

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Child Custody: Steps in Filing a Custody Case (Part 2)

Hello. Welcome to the Maryland Courts video series on child custody. In this four-part series, you'll learn about the process used to decide how a child's time will be divided between parents in custody cases and how major decisions about the child are made.

This video covers the steps in filing a custody case. We'll go over the documents you file to open a new case. We'll review service of process, which is how you deliver court papers to the other parent. You'll also learn how to answer the complaint if you have received custody papers. Finally, you'll learn about default, which may happen if a deadline is missed.

This series talks about child custody only. Child custody in divorce cases can be more complex. The legal concepts, however, are the same. You will be learning a lot of new terms, so consider using the tip sheet and taking notes. Let's get started with the steps involved at the beginning of a custody case.

CHAPTER HEADING FULL SCREEN TEXT – GETTING STARTED

Let's assume a custody case is not yet opened and you want to start one. You need to file documents asking the court to open a case. Use form CC-DR-004 to ask the court to grant you custody. Find the form on-line at mdcourts.gov/courtforms/

If you are the person filing the initial Complaint for Custody, you must pay a filing fee. However, you may ask the court to waive the fee, if you can't afford it. Submit completed fee waiver forms with your Complaint for Custody. You may want to watch the *My Laws, My Courts, My Maryland* video called *Can't Afford Court Filing Fees?*

Usually, you file a custody case in the circuit court in the county where the child lives or where either parent resides. If the other parent started the case, file your answer in the county where that complaint was filed. Special rules exist if your child no longer lives in Maryland. In that case, contact a lawyer for help.

Make sure to sign all your documents and file them with the clerk at the Circuit Court. Make enough copies for the other parent, and be sure to keep at least one copy for yourself. Ask the clerk to put a date-stamp on your copies.

You also need to understand Service of Process.

CHAPTER HEADING FULL SCREEN TEXT: SERVICE OF PROCESS

The person filing the initial Complaint must provide a copy to the other parent. If you are not a parent and you are seeking custody, you must provide copies to each parent. This is known as service of process or, more simply, "service." You are responsible for making sure that the papers are properly served. There are special rules. For instance, you may not give copies to the

other side yourself. Someone must do it on your behalf. You must also send the court proof that the other side received copies. Do not overlook this crucial step. There's another video with details on service. It's called *Service of Process*.

Next, let's talk about Answering a Complaint

CHAPTER HEADING FULL SCREEN TEXT: ANSWERING A COMPLAINT

Perhaps you received a copy of a Complaint for Custody filed with the court. If you live in Maryland, you have 30 days to respond. You have 60 days if you live in another state. If you were served outside the United States, you have 90 days. Use form CC-DR-050 to file your Answer within the deadline. In the Answer, check the boxes to admit or deny the statements made by the other party on their Complaint. The Answer form also has space where you can tell the court what YOU want. You may also consider filing a Counter-Complaint for Custody. This is form CC-DR-095. Use this form if the custody order you want is significantly different than what the other party has requested. Finally, make sure to mail copies of everything you file with the court to the other side. Let the other side know that these documents have been sent to the court. This notice is called a Certificate of Service.

A times you may want to seek legal help.

CHAPTER HEADING FULL SCREEN TEXT – LEGAL HELP

Custody cases are complex. Consider having a lawyer represent you. If you can't afford one, look for free or low-cost legal help. We have a video for that, too. It's called [Finding Legal Help in a Civil Case](#). Consider using the Maryland Courts Self-Help Center. This is a free service. You can speak on the phone with a lawyer at the Self -Help Center by calling 410-260-1392. Or, chat with a lawyer at mdcourts.gov/selfhelp

Most Circuit Courts also have free walk-in clinics or Family Law Self-Help Centers. That's where you can meet briefly with a lawyer and get legal advice and help filling out forms.

During your case, it is important to stay on top of deadlines so you are not in default.

CHAPTER HEADING FULL SCREEN TEXT - DEFAULT

What happens if the deadline passes with no Answer filed? At that point, the person who filed the initial Complaint may file a request 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.

CHAPTER HEADING FULL SCREEN TEXT: SUMMARY

Remember, file form CC-DR-004 to ask the court to grant you custody of a child or children. The person who files the initial complaint must serve it on the other parent. If you have received a custody complaint, file your Answer within the deadline. Custody cases can be complex. If you can't hire a lawyer, find some legal help. Finally, the court may grant an Order of Default if an Answer is not filed on time.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about filing a child custody case has been helpful.