

## **Information for Self-Representing Litigants** **Calvert County Circuit Court**

Circuit Court does not have forms for all types of legal issues. Many issues brought to Circuit Court are very complicated and it is highly recommended that you seek advice from an attorney. However, some forms are available. Family Law Forms regarding the issues of Divorce, Child Support, Custody, Visitation and Change of Name are available on line at the Clerk's Office or on line at [www.mdcourts.gov](http://www.mdcourts.gov).

Filing Fees: Original Case - **\$165.00**; Reopen Case - **\$31.00** (contempt, modification)

BEFORE YOU FILE YOUR COMPLAINT, READ THE GENERAL INSTRUCTIONS REGARDING THE SPECIFIC FORMS YOU ARE USING. COPIES ARE AVAILABLE ON THE COURT WEBSITE OR AT THE CLERK'S OFFICE.

### **To File a Complaint or Petition:**

1. Complete forms fully. Provide addresses for all parties involved. All Plaintiffs must sign Complaint.
2. Pay filing fees or submit a Request for Waiver of Prepaid Costs. If fees are paid, the Complaint will be date-stamped and processed. If a waiver is requested, only the Request for Waiver will be processed. The case will be initiated and the Request for Waiver sent to the Judge for ruling. If the Request is denied, in whole or in part, the party may pay the costs within 10 days. If the party pays the costs, the pleading or paper will be deemed to have been filed on the date the Request for Waiver was filed. If the costs are not paid in full within the time allowed, the pleading or paper will be deemed to have been withdrawn and the case closed. If the Request for Waiver of Prepaid Costs is granted, court costs are due upon termination of the case, unless further ordered.
3. Always submit an original complaint plus one copy of the complaint for EACH defendant that must be served. Keep a copy of the Complaint and any other papers filed for yourself. If copies have to be made by the Clerk, they are \$ .50 per page.
4. Complete a case information sheet. This sheet provides information that the court needs in order to properly schedule your case.
5. The Clerk will prepare three (3) copies of the summons for each Defendant, to be distributed as follows:
  - (1) copy is for the case file
  - (1) copy is served upon the Defendant (along with a copy of the Complaint and information sheet)
  - (1) copy is returned to the court file along with Sheriff's return of Affidavit of Service/Non-service by Certified Mail or Private Processor OR Sheriff's Return.
6. Give instructions to the Clerk as to how the Complaint will be served. Choose either:
  - Certified Mail - Restricted Delivery
  - Sheriff
  - Private Process

If no alternative instructions are provided, the summons is always returned to the plaintiff for service. READ THE GENERAL INSTRUCTIONS FOR IMPORTANT INFORMATION REGARDING OBTAINING SERVICE.

The Sheriff charges \$40.00 for obtaining service. Checks should be made payable to the Sheriff (for the County where the party is located). The Sheriff returns the copies of the summons to the case file and indicates whether or not service has been obtained.

If served by Certified Mail or by Private Process, there are affidavits that must be completed for the case file. Those affidavits can be obtained on the web or at the Clerk's Office. Attach a copy of any summons (process) issued by the Court, the original of which was included in the certified mail service upon the person served.

7. The case is not at issue and cannot be heard by the Court until the other side has been properly served. Proof of Service must be submitted to the Clerk immediately upon obtaining service. If service is not obtained before the summons expires, you may file a request for a re-issue of the summons. However, if service is not obtained within 120 days after the case is filed, the case is subject to dismissal for lack of jurisdiction. You should contact an attorney for assistance with methods of alternative service.

8. The defendant has 30 days to answer if he or she is served in Maryland, 60 days to answer if he or she is served out of state, and 90 days to answer if he or she is served outside the US.

9. Unless an answer is received, the case will not be scheduled for a hearing. If the defendant has been served properly and the time for filing of the answer has passed *but* the other side has not filed an answer, the case will not move forward until a Request for Order of Default is filed with a copy of the proof of service attached. If the Judge signs the request for an Order of Default, the other party will be notified of the default and the case can be scheduled for a hearing.

10. Once service has been obtained, a Certificate of Service must appear on all pleadings/papers filed in the court jacket *regardless* of which party files the papers. A sample copy of the Certificate of Service is also on the web site.

**READ THE GENERAL INSTRUCTIONS THAT ARE PROVIDED WITH EACH FORM YOU ARE USING. COPIES OF ALL FORMS AND INSTRUCTIONS ARE ALSO AVAILABLE ON THE COURT'S WEB SITE AT [www.mdcourts.gov](http://www.mdcourts.gov).**

If you are unclear about how to fill out the forms, assistance for self-represented litigants is available on the second floor of the Courthouse every Wednesday from 12:30 to 2:30 pm. Assistance is offered on a first come, first served basis. Sign-up begins at 8:30 am. Other assistance is available through the Family Law Hotline - operated every Monday through Friday from 9:00-4:30 @ 1-800-845-8550; Pro Se Hotline (Women's Law Center / Legal Forms Helpline) can assist with completing forms. Hours are Tuesday 9:00-12:30, Wednesday 9:00-12:30, Thursday 9:00-4:00, and Friday 9:00-12:30 @ 1-800-818-9888.

The People's Law Library Website has a wealth of information regarding all types of legal issues. Visit them at: <http://www.peoples-law.info/Home/PublicWeb>.

**THE CLERK'S OFFICE CAN NOT PROVIDE ANY LEGAL ADVICE OR TELL YOU WHAT YOU SHOULD SAY ON THE FORMS.**