

IN THE SUPREME COURT OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its Two Hundred and Twenty-Eighth Report to the Supreme Court of Maryland, recommending proposed new Title 15, Chapter 1700 (Assisted Outpatient Treatment); proposed new Rule 19-803; and proposed amendments to current Rules 1-101, 2-422, 3-325, 3-421, 4-203, 4-211, 4-231, 4-345, 4-507, 5-601, 5-615, 5-804, 8-501, 10-203, 10-302, 16-903, 16-914, 19-728, and 20-109 of the Maryland Rules of Procedure, all as posted for comment on the website of the Maryland Judiciary; and

This Court having considered the proposed Rules changes, together with comments received, at an open meeting, notice of which was posted as prescribed by law, making on its own motion certain additions and amendments to the proposed Rules changes, and finding that exigent circumstances exist with respect to new Title 15, Chapter 1700 and amendments to Rules 1-101, 10-203, 10-302, and 16-914, it is this 4th day of June, 2026

ORDERED, by the Supreme Court of Maryland, that new Title 15, Chapter 1700 (Assisted Outpatient Treatment) be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED that new Rule 19-803 be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 1-101, 2-422, 3-325, 3-421, 4-203, 4-211, 4-231, 4-345, 4-507, 5-601, 5-615, 5-804, 8-501, 10-203, 10-302, 16-903, 16-914, 19-728, and 20-109 of the Maryland Rules of Procedure be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that new Title 15, Chapter 1700 and the amendments to Rules 1-101, 10-203, 10-302, and 16-914 hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after July 1, 2026 and, in so far as practicable, to all actions then pending; and it is further

ORDERED that all other Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after October 1, 2026 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/s/ Matthew J. Fader
Matthew J. Fader

/s/ Shirley M. Watts
Shirley M. Watts

/s/ Brynja M. Booth
Brynja M. Booth

/s/ Jonathan Biran
Jonathan Biran

/s/ Steven B. Gould
Steven B. Gould

/s/ Angela M. Eaves
Angela M. Eaves

/s/ Peter K. Killough
Peter K. Killough

Filed: June 4, 2026

/s/ Gregory Hilton
Clerk
Supreme Court of Maryland

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 100 – APPLICABILITY AND CITATION

AMEND Rule 1-101 by adding categories of special proceedings to section (o), as follows:

Rule 1-101. APPLICABILITY

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(o) Title 15

Title 15 applies to special proceedings relating to arbitration, assisted outpatient treatment, catastrophic health emergencies, contempt, coram nobis, derivative actions, habeas corpus, health claims arbitration, injunctions, judicial releases of individuals confined for mental disorders, liens for unpaid wages, mandamus, marriage of minors, the Maryland Automobile Insurance Fund, name changes and judicial declarations of gender identity, structured settlement transfers, and wrongful death.

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MARYLAND RULES OF PROCEDURE
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 400 - DISCOVERY

AMEND Rule 2-422 by deleting certain language and adding language to section (c), as follows:

Rule 2-422. DISCOVERY OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND PROPERTY – FROM PARTY

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(c) Response

The party to whom a request is directed shall serve a written response within 30 days after service of the request or within 15 days after the date on which that party's initial pleading or motion is required, whichever is later. ~~The~~ As to each item or category requested to be inspected, the response shall set forth the request and state, ~~with respect to each item or category,~~ that (1) inspection and related activities will be permitted as requested, (2) the request is refused, or (3) the request for production in a particular form is refused. The grounds for each refusal shall be fully stated. If the refusal relates to part of an item or category, the part shall be specified. If a refusal relates to the form in which electronically stored information is requested to be produced (or if no form was specified in the request) the responding party shall state the form in which it would produce the information.

Cross reference: See Rule 2-402 (b)(1) for a list of factors used by the court to determine the reasonableness of discovery requests and (b)(2) concerning the assessment of the costs of discovery.

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MARYLAND RULES OF PROCEDURE
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT
CHAPTER 300 – PLEADINGS AND MOTIONS

AMEND Rule 3-325 by adding to subsection (a)(2) a reference to certain sections of Title 8 of the Real Property Article of the Maryland Code, as follows:

Rule 3-325. JURY TRIAL

(a) Demand – Time for Filing

(1) By Plaintiff

A plaintiff whose claim is within the exclusive jurisdiction of the District Court may elect a trial by jury of any action triable of right by a jury by filing with the complaint a separate written demand therefor.

(2) By Defendant

A defendant, counter-defendant, cross-defendant, or third-party defendant may elect a trial by jury of any action triable of right by a jury by filing a separate written demand therefor within ten days after the time for filing a notice of intention to defend or, if applicable, within the time provided in Code, Real Property Article, § 8-601 et seq.

(b) Waiver

The failure of a party to file the demand as provided in section (a) of this Rule constitutes a waiver of trial by jury of the action for all purposes, including trial on appeal.

(c) Transmittal of Record to Circuit Court

When a timely demand for jury trial is filed, the clerk shall transmit the record to the circuit court within 15 days. At any time before the record is transmitted pursuant to this section, the District Court may determine, on motion or on its own initiative, that the demand for jury trial was not timely filed or that the action is not triable of right by a jury.

Cross reference: Code, Courts Article, § 4-402(e)(2).

Source: This Rule is derived as follows:
Section (a) is derived from former M.D.R. 343 b and c.
Section (b) is derived from former M.D.R. 343 a.
Section (c) is derived from former M.D.R. 343 d and e.

MARYLAND RULES OF PROCEDURE
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT
CHAPTER 400 – DISCOVERY

AMEND Rule 3-421 by adding a provision to section (b) related to the ability of the court to alter the time to serve interrogatories and by making stylistic changes, as follows:

Rule 3-421. INTERROGATORIES TO PARTIES

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(b) Availability; Number; Time for Filing

Any party may serve written interrogatories directed to any other party. Unless the court orders otherwise, a party may serve only one set of not more than 15 interrogatories to be answered by the same party. Interrogatories, however grouped, combined or arranged and even though subsidiary or incidental to or dependent upon other interrogatories, shall be counted separately. Each form interrogatory contained in the Appendix to these Rules shall count as a single interrogatory. The Unless otherwise ordered by the court, (1) the plaintiff may serve interrogatories no later than ten days after the date on which the clerk mails the notice required by Rule 3-307 (d).~~The~~ and (2) the defendant may serve interrogatories no later than ten days after the time for filing a notice of intention to defend.

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MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-203 by adding a cross reference after section (a), as follows:

Rule 4-203. CHARGING DOCUMENT – JOINDER OF OFFENSES AND DEFENDANTS

(a) Multiple Offenses

Two or more offenses, whether felonies or misdemeanors or any combination thereof, may be charged in separate counts of the same charging document if the offenses charged are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

Cross reference: See Code, Criminal Law Article, § 7-103(f)(2) permitting joinder of multiple thefts under one scheme or a continuing course of conduct committed by the same defendant in multiple counties.

(b) Multiple Defendants – Separate Charging Documents

Regardless of whether two or more defendants are alleged to have participated in the same act or transaction or in the same series of acts or transactions, a charging document may not contain charges against more than one defendant.

Source: This Rule is derived as follows:
Section (a) is derived from former Rule 712 a and M.D.R. 712.
Section (b) is derived from former Rule 712 b.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-211 by updating the cross reference after section (b), as follows:

Rule 4-211. FILING OF CHARGING DOCUMENT

(a) Citation

The original of a citation shall be filed in District Court promptly after its issuance and service. Electronic data documenting the citation uploaded to the District Court by or on behalf of the peace officer who issued the citation shall be regarded as an original of the citation.

(b) Statement of Charges

(1) Before Any Arrest

Except as otherwise provided by statute, a judicial officer may file a statement of charges in the District Court against a defendant who has not been arrested for that offense upon written application containing an affidavit showing probable cause that the defendant committed the offense charged. If not executed by a peace officer, the affidavit shall be made and signed before a judicial officer.

(2) After Arrest

When a defendant has been arrested without a warrant, unless an information is filed in the District Court, the officer who has custody of the

defendant shall (A) forthwith cause a statement of charges to be filed against the defendant in the District Court and (B) at the same time or as soon thereafter as is practicable file an affidavit containing facts showing probable cause that the defendant committed the offense charged.

Cross reference: See Code, Courts Article, § 2-608 for special requirements concerning an application for a statement of charges against a law enforcement officer, an educator, an adult protective services worker, a child welfare caseworker, or a person within the definition of “emergency services personnel” in that section for an offense allegedly committed in the course of executing the person's duties.

(c) Information

A State's Attorney may file an information as permitted by Rule 4-201.

Committee note: Nothing in section (b) of this Rule precludes the filing of an information in the District Court by a State's Attorney at any time, whether in lieu of the filing of a statement of charges or as an additional or superseding charging document after a statement of charges has been filed.

(d) Indictment

The circuit court shall file an indictment returned by a grand jury.

Source: This Rule is derived as follows:
Section (a) is derived from the last clause of M.D.R. 720 i.
Section (b) is derived from M.D.R. 720 a and b.
Section (c) is new.
Section (d) is new.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-231 by expanding the cross reference after section (b) and by making a stylistic change, as follows:

Rule 4-231. PRESENCE OF DEFENDANT

(a) When Presence Required

A defendant shall be present at all times when required by the court. A corporation may be present by counsel.

(b) Right to Be Present—Exceptions

A defendant is entitled to be physically present in person at a preliminary hearing and every stage of the trial, except (1) at a conference or argument on a question of law; and (2) when a nolle prosequi or stet is entered pursuant to Rules 4-247 and 4-248.

Cross reference: See Code, Criminal Procedure Article, § 11-303 concerning the testimony of a child victim by closed circuit television in certain circumstances.

(c) Waiver of Right to Be Present

The right to be present under section (b) of this Rule is waived by a defendant:

(1) who is voluntarily absent after the proceeding has commenced, whether or not informed by the court of the right to remain; or

(2) who engages in conduct that justifies exclusion from the courtroom; or

(3) who, personally or through counsel, agrees to or acquiesces in being absent.

(d) Video Conferencing in District Court

In the District Court, if the Chief Judge of the District Court has approved the use of video conferencing in the county, a judicial officer may conduct an initial appearance under Rule 4-213 (a) or a review of the commissioner's pretrial release determination under Rule 4-216.2 with the defendant and the judicial officer at different locations, provided that:

(1) the defendant's right to counsel under Rules 4-213.1 and 4-216.2 is not infringed;

(2) the video conferencing procedure and technology are approved by the Chief Judge of the District Court for use in the county; and

(3) immediately after the proceeding, all documents that are not a part of the District Court file and that would be a part of the file if the proceeding had been conducted face-to-face shall be electronically transmitted or hand-delivered to the District Court.

(e) Electronic Proceedings in Circuit Court

A circuit court may conduct an initial appearance under Rule 4-213 (c) or a review of the District Court's release determination in accordance with Rule 21-301 and the procedures, standards, and requirements set forth in Rule 21-104 relating to remote electronic participation, provided that (1) the defendant's right to an attorney is not infringed, (2) the defendant's right to a qualified interpreter under Code, Criminal Procedure Article, § 1-202 is not infringed,

and (3) to the extent required by law and practicable, any victim or victim's representative has been notified of the proceeding and has an opportunity to observe it.

Committee note: Except when specifically covered by this Rule, the matter of presence of the defendant during any stage of the proceedings is left to case law and the Rule is not intended to exhaust all situations.

Source: Sections (a), (b), and (c) of this Rule are derived from former Rule 724 and M.D.R. 724. Sections (d) and (e) are new.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 300 – TRIAL AND SENTENCING

AMEND Rule 4-345 by deleting certain language in subsection (e)(1) and adding language regarding the court’s revisory power to enter a disposition of probation before judgment, by expanding the current cross reference and Committee note after subsection (e)(1), by adding new subsection (e)(2) addressing the duration of the court’s revisory power, by adding new subsection (e)(3) pertaining to the filing of a Request for Hearing and Determination, by renumbering current subsection (e)(2) as (e)(4), by moving section (f) and making current subsection (e)(3) new subsection (f)(1), by making new subsection (f)(2) with the language of current section (f), and by updating an internal reference in subsection (f)(2), as follows:

Rule 4-345. SENTENCING - REVISORY POWER OF COURT

(a) Illegal Sentence

The court may correct an illegal sentence at any time.

(b) Fraud, Mistake, or Irregularity

The court has revisory power over a sentence in case of fraud, mistake, or irregularity.

(c) Correction of Mistake in Announcement

The court may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the

courtroom following the sentencing proceeding.

Cross reference: See *State v. Brown*, 464 Md. 237 (2019), concerning an evident mistake in the announcement of a sentence.

(d) Desertion and Non-Support Cases

At any time before expiration of the sentence in a case involving desertion and non-support of spouse, children, or destitute parents, the court may modify, reduce, or vacate the sentence or place the defendant on probation under the terms and conditions the court imposes.

(e) Modification Upon Motion

(1) Generally

Upon a motion filed within 90 days after imposition of a sentence (A) in the District Court, if an appeal has not been perfected or has been dismissed, and (B) in a circuit court, whether or not an appeal has been filed, the court has revisory power over the sentence ~~except that it may not revise the sentence after the expiration of five years from the date the sentence originally was imposed on the defendant and it may not, including the ability to enter a disposition of probation before judgment, for the period of time stated in subsection (e)(2) of this Rule. The revisory power does not include the ability to~~ increase the sentence.

Cross reference: See Rule 7-112 (b) regarding a de novo appeal from a judgment of the District Court. See Code, Criminal Procedure Article, § 6-220(f) for restrictions on a court's authority to enter probation before judgment.

Committee note: The revisory power to enter a disposition of probation before judgment applies in any action in which probation before judgment would have been a lawful disposition at the original sentencing. Except as provided in Code, Health-General Article, § 8-505, the court at any time may commit a

defendant who is found to have a drug or alcohol dependency to a treatment program in the Maryland Department of Health if the defendant voluntarily agrees to participate in the treatment, even if the defendant did not timely file a motion for modification or timely filed a motion for modification that was denied. See Code, Health-General Article, § 8-507.

(2) Duration of Revisory Power

In ruling on a motion filed pursuant to subsection (e)(1) of this Rule, the court may not revise the sentence after expiration of five years from the date the sentence originally was imposed on the defendant, except that the court, for good cause shown, may extend the five-year period by an additional 60 days.

(3) Request for Hearing and Determination of Motion

Subsection (e)(3) of this Rule applies to motions filed on or after October 1, 2026. No later than six months before expiration of five years from the date the sentence originally was imposed on the defendant, if the motion has not been ruled upon, the defendant may file a “Request for Hearing and Determination” of the motion. Upon receipt of the Request, and before expiration of five years from the date the sentence originally was imposed, the court shall review the Request and the motion and shall either (a) deny the motion and the Request without a hearing or (b) proceed in accordance with section (f) of this Rule. Except for good cause shown, a failure to timely file a Request for Hearing and Determination of the motion may be deemed a withdrawal of the motion.

(2)(4) Notice to Victims

The State's Attorney shall give notice to each victim and victim's

representative who has filed a Crime Victim Notification Request form pursuant to Code, Criminal Procedure Article, § 11-104 or who has submitted a written request to the State's Attorney to be notified of subsequent proceedings as provided under Code, Criminal Procedure Article, § 11-503 that states (A) that a motion to modify or reduce a sentence has been filed; (B) that the motion has been denied without a hearing or the date, time, and location of the hearing; and (C) if a hearing is to be held, that each victim or victim's representative may attend and testify.

(f) Open Court Hearing

~~(3)~~(1) Inquiry by Court

Before considering a motion under this Rule, the court shall inquire if a victim or victim's representative is present. If one is present, the court shall allow the victim or victim's representative to be heard as allowed by law. If a victim or victim's representative is not present and the case is one in which there was a victim, the court shall inquire of the State's Attorney on the record regarding any justification for the victim or victim's representative not being present, as set forth in Code, Criminal Procedure Article, § 11-403(e). If no justification is asserted or the court is not satisfied by an asserted justification, the court may postpone the hearing.

~~(f) Open Court Hearing~~

(2) Conduct of Hearing

The court may modify, reduce, correct, or vacate a sentence only on the record in open court, after hearing from the defendant, the State, and from

each victim or victim's representative who requests an opportunity to be heard. The defendant may waive the right to be present at the hearing. No hearing shall be held on a motion to modify or reduce the sentence until the court determines that the notice requirements in subsection ~~(e)(2)~~(e)(4) of this Rule have been satisfied. If the court grants the motion, the court ordinarily shall prepare and file or dictate into the record a statement setting forth the reasons on which the ruling is based.

Cross reference: See Code, Criminal Law Article, § 5-609.1 regarding an application to modify a mandatory minimum sentence imposed for certain drug offenses prior to October 1, 2017, and for procedures relating thereto. See Code, Criminal Procedure Article, § 10-105.3 regarding an application for resentencing by a person incarcerated after a conviction of possession of cannabis under Code, Criminal Law Article, § 5-601.

Source: This Rule is derived in part from former Rule 774 and M.D.R. 774, and is in part new

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 500 – EXPUNGMENT OF RECORDS

AMEND Rule 4-507 by expanding the cross reference after section (b), as follows:

Rule 4-507. HEARING

(a) On Application

In the case of an application for expungement, a hearing shall be held not later than 45 days after the filing of the application.

Cross reference: Code, Criminal Procedure Article, § 10-103(f).

(b) On Petition

In the case of a petition for expungement, a hearing shall be held only if the State's Attorney or law enforcement agency objects to the petition by way of timely answer.

Cross reference: See Code, Criminal Procedure Article, §§ 10-105(e) and 10-110(f) regarding hearings on petitions for expungement, including factors for the court to consider in determining whether a person is entitled to expungement.

Source: This Rule is derived from former Rule EX6.

MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 600 – WITNESSES

AMEND Rule 5-601 by updating the cross-reference, as follows:

Rule 5-601. GENERAL RULE OF COMPETENCY

Except as otherwise provided by law, every person is competent to be a witness.

Committee note: Under this Rule, a witness is not generally incompetent by virtue of status. A court could find, however, that because of insufficient memory, intelligence, or ability to express oneself, or inability to appreciate the need to tell the truth, a particular witness is not competent to testify as to certain matters. See Rules 5-401 through 5-403, and 5-603.

Cross reference: Code, Courts Article, §§ ~~9-104~~ 9-105 and 9-116.

Source: This Rule is derived from F.R.Ev. 601.

MARYLAND RULES OF PROCEDURE

TITLE 5 – EVIDENCE

CHAPTER 600 – WITNESSES

AMEND Rule 5-615 by adding language to subsections (b)(2) and (b)(4) concerning the ability of the State in a criminal action to designate certain individuals to be present during the testimony of other witnesses, by adding a Committee note after subsection (b)(2), and by making a stylistic change, as follows:

Rule 5-615. EXCLUSION OF WITNESSES

(a) In General

Except as provided in sections (b) and (c) of this Rule, upon the request of a party made before testimony begins, the court shall order witnesses excluded so that they cannot hear the testimony of other witnesses. When necessary for proper protection of the defendant in a criminal action, an identification witness may be excluded before the defendant appears in open court. The court may order the exclusion of a witness on its own initiative or upon the request of a party at any time. The court may continue the exclusion of a witness following the testimony of that witness if a party represents that the witness is likely to be recalled to give further testimony.

Cross reference: For circumstances when the exclusion of a witness may be inappropriate, see *Tharp v. State*, 362 Md. 77 (2000).

(b) Witnesses Not to Be Excluded

A court shall not exclude pursuant to this Rule:

- (1) a party who is a natural person,
- (2) an officer or employee of a party that is not a natural person designated as its representative by its attorney, except that in a criminal action the State may not designate such a representative,

Committee note: Nothing in subsection (b)(2) of this Rule is intended to exclude an individual who otherwise qualifies to be present under subsections (b)(3), (b)(4), or (b)(5) of this Rule.

- (3) an expert who is to render an opinion based on testimony given at the trial,

- (4) a person whose presence is shown by a party to be essential to the presentation of the party's cause, such as an expert necessary to advise and assist counsel, except that in a criminal action the State may not designate a law enforcement officer who was involved in the investigation of the case, or

- (5) a victim of a crime or a delinquent act, including any representative of such a deceased or disabled victim, to the extent required by statute.

Cross reference: Code, Courts Article, § 3-8A-13; Criminal Procedure Article, § 11-102 and § 11-302; Rule 4-231.

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MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 800 – HEARSAY

AMEND Rule 5-804 by adding a citation to the cross reference following subsection (b)(3), as follows:

Rule 5-804. HEARSAY EXCEPTIONS; DECLARANT UNAVAILABLE

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(b) Hearsay Exceptions

The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former Testimony

Testimony given as a witness in any action or proceeding or in a deposition taken in compliance with law in the course of any action or proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

(2) Statement Under Belief of Impending Death

In a prosecution for an offense based upon an unlawful homicide, attempted homicide, or assault with intent to commit a homicide or in any civil action, a statement made by a declarant, while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be the declarant's impending death.

(3) Statement Against Interest

A statement which was at the time of its making so contrary to the declarant's pecuniary or proprietary interest, so tended to subject the declarant to civil or criminal liability, or so tended to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless the person believed it to be true. A statement tending to expose the declarant to criminal liability and offered in a criminal case is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

Cross reference: See Code, Courts Article, § 10-920, distinguishing expressions of regret or apology by health care providers from admissions of liability or fault, and *State v. Smith*, 487 Md. 635 (2024) concerning a trial court's duty to parse each statement in a narrative offered against interest and exclude those statements that do not inculcate the declarant.

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MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE

APPELLATE COURT

CHAPTER 500 – RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-501 by correcting a reference to Rule 8-412 in section (l) as follows:

Rule 8-501. RECORD EXTRACT

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(l) Deferred Record Extract; Special Provisions Regarding Filing of Briefs

(1) If the parties so agree in a written stipulation filed with the Clerk or if the appellate court so orders on motion or on its own initiative, the preparation and filing of the record extract may be deferred in accordance with this section. The provisions of section (d) of this Rule apply to a deferred record extract, except that the designations referred to therein shall be made by each party at the time that party serves the page-proof copies of its brief.

(2) If a deferred record extract authorized by this section is employed, the appellant, within 30 days after the filing of the notice required by Rule 8-412 ~~(a)~~(c), shall file one page-proof copy of the brief and shall serve one copy on each party. Within 30 days after the filing of the page-proof copy of the appellant's brief, the appellee shall file one page-proof copy of the brief and shall serve one copy on the appellant. The page-proof copies shall contain appropriate references to the pages of the parts of the record involved. The

parties are not required to file paper copies of page-proof briefs if they are represented by counsel or are registered users of MDEC.

Committee note: Attorneys and other registered users are required to file briefs and other papers with the court electronically.

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MARYLAND RULES OF PROCEDURE
TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 200 – GUARDIAN OF THE PERSON

AMEND Rule 10-203 by clarifying in section (a) that the petitioner is responsible for causing the show cause order to be served, as follows:

Rule 10-203. SERVICE; NOTICE

(a) Service on Minor or Alleged Disabled Person

The petitioner shall ~~serve~~ cause a show cause order issued pursuant to Rule 10-104 to be served on the minor or alleged disabled person and on the parent, guardian, or other person having care or custody of the minor or alleged disabled person. Service shall be in accordance with Rule 2-121 (a). If the minor or alleged disabled person resides with the petitioner, service shall be made upon the minor or disabled person and on such other person as the court may direct. Service upon a minor under the age of ten years may be waived provided that the other service requirements of this section are met. The show cause order served on a disabled person shall be accompanied by an “Advice of Rights” in the form set forth in Rule 10-204.

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MARYLAND RULES OF PROCEDURE
TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 300 – GUARDIAN OF PROPERTY

AMEND Rule 10-302 by clarifying in section (a) that the petitioner is responsible for causing the show cause order to be served, as follows:

Rule 10-302. SERVICE; NOTICE

(a) Service on Minor or Alleged Disabled Person

The petitioner shall ~~serve~~ cause a show cause order issued pursuant to Rule 10-104 to be served on the minor or alleged disabled person and on the parent, guardian, or other person having care or custody of the minor or alleged disabled person or of the estate belonging to the minor or alleged disabled person. Service shall be in accordance with Rule 2-121 (a). If the minor or alleged disabled person resides with the petitioner, service shall be made upon the minor or disabled person and on such other person as the court may direct. Service upon a minor under the age of ten years may be waived provided that the other service requirements of this section are met. The show cause order served on a disabled person shall be accompanied by an “Advice of Rights” in the form set forth in Rule 10-303.

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MARYLAND RULES OF PROCEDURE
TITLE 15 – OTHER SPECIAL PROCEEDINGS
CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

Rule 15-1701. APPLICABILITY; DEFINITIONS

- (a) Applicability
- (b) Definitions

Rule 15-1702. PETITION

- (a) Who May File
- (b) Venue
- (c) Contents; Attachments
- (d) Required Affidavit or Affirmation

Rule 15-1703. NOTICE OF PETITION AND ORDER TO APPEAR; SERVICE

- (a) Notice of Petition and Order to Appear
- (b) Service on Respondent
- (c) Notice to Other Persons

Rule 15-1704. ADVICE OF RIGHTS

Rule 15-1705. INITIAL HEARING

- (a) Generally
- (b) Required Attendees
- (c) Permitted Attendees
- (d) Respondent Not Present
- (e) Conduct of Hearing

Rule 15-1706. MERITS HEARING

- (a) Requirement; Scheduling
- (b) Required Testimony
- (c) Respondent Not Present
- (d) Conduct of Hearing

Rule 15-1707. FINDINGS; ORDER

- (a) Findings

- (b) Order
- (c) Failure to Comply

Rule 15-1708. MODIFICATION; STATUS CONFERENCE

- (a) Modification
- (b) Status Conference
- (c) Notice of Emergency Evaluation

Rule 15-1709. CONFIDENTIALITY

- (a) Records
- (b) Hearings

MARYLAND RULES OF PROCEDURE
TITLE 15 – OTHER SPECIAL PROCEEDINGS
CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1701, as follows:

Rule 15-1701. APPLICABILITY; DEFINITIONS

(a) Applicability

The Rules in this Chapter apply to assisted outpatient treatment proceedings under Code, Health – General Article, Title 10, Subtitle 6A.

(b) Definitions

(1) Statutory Definitions

The definitions in Code, Health – General Article, §§ 7.5-101 and 10-6A-01 are applicable to the Rules in this Chapter.

Cross reference: See Code, Health – General Article, § 7.5-101 for definitions of “core service agency,” “local behavioral health authority,” and “mental health program.”

See Code, Health – General Article, § 10-6A-01 for definitions of “assisted outpatient treatment,” “care coordination team,” “harm to others,” “harm to the individual,” “hospital,” “program,” “serious and persistent mental illness,” and “treatment plan.”

(2) Additional Definition

In this Chapter, “Department” means the Maryland Department of Health.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 – OTHER SPECIAL PROCEEDINGS
CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1702, as follows:

Rule 15-1702. PETITION

(a) Who May File

A petition for assisted outpatient treatment may be filed by:

(1) the director of a mental health program receiving state funding under Code, Health – General Article, Title 10, Subtitle 9, Part I; or

(2) an individual who is at least 18 years old and has a legitimate interest in the welfare of the respondent.

Cross reference: See Code, Health – General Article, § 10-6A-04(a).

(b) Venue

A petition for assisted outpatient treatment shall be filed in the circuit court for the county in which the respondent resides or in the county of the last known residence of the respondent.

Cross reference: See Code, Health – General Article, § 10-6A-04(d).

(c) Contents

A petition for assisted outpatient treatment shall be in writing, signed by the petitioner, and state:

(1) the name and address of the petitioner;

(2) the name and address of the respondent;

(3) the relationship of the petitioner to the respondent, if any;

(4) for a petition filed by an individual pursuant to subsection (a)(2) of this Rule, the basis for a finding that the individual has a legitimate interest in the welfare of the respondent;

(5) the name and address of each guardian and health care agent of the respondent, if any, or that there is no known guardian or health care agent;
and

(6) that the petitioner has reason to believe that the respondent meets the criteria for assisted outpatient treatment set forth in Code, Health – General Article, § 10-6A-05, and, as to each criterion, specific allegations of fact supporting that belief.

(d) Required Affidavit or Affirmation

The petitioner shall file with the petition an affidavit or affirmation of a psychiatrist in accordance with Code, Health – General Article, § 10-6A-04.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1703, as follows:

Rule 15-1703. NOTICE OF PETITION AND ORDER TO APPEAR; SERVICE

(a) Notice of Petition and Order to Appear

(1) Generally

(A) Petition by Individual Pursuant to Rule 15-1702 (a)(2)

No later than the next business day after the filing of a petition by an individual pursuant to Rule 15-1702 (a)(2), a judge or magistrate shall review the petition for compliance with Code, Health – General Article, § 10-6A-04 and Rule 15-1702. If the petition is not in compliance, the court shall dismiss the petition without prejudice. If the petition is in compliance, the court shall proceed in accordance with subsection (a)(1)(B) of this Rule.

(B) Scheduling; Issuance

Upon the filing of a petition pursuant to Rule 15-1702 (a)(1) or upon a finding of compliance under subsection (a)(1)(A) of this Rule, the court shall schedule an initial hearing to be held ten days from the date the petition was filed and issue a Notice of Petition and Order to Appear in accordance with subsection (a)(2) of this Rule. If the respondent is not served in accordance with section (b) of this Rule prior to the date of the initial hearing, the court shall schedule a new date for the initial hearing and reissue the Notice of

Petition and Order to Appear. The court may postpone the initial hearing for up to 30 days for good cause shown.

(2) Contents; Attachments

The Notice of Petition and Order to Appear shall direct the person on whom it is served to appear for an initial hearing pursuant to Rule 15-1705 to (A) determine whether the petition meets the requirements of Code, Health – General Article, § 10-6A-04 and Rule 15-1702 (c); (B) inform the respondent of the right to be represented by counsel; and, (C) as appropriate, schedule a hearing pursuant to Code, Health – General Article, § 10-6A-07. The Notice of Petition and Order to Appear also shall specify who is to be served, the method of service, and the date, time, and place of the initial hearing and be accompanied by a copy of the petition and an “Advice of Rights” in the form set forth in Rule 15-1704. The Notice of Petition and Order to Appear shall state that a merits hearing may be held in person or virtually and shall contain instructions for how to request virtual participation.

Cross reference: See Code, Health – General Article, § 10-6A-10(d) prohibiting a finding of contempt for failure to comply with an order of assisted outpatient treatment. See Rule 15-1705 (d) for procedures governing an initial hearing where the respondent does not appear.

(b) Service on Respondent

The petitioner shall cause the Notice of Petition and Order to Appear issued pursuant to section (a) of this Rule, including all attachments, to be served on the respondent in the manner provided by Rule 2-121 (a) and returnable as provided by Rule 2-126. If the respondent resides with the

petitioner, service shall be made upon the respondent and on such other persons as the court may direct.

(c) Notice to Other Persons

Unless the court orders otherwise, the clerk shall mail a copy of the petition and the Notice of Petition and Order to Appear by first-class mail to:

- (1) the Mental Health Division of the Office of the Public Defender;

Committee note: The respondent is entitled to representation by the Office of the Public Defender in assisted outpatient treatment proceedings in accordance with Code, Criminal Procedure Article, §§ 16-204 and 16-208 and Code, Health – General Article, § 10-6A-07 or may elect to retain private counsel.

- (2) the Department or, if the county has established a program pursuant to Code, Health – General Article, § 10-6A-03, the applicable local behavioral health authority or core service agency of the county;

- (3) the county attorney; and

- (4) each guardian and health care agent of the respondent listed in the petition.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 – OTHER SPECIAL PROCEEDINGS
CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1704, as follows:

Rule 15-1704. ADVICE OF RIGHTS

The Advice of Rights required to be served on a respondent shall be in the following form:

ADVICE OF RIGHTS

TO _____
(Name)

[Petitioner’s name] has filed a petition alleging that you are in need of outpatient mental health treatment. A copy of the petition is attached. If the court grants the petition, you could be ordered to participate in assisted outpatient treatment for up to one year. You have not been charged with a crime. This is intended to be a process that may result in treatment for your benefit.

YOU HAVE CERTAIN RIGHTS IN THIS CASE:

1. You are entitled to be represented by an attorney of your choosing. The Maryland Office of the Public Defender will be notified of the filing of the petition, and you may be entitled to representation at no expense. You may contact the office by calling 410-999-8279 or you may visit opd.state.md.us for more information or to apply for an attorney.

2. You have a right to a hearing on the petition.
3. You have the right to be present at any hearing. If you choose not to be present, decisions may be made without your input.
4. You have the right to present evidence on your own behalf and to cross-examine witnesses against you. You are not required to testify at the hearing.
5. The hearing shall be closed to the public, unless you request that it not be.
6. You will have the opportunity to participate in the development of a treatment plan and the opportunity to voluntarily agree to the treatment plan.
7. If you have a guardian or health care agent, that individual has a right to participate in the process.
8. If you have a valid advance directive that applies to your mental health treatment, the care coordination team must honor it.
9. The hearing may be conducted in person or virtually. If the Notice of Petition and Order to Appear does not contain specific instructions, you may file a written request or motion for a virtual hearing in the Clerk's Office for the circuit court that received the petition.

The above statements cannot cover all possible situations. Please read the attached papers carefully. You should consult with your attorney to determine what is in your best interest.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 – OTHER SPECIAL PROCEEDINGS
CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1705, as follows:

Rule 15-1705. INITIAL HEARING

(a) Generally

The court shall hold an initial hearing in accordance with this Rule.

(b) Required Attendees

The initial hearing shall be attended by:

- (1) the petitioner;
- (2) the respondent;
- (3) a guardian or health care agent for the respondent, if any; and
- (4) counsel for a party or for any person entitled to receive notice.

(c) Permitted Attendees

Any other person who receives notice of the initial hearing pursuant to Rule 15-1703 may attend the hearing but is not required to do so.

(d) Respondent Not Present

If the respondent is not present at the initial hearing, the court may proceed with the hearing in accordance with this Rule. No body attachment shall issue and no contempt finding may be made against the respondent for failing to appear at the initial hearing.

(e) Conduct of Hearing

RULE 15-1705

At the initial hearing, the court shall:

(1) make a preliminary determination as to whether the petition meets the requirements of Code, Health – General Article, § 10-6A-04 and Rule 15-1702 (c) and, if so, schedule a hearing on the merits of the petition pursuant to Rule 15-1706;

(2) inform the respondent, if present, of the rights set forth in the Advice of Rights issued pursuant to Rule 15-1704; and

(3) if appropriate, appoint counsel for the respondent.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1706, as follows:

Rule 15-1706. MERITS HEARING

(a) Requirement; Scheduling

Upon a determination that a petition meets the requirements of Code, Health – General Article, § 10-6A-04 and Rule 15-1702 (c), the court shall schedule a hearing on the merits of the petition. The merits hearing on the petition shall be held no later than 60 days from the date the petition was filed, unless (1) otherwise ordered by the court for good cause shown or (2) the respondent has filed a written consent to a treatment plan and a stipulated agreement.

Cross reference: See Code, Health – General Article, § 10-6A-06(b)(3) regarding voluntary participation in assisted outpatient treatment.

(b) Required Testimony

At the merits hearing, the petitioner shall present the testimony of one or more psychiatrists as required by Code, Health – General Article, § 10-6A-07(d) and (e).

(c) Respondent Not Present

If the respondent is not present at the hearing, the court may proceed with the hearing in accordance with this Rule. No body attachment shall issue

and no contempt finding may be made against the respondent for failing to appear at the merits hearing.

(d) Conduct of Hearing

The merits hearing may be conducted in person or virtually.

Cross reference: See Rule 15-1703 (a)(2) and Rule 21-201 concerning remote electronic participation in civil proceedings.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 – OTHER SPECIAL PROCEEDINGS
CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1707, as follows:

Rule 15-1707. FINDINGS; ORDER

(a) Findings

The court may order the respondent to participate in assisted outpatient treatment for a period not to exceed one year if the court finds, by clear and convincing evidence, that:

- (1) the respondent is at least 18 years old;
- (2) the respondent has a serious and persistent mental illness;
- (3) the respondent has demonstrated a lack of adherence with treatment for the serious and persistent mental illness that meets the requirements of Code, Health – General Article, § 10-6A-05(a)(3);
- (4) in view of the respondent’s treatment history and behavior at the time the petition was filed, the respondent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would create a substantial risk of serious harm to the individual or harm to others;
- (5) the respondent is unlikely to adequately adhere to outpatient treatment on a voluntary basis, as demonstrated by the respondent’s history of treatment nonadherence in the 36 months immediately preceding the filing of the petition

that is not due to financial, transportation, or language issues during that period; and

(6) assisted outpatient treatment is the least restrictive alternative appropriate to maintain the health and safety of the respondent.

(b) Order

An order for participation in assisted outpatient treatment shall incorporate a treatment plan developed pursuant to Code, Health – General Article, § 10-6A-06 and may include only those elements of the treatment plan that the court finds by clear and convincing evidence are essential to the maintenance of the respondent’s health or safety.

Cross reference: See Code, Health – General Article, § 10-6A-08.

(c) Failure to Comply

Failure to comply with an order for assisted outpatient treatment issued pursuant to this Rule shall not be grounds for a finding of contempt or for involuntary admission pursuant to Code, Health – General Article, Title 10.

Cross reference: See Code, Health – General Article, § 10-6A-10(d).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1708, as follows:

Rule 15-1708. MODIFICATION; STATUS CONFERENCE

(a) Modification

(1) Generally

At any time during the period of an order for assisted outpatient treatment, a petitioner, care coordination team member, or respondent may file a motion requesting that the court stay, vacate, or modify the order. A motion for a material change to the treatment plan shall be made in accordance with subsection (a)(3) of this Rule.

Cross reference: See Code, Health – General Article, § 10-6A-09(a) defining a “material change” as the addition or deletion of a category of services listed in the treatment plan.

(2) Without Motion

The care coordination team shall notify the court in writing if it makes a nonmaterial change to the treatment plan or a material change that is explicitly authorized by the terms of the assisted outpatient treatment order.

(3) On Motion

(A) Generally

On motion, the court may incorporate a requested material change into the order for assisted outpatient treatment if (i) the respondent consents to the

proposed change or (ii) the court finds, by clear and convincing evidence, that the material change is essential to the maintenance of the respondent's health or safety.

(B) Hearing

At the request of the respondent, the court shall hold a hearing on a motion for material change and, if no such request is made, may hold a hearing on a motion for material change on its own initiative.

(C) Ruling

Except as provided in subsection (a)(4) of this Rule, the court shall rule on a motion for material change no later than 30 days after (i) the filing of a timely response or, (ii) if no response is timely filed, the expiration of the time to file a response.

(4) Immediate Necessity

(A) Emergency Motion for Modification

If a treating psychiatrist makes a change to a treatment plan due to immediate necessity, a care coordination team member shall:

(i) notify the respondent, the respondent's attorney, and, if applicable and known, the respondent's guardian and health care agent; and

(ii) file immediately an emergency motion.

(B) Ruling on Emergency Motion

The court shall consider the motion on an expedited basis after providing the respondent with notice and an opportunity to be heard.

(b) Status Conference

At any time after entry of an order for assisted outpatient treatment, the court may schedule a status conference to review the progress of the respondent.

(c) Notice of Emergency Evaluation

If the care coordination team becomes aware of a petition for emergency evaluation of the respondent filed pursuant to Code, Health – General Article, Title 10, Subtitle 6, Part IV, the care coordination team shall notify the court in writing of the reasons for the evaluation and findings of the evaluation.

Cross reference: Code, Health – General Article, § 10-6A-10.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 15 – OTHER SPECIAL PROCEEDINGS
CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1709, as follows:

Rule 15-1709. CONFIDENTIALITY

(a) Records

All papers and submissions in an assisted outpatient treatment proceeding shall be shielded upon filing and not open for public inspection. Unless the court orders otherwise, each of the following shall have access to case records in the proceeding: (1) the parties; (2) the Department or, if the county has established a program pursuant to Code, Health – General Article, § 10-6A-03, the applicable local behavioral health authority or the core service agency of the county; and (3) members of the respondent’s care coordination team.

Committee note: In cases where the petitioner is not a physician, a petitioner who does not already have authorization to access medical information relating to the respondent will have access to the case records in the proceeding unless the court enters an order restricting that access.

(b) Hearings

A hearing conducted pursuant to this Chapter shall be closed unless the respondent or counsel for the respondent requests otherwise.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 – COURT ADMINISTRATION
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS
DIVISION 1. GENERAL PROVISIONS

AMEND Rule 16-903 by correcting a typographical error and making a stylistic change to subsection (j)(2) as follows:

Rule 16-903. DEFINITIONS

• • •

(j) Judicial Record

“Judicial record” means a record that is the original or copy of any documentary material that:

(1) is made or received by, and is in the possession of, a judicial agency, judicial personnel, or a special judicial unit, in connection with the transaction of judicial business;

(2) is in any form, including the forms listed in Code, General Provisions Article, § ~~4-101(j)(1)(ii)~~, 4-101(k)(1)(ii); and

(3) includes:

(A) an administrative record;

(B) a license record;

(C) a case record;

(D) a notice record; or

(E) a special judicial record.

• • •

MARYLAND RULES OF PROCEDURE
TITLE 16 – COURT ADMINISTRATION
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS
DIVISION 2 – LIMITATIONS ON ACCESS

AMEND Rule 16-914 by adding new subsection (i)(7) pertaining to records in assisted outpatient treatment proceedings, as follows:

Rule 16-914. CASE RECORDS – REQUIRED DENIAL OF INSPECTION – CERTAIN CATEGORIES

Except as otherwise provided by law, court order, or the Rules in this Chapter, the custodian shall deny inspection of:

• • •

(i) The following case records containing medical or other health information:

(1) A case record, other than an autopsy report of a medical examiner, that (A) consists of a medical or psychological report or record from a hospital, physician, psychologist, or other professional health care provider, and (B) contains medical or psychological information about an individual.

(2) A case record pertaining to the testing of an individual for HIV that is declared confidential under Code, Health-General Article, § 18-338.1, § 18-338.2, or § 18-338.3.

(3) A case record that consists of information, documents, or records of a child fatality review team, to the extent they are declared confidential by Code, Health-General Article, § 5-709.

(4) A case record that contains a report by a physician or institution concerning whether an individual has an infectious disease, declared confidential under Code, Health-General Article, § 18-201 or § 18-202.

(5) A case record that contains information concerning the consultation, examination, or treatment of a developmentally disabled individual, declared confidential by Code, Health-General Article, § 7-1003.

(6) A case record relating to a petition for an emergency evaluation made under Code, Health-General Article, § 10-622 and declared confidential under § 10-630 of that Article.

(7) A case record relating to a petition for assisted outpatient treatment made under Code, Health-General Article, § 10-6A-01 *et seq.* and shielded pursuant to Rule 15-1709.

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MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 700 – DISCIPLINE, INACTIVE STATUS, RESIGNATION

DIVISION 3. PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL
ACTION

AMEND Rule 19-728 by removing the provision concerning paper copies from section (d), as follows:

Rule 19-728. POST-HEARING PROCEEDINGS

(a) Notice of the Filing of the Record

Upon receiving the record, the Clerk of the Supreme Court shall notify the parties that the record has been filed.

(b) Exceptions; Recommendations; Statement of Costs

Within 30 days after service of the notice required by section (a) of this Rule, each party may file (1) exceptions to the findings and conclusions of the hearing judge, (2) recommendations concerning the appropriate disposition under Rule 19-740 (c), and (3) a statement of costs to which the party may be entitled under Rule 19-709.

(c) Response

Within 15 days after service of exceptions, recommendations, or a statement of costs, the adverse party may file a response.

(d) Form

~~The parties shall file eight copies of any~~ Any exceptions,

recommendations, and responses. ~~The copies~~ shall conform to the requirements of Rule 8-112.

(e) Proceedings in Supreme Court

Review in and disposition by the Supreme Court are governed by Rule 19-740.

Source: This Rule is derived from former Rule 16-758 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 800 – ATTORNEY INFORMATION SYSTEM

ADD new Rule 19-803, as follows:

Rule 19-803. NAME CHANGE

(a) Request to Change an Attorney’s Name in AIS

A request to change an attorney’s name in AIS shall be made in writing and delivered to the Clerk of the Supreme Court. The request shall state:

- (1) the attorney’s present name reflected in AIS;
- (2) the attorney’s proposed name change;
- (3) the attorney’s AIS number; and
- (4) if wanted, a request for a new bar certificate.

(b) Required Supporting Documentation

The attorney’s name change request shall be accompanied by an original or certified copy of at least one of the following documents that supports the request:

- (1) a marriage certificate;
- (2) a divorce decree that includes an order restoring the attorney to a former name;
- (3) a court order changing the attorney’s name;
- (4) a certificate of citizenship; or
- (5) a certificate of naturalization.

(c) Clerk's Duties on Receipt of Compliant Request

Upon receipt of a request for name change that the Clerk determines complies with this Rule, the Clerk shall:

- (1) change the attorney's name in AIS; and
- (2) if the attorney requests a new bar certificate and pays any applicable fee charged by the Clerk, send the new certificate to the attorney's address of record in AIS.

(d) Action on Non-compliant Request

Upon receipt of a request for name change that the Clerk determines does not comply with this Rule, the Clerk shall:

- (1) request that the attorney supplement the request with additional information or documents supporting the request; or
- (2) refer the request, supporting documentation, and any supplementary documentation to the Chief Justice or the Chief Justice's designee for a determination of the request.

(e) Record of Name Changes

The Clerk shall keep a record of attorneys' former names and each request for a name change.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-109 by clarifying the parameters of access to case records by parties and attorneys of record in section (b), by adding a Committee note pertaining to party access to case records following section (b), and by adding a Committee note following section (i), as follows:

Rule 20-109. ACCESS TO ELECTRONIC RECORDS IN AN ACTION

(a) Generally

Except as otherwise provided in this Rule, access to electronic judicial records in an action is governed by the Rules in Title 16, Chapter 900.

(b) Parties and Attorneys of Record

Subject to any protective order issued by the court or other law, parties to an action and attorneys of record for a party in an action shall have full access to all case records in that action, including remote access to electronic case records and access to records marked confidential or shielded from public inspection. In an action where a corporation or business entity established under the law of any state or federal law is a party, the corporation or business entity may designate in writing a registered user who shall have remote access to all case records in the action but not be permitted to file in the action. An attorney for a victim or victim's representative shall have access to case

records, including remote access to electronic case records, as provided in Rule 1-326 (d).

Committee note: The Rules in Title 16, Chapter 900 may restrict public access to certain case records. Access by a party or attorney of record in an action is not affected by a restriction on public access. See Rule 16-901 (b).

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(i) Government Agencies and Officials

Nothing in this Rule precludes the Administrative Office of the Courts from providing remote electronic access to additional information contained in case records to government agencies and officials (1) who are approved for such access by the Chief Justice of the Supreme Court, upon a recommendation by the State Court Administrator, and (2) when those agencies or officials seek such access solely in their official capacity, subject to such conditions regarding the dissemination of such information imposed by the Chief Justice.

Committee note: Where a law, such as Code, Family Law Article, § 12-202(b), requires the court to send or transmit certain court records to a government agency, such a requirement may be satisfied, with the written consent of the agency, by providing access to the court records pursuant to this section.

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