

**CIRCUIT COURT FOR DORCHESTER COUNTY,
MARYLAND**

DIFFERENTIATED CASE MANAGEMENT PLAN

FAMILY CASES

Effective October 1, 2017

Table of Contents

PREAMBLE.....	3
FAMILY/ DOMESTIC RELATIONS	3
Status Conference	3
Scheduling Conference and Services.....	3
Hearings.....	4
CUSTODY and CHILD SUPPORT.....	5
Paternity Establishment	5
Child Support Establishment	5
Child Support Modification or Suspension.....	6
Child Support Reinstatement	6
Civil Contempt	7
DOMESTIC VIOLENCE PROTECTIVE ORDERS	7
EMERGENCY/EX PARTE RELIEF.....	8
CONTINUANCE POLICY	8
Postponement/Continuance Policy - First Judicial Circuit	8
ACCOMODATION under the AMERICANS with DISABILITIES ACT.....	10
INTERPRETERS	10
PLAN APPROVAL.....	11

PREAMBLE

Md. Rule 16-302(a) provides that the county administrative judge shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible. Md. Rule 16-202(b)(1)(A) mandates that the county administrative judge shall develop and, upon approval by the chief judge of the Court of Appeals, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification. This plan serves as a guide to the management of cases in Dorchester County and is a product of the collaborative effort of the Dorchester County administrative judge, the magistrate, the circuit court administrator, the Clerk of the Circuit Court, and family support services. The provisions set forth in this plan are intended to serve as a general guideline for the processing of cases which come before the Circuit Court for Dorchester County. However, the provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness. Further, this plan is prepared within the confines of case time standards. Additionally, the plan does not purport to override any requirements of the Maryland Rules or the Annotated Code of Maryland.

FAMILY/ DOMESTIC RELATIONS

The Circuit Court for Dorchester County has incorporated Md. Rule 16-302 generally as follows. When a domestic relations case such as divorce, annulment, custody, visitation, child support, spousal support or the modification of such, is filed with the court, the clerk issues an appropriate summons to the non-moving party. The case is calendared for 60 days by the clerk who will identify inactivity in accordance with Md. Rule 16-302(c)(5). For those cases in which no answer or affidavit of service has been filed, the case is forwarded to the magistrate for review.

Status Conference

If any procedural defects are noted or it appears that the case is not being advanced, the magistrate instructs the clerk to schedule the matter for a status conference in approximately two weeks. At the status conference, the magistrate advises the moving party as to what must be accomplished for the case to advance and issues a status conference directive. If the moving party fails to comply with the status conference directive, the case may be dismissed without prejudice or set for another status conference.

Scheduling Conference and Services

If an answer is filed indicating no contested issues, the case will be set before the magistrate within 30-45 days for a final hearing. All contested cases are set for a scheduling conference on the next available scheduling date. At the scheduling conference, the magistrate determines disputed issues, and services needed that were not previously ordered. The family services coordinator and the magistrate may recommend services, which include, but are not limited to co-

parenting education, the appointment of child counsel, mediation, supervised visitation or exchange, substance abuse assessment and/or an order controlling conduct in accordance with Md. Rules 9-204, 9-205 and 16-307(b)(2). Samples of those orders are appended hereto as “Family Attachment 1”. If the matter is not resolved at the scheduling conference, a scheduling order in substantially the form appended hereto as “Family Attachment 2” is issued. Deadlines and dates are contained in the scheduling order. Those recommendations and proposed orders are forwarded to a judge for consideration and signature.

Additionally, at the scheduling conference, the magistrate determines if the case shall be tried before a magistrate in accordance with Md. Rule 9-208(a)(1).

Hearings

In accordance with Md. Rule 9-208(a)(1), the following matters shall be referred to the magistrate unless the court directs otherwise in a specific case:

- (A) Uncontested divorce, annulment, or alimony;
- (B) Alimony *pendente lite*;
- (C) Child support *pendente lite*;
- (D) Support of dependents;
- (E) Preliminary or *pendente lite* possession or use of the family home or family-use of personal property;
- (F) Subject to Rule 9-205, *pendente lite* custody of or visitation with children or modification of an existing order or judgment as to custody or visitation;
- (G) Subject to Rule 9-205 as to child access disputes, constructive civil contempt by reason of noncompliance with an order or judgment relating to custody of or visitation with a minor child, the payment of alimony or support, or the possession or use of the family home or family-use of personal property, following service of a show cause order upon the person alleged to be in contempt;
- (H) Modification of an existing order or judgment as to the payment of alimony or support or as to the possession or use of the family home or family-use of personal property;
- (I) Counsel fees and assessment of court costs in any matter referred to a magistrate under this Rule;
- (J) Stay of an earnings withholding order; and
- (K) Such other matters arising under this chapter and set forth in the court's case management plan filed pursuant to Rule 16-302(b).

In accordance with Md. Rule 9-208(a)(2), by agreement of the parties, any other matter or issue arising under this chapter may be referred to the magistrate by order of the court.

In contested cases, the hearing on the merits is set to be heard 60-90 days after the scheduling conference for non-complex matters. If necessary, a *pendente lite* hearing may be set 30-45 days after the scheduling conference. For complex cases (e.g. marital property, alimony, multiple contested issues or high conflict), Trials are scheduled 90-120 days after the scheduling conference. At the conclusion of any merits hearing, the magistrate announces the findings of fact and recommendations on the record or holds the matter sub curia and issues written findings. In

either case, a written report, recommendation and a proposed order, are forwarded to a judge for review in accordance with Md. Rule 9-208(e)(1). A party may file exceptions to the findings. Unless both parties have waived the right to file exceptions in writing, the magistrate's findings and recommendations must wait for ten days after the parties have been notified before a judge may sign a judgment or order. A magistrate's report, recommendation and a proposed order are issued within ten days after the hearing for cases referred as a matter of course pursuant to Md. Rule 9-208(a)(1) or within 30 days for cases referred by agreement of the parties pursuant to Md. Rule 9-208(a)(2).

In cases heard before a judge, if a judge has not issued a ruling from the bench, an opinion and order or judgment shall be timely filed.

CUSTODY and CHILD SUPPORT

When custody is determined or modified, child support shall be addressed. Parties and their attorneys litigating custody shall be prepared to provide the court with necessary financial data for a [Maryland Child Support Guidelines calculation](#), in accordance with Md. Rule 9-203(b) Short Form Financial. Where the Child Support Administration (CSA) litigates support, the CSA shall communicate with any private counsel in the case on the issue of custody and both counsel shall be present at the hearing.

Paternity Establishment

A complaint to establish paternity may be filed by the CSA or by a parent of a child if the parties were unmarried at the time of conception, have not executed an affidavit of parentage, and no prior judicial determination of paternity has been made.

When a paternity case is filed by the CSA, the clerk issues a summons and sets a hearing date on a designated CSA establishment day, held once per month. Hearings are generally scheduled 90 days from the time of filing. The complaint and summons are served by the sheriff. If the defendant does not file an answer, the CSA can request the entry of an order of default; however, the statute provides that the matter can go forward without the presence of the defendant (Md. Code, Family Law §5-1024). If the defendant requests genetic marker testing, he can submit to testing on the hearing date. If testing is conducted on the hearing date, the case is set for another hearing 30 days out to allow for the results of the testing.

A litigant may request an order for genetic marker testing as part of a privately filed case in which paternity is in dispute. When appropriate, the court may order the parties to appear on a CSA establishment date to submit to genetic marker testing. The order will indicate how and when the costs of the testing are to be paid.

Child Support Establishment

A complaint for child support can be filed by the CSA or by a private litigant. The CSA petitions are served by the sheriff with a summons and notice for a specific hearing date. Child

support establishment matters are set before the magistrate approximately 90 days after filing. If the defendant is served and does not file an answer, the CSA may file a request for entry of an order of default and the matter is heard within thirty (30) days. If the defendant has not been served within 90-120 days, the clerk will set a status conference.

A private litigant who files a complaint for child support is responsible for having the opposing party served with the complaint and summons. If the opposing party does not file an answer, the plaintiff/petitioner must file a request for entry of an order of default. If the defendant files an answer, the matter will be set for a scheduling conference within 30 days. A support hearing is generally set 30-60 days after the scheduling conference. At the conference, the parties are reminded that they must file current financial statements and proposed [Worksheet B – Child Support Obligation: Shared Physical Custody](#). A private complaint for child support is also set before the magistrate. If the magistrate recommends that support be paid through the CSA in a privately filed support establishment case, the parties are given the CSA information at the conclusion of the hearing.

The court must consider the child support guidelines figures and make findings as to the child's best interest if a party or attorney is requesting less than the guidelines require in accordance with Md. Code, Family Law §12-202(a).

Child Support Modification or Suspension

After the entry of an order obligating a party to pay child support, the CSA or any party to the case can file a motion asking that the court modify or suspend child support based upon a material change in circumstances in accordance with Md. Code, Family Law §12-104(a).

The CSA requests for suspension are treated as motions requiring a certificate of service and are given an 18 day response period. A motion to suspend can be ruled on without a hearing unless the opposing party files an answer opposing the relief requested.

Upon filing of a motion to modify, the clerk will issue a summons for service on the opposing party. A motion for modification must be filed with a current financial statement from the moving party. Modification hearings are generally set sixty 60-90 days after filing to allow time for service.

Child Support Reinstatement

At any time after a child support obligation has been suspended by court order, the CSA, or any party to the case, may file a motion to reinstate child support based on an alleged material change of circumstances.

Upon filing of a petition or motion to reinstate, the clerk will issue a summons to be served on the opposing party. The CSA petition for reinstatement is served by the sheriff. A privately filed petition for reinstatement may be served by private process, certified mail or sheriff.

Motions for reinstatement are set on the CSA civil contempt docket 60-90 days after filing.

Civil Contempt

A petition for constructive civil contempt (“petition for contempt”) may be filed by the CSA or any party who has been ordered to receive child support.

When the CSA files a petition for contempt, the clerk issues a summons for a designated hearing date and the petition and summons are served by the sheriff. The civil contempt docket is held once per month. If unserved, the CSA will generally request reissuance of the summons on the hearing date. If the unserved party appears in court, the petition may be served in the courtroom.

All privately filed petitions for contempt must be filed with a proposed show cause order and the petition and show cause order are forwarded to the magistrate for review. When recommending the issuance of a show cause order, the magistrate will designate a hearing date. Generally these matters are set approximately 45-60 days after filing. The petitioner must serve the opposing party and file an affidavit of service with the court.

A ruling on contempt, adjudication and disposition may be handled on the same date or disposition may be deferred to a later date to allow time for the party to make payments or participate in employment services.

If incarceration is requested in the petition for contempt, the matter is set before a judge and a notice of rights is included for service with the petition and show cause order. All other constructive civil contempt matters are set before the magistrate.

If it appears during a magistrate’s hearing that there are reasonable grounds to believe that a party is in contempt and that incarceration is an appropriate sanction, pursuant to Md. Rule 9-208(d), the magistrate will set a *de novo* (new) hearing before a judge, serve a summons for that hearing with a notice of right to counsel and terminate the hearing without making a recommendation. The *de novo* hearing is set no sooner than twenty (20) days after the magistrate’s hearing.

At any time after a civil contempt disposition, the CSA may file a written request for a dispositional review hearing. The clerk will issue a summons for the party previously found to be in contempt and the matter will be set approximately sixty (60) days after filing.

DOMESTIC VIOLENCE PROTECTIVE ORDERS

When an individual enters the courthouse and expresses a desire to file a petition for protection from domestic violence/child abuse, the clerk notifies the family support services coordinator who meets with the potential petitioner and can provide legal information, not legal advice. At this time, the family support services coordinator will identify resources available to provide support for the petitioner and his/her family. Currently, for Dorchester County, the Mid-Shore Council on Family Violence provides such support. If requested, the family support services coordinator will contact a representative of the Mid-Shore Council on Family Violence and ask if

they can meet with the petitioner at the courthouse. Simultaneously, the clerk informs the county administrative judge, or his/her designee, that a petition for protection from domestic violence may be filed. The clerk, in cooperation with the county administrative judge's staff, will determine if any related cases exist either in circuit court or District Court. If there is a related District Court case, the county administrative judge will review to determine if the case being filed in circuit court is appropriate to transfer to District Court and, if so, coordinate final protective order hearing dates with the judge and Clerk of the District Court.

For those cases not transferred to the District Court, as soon as the petition is completed and the clerk has had the opportunity to scan the information, the case is transferred to a courtroom for an immediate hearing before a judge or magistrate. If a temporary protective order is granted, a final protective order hearing is set before a judge within one week and law enforcement serves the temporary order upon the petitioner and respondent. If the final protective order hearing results in the extension of the temporary protective order, law enforcement similarly serves the order upon the parties. At all times, great care is taken by the court, court staff and court security to ensure that the petitioner/persons to be protected are safe from any potential abuse.

EMERGENCY/EX PARTE RELIEF

When a petition or motion is filed for emergency/ ex parte relief, the Circuit Court for Dorchester County requires that the petition/motion must comply with the [administrative protocol](#) established on September 16, 2009 by the court for such matters, appended hereto as "Family Attachment 3". The protocol is in compliance with Md. Rule 16-302(b)(2), which states the plan shall include appropriate procedures for the granting of emergency relief and expedited case processing in family law actions when there is credible prospect of imminent and substantial physical or emotional harm to a child or vulnerable adult. The protocol is on the Circuit Court for Dorchester County's website under [Administrative Orders/Policies](#). It is also provided to any individual or attorney who contacts the clerk's office or the judge's chambers to give advance notice that such a pleading will be filed.

CONTINUANCE POLICY

This plan incorporates and is not intended to conflict with Md. Rule 16-804 Continuances or Postponements for Conflicting Case Assignments or Legislative Duties which was derived from the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties from The Honorable Chief Judge Robert C. Murphy, dated April 26, 1995, effective May 15, 1995. Additionally, the court follows the First Judicial Circuit's Postponements/ Continuance Policy as follows:

[Postponement/Continuance Policy - First Judicial Circuit](#) Dorchester-Somerset-Wicomico-Worcester Counties

The purpose of this policy is to promote timely disposition and to avoid unnecessary delays in processing cases within the courts of the First Judicial Circuit of Maryland. The policy reflects

the Maryland Judicial Council's definitions of postponement as a proceeding that was not held and is being rescheduled and continuance as a proceeding that has begun and is extended for additional day(s).

In considering all postponement or continuance requests, the court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement or continuance on the parties and witnesses in the case, and evaluate future scheduling issues. The court shall also consider Maryland Circuit Court Time Standards for processing cases.

Requirements for Litigants in Making a Request for Postponement:

- Requests shall be made as soon as counsel/party is aware that a reason for postponement exists.
- Requests, except those involving an emergency, shall be made within five (5) days of the receipt of the assignment notice.
- Requests made prior to the hearing or trial date shall be made in writing, noting a copy has been forwarded to all counsel/parties.
- Requests shall include a statement that indicates the opposing party's/parties' position on the request for postponement.
- Requests shall also include two (2) suggested dates that have been agreed upon by the parties and assignment office within the time limits of Maryland Circuit Court Case Time Standards.

On its own initiative, or if all parties are not in agreement to the postponement and/or dates for rescheduling the case, the court may act upon the request *ex parte* or issue an order requiring the parties to attend a scheduling conference.

Postponement requests in civil cases shall be acted upon by the county administrative judge or the judge or magistrate scheduled to hear the case.

All postponement requests will be considered in accordance with Md. Rule 2-508 in civil matters as justice may require.

Requests for postponements made by counsel as a result of a conflicting court date shall be accompanied by a copy of the assignment notice of the previously scheduled case. Requests for postponements based on conflicting court schedules or legislative duties will be considered and granted by the court pursuant to the administrative order issued by the Court of Appeals and dated May 15, 1995.

In the event that a trial or hearing has commenced but cannot be concluded on the scheduled date(s) and time, the judge or magistrate presiding is authorized to continue the matter to the next available date.

The Circuit Court for Dorchester County schedules the vast majority of cases in open court with either a judge or magistrate presiding and in the presence of the parties and/or their counsel; therefore, continuances are granted only in extraordinary circumstances. Great care is taken during the scheduling process to select reasonable dates and to confirm that all parties and counsel are available on those dates. In order to facilitate the timely disposition of cases, it is the policy of the court to grant continuances sparingly.

ACCOMODATION under the AMERICANS with DISABILITIES ACT

The Circuit Court for Dorchester County is committed to ensuring that all people have reasonable access to the courthouse and the services provided therein. Accordingly, we encourage any person who requires an accommodation to inform courthouse staff either directly or through their representative as soon as the need for an accommodation is identified. The following Maryland Rule provides guidance in that regard.

According to Md. Rule 1-332(b)

- (1) Notification of Need for Accommodation - A person requesting an accommodation under the ADA, for an attorney, a party, a witness, a victim, a juror, or a prospective juror shall notify the court promptly. To the extent practicable, a request for an accommodation shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and on the Judiciary website and (2) submitted not less than 30 days before the proceeding for which the accommodation is requested.
- (2) Sign Language Interpreter. The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the ADA; Code, Courts Article, § 9-114; and Code, Criminal Procedure Article, §§ 1-202 and 3-103.
- (3) Provision of Accommodation. The court shall provide an accommodation if one is required under the ADA. If the accommodation is the provision of a sign language interpreter, the court shall appoint one in accordance with Rule 1-333(c).


INTERPRETERS

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court through the clerk's office by using the [Request for Spoken Language Interpreter](#) form, at least 30 days prior to the court date. 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 be specific as to the language and, if appropriate, the particular 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. According to Md. Rule 1-333(b)(5), Notice When Interpreter Is Not Needed - If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding. This court requires at least 48 business hours' notice to cancel a request for interpreter prior to a proceeding. If the court is billed for an interpreter needlessly as a result of the party or 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.

PLAN APPROVAL

Maryland Rule 16-302(b)(1)(B), directs that the county administrative judge shall send a copy of the plan and all amendments to it to the state court administrator. The state court administrator shall review the plan or amendments and transmit the plan or amendments, together with any recommended changes, to the chief judge of the Court of Appeals. This plan was sent to the state court administrator on August 31, 2017; accordingly, the forgoing plan is approved this 31st day of August, 2017, by the undersigned:


Brett W. Wilson
County Administrative Judge
Circuit Court for Dorchester County, Maryland

	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR DORCHESTER COUNTY
	*	MARYLAND
Defendant	*	CASE NO.
* * * * *		

ORDER TO ATTEND CO-PARENTING EDUCATION SEMINAR

Pursuant to Maryland Rule 9-204 by the Circuit Court for Dorchester County,

ORDERED that,

1. The parties shall complete the 6-hour online or in-person Co-Parenting Education Program.
2. The parties shall register for the Program within fourteen (14) days of the date of this Order. For registration go online to www.Dorchester.OnlineParentingPrograms.com.
3. The Forty Dollar (\$40.00) per attendee fee is to be paid in advance. Each party shall be responsible for his/her costs only. If either party is unable to pay the above ordered attendance fees, that party must immediately contact the Family Support Services Coordinator, at (410) 228-1395.
4. The parties shall file proof of attendance with the Court. The proof of attendance must be labeled with the above case number.

RECOMMENDED BY:

Judge

Magistrate

If the parties have any questions, they should contact the Family Support Services Coordinator, Circuit Court for Dorchester County, 206 High Street, Cambridge, MD 21613, Telephone Number (410) 228-1395.

You have been ordered by the Court to complete an online or in-person Co-Parenting Education Program. The program will take approximately six hours to complete. **Please do not bring your children to the in-person Co-Parenting Education Program.**

This Program will introduce you to effective parenting strategies for parents who live separately or are divorced. In this program you will learn to deal with the emotional, social, financial and educational impact of separation and divorce on your children. You will become better prepared to explain divorce to your children and learn how you can help them through each developmental stage. The Program will also focus on helping you build a constructive co-parenting relationship and how to make healthy decisions for your children.

Separation and divorce are difficult times for parents and children. There are many emotions involved in adjusting to this major family change and to the many decisions that need to be made. The information in these programs are designed to promote a positive impact on your relationship with your children and your children's other parent.

If you are planning to attend an in-person Co-Parenting Education Program please contact the Family Support Services Coordinator at 410-228-1395 for locations. If you prefer, you can take this program online at www.Dorchester.OnlineParentingPrograms.com.

Jessica L. Milligan
Family Support Services Coordinator
Circuit Court for Dorchester County

ORDERED, that the attorney appointed herein shall be compensated as follows:

That the attorney shall be entitled to charge an hourly fee for services not to exceed \$100.00. The appointed attorney shall initially expend no more than **TEN (10)** hours in the course of her representation. In the event the appointed attorney believes additional time is needed, she shall seek the prior approval of the Court.

Payment into attorney's trust account. PLAINTIFF, _____, is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of _____ (\$_____) **within 10 days of the date of this Order** as an initial contribution towards the attorney's fees in performance of the services identified herein; and

Payment into attorney's trust account. DEFENDANT, _____, is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of _____ (\$_____) **within 10 days of the date of this Order** as an initial contribution towards the attorney's fees in performance of the services identified herein; and

ORDERED, that allocation of additional fees shall be determined by the Court at a hearing on the merits of this case or upon the Petition of the attorney appointed herein; and it is further

ORDERED, that the attorney appointed herein shall submit a petition for fees with an itemized hourly billing statement to the Court at the conclusion of the case; and it is further

ORDERED, that absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter; and it is further

ORDERED, that although the minor children are not a party to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek orders as appropriate in the fulfillment of the duties appointed herein; and it is further

ORDERED, that **within ten (10) days of the date of this Order**, counsel for Plaintiff and Defendant, or any party not represented by counsel, shall provide to the attorney appointed herein copies of all pleadings and papers filed in the above action and any correspondence between the parties or counsel for the parties; and it is further

ORDERED, that **within ten (10) days of the date of this Order**, each party is to provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the children and anyone else with whom the children may have a privilege pursuant to applicable law; and it is further

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the children without the permission of the attorney appointed herein.

RECOMMENDED BY:

Magistrate

Judge

Family Attachment 1.2

Plaintiff * IN THE
v. * CIRCUIT COURT
Defendant * FOR DORCHESTER COUNTY
* MARYLAND
* CASE NO.

* * * * *

ORDER FOR MEDIATION

Pursuant to Maryland Rule 9-205, by the Circuit Court for Dorchester County, Maryland

DETERMINED that mediation of the dispute as to custody and visitation in this case is appropriate and would likely be beneficial to the parties; and therefore it is

ORDERED that:

1. That custody and visitation shall be mediated by the parties.
2. The parties shall attend two (2) mediation sessions, each approximately two (2) hours in length.
3. The two (2) mediation sessions must occur within sixty (60) days of this Order, and the parties must cooperate in the scheduling and attendance at such sessions so that such deadline can be met.
4. The parties shall contact the court-certified mediator named below by telephone within five (5) working days from receipt of this Order to schedule this appointment.
6. If the parties agree on the terms of an Agreement during the first two (2) sessions, or otherwise agree to continue mediation, that shall constitute good cause shown pursuant to Maryland Rule 9-205(c)(1) and upon the recommendation of the mediator, the parties shall be required to participate in not more than two (2) further mediation sessions, for the purpose of finalizing and signing said Agreement.

7. The parties shall contact the court-certified mediator named below by telephone within five (5) working days from receipt of this Order to schedule this appointment.

<u>Mediator</u>	<u>Address</u>	<u>Phone</u>
Mid-Shore Community Mediation	300 Talbot Street Suite 206 Easton, Maryland 21601	410-820-5553

**MEDIATION SHALL OCCUR IN DORCHESTER COUNTY
UNLESS AGREED TO OTHERWISE BY THE PARTIES**

All mediation sessions shall be confidential and inadmissible in any proceeding without the consent of the parties, and in no event shall the mediator give evidence in such a proceeding regarding mediation.

8. The court-certified mediator shall advise the Family Support Services Coordinator of the Circuit Court for Dorchester County of the disposition of the mediation within seven (7) days of the second mediation session.
9. If custody and visitation are not contested issues, counsel for the parties or the parties in proper person shall certify to the Court in writing that said issue is no longer in dispute.
10. The violation of any provision of this Order is punishable by contempt.
11. The CLERK OF THIS COURT shall promptly mail a copy of this Order to the parties, all counsel and the designated Mediator.

JUDGE

RECOMMENDED BY:

Magistrate

Family Attachment 1.3

	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR DORCHESTER COUNTY
	*	MARYLAND
Defendant	*	CASE NO.

* * * * *

**ORDER FOR SUPERVISED VISITATION
Dorchester County Family Access Center**

Upon consideration of the matter before it, it is this ____ day of _____, 20____,
by the Circuit Court for Dorchester County, hereby

SUPERVISED VISITATION

ORDERED that, _____(hereinafter “visiting parent”), shall be entitled to **Supervised Visitation** with the minor child: _____(d.o.b. _____). The visitation shall be held at the Dorchester County Family Access Center located at the 503 Roslyn Avenue, Cambridge, MD 21613. The visitation shall take place as scheduled by the staff of the Family Access Center. The parties shall contact the Family Support Services Coordinator, Telephone #(410) 228-1395 to schedule and set-up the above-referenced visitation schedule. **The visiting parent may be refused entry or denied the opportunity to participate in the visit if he appears for visitation under the influence of alcohol or drugs, or if his behavior is inappropriate or otherwise disruptive. Adults and children will participate in a scheduled group activity during the supervised visitation and will not be permitted off grounds;** and it is further

ORDERED that the Dorchester County Family Access Center will submit a written report to the Court at the end of that period on the frequency and conduct of visits; and it is further

ORDERED that the Supervised Visitation established in this Order shall be terminated if the visiting parent does not schedule and/or undergo the intake interview with Jessica L. Milligan within five (5) days of the date of this order; and it is further

ORDERED that failure of the visiting parent to attend two or more scheduled supervised visitations/monitored exchanges, without an appropriate and verified reason or prior approval by the Dorchester County Family Access Center, will result in the termination of the visitation rights conferred by this Order until further order of the Court.

**ALL PARTIES MUST CONTACT
Family Support Services Coordinator
Dorchester County Circuit Court
AT TELEPHONE #(410) 228-1395
WITHIN FIVE (5) DAYS OF THE DATE OF THIS ORDER
TO SCHEDULE AN INTAKE INTERVIEW.
NO VISITATION OR MONITORED EXCHANGE WILL TAKE PLACE AT THE
CENTER UNTIL BOTH PARTIES HAVE PARTICIPATED IN AN INTAKE
INTERVIEW.**

If interpreters for the hearing impaired or non-English speaking individuals are needed
Family Services must be notified immediately

RECOMMENDED BY:

Family Magistrate

Judge

cc: Tamiko Collins Pinder
Administrative Assistant
Dorchester County Family Access Center
503 Roslyn Avenue
Cambridge, MD 21613

Family Attachment 1.4

	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR DORCHESTER COUNTY,
	*	MARYLAND
Defendant	*	CASE NO.

* * * * *

ORDER FOR ALCOHOL AND/OR DRUG ABUSE EVALUATION

It is this ____ day of _____, 20____, by the Circuit Court for Dorchester County, Maryland,

HEREBY ORDERED, that the Defendant, _____, shall, within fifteen (15) days of the entry of the Order, submit to testing for substance abuse, and alcohol and/or drug abuse evaluation, including but not limited to a SASSI evaluation through the Dorchester County Health Department Addictions Program located at 524 Race Street, Cambridge, MD, (410) 228-7714. **IT IS THE RESPONSIBILITY OF THE PARTY ORDERED TO BE TESTED, EVALUATED AND/OR TREATED TO CONTACT THE HEALTH DEPARTMENT ON OR BEFORE THE DEADLINE IDENTIFIED ABOVE.** The Plaintiff, _____, shall pay for the Defendant's test. If the Plaintiff is unable to pay the fees of these services, he must immediately contact Family Services, at (410) 228-1395; and it is

FURTHER ORDERED, that the Dorchester County Health Department shall forward all test results, including those that are inconclusive, to the Court within two business days after receipt of same. The Defendant is to sign any releases necessary for the Dorchester County Health Department to make reports to the Court; and it is

FURTHER ORDERED, that if treatment is recommended for the Defendant, that he continue to undergo random alcohol and drug screening through the Dorchester County Health Department Addictions Program as long as she is in a treatment program and until the completion of that program. Any fees associated with this service shall be paid by the Defendant when due. If the Defendant is unable to pay the fees of treatment, he must immediately contact Family Services, at (410) 228-1395; and it is

FURTHER ORDERED, that if the Defendant does not schedule the evaluation within in the above referenced time, the Dorchester County Health Department shall report the non-compliance to the Court without the benefit of a signed release; and it is

FURTHER ORDERED, that the Court set this case in for a hearing *sua sponte* if the Defendant does not comply with the Order for Drug and/or Alcohol Evaluation; and it is

FURTHER ORDERED, that a copy of the attached Order shall be sent to Donald Hall, Dorchester County Health Department Addictions Program, 524 Race Street, Cambridge, MD 21613.

RECOMMENDED BY:

ORDERED:

Magistrate

Judge

Family Attachment 1.5

	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR DORCHESTER COUNTY
	*	MARYLAND
Defendant	*	CASE NO.
*	*	*
*	*	*
*	*	*
*	*	*
*	*	*
*	*	*

**ORDER CONTROLLING CONDUCT PENDING CUSTODY/VISITATION
PROCEEDINGS**

WHEREAS, the above-captioned case was called for a Scheduling Conference hearing before the Family Magistrate on _____; and

WHEREAS, the Magistrate determined that issues regarding custody and visitation are disputed and that it is in the best interests of the minor child of these proceedings, namely, _____(d.o.b _____), that the parties follow guidelines as to how to conduct themselves during the pendency of this litigation;

IT IS THEREFORE, this ____ day of _____, 20____, by the Circuit Court for Dorchester County, State of Maryland,

ORDERED that the parties hereto shall conduct themselves as follows while this litigation is ongoing:

1. You shall not criticize the other parent in the presence of the child or encourage the child to challenge the other parent’s authority; and
2. You shall not question the child about the other parent; and
3. You shall not interfere with the other parent’s access to and communication with the child. You shall encourage free communications between the child and the other parent; and
4. You shall communicate directly with the other parent concerning the child, and not require the child to deliver messages or child support payments to the other parent; and

5. You shall not ask the child to communicate with the other parent regarding visitation arrangements; and
6. You are restrained and enjoined from discussing this litigation in the presence of or with your minor child regarding specific facts, issues or positions related to custody or visitation in a manner that disparages the other party or with the intent to influence the child with respect to custody and/or visitation; and
7. You shall ensure that any extended family members, friends or acquaintances follow guidelines 1 through 6; and
8. You shall be permitted access to all school and medical records of the child; and
9. When the child is with you, you shall provide the other parent with a telephone number and an address where the child may be reached, as well as the name, address and telephone number of any regular child-care provider; and
10. Violations of this Order by either parent may result in contempt procedures.

RECOMMENDED BY:

Magistrate

Judge

Family Attachment 1.6



CIRCUIT COURT FOR DORCHESTER COUNTY, MARYLAND

206 High Street
Cambridge, Maryland 21613
Main: 410-228-0481 Fax: 410-228-1860

Case Number:
Other Reference Numbers:

_____ VS _____

SCHEDULING ORDER - DOMESTIC

Pursuant to Maryland Rule 2-504, after a Scheduling Conference it is this day, **ORDERED** that:

DISCOVERY/DEADLINES:

Each person that any party intends to call as an expert witness to support a claim or counter-claim must be identified and all information specified in Maryland Rule 2-402(f)(1)(A) must be disclosed to the Court and other parties at least SIXTY (60) DAYS prior to the MERITS Trial Date. Each person that any party intends to call as an expert witness to support a defense to a claim or a defense to a counter-claim must be identified within FIFTEEN (15) DAYS thereafter.

Any party who intends to use computer-generated evidence at trial in support of that party’s position must give notice thereof containing the information required by Maryland Rule 2-504.3(b), except as limited in subsection (b)(2), at least THIRTY (30) DAYS prior to the Merits Trial Date.

Unless otherwise ordered by the Court, all discovery authorized by the Maryland Rules must be undertaken so as to be concluded (including resolution of discovery disputed at least THIRTY (30) DAYS prior to the Merits Trial Date (the filing of a motion to compel or a motion for a protective order will not result in a general extension of the discovery deadlines).

All pre-trial motions and all amendments to pleadings must be filed TWENTY (20) DAYS prior to the Merits Trial Date.

The deadlines contained in this Order may not be extended by agreement of counsel or the parties.

PENDENTE LITE HEARING:

This matter is scheduled for a pendente lite hearing on _____ at _____ in Courtroom # , at the Dorchester County Circuit Court, 206 High Street, Cambridge, Maryland 21613.

SETTLEMENT CONFERENCE:

There shall be a settlement conference before this Court on _____ at _____ at the Dorchester County Circuit Court, 206 High Street, Cambridge, Maryland 21613.

MERITS TRIAL DATE:

This matter is scheduled for trial on the merits on _____ at _____ in Courtroom # , at the Dorchester County Circuit Court, 206 High Street, Cambridge, Maryland 21613.

At least TEN (10) DAYS prior to the Trial Date, each party **must** file with Court:

- a. That party’s list of trial exhibits. Exhibits shall be individually identified (e.g., “All medical records” will not suffice);
- b. That party’s list of witnesses;
- c. Joint Statement of Marital Property in compliance with Rule 9-207, if marital property disposition or a monetary award is requested by either party and is scheduled for determination by the Court at the trial;

- d. Current (information within the past thirty (30) days) financial statements in compliance with Rule 9-203;
- e. A completed proposed Child Support Guidelines worksheet in compliance with Rule 9-206, including documents confirming the income and expenses shown thereon;

All subpoenas for witnesses must be issued for the first day of trial unless the Standing Master or Circuit Judge has given prior permission otherwise;

PRIOR to the beginning of trial each party shall pre-mark all exhibits in cooperation with a courtroom clerk;

In case of SETTLEMENT, the Court is to be notified IMMEDIATELY.

FAMILY SUPPORT SERVICES:

The family support services may be recommended and ordered by the Court pursuant to separate Court order:

_____	/s/	_____
Date		Judge

**THIS SCHEDULING ORDER CONSTITUTES A NOTICE OF ASSIGNMENT AND NO FURTHER TRIAL
ASSIGNMENT NOTICES WILL BE FORTHCOMING FROM THE OFFICE
OF THE CLERK OF THE COURT.**

A copy of this Scheduling Order was given to parties/counsel in the Courtroom.

cc:

Family Attachment 2

**THE CIRCUIT COURT FOR DORCHESTER COUNTY
STATE OF MARYLAND**

Administrative Order
2009-03

WHEREAS, Judges, Masters and the Clerk of this Court have noted that there is confusion among some members of the Bar with respect to the protocol for filing an Ex Parte Show Cause Order requesting emergency relief; and

WHEREAS, this Court finds that it would be in the interest of judicial efficiency to formalize the protocol to be followed by those requesting ex parte relief from the Court;

NOW, THEREFORE, IT IS HEREBY ORDERED, this 16th of September, 2009, by the Circuit Court for Dorchester County, Maryland, that the attached protocol for processing Ex Parte Show Cause Orders and Emergency Relief is hereby implemented by the Circuit Court for Dorchester County, Maryland, effective immediately; and

IT IS FURTHER ORDERED that a copy of the protocol shall be filed with the Clerk of the Court and shall be distributed to the Standing Master, the Family Support Services Coordinator, the Administrative Assistant to the Judge, the Judicial Law Clerk and each member of the Bar regularly practicing in the Dorchester County Circuit Court.

Brett W. Wilson, Administrative Judge for
the Circuit Court for Dorchester County,
Maryland

Circuit Court for Dorchester County's Administrative Protocol
for Processing Ex Parte Show Cause Orders and Emergency Relief

- 1) Filing of a written Petition with the Clerk of Court is a prerequisite for any judicial consideration.
- 2) The Clerk will immediately forward Petitions/Motions for Emergency or Ex Parte Relief to the Judge's chambers identifying the urgent nature of the requested relief.
- 3) Requests for Emergency or Ex Parte Relief must:
 - (a) Identify the legal basis for requesting emergency or ex parte relief.
 - (b) Be supported by affidavit setting forth personal knowledge of specific facts demonstrating the reason immediate, substantial, irreparable harm warrants relief before an adversarial hearing can be scheduled/conducted. Rule 15-504.
 - (c) Set or waive the requirement for a bond, if a bond is required.
 - (d) Detail all efforts to notify the opposing party of the (i) filing of the Petition, (ii) the time and place the moving party intends to confer with the court, and to reach agreement with the opposing party regarding same, or (iii) set forth all facts explaining why the moving party would be prejudiced if required to satisfy the notice requirement set forth in Sections (i) and (ii) herein.
 - (e) Include all known contact information regarding all respondents, including all known addresses, telephone numbers, and/or e-mail addresses.
- 4) If the Court denies the requested Emergency/Ex Parte Relief for lack of merit, the denial shall be docketed by the Clerk. Rule 15-504(c).

- 5) If the Court finds merit in the requested relief, the Court shall schedule a chambers conference with the parties or schedule an emergency hearing, unless the Court is satisfied that the moving party would be prejudiced unless the Ex Parte Order is signed in advance of said notice. The moving party must then notify the opposing party(ies) of the time, place and purpose of the chambers conference or hearing. If the opposing party does not appear for the conference or hearing, the moving party shall certify in writing that notice was given to the opposing party, or that specified efforts, commensurate with the circumstances, were made to give notice. If necessary, the opposing party or their attorney may be permitted to participate by telephone. The Court will determine whether immediate relief should be granted on a temporary basis, or whether a hearing should be scheduled as soon as possible, or both.
- 6) Request for Emergency Relief should:
 - (a) Include a proposed Order to Show Cause why the emergency relief requested should not be granted with a hearing date to be filled in by the Assignment Clerk for service upon the opposing party or parties;
 - (b) Include a Motion to Shorten Time to Answer pursuant to Maryland Rule 1-204.

Statutory Authorities:

MD Rule 1-204

MD Rule 1-351

MD Rule 15-504