

*The agenda for a meeting of the Rules Committee generally will be posted 7-10 days before the date of the meeting. At the discretion of the Chair, items may be deleted from or added to the agenda.*

**AGENDA FOR**  
**RULES COMMITTEE MEETING**

**May 10, 2019**  
**(Friday)**

**Judiciary Education and Conference Center**  
**Rooms **LL 11 & 12****  
**2011 Commerce Park Drive**  
**Annapolis, Maryland**  
**9:30 a.m.**

- Item 1. Consideration of proposed Rules changes pertaining to Parenting Plans Judge Eaves
- New Rule 9-204.1 (Parenting Plans)  
New Rule 9-204.2 (Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time)
- Amendments to:  
Rule 9-204 (Educational Seminar)  
Rule 9-205 (Mediation of Child Custody and Visitation Disputes)
- Item 2. Consideration of proposed amendments to: Mr. Sullivan
- Rule 2-601 (Entry of Judgment)
- Item 3. Consideration of proposed amendments to: Mr. Sullivan
- Rule 2-623 (Recording of a Judgment of Another Court and District Court Notice of Lien)  
Rule 2-632 (Stay of Enforcement)

Item 4. Consideration of proposed amendments to: Mr. Sullivan

Rule 2-625 (Expiration and Renewal of  
Money Judgment)

Rule 3-625 (Expiration and Renewal of  
Money Judgment)

# **AGENDA ITEM 1**

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND

CHILD CUSTODY

ADD new Rule 9-204.1, as follows:

Rule 9-204.1. PARENTING PLANS

(a) Definitions

The following definitions apply, except as expressly otherwise provided or as necessary implication requires:

(1) Decision-Making Authority

Decision-Making Authority, also called legal custody, means how major long-term decisions about a child's medical care, mental health, education, religious training, and extracurricular activities are made.

(2) Parenting Plan

Parenting Plan means a written agreement about how parties will work together to take care of a child.

(3) Parenting Time

Parenting Time, also called physical custody, refers to where a child lives and the amount of time he or she spends with each party.

(b) Introduction of Parenting Plan

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At the parties' first appearance in court on a decision-making authority or parenting time matter, the court shall provide to each party a paper copy of the Maryland Parenting Plan Instructions and Maryland Parenting Plan Too and direct them to an electronic version of these documents. The court shall advise the parties that they may work separately, together, or with a mediator to develop a parenting plan they believe is in the best interest of their child.

(c) Best Interest of the Child

In determining what decision-making authority and parenting time arrangement is in the best interest of the child, the parties may consider the following factors:

(1) Stability and the foreseeable health and welfare of the child;

(2) Frequent, regular, and continuing contact with parties who can act in their best interest;

(3) Whether and how parties who do not live together will share the rights and responsibilities of raising the child;

(4) The child's relationship with each party, siblings, other relatives, and important adults in their lives;

(5) The child's physical and emotional security and protection from conflict and violence;

(6) The child's developmental needs, including physical safety, emotional security, positive self-image, interpersonal skills, and intellectual and cognitive growth;

(7) Whether the plan meets the day-to-day needs of the child, including education, socialization, culture and religion, food, shelter, clothing, and mental and physical health;

(8) Whether the plan:

(A) places the child's needs above the parties;

(B) protects the child from the negative effects of any conflict between the parties; and

(c) maintains the child's relationship with the parties, siblings, other relatives, or other individuals who have a significant relationship with the child;

(9) Age of the child;

(10) Any military deployment of a party and its effect, if any, on the parent-child relationship;

(11) Any prior court orders or agreements;

(12) Each party's role and tasks related to the child and how, if at all, those roles and tasks have changed;

(13) The location of each party's home as it relates to their ability to coordinate parenting time, school, and activities;

(14) The parties' relationship with each other, including:

(A) how they communicate with each other; and

(B) whether they can co-parent without disrupting the child's social and school life.

(15) The child's preference, if age appropriate; and

(16) Any other factor deemed appropriate by the parties.

(d) No Agreement Reached

**If the parties do not reach a comprehensive parenting plan,** they shall complete a joint statement concerning decision-making authority and parenting time pursuant to Md. Rule 9-204.2.

**Query to the Rules Committee: Should a joint statement be filed even if there is no disagreement? See Rule 9-204.2 (a).**

Source: This Rule is new.

REPORTER'S NOTE

The Court Process Workgroup, established by the Domestic Law Committee of the Judicial Council, has recommended a three-part framework to facilitate statewide use of parenting plans in custody cases. The framework includes (1) proposals for two new Rules and amendments to existing Rules in Title 9 Chapter 200, (2) comprehensive Maryland Parenting Plan Instructions and a Maryland Parenting Plan Tool to assist parties in developing their own parenting plan, and (3) a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time form to assist courts in identifying areas of dispute when parties are unable to agree on a parenting plan.

As Part I of the Workgroup's recommendations, the Family/Domestic Subcommittee proposes the addition of two Rules to Title 9 Chapter 200. The first is Rule 9-204.1, which governs parenting plans. The goal in recommending Rule 9-204.1 is to facilitate an agreement between parties on how to handle child-

related custody issues. Some of the issues sought to be addressed by parenting plans include when the child spends time with each party (physical custody or parenting time), how important decisions regarding the child will be made (legal custody or decision-making authority), and how potential conflicts will be resolved. If the parties develop a parenting plan, it may be incorporated into a court order upon a determination by the court that the plan serves the best interest of the child.

Section (a) of Rule 9-204.1 contains definitions of key terms that appear on the Parenting Plan Instructions and Parenting Plan Tool developed as Part II of the Workgroup's framework.

Section (b) sets forth when the court shall provide the parties with the Parenting Plan Instructions and Parenting Plan Tool, and directs the court to advise the parties that they may work together, separately, or with a mediator to develop their parenting plan.

Section (c) contains a list of factors the parties may consider in determining what decision-making authority and parenting time arrangement is in the best interest of the child. The list is intended to provide modern, child-focused factors that empower the parties to decide what is in the best interest of their child, while encouraging the parties to consider and anticipate their child's unique needs.

Section (d) of Rule 9-204.1 directs parties who are unable to reach a comprehensive parenting plan to file a joint statement Concerning Decision-Making Authority and Parenting Time pursuant to proposed new Rule 9-204.2.

The addition of Rule 9-204.2 is the second proposal under Part I of the Workgroup's framework. The Rule is modeled after current Rule 9-207, which governs joint statements of marital and non-marital property. In proposing Rule 9-204.2, the Workgroup sought to establish a way for parties to better inform the court of what custody arrangement they believe is in the best interest of their child, while assisting the court in gauging each of the parties' respective positions and identifying areas of dispute.



## **RULE 9-204.1**

Section (a) of Rule 9-204.2 requires parties to file a Joint Statement of the Parties Concerning Decision Making Authority and Parenting Time if the parties are unable to reach a comprehensive parenting plan.

Section (b) governs the form of the Joint Statement, which was developed as Part III of the Workgroup's framework. Section (b) provides that the Joint Statement shall be substantially in the form approved by the State Court Administrator, posted on the Judiciary website, and available in the offices of the clerks of the circuit courts.

Section (c) governs the procedure by which the parties are to complete and serve their proposed Joint Statements on the other party, and sets forth the time for filing the Joint Statement with the court.

Section (d) requires the court to consider the entire Joint Statement prior to rendering its decision and provides that the court may consider the best interest factors set forth in Rule 9-204.1 (c).

Section (e) authorizes the court, on motion or its own initiative, to sanction a party who willfully fails to comply with Rule 9-204.2, provided that there is an opportunity for a hearing on the noncompliance.

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TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND

CHILD CUSTODY

ADD new Rule 9-204.2, as follows:

Rule 9-204.2. JOINT STATEMENT OF THE PARTIES CONCERNING  
DECISION-MAKING AUTHORITY AND PARENTING TIME

(a) When Required

**If the parties are not able to reach a comprehensive parenting plan**, the parties shall file a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time.

Cross reference: For the authority of a mediator to assist the parties with the completion of a Joint Statement, see Rule 9-205.

(b) Form of Joint Statement

The statement shall be substantially in the form approved by the State Court Administrator, posted on the Judiciary website, and available in the offices of the clerks of the circuit courts.

(c) Time for Filing; Procedure

The Joint Statement shall be filed at least ten days before any scheduled settlement conference or if none, 20 days before the scheduled trial date or by any other date fixed by

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the court. At least 30 days before the Joint Statement is due to be filed, each party shall prepare and serve on the other party a proposed Joint Statement in the form set forth in section (b) of this Rule. At least 15 days before the Joint Statement is due, the plaintiff shall sign and serve on the defendant for approval and signature a proposed Joint Statement that fairly reflects the positions of the parties. The defendant shall timely file the Joint Statement, which shall be signed by the defendant or shall be accompanied by a written statement of the specific reasons why the defendant did not sign.

(d) Review of Joint Statement

Prior to rendering its decision, the court shall consider the entire Joint Statement. As to the provisions upon which the parties agree as well as those upon which the court must decide, the court may consider the factors listed in Md. Rule 9-204.1(c).

(e) Sanctions

If a party willfully fails to comply with this Rule, the court, on motion or on its own initiative, after the opportunity for a hearing, may enter any appropriate order in regard to the noncompliance.

REPORTER'S NOTE

See Reporter's Note following Rule 9-204.1.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY, CHILD SUPPORT, AND  
CHILD CUSTODY

AMEND Rule 9-204 by replacing language contained in subsection (c)(6)(H), which references "developing constructive parenting arrangements" with language regarding the use of the Maryland Parenting Plan Tool and development of a parenting plan, as follows:

Rule 9-204. EDUCATIONAL SEMINAR

(a) Applicability

This Rule applies in an action in which child support, custody, or visitation is involved and the court determines to send the parties to an educational seminar designed to minimize disruptive effects of separation and divorce on the lives of children.

Cross reference: Code, Family Law Article, § 7-103.2.

(b) Order to Attend Seminar

(1) Subject to subsection (b)(2) of this Rule and as allowed or required by the county's case management plan required by Rule 16-302 (b), the court may order the parties to attend an educational seminar within the time set forth in the plan. The

content of the seminar shall be as prescribed in section (c) of this Rule. If a party who has been ordered to attend a seminar fails to do so, the court may not use its contempt powers to compel attendance or to punish the party for failure to attend, but may consider the failure as a factor in determining custody and visitation.

(2) A party who (A) is incarcerated, (B) lives outside the State in a jurisdiction where a comparable seminar or course is not available, or (C) establishes good cause for exemption may not be ordered to attend the seminar.

Committee note: Code, Family Law Article, § 7-103.2 (c)(2)(v) prohibits exemption based on evidence of domestic violence, child abuse, or neglect.

(c) Content

The seminar shall consist of one or two sessions, totaling six hours. Topics shall include:

- (1) the emotional impact of divorce on children and parents;
- (2) developmental stages of children and the effects of divorce on children at different stages;
- (3) changes in the parent-child relationship;
- (4) discipline;
- (5) transitions between households;
- (6) skill-building in

(A) parental communication with children and with each other,

(B) explaining divorce to children,

(C) problem-solving and decision-making techniques,

(D) conflict resolution,

(E) coping strategies,

(F) helping children adjust to family changes,

(G) avoiding inappropriate interactions with the children,

and

(H) ~~developing constructive parenting arrangements~~ use of the Maryland Parenting Plan Tool and development of a parenting plan; and

(7) resources available in cases of domestic violence, child abuse, and neglect.

(d) Scheduling

The provider of the seminar shall establish scheduling procedures so that parties in actions where domestic violence, child abuse, or neglect is alleged do not attend the seminar at the same time and so that any party who does not wish to attend a seminar at the same time as the opposing party does not have to do so.

(e) Costs

The fee for the seminar shall be set in accordance with Code, Courts Article, § 7-202. Payment may be compelled by order of court and assessed among the parties as the court may direct. For good cause, the court may waive payment of the fee.

Source: This Rule is new.

REPORTER'S NOTE

The amendment to Rule 9-204 (c) (6) (H) is proposed in conjunction with the Court Process Workgroup's development of the Maryland Parenting Plan Instructions and Maryland Parenting Plan Tool. The proposed amendment makes clear that use of the Parenting Plan Tool and development of a parenting plan will be included as a skill-building topic discussed at court-ordered educational seminars.



MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

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CHILD CUSTODY

AMEND Rule 9-205 by adding language in section (i) to provide that a mediator may assist parties in the completion of a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting time, as follows:

Rule 9-205. MEDIATION OF CHILD CUSTODY AND VISITATION DISPUTES

. . .

(i) If No Agreement

If no agreement is reached or the mediator determines that mediation is inappropriate, the mediator shall so advise the court but shall not state the reasons. The mediator may assist the parties in the completion of a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time, as required by Rule 9-204.2. If the court does not order mediation or the case is returned to the court after mediation without an agreement as to all issues in the case, the court promptly shall schedule the case for hearing on any pendente lite or other appropriate relief not covered by a mediation agreement.

. . .

REPORTER'S NOTE

The amendment to Rule 9-205 is proposed in conformity with the Family/Domestic Subcommittee's recommendation to add Rule 9-204.2, which requires the filing of a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time. The proposed amendment to subsection (i) makes clear that if the parties are unable to reach a mediation agreement regarding child custody and visitation disputes, the mediator may assist the parties in the completion of a Joint Statement as required by Rule 9-204.2.

# **AGENDA ITEM 2**

MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

CHAPTER 600 - JUDGMENT

AMEND Rule 2-601 by adding language to subsection (a)(1) to clarify that each judgment should include a statement of an allowance of costs and by adding a Committee note following subsection (a)(1), as follows:

Rule 2-601. ENTRY OF JUDGMENT

(a) Separate Document—Prompt Entry

(1) Each judgment shall be set forth on a separate document and should include a statement of an allowance of costs as determined in conformance with Rule 2-603.

Committee note: The failure of the separate document to include an allowance or assessment of costs does not preclude the document from constituting a final and appealable judgment. See *Mattison v. Gelber*, 202 Md. App. 44 (2011).

. . .

REPORTER'S NOTE

The proposed amendments to Rule 2-601 resolve an ambiguity as to whether a document that fails to include a statement of an allowance of costs could constitute a judgment. The addition of the word "should" in subsection (a)(1) and a Committee note that follows this subsection makes clear that the failure of a separate document to include an allowance or assessment costs does not preclude the document from constituting a final and appealable judgment.

Rule 2-601  
Judgments Subcommittee 4/1/19  
For 5/10/19 R.C. (1.0)

# **AGENDA ITEM 3**

MARYLAND RULES OF PROCEDURE  
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT  
CHAPTER 600 - JUDGMENT

AMEND Rule 2-623 by making stylistic changes to section (a); by adding a provision to section (a) that implements the affidavit and notice requirements for foreign judgments pursuant to Code, Courts Article, §11-803; and by expanding the existing cross reference, as follows:

Rule 2-623. RECORDING OF A JUDGMENT OF ANOTHER COURT AND DISTRICT COURT NOTICE OF LIEN

(a) Judgment of Another Court

(1) Generally

Subject to subsection (a)(2) of this Rule, Upon upon receiving a copy of a judgment of another court, certified or authenticated in accordance with these rules or statutes of this State, or of the United States, the clerk shall record and index the judgment if it was entered by ~~(1)~~(A) the Court of Appeals, ~~(2)~~(B) the Court of Special Appeals, ~~(3)~~(C) another circuit court of this State, ~~(4)~~(D) a court of the United States, or ~~(5)~~(E) any other court whose judgments are entitled to full faith and credit in this State. Upon recording a judgment received from a person other than the clerk of the court of

entry, the receiving clerk shall notify the clerk of the court of entry.

(2) Foreign Judgment

At the time a foreign judgment as defined in Code, Courts Article, §11-801 is filed, the judgment creditor shall file an affidavit in compliance with Code, Courts Article, §11-803 (a). Upon receipt of the affidavit, the clerk shall mail to the judgment debtor the notice required by Code, Courts Article, §11-803 (b) and make a docket entry notation of the mailing.

Cross reference: For enforcement of foreign judgments, see Code, Courts Article, §§ 11-801 through 11-807. For provisions governing the stay of enforcement of a judgment, see Rule 2-632.

(b) District Court Notice of Lien

Upon receiving a certified copy of a Notice of Lien from the District Court pursuant to Rule 3-621, the clerk shall record and index the notice in the same manner as a judgment.

Source: This Rule is in part derived from former Rule 619 a and in part new.

REPORTER'S NOTE

Amendments to section (a) of Rule 2-623 implement the affidavit and notice requirements for foreign judgments pursuant to Code, Courts Article, §11-803 of the Uniform Enforcement of Foreign Judgments Act. A practitioner brought to the attention of the Judgments Subcommittee that currently, Rule 2-623 does not address notice to the judgment debtor when a foreign judgment is recorded in the State. However, Code, Courts

Article, §11-803 does. The proposed amendments to section (a) of Rule 2-632 resolve any ambiguity regarding the filing and notice requirements for foreign judgments under the statute and the Rule.

Additionally, the cross reference following section (a) is expanded to include a reference to Rule 2-632, which governs stays of enforcing a judgment in Maryland. This amendment is proposed in conjunction with a proposed amendment to Rule 2-632, which makes clear that stays of foreign judgments are governed by Code, Courts Article, §11-804.



MARYLAND RULES OF PROCEDURE  
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT  
CHAPTER 600 - JUDGMENT

AMEND Rule 2-632 by adding new section (g) clarifying that stays of foreign judgments are governed by Code, Courts Article, §11-804; by re-lettering current section (g) as new section (h); and updating the source note, as follows:

Rule 2-632. STAY OF ENFORCEMENT

. . .

(g) Foreign Judgment

A stay of enforcement of a foreign judgment as defined in Code, Courts Article, §11-801 is governed by Code, Courts Article, §11-804.

~~(g)~~(h) Power of Appellate Court Not Limited

The provisions of this Rule do not limit any power of an appellate court to stay proceedings during the pendency of an appeal or to suspend, modify, restore, or grant an injunction during the pendency of an appeal or to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered.

Source: This Rule is derived as follows:

. . .

Section (g) is new.

Section ~~(g)~~(h) is derived from the 1961 version of Fed. R. Civ. P. 62 (g).

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REPORTER'S NOTE

Proposed amendments to Rule 2-632 make clear that a stay of a foreign judgment, as defined by Code, Courts Article, §11-801 is governed by Code, Courts Article, §11-804. This amendment is proposed in conjunction with proposed amendments to Rule 2-623, which, in part, implement the affidavit and notice requirements for foreign judgments pursuant to Code, Courts Article, §11-803 of the Uniform Enforcement of Foreign Judgments Act.

# **AGENDA ITEM 4**

MARYLAND RULES OF PROCEDURE  
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT  
CHAPTER 600 - JUDGMENT

AMEND Rule 2-625 by adding a Committee note, as follows:

Rule 2-625. EXPIRATION AND RENEWAL OF MONEY JUDGMENT

A money judgment expires 12 years from the date of entry or most recent renewal. At any time before expiration of the judgment, the judgment holder may file a notice of renewal and the clerk shall enter the judgment renewed.

Committee note: This Rule does not extinguish an unrenewed judgment held by the State. See Code, Courts Article §5-102; State v. Shipe, 221 Md. App. 425 (2015); and State v. Buckingham, 214 Md. App. 672 (2013).

Source: This Rule is new.

REPORTER'S NOTE

The Judgments Subcommittee proposes the addition of a Committee note following Rules 2-625 and 3-625 to make clear that the twelve-year limitations period for judgments does not extinguish unrenewed judgments held by the State. Rules 2-625 and 3-625 implement the twelve-year limitations period found in Code, Courts Article §5-102. Code, Courts Article §5-102 expressly provides that the twelve-year limitation period for action on specialties does not apply to specialties taken for the use of the State.

In *State v. Buckingham*, 214 Md. App. 672 (2013), the Court of Special Appeals was called on to decide whether Rule 2-625 applies to a money judgment held by the State. The Court noted that while the Code, Courts Article §5-102 expressly exempts judgments held by the State from the twelve-year limitations

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period, Rule 2-625 does not. The Court ultimately held that that Rule 2-625 does not extinguish an unrenewed judgment held by the State after twelve years. That principle was reiterated in *State v. Shipe*, 221 Md. App. 425 (2015). In *State v. Shipe*, the Court of Special Appeals held that a tax lien having the full force and effect of a judgment lien, would exempt the State from the twelve-year limitation period.

MARYLAND RULES OF PROCEDURE  
TITLE 2 - CIVIL PROCEDURE - DISTRICT COURT  
CHAPTER 600 - JUDGMENT

AMEND Rule 3-625 by adding a Committee note, as follows:

Rule 3-625. EXPIRATION AND RENEWAL OF MONEY JUDGMENT

A money judgment expires 12 years from the date of entry or most recent renewal. At any time before expiration of the judgment, the judgment holder may file a notice of renewal and the clerk shall enter the judgment renewed. Upon request of the judgment holder, the clerk shall transmit a copy of the notice of renewal to each clerk to whom a certified copy of the judgment was transmitted pursuant to Rules 3-621(c)(1) and 3-622 and to each circuit court clerk to whom a Notice of Lien was transmitted pursuant to Rule 3-621, and the receiving clerk shall enter the judgment or Notice of Lien renewed.

Committee note: This Rule does not extinguish an unrenewed judgment held by the State. See Code, Courts Article §5-102; State v. Shipe, 221 Md. App. 425 (2015); and State v. Buckingham, 214 Md. App. 672 (2013).

Source: This Rule is new.

REPORTER'S NOTE

See the Reporter's Note to the proposed amendment to Rule 2-625.

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