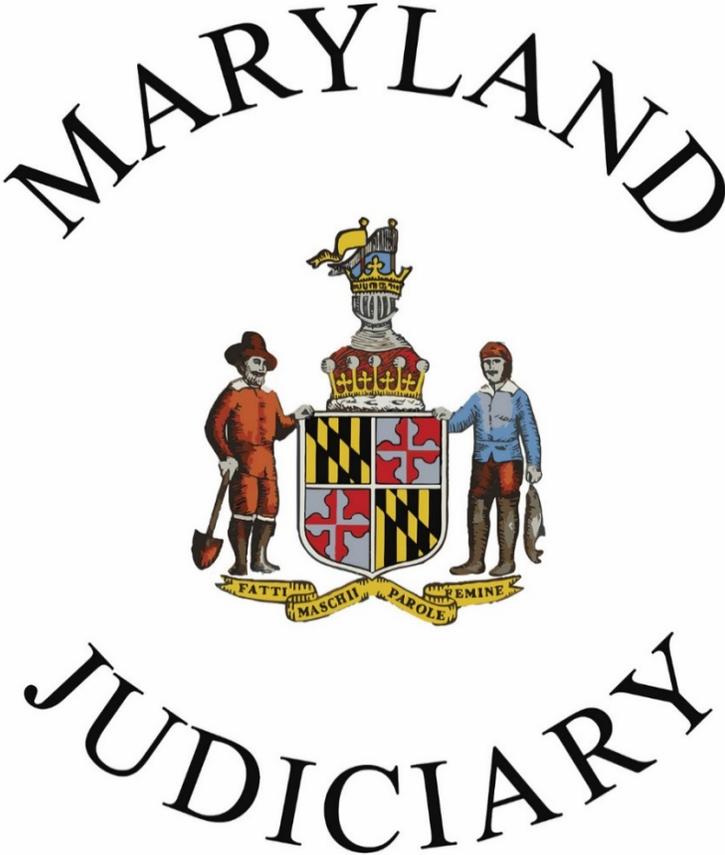


**The Circuit Court for Charles County, Maryland**



**Family Differentiated Case Management (DCM) Plan**



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## Introduction

This Family<sup>1</sup> Differentiated Case Management (DCM) Plan is established in accordance with Md. Rule 16-302(b)(1)(A) that requires the County Administrative Judge to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action in the circuit court. Differentiated Case Management (DCM) is a system for managing cases based on their relative complexity and need for judicial involvement.

## Statement of Purpose

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and, once achieved, maintaining a current docket. (Standard 2.50, ABA Standards Relating to Court Delay Reduction<sup>2</sup>)

It is the purpose of this DCM Plan to provide an effective case management system that will assure:

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.

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<sup>1</sup> Family cases have historically been referred to as Civil Domestic cases.

<sup>2</sup> American Bar Association (ABA), *Standards Relating to Trial Courts, 1992 Edition, Section 2.50*

Consistent with the Maryland Case Time Standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that 98% of family cases, excluding limited divorce cases, be concluded within 12 months (365 days) of the filing date; and that 98% of limited divorce cases be concluded within 24 months (730 days) of the filing date. In order to achieve this goal, the circuit court is committed to resolving different categories of cases within a regular and predictable time frame as warranted by the needs of those cases. For simpler cases, the warranted time frame may be shorter than 12 months.

The differentiated case management (DCM) plan for family casetypes does not include general civil (i.e. non-domestic relations casetypes).<sup>3</sup> Family Law cases are the exclusive jurisdiction of the circuit court.

## **Case Management**

Pursuant to Maryland Rule 16-302(b)(1)(A), the County Administrative Judge supervises all aspects of family law case management, and is ultimately responsible for the implementation of this Family Differentiated Case Management (DCM) Plan. The County Administrative Judge authorizes certain family magistrates and judges to hear various family matters, and make final decisions whether, and to whom, a case is assigned.

All family magistrates and judges must comply with this Plan and implement such provisions in their rulings. Individual family magistrates and judges shall effectively manage cases designated to them through dockets or specially assigned cases. The scheduling of case hearing/trial events must always be coordinated with the Assignment Office. All cases should be managed to the extent possible, consistent with the provisions of this Plan, including adherence to the case time standards.

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<sup>3</sup> See Civil DCM Plan for all general civil casetypes.

## Family Law Casetype Summary

This DCM plan includes the following family law casetypes: absolute divorce; limited divorce; custody; visitation; child support (including child support establishment, modification, and enforcement cases, paternity, and Uniform Interstate Family Support Act cases); annulment; enrollment and enforcement of a foreign decree; adoption; protection from domestic violence; guardianship of the person and/or property of a minor; guardianship of the person and/or property of a disabled adult; change of name; special juvenile immigrant status cases; and contempt proceedings to enforce existing family law case orders.

Family magistrates predominately preside over the following family law casetypes:

1. Uncontested divorce, annulment, or alimony;
2. Temporary alimony;
3. Child support *pendente lite*<sup>4</sup>
4. Support of dependents;
5. Preliminary or *pendente lite* possession or use of the family home or family-use personal property;
6. *Pendente lite* custody of or visitation with children or modification of an existing order or judgment as to custody or visitation;
7. Constructive civil contempt such as: child access disputes; constructive contempt by reason of noncompliance with an order or judgment relating to custody or of visitation with a minor child; the payment of alimony or support; and/or the

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<sup>4</sup> *Pendente lite* is a Latin term meaning "awaiting the litigation" or "pending the litigation" that applies to court orders which are in effect until a family case reaches disposition.

possession or use of the family home or family-use personal property following service of a show cause order upon the person alleged to be in contempt;

8. Modification of an existing order or judgment as to the payment of alimony or support or as to the possession or use of the family home or family-use personal property;
9. Counsel fees and assessment of court costs in any matter referred to a family magistrate;
10. Stay of an earnings withholding order;
11. Requests for emergency relief;
12. Uncontested Guardianship of the Person of a Minor; and
13. Special juvenile immigrant status cases.

Judges may preside over the aforementioned casetypes, but exclusively hear the following family casetypes:

1. Adoption;
2. Protection from Domestic Violence;
3. Contested Guardianship of the Person and/or Property of a Minor;
4. Guardianship of the person and/or property of a Disabled Adult;
5. Change of Name; and
6. Contested merits of divorce and division of marital property.

## **Family Tracks**

A family law case may follow one of five tracks to resolution. Tracks define: expected case processing events; the timing of events; assignment; and the expectations for case duration.

Assigning cases to appropriate tracks by early and meaningful case screening permits the court to resolve each case fairly and expeditiously. With the exception of Track 1A Family Miscellaneous Expedited cases, all cases are referred to family law personnel for review and tracking. The Clerk's Office transfers all Track 1A cases directly to a judge's chambers for case review and management.

## Track Assignment Chart

**Table 1.1 – Track 1 – Family Expedited**

TRACK	CASE SUBTYPES	CASE DURATION
TRACK 1A Family Miscellaneous Expedited	<ol style="list-style-type: none"> <li>1. Adoptions;</li> <li>2. Protection from Domestic Violence;</li> <li>3. Change of Name;</li> <li>4. Guardianship of the Property of a Minor; and</li> <li>5. Guardianship of a Disabled Adult.</li> </ol>	90 days from case filing
<i>Track 1A Family Miscellaneous Expedited cases are 15-30 minute merits hearings before a judge only.</i>		
TRACK 1B Family General Expedited	<ol style="list-style-type: none"> <li>1. Emergency cases;</li> <li>2. Defaults;</li> <li>3. Mutual Consent Divorce;</li> <li>4. Uncontested Divorce, Annulment, Custody, Visitation, Child Support; and</li> <li>5. Uncontested Guardianship of the Person of the Minor.</li> <li>6. Special Juvenile Immigrant Status petitions.</li> </ol>	120 days from case filing
<i>Track 1B Family General Expedited cases are 15-30 minute merits hearings.</i>		

**Table 1.2 – Track 2 – Family Standard**

TRACK	CASE SUBTYPES	CASE DURATION
TRACK 2 Family Standard	Contested Divorce; and Contested Child Support, Custody, and Visitation.	270 days from case filing
Track 2 Family Standard cases are 45 minutes to 4-hour merits hearings.		

**Table 1.3 – Track 3 – Family Complex**

<b>TRACK</b>	<b>CASE SUBTYPES</b>	<b>CASE DURATION</b>
TRACK 3 Family Complex	Contested Divorce with Custody, Property, and/or Alimony issues.	365 days from case filing
Track 3 Family Complex cases are more than 4-hours to multiple day merits hearings.		

**Table 1.4 – TRACK 4 – FAMILY LIMITED DIVORCE**

<b>TRACK</b>	<b>CASE SUBTYPES</b>	<b>CASE DURATION</b>
TRACK 4 Family Limited Divorce	Limited Divorce Cases	730 days
Track 4 Family Limited Divorce cases are 45 minutes to 4-hour merits hearings.		

**Table 1.5 – TRACK 5 – CHILD SUPPORT ENFORCEMENT CASES**

<b>TRACK</b>	<b>CASE SUBTYPES</b>	<b>CASE DURATION</b>
TRACK 5 Child Support Enforcement Cases	All cases involving the Department of Social Services Child Support Enforcement Agency	270 days from case filing
Track 5 Child Support Enforcement Cases are 15-30 minutes merits hearings.		

## Family Track Outcomes

### Track 1 – Family Expedited

#### Track 1A – Family Miscellaneous Expedited

The following are considered family miscellaneous expedited cases and are heard by a judge: adoptions; change of name; guardianship of the property of a minor; guardianship of a disabled adult; and protection from domestic violence. Upon filing, these case types are forwarded to the chambers judge for immediate review and scheduling. The estimated merits hearing time for Track 1A Family Miscellaneous Expedited cases is between 30 and 45 minutes. The expected duration for Track 1A Family Miscellaneous Expedited cases, from filing to disposition, is 90 days.

#### Track 1B – Family General Expedited

The following are considered family expedited cases and are heard by a family magistrate: emergency cases<sup>5</sup>; requests for order of default; mutual consent for divorce; uncontested divorce, annulment, custody, visitation and child support; uncontested guardianships of the person of a minor; and special juvenile immigrant status cases.

The estimated merits hearing time for Track 1B Family General Expedited cases are between 15 and 30 minutes. The case is set for a final merits hearing within 60 days of the filing of an answer or an order of default, and once all parties agree that the case is uncontested, or the matter in dispute requires expedited attention. The expected case duration for Track 1B Family General Expedited cases, from filing to disposition, is 120 days.

### Track 2 - Family Standard

The following are considered family standard cases and are heard by a family magistrate:

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<sup>5</sup> The Family DCM Plan Requests for Emergency Procedures are outlined later in the plan.

contested divorce; contested custody; contested visitation; and contested child support. The estimated merits hearing time for Track 2 cases is between 45 minutes and four hours. The case is set for a final merits hearing within 120 days of the filing of an answer. The expected case duration for Track 2 cases, from filing to disposition, is 270 days.

### **Track 3 - Family Complex**

The following are considered family complex cases, requiring more than four hours and are heard by a judge: contested divorce; contested custody; contested visitation; and contested child support.

All family complex cases will be scheduled for a pretrial settlement conference with a judge or a family magistrate approximately 30 days prior to trial.

The estimated merits hearing time for Track 3 cases is more than four hours. The case is set for a final merits hearing within 240 days of the filing of an answer. The expected case duration for Track 3 cases, from filing to disposition, is 365 days.

### **Track 4 - Limited Divorce**

All limited divorce cases are forwarded to family law personnel for review. The estimated hearing time for Track 4 cases is between 45 minutes and four hours. The case is set for a final merits hearing within 240 days of the filing of an answer. The expected case duration for Track 4 cases, from filing to disposition, is 730 days.

### **Track 5 - Child Support Enforcement (Title IV-D Cases)**

The Child Support Enforcement Agency establishes or enforces a paternity and/or child support order pursuant to Title IV-D of the Social Security Act (88 Stat. 2351 (1975), 42 U.S.C. 651, as amended). Prior to filing a case with the court, a conciliation conference is held at the Department of Social Services office. If an agreement is reached, a consent order is submitted to the court. If an agreement is not reached, a hearing before a family magistrate will be scheduled. If the parties were not married to each other at the time of conception or birth of the child and paternity has not previously been established by

paternity affidavit or court order, DNA<sup>6</sup> testing will be ordered. The father may also consent to paternity establishment and waive DNA testing.

Track 5 cases include all cases filed on behalf of the Department of Social Services Bureau of Support Enforcement. Track 5 case types include: child support establishment; paternity establishment; and Uniform Interstate Family Support Act (UIFSA). The expected case duration for Track 5 is 270 days.

## **Track Designation**

Family law personnel will assign all family law cases, as described within the DCM Plan, to one of five tracks at the time of answer in accordance with the information provided on the Civil – Domestic Case Information Report (CC-DCM-001). In the event a party or counsel disagrees with the designated track assignment, the party or counsel may submit a written request, which states the reason(s) to change the track assignment. The parties or counsel shall send all requests to change the track designation to the attention of the DCM coordinator within 30 days of filing the complaint. The DCM coordinator will then notify all counsel or self-represented litigants identified as parties in the case about the request to change the track designation. Counsel or self-represented litigants shall file a written response within 15 days from the issuance of the notice, indicating whether they concur with the request to change the track assignment. If counsel/parties cannot reach an agreement on a track assignment, the DCM coordinator will assign a track based on track assignment guidelines. Either side may appeal the decision of the DCM coordinator to the County Administrative Judge by requesting a review in writing.

If a counter or cross claimant's case is consolidated with the original case, the counter or cross claimant does not have the right to challenge a track designation.

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<sup>6</sup> Deoxyribonucleic acid (DNA) is the molecule carrying genetic instructions of all living organisms.

## Miscellaneous Provisions Applicable to all Tracks

The filing of amended complaints, counter-complaints, cross-claims, third-party claims and/or the joinder of additional parties shall not change a scheduling order, except upon motion, for good cause shown.

If any date by which an action is due under this Plan falls on a weekend, legal holiday, or unanticipated closing of the Charles County Circuit Court by Order of the County Administrative Judge, the date to complete such action will extend to the next business day.

## Case Initiation

### File a Case

To file a family law case, a litigant must follow these steps:

- 1. File a Complaint.** Attach a completed Civil Domestic Case Information Form (CC-DCM-001), in compliance with (Md. Rule 2-111) for most family law case subtypes. The plaintiff shall file a completed case information report together with the complaint. The plaintiff must provide a service copy of the complaint, plaintiff's completed case information report, and a blank case information report for each defendant.

Family case subtypes exempt from filing the Domestic Case Information Form include the following:

1. Contempt for failure to pay child support, when filed by a government agency;
2. Domestic violence relief under Code, Family Law Article, §§ 4-501 through 4-516, including Rule 3-326(c) transfers;
3. Guardianship, other than action to terminate parental rights (Rules 10-201 through 10-305); and
4. Paternity, when filed by government agency (Code, Family Law Article, §§ 5-1001

through 5-1048).

Failure to file a case information report will result in the court assigning the case to a track, which may be contrary to the desire of a party or their counsel.

**2. Pay the Filing Fee.** Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. The filing fee for most civil complaints is \$165.00. (See *Civil, New Case.*) Filing fees may be waived by the court, based on the following conditions:

- a. Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- b. Representation by a civil legal aid lawyer or attorney assigned via a pro bono organization such as Maryland Volunteer Lawyer Services; and/or
- c. Other determination by the court.

If the court does not grant the request to waive prepaid costs, the plaintiff has ten (10) days to pay the filing and other required fees (prepaid costs).

**3. Notify the Other Party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112). The plaintiff must have the summons served on the defendant within 60 days. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original complaint, summons, and Case Information Form. In Charles County, there are three legal ways to deliver these documents to the defendant: 1) Certified Mail sent by an adult over the age of 18; 2) Private Process; and 3) Sheriff. A plaintiff cannot serve the summons on the defendant.

**4. Proof of Service.** The court requires that the plaintiff file an [Affidavit of Service of Process](#) (CC-DR-55) form to prove that the other side has been notified, or served. The plaintiff cannot serve the summons and must provide service through a third

party over the age of 18. 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 his/her case on the trial date.

**5.Alternative Service.** You may use the Motion for Alternate Service only if you have *not* been able to find the opposing party in order to serve him/her with the complaint or petition and the Writ of Summons from the court. This type of service will slow down your case. If you have any way to locate the other party and serve them you should try that first. There is no guarantee that the court will grant your motion for alternate service. If service is not obtained within 120 days after the case is filed, the case is subject to dismissal for lack of jurisdiction. The plaintiff should contact an attorney for assistance with methods of alternative service.

**6.Reissuance of a Summons.** Reissuance of a summons will neither toll the deadline for a Motion for Alternative Service, nor will it prevent the issuance of a Notice of Dismissal under Md. Rule 2-507 for failure to obtain jurisdiction over a party. Further, reissuance of summonses will not generate a new notice and/or scheduling order, upon service of any co-defendants, based on the date of reissuance. If no affidavit of service is on file with the Clerk's Office within 30 days of the re-issuance of a summons, a status hearing will be set.

**7.Lack of Jurisdiction.** Between the filing of the complaint and service, the court may dismiss cases for lack of jurisdiction, and following service, the court may dismiss for lack of prosecution. If the defendant has not been served after 120 days, the Clerk's Office sends notices to the parties that they have 30 days to file a motion to defer the order of dismissal, or the case will be dismissed without prejudice. After 30 days, the Clerk's Office reviews and dismisses the case. The Clerk's Office makes a motion docket entry that the case is dismissed for lack of jurisdiction. A written request to defer dismissal under Md. Rule 2-507 shall state the specific deferral period sought and the reasons for such request.

## Answer

The defendant must file an affirmative answer, typically within 30 days after they receive a summons, for most Circuit Court civil case subtypes (Md. Rule 2-321).<sup>7</sup> See exceptions under *Filing a Complaint*. These cases are considered by the court to be at issue, and the case shall proceed (Md. Rule 2-323). In addition, if the defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, cross-claim, or third-party claim, he/she is required to file a defendant's information report with the answer.

1. **Request for Order of Default.** If the defendant has been served and has failed to file an answer by the required time, the plaintiff may file a Request for Order of Default. Upon receipt of either an answer or an Order of Default, the plaintiff must file a Request for Hearing or Proceeding so that a court date will be set.
2. **Lack of Prosecution.** Following service, the court actively dismisses cases for lack of prosecution after one year from the last docket entry under Md. Rule 2-507, although the majority of dismissals occur after the filing of an answer. Following service, if there is no filing of an answer or, following answer, no other action on the case after one year; the Clerk's Office sends notices to the parties that they have 30 days to file a motion to defer the order of dismissal, or the court will dismiss the case without prejudice. After 30 days, the Clerk's Office reviews and dismisses the case. The Clerk's Office makes a motion docket entry that the case is dismissed without prejudice for lack of prosecution. A request to defer dismissal under Md. Rule 2-507 shall state the reasons for such request. If the court grants a motion to defer the order of dismissal, the judge will specify the deferral period in the order.

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<sup>7</sup> Exceptions include defendants who live outside the State of Maryland, resident agents, officers or agencies of the U.S. government, among others. See Md. Rule 2-321.

## Family Case Management and Events

### Family Case Management

Family law personnel will monitor all cases, on a monthly basis, to ensure appropriate action is taken. If a summons has been issued, but no affidavit of service has been filed within the time prescribed in the summons, family law personnel will send notice to the plaintiff that the matter will be dismissed if no action is taken (reissuance of summons, affidavit of service is filed) within 15 days. If an affidavit of service has been filed, but no answer, and the time for responding has expired, family law personnel will notify the plaintiff that the matter will be dismissed if no action is taken (answer filed or motion for order of default) within 15 days.

A case is considered at issue when an answer is filed, or when an order of default has been entered. Once a case is at issue, it is forwarded to family law personnel for review and referral to mediation and/or other family services described below.

A family magistrate confirms track assignments and estimates the time needed for each court event scheduled.

### Family Services

Family Services includes programs designed to facilitate conflict resolution and improve outcomes in family cases. Some family services programs are mandatory and will be ordered by the court throughout the life of the case. Other services and programs are discretionary by referral of the court during a case, or they may be requested by either or both parties. The Director of Family Programs is responsible for managing existing family services, implementing new programs, and identifying community resources beneficial to families involved in a family case. Some family services offered include:

1. Co-parenting classes;
2. Intensive services parenting workshop (high conflict parenting classes);
3. Supervised visitation, monitored exchange, and parenting coordination;

4. Mediation and intensive services mediation;
5. Family support services;
6. Child access investigations;
7. Psychiatric evaluations;
8. Child access evaluations;
9. Substance abuse screening;
10. Anger management; and
11. Other services as identified by family law personnel.

### **Alternative Dispute Resolution (ADR)**

The court supports the earliest possible utilization of alternative dispute resolution (ADR). Upon review of the case, if the court determines mediation of child custody and visitation disputes would benefit the parties or the child, the court will refer the parties to mediation. In these cases, parties may utilize ADR in order to reach an early resolution, limit issues, or resolve other areas of contention that otherwise impede the progress of a case such as discovery disputes. Parties may access ADR through a court order or on a private basis. Parties may request an order for ADR with a mediator, assigned by the court, at any time after the case is at issue. Please note that, pursuant to Md. Rule 17-208(b), the court's fee schedule shall apply only to mediators designated by the court.

#### **1. Time for Completing ADR**

Mediation sessions must be completed prior to the next scheduled hearing date.

#### **2. Location of ADR**

Unless otherwise agreed upon by all parties, ADR shall take place at a location in Charles County.

### **3. Responsibility of Parties or Counsel**

If ordered, parties must schedule mediation services within 10 days of the date of the order signed by a judge.

If the parties reach an agreement prior to the scheduling of, or scheduled ADR session, the parties shall promptly file a line with the court, with a copy to the mediator.

### **4. Responsibility of the ADR Practitioner**

The ADR Practitioner shall report the outcome of ADR to the court by submitting a status sheet to the ADR coordinator within 48 hours after the mediation is completed.

## **Settlement/Scheduling Conferences**

A settlement conference is scheduled on all contested family law cases before a family magistrate within 60 days of the filing of the answer. Cases that appear uncontested or where an order of default is entered will be scheduled for a merits hearing.

At the settlement conference, the family magistrate will facilitate and encourage the parties to reach a full settlement of their case, or a partial settlement of pre-judgment disputes. The family magistrate may order evaluations and services for the parties to complete prior to the next court event. If the matter is not fully resolved at the settlement conference, the parties are provided dates for: final merits hearing; a *pendente lite* hearing, if needed; and discovery deadlines.

The goals of a scheduling conference include the following:

1. Provide an early opportunity for the parties to settle some or all of the issues in their case with the family magistrate;
2. Establish track assignments;
3. Determine the contested issues in each case;
4. Determine the need for mediation, investigations, counseling or any other support

related services;

5. Screen high conflict family cases so that the parties and children can be identified for services as early as possible; and
6. Determine if a follow-up conference should be scheduled after services are completed.

### **Pendente Lite Hearings**

*Pendente lite* (pre-judgment) merits hearings are scheduled for no more than four hours and will be heard by the family magistrate.

### **Discovery**

Procedural and discovery motions should be filed up to 30 days prior to the pretrial settlement conference. Dispositive motions may be filed at any time. Family motions are assigned to a magistrate or a judge, on a master calendar. Typically, the assignments and dockets are set by the Assignment Office.

### **Pre-Trial Conference**

All cases set before a circuit court judge for trial on a family law issue (except domestic violence, adoption, guardianship, and IV-D cases) shall be scheduled for a pretrial conference before a retired circuit court judge no later than 30 days prior to the trial. At the conference, the judge will determine which issues remain contested, the number of witnesses expected on each side, whether discovery issues have been resolved, determine if investigations have been completed, evaluate the feasibility of additional mediation sessions, and determine length of time needed for the hearing. These determinations will become part of the court file, and family law personnel will notify the trial judge or Assignment Office of what contested issues remain in the case to litigate at trial.

The list of cases needing pretrial conferences will be generated by the Assignment Office 60 days before the trial date. Dates for pretrial conferences will be cleared with all attorneys on record.

## **Final Merits Hearing/Trial**

A judge or a family magistrate may preside over a merits hearing, depending upon the type or complexity of the case and the estimated duration of testimony. Cases with an estimated duration in excess of four hours are referred to a judge for management.

At a merits hearing, both parties present evidence and call witnesses to testify in support of the action they wish the court to take. For example, to establish a request for a particular child access plan, the court would need evidence of the child's age and needs, such as school and activities schedules or need for special medical care. A hearing to establish or modify child support will require evidence of the parties' incomes, cost of medical insurance for the child, work-related daycare expenses, and any extraordinary expenses for the child.

After listening to testimony and considering evidence from both sides, the court will make a decision in the best interests of the child. The order issued after a merits hearing is a final order on the issues presented during the hearing.

## **Exceptions to a Magistrate's Findings and Recommendations**

For any family law case heard by a family magistrate, the parties may file exceptions within 10 days after recommendations are placed on the record or served. Exceptions shall be in writing and shall set forth the asserted error with particularity. Within that period or within 10 days after service of the first exceptions, whichever is later, any other party may file exceptions. The party filing the exception must order a transcript or otherwise comply with Md. Rule 9-208(g).

Exceptions to a magistrate's findings and recommendations from a hearing are forwarded to a judge assigned to handle exceptions hearings. Upon compliance with the requirements of Md. Rule 9-208, the case will be referred to the Assignment Office for scheduling before a judge.

## Ordering Transcripts

An individual interested in requesting a transcript (i.e., the requestor) should complete a Transcript Order Form, which is available in the Clerk's Office. The completed transcript order form should then be filed in the Clerk's Office.

The court's transcript coordinator will contact the requestor with a cost estimate for the completed transcript. If the requestor agrees to purchase the transcript, the transcriptionist will then contact the requestor to discuss payment and delivery of the transcript. The transcriptionist accepts cash or money orders only. The turnaround time for the completed document is two weeks.

## Post Judgment Hearings

Motions for modification and petitions for contempt in family law cases are reviewed and scheduled by the family magistrates.

## Requests for Emergency Relief

An emergency/*ex parte* (single party) hearing may be scheduled in the event it is alleged that an immediate substantial injury will result to the parties' child before a regularly scheduled court event can be held. The following are the procedures for filing and processing a request for emergency relief for a family law matter:

1. Attempt to notify the opposing party/attorney;
2. File the petition for emergency relief with the Circuit Court Clerk's Office and include a statement outlining the details of the attempts to notify the opposing party, and the results thereof; and
3. Contact family law personnel. A caseworker will complete a records check, gather other pertinent information and, if appropriate, make a report to Child Protective Services. Family law personnel will bring the matter to the attention of an available magistrate, or to the chambers judge.

Examples of situations warranting an emergency review are:

1. A child is in immediate physical danger;
2. A child is subject to an immediate threat of irreparable psychological/emotional harm;
3. A child has been kidnapped;
4. A party or a minor child of the parties is in danger of catastrophic financial harm; or
5. Other situations on a case-by-case basis.

As a general practice, the following issues are not considered emergencies (although determinations are always made on a case-by-case basis):

1. Financial issues (child support, alimony, non-payment of bills);
2. Property issues;
3. Visitation issues, including denials of visitation; or
4. Changes of custody in order to enroll child in school.

If the pleadings reflect that an emergency may exist, the family magistrate/judge may make a recommendation for emergency relief and clear a date for a hearing. A family magistrate or judge may conduct an immediate hearing on the *ex parte* request, if appropriate notice has been given in accordance with Md. Rule 1-351.

After a family magistrate or judge has reviewed the emergency petition, family law personnel will determine which judge is available to review the proposed show cause order or scheduling order. The court file will then be presented by family law personnel to the judge for a review and signature of the order.

If the family magistrate or judge determines that temporary, emergency relief should be

granted, an order will be issued immediately. If the relief is granted *ex parte* (with only one party present), the temporary order shall provide for a hearing upon two days' notice upon the written request of the opposing party. Depending on the complexity of the issues, the degree of urgency, and the expected time needed for the hearing, the matter will be scheduled before a family magistrate or a judge on the first available docket. The Clerk's Office shall then refer the court file to the family magistrates for review and further scheduling.

If the family magistrate or judge determines that *ex parte* relief is not warranted, but that a prompt hearing, within one to two weeks, is required on the request for emergency relief, a hearing will be scheduled before a family magistrate at the earliest available date. A show cause order (order to present evidence explaining why the emergency relief should not be granted) will be prepared for service on the opposing party. The family magistrates will review the file for further action and scheduling.

If the family magistrate or judge determines that the matter is not urgent, family law personnel will review the file for further action and scheduling. An order denying the emergency petition will be sent to all parties.

### **Temporary Ex Parte and Restraining Orders**

Temporary *ex parte* orders for domestic violence cases or temporary restraining orders for domestic matters not pertaining to domestic violence are to be presented to the chambers judge for a ruling. The original request for *ex parte* relief must be filed with the Clerk's Office before the matter is heard by the chambers judge. *Ex parte* requests may be denied without any chambers hearing if the request does not sufficiently state a claim that may warrant *ex parte* relief or if proper notice is not given to the opposing side. Maryland Rule 15-504 requires that any *ex parte* request be accompanied by certification of notice, or alternatively, of specified efforts commensurate with the circumstances to attempt to provide notice to the opposing side or their counsel.

If the *ex parte* protective order is approved, domestic violence protective order hearings are set within seven days before an assigned judge. (See generally, Family Law Ann. Code of

Md., 4-504 through 4-506.) If a temporary restraining order is granted, the party affected by the order may apply for modification or dissolution of the order on two days' notice to the party who obtained the temporary restraining order. If notice is given, a hearing before the assigned judge will be scheduled at the earliest possible time. (See generally, Md. Rule 15-501 through Md. Rule 15-505.)

A petitioner may also file for a temporary ex parte order for domestic violence at the District Court Commissioner's Office when the courts are closed (including nights, weekends, and holidays).

## Family Case Assignment and Scheduling

The County Administrative Judge shall designate judges and family magistrates who are responsible for handling various matters required for the efficient management of this Plan. The County Administrative Judge shall also designate which family magistrates and judges shall have the primary responsibility for handling the settlement/scheduling conferences, requests for emergency and temporary relief, and review all written motions. The Assignment Office enters all court events into the court's calendar and manages all dockets for the circuit court judges. The family magistrates assign time estimates to all family cases; however, family law personnel prepare dockets and schedule all settlement and pretrial conferences held before the family magistrates.

## Postponements

### 1. Policy

It is the policy of the Circuit Court for Charles County, Maryland to provide timely justice for citizens for all of its case types and dockets. The court discourages requests to postpone court events.

Postponement motions must be in writing. All requests for a postponement, regardless of the type of hearing, must be made in the form of a written Motion for Postponement **prior to** the hearing sought to be postponed. The motion should include specific reasons for the

postponement, the other party's position on the postponement (if possible), and a proposed order. The use of attachments, *i.e. previously received court notices, doctor's notes, etc.*, is encouraged. The court will grant a postponement only for good cause shown, and will evaluate, on a case-by-case basis, whether sufficient cause justifies a postponement. As a guide for practitioners, the court does not generally consider the following reasons as sufficient cause to grant a postponement:

1. Counsel or the parties agree to a postponement;
2. The case has not previously been postponed;
3. Counsel or the parties have not completed discovery. [Please note that Md. Rule 2-508(b) provides, that when an action has been assigned a trial date, the trial shall not be continued on the ground that discovery has not been completed, except for good cause shown];
4. New counsel has entered an appearance or a party wants to retain new counsel;
5. Unavailability of a witness who has not been subpoenaed;
6. A party or counsel is unprepared to try the case for reasons including, but not limited to, the party's failure to maintain necessary contact with counsel; and
7. Any postponement of trial beyond a second trial date setting.

Generally, the court will consider the following as good cause to grant a postponement:

1. Sudden medical emergency or death of a party, counsel, or material witness who has been subpoenaed;
2. A party did not receive notice of the trial or hearing date, through no fault of that party or that party's counsel;
3. Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the court, would likely cause

- undue hardship or possibly miscarriage of justice if the trial were required to proceed as scheduled;
4. Unanticipated unavailability of a material witness who has been subpoenaed;  
and
  5. Illness or family emergency of counsel.

Should a conflict in assignment dates arise once representation accepts the scheduled hearing dates, counsel shall make every effort to obtain the presence of a partner or associate to act in one of the cases before requesting a postponement.

Information about the source of each postponement motion in a case as well as the reason for any postponement granted by the court shall be entered for that case in the electronic case management system.

## **2. Procedures**

Postponement procedures for civil cases scheduled in the Circuit Court for Charles County, Maryland, include the following:

### **a. Authority to Grant Postponements**

The County Administrative Judge, or designated judge, shall consider requests to postpone a trial.

### **b. Specially Assigned Cases**

Except as stated below, this limitation on postponement authority applies to all cases in the circuit court, including cases specially assigned to a judge. The procedures for postponing specially assigned cases are set forth below:

If a case receives special assignment, the specially assigned judge will make determinations regarding case management and scheduling, consistent with the case time standards.

However, the County Administrative Judge, or designated judge, must rule on

postponements or scheduling that places a matter beyond the target date. The County Administrative Judge, or designated judge, will then confer with the specially assigned judge for a recommendation as to the postponement as well as to clear new court dates on the assigned judge's calendar. In addition, the Assignment Office must clear the scheduling or re-scheduling of all specially assigned cases.

### c. **Same Day Postponements**

Counsel or the parties that request a postponement on the day the case is set for trial or hearing, shall bring the matter to the court's attention **prior to** commencement of the court session. The original trial judge shall promptly refer the matter to the County Administrative Judge, or designated judge, for consideration. If the County Administrative Judge, or designated judge, denies the request for postponement, the case shall return to the original trial judge and courtroom for further handling.

Counsel or parties filing any family law motion, must be filed with the Clerk's Civil Department. [Note: The court will **NOT** automatically grant consent or joint motions.]

## **Interpreters**

### **1. Request for Interpreter**

The Maryland Judiciary provides court interpreters at no cost for hearings and proceedings conducted in court, as well as certain court-related services and events, for individuals who are parties or witnesses in civil, family, criminal, and juvenile proceedings.

Counsel or the parties should submit a [Request for Spoken Language Interpreter](#) (CC-DC-041) to the court not less than 30 days before the proceeding for which the interpreter is requested. Uncommon languages and dialects may require additional time to schedule an interpreter, based on complexity of request.

Counsel or the parties should submit a [Request for Accommodation for Person with Disability](#) (CC-DC-049) to the court not less than 30 days before the proceeding for which the accommodation is requested. If requesting a sign language interpreter, counsel or the

parties should identify the specific type of interpreter, *i.e. American Sign Language (ASL), Certified Deaf Interpreter (CDI), or Communication Access Real Time Translation (CART).*

## **2. Cancellation of Interpreter**

If it becomes apparent that an interpreter will not be needed on the assigned trial or hearing date, counsel or the parties shall submit a written notice to the clerk's civil department prior to 48 hours of the scheduled proceeding (not including legal holidays).

## **Forms**

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

CC-DCM-004 [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](#)

The following form is used to request a change in a scheduled hearing or trial at the circuit court:

CC-DC-070 [Motion for Postponement](#)