

**FAMILY LAW CASES
IN
DORCHESTER COUNTY'S
CIRCUIT COURT**



**DEFINITIONS
AND
PROCEDURES**

Merits Hearing: The final hearing on a Complaint, Petition or Motion. Evidence is presented and witnesses testify under oath. The Court can issue a Final Order.

Motion: A written request to the Court. A copy of any Motion must be mailed to the other party(ies)

Party: The person(s) identified as being legally involved in a case. These names appear at the top of most legal documents filed in the case.

Pendente Lite: A temporary arrangement, regarding custody, child support, use of property and/or other issues until a final hearing is held.

Plaintiff: The person who starts a case.

Pre-Trial/Status Conference: A hearing held before the Family Magistrate or the Judge to determine the status of the case or completion of any family services ordered. A Status Conference may be set if a party has not complied with procedural requirements.

Pro Se/Self-Represented Party: A person who appears in Court without a lawyer.

Scheduling Conference: A Court hearing held before the Family Magistrate at the beginning of a contested case. Issues are identified and defined. The parties may request that the Court order services, studies or evaluations. Mediation may be ordered. Dates and deadlines are set for future events in the case.

Service: Ensuring that a copy of the Complaint and Summons are delivered to the opposing party by a person not involved in the case who is over the age of 18 years. Service may be obtained by private process, certified mail or by the Sheriff's Department (\$40.00 fee). An Affidavit of Service must be filed indicating how and when service was made.

Settlement Conference: A conference conducted by a visiting Judge or Family Magistrate, with a goal of settling the case.

Family Magistrate: Conducts family law cases and juvenile matters and makes findings of fact and recommendations. A Family Magistrate's recommendation is reviewed by a Judge before becoming a Final Order.

Witness: A person who testifies under oath, in Court in support of a party's case, for instance, one who verifies the grounds for divorce.

Writ of Summons: A form issued by the Clerk's Office directing a party to respond to a Complaint, Motion or Petition, within a certain amount of time.

For Additional Assistance

Contact:

**Jessica Milligan,
Family Support Services Coordinator**

**206 High Street, Room 203
Cambridge, MD 21613
410-228-1395**

FAMILY LAW CASE TRACK

- A. COMPLAINT/PETITION FILED
↘
- B. WRIT OF SUMMONS ISSUED BY CLERK'S OFFICE
↘
- C. SERVICE OF LEGAL DOCUMENTS ON A PARTY
↘

Once Service is obtained, an **Answer** must be filed within the allotted time (30 days if in State of Maryland and 60 days if out of State).

1 of 3 actions can happen next:

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- ❶ If an **Answer** is received and issues are contested, a **Scheduling Conference** is set before a **Family Magistrate**. **Family Services** may be ordered; a **Settlement Conference** and **Merits Hearing** are set, as well as, a hearing on short-term issues, if necessary.
- ❷ If an **Answer** is filed and no issues are contested, a **Merits Hearing** is set before the **Family Magistrate**.
- ❸ If no **Answer** is filed, the **Plaintiff** may request an **Order of Default** against the **Defendant**. If an **Order of Default** is granted, a **Merits Hearing** will be set before the **Family Magistrate**.

DEFINITIONS

Affidavit: A written statement made under oath.

Answer: The written response to a complaint, petition or motion.

Child Support Guidelines: The Court must calculate support pursuant to the Maryland Child Support Guidelines.

Complaint: A document, when filed, that starts a case. The **Complaint** must be served on the other party(ies).

Contempt: Failure to follow a Court Order. A party can file a Petition for Contempt. The Court can then issue a Show Cause Order that has to be served on the other party.

Custody: The arrangements regarding with whom (**physical custody**) the child(ren) will live and how important decisions (**legal custody**) about the child(ren) will be made.

Joint legal custody means that decisions will be made by both parents.

Sole legal custody means that one parent makes the decisions about the child(ren).

Joint physical custody means that the child(ren) will more or less equally reside with both parents.

Sole or primary physical custody means that the child(ren) live(s) with one parent. Often a schedule for visitation with the other parent is included.

Parents can make any custodial arrangement that is in the best interests of their child(ren). Parents are strongly encouraged to make these decisions themselves through cooperation, consultation,

mediation, or other non-court-imposed means.

Default: A party's failure to Answer a Complaint, Motion or Petition. The party who filed may proceed in the case without the opposing party if the Order of Default is not vacated, or removed by the Court.

Defendant: The person against whom the case is brought.

Divorce:

Limited Divorce: Establishes certain legal responsibilities and settles certain issues while the parties are separated but does not end the marriage.

Absolute Divorce: The ending or dissolution of a marriage. Both parties are legally free to remarry.

Family Services: Programs, studies or services which may be ordered by the Court. These may include, but are not limited to:

- Co-Parenting Education Seminar
- Mediation
- Home Studies
- Drug & Alcohol Screening/Evaluation
- Attorney for Children
- Supervised Visitation/Monitored Exchange

Grounds for Divorce: The legal basis for a divorce. The law sets specific circumstances under which a divorce will be granted, for instance, separation for one year, adultery, cruelty, etc.

Marital Property: Includes all property acquired during the marriage, even if it is not titled in both names, with some exceptions.