

Family Differentiated Case Management (DCM) Plan

This Family¹ DCM Plan is established in accordance with Md. Rule 16-302(b) which 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 actions in the Circuit Court.

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 250, ABA Standards Relating to Court Delay Reduction)

It is the purpose of this DCM Plan to provide an effective case management system which will 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 MD Rules, it is the goal of this Plan to ensure that 98% of family cases, with the exception of 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. A concluded disposition is considered by judgment or dismissal. In order to achieve these goals, the Circuit 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 simpler cases, the warranted time frame may be shorter than 12 months.

¹ Family cases have historically been called Civil Domestic cases.

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The DCM plan for family case types does not include general civil (i.e. non-domestic relations case types).² The Circuit Court has exclusive jurisdiction over family cases.

Case Management

The policies and procedures outlined in this Plan shall be implemented by the Lead Family Judge, the back-up judge, and their respective staffs. 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 Case Management Plan pursuant to MD Rule 16-302(b). The County Administrative Judge designates certain judges to hear the various family matters and makes final decisions about whether and to whom a case should be assigned, when necessary.

All judges and magistrates are responsible to comply with and implement in their rulings the provisions of this Plan. Individual judges are responsible for the effective management of cases assigned to them; however, the scheduling of assigned cases must always be coordinated with the Assignment Office. Assigned cases should be managed to the extent possible consistent with the provisions of this Plan, including adherence to the case time standards.

Family Division Services

Family Division Services include programs that are designed to facilitate conflict resolution and improve outcomes in family cases. Some family services and programs are mandatory and will be ordered by the Court during 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. Descriptions of family services and programs are provided after the basic case management tracks are described below.

Case Processing – All Family Case Types

The following processes apply for family cases.

File a Case

The following steps are required to file a family case:

² See Civil DCM template for all general civil case types.

(a) **File a complaint** with the Court (Md. Rule 2-111) at the Circuit Court Clerk's office. Most family cases are required to attach a completed Domestic Case Information Report (CC-DCM-001) with the complaint. Family case subtypes exempt from filing the Domestic Case Information Report include the following:

- contempt for failure to pay child support, when filed by a government agency;
- domestic violence relief under Code, Family Law Article, §§ 4-501 through 4-516, including Rule 3-326(c) transfer;
- guardianship, other than action to terminate parental rights (Rules 10-201 through 10-305); and
- paternity, when filed by government agency (Code, Family Law Article, §§ 5-1001 through 5-1048.)

(b) **Pay filing fee.** Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. The filing fee for new family cases is currently \$165.00. The fee for petitions for modification and for contempt petitions is currently \$31.00. Filing fees may be waived by the Court, based on the following conditions:

- ✓ filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- ✓ representation by a legal aid lawyer or MVLS appointed attorney; and/or
- ✓ other determination by the Court.

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

At the conclusion of the case, the judge will decide who should pay the court costs, including fees, even if the waiver of prepaid costs was granted. If a party cannot afford to pay the final court costs assessed against them, he/she will need to 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.

(c) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed (See Md. Rule 2-112). The summons has to be 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 original complaint and summons are the documents that must be delivered to the defendant. There are three legal ways to deliver these documents to the defendant: 1) certified mail, 2) private process; and 3) sheriff.

(d) **Proof of Service.** The Court requires that the individual who made service (cannot be a party to the action, but any competent person 18 years of age or older) fill out and sign an [Affidavit of Service \(Private Process\)](#) (CC-DR-55) form when service is made by a private process, or an [Affidavit of Service \(Certified Mail\)](#) (CC-DR-56) with an attached original return receipt when service is made by certified mail, to prove that the other side has been notified, or served. These forms, together with a copy of the writ of summons, need to 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.

Lack of Jurisdiction. Between the filing of the complaint and service, if the defendant has not been served after 120 days, 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 vacate or defer the order of dismissal is filed. After the 30-day expiration, the Clerk's Office reviews and dismisses the case if no motion to defer is filed. A motion docket entry is made that the case is dismissed without prejudice for lack of jurisdiction or prosecution.

Answer

The defendant must file an Answer, typically within 30 days after he/she has received a summons, for most Circuit Court civil case subtypes (Md. Rule 2-321.)³ See exceptions in (a) above. 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, they are required to file with the answer a defendant's Domestic Case Information Report.

Lack of Prosecution – Status Conferences and Md. Rule 2-507 (c) Dismissals

³ 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.

Following service, the Court actively dismisses cases for lack of prosecution under Md. Rule 2-507 (c). Following service, if an Answer has not been filed, nor an order for default granted, the Court may schedule a status conference with all parties before a magistrate to determine the reason why the plaintiff is not prosecuting the case and/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 (i.e., the plaintiff will be able to refile the complaint, but will incur new filing fees and will have to 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 one year, the Clerk's Office sends 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 reviews and dismisses the case if no motion to defer is filed. A motion docket entry is made that the case is dismissed without prejudice for lack of jurisdiction or prosecution.

Settlement of the Case – Divorce (Dismissals/Consent Orders)

If the case is settled and a consent order is filed with the Court, an uncontested divorce hearing will be set before a magistrate. Counsel shall notify the Civil Assignment Office of all settlements that occur before or after the *pendente lite* stage. The consent order must be signed by all attorneys or all parties for the *Pendente Lite* hearing to be removed from the daily docket. Counsel shall also notify the Civil Assignment Office of all settlements of final merits hearings that occur at least 10 days prior to the settlement conference date. If settlement occurs between the settlement conference and the date of trial, the Central Assignment Office should be notified.

Final Order/Judgment

The final order/judgment is entered by the clerk 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 *judgment* and *consent order*.

Post-Judgment

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 in the Court of Special Appeals.

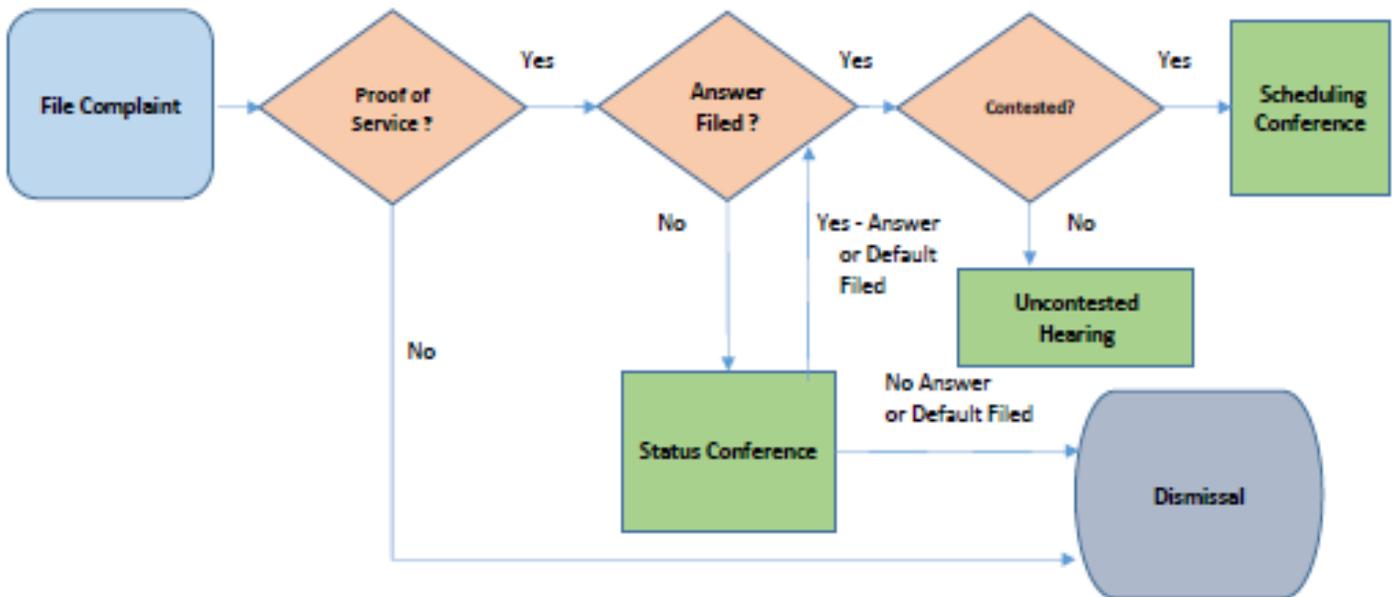
Enforcement

After the Court issues a judgment and it is entered into the record by the Clerk's Office, both 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 he/she 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.

Diagram 1.1 Family Case Processing



Family Tracks

A family case may follow three (3) potential tracks to resolution. 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, with the exception of limited divorce cases, is 12 months (365 days) for 98% of cases and 24 months (730 days) for 98% of limited divorce cases, but expected case duration is based on needed time to reach resolution, which may be less than the time standard.

Table 1.1 – Family Tracks Case Types and Outcomes

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

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Track Designations Set at Scheduling Conference

After receipt by the Court of the first Answer, and if the case is contested, a Family DCM Coordinator 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 one of three (3) tracks, based on the needs of the case.

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 needed. All requests to change the track designation must be made within 15 days of the scheduling conference. The Family Case Manager will then notify 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 DCM plan to one of the three tracks.

Table 1.2 illustrates the events and times required for family case processing tracks.

Table 1.2 – Family DCM Track Guidelines

Track	Family Tracks	Filing	Answer Filed	Scheduling Conference	Mediation	<i>Pendente lite</i> Hearing	Discovery/ Motions Deadline	Settlement Conference	Exhibits List	Merits Hearing
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

Track 1 – Family Expedited Cases

Uncontested Divorce Hearings

After the answer has been 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.

All uncontested divorce hearings are automatically scheduled by the Civil Assignment Office approximately 30-45 days after an answer has been filed or approximately 45-60 days after a default order has been issued. A special request for hearing does not need to be filed with the Court, and litigants or attorneys do not need to make a telephone call to obtain a hearing date from the Civil Assignment Office. This program also is consistent with Md. Rule 16-302 (c) (4) which requires the “prompt disposition of uncontested matters,” and at the same time assists *pro se* litigants and attorneys unfamiliar with the processes in Baltimore County in gaining quicker access to routine court proceedings. If a party or attorney has a conflict on the date of the scheduled hearing, they may submit a request in writing, with a copy sent to the opposing side, to the Civil Assignment Office to reset the date. If the matter becomes contested, the DCM Office should be contacted so that the hearing date is vacated and a scheduling conference can then 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, shall be set in for a hearing before a magistrate. The following are the policies and procedures for handling these cases:

1. When a complaint with consent and accompanying affidavits is filed with the Clerk’s Office, the domestic clerk shall forward the complaint with affidavits to the Civil Assignment Office for review and scheduling, rather than sending the complaint and affidavits to the Chambers Judge. If a Chambers Judge happens to receive the consent complaint for custody, the Judge should also forward the complaint to the Civil Assignment Office.
2. If all parties to the case consent and have filed affidavits, the Civil Assignment Office will schedule a hearing before the designated magistrate(s) on the first available docket (the cases should be scheduled at least two (2) weeks in advance to allow for notice.) If a party with custody rights has not filed an affidavit (for example, an aunt files a complaint for custody of

a child and the mother consents with an affidavit, but there is no affidavit from the father,) then the plaintiff will need to either obtain an affidavit of consent from that party or the plaintiff will be required to obtain service of that party. The Civil Assignment Office will then treat the case as a standard case, not a consent case. Likewise, in a child support case where DSS is a party to the case, but there is no affidavit of consent from DSS filed, then the moving party would need to obtain service on DSS and the case should not be treated as a consent case.

3. The designated magistrate will conduct a hearing, take testimony and make the appropriate report and recommendation in each consent case scheduled on his/her docket.

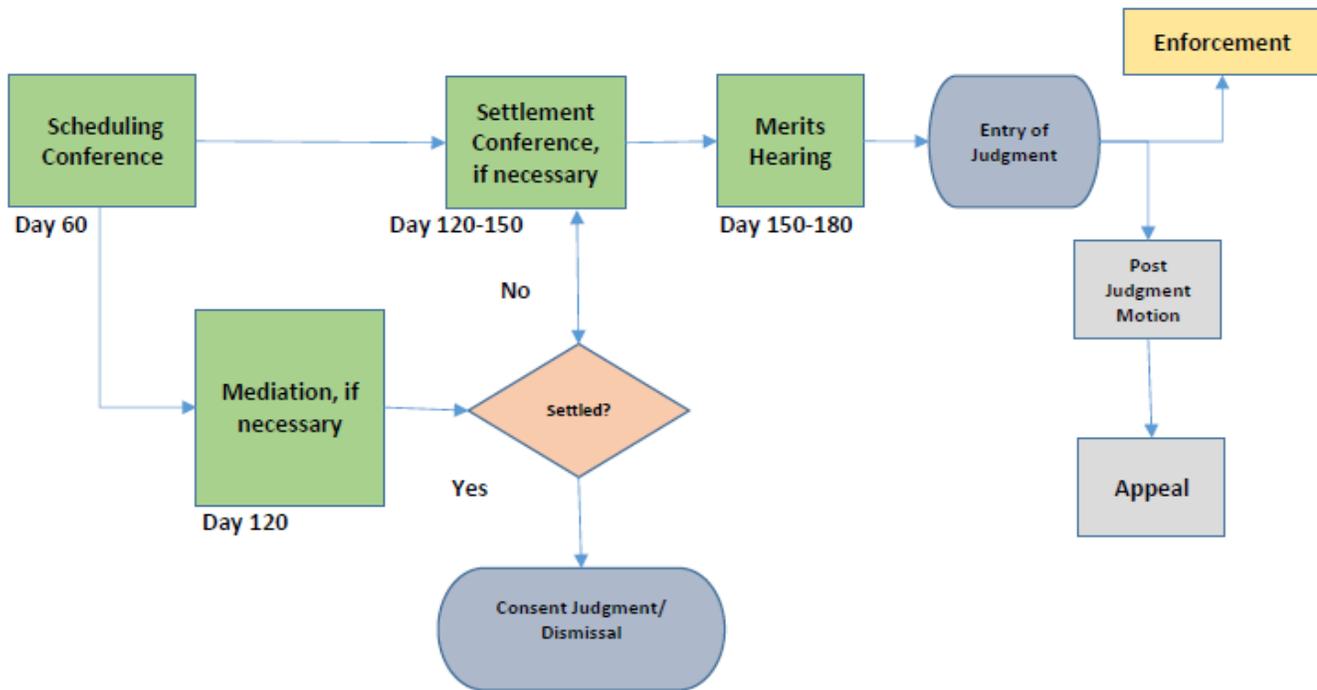
Contested Expedited Cases

The following is the criteria and scheduling procedures for contested expedited cases:

Criteria: A contested case with minor property and/or child access issues. Simple contested modifications of child support and visitation shall also be scheduled using this track and shall be scheduled before a magistrate. The anticipated length of the hearing should be ½ day or less.

Scheduling: If child support is the only issue, then the case shall be set for a final hearing before a magistrate no more than 90 days from the date of the Scheduling Conference, otherwise the case shall be set for a Settlement Conference no more than 90 days after the Scheduling Conference. If necessary, a trial date shall be set at the time of the Settlement Conference and shall 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 visitation or financial issues to a Pre-Hearing Contempt Conference. These conferences, which are held 30 to 45 days after the filing of the contempt proceeding, are designed to facilitate a settlement before a staff mediator. If the petition and show cause order is not served, the Pre-Hearing Conference is not held. If all issues are not settled or if the mediator rescinds the mediation, the Civil Assignment Office will schedule the case for a Contempt Hearing before a magistrate approximately 20 to 30 days after the conference. With respect to all other contempt cases not scheduled for a Pre-Hearing Conference, the Civil Assignment Office will assign these cases a hearing date approximately 45 days (but no earlier than 30 days) from the date the petition is filed. This hearing date is then entered on the show cause order. The petition and show cause order will then be presented to the chambers judge for his/her signature. The show cause order, together with a copy of any petition and other document filed in support of the allegations of contempt, shall be served on the party pursuant to Md. Rule 15-206(d).

When a hearing is held 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 he or she 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 are actually filed in the case. (See Md. Rule 9-208 (h)(3))

IV-D Child Support Establishment & Contempt Petitions

All cases to establish or enforce child support through the Baltimore County Office of Child Support Enforcement ("Child Support Office") are considered IV-D child support cases. An 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. An 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 Form 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 in the Courthouse, approximately 60 days out. The non-custodial parent is served an administrative 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 in the

Courthouse 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 before 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 he/she is 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 his/her medical condition and show how it limits his/her ability to work.
- (5) refer the case to the Family Support Employment Program ("FESP"), if the non-custodial parent is not making child support payments because he/she is unemployed. 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.

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 shall 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 taken under advisement or dismissed.

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 shall 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. See Family Law Article, Section 5-3B-12. The biological parent(s) will be contacted as part of the investigation to verify their consent unless they have been represented by an attorney and the attorney files an affidavit of representation. If no affidavit has been filed, the biological parents will be contacted to determine whether they were represented and/or whether they were advised of their right to seek counsel. This will occur regardless of whether the time to object has passed. In the event the investigator believes that an irregularity exists in connection with the biological parent's consent, the case will be forwarded to a Judge who, after reviewing the file, may appoint an attorney to represent the biological parent(s), at the expense of the petitioners.

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 his or her attorney and filed with the Court. Counsel for the child must file an affidavit (Family Law Article, Form 9-102.10) indicating that he or she met with the child and explained the consent and that the child signed it voluntarily and not as a result of duress or coercion. The prospective adoptee will be interviewed, either at the petitioner's home if a home study is ordered or at the Office of Family Mediation if the home study is waived. If the child is unaware of the adoption and is under the age of 10 years, the adoption will not be mentioned to the child during the brief interview with him or her. The petitioners shall 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 after the biological parent has signed a consent to the adoption if ordered by the Court.

The Investigation

All independent adoptions will be forwarded to the Office of Family Mediation for an investigation. The investigation will include an interview with the petitioners and the prospective adoptee, a criminal record check, and a DSS record search of any and all past or current involvement with the Child Protective Services department. Home studies will be conducted in all cases, with the exception that no home study will be required in step-parent adoptions, provided a motion to waive home study is filed with the petition. The investigator will determine what, if any, monies were expended 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.

Guardianship Cases

Guardianship cases are overseen by Guardianship Judges designated by the County Administrative Judge. Once a guardianship is established, subsequent reviews are assigned to an individual Guardianship Judge based upon the last digit of the case number, so there is consistent management of the case, unless the guardianship resulted from a contested trial, in which instance the case remains assigned to the Guardianship Judge who presided over that trial.

Guardianship cases are managed within the Clerk's Office by the Trust Clerk. In addition, the Court has a Guardianship Case Manager who assists the Guardianship Judges as needed to orient new guardians, to respond to inquiries by guardians, to investigate lapses in reporting or asset management, or otherwise to aid in the management of guardianship matters.

A guardianship of either person or property is initiated by a petition to appoint a guardian of person or property, pursuant to Md. 10-201 and 10-301. The form of the petition must comply with the provisions of Md. Rule 10-111 (guardianship of a minor), Md. Rule 10-112 (guardianship of an alleged disabled person), or Md. Rule 10-301 (guardianship of property.) A petition seeking guardianship of an alleged disabled person must be accompanied by medical certificates that describe the disability, consistent with the requirements of Md. Rule 10-202.

Once the petition is filed, a show cause order will be issued, to be served upon the minor or the alleged disabled person, along with advice of rights in the form set forth in Md. Rule 10-204. The petition and show cause order shall also be sent by the petitioner by ordinary mail and by certified mail to all other interested persons identified in the petition.

An alleged disabled person is entitled to representation in any guardianship matter. The Court will appoint counsel to represent the alleged disabled person in the guardianship matter. If the petition indicates the alleged disabled person has sufficient assets to afford to retain counsel, the Trust Clerk will prepare an order to assign an attorney from a list maintained by the Trust Clerk of counsel willing to accept appointments at the Court approved rate in guardianship matters. If the information in the petition appears to indicate that there are not sufficient assets to afford counsel, the Trust Clerk will prepare an order to assign counsel designated under contract through the Maryland Department of Human resources to provide representation in guardianship matters. The Order of Appointment of Counsel, along with the Show Cause Order, will be forwarded to a Guardianship Judge for signature.

The initial Guardianship Hearing is set on the show cause order. When the order appointing counsel is mailed to that attorney, with a copy to the petitioner or their counsel, it includes instructions to contact the Trust Clerk to set an agreed date for the Guardianship Hearing. The Trust Clerk then inserts the agreed date on the show cause order. The date must be set at least 31 days after counsel contact the Trust Clerk to allow sufficient time to serve and permit responses to the show cause

order.

Routine Guardianship Hearings are set on Thursday mornings before a Guardianship Judge. Any request to expedite a Guardianship Hearing must be filed by motion setting forth any special or compelling circumstances that warrants earlier hearing. Any request for expedited hearing will be referred to a Guardianship Judge for ruling.

Most guardianship cases proceed by stipulation or agreement of the parties and counsel; therefore, the show cause order that is issued will identify a hearing date based upon the assumption that the case will not be contested. If the case appears to be contested, the hearing notice requires counsel to notify the Trust Clerk, and the hearing date set on the show cause order will be converted to a Scheduling Conference with a Guardianship Judge. At the Scheduling Conference, the Guardianship Judge will confer with counsel to determine the complexity of the issues, the length of time needed for any discovery, and the estimated length of trial. A trial date will be set and cleared through the Central Assignment Office to ensure there is a Guardianship Judge available to hear the case on the date selected. In cases involving a request for appointment of a guardian of an alleged disabled person, counsel should indicate whether he/she anticipates a jury trial will be requested. The Guardianship Judge will also determine whether the case is appropriate for mediation, and will set a mediation date if requested.

If a guardianship is established, the Guardianship Judge will prepare the appropriate order, and the parties will be referred to the Trust Clerk to obtain certified copies of the order, along with information concerning the duties and responsibilities of the guardian. In cases involving guardianship of property, the guardian will be provided an Initial Inventory form, along with instructions on how to complete and file the required information within 60 days. Individuals who are not attorneys who are appointed to serve as guardians are required to attend an orientation program for new guardians. This program is conducted by one of the Guardianship Judges and the Guardianship Case Manager bi-monthly in the evening. Guardians required to attend must do so within six months of their appointment.

Guardians of person and property are required to file an annual report, in the form approved by Md. Rule 10-206 (guardianship of a minor or disabled person) and/or Md. Rule 10-708 (guardianship of property.) The Trust Clerk will issue reminders to guardians to prompt compliance with the report

obligation and will forward delinquency notifications to guardians for any report that is not timely filed. If a guardian fails to file a required report after a delinquency notice is issued, the Trust Clerk will forward the file to the assigned Guardianship Judge for review, to include issuing a summons for a review hearing.

The Trust Clerk will review the annual reports and forward them to the assigned Guardianship Judge for approval. The Trust Clerk will audit the guardianship of property reports to determine that balances reconcile with those reported in the initial inventory or the most recent annual report, income and disbursements are identified, required documentation is attached, and financial account balances are verified. The Trust Clerk will note any discrepancy on the guardianship report before it is sent to the assigned Guardianship Judge for approval.

Questions or discrepancies that arise throughout the management of guardianship cases are referred to the Guardianship Case Manager for review in an effort to resolve issues or obtain information to assist a Guardianship Judge in ruling on the matter. The Guardianship Case Manager will coordinate with the assigned Guardianship Judge to ensure close case management.

Guardianship cases are terminated when a minor turns eighteen, when a disability giving rise to the guardianship ceases, or when the disabled person dies. A request to terminate a guardianship must be accompanied by appropriate documentation. If the guardianship included property, a final accounting report must be filed with the request to terminate.

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.A. § 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 Md. Family Law Ann., § 1-201(a).

The County Administrative Judge has designated certain judges to review all SIJS requests. Any case seeking SIJS findings will be forwarded to one of the designated SIJS Judges for initial screening after the case is docketed. The SIJS Judge 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 SIJS Judge 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. Once the SIJS request is ripe for hearing, the case will be referred to the Civil Assignment Office to schedule a hearing before any Family Division Judge.

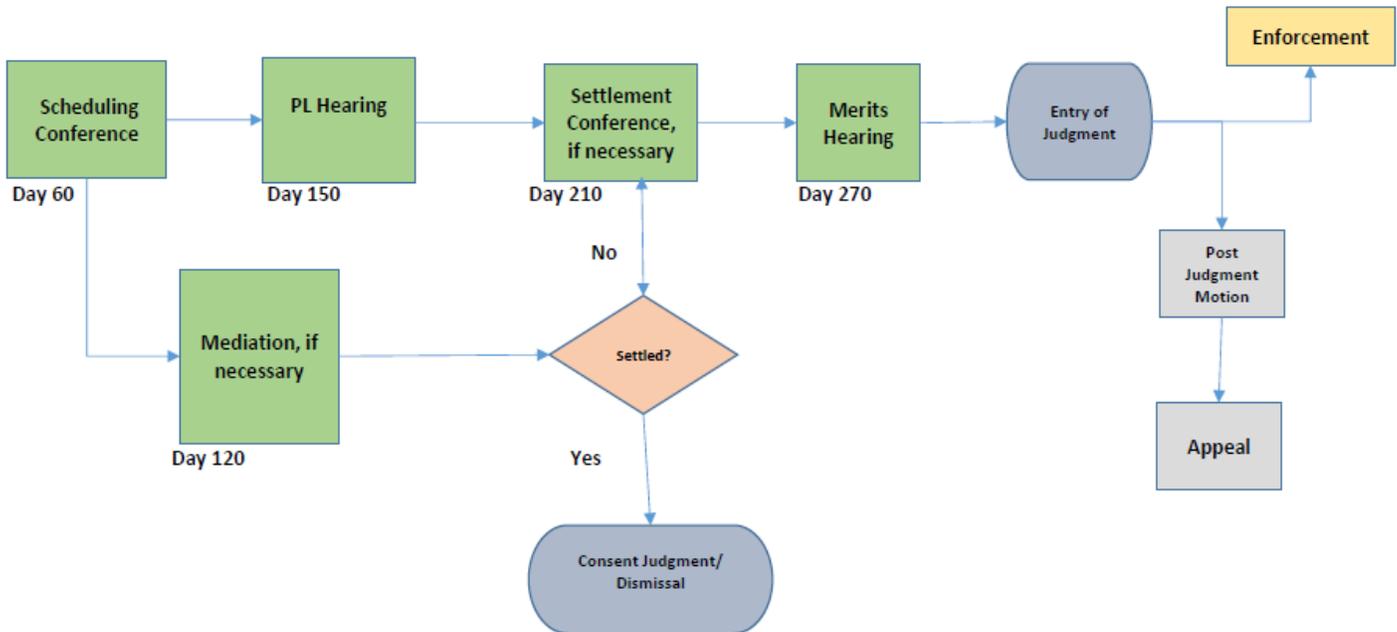
Track 2 – Family Standard

The following is 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. Modifications of custody that do not require a child access evaluation and modifications of alimony shall also be scheduled under this track and shall be scheduled before a magistrate, unless the order being modified resulted from a contested hearing before a Judge (the case should be scheduled before the Judge who issued the order in this scenario). The anticipated length of the hearing will be one to two days.

Scheduling: If a *Pendente Lite* Hearing is requested, it shall be set before a magistrate no later than 90 days from the date of the Scheduling Conference. A settlement conference shall be set no later than 120 days from the date of the Scheduling Conference. If necessary, a trial date shall be set at the time of the Settlement Conference and shall 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



Track 3 – Family Complex

A. Complex Child Access Evaluation Cases

The following is 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 shall 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 shall 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, shall be set before a magistrate within 60 days of the Scheduling Conference. A Settlement Conference shall 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 shall be set at the time of the Settlement Conference and shall 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 will be specially assigned to a Family Division Judge 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 will be referred for a mediation session on that date to attempt to resolve the access issue. If the access issue is not resolved at that time, parties may make a request, in writing, for an emergency hearing (see Emergency Hearings and Ex Parte Orders section on p. 25 below).

B. Complex Divorce Cases

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

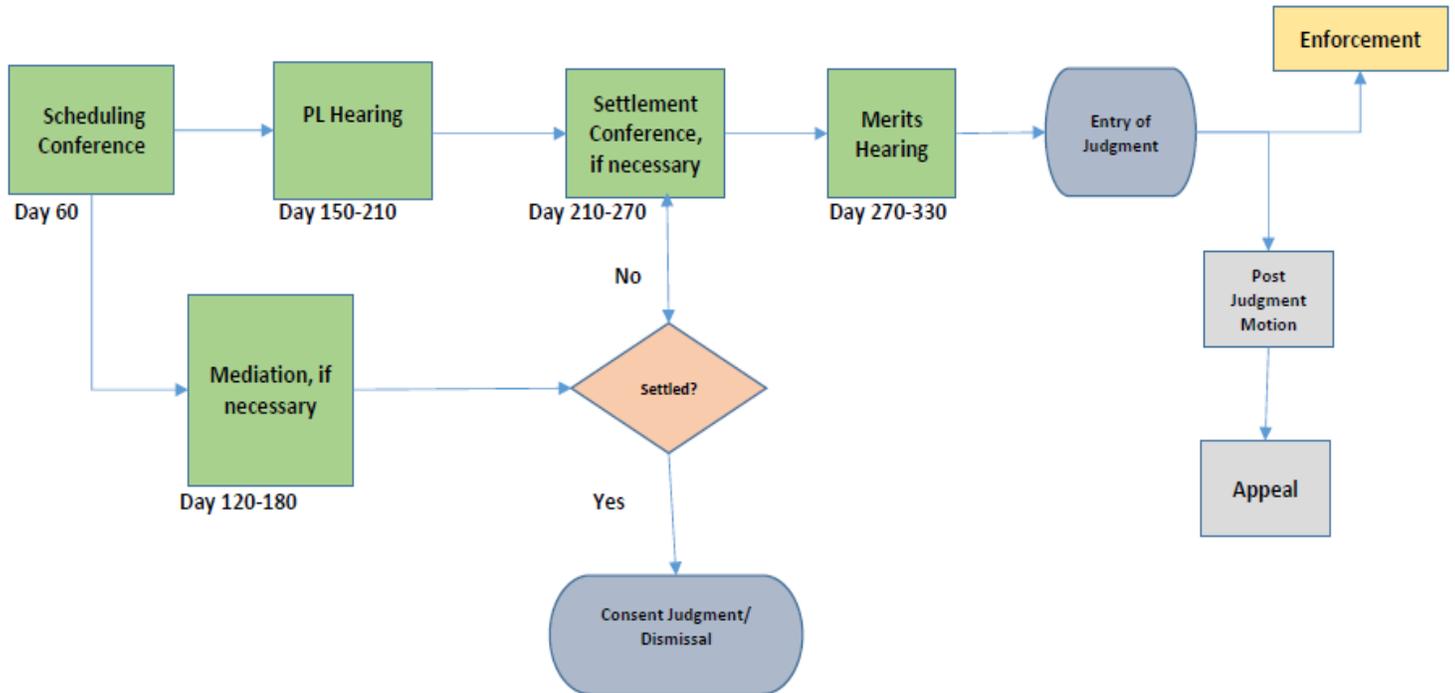
Criteria: A contested case with extensive property holdings, complicated business valuations, significant assets held in various forms, contested pensions and legitimate claims for significant alimony. The anticipated length of the hearing will be three days or more.

Scheduling: If a *Pendente Lite* Hearing is requested, it shall be set before a magistrate no later than 180 days from the date of the Scheduling Conference. A Settlement Conference shall be set no later than 240 days from the date of the Scheduling Conference and a trial date shall be set at the time of the Scheduling Conference and shall 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. A follow up Status Conference with the Lead Family Judge will be scheduled approximately 45 days from the date of the Scheduling Conference to address discovery issues, to possibly resolve specific disputes in the case, and to streamline or narrow issues before the Settlement Conference or trial.

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 Family/Civil Case

Manager, who will review the case file with the Lead Family Judge to determine whether the case shall be specially assigned.

Diagram 1.5 – Family Track 3 - Complex Case Processing



General Family Case Processing Policies and Procedures

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, counseling or any other support related services; and

- (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.

At the Scheduling Conference, all parties and attorneys first meet with a magistrate to attempt to settle all or any of the contested issues in the case and to identify all contested issues and 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 that will be signed by all parties and attorneys and forwarded to a Family Division Judge for approval.

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, Settlement Conferences and, if appropriate, a final Merits Hearing. A computerized Scheduling Order will then be generated and distributed at the time of the conference. Hearing dates established at the time of the conference shall not be postponed except for extraordinary reasons.

Telephonic Scheduling Conference

In contested cases where one or more parties live 100 miles or more from the Courthouse, the case will be set for a telephone Scheduling Conference. Telephone Scheduling Conferences are also available if there are no contested children's issues and no party in the case is seeking a complex track. Attorneys who wish to conduct these conferences must first contact the DCM Office and arrange a date and time. The telephone conference must be conducted 30 days from the assignment date notice and the DCM staff will initiate the conference call on the agreed date and time.

Re-Scheduling Conferences (Postponements)

If a party and/or attorney is unable to attend a Scheduling Conference, he/she **MUST** contact the DCM Office (410-887-2509) to obtain a new date/time. Failure to notify the DCM Office 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.

The DCM Coordinator 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 the change the originally scheduled date will need to submit in writing to the DCM Coordinator a request to reschedule the Scheduling Conference. The request shall 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 County Administrative Judge or her/his designee.

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:

(A.) Co-Parenting Classes - This course is available in the Courthouse twice a month to all parties. 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.

(B.) Intensive Service Parenting Workshop - After careful screening, cases may be referred to the Intensive Services Parenting Workshop. This course will concentrate on those areas that make effective parenting difficult such as domestic violence, substance abuse and mental health issues. Parallel parenting skills will be stressed in order to reduce the conflict levels. There is no fee for the Intensive Service Parenting Workshop.

(C.) 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 Family Division Judge. Supervised visitation can be ordered for a period of up to 12 months. This program is coordinated through the Family Support Services Office in the Family Division.

(D.) 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. The mediation session will take place on an agreed future date scheduled at the time of the conference. All mediation sessions are held in the County Courts Building with fully trained staff mediators from the Office of Family Mediation.

(E.) 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.

(F.) Family Support Services – Some special services are coordinated through the Family Support Services Office including substance abuse screening, monitoring and evaluation. The 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.

(G.) 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 Family Division Judge or magistrate. Psycho-social assessments and emergency investigations are performed by social workers in the Family Support Services Office.

(H.) Psychiatric Evaluations - These are conducted by the Office of the Court Psychiatrist when ordered by a Family Division 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.

(I.) 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.

(J.) Family Recovery Court – The Family Recovery Court (FRC) is a four-phase program intended to improve treatment outcomes for children and families when a parent’s substance abuse problem is affecting his/her ability to parent. FRC 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 FRC 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 FRC at any time, but are often referred at the time of a scheduling conference or after a mediation or child access evaluation.

Emergency 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, such as an inability to enroll a child in school or to obtain necessary medical treatment.

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 shall 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.

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 have 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. If the request for an Emergency Hearing is granted, the matter will be scheduled before a Family Division Judge within 10 days by the Central Assignment Office. If a request for an Emergency Hearing is denied, the matter at issue will be referred to Civil Assignment to be set under the normal DCM procedures.

Expedited Hearings

A request for an expedited hearing is a request to advance a hearing date 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, in the first instance, by a magistrate. Upon written request, the decision of the magistrate may be reconsidered by the Lead Family Judge. 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.

Domestic Violence Hearings

Domestic Violence Petitions

A petition for protection from domestic violence must be filed in 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 shall be scheduled before a Family Division Judge within seven (7) days. The date of the final protective order hearing shall be included on the temporary protective order and the temporary protective order shall be immediately served upon the alleged abuser by a law enforcement officer. If the alleged abuser is not served with the temporary order and notice of the

final hearing, an extension order will be entered by the assigned trial judge, and the matter will be re-set for hearing on the final protective order.

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 shall 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 shall 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 shall be served upon the respondent by law enforcement.

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.

Christmas 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 Christmas Holiday visitation disputes. To obtain intervention of the Court, contact the Family/Civil Case Manager by email at dcm@baltimorecountymd.gov, or by fax at 410-296-2362. 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 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/Civil Case Manager will review the file to determine the appropriate handling to include mediation or referral to a Family Law Judge. If mediation is unsuccessful, the case will then be referred to a Family Law Judge for further handling. Once a judge is assigned a 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 Mediation at 410-887-6570 to schedule a mediation session on the issue of holiday access.

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 Family Division 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 shall 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 IV. Emergency Hearings and Md. Rule 9-208, effective October 1, 2000.)

Family Law Case Motions

UCCJEA Motions

Any motions dealing with jurisdictional issues under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) shall be forwarded to the Family/Civil 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/Civil Case Manager will then assign the UCCJEA motion to one (1) of the two (2) judges 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 resolve 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, shall also be forwarded to the Family/Civil Case Manager. The Family/Civil Case Manager will discuss whether the service is necessary and appropriate with the Family Support Services Coordinator and then make a recommendation to the Lead Family Judge, who will rule on the motion.

Motions for Appointment of Child Counsel (Best Interest, Child Waiver, Child Advocate)

All motions for the appointment of child's counsel in a family law case shall 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 one (1) of the two (2) designated judges for ruling. If the designated judge grants the motion, he/she will make an appointment from the court-approved roster of child's counsel attorneys (the roster is maintained by the Deputy Court Administrator) 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 (currently set at \$100), up to a cap of \$1,500, 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 \$100/hour or up to a cap of \$500 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, for Md. Rule 2-507 dismissal, to strike an attorney's appearance, or to shield all or any part of a file, shall be forwarded to the County Administrative Judge for ruling.

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 Family Division Judge for ruling. If the Family Law Judge believes a hearing is necessary, it shall be scheduled on that judge's calendar. The motions are split between two (2) Family Division Judges each month, on a week on /week off schedule.

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 recalled judge. The Settlement Judge will place on the record any settlement agreement reached between the parties. Unless requested in writing and approved in advance of the Settlement Conference, parties and counsel must appear in person.

Required Documentation

Marital property. In advance of any Settlement Conference, counsel and unrepresented parties are required to prepare and exchange initial drafts of a Md. Rule 9-207 Joint Statement of Marital and Non-Marital Property in all cases with contested issues involving marital property. Although a

finalized joint statement is not required at the Settlement Conference, the initial drafts must be provided to the settlement judge for use in the Settlement Conference.

Child support. Also in advance of any Settlement Conference, 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 provided to the settlement judge for use in the Settlement Conference.

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 ten 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 Office at 410-887-2920 so the matter is removed from the settlement schedule.

Procedure for Scheduling Merits Hearing

Upon arrival in Settlement Court, parties and counsel will set a tentative agreed date for a Merits Hearing before meeting with a settlement judge except in complex domestic cases, which will already have a trial date. If the case is not resolved in Settlement Court, that trial date will be finalized, and 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.

Family Assignment and Scheduling

The County Administrative Judge shall designate judges of this bench to handle the responsibility for various matters required for the efficient management of this Plan, including the designation of a Lead Family Judge with division judges. The County Administrative Judge shall also designate which magistrates and judges shall have the primary responsibility for the handling of the Scheduling Conferences, Status Conferences and the Settlement Conference Docket. All judges and magistrates are responsible to comply with and implement in their rulings the provisions of this Plan.

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 sitting in the Family Division. A judge may refer a routine

modification or contempt of child support to a magistrate for hearing, after coordination with the Assignment Office.

Special Assignment

The special assignment of all family matters is the 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 shall be forwarded to the Family/Civil Case Manager for review by the Lead Family Judge.

When appropriate, a case may be specially assigned to a Circuit Court 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 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 with the case time standards and in accordance with the basic plan procedures outlined herein. 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.

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 other than complaints for limited divorce.

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 shall be directed to Civil Assignment at 410-887-2660; and for mediation shall be directed to the Office of Family Mediation at 410-887-6570.

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 shall 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.

Good Cause Requirement

The following shall generally be considered good cause for postponement:

- Trial date conflict. The first case set takes 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. For vacations, requests for postponement must be made within ten (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 Baltimore County date;
- A party did not receive notice of the hearing or trial, through no fault of the party or his/her 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.

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 became firm;
- New counsel has entered an appearance or a party wishes to 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.

Rulings on Requests to Modify Scheduling Orders or to Postpone

Advance requests to postpone hearings scheduled before a magistrate will be referred to a magistrate designated by the County Administrative Judge for ruling. Any party or attorney seeking review of the decision by the designated magistrate may request reconsideration in writing, which will be referred to the Lead Family Judge, and if that judge is not available, the matter will be referred to the Administrative Judge for final review.

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 shall 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 a Family Division 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 shall 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 shall be directed to the Civil Assignment Office to select an agreed re-set date.

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. Counsel are reminded that, 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.”

Interpreters

If there is a need for an interpreter for a party or witness in a family law case, the party or his/her attorney shall promptly notify the Court by using the Request for Spoken Language Interpreter Form found on the Maryland Judiciary website here:

<http://www.Courts.state.md.us/Courtforms/joint/ccdc041.pdf> or, if a sign language interpreter is needed, the Request for Accommodation for Person with Disability form found here: <http://www.Courts.state.md.us/Courtforms/joint/ccdc049.pdf> . Requests should be made no less than 10 days prior to a scheduled court event, absent extraordinary circumstances. A delay in notifying the Court of the need for an interpreter 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. You can see what court events are covered by this policy here: <http://www.Courts.state.md.us/Courts/pdfs/interpretersforrelatedevents.pdf>

The Request for Spoken Language Interpreter form shall be filed with the Clerk’s Office. The Clerk’s Office shall forward the Request for Spoken Language Interpreter form to the Spanish Interpreter Coordinator in the Clerk’s Office (any requests for Interpreters that are filed in motion form shall also be directly forwarded to the Interpreter Coordinator immediately when filed). The Spanish

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Interpreter Coordinator will enter the interpreter as an involved party to the case in the computer system and then coordinate with the Court Administrator's Office to ensure a certified court interpreter will be scheduled for all court events. A party, or his/her attorney, must indicate the length of the scheduled court event. Unless the Court is advised of a case's specific duration, the Court will only hire interpreters for a single morning or afternoon session.

Once an interpreter has been appointed in a case, there is no need for the party or his/her attorney to submit a new request for each court event. 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 Court Administrator's Office that the event was vacated, postponed or rescheduled by sending an e-mail to CourtInterpreter@baltimorecountymd.gov.

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the Court immediately if the need for the interpreter changes. If it becomes necessary to cancel an interpreter for a court scheduled event, then the party or his/her attorney should complete a Cancellation of Court Interpreter Form found here:

<http://resources.baltimorecountymd.gov/Documents/Circuit/cancelinterpreterform.pdf> and either mail it to the Court Administrator's Office, County Courts Building, Room 421, 401 Bosley Avenue, Towson, MD 21204, or send it to the Court Administrator's e-mail address here:

CourtInterpreter@baltimorecountymd.gov. If a request for interpreter is not cancelled at least 48 hours in advance of the trial or hearing, the Court will be billed for the interpreter's services. If the Court is billed for an interpreter needlessly as a result of counsel's failure to advise the Court that the interpreter will not be needed, or because counsel or a litigant does not appear in court in a timely manner, the Court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

Baltimore County has the benefit of a Spanish-speaking Interpreter Coordinator who is employed by the Clerk's Office. The interpreter, or a supplemental Spanish-speaking back-up interpreter, is available on a daily basis when court is in session. The interpreter's regular presence in the Courthouse allows some Spanish-speaking matters to go forward without delay. The fact that a Spanish-speaking interpreter may be available does not obviate attorneys and parties of the requirement to make a timely request for an interpreter's presence in court by filling out and submitting the Request for Spoken Language Interpreter Form.

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	<u>Domestic Case Information Report</u>
CC-DR-55	<u>Affidavit of Service (Private Process)</u>
CC-DR-56	<u>Affidavit of Service (Certified Mail)</u>
CC-DC-089	<u>Request for Waiver of Prepaid Costs</u>
CC-DC-090	<u>Request for Final Waiver of Open Costs</u>

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

CC-DC-041	<u>Request for Spoken Language Interpreter</u>
CC-DC-049	<u>Request for Accommodation for Person with Disability</u>