Family Differentiated Case Management Plan

This Family Differentiated Case Management Plan (DCM) is established in accordance with MD Rule 16-202(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 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 that will assure:

1. Equal treatment of all litigants by the Court;
2. Timely disposition consistent with the circumstances of the individual case;
3. Enhancement of the quality of the litigation process; and
4. Public confidence in the Court as an institution.

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 be concluded within 12 months (365 days) of the filing date. In order to achieve this goal, the Circuit Court is committed to resolving different categories of family cases[1], referred to as case types, 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 are the exclusive jurisdiction of the Circuit Court.

Case Management

The policies and procedures outlined in this plan shall be implemented by the Family Judge in Charge and their respective staff. The Family Judge in Charge reports to the Circuit Court's Administrative Judge. The Administrative Judge supervises all aspects of family case management and is ultimately responsible for implementing and monitoring this Family Case Management Plan, pursuant to MD Rule 16-202(b). The Administrative Judge designates certain Judges to hear various family matters and, when necessary, makes final decisions about whether and to whom a case should be assigned.

All Judges and Magistrates are responsible for complying with and implementing the provisions of this Plan when adjudicating matters to which they have been assigned. While individual Judges and Magistrates are responsible for the effective management of their assigned cases, the scheduling of those cases must always be coordinated with the Assignment Office. Assigned cases should be managed consistently with the provisions of this plan, including adherence to guidelines and the Case Time Standards. This includes emergency matters such as domestic violence and ex parte matters, which are assigned to the Family Duty Judge each week.

The Court has several Magistrates specifically assigned to hear a variety of domestic matters. The following events are scheduled before the Family Division Magistrates:

- *Pendente Lite* Hearings
- Settlement/Status Hearings (custody issues)
- Settlement/Pre-Trial Hearings (property & monetary issues)
- Child support
- Uncontested divorces
- Contested divorces by agreement of the parties
- Legal custody and/or access
- Earnings withholding
- Post Judgment Contempt, Enforcement, or Modification issues
- Special Immigrant Juvenile Status (SIJS) Hearings
- Other issues, by Order and Agreement of the Parties

Hearings set before a Magistrate are limited to one day or less. Any event scheduled for more than one day is set before a Judge. (See Maryland Rule 9-208). In accordance with Maryland Rule 16-307(2)(L), matters related to actions in the Family Division are appropriate for assignment to the Family Division by the Administrative Judge.

Family Assignment and Scheduling

The Administrative Judge shall designate Judges of this bench to handle various matters necessary for the efficient management of this plan, including a Family Judge in Charge. The Administrative Judge shall also designate which Magistrates and Judges, or a scheduling administrator, shall have primary responsibility for handling scheduling conferences and the pre-trial docket under the direction and management of the Family Judge in Charge. The Administrative Judge shall designate a Family Duty Judge each week to hear requests for emergency and temporary relief and to review all written motions. If set for a hearing, other Judges of the Circuit Court will preside at motions hearings. All Judges and Magistrates are responsible for complying with the provisions of this Plan.

Special Assignment

To promote positive outcomes for families, the Court may utilize a One Family/One Judge (IF1J) case designation in high conflict cases. Under this construct, a single Judge and case manager form a team for the designated case. The 1F1J determination is made by the Family Judge in Charge based on screening criteria that assess the significance of related cases, extraordinary allegations of issues such as abuse, mental health problems, or child abuse, and the level of litigation in the case. A 1F1J designation may be made upon request by either party or sua sponte by the Court.

Family Division Services

The Family Division provides programs that are designed to facilitate conflict resolution and improve family case outcomes. Some family services and programs are mandatory and will be ordered by the Court during the case. Other services and programs are discretionary and may be provided by referral of the Court during the case or requested by either or both parties. For more information on services available through the Family Division, please visit https://www.montgomerycountymd.gov/cct/departments/Family-Division-Services-Defined.html.

For video information about services, please visit the Maryland Judiciary website to access the Family Services Video Library.

Family Law Self Help Center

The Family Law Self-Help Center, also known as the Self-Help Center, is a clinic that provides free legal assistance to self-represented litigants who qualify for the service. The clinic is staffed by attorneys who offer advice to self-represented litigants in family law disputes involving divorce, custody, visitation, guardianship, name changes, and child support. The Self-Help Center attorneys can assist with

determining which family law forms are the most appropriate for a litigant to file, completing forms, providing information on how to navigate the system, and explaining the law in general. For more information, to make an appointment, or to sign up for services, please visit https://www.montgomerycountymd.gov/cct/family-law-self-help-center.html.

Interpreters

If a 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 Interpreter form, which is available on the Court's website. 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 indicate the language and, if appropriate, the dialect that may be needed. The request must also specify for whom the interpreter is needed.

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 a request for an interpreter is not canceled at least 24 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.

Unless the Court is advised that a case will be a definite trial and is provided with the anticipated length of trial, the Court will only schedule interpreters for a single morning or afternoon session.

Family Tracks

Tracks are defined at a Scheduling Conference depending on the issues in the case. Tracks define expected case-processing events, event timing, assignment, and expectations for case duration.

Table 1.1 – Family Tracks, Determinations and Expected Case Durations

Track	*Track Determination*	*Expected Case Duration and Notes*
Track 0 **Expedited**	**1. Divorce - Absolute**	**1. 28 - 41 days from filing (Complaint, Answer, Jt. Line for Uncontested Divorce)** **2. 15 days from Ripeness date or next available date (Complaint, Answer, proceeds to Scheduling Conference)**
Track 1	**1. Divorce - Absolute with no contested custody, property or monetary issues.**	**1. Summons issued, if Answer is not filed with Complaint** **2. Upon filing of proof of service or Answer, a Scheduling Conference will be scheduled**
Track 2 **No Contested Residential Custody**	**1. Alimony/Spousal Support** **2. Annulment** **3. Child Support - Private** **4. Custody** **5. Divorce - Absolute**	**1. 20-24 weeks from Scheduling Conference**
Track 3	**1. Alimony/Spousal Support** **2. Annulment** **3. Child Support - Private** **4. Custody (Matter of)** **5. Custody (Versus)** **6. Divorce – Absolute** **7. Visitation**	**1. Stage 1 – 32-36 weeks from Scheduling Conference** **2. Stage 2 – 52 weeks from Scheduling Conference**

Track Designations are Set at Scheduling Conference

All cases other than Track 0 are assigned to Track 1 at the time of filing. The track will be confirmed or changed at the Scheduling Conference. The Track guidelines listed in Table 1.2 are based on the grounds of divorce relevant to the ripeness of pleadings (i.e., when a divorce complaint is ready to be considered by the Court) and are primarily governed by Family Law § 7-103.

Table 1.2 – Family DCM Track Guidelines

Track 0 (Expedited hearing type)

Event	Timing guidelines
Complaint filed	
Answer	
Joint request for Uncontested Divorce Hearing filed	
Uncontested Divorce Hearing	**Upon the filing of the Complaint, Answer, and Joint Line, a divorce hearing is scheduled within 28 – 41 days.** **15 days from the ripeness date or the next available date (Complaint, Answer, proceeds to Scheduling Conference)**

Track 1 (Uncontested matters)

Event	Timing Guidelines
Complaint filed	**Family Department issues summons**
Answer/Affidavit of Service filed	**Scheduling Conference scheduled**
Scheduling Conference	**Uncontested Divorce hearing scheduled**
Final Hearing	**Scheduled within two weeks of the Scheduling Conference**

Track 2 – No Contested Residential Custody

Event	Timing Guidelines
Complaint filed	**Family Department issues summons**
Scheduling Conference	**Scheduled upon filing proof of service or Answer.**
Pendente Lite hearing	**2-6 weeks from Scheduling Conference**
Discovery Complete	**12 weeks from Scheduling Conference**
Plaintiff's Expert Identified	**8 weeks from Scheduling Conference**
Defendant's Expert Identified	**10 weeks from Scheduling Conference**
Joint Marital Property and Pre-Trial Statement	**1 week prior to Settlement/Pre-Trial Conference**
Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time *(Form CC-DR-110)*	**1 week prior to Settlement/ Pre-Trial**
ADR	**Complete prior to Settlement/Pre-Trial Conference**
Settlement Pre-Trial Conference	**3 weeks from Discovery Completion**
Final Merits	**168 days from filing**

Track 3 – Contested Residential Custody

Event	Timing Guidelines
Stage 1 – Residential Custody and Access Issues	
Complaint filed	**Family Department issues summons**
Scheduling Conference	**Scheduled upon filing proof of service or Answer**
Pendente Lite hearing	**2-6 weeks from Scheduling Conference**
Plaintiff's Expert Identified	**8 weeks from Scheduling Conference**
Defendant Expert Identified	**10 weeks from Scheduling Conference**
Discovery Completed	**12 weeks from Scheduling Conference**
Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time	**14 weeks from Scheduling Conference**
Settlement Status hearing	**14 weeks from Scheduling Conference**
Custody Trial	**16 weeks from Scheduling Conference**
Stage 2 – Monetary, Property and Divorce Issues	
Plaintiff's Expert Identified	**4 weeks from Custody Trial date**
Defendant's expert identified	**6 weeks from Custody Trial date**
Discovery Completed	**8 weeks from Custody Trial date**
ADR	**Completed prior to the Settlement Pre-Trial hearing**
Joint Martial Property & Pre-Trial Statement	**3 weeks from Discovery Completion**
Settlement Pre-Trial Conference	**1 week after Marital Property and Pre-Trial Statement**
Final Merits	**14 weeks from Custody Trial**
Total completion of case	**245-300 days from filing**

***If the complaint does not include a request for a divorce, the case terminates at the conclusion of stage 1.**

Case Processing Events – All Family Case Types

The following are the major events for family cases (https://www.courts.state.md.us/family/family-forms)

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 Report (CC-DCM-001), with the complaint.

(b) **Pay filing fee**. Refer to the Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court for fees (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 Costs (CC-DC-089); and/or
- ✓ Representation by a civil legal aid lawyer; 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).

(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 (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. The moving party must file a line with the Clerk's office requesting that a new summons be reissued. The plaintiff is responsible for serving the defendant with the following documents: the final complaint and the summons.

(d) There are four legal ways to serve these documents on the defendant: 1) Certified Mail Restricted Delivery; 2) Private Process Server; 3) Hand Delivery by someone 18 years of age or older, including an attorney of record, but not by a party to the action; and 4) Sheriff (Maryland Rule 2-123).

(e) **Proof of Service**. The Court requires that an Affidavit of Service of Process (CC-DR-55) form be filed with the Court to prove that the other side has been notified or served.

(f) **Lack of Jurisdiction.** If the responding party has not been served after 120 days, nor filed an Answer, a MD Rule 2-507 notice will be issued to the moving party. The moving party has 30 days to file a Motion to Defer, or the case will be dismissed without prejudice.

(f) **Lack of Prosecution.** If there is no activity, after one year from the last substantive docket entry, a MD Rule 2-507 notice will be issued to the moving and responding parties. The parties have 30 days to file a Motion to Defer, or the case will be dismissed without prejudice.

Answer

The defendant must file an affirmative Answer, typically within 30 days of receiving a summons, in most Circuit Court family case types (MD Rule 2-321).[3] These cases are considered by the Court to be at issue, and the case shall proceed (MD Rule 2-323). In addition, if the defendant seeks to modify any information on the original case information report, or expects to file a counterclaim, cross-claim, or third-party claim, they are required to file with the Answer a Domestic Case Information Report, (CC-DCM-001).

Page Limits

Motions filed must not exceed 20 pages, including any Memorandum of Law; Opposition/Response to motions must not exceed 20 pages; and the reply shall not exceed 5 pages without leave or permission of the Court.

If a motion or a petition does not comply with the applicable rules or requirements, the Court will issue notices identifying the deficiencies and requiring the filing of an amended petition and/or exhibits.

[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).

Track 0 – Family Expedited Cases

A case is assigned to this track if the Complaint, Answer, and Joint Request for Uncontested Divorce Hearing are filed simultaneously. A case assigned to this track has an Uncontested Divorce Hearing set before a Family Magistrate without the need of a Scheduling Conference.

Note: An answer must be filed in conjunction with the Joint Request for an Uncontested Hearing.

Track 1 – Uncontested Divorce

Cases assigned to Track 1 have no contested issues or are proceeding by default (failure to answer, MD Rule 2-613) with no custody, property, or monetary issues.

Tracks 2 -No Contested Residential Custody

Cases assigned to Track 2 have no contested residential custody issues and may involve any or all of the following issues: visitation, alimony, legal custody, child support, property, pension, costs, attorney fees, and divorce.

Tracks 3 -Contested Residential Custody

Cases assigned to Track 3 involve residential custody and any of the following issues: access, child support, alimony, property, pension, monetary issues, and divorce.

This track is divided into two stages if the case includes a request for a divorce: Stage 1 addresses residential custody and access issues, and Stage 2 addresses monetary, property, and divorce issues. If the case does not include a request for divorce, it is closed at the conclusion of Stage 1.

Scheduling Conference (Mandatory for Tracks 1, 2, and 3)

In Montgomery County, Family Magistrates and/or Scheduling Administrators conduct Scheduling Conferences under the direct supervision of the Family Judge in Charge. 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) Issue Show Cause Orders;

(e) Make referrals for facilitation, mediation, custody/access evaluations, or any other family division services;

(f) Review and schedule request for pendente lite relief;

(g) Set Post Judgment Settlement Conferences; and

(h) At the conclusion of the Scheduling Conference, the parties will receive a copy of the scheduling orders.

Emergency Ex Parte 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 conference can be held, an emergency or temporary hearing may be considered in a domestic case. Service on motions for emergency hearings must comply with Maryland Rule 1-351(b).

The assigned Family Duty Judge will act on emergency motions either by memorandum, order or an immediate hearing.

Temporary Ex Parte Protective Orders

Petitions for temporary ex parte orders for protection from domestic violence will be presented to the emergency duty Judge for a hearing on the same day as the filing if filed before 4:30 p.m. If the ex parte petition for a temporary protective order is granted, a final protective hearing is set within fourteen days before the family duty Judge. (See generally, Family Law Ann. Code Md., 4-504 through 4-506)

An appeal from a Final Protective Order entered in District Court is filed in the District Court and then transferred to the Circuit Court. The Assignment Office will schedule a *De Novo*

Hearing, which is when an appellate Court examines a lower Court's legal conclusions as if the first ruling never happened. The higher Court applies its own independent judgment to the law. The *De Novo* Hearing is scheduled within fourteen business days from when the date the appeal is docketed in the Clerk's Office.

Discovery

Discovery deadlines are set forth in the scheduling order issued at the scheduling conference. Amendments or changes to the scheduling order must be approved by the Court.

Settlement Pre-Trial Hearing

A settlement Pre-Trial hearing is scheduled for all Track 2 cases with final merits hearings of more than 3 hours. A settlement Pre-Trial hearing is scheduled in Track 3 cases, unless custody is the only issue. All settlement Pre-Trial hearings are conducted by a Family Magistrate regardless of track. To facilitate meaningful settlement discussions, counsel and self-represented parties *must* prepare, exchange, and file the following documents, as applicable, in accordance with the deadlines set forth in the Scheduling Order or as directed.

Required Documentation

Joint Statement of Marital and Non-Marital Property (CC-DR-033). In all cases involving issues of marital or non-marital property, the parties must prepare and exchange a Joint Statement of Marital and Non-Marital Property. The statement must be filed by the deadline set forth in the Scheduling Order, unless the Court orders otherwise. (See Maryland Rule 9-207)

Pre-Trial Statements. Pre-Trial Statements must be filed by the deadline set forth in the Scheduling Order.

Financial Statements. The parties must file either a Long Form Financial Statement *(Form CC-DR-031)* when the parties combined gross monthly income exceeds $30,000 or a Short Form Financial Statement (Form CC-DR-030) when the parties combined gross monthly income is $30,000 or less. The statements must be filed by the deadlines set forth in the Scheduling Order.

https://www.courts.state.md.us/sites/default/files/court-forms/ccdr110.pdfIn all cases where custody or access is at issue, the parties must file a parenting plan, instructions, and a Tool (Form CC-DR-109). Parties who cannot agree on a plan must submit a ***Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time*** *(Form CC-DR-110)*. Whether filing a parenting plan or a joint statement, the deadline set forth at the scheduling conference must be met.

Settlement Status Hearing

A Settlement Status Hearing is scheduled in Track 2 cases, where an evaluation has been ordered, as well as in all Track 3 custody cases. This hearing is conducted by a Family Magistrate for the purpose of helping parties resolve or narrow the issues to be tried, confirming that discovery has been completed, and verifying that all required forms, statements, and other pre-trial filings have been submitted.

Required Documentation

Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time *(Form CC-DR-110)***.** In all cases where custody or access are at issue, the parties are required to file a parenting plan, and it must be filed by the deadlines set forth in the Scheduling Order.

Pre-Trial Statements. Pre-Trial Statements must be filed by the deadline set forth in the Scheduling Order.

Financial Statement (Form CC-DR-031). The parties must file either a Long Form or Short Form Financial Statement. When the parties' combined gross monthly income exceeds $30,000, or a Short Form Financial Statement (Form CC-DR-030) is required; when the parties' combined gross monthly income is $30,000 or less. The statements must be filed by the deadlines set forth in the Scheduling Order.

Specialized Case Management for Family Case Types

One Family One Judge (1F1J) Cases:

- Cases may be reviewed by the Administrative Judge or the Family Judge in Charge to determine whether they qualify for assignment under the One Family, One Judge assignment process. If designated as a 1F1J case, the matter will be assigned to a single Judge for the duration of the case.

Special Immigrant Juvenile Status (SIJS) Cases:

- Uncontested custody cases that include a Motion for Approval and Factual Findings to Permit a Minor Child's Application for Special Immigrant Juvenile Status (SIJS) are reviewed by the SIJS Case Manager. Upon the filing of an Answer or Affidavit of Service, an uncontested SIJS hearing will be scheduled before a Family Judge or Family Magistrate.

- A Motion to Expedite should be filed at least sixty days before the juvenile will turn 21 years old, if possible, before the scheduled SIJS hearing.

- Cases in which custody and/or the Motion for Approval and Factual Findings to Permit a Minor Child's Application for SIJS are contested will be set for a scheduling conference.

- Petitions for Guardianships with a Motion for Approval and Factual Findings to Permit a Minor Child's Application for Special Immigrant Juvenile Status (SIJS) are reviewed by the SIJS Case Manager for compliance with Maryland Rules 10-201, 10-202 & 10-301. Once all required documents have been filed, a Show Cause Order is issued requiring service upon all interested persons.

- SIJS cases are assigned an SIJS case plan and have a 365-day closure goal from the date of filing.

Adoption Cases:

- Adoption petitions and exhibits are promptly reviewed by the Adoption Case Manager for compliance with Maryland Rule 9-101 and Maryland Family Law Articles 5-3, 5-3A, and 5-3B.

- Once the petition and all required pleadings are determined to be sufficient, and any applicable period for revocation of consent has expired, an adoption hearing will be promptly

scheduled.

- In contested adoption matters, the Court will order an evaluation and promptly schedule a status/scheduling hearing before the assigned Judge once the evaluation is complete or promptly after any response to the objection is filed.

- Adoptions filed pursuant to Family Law Article § 5-3B-27 may be approved without a hearing. A hearing may be scheduled only if good cause is found.

- Adoption case Judge assignment is made at case initiation.

- Adoption cases have a 365-day closure goal from the date of filing.

- Adoptions arising out of a Termination of Parental Rights (TPR) shall be ruled on promptly and no later than 180 days after the petition for adoption is filed. (Family Law Article § 5-348)

Guardianship Cases

- Petitions for guardianship of a minor or an alleged disabled person are reviewed by the Guardianship Case Manager for compliance with the Court's policies and procedures, as well as Maryland Rules 10-201, 10-202, and 10-301.

- In guardianship proceedings involving an alleged disabled person, the Court appoints counsel to represent the alleged disabled person as required by law or when otherwise appropriate.

- Once all required documents have been filed and the petition is ripe for review, the Court will issue a Show Cause Order requiring service upon all interested persons. Show Cause Hearings are generally scheduled 60 to 75 days after the case is ready to proceed, which refers to the case at issue.

- If the guardianship is contested, the Court will conduct a scheduling conference and set the matter for a contested guardianship trial.

All Tracks – Family Cases

Final Order/Judgment

The final order/judgment is entered by the clerk following the merits trial. The date of the judgment is the date the clerk enters the Court's findings on the electronic case management system docket (MD Rule 2-601).

Post-Judgment

After the Court issues an order, parties may request to modify, enforce or find a party in contempt. This must be done by motion and may require additional fees and an original service of the new petition. 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.

Postponements

It is the policy of this Court to resolve family law disputes without unnecessary delay or undue waste of time and resources of the Court, the litigants, and other stakeholders in each case. Although it may be necessary or appropriate to postpone a hearing or Court event, such requests should be supported by a showing of good cause and made by motion well in advance of any scheduled Court deadline or event. The Administrative Judge or their designee rules on all requests for postponements.