

## Family Differentiated Case Management Plan

The Family DCM plan includes the following case types:

ADI	Adoption- Independent	GSAP	Guardianship - Adult Property
ADP	Adoption Private Agency	GSAPP	Guardianship - Adult Person and Property
ALIM	Alimony/Spousal Support	GSM	Guardianship - Minor Person
ANN	Annulment	GSMP	Guardianship - Minor Property
AUST	Authorization for Specific Transaction	GSMPP	Guardianship - Minor Person and Property
CHSA	Child Support - Agency	IPAMM	Independent Proceedings - Authorization to Marry
CHSP	Child Support - Private	IPCGI	Independent Proceedings - Change of Gender Identity
CT	Custody (Versus)	IPCGIM	Independent Proceedings - Change of Gender Identity - Minor
CU	Custody (Matter of)	NCA	Change of Name - Adult
DA	Divorce - Absolute	NCM	Change of Name - Minor
DV	Domestic Violence	PTA	Paternity /Parentage - Agency
EE	Emergency Evaluation/Involuntary Admission	PTP	Paternity/Parentage - Private
EMAN	Emancipation	RLC	Recognition as Legal Child
ENFO	Registration of Foreign Order	UC	Uniform Child Custody/Support
FRG	Foreign Guardianship	UR	URES/UFSA
GSA	Guardianship - Adult Person	VI	Visitation

Differentiated Case Management (DCM) is a concept designed to improve the efficiency of case processing and reduce the demand for judicial intervention at every phase of litigation. DCM achieves these goals by the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources they will require. Each case is then assigned to the appropriate case track established within the court system that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays.

This Family 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 Justice of the Supreme Court of Maryland, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of action 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 maintaining a current docket.

### **Information Sheet**

In compliance with [Md. Rule 2-111](#), all parties must file a [Civil-Domestic Information Sheet](#).

### **Domestic Violence Cases**

Domestic violence cases originally before the Circuit Court are scheduled in accordance with [Md. Code Ann., Family Law § 4-504 \(2019\)](#). Appeals from rulings of the District Court in domestic violence matters are scheduled in accordance with [Md. Code Ann., Family Law § 4-507 \(2020\)](#).

### **Emergency Evaluation/Involuntary Admission**

Emergency evaluation cases before the Circuit court are scheduled in accordance with [Md. Code Ann., Health General § 10-622 \(2019\)](#).

### **Military**

In accordance with [Md. Code Ann., Family Law § 9-108 \(2009\)](#), the Court will comply with the following requirements:

(b) Any order or modification of an existing child custody or visitation order issued by a court during a term of a deployment of a parent shall specifically reference the deployment of the parent.

(c) Return from deployment

(1) A parent who petitions the court for an order or modification of an existing child custody or visitation order after returning from a deployment shall specifically reference the date of the end of the deployment in the petition.

(2)(i) If the petition under paragraph (1) of this subsection is filed within 30 days after the end of the deployment of the parent, the court shall set a hearing on the petition on an expedited basis.

(2)(ii) If the court finds that extenuating circumstances prohibited the filing of the petition within 30 days after the end of the deployment of the parent, the court may set a hearing on the petition on an expedited basis whenever the petition is filed.

Accommodation of deployment

(d) Any custody or visitation order issued based on the deployment of a parent shall require that:

(1) the other parent reasonably accommodates the leave schedule of the parent who is subject to the deployment;

(2) the other parent facilitates opportunities for telephone and electronic mail contact between the parent who is subject to the deployment and the child during the period of deployment; and

(3) the parent who is subject to the deployment provide timely information regarding the parent's leave schedule to the other parent.

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**Case Time Standards**

The Maryland Judicial Council adopted case time standards in 2000. Case time standards measure the time for case processing. Each court has measured their cases for compliance with the case time standards since 2001. Consistent with the case time standards adopted by the Judicial Council, and applicable Maryland Rules, it is the goal of this Plan to ensure that the following time standards are met whenever possible. Expected case duration is based on needed time to reach resolution, which may be less than the time standard.

- ❖ 98% should be concluded within 12 months of the filing date.

**Family Tracks**

A family case may follow four potential tracks to resolution. Tracks are defined, based on the case subtype, upon review by the Family Law Office or at the scheduling conference. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration.

**Table 1.1 – Family Tracks Case types and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Case Duration and Notes</i>
<b>Track 1 Family Expedited</b>	Uncontested Divorce Uncontested Minor Child Support Issues Uncontested Minor Child Access Issues Annulment Defaults Contempt Paternity Adoptions	Final hearing is scheduled within 120 days of filing.
<b>Track 2 Family Standard</b>	Any domestic case type in which a settlement conference in NOT requested and the case can be heard in a half a day or less.	The final hearing in a track 2 case is scheduled within 270 days of filing.
<b>Track 3 Family Protracted Standard</b>	Any domestic case type in which a pendente lite hearing is NOT requested and a settlement conference is scheduled.	Track 3 cases are scheduled for a settlement conference and then a final hearing is scheduled within 335 days of filing.
<b>Track 4 Family Complex</b>	Any domestic case type in which pendente lite relief is requested.	Track 4 cases are scheduled for a pendente lite hearing and a settlement conference. After the settlement conference, the final hearing is scheduled within 335 days of filing.

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**Track Designations Set**

Cases are assigned to a Track either at a scheduling conference or upon the review of the file. Most domestic cases are set for a scheduling conference immediately after the case has been filed. Cases are set for a scheduling conference when both parties live in-state; or out of state parties are represented by counsel; family services are required; and/or the case has issues that require discovery deadlines be established. The conference is scheduled 30-60 days from the date of filing and the case track designation is made at the conference.

If a case is not scheduled for a scheduling conference, the file is reviewed by the Family Law Office and scheduled pursuant to the Maryland Rules and the relief requested.

Table 1.2 and Diagrams 1.1-1.4 on the following pages illustrate the events and times required for family case processing tracks.

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**Table 1.2 – Family DCM Track Guidelines**

Track	Family Case types Tracks	Filing	Answer Filed	Scheduling Conference	Mediation	Other Hearing Types	Dispositive Motions Filed	Settlement Conference	Exhibit List	Merits Hearing
Track 1	Expedited	0 days	30 days	60 (days may not be mandatory)	-	90 days	-	-	-	120 days
Track 2	Standard	0 days	30 days	60 days	120 days	150 days	256 days	210 days	263 days	270 days
Track 3	Protracted Standard	0 days	30 days	60 days	120 days	240 days	256 days	270 days	328 days	335 days
Track 4	Complex	0 days	30 days	60 days	120 days	150 days	256 days	270 days	325 days	335 days

Initially scheduled events **shall not exceed** the time frames listed above. All individual case scheduling is discretionary, based on the court’s review of contested matters and judicial availability. Individual case deadlines are based on the scheduling order and/or the Maryland. Rules. The above is a general overview of time frames for scheduling.

## Track 1 – Family Expedited Cases

If a scheduling conference is not set in accordance with this Plan, all cases will be reviewed after the answer has been filed. If both parties agree that the case is uncontested, the Calendar and Caseflow Management Office (CCMO) will automatically set the case for a final merits hearing with a magistrate or a judge, typically within 60 days of the answer. If no answer has been filed, and a default order is issued, a final merits hearing is automatically set within 60 days.

### Uncontested Final Hearings at the Scheduling Conference

Most uncontested cases will be set for a scheduling conference. However, if both parties appear for an in-person conference and the appropriate documents have been filed, parties may be able to go forward with an uncontested hearing at the scheduled conference time. Remote conferences cannot be converted to hearings on the day of the conference. Contact the Family Law Office seven (7) days prior to a scheduled remote conference to convert (depending on docket availability) or reschedule the proceeding to an uncontested hearing.

## Tracks 2, 3 & 4: Standard, Protracted Standard and Complex Cases

### Scheduling Conference

Scheduling conferences are mandatory for most Track 2, 3 and 4 cases. Guardianship cases are not routinely set for scheduling conferences, but may be scheduled upon written request (see the Guardianship Section of the DCM). Conferences may be initially set either in-person or as a remote proceeding. If all parties consent, contact the Family Law Office to convert a conference to in-person conference or to a remote proceeding. The goals of a scheduling conference include the following:

1. Determine the contested issues in each case;
2. Establish track assignments;
3. Determine the need for mediation, investigations, counseling, or any other support related services;
4. Issue a scheduling order to include all dates for discovery, hearings that do not exceed three hours and Settlement Conference dates; and
5. Upon request and approval by the magistrate, a brief hearing, not to exceed 30 minutes on the issue of immediate Visitation or Support if:
  - a. The conference has been set as an in-person proceeding;
  - b. The case has been properly served and an Answer has been filed;
  - c. All parties are present at the scheduling conference, or all parties received notice and failed to appear; and
  - d. A party has been denied **all** reasonable access for visitation or there has been **no** financial support.

### **Status Conferences**

In some circumstances, the court may schedule a status conference. For example, if counsel does not timely submit an order, if a party fails to appear for a court event or if pleadings are incorrect, the court may schedule a status conference. Failure to appear for a status conference may result in case dismissal.

### **Magistrate Conference Calls**

If a case has been properly served, and there has been limited access, inadequate support, violation of an existing order or other urgent issue, a magistrate conference call may be requested. [The Magistrate Conference Call Form](#) must be completed and filed with the Clerk's Office. If the Request is granted, instructions regarding the call will be emailed to counsel/parties.

### **Modification of a Scheduling Order**

All requests for modification of a scheduling order shall be made by motion. All requests must set forth the basis for the modification, the position of other parties or their counsel, and provide suggested new scheduling dates. If modification of the order also requests a postponement of any scheduled court event, the motion must be submitted in accordance with the [Circuit Court Postponement Policy](#). **ALL DISCOVERY DEADLINES WILL REMAIN THE SAME UNLESS EXPRESSLY REQUESTED TO BE MODIFIED AND SO ORDERED.**

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

**Scheduling conferences** and **status conferences** have a specific postponement policy. The policy is explained in detail on the conference notice. All postponement requests regarding scheduling conferences and status conferences must be mailed or e-mailed to the Family Law Office ([HCFamilylawoffice@mdcourts.gov](mailto:HCFamilylawoffice@mdcourts.gov)). No verbal or telephone requests will be considered. All postponement requests for hearings and conferences set before a **judge and ALL settlement conference postponement requests** must be filed in accordance with the [Circuit Court Postponement Policy](#).

All counsel and parties must be present at the scheduling conference unless counsel has authority to clear dates and family services for his/her client.

### **Special Assignment**

The County Administrative Judge determines which cases will be specially assigned and determines which judge will be assigned. Cases are referred to the County Administrative Judge for review upon a party's request or upon a judge or magistrate's recommendation.

### **Petitions for Protection from Domestic Violence, Child Abuse, Vulnerable Adult Abuse (Family Law §4-504)**

Domestic violence protective order hearings are heard/scheduled in accordance with [Md. Code Ann., Family Law §4-504 through §4-506 \(2018\)](#). Contact CCMO to request a postponement of a temporary or final protective order.

### **Emergency Hearings**

This section does not apply to Petitions for Protection filed under Family Law §4-504. See Domestic Violence Section.

If there is some immediate substantial injury that will result to the party or the party's child or children before a regularly scheduled hearing can be held, an emergency or temporary hearing may be considered in a domestic case. To request an Emergency Hearing, a motion must be filed (in motion format) and must be titled, **MOTION FOR AN EMERGENCY HEARING**. The motion should contain all the relevant facts including the reason why the matter needs immediate court attention.

Magistrates review all requests for emergency hearings, with the exception of domestic violence *ex parte* relief. For emergency hearings, there must be an emergent situation (one that cannot safely wait for a regular hearing). **There must be service on the other side prior to filing for an emergency hearing.** If the request for an emergency hearing is filed with the initial filing in a new case or filed reopening a closed case, the party filing the request must make service of process on the other party. If the request is filed in an ongoing case, the requesting party must include a certificate of service for all parties.

#### What is an emergency?

- Any risk of substantial, irrevocable harm that will likely occur unless the matter is considered immediately.
- Any imminent threat to the health, welfare, and safety of a party or a party's child.
- Imminent removal of a child from the state without advance notice to the other parent.



What is NOT typically an emergency?

- Non-payment of support or other financial obligations.
- School transfers.
- Visitation disputes.

An affidavit and certificate of service must accompany the Motion for an Emergency Hearing detailing the facts that give rise to the emergency. In certain instances, where the party does not have the personal knowledge to support all the facts in the motion, additional affidavits should be used. All affidavits are to be attached to motions for mailing and/or service and must be signed by the party, not by counsel, unless the attorney has personal knowledge. After reviewing the request for an Emergency Hearing:

- The magistrate may recommend that the court grant immediate relief on the request and schedule an immediate hearing to follow to permit both parties to be heard on the issue.
- The magistrate may recommend that the matter be set in for an expedited hearing on the emergency issues.
- The magistrate may recommend that the emergency be denied.

### **Requests for Ex Parte Relief**

This section does not apply to Petitions for Protection filed under [Family Law 4-504](#). See Domestic Violence Section. For all other requests for *ex parte* relief a motion titled MOTION FOR EX PARTE RELIEF shall be filed and the moving party has certified in writing that all parties who will be affected have been given notice of the time and place of presentation of the application to the court or that specified efforts commensurate with the circumstances have been made to give notice. See [Md. Rule 1-351](#).

### **Ex Parte Hearing on Child Abduction**

After service of an Ex Parte Warrant for physical custody of a child, the court will hold a hearing at the earliest possible time. The hearing will be held on the first business day possible, in accordance with [Md. Code, Family Law § 9.7-109](#).

### **Injunctions and Temporary Restraining Orders**

This section does not apply to Petitions for Protection filed under [Family Law §4-504](#). See Domestic Violence Section. Injunctions and Temporary Restraining Orders must be filed pursuant to [Md. Rule](#)

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[15-504](#). Note, per [Md. Rule 15-504 \(b\)](#) a temporary restraining order may be granted without written or oral notice only if the applicant or the applicant's attorney certifies to the court in writing, and the court finds, that specified efforts commensurate with the circumstances have been made to give notice. Before ruling, the judge may communicate informally with other parties and any other person against whom the order is sought or their attorneys.

### **Settlement Conferences**

Settlement Conferences are set in Track 3 and 4 cases (with the exception of Guardianship Cases). The date of the settlement conference is set at the scheduling conference or when the initial Scheduling Order is issued. All settlement conferences are held before a Settlement Officer. A Settlement Officer is a senior judge or a magistrate. Settlement conferences may be set for in-person or remote proceedings.

If an additional conference is requested, the settlement conference judge will send parties/counsel to the Calendar Management Office. Due to limited availability, we cannot guarantee that the case will be scheduled for a second settlement conference date; however, the parties will receive a trial date. If a case **settles**, testimony can be taken at the conference or scheduled for a future hearing date.

### Required Documentation

All documentation must be filed in accordance with the Scheduling Order. Most significantly: *Parenting Plans*. In accordance with [Md. Rule 9-204.1](#) and the scheduling order, parents must file a comprehensive parenting plan, or, if they are unable to reach an agreement, they shall complete a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time pursuant to [Md. Rule 9-204.2](#).

*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.

*Marital property* ([Md. Rule 9-207](#)). 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

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Statement of Parties Concerning Marital and Non-Marital Property in all cases with contested issues involving marital property.

#### Postponement or Cancellation of a Settlement Conference

Only the County Administrative Judge can postpone a settlement conference and extend Scheduling Order deadlines. [See the Circuit Court Postponement Policy](#). If the parties, including any representative with capacity to authorize settlement, and/or counsel, appear for a settlement conference and have not complied with the Scheduling Order, or are unprepared to participate in settlement, the County Administrative Judge will be notified for determination of any further action. **Failure to appear** may result in sanctions or case dismissal.

#### **Exceptions Procedure**

In accordance with [Md. Rule 9-208 \(f\)](#), a party may file exceptions to a magistrate's recommendations within 10 days after the recommendations are placed on the record or served. At the time that exceptions are filed, a certification must also be filed indicating that either no transcript is needed, or a transcript has been ordered with payment arrangements made. Parties and or counsel may request a transcript by using [The Transcript/Courtroom Audio Request Form](#) and filing it with the Clerk's Office. To expedite the process, parties/counsel may call the court Reporter's Office directly for a price estimate. Partial transcript requests are permitted.

The court may rule on exceptions without a hearing, unless a hearing is requested upon filing, or by the opposing party within 10 days after service of the exceptions. If a hearing is needed, CCMO will set the matter within 60 days of filing. The Exceptions Hearing date will not postpone any other scheduled event and all requirements in the Scheduling Order will remain in effect. Counsel or parties may purchase a flash drive of the hearing by completing [The Transcript/Courtroom Audio Request Form](#) and filing it with the Clerk's Office.

#### **Immediate Order Recommendations**

When the magistrate recommends entry of an immediate order, the parties/attorneys will either be sent directly to a judge for a hearing on the immediate order, or if the Report and Recommendation is e-served/mailed, parties/counsel will be instructed to contact CCMO within 48 hours to schedule a hearing.

### **Final Merits Hearing/Trial**

At the conclusion of the settlement conference, if the case has not settled, parties and counsel shall be prepared with their calendars available to set an agreed date for a merits hearing. If the case is not resolved at the settlement conference, the trial date will be confirmed and finalized. The date cannot exceed case time standards and can only be postponed by the County Administrative Judge.

### **Post-Judgment**

The parties have 10 days to file a motion to alter or amend a judgment ([Md. Rule 2-534](#)) or to request review by a three-judge panel ([Md. Rule 2-551](#)); and 30 days to file an appeal.

### **Enforcement/Contempt**

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. To begin an enforcement action, the prevailing party will have to complete and file the appropriate forms with the court, pay the required filing fees, and appear in court for additional hearings.

## **Track 1 - Adoption Cases**

### **Case Procedure**

Upon filing, the Clerk's Office processes the file and sends the Certificate of Adoption form to the petitioner(s) or counsel for the petitioner(s). The Family Law Office reviews and completes the adoption checklist. If the file is not complete, the Family Law Office issues a memorandum indicating what documents are needed for the case to proceed. If complete, the file is forwarded to the Adoption Judge for review and/or scheduling. If complete, the Family Law Office clears dates with the petitioner(s) and/or counsel and the file is forwarded to CCMO for scheduling.

All files must include valid consents or a request for the court to issue a Show Cause Order. The adopting party must serve the Show Cause Order on all parents who have not consented within 90 days of its issuance. Additionally, if required, the court will appoint an attorney for the minor child and/or order a home study. Every contested adoption must have a home study investigation. Investigations take 90-120 days from the date of the order.

**The prospective adoptee must be present at the adoption hearing unless the court waives his or her presence.**

### **Issuance of New Birth Certificates**

At the finalization of the adoption, the Clerk will forward the Certificate of Adoption form, if completed by the petitioner(s), to the Secretary of the Department of Health for a new certificate of birth to be issued.

[Md. Code Ann., Health-General §4-211 \(2019\)](#) provides for certificates of birth to be issued by the Secretary in certain circumstances. Please contact the Secretary of the Department of Health for additional information regarding the issuance of certificates of birth.

## **Track 2 -- Guardianship Cases**

The types of guardianship covered by this section are governed by [Title 10 of the Maryland Rules](#) and [Md. Code Ann., Est. & Trusts §§ 13-101 et seq.](#) including:

1. Guardianship of a Person (Minor)
2. Guardianship of the Property (Minor)
3. Guardianship of the Person and Property (Minor)
4. Guardianship of the Person (Adult)
5. Guardianship of the Property (Adult)
6. Guardianship of the Person and Property (Adult)
7. Emergency Procedures
8. Specific Transactions

### **Guardianships**

Prior to the appointment of a guardian of a disabled person or the appointment of a guardian of a minor, prospective guardians must complete an [online orientation](#). Once the online orientation is completed, a [Certificate of Completion – Guardian Orientation and Training](#) must be filed with the Clerk of Court.

### **Guardianship of a Minor**

Guardianship of a minor, custody of a minor and kinship care are different legal entities. To determine which process is most appropriate, legal assistance is usually required. A guardian of the person of a minor can be appointed if no parent is willing or able to serve as guardian, each parent consents, or no parents files a timely objection. See [Md. Code Ann., Est. & Trusts §13-702](#). Kinship care is a very specific procedure designed to enroll a child in school or obtain medical care for a child, and therefore more information regarding such is available from the school system or the Department of Health.

Additionally, cases in which the Department of Social Services (DSS) has intervened to protect a child, i.e., the child has been determined in need of assistance (CINA), are not covered by this section and are addressed in **The Circuit Court for Howard County Juvenile Differentiated Case Management Plan**.

If a Petition for Guardianship is filed, agencies that may have an interest in the child will not be notified by the court regarding a specific filing. Therefore, if an agency such as DSS, the School

Board, etc., has an interest in the child named in a petition, the petitioner must serve a copy of the Petition and Show Cause Order to the agencies as well as all interested parties in the matter.

### **Case Procedure**

After the petition is filed, the court issues a Show Cause Order with a scheduled hearing date in approximately 45 days. Parties and counsel should appear for the hearing. If the petition is uncontested, the merits of the case may be heard at the Show Cause Hearing and a final judgment may be issued. However, the judge may order the court social worker to perform an assessment, appoint an attorney for the minor, or any other service referrals at an uncontested or contested hearing. If the petition is contested, parties will receive a trial date and they may additionally receive an order for the court social worker to perform an assessment, an order for an attorney appointment, or any other service referrals.

Policies and procedures regarding school enrollment, and determining eligibility to attend, are determined by the Howard County Public School System (HCPSS). Therefore, for questions regarding school enrollment and kinship care, contact HCPSS prior to filing a petition with the court. If a Guardianship Order is required by HCPSS, please indicate a hearing is needed quickly for the purpose of school enrollment in a cover letter to the Court accompanying the petition. School enrollment is not an emergency; however, if the cover letter indicates that school is an issue, a prompt or temporary hearing may be scheduled as directed by a Judge.

### **Guardianship of the Person of an Adult**

This section applies to Petitions for Guardianship of the Person filed by private attorneys or self-represented individuals. The Petition for Guardianship must demonstrate by clear and convincing evidence that the requirements of [Md. Code Ann., Est. & Trusts § 13-705 \(2020\)](#) have been satisfied. This includes proving that there are no less restrictive alternatives available for the alleged disabled person. The contents of the petition must comply with [Md. Rule 10-112](#) and include:

1. Names and addresses of all interested persons, *see* [Md. Code Ann., Est. & Trusts § 13-101\(k\) \(2019\)](#) and [Md. Rule 10-103\(f\)](#);
2. Descriptions of attempted less restrictive alternatives;
3. The nature, value, and location of the alleged disabled person's (ADP) property; and
4. Two certificates of incapacity as set forth in [Md. Rule 10-202](#).

## Case Procedure

If the petition is in compliance with all requirements, a Show Cause Order will be issued by the court. The Order will include:

- An Order of Appointment of an attorney for the ADP if the ADP does not have an attorney of his, her, or their own choosing. The Order will be mailed with the Show Cause Order and will be addressed to the state contracted attorney, or, if the ADP has income or assets, the court may use discretion to appoint a private attorney
- Show Cause Hearing date (approximately 45 days from issuance)

The court will send the Show Cause Order and the Appointment Order to the petitioner. The petitioner must serve all interested parties with a copy of the Petition, the Show Cause Order, the Order Appointing Counsel, and the Notice to Interested Persons, and the Advice of Rights. The petitioner must serve the ADP, unless counsel for the ADP has agreed to accept service. An Affidavit of Service should be submitted for proof of service on all interested parties.

## Hearing/Trial

If service has not been effectuated on all interested parties, the petitioner or any interested party should submit a line to the Clerk's Office requesting a new Show Cause Order with a new hearing date. However, if service has not been effectuated, and the petitioner has made diligent attempts to do so, parties should contact the guardianship case manager for assistance.

If the case is **uncontested**, the show cause hearing will serve as the final guardianship hearing. If the case is **contested**, the parties must appear at the Show Cause Hearing and will receive a trial date, possible orders for mediation, and a Scheduling Order upon request. Any other outstanding matters will be addressed at the Show Cause Hearing. The ADP has a right to a jury trial on the issues of capacity and the availability of less restrictive alternatives and this may be waived at the Show Cause Hearing.

## Guardianship of Property (Adult)

If a Petition for Guardianship of the Property is filed, the petitioner must be prepared to demonstrate by a preponderance of the evidence the requirements of [Est. & Trusts § 13-201](#). The content of the petition must comply with [Md. Rule 10-112](#).

## Case Procedure

If the Petition is in compliance with all statutory requirements, the court will issue a Show Cause



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Order. The Order will include a show cause hearing date approximately 45 days from issuance. The court will send to the petitioner the Show Cause Order and the Order Appointing Counsel for the ADP if the ADP does not have an attorney of his, her, or their own choosing.

The petitioner must serve all interested parties with a copy of the Petition, the Show Cause Order, the Order Appointing Counsel, and the Notice to Interested Persons, and the Advice of Rights. The petitioner must serve the ADP, unless counsel for the ADP had agreed to accept service. An Affidavit of Service should be submitted for proof of service on all interested parties.

### **Hearing/Trial**

If service has not been effectuated on all interested parties, the petitioner or any interested party should submit a line to the Clerk's Office requesting a new Show Cause Order with a new hearing date. However, if service has not been effectuated, but the petitioner has made diligent attempts to do so, parties should contact the guardianship case manager.

If the case is **uncontested**, the show cause hearing will serve as the final guardianship hearing. Additionally, the petitioner may request that the court waive the hearing requirement in uncontested cases. If the case is **contested**, the parties must appear at the show cause hearing and will receive a trial date, possible orders for mediation, and a Scheduling Order upon request. Any other outstanding matters will be addressed at the show cause hearing.

Bonds may be set at the conclusion of trials or uncontested hearings and are usually mandatory in property cases. If the petitioner is unable to qualify for a bond, that person may not be able to serve as Guardian of the Property.

### **Post Guardianship Requirements**

After a Guardianship Order is signed, certain reporting requirements are mandatory. **Guardians of the Person** must submit an annual report fulfilling the requirements in compliance with [Md. Rule 10-206](#) and [Md. Cod Ann., Est. & Trusts § 13-708\(b\)\(8\)\(i\) \(2019\)](#). The report should address whether the grounds for the guardianship still exist.

**Guardians of the Person** must complete the [online training](#) for Guardians of the Person, within one-hundred twenty (120) days of appointment and file a [Certificate of Completion – Guardian](#)

[Orientation and Training](#) with the Clerk's Office.

**Guardians of the Property** must file an initial inventory within 60 days of the appointment. The Initial Inventory must include proof that the guardianship funds have been placed into a properly titled and restricted account, pursuant to [Md. Rule 10-704](#). Additionally, Guardians must complete the [online training](#) for Guardians of the Property, within sixty (60) days of appointment and file a [Certificate of Completion – Guardian Orientation and Training](#) with the Clerk's Office.

Guardians of the Property must also file an annual accounting pursuant to [Md. Rule 10-706](#).

Furthermore, Guardians of the Property should obtain court approval prior to payment of any compensations or commissions.

The Trust Clerk will monitor these cases, review the annual report, and report to the judge as necessary.

### **Termination**

Upon Petition, the court may terminate a **Guardianship of the Person of a Minor** when the minor has attained the age of majority, the minor is emancipated, or for other good cause, *see* [Md. Rule 10-209](#). A Guardianship of a Minor's Property may be terminated upon Petition and filing of a Final Fiduciary's Report, when the minor has attained the age of majority, the minor is emancipated, or for other good cause, *see* [Md. Rule 10-710](#). The guardian shall file a Petition within 45 days after discovering the existence of grounds for termination.

Upon Petition, the court may terminate a **Guardianship of the (Adult) Person** for good cause, due to cessation of the disability, or death, *see* [Md. Rule 10-209](#).

Upon Petition, the court may terminate a **Guardianship of the Property** for good cause, due to cessation of the disability, or death, *see* [Md. Rule 10-710](#). The guardian shall file a Petition and Final Fiduciary's Report within 45 days after discovering the existence of grounds for termination.

### **Emergency Procedures in Guardianship Cases**

Upon the filing of a Petition, and after a hearing, the court may issue an Order for Emergency Protective Services, *see* [Md. Code Ann., Est. & Trusts § 13-709 \(2019\)](#).

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Upon the filing of a Petition requesting an expedited hearing in connection with medical treatment, an expedited hearing may be scheduled in accordance with [Est. & Trusts § 13-705 \(f\)](#) and [Md. Rule 10-201 \(b\) and \(f\)](#). All Petitions will be sent immediately to the attention of a judge.

The court will review emergency petitions/emergency motions regarding life threatening emergencies and/or property/financial emergencies. The Clerk shall immediately bring an emergency petition/emergency motion/request for expedited hearing to the attention of a judge. The judge may order emergency relief, schedule the matter for a conference call, or direct CCMO to schedule the matter for an Emergency Hearing.

In addition to the Petition, please include a cover letter that clearly indicates an emergency exists and should be reviewed by the court immediately. CCMO should be contacted to select an agreed date for the hearing.

### **Specific Transactions**

There are some circumstances in which a Guardianship of the Property appointment is unnecessary; however, a specific transaction must take place regarding an individual's property. See [Md. Code Ann., Est. & Trusts § 13-204 \(2020\)](#).

### **Family Services and Programs**

Family services includes 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. Case may be referred by the court during a case, or they may be requested by either or both parties. Family services and programs are provided after a track is assigned.

The following are some of the services that may be ordered as part of an ongoing contested family 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 most common services and programs are listed below; however, family law often supports pilot projects or grant funded programs. Our current programs include:

1. **Co-parenting classes.** Parties may be ordered to attend parenting seminars. The courses address the parent plan requirement, issues that will assist parents raising children

together, while living separate and apart.

2. **Custody/access mediation** - Parties may be ordered to mediate custody and access issues unless there have been allegations of domestic violence. If ordered, the parties will attend two, two-hour mediation sessions with a court-approved mediator. Counsel may, but does not need to, attend custody/visitation mediation.
3. **Property mediation** - Parties must agree to participate in property mediation. Counsel may, but does not need to attend, property mediation.

Parties will be ordered to contact the mediator directly to schedule mediation. The mediation sessions should be completed within sixty 60 days, unless as ordered, case complexity requires additional time. Failure to attend mediation may result in case delay and/or sanctions.

4. **Custody evaluations** - Court-sponsored evaluations are conducted by the court social worker and there is no fee for the evaluation. Counsel can either file a motion for an evaluation or make a verbal request at the scheduling conference. A magistrate or a judge may also order this service. When parties have the financial ability to pay for a private evaluation, they may be required to do so. See [Md. Rule 9-205.3](#).
5. **Specific Issue Evaluations** - A court-sponsored focused investigation into a specific issue raised by a party, the child's attorney, or the court affecting the safety, health, or welfare of the child as may affect the child's best interests. Counsel can either file a motion for an evaluation or make a verbal request at the scheduling conference. A magistrate or a judge may also order this service. When parties have the financial ability to pay for a private evaluation, they may be required to do so. See [Md. Rule 9-205.3](#).
6. **Psychological evaluation** - Counsel/parties can either file a motion for an evaluation or make a verbal request at the scheduling conference. A magistrate or a judge may also order this service. See [Md. Rule 9-205.3](#).
7. **Substance abuse assessment** - Counsel/parties can either file a motion for an evaluation or make a verbal request at the scheduling conference. A magistrate or a judge may also order this service. See [Md. Rule 9-205.3](#).
8. **Appointment of Attorney for Children** - Counsel/parties can either file a motion for an attorney or make a verbal request at the scheduling conference. A magistrate or a judge may also order this service. See [Md. Rule 9-205.1](#).

### **Fee Waiver Policy**

If a party cannot afford a family law service, the fees may be waived, or the court may request that service provider deliver service *pro bono*. However, the Parenting Seminar providers can be contacted directly if a fee waiver or sliding scale fee is needed.

To request a fee waiver for family services, a [Request for Waiver of Fees](#) form should be filed. Contact the Family Law Office for additional information.

## **Postponements**

See the [Circuit Court Postponement Policy](#).

## **Remote Hearings**

The availability of a remote hearing or remote appearance is subject to the current Maryland Judiciary Administrative Orders and the County Administrative Judge. If a party wishes to request to appear remotely or convert an in-person hearing to a remote proceeding, a [Motion for Remote Proceeding or to Appear Remotely](#) must be filed.

## **Interpreters**

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court by using the [Request for Spoken Language Interpreter form](#). 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 that may be needed. The request must also specify for whom the interpreter is needed.

The party requesting an interpreter shall confirm with the Interpreter Coordinator that the request for an interpreter has been received by the Interpreter Coordinator. The requesting party shall notify the court immediately if the need for the interpreter changes. 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 fashion, the court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

### Scheduling Deadlines

Event	Track 2	Track 3	Track 4
Filing Date	1	1	1
Scheduling Conference	60-90 days	60-90 days	60-90 days
Plaintiff Expert ID	14 days before Merits	14 days before Settlement Conference	14 days before Settlement Conference
Defendant Expert ID	14 days before Merits	14 days before Settlement Conference	14 days before Settlement Conference
Rebuttal Expert ID	21 days before Merits	21 days before Settlement Conference	21 days before Settlement Conference
Computer Evidence	14 days before Merits	14 days before Settlement Conference	14 days before Settlement Conference
Discovery Deadline	10 days before Merits	10 days before Settlement Conference	10 days before Settlement Conference
Interrogatories and Requests	46 days before Merits	46 days before Settlement Conference	46 days before Settlement Conference
Dispositive Motions	14 days before Merits	14 days before Settlement Conference	14 days before Settlement Conference
Amendments to Pleadings	30 days before Merits	14 days before Settlement Conference	14 days before Settlement Conference
Exchange Draft Pre-Trial Statement	21 days before Merits	21 days before Settlement Conference	21 days before Settlement Conference
File Pre-Trial Statement	7 days before Merits	30 days before Settlement Conference	30 days before Settlement Conference
Financial Statement	14 days before Merits	14 days before Settlement Conference	10 days before PL Hearing
Exhibit List	1 week before Merits	1 week before Merits	1 week before PL Hearing and 10 days before Merits
Trial Date	270 days from filing	335 days from filing	335 from filing