

## **Family Differentiated Case Management Plan (Non Juvenile)<sup>1</sup>**

This Family<sup>2</sup> 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 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 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 assure:

1. Fair treatment of all individuals that appear before the court;
2. Timely disposition consistent with the circumstances of the individual case;
3. Enhancement of the quality of the litigation process; and
4. Public confidence in the court as an institution.

Consistent with the case time standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this Plan to ensure that at least 98% of family cases be concluded within 12 months (365 days) of the filing date; and that at least 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 this goal, the Circuit Court is committed to resolving different categories of family cases, referred to as case subtypes, within a regular and predictable timeframe warranted by the needs of those cases. For simpler cases, the warranted time frame may be shorter than 12 months. The differentiated case management (DCM) plan for family case types does not include general civil (i.e. non-domestic relations case types).<sup>3</sup> Family cases are the exclusive jurisdiction of the Circuit Court.

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<sup>1</sup> This Plan does not include juvenile case types.

<sup>2</sup> Family cases have historically been called Civil Domestic cases.

<sup>3</sup> See Civil DCM template for all general civil case types.

### **Case Management**

The policies and procedures outlined in this Plan shall be implemented by the Family Coordinating Judge and his/her back-up judge and their respective staffs. The Family Coordinating 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 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 Office of Calendar Management. 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.

### **Family Tracks**

A family case may follow four potential tracks to resolution. Tracks are defined at filing or upon receipt of an answer based on the case subtype. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. The caseflow time standard for most Circuit Court family cases is 12 months (365 days) and 24 months (730 days) for limited divorce cases. The goal is to have 98% of cases meet time standards; however, expected case duration is based on needed time to reach resolution, which may be less than the time standard.

**Table 1.1 – Family Tracks Casetypes and Outcomes**

<i>Track</i>	<i>Case Subtypes</i>	<i>Expected Merits Hearing Date</i>	<i>Time Standard</i>
<b>Track 1 Family Expedited</b>	<ol style="list-style-type: none"> <li>1. Domestic Uncontested</li> <li>2. Domestic Violence</li> <li>3. Modifications Uncontested</li> <li>4. Change of Name/Birth Certificate</li> </ol>	120 days	365 days
<b>Track 2 Family Standard</b>	<ol style="list-style-type: none"> <li>1. Adoptions</li> <li>2. Guardianship</li> </ol>	180 days	365 days
<b>Track 3 Family Complex</b>	<ol style="list-style-type: none"> <li>1. Domestic Contested</li> <li>2. Modifications Contested</li> <li>3. Office of Child Support Enforcement</li> </ol>	240 days	365 days
<b>Track 4 Limited Divorce</b>	Limited Divorce	150 days	730 days

**Track Designations Set at Filing**

Track designations set at filing include cases filed by the Office of Child Support Enforcement, Adoptions, Guardianships, Name Change, and Domestic Violence.

**Track Designations Set after First Answer**

After receipt by the Court of the first answer, the Office of Calendar Management will assign the case to its specific track. These include Domestic Contested, Domestic Uncontested, and Modifications.

**Family Differentiated Case Management Plan**

**Table 1.2 – Family DCM Track Guidelines<sup>4</sup>**

Track	Family Casetypes Tracks	Filing	Status Conference *	Answer Filed	Scheduling Conference	Mediation	Other Hearing Types**	Discovery Completed	Pretrial Settlement Conference	Merits Hearing	Final Date for Docketing Order
Track 1	Expedited	0 days	45 days	60 days	-	-	90 days	90 days	-	120 days	365 days
Track 2	Standard	0 days	45 days	60 days	-		90 days	120 days	150 days	180 days	365 days
Track 3	Complex	0 days	45 days	60 days	90 days	135 days	105 days	180 days	210 days	240 days	365 days
Track 4	Limited Divorce and Alimony	0 days	45 days	60 days	-	-	90 days	120 days	-	150 days	730 days

\*Held for all cases with a self-represented litigant

\*\*This includes pendente lite hearings.

<sup>4</sup> The track timelines provided are approximations and may vary from case to case.

### Case Processing Events – All Family Casetypes

The following are the major events for family cases.

#### File a Case

The following steps are required to file a family case:

- 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 Form](#) (CC-DCM-001), with the complaint. Family case subtypes exempt from filing the Domestic Case Information Form 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 Md. Rule 3-326(c) transfer
  - Guardianship, other than action to terminate parental rights (Md. Rules 10-201 through 10-305)
  - 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 divorce cases is \$165.00. (See *Divorce, Complaint for Limited or Absolute*.) 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);
  - ✓ Representation by a civil legal aid lawyer; and/or
  - ✓ Other determination by the court.

Pursuant to Md. Rule 1-325, 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). If, within that time, the party pays the full amount of the un-waived prepaid costs, the pleading or paper shall be deemed to have been filed on the date the request for waiver was filed. If the un-waived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

## Service

- a) **Notify the other party (defendant).** The plaintiff is required to have the defendant notified that a complaint has been filed against the defendant. The clerk will issue a summons to officially notify the defendant that a suit has been filed (Md. Rule 2-112). The summons has a 60-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The original complaint and summons must be delivered to the defendant. There are three legal ways to deliver these documents to the defendant: 1) Certified Mail with Restricted Delivery Receipt; 2) Private Process; and 3) Sheriff.
- b) **Proof of Service.** The court requires an [Affidavit of Service](#) (CC-DR-55 and CC-DR-56) form to be filed.
- c) **Lack of Jurisdiction.** The Court may dismiss cases for lack of jurisdiction pursuant to Md. Rule 2-507(b). An action against any defendant who has not been served or over whom the Court has not otherwise acquired jurisdiction is subject to dismissal as to that defendant at the expiration of 120 days from the issuance of original process directed to that defendant. When an action is subject to dismissal pursuant to this Rule, the clerk, upon written request of a party or upon the clerk's own initiative, shall serve a notice on all parties pursuant to Md. Rule 1-321 that an order of dismissal for lack of jurisdiction or prosecution will be entered after the expiration of 30 days unless a motion is filed to defer entry of the order of dismissal.

## Status Conferences

The Family Division may set a Status Conference 45 days from the filing date to expedite cases whenever possible. Notices will be sent to all parties. At the Status Conference, the Magistrates will review the file, determine if service has been effectuated, an answer or responsive pleading has been filed, and the next step the parties are to take. If the case is determined to be uncontested, the trial will be held. If the case is determined to be contested, a Scheduling Conference will be held.

### **Answer**

The defendant must file, with some exceptions (Md. Rule 2-321)<sup>5</sup>, an affirmative Answer (Md. Rule 2-323) typically within 30 days after they have received a summons. These cases are considered by the Court to be at issue, and the case shall proceed. In addition, if the defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, cross-claim, or third-party claim, he/she is required to file with the Answer a defendant's Family Case Information report.

- a) **Lack of Prosecution.** Following service, if an answer has not been filed or, following answer, no other action has been taken on the case after [one year], the Clerk's Office may dismiss the case pursuant to Md. Rule 2-507(c). When an action is subject to dismissal pursuant to this Rule, the clerk, upon written request of a party or upon the clerk's own initiative, shall serve a notice on all parties pursuant to Md. Rule 1-321 that an order of dismissal for lack of jurisdiction or prosecution will be entered after the expiration of 30 days unless a motion is filed to defer entry of the order of dismissal.

### **Status Hearings**

Cases in which service has been completed and no further action has been requested by the parties will be set for a Status Hearing. The Status Hearing will be set approximately 9 months from the filing date. Notices will be sent to all parties. At the Status Hearing, the Coordinating Judge will review the file, verify if service has been properly effectuated, determine if an answer or responsive pleading has been filed, and the next step the parties are to take. If the case is determined to be uncontested, the trial will be held. If the case is determined to be contested, a Scheduling Conference will be held, if time permits. If it is determined that insufficient time remains to meet time-standards, the case will be set for the final Merits Hearing. If the Plaintiff fails to appear, the case will be dismissed.

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<sup>5</sup> Exceptions include defendants who live outside the State of Maryland, resident agents, officers or agencies of the U.S. government, among others. See Md. Rule 2-321.

### **Track1 – Family Expedited Cases**

After the answer has been filed, and both parties agree that the case is primarily uncontested or an expedited matter, the Office of Calendar Management will automatically set the case for a final merits hearing with a magistrate or a judge, typically within 60 days of the answer with the exception of domestic violence cases which are set within 7 days. The anticipated length of the hearing should be one hour or less. If no answer has been filed and a default motion has been granted, a final merits hearing will set within 60 days.

### **Uncontested Final (Merits) Hearings**

All uncontested divorce proceedings are scheduled before a magistrate or an assigned judge. If a party or attorney has a conflict on the date of the scheduled hearing, they must file a timely motion providing time for the opposing party to respond as provided for in the rules. If the matter has become contested, the party must file a timely motion providing time for the opposing party to respond as provided for in the rules.

### **Tracks 2 and 3 – Family Standard and Complex Cases**

A Scheduling Conference is set for all contested family cases by the Office of Calendar Management within 30 days after the answer or a counter-complaint is filed (unless otherwise directed by the Coordinating Family Judge). The Scheduling Conference date is included on a notice sent to the plaintiff and defendant. Scheduling Conferences are not scheduled in uncontested cases, cases in which no answer has been filed, and most modifications.



### **Scheduling Conference (Mandatory for Tracks 2 and 3)**

The goals of a Scheduling Conference include the following:

- a) Provide an early opportunity for the parties to settle any issues in their case;
- b) Determine the contested issues in each case;
- c) Determine the need for mediation, investigations, counseling, or any other support related services; and
- d) Schedule all necessary events through the final merits hearing.

If the parties have come to an agreement prior to the Scheduling Conference, the parties shall place the agreement on record. If parties are self-represented, the magistrate will issue a proposed order. If an attorney has entered an appearance, the magistrate may determine that counsel will prepare the order and a Disposition Hearing will be set.

If the entire case is not settled at the conference, all future hearing dates will be set and services will be ordered and scheduled. This includes any necessary pendente lite hearings, settlement conferences, and a final merits hearings. A computerized Scheduling Order will be generated and distributed at the time of the conference. Hearing dates established at the time of the conference shall not be postponed except upon motion for good cause.

At the Scheduling Conference, the case manager will review the Mediation Intake Forms to determine if it appears that any abuse has occurred. If there is no indication of abuse or intimidation, no Family Support Services referral will be made. In all contested custody cases parenting classes will be ordered for all parties. If there is no indication of domestic violence or intimidation, custody mediation will be ordered. If the merits hearing will be 5 or more hours and at least one attorney is involved, property mediation will be ordered if property issues exist.

If the case is screened by a Family Support Services Clinical Professional, the worker will determine whether the case is appropriate for mediation, supervised visitation and monitored exchange, child access investigations, psychiatric evaluations, property mediation, drug screening, home inspections, or any other family support services. Any party who disagrees with an FSS referral may address the issue before a magistrate.

Any party may request a 30-minute pendente lite hearing before a magistrate on the day of the Scheduling Conference.

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

If an attorney is unable to attend the initial Scheduling Conference, he or she MUST contact the Office of Calendar Management at least 7 days in advance to obtain a new date/time. Failure to notify the Office of Calendar Management or failure to appear at the Scheduling Conference may result in a Scheduling Order being issued without opportunity to be modified, or, if the plaintiff fails to appear, the matter being dismissed. This opportunity for postponement is only at the first scheduled Scheduling Conference. If attorneys have entered appearances, dates must be cleared with all attorneys involved.

Any further requests for postponements must be made according to the Postponement Policy described in further detail in this Plan.

### **Family Services and Programs**

The following are some of the services that may be ordered as part of an ongoing contested family case. Ideally, the need for many of these services 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 listed below are described in more detail after the Tracks 2 and 3 case flow narrative:

- Parenting Classes
- Supervised Visitation and Monitored Exchange
- Custody Mediation
- Child Access Investigations
- Psychological Evaluations
- Property Mediation
- Drug Screening
- Home Inspections
- Anger Management Counseling Referrals
- Domestic Violence Counseling Referrals
- Treatment Referrals

### **Emergency and Temporary Ex Parte Domestic Violence Hearings**

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. Any case that includes a request for an emergency hearing or temporary ex parte domestic violence hearing is automatically designated a Track 3 contested matter. These types of hearings may occur at any time during a case, but may be filed early in the case by either party. In order 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 of the relevant facts including the reason why the matter needs immediate court attention.

An affidavit and certificate of service must accompany the motion for an emergency hearing detailing the facts that give rise to the emergency.

The file and the Emergency Motion are reviewed by the Paralegal Unit. If a self-represented litigant (SRL) needs legal assistance, the petitioner is referred to Community Legal Services for assistance. SRL motions are reviewed for proper form and to ensure that there is an active underlying motion/complaint for permanent relief. Review is also made to determine what notice was given to the opposition. Md. Rule 1-351 provides that, except as otherwise provided by law, such as in the case of applications for domestic violence protective orders, no court order upon an ex parte application unless the moving party certifies in writing that all parties who will be effected have been given notice of the time and place of presentation or that the specified efforts commensurate with the circumstances have been made to give notice.

The Paralegal Unit will prepare a cover sheet, a Show Cause Order, a Show Cause Order with temporary custody, a Show Cause Order with temporary custody and Sheriff's assistance, and an Order denying emergency relief for possible use by the Judge. Other orders may be prepared at the request of the presiding judge. The file, motions, and prepared orders will be taken immediately to the chamber's judge for review and possible hearing. If another judge has previously heard the case on the merits or in another substantive hearing, that judge will handle the emergency motion, if available.

### **Temporary Ex Parte Orders**

Petitions for Protective Orders in domestic violence matters will be heard initially by the chambers judge, as set forth above. Petitions for a protective order and motions for emergency relief must first be presented to the Clerk's Office. Emergency motions may be denied by a judge without hearing if the request does not sufficiently state a claim that warrants emergency relief or if proper notice has not been given to the other side. Md. Rule

alternatively, of specified efforts commensurate with the circumstances to attempt to provide notice to the opposing side or their counsel.

If a Temporary Protective Order issues in a domestic violence matter, the final protective order hearing will be set in 7 days before a judge. If, when the petitioner appears on the initial date set for the final protective order hearing, it has been determined that the respondent has not been served, the petitioner may request that the Court waive the petitioner's appearance at future hearings until the respondent is served. The petitioner must sign up for the VINE program if granted a waiver of appearance to ensure that the petitioner receives notice when the respondent is served. Once the respondent is served, both parties are to appear for the next hearing set in the latest order in that case (See generally, Family Law Ann. Code of Md., 4-504 through 4-506).

### **Discovery**

Discovery motions should be filed as provided in the Maryland Rules and Scheduling Order, and in any case, no less than 30 days prior to the pretrial settlement conference.

### **Pretrial Settlement Conference**

A Settlement Conference is set on all cases that require 5 or more hours at merits hearing. The date of the Settlement Conference will be set at the Scheduling Conference and will be noted in the Scheduling Order. All Settlement Conferences are held before a judge. The assigned 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 on time in person. Failure to complete Discovery by the Settlement Conference and/or failure to timely appear may result in sanctions imposed against one or both parties and/or attorneys.

#### **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 Parties Concerning Marital and Non-Marital Property in all cases with contested issues involving marital property. The Joint Statements 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 requires that the parties file a motion for continuance. The file and continuance will be sent to the Office of Calendar Management for new dates. Once the file is received, the Office of Calendar Management will call and clear new dates with counsel. Counsel does not propose dates. A new notice will generate once a date has been agreed upon by all.

### **Pretrial Order**

In every case at Settlement Conference, the Court shall enter an order that recites the decisions made at the Settlement Conference. If all issues are resolved, a final order may be entered and all future dates canceled, or the case may be placed on an uncontested docket. If issues remain contested, the case will remain scheduled for hearing as determined in the Scheduling Conference Order.

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

Trials, and all court events, are set in the Scheduling Order. At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim. If the trial date is postponed, a new trial date will be rescheduled on the earliest possible date. The procedures for seeking a postponement are below.

### **All Tracks – Family Cases**

#### **Final Order/Judgment**

The final order/judgment is entered by the clerk. The date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule 2-601).

#### **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 Family Coordinating Judge with backup judges. The County Administrative Judge shall also designate which magistrates and judges shall have the primary responsibility for the handling of the scheduling conferences and the pretrial docket. The County Administrative Judge shall designate a chambers judge daily, who will hear petitions for emergency relief and petitions for temporary protective orders.

If a judge/magistrate has been assigned and held a substantive hearing, generally the case will be referred back to that judge/magistrate for hearings on modifications and contempt petitions, even if the judge is no longer sitting in the Family Division. The Office of Calendar Management may refer a routine modification or contempt of child support to another magistrate for hearing.

### **Special Assignment**

The special assignment of all family matters is the responsibility of the County Administrative 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 County Administrative Judge. This will typically only apply to Track 3, Complex cases.

When appropriate, a case may be specially assigned to a Circuit Court Judge by the County Administrative 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 Office of Calendar Management 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 Office of Calendar Management in advance in order to ensure judicial availability. Continuances that would set the matter beyond time standards will be handled by the Family Coordinating Judge.

### **Postponements**

A written motion for postponement is sent to the coordinating judge for approval.

### **Interpreters**

The Circuit Court offers interpreters for sign language and spoken languages, without cost to litigants. An interpreter can be requested by submitting a [Court Interpreter Request Form](#); however, the Court needs sufficient notice to schedule the necessary interpreters.

The Court requests that you cancel a requested interpreter promptly, should an interpreter no longer be needed. An interpreter request can be cancelled by submitting a [Court Interpreter Cancellation Form](#).

## Forms

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

- CC-DCM-001      [Domestic Case Information Form](#)
- CC-DR-55      [Affidavit of Service \(Private Process\)](#)
- CC-DR-56      Affidavit of Service (Certified Mail)
- CC-DC-089      [Request for Waiver of Prepaid Costs](#)

The following form is used to request a change in a scheduled hearing or trial at the Circuit Court. CC-DC-070 [Motion for Postponement](#)

Additional forms can be found [here](#).