Section 4.22 Modification of Scheduling Order and Postponement of a Settlement Conference or Final Merits Hearing**

All other requests for modification of a scheduling order or for postponement of a settlement conference, merits hearing, or trial must be in writing. All requests must set forth the basis for the modification or postponement, the position of other parties or their counsel, and provide suggested new scheduling dates.

#### **Section 4.23 Good Cause Requirement**

The following will generally be considered good cause for postponement:

- Trial date conflict with first case set taking precedence;
- Serious illness of, or death in the family of a party, counsel, or necessary witness;
- Vacation(s) scheduled prior to any assigned trial or hearing date, with requests for postponement made within 10 calendar days of notification of the scheduled event;
- Counsel is in trial in another matter that carries over to cause a conflict with the trial date in this Court;
- A party did not receive notice of the hearing or trial, through no fault of the party or their counsel;
- Facts or circumstances arising or becoming apparent too late in the proceedings to be corrected in advance of the hearing, and which, in the view of the Court,

would likely cause undue hardship or a possible miscarriage of justice if the hearing or trial proceeded as scheduled.

Documentation of good cause must be attached to the postponement request. The following are generally not considered good cause for postponement:

- Vacations(s) scheduled after establishing a trial or motion date;
- Consent of counsel without compelling reason or a substantive basis;
- The matter has not previously been postponed (no peremptory postponements);
- Any matter known or which should have been known when the trial date was scheduled;
- New counsel has entered an appearance, or a party wishes to hire or change counsel;
- Discovery is incomplete or was just provided;
- A party wishes to conduct further investigation;
- A party or counsel is unprepared to try to case for reasons including, but not limited to, the party's failure to cooperate with or maintain necessary contact with counsel.

#### **Section 4.24 Rulings on Requests to Modify Scheduling Orders or to Postpone**

Advance requests to postpone hearings scheduled before a magistrate will be referred to the Lead Family Judge or a magistrate designated by the Lead Family Judge for ruling.

Requests to postpone hearings before a magistrate that are made on the day of trial are referred to the Lead Family Judge for ruling. Parties and/or counsel should report to the assigned courtroom and advise the magistrate of the postponement request. The magistrate will then notify the Lead Family Judge and refer the parties and counsel to the appropriate courtroom for a hearing on the postponement request.

Requests for postponement or modification of scheduled dates in cases that are specially assigned will be referred to the assigned judge. New dates will be set on the assigned judge's calendar and confirmed with the Assignment Office, regardless of whether the re-set date is during a period when the assigned judge is in the family rotation. Requests filed within 15 days of a hearing or trial are processed through the Central Assignment office. All other requests are processed through the Civil

Assignment Office.

Requests for postponement made on the date of a hearing or trial will be heard on the record before the assigned judge. Postponements on the date of trial are strongly disfavored and should only be granted upon a compelling showing of good cause or other special circumstance. If a case is postponed, parties and counsel will be directed to the Civil Assignment Office to select an agreed re-set date.

#### **Section 4.25 Requests to Strike Appearance of Counsel**

Absent a showing of some compelling circumstance, a motion to strike appearance of counsel will not be granted within a 14-day period before an assigned Settlement Conference or hearing date unless accompanied by the entry of appearance of another attorney. Similarly, a motion to strike appearance of counsel will ordinarily not be granted during a period when counsel is responsible to submit a draft order to the Court based upon a prior hearing or ruling. Pursuant to [Md. Rule 2-132\(b\)](#), the Court “may deny the motion if withdrawal of the appearance would cause undue delay, prejudice, or injustice.”

#### **Section 4.26 Interpreters/ADA Accommodations**

If there is a need for an interpreter for a party or witness in a family law case, the party or their attorney must promptly notify the Court by using the [Request for Spoken Language Interpreter form](#), or, if a sign language interpreter or other accommodation for a person with a disability is needed, the [Request for Accommodation for Person with Disability form](#). Requests should be made no later than 30 days prior to a scheduled court event, absent extraordinary circumstances. A delay in notifying the Court of the need for an interpreter or accommodation for a person with a disability may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect or signing system that may be needed. The request must also specify for whom the interpreter is needed. Information as to which court events are covered by this policy is available [here](#).

The Request for Spoken Language Interpreter form or the Request for Accommodation for Person with Disability form must be filed in MDEC by counsel and registered e-filers or with the Clerk’s Office by self-represented parties not registered as e-filers. The Clerk’s Office will forward the form to the Interpreter Coordinator (any requests that are filed in motion form will also be directly forwarded to the Interpreter

Coordinator immediately when filed). The Interpreter Coordinator will schedule a court interpreter for all court events. If the request is for ADA accommodations, the Interpreter Coordinator will present the request to a judge for consideration.

A party, or their attorney, must indicate the length of the scheduled court event if the request is for a witness. Unless the Court is advised of a case's specific duration, the Court will only hire interpreters for a single morning or afternoon session for that witness. Parties needing an interpreter for their own case will have an interpreter available for the entire duration of their hearing or court-referred service.

Once an interpreter has been appointed in a case, there is no need for the party or their attorney to submit a new request for each court event, unless it is for a witness. Clerk's Office staff and Court staff who vacate, postpone or reschedule a court event in a case where an interpreter has been appointed are required to inform the Interpreter Coordinator.

The party requesting an interpreter remains responsible for notifying the Court in writing immediately if the need for the interpreter changes. If it becomes necessary to cancel an interpreter for a court scheduled event, the party or their attorney should complete a Cancellation of Court Interpreter Form found [here](#) and submit it through MDEC or to the Clerk's Office, as applicable.

Any questions or concerns regarding interpreter or ADA services can be directed to the Interpreter Coordinator by emailing [ccbaltcointerpreters@mdcourts.gov](mailto:ccbaltcointerpreters@mdcourts.gov).

#### **Section 4.27 Forms**

The following forms may be required to be attached to a complaint in family cases, or to complete a filing and/or service.

- CC-DCM 002     [\*\*Civil Domestic Case Information Report\*\*](#)
- CC-DR-55     [\*\*Affidavit of Service \(Private Process\)\*\*](#)
- CC-DR-56     [\*\*Affidavit of Service \(Certified Mail\)\*\*](#)
- CC-DC-089    [\*\*Request for Waiver of Prepaid Costs\*\*](#)
- CC-DC-090    [\*\*Request for Final Waiver of Open Costs\*\*](#)

The following forms are used to request an interpreter or accommodation for a Court scheduled event.

- CC-DC-041     [\*\*Request for Spoken Language Interpreter\*\*](#)
- CC-DC-049     [\*\*Request for Accommodation for Person with Disability\*\*](#)