

# Child Custody - Part 2 (Filing a Custody Case)

In this four-part series, you will learn about the process used to decide how much time a child will spend with each parent, and who will be responsible for major decision about a child in the future. This video covers the steps in filing a custody case.

## Watch the Video



### Documents to Open a New Case

- Use form CC-DR-004 (Complaint for Custody) to ask the court to grant you custody. Find the form on-line at [www.mdcourts.gov/courtforms/](http://www.mdcourts.gov/courtforms/).
- Pay a filing fee. If you cannot afford it, ask the court to waive the fee by submitting completed fee waiver forms with your Complaint for Custody.
- File in the Circuit Court where the child lives or where either parent resides.
- If your child no longer lives in Maryland, contact a lawyer about special rules about where to file.
- Sign all documents.
- Make enough copies for the other parent and keep at least one copy for yourself. Ask the clerk to put a date-stamp on your copies.

### Service of Process

- The person filing the initial Complaint must provide a copy to the other parent (or each parent if you are not a parent).
- You may not give copies to the other side yourself. Someone must do it on your behalf.
- Send the court proof that the other side received copies.
- See the *My Laws, My Courts, My Maryland* video [Service of Process](#).

### Answering a Complaint

- If you live in Maryland, you have 30 days to respond. If you live in another state, you have 60 days. If you live outside the U.S., you have 90 days.
- Use form CC-DR-050 to file your Answer. Check boxes to “admit” or “deny” statements in the Complaint.
- Consider filing a Counter-Complaint for Custody (form CC-DR-095) if the custody order you want is significantly different than what the other party has requested.
- Mail copies of everything you file with the court to the other side.



# Maryland Court Help

Free. Online. In Person. By Phone.

*(Cont'd on other side)*

### **Default**

- If the deadline passes with no Answer filed, the person who filed the initial Complaint may ask for a finding of default.
- If the court is convinced that service was properly made, it will issue an Order of Default. That order permits the custody case to be heard and concluded without the participation of the other party.
- The court will not issue an Order of Default if the other side is unavailable because they are on active military duty.

### **Legal Help**

- See the *My Laws, My Courts, My Maryland* video [Finding Legal Help in a Civil Case](#).
- Maryland Courts Self-Help Center: 410-260-1392 or [mdcourts.gov/selfhelp](http://mdcourts.gov/selfhelp). Most circuit courts also have free walk-in clinics where you can meet briefly with a lawyer and get legal advice and help filling out forms.