

Notice of In-Person Meeting

Standing Committee on Rules of Practice and Procedure

June 26, 2025 Open Meeting, 9:30 a.m.

Instructions for Members of the Public

The June 26, 2025, 9:30 a.m. open meeting of the Standing Committee on Rules of Practice and Procedure will be held in-person at the Maryland Judicial Center, Rooms 131-133, 187 Harry S. Truman Parkway, Annapolis, MD 21401. Members of the public may attend.

If you have a comment related to a posted agenda item, you may e-mail it to rules@mdcourts.gov at least 24 hours prior to the beginning of the meeting. Your comment will be distributed to the members of the Rules Committee prior to the meeting.

Agenda and Proposed Rules Changes

- The meeting agenda and proposed Rules changes are attached to this Notice. During the meeting, copies of any updated materials will be available.

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

June 26, 2025 (Thursday)
9:30 a.m.
Maryland Judicial Center
Rooms 131-133
187 Harry S. Truman Parkway
Annapolis, MD 21401

Special Presentation by the Hon. Paul W. Grimm

Part 1: Evidentiary Issues Associated with Artificial
Intelligence

BREAK

Part 2: Recent Amendments to Federal Rules of Evidence

LUNCH BREAK

RULES COMMITTEE MEETING WILL RESUME AT 1:00 P.M.

- | | | |
|---------|---|-------------------|
| Item 1. | Consideration of proposed amendments to: | Judge Nazarian |
| | Rules 2-625 and 3-625 (Expiration and Renewal of Money Judgment) | |
| | Rules 2-643 and 3-643 (Release of Property from Levy) | |
| | Rules 2-645 and 3-645 (Garnishment of Property - Generally) | |
| Item 2. | Consideration of proposed amendments to: | Judge Anderson |
| | Rule 11-216 (Disposition Hearing and Order) | |
| | Form 11-309 (Consent by Parent to Guardianship) | |

- | | | |
|---------|--|-----------------------------|
| Item 3. | Consideration of proposed amendments to Rule 16-104 (Circuit Court - Circuit Administrative Judge) | Judge Bryant |
| Item 4. | Consideration of proposed amendments to: Rule 6-121 (Form of Court Papers) Rule 7-501 (Applicability) | Judge Bryant |
| Item 5. | Consideration of proposed amendments to: Rule 16-912 (Access to Notice, Special Judicial Unit, License, and Domestic Partnership Records) Rule 10-711 (Resignation of Fiduciary and Appointment of Substituted or Successor Fiduciary) | Judge Bryant |
| Item 6. | Consideration of "Housekeeping" amendments to: Rule 8-422 (Stay of Enforcement of Judgment) Rule 16-301 (Term of Court and Grand Jury) | Assistant Reporter Drummond |

AGENDA ITEM 1

MARYLAND RULES
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 600 – JUDGMENT

AMEND Rule 2-625 by creating new section (a) pertaining to renewal of judgments in general, by creating new section (b) governing the renewal of judgments entered prior to the effective date of the Rule change, and by making stylistic changes, as follows:

Rule 2-625. EXPIRATION AND RENEWAL OF MONEY JUDGMENT

(a) Generally

Except as otherwise provided in section (b) of this Rule, a money judgment expires 12 years from the date of entry, except that the judgment holder may extend the judgment for one additional period of 12 years by filing a Notice of Renewal at any time before the expiration of the judgment. A Notice of Renewal under section (a) of this Rule shall state (1) the date of entry of the judgment and (2) that there has been no prior renewal of the judgment. Upon receipt of a timely filed Notice of Renewal, the clerk shall enter the judgment renewed for a period of 12 years from the date the Notice of Renewal was filed.

(b) Money Judgments Entered before [Eff. Date of Rule Change]

A money judgment entered before [effective date of Rule change] 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~~

Notice of Renewal, and the clerk shall enter the judgment renewed. There is no limit to the number of timely filed renewals under section (b) of this Rule.

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

Source: This Rule is new.

REPORTER'S NOTE

In March 2023, the Judicial Council approved for dissemination the Report and Recommendations of the Committee on Equal Justice Rules Review Subcommittee (hereinafter “the EJC Report”). The Subcommittee was tasked with identifying instances in the Rules which “reflect, perpetuate, or fail to correct systemic biases.”

The Rules Committee’s Judgments Subcommittee first discussed a series of proposed amendments impacting the Rules governing judgments and their enforcement in June 2023. After consideration, the Subcommittee deferred action on any proposed amendments until interested parties and stakeholders could confer and possibly identify points of agreement. Consumer rights advocates, via the Access to Justice Office in the Administrative Office of the Courts (“Access to Justice”), proposed a series of amendments late last year which were reviewed by the Subcommittee in consultation with creditors’ attorneys.

The EJC Report made two alternate recommendations for amendments to Rules 2-625 and 3-625: “The Rules Committee should consider amending the rule to include a requirement that a party seeking to renew a judgment must document what collection efforts have been undertaken during the previous 12-year term, or alternatively, limit the number of times a judgment may be renewed.”

The Subcommittee was informed that low-income individuals report little to no enforcement activity for years only to be faced with collection efforts on a debt which has accumulated significant interest. The advocates alleged that if creditors must make and document efforts to collect, deficiencies in judgments could be identified sooner and fewer debtors will be surprised by high amounts of interest accrued years after the judgment was entered. The representatives for the creditors’ bar disputed the contention that creditors either intentionally

Rule 2-625
Judgments SC approved
For 6/26/25 R.C.

or carelessly allow interest on debts to accrue rather than pursuing collection efforts to increase their return. They also argued that the first alternative suggested by the EJC Report would be a significant change to collections law in Maryland and questioned whether it was within the purview of the Maryland Rules. They expressed support for an amendment that would limit a creditor to one renewal for an additional 12-year term as a reasonable alternative.

Rule 2-625 was adopted in 1984 and superseded former Rule 624 and provisions in the BT Rules. See Paul V. Niemeyer & Linda M. Schuett, Maryland Rules Commentary, 369-370 (1984). The amendment “replace[d] the former more complex practice with respect to renewing a judgment by writ of *scire facias* (“sci fa”).” *Id.* The practice of *scire facias* permitted a judgment to be renewed after 12 years with service of the writ by the sheriff. The debtor was entitled to respond, and the expiration of the judgment could be raised as an affirmative defense. See *id.*

Scire facias is a writ warning the defendant to appear and show cause why a judgment should not be executed. See Foster’s Writ of Scire Facias (1851). *Scire facias* was established by common law regarding real property and by statute for personal actions. Generally, it was presumed that a judgment would be satisfied within one year. If the debt was not paid, a writ of *scire facias* was established by statute as a way for a creditor to revive a judgment without the necessity and cost of filing suit again. The writ was an optional remedy to save time and expense for both parties. *Id.*

Prior to 1984, renewing or “reviving” a judgment by writ of *scire facias* in Maryland dated back to at least the 1800s:

“And be it enacted that where any judgment obtained before a single magistrate shall have continued for more than one year, and the said judgment had not been paid or satisfied, it shall and may be lawful for the justice before whom the said [judgement has] been obtained, or any other justice of the peace for said county, to revive the same by a writ of *scire facias*...” Ch. 62, 1801 Laws of Maryland.

It remained in the Code until 1957 when it was repealed entirely. See Ch. 399, 1957 Laws of Maryland. Prior to its repeal in 1957, the statute read, in pertinent part:

“On all judgments or decrees in any court of law or equity, and on all judgments of justices of the peace

recorded in the clerk's office of any court of law, an execution or attachment may issue out of such court or by the clerk thereof, at any time within twelve years from the date of the judgment or decree, or the said judgment or decree may be otherwise proceeded with within twelve years from its date... provided, that at any time before the expiration of twelve years from the date of any such judgment or decree, or in case of the death or marriage of any defendant in the judgment, the plaintiff shall have the right to have a writ of *scire facias* to renew or revive the same...” Maryland Code 1951, Article 26, § 21.

The only relevant provision remaining in the Code is the 12-year duration of a judgment, now contained in Code, Courts Article, § 5-102.

The Maryland Rule governing renewal did not significantly change between the 1950s and the 1980s when it was repealed. In 1983, the Rule stated:

“A plaintiff may have a writ of *scire facias* issued to renew or revive a judgment, but such judgment shall not be renewed or revived over the objection of the judgment debtor after it has been barred by limitations. On a judgment of a People’s Court, trial magistrate or justice of the peace recorded with the clerk, such writ may be issued out of the court as if said judgment had been originally rendered by the court. The lien of a judgment renewed or revived on a writ of *scire facias* issued after the expiration of twelve years from the date of the original judgment shall exist only from the date of the issuance of the writ of *scire facias*.” Md. Rule 624 (1983).

The Rules Committee in 1981 voted to recommend replacing Rule 624 with new Rule 2-624 (eventually adopted as Rule 2-625). The Reporter’s note accompanying the proposed new Rule in 1981 explained that it would “eliminate the service and adversarial aspects of scire facias by substituting an ex parte procedure under which the plaintiff simply files a notice of renewal and the clerk as a ministerial function renews the judgment, unless the court records show that more than 12 years have passed since the judgment was entered or more recently renewed.” Minutes of the Nov. 20 and 21, 1981 Rules

Rule 2-625
Judgments SC approved
For 6/26/25 R.C.

Committee meeting, p. 24-25 (attached). There was no discussion of this policy change at the meeting, and it was later included in the 82nd Report in 1983.

Rules 2-625 and 3-625 have not been significantly modified since their adoption in 1984.

Proposed amendments to Rule 2-625 eliminate the system of unlimited judgment renewals for judgments entered on or after the effective date of the Rule change. A “new” judgment expires 12 years from its entry and, prior to its expiration, may be renewed for one additional 12-year period, which runs from the date the Notice of Renewal was filed. A new provision requires the Notice of Renewal to state the date on which the judgment was entered and confirm that no prior renewal has been entered. New section (b) contains the existing language of the Rule and applies to judgments entered prior to the effective date of the Rule change. The distinction addresses concerns about potentially abrogating vested property rights by Rule without due process.

MARYLAND RULES
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT
CHAPTER 600 – JUDGMENT

AMEND Rule 3-625 by creating new section (a) pertaining to renewal of judgments in general, by creating new section (b) governing the renewal of judgments entered prior to the effective date of the Rule change, and by making stylistic changes, as follows:

Rule 3-625. EXPIRATION AND RENEWAL OF MONEY JUDGMENT

(a) Generally

Except as otherwise provided in section (b) of this Rule, a money judgment expires 12 years from the date of entry, except that the judgment holder may extend the judgment for one additional period of 12 years by filing a Notice of Renewal at any time before the expiration of the judgment. A Notice of Renewal under section (a) of this Rule shall state (1) the date of entry of the judgment and (2) that there has been no prior renewal of the judgment. Upon receipt of a timely filed Notice of Renewal, the clerk shall enter the judgment renewed for a period of 12 years from the date the Notice of Renewal was filed.

(b) Money Judgments Entered before [Eff. Date of Rule Change]

A money judgment entered before [effective date of Rule change] 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~~

Notice of Renewal, and the clerk shall enter the judgment renewed. There is no limit to the number of timely filed renewals under this section.

(c) Transmittal of Notice

Upon request of the judgment holder, the clerk shall transmit a copy of the ~~notice of renewal~~ 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; *Comptroller of Md. v. Shipe*, 221 Md. App. 425 (2015); and *Central Collection Unit v. Buckingham*, 214 Md. App. 672 (2013).

Source: This Rule is new.

REPORTER'S NOTE

Proposed amendments to Rule 3-625 eliminate the system of unlimited judgment renewals. See the Reporter's note to Rule 2-625. A judgment entered after the effective date of the Rule expires 12 years from its entry and, prior to its expiration, may be renewed for one additional 12-year period, which runs from the date the Notice of Renewal was filed. A new provision requires the notice of renewal to state the date on which the judgment was entered and confirm that no prior renewal has been entered. New section (b) contains the existing language of the Rule and applies to judgments entered prior to the effective date of the Rule change. The distinction addresses concerns about potentially abrogating vested property rights by Rule without due process.

MARYLAND RULES
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 600 – JUDGMENT

AMEND Rule 2-643 by clarifying in section (c) when the court shall release property from levy and when the court may release property from levy; by creating new subsection (d)(1) consisting of the current language of section (d), with amendments; by setting forth in subsection (d)(1) when the court may proceed without a hearing; by adding new subsection (d)(2) governing immediate release of cash in deposit accounts totaling \$6,000 or less; by clarifying the hearing requirement in section (f); and by making stylistic changes, as follows:

Rule 2-643. RELEASE OF PROPERTY FROM LEVY

(a) Upon Satisfaction of Judgment

Property is released from a levy when the judgment has been entered as satisfied and the costs of the enforcement proceedings have been paid.

(b) Upon Posting Bond

The judgment debtor may also obtain release of property from a levy by filing a bond in an amount sufficient to satisfy the judgment and enforcement costs.

(c) Upon Motion of Judgment Debtor

Upon motion of the judgment debtor, the court ~~may~~ shall release ~~some or all of~~ the property from a levy if it finds that ~~(1)~~ the judgment has been vacated, has expired, or has been satisfied, ~~(2)~~ or the property is exempt from levy, and the court may release some or all of the property from a levy if it finds that ~~(3)~~(1) the judgment creditor has failed to comply with these rules or an order of court regarding the enforcement proceedings, ~~(4)~~(2) property sufficient in value to satisfy the judgment and enforcement costs will remain under the levy after the release, ~~(5)~~(3) the levy upon the specific property will cause undue hardship to the judgment debtor and the judgment debtor has delivered to the sheriff or made available for levy alternative property sufficient in value to satisfy the judgment and enforcement costs, or ~~(6)~~(4) the levy has existed for 120 days without sale of the property, unless the court for good cause extends the time.

The motion and any response to the motion may be accompanied by a request for court review of the sheriff's appraisal made at the time of the levy.

(d) Upon Election of Exemption by Judgment Debtor

(1) Generally

By motion filed within 30 days after a levy, the judgment debtor may elect to exempt from execution of the judgment selected items of property or cash not exceeding in amount the cumulative value permitted by law. The motion and any response to the motion may be accompanied by a request for court review of the sheriff's appraisal made at the time of the levy. If subsection (d)(2) of this Rule is applicable, or if no party timely files a response

to the motion or request for a hearing, the court may proceed without a hearing. The court promptly shall release from the levy items of cash or property selected by the debtor to the extent required by law. Promptly upon receipt of an order of release from levy, the person in possession of the property shall comply.

(2) Release of Funds in Deposit Accounts Totaling \$6,000 or Less

If, by motion filed pursuant to subsection (d)(1) of this Rule, the judgment debtor elects up to the maximum exemption permitted by Code, Courts Article, § 11-504(b)(6) for deposit accounts listed in the motion, the court, no later than ten days after the motion was filed, and without holding a hearing or awaiting a response from the judgment creditor, shall order the prompt release from the levy of aggregate account funds totaling \$6,000 or less.

(e) Upon Claim of a Third Person

A person other than the judgment debtor who claims an interest in property under levy may file a motion requesting that the property be released. The motion shall be served on the judgment creditor and, if reasonably feasible, on the judgment debtor. If the judgment debtor is not served and does not voluntarily appear, the claimant shall file an affidavit showing that reasonable efforts have been made to ascertain the whereabouts of the judgment debtor and to provide the judgment debtor with notice of the motion. The court may

require further attempts to notify the judgment debtor. The judgment creditor or the judgment debtor may file a response to the motion.

(f) Hearing

A party desiring a hearing on a motion filed pursuant to this Rule shall so request pursuant to Rule 2-311 (f) ~~and, if~~. If requested, a hearing to which a party is entitled shall be held promptly.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former Rule G51.

Section (c) is derived from former Rule G51.

Section (d) is new.

Section (e) is new.

Section (f) is new.

REPORTER'S NOTE

In March 2023, the Judicial Council approved for dissemination the Report and Recommendations of the Committee on Equal Justice Rules Review Subcommittee (hereinafter “the EJC Report”). The Subcommittee was tasked with identifying instances in the Rules which “reflect, perpetuate, or fail to correct systemic biases.”

The Rules Committee’s Judgments Subcommittee first discussed a series of proposed amendments impacting the Rules governing judgments and their enforcement in June 2023. After consideration, the Subcommittee deferred action on any proposed amendments until interested parties and stakeholders could confer and possibly identify points of agreement. Consumer rights advocates, via the Access to Justice Office in the Administrative Office of the Courts (“Access to Justice”), proposed a series of amendments late last year which were reviewed by the Subcommittee in consultation with creditors’ attorneys.

Proposed amendments to section (c) distinguish the situations where the court “shall” order release of the property (when the judgment has been vacated, expired, or satisfied or if the property is exempt) and when the court has discretion to release the property.

Rule 2-643

Judgments S.C. approved

For 6/26/25 R.C.

Proposed amendments to Rule 2-643 recommended by Access to Justice and the consumer rights advocates require the court to “promptly” release property from the levy in subsection (d)(1) after the debtor elects exemptions and requires the garnishee to “promptly” release property included in the order.

New subsection (d)(2) governs release of funds in deposit accounts where the debtor indicates that the debtor wishes to elect the statutory exemption for the funds. The subsection permits the court to order release of the funds without waiting for a response or holding a hearing.

Section (f) is amended to clarify that the court must only hold a requested hearing if the party is entitled to a hearing under the Rule.

MARYLAND RULES
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT
CHAPTER 600 – JUDGMENT

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The motion and any response to the motion may be accompanied by a request for court review of the sheriff's appraisal made at the time of the levy.

(d) Upon Election of Exemption by Judgment Debtor

(1) Generally

By motion filed within 30 days after a levy, the judgment debtor may elect to exempt from execution of the judgment selected items of property or cash not exceeding in amount the cumulative value permitted by law. The motion and any response to the motion may be accompanied by a request for court review of the sheriff's appraisal made at the time of the levy. If subsection (d)(2) of this Rule is applicable, or if no party timely files a response

to the motion or request for a hearing, the court may proceed without a hearing. The court promptly shall release from the levy items of cash or property selected by the debtor to the extent required by law. Promptly upon receipt of an order of release from levy, the person in possession of the property shall comply.

(2) Release of Funds in Deposit Accounts Totaling \$6,000 or Less

If, by motion filed pursuant to subsection (d)(1) of this Rule, the judgment debtor elects up to the maximum exemption permitted by Code, Courts Article, § 11-504(b)(6) for deposit accounts listed in the motion, the court, no later than ten days after the motion was filed, and without holding a hearing or awaiting a response from the judgment creditor, shall order the prompt release from the levy of aggregate account funds totaling \$6,000 or less.

(e) Upon Claim of a Third Person

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require further attempts to notify the judgment debtor. The judgment creditor or the judgment debtor may file a response to the motion.

(f) Hearing

A party desiring a hearing on a motion filed pursuant to this Rule shall so request pursuant to Rule 2-311 (f) ~~and, if~~. If requested, a hearing to which a party is entitled shall be held promptly.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former M.D.R. G51.

Section (c) is derived from former M.D.R. G51.

Section (d) is new.

Section (e) is new.

Section (f) is new.

REPORTER'S NOTE

Proposed amendments to Rule 3-643 are recommended by the Access to Justice Office in the Administrative Office of the Courts in consultation with consumer and creditors' rights attorneys. See the Reporter's note to Rule 2-643.

MARYLAND RULES
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 600 – JUDGMENT

AMEND Rule 2-645 (c)(4) by adding a reference to a certain statutory exemption, as follows:

Rule 2-645. GARNISHMENT OF PROPERTY – GENERALLY

. . .

(c) Content

The writ of garnishment shall:

(1) contain the information in the request, the name and address of the person requesting the writ, and the date of issue;

(2) direct the garnishee to hold, subject to further proceedings or to termination of the writ, the property of each judgment debtor in the possession of the garnishee at the time of service of the writ and all property of each debtor that may come into the garnishee's possession after service of the writ;

(3) notify the garnishee of the time within which the answer must be filed and that the failure to do so may result in judgment by default against the garnishee;

(4) notify the judgment debtor and garnishee that federal and state exemptions may be available, and that up to an aggregate amount of \$500 in

deposit accounts of the debtor held by a depository institution pursuant to Code, Courts Article, § 11-504 is exempt from execution without the necessity of an election by the debtor;

(5) notify the judgment debtor of the right to contest the garnishment by filing a motion asserting a defense or objection; and

(6) notify the judgment debtor that, if the garnishee files an answer pursuant to section (e) of this Rule and no further filings concerning the writ of garnishment are made with the court within 120 days following the filing of the answer, the garnishee may file a notice of intent to terminate the writ of garnishment pursuant to subsection (k)(2) of this Rule.

Committee note: A writ of garnishment may direct a garnishee to hold the property of more than one judgment debtor if the name and address of each judgment debtor whose property is sought to be attached is stated in the writ.

...

REPORTER'S NOTE

In March 2023, the Judicial Council approved for dissemination the Report and Recommendations of the Committee on Equal Justice Rules Review Subcommittee (hereinafter “the EJC Report”). The Subcommittee was tasked with identifying instances in the Rules which “reflect, perpetuate, or fail to correct systemic biases.”

The Rules Committee’s Judgments Subcommittee first discussed a series of proposed amendments impacting the Rules governing judgments and their enforcement in June 2023. After consideration, the Subcommittee deferred action on any proposed amendments until interested parties and stakeholders could confer and possibly identify points of agreement. Consumer rights advocates, via the Access to Justice Office in the Administrative Office of the

Rule 2-645
Judgments S.C. approved
For 6/26/25 R.C.

Courts (“Access to Justice”), proposed a series of amendments late last year which were reviewed by the Subcommittee in consultation with creditors’ attorneys.

Proposed amendments to Rule 2-645, which applies to garnishment in general, adds to subsection (d)(4) reference to the provision that exempts \$500 from garnishment without any action from the judgment debtor.

MARYLAND RULES
TITLE 3 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 600 – JUDGMENT

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(2) direct the garnishee to hold, subject to further proceedings or to termination of the writ, the property of each judgment debtor in the possession of the garnishee at the time of service of the writ and all property of each debtor that may come into the garnishee's possession after service of the writ;

(3) notify the garnishee of the time within which the answer must be filed and that the failure to do so may result in judgment by default against the garnishee;

(4) notify the judgment debtor and garnishee that federal and state exemptions may be available, and that up to an aggregate amount of \$500 in

deposit accounts of the debtor held by a depository institution pursuant to Code, Courts Article, § 11-504 is exempt from execution without the necessity of an election by the debtor;

(5) notify the judgment debtor of the right to contest the garnishment by filing a motion asserting a defense or objection; and

(6) notify the judgment debtor that, if the garnishee files an answer pursuant to section (e) of this Rule and no further filings concerning the writ of garnishment are made with the court within 120 days following the filing of the answer, the garnishee may file a notice of intent to terminate the writ of garnishment pursuant to subsection (k)(2) of this Rule.

Committee note: A writ of garnishment may direct a garnishee to hold the property of more than one judgment debtor if the name and address of each judgment debtor whose property is sought to be attached is stated in the writ.

. . .

REPORTER'S NOTE

Proposed amendments to Rule 3-645, which applies to garnishment in general, adds to subsection (d)(4) reference to the provision that exempts \$500 from garnishment without any action from the judgment debtor.

AGENDA ITEM 2

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 - CHILD IN NEED OF ASSISTANCE

AMEND Rule 11-216 by adding to subsection (f)(2) a provision for implementation of a magistrate's commitment order pending a hearing on exceptions, as follows:

Rule 11-216. DISPOSITION HEARING AND ORDER

(a) Generally

Unless a CINA petition is dismissed, the court shall:

- (1) determine promptly any pending motion to intervene; and
- (2) conduct a separate disposition hearing to determine whether the respondent child is a child in need of assistance as defined in Code, Courts Article, §3-801 (f).

(b) Scheduling

(1) The disposition hearing shall be held on the same day as the adjudicatory hearing unless the court, on motion of a party or on its own initiative, finds good cause for a postponement.

(2) If the court postpones the disposition hearing, it shall be held no later than 30 days after the conclusion of the adjudicatory hearing, unless the court finds good cause for a further delay.

Rule 11-216
Juvenile S.C. approved
For 6/26/25 R.C. meeting

(c) Purpose of Hearing

The purpose of a disposition hearing is to determine:

- (1) whether the child is in need of assistance; and
- (2) if so, the nature and extent of the court's intervention necessary to protect the child's health, safety, and well-being.

Cross reference: See Code, Courts Article, §3-801 (m).

(d) Possible Dispositions

The court shall make one of the following dispositions:

(1) find that the child is not in need of assistance and, subject to entering an order of custody pursuant to Code, Courts Article, §3-819 (e), dismiss the petition;

(2) hold in abeyance a finding whether a child with a developmental disability or mental illness is a child in need of assistance and take an action provided for in Code, Courts Article, §3-819 (b)(1)(ii); or

(3) find that the child is in need of assistance and take one or more of the actions provided for in Code, Courts Article, §3-819 or §3-819.2, as appropriate.

(e) Inpatient Commitment to Certain Facilities

(1) Order for Evaluation

If the court has reason to believe that a child should be placed for inpatient care or treatment in a psychiatric facility or facility for developmentally disabled persons and has not already received a current

evaluation report pursuant to Rule 11-210, it shall order that the child be evaluated pursuant to that Rule. The order shall require the agency conducting the evaluation to submit a written report setting forth:

(A) the extent to which the standard for commitment set forth in Code, Courts Article, §3-819 (h) or (i) is met;

(B) the basis for that finding; and

(C) the reason for its recommended disposition.

(2) Conduct of Evaluation

(A) The evaluation shall be conducted on an outpatient basis unless, considering the child's condition, that is not feasible.

(B) If an inpatient evaluation is necessary, the court may authorize the admission of the child to a facility for a period not to exceed 21 days unless, for good cause, the court extends that time.

(3) Limitations on Commitment

The court may not commit a child for inpatient care and treatment in a psychiatric facility or a facility for developmentally disabled persons unless the court finds by clear and convincing evidence that the standards set forth in Code, Courts Article, §3-819 (h) or (i) are met.

(4) Commitment for Inpatient Care and Treatment

Each order that commits a child for inpatient care and treatment in a psychiatric facility or facility for developmentally disabled persons shall require

the custodian to file progress reports with the court at intervals no greater than every six months during the life of the order.

Cross reference: See Rule 11-218 requiring periodic review hearings based on progress reports.

(f) Statement of Reasons

(1) By a Judge

If the disposition hearing is conducted by a judge and the disposition order includes placement of the child outside the child's home, the judge shall announce and dictate into the record a statement of the reasons for the placement.

(2) By a Magistrate

If the disposition hearing is conducted by a magistrate, the magistrate shall comply with Rule 11-103 (c). A commitment or other custody recommendation by a magistrate is subject to approval by the court in accordance with Rule 11-103 but may be implemented in advance of that approval, subject to immediate review if requested by a party, pending a hearing on exceptions. An immediate review shall be on the record, with oral arguments permitted.

(3) Reasonable Efforts Finding

The court shall make a finding as required by Code, Courts Article, §3-816.1.

Source: This Rule is derived from former Rule 11-115 (2021).

REPORTER'S NOTE

The proposed amendment to Rule 11-216 was prompted by a request by a magistrate for clarification of a provision of the revised Juvenile Rules in Title 11, which went into effect on January 1, 2022. Current Rule 11-216 was derived from former Rule 11-115 and its predecessor, which stated, “A commitment recommended by a [magistrate] is subject to approval by the court... but may be implemented in advance of court approval.” Rule 11-216 did not carry this provision forward in the Title 11 revision; Rule 11-422 did carry forward a similar provision for delinquency dispositions. The magistrate questioned whether it was intentional that Rule 11-216 does not contain the “implemented in advance of court approval” provision for CINA cases.

Magistrates are appointed by the circuit court for juvenile causes arising under Code, Courts Article, Title 3, Subtitle 8 and Subtitle 8A. A magistrate may conduct hearings and “shall make findings of fact, conclusions of law, and recommendations as to an appropriate order.” Code, Courts Article, § 3-807. A magistrate’s recommendations “do not constitute orders or final action of the court.” *Id.*

A magistrate is authorized by statute to order emergency detention, community detention, or shelter care, but that order is subject to review by the court. *Id.* The Maryland Rules require that a recommendation to continue detention, community detention, or shelter care be immediately reviewed by a judge on request. See Rule 11-204 (d)(4) pertaining to CINA proceedings and Rule 11-406 (g) pertaining to delinquency proceedings.

The Supreme Court has held that “a [magistrate’s] recommendations are not binding upon the parties and do not carry the force of the law until they are adopted by the trial judge.” *In re Kaela C.*, 394 Md. 432, 473 (2006). The magistrate’s conclusions and judgments are subject to a judge’s independent review of the record. *Domingues v. Johnson*, 323 Md. 486, 491 (1991).

The ultimate conclusions and recommendations of the [magistrate] are not simply to be tested against the clearly erroneous standard, and if found to be supported by evidence of record, automatically accepted. That the conclusions and recommendations of the [magistrate] are well supported by the evidence is not dispositive if the independent exercise of judgment by the chancellor on those issues would produce a different result.” *Id.* at 491-92.

In analyzing the role of the magistrate and the role of the court, the Supreme Court discussed then-Rule 11-115 (b)'s provision permitting the magistrate's recommendation for commitment to be implemented pending exceptions. *See In re Kaela C.* at 472. The Court reiterated that this provision does not "obviate a party's right" to file exceptions and determined that the judge is prohibited from adopting the magistrate's recommendations prior to the expiration of the time for filing exceptions. *Id.*

When the Title 11 revision project recommenced in earnest in late 2020, the Juvenile Subcommittee relied heavily on drafting by a workgroup. The drafts of the disposition Rules for both CINA and delinquency proceedings that were transmitted to the Subcommittee for consideration contained some version of the provision permitting a magistrate's commitment recommendation to be implemented pending a hearing on exceptions, but the language of the two proposals was not identical.

The early drafts read:

(In Chapter 200 – CINA)

A commitment recommend by a magistrate is subject to approval by the court in accordance with Rule 11-103 but may be implemented in advance of court approval, **subject to immediate review if requested by a party.**

(In Chapter 400 – Delinquency)

A commitment recommend by a magistrate is subject to approval by the court in accordance with Rule 11-103 but may be implemented in advance of court approval, **subject to a stay if requested by a party, pending a hearing on the exceptions.**

Prior to the first meeting of the Juvenile Subcommittee on the 2020 revision project, a "hand-out" version of the end of the Chapter 200 Rule was circulated. The hand-out did version did not contain a provision about implementing a magistrate's recommendation in advance of court approval. It is substantially that version of the Rule that was adopted by the Supreme Court. Committee staff was unable to locate any discussion of the omission of the "implemented in advance of court approval" provision.

The Juvenile Rules Subcommittee discussed the concern raised by the magistrate that the current scheme of Rules does not have a provision for the interim period in a CINA case between disposition by a magistrate and the order of the court. Anecdotally, the Subcommittee was informed that this has Rule 11-216
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not been an issue in practice as, in most cases, the commitment is continued and the parties either consent or do not object to implementation of the magistrate's recommendation.

The Subcommittee was presented with two options to amend Rule 11-216 (f): recommend the readoption of the prior language, which was omitted from the 2022 revision, or recommend the adoption of language from the parallel provision in Rule 11-422.

The Subcommittee heard from representatives from the Office of the Public Defender's Parental Defense Division (the "OPD"), Maryland Legal Aid's children's rights division, and the Maryland Department of Human Services (the "DHS"). The Maryland Legal Aid attorney, the DHS attorney, and the magistrate present at the meeting supported restoring the prior language.

The OPD argued that Rule 11-103 (d)(2), which authorizes a magistrate to submit a recommendation for an immediate order to a judge when the magistrate finds extraordinary circumstances exist, should be used to authorize commitment after a disposition. Concerns were raised about the practicality of requiring a magistrate to make a finding of extraordinary circumstances and prepare findings and recommendations to take to a judge to maintain the *status quo* while the parties file and litigate exceptions. There was general agreement that the continued commitment of the child while exceptions are pending is what happens in CINA matters.

The Subcommittee ultimately recommended a more robust version of the prior provision be added to section (f). The proposed amendment permits the magistrate's commitment or other custody recommendation be implemented in advance of court approval but permits a party to request immediate review. The review is limited to the custody determination and is on the record with an opportunity for oral argument.

MARYLAND RULES OF PROCEDURE

TITLE 11 – JUVENILE CAUSES

CHAPTER 300 – GUARDIANSHIP TERMINATING PARENTAL RIGHTS

FORMS

AMEND Form 11-309 by correcting the numbering in subsection (b)(4) of section B of the form and by moving section I of the form to be prior to the signature block, with additional language, as follows:

Form 11-309. CONSENT BY PARENT TO GUARDIANSHIP

A consent by a parent to guardianship shall be substantially in the following form:

CONSENT BY PARENT TO GUARDIANSHIP WITH THE RIGHT TO

CONSENT TO ADOPTION OF [NAME OF CHILD] BY [NAME OF

LOCAL DEPARTMENT/GUARDIAN]

INSTRUCTIONS

The attached written consent form is an important legal document. You must read all of these instructions BEFORE you decide whether to sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

. . .

CONSENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO
ADOPTION OR OTHER PLANNED PERMANENT LIVING ARRANGEMENT OF
_____ TO _____

Use a pen to fill out this form. You must complete each section.

A. Language of Form

1. The instructions and this consent form are in _____ (language), which is a language I can read and understand.

2. If the form is in a language other than English, attached to it is an affidavit in English of the person who translated the document from English attesting that the translation is accurate and listing the translator's qualifications.

B. Identifying Information

1. Name

My full name is _____.

2. Age

My date of birth is _____.

3. Child's Birth Information

The child who is the subject of this consent was born
on _____ (date) at _____
(name of hospital or address of birthplace) in _____
(city, state, and county, and country of birth).

4. Status as Parent

(a) I am

☐ the mother of the child;
☐ the father of the child;
☐ alleged to be the father of the child; or
☐ found by a court to be the “de facto” parent
of the child.

(b) If I checked “alleged to be the father of the child” or “found by a court to be the ‘de facto’ parent of the child” (Check all that apply):

- (1) ☐ I was married to the mother of the child at the time of conception of the child.
- (2) ☐ I was married to the mother of the child at the time the child was born.
- (3) ☐ I was the registered domestic partner of the parent of the child at the time of conception of the child.
- (4) ☐ I was the registered domestic partner of the parent of the child at the time the child was born.
- ~~(7)~~ (5) ☐ I was named as the father on the child’s birth certificate.
- ~~(8)~~ (6) ☐ The child’s mother named me as the child’s father.
- ~~(9)~~ (7) ☐ I have been adjudicated by a court to be the child’s parent.
- ~~(10)~~ (8) ☐ I have acknowledged myself orally or in writing to be the child’s father.
- ~~(11)~~ (9) On the basis of genetic testing, I ☐ have been ☐ have not been indicated to be the child’s biological father.
- ~~(12)~~ (10) ☐ I do not know if I am the father of the child.
- ~~(13)~~ (11) ☐ I deny that I am the father of the child.

...

H. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM AND

Form 11-309
Juvenile S.C. approved
For 6/26/25 R.C.

GUARDIANSHIP IS GRANTED, I WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD, EXCEPT THOSE RIGHTS THAT I HAVE KEPT UNDER ANY WRITTEN POST-ADOPTION AGREEMENT.

I. Oath and Signature

I have read carefully and understand the instructions at the front of this consent form. I am signing this consent form voluntarily and of my own free will.

I solemnly affirm under the penalties of perjury that the contents of this consent form are true to the best of my knowledge, information, and belief.

(Signature)

(Date)

(Printed Name)

Address

(City, State, Zip Code)

(Telephone Number)

(E-Mail Address)

(Witness Signature)

(Date)

(Printed Name)

Address

(City, State, Zip Code)

(Telephone Number)

(E-Mail Address)

~~I. Oath and Signature~~

REPORTER'S NOTE

Proposed amendments to Rule 11-309 correct typographical errors and unintended deletions. The numbering subsection (b)(4) of section B of the form is corrected. In addition, the oath prior to the signature block was inadvertently omitted when the Rule was re-codified in the 208th Report. This is corrected in section I of the form.

AGENDA ITEM 3

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 100 – COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-104, by adding new section (c), authorizing a Circuit Administrative Judge to designate another County Administrative Judge in the same Circuit as Acting Circuit Administrative Judge, as follows:

RULE 16-104. CIRCUIT COURT – CIRCUIT ADMINISTRATIVE JUDGE

(a) Designation

The Chief Justice of the Supreme Court shall designate, from among the incumbent judges in each judicial circuit, a Circuit Administrative Judge for each judicial circuit, to serve in that capacity at the pleasure of the Chief Justice. The Circuit Administrative Judge shall serve also as the County Administrative Judge of the circuit court for the county within which the judge resides.

(b) Duties

Subject to the provisions of this Chapter and to the direction of the Chief Justice of the Supreme Court, the Circuit Administrative Judge is generally responsible for the overall administration of the circuit courts within the judicial circuit, and for matters that may affect more than one of those courts. In carrying out those responsibilities, the Circuit Administrative Judge:

(1) may perform, on a temporary basis, any of the duties of a County Administrative Judge for a circuit court within the judicial circuit in the absence of the County Administrative Judge or acting County Administrative Judge for that court;

(2) after consulting with the County Administrative Judges in the circuit, may direct the assignment of magistrates appointed on a circuit-wide basis among the courts within the circuit as judicial business requires; and

(3) shall convene a meeting of all of the circuit court judges within the judicial circuit at least once every six months. The meeting may be conducted in person or by video, telephonic, or other electronic means.

(c) Delegation of Authority

A Circuit Administrative Judge may designate another County Administrative Judge in the same Circuit to serve as Acting Circuit Administrative Judge during the temporary absence of the Circuit Administrative Judge.

Source: This Rule is derived from former Rule 16-101 c (2016).

REPORTER'S NOTE

The Chair of the Conference of Circuit Judges has requested a change to Rule 16-104 in order to permit a Circuit Administrative Judge to designate another Country Administrative Judge from the same Circuit as Acting Circuit Administrative Judge in the Circuit Administrative Judge's temporary absence. This is accomplished by new subsection (c).

AGENDA ITEM 4

MARYLAND RULES OF PROCEDURE

TITLE 6 – SETTLEMENT OF DECEDENTS’ ESTATES

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 6-121, by adding new subsections (b)(1), (b)(2) and (b)(3),
pertaining to formatting requirements, by adding new subsection (c)(1)
pertaining to forms, by adding a cross reference and Committee note following
section (c), and by making stylistic changes, as follows:

RULE 6-121. FORM OF COURT PAPERS

(a) Caption

Unless a ~~rule~~ Rule in this Title specifies a different form of caption, all papers filed with the court or the register shall be appropriately captioned as follows:

IN THE ORPHANS' COURT

(OR)

BEFORE THE REGISTER OF WILLS

FOR

_____, MARYLAND

IN THE ESTATE : ESTATE NO. _____
 :
OF :

(b) Legibility and Durability

A paper and the writing on it shall be of permanent quality and the writing shall be legible.

(1) Size of Paper; Orientation

Any paper filed shall be printed, typed, or handwritten on paper eight and one-half inches wide and 11 inches in length, portrait format.

(2) Ink Color; Margins; One-sided Papers

Any paper filed shall be printed, typed, or handwritten in black or blue ink, shall have a margin of not less than one inch at the top, bottom, and each side of the page, except that the page number may be written within the bottom margin, and shall make use of only one side of the paper.

(3) Type and Font Size

Any computer-generated paper prepared electronically and filed shall be formatted in at least an eleven-point font size. Any typewritten paper prepared and filed shall be typed in at least a ten-point font size.

(c) Forms; Existing Documents

Sections (a) and (b) of this Rule do not apply to (1) any form approved by the registers of wills and posted on the Register of Wills' website and (2) any document already in existence ~~which~~ that is filed as an exhibit to a petition or paper. However, ~~they~~ sections (a) and (b) do apply to any document prepared as an exhibit.

Cross Reference: See Rule 6-108 (a).

Committee note: Section (a) of Rule 6-108 prohibits a register of wills from refusing to accept for filing any paper on the ground that it is not in the form

Rule 6-121

Approved by Probate SC 6/13/2025

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mandated by a Rule in this Title. This includes the formatting requirements under sections (b) and (c) of this Rule. An orphans' court has the discretion, however, to determine that a paper has been prepared in a manner insufficient for the court to adequately review its contents, and order the filing party to file a revised paper that complies with the provisions of section (b) of this Rule.

REPORTER'S NOTE

The Probate and Fiduciary Subcommittee proposes, at the request of the Orphans' Court judges, Registers of Wills, and the Estates and Trust Law Section of the MSBA, that Rule 6-121 be revised to promulgate uniform standards statewide to minimize the number of illegible filings received by the Registers of Wills. In many situations, accounts filed with the Registers have been illegible due to the use of small fonts, illegible handwriting, and filings printed in "landscape" format.

New subsection (b)(1) is proposed and requires that a filing be submitted on 8 ½ by 11 inch paper in "portrait" format.

New subsection (b)(2) is proposed and specifies that filings must be in blue or black ink on one-sided papers with one-inch margins.

New subsection (b)(3) is proposed and requires that computer-generated papers must be prepared using at least an 11 point font and type-written papers using at least a 10 point font.

Revisions are proposed to section (c) to clarify that the formatting provisions in section (b) do not apply to the statewide forms promulgated on the Registers of Wills' website. Conforming and stylistic amendments are also proposed to section (c).

In addition, a cross-reference to Rule 6-108 and an explanatory Committee note are proposed following section (c).

MARYLAND RULES OF PROCEDURE

TITLE 7 – APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 500 – APPEALS FROM THE ORPHANS’ COURT TO THE CIRCUIT
COURT

AMEND Rule 7-501 by adding the word “final” before judgment and the word “appealable” before order, and by making a stylistic change as follows:

RULE 7-501. APPLICABILITY

The ~~rules~~ Rules in this Chapter govern appeals to a circuit court from a final judgment or appealable order of an orphans' court.

Committee note: In Harford County, Howard County, and Montgomery County, direct appeal to the Appellate Court is the only method of appellate review of a judgment of the Orphans' Court. See Code, Courts Article, § 12-502. In all other jurisdictions, the appellant has the option of a direct appeal to the Appellate Court or an appeal to the circuit court for the county.

Source: This Rule is new.

REPORTER’S NOTE

The Probate and Fiduciary Subcommittee proposes, at the request of the Orphans’ Court judges, Registers of Wills, and the Estates and Trust Law Section of the MSBA, that Rule 7-501 be revised to clarify that only final judgments and appealable orders of the Orphans’ Courts are eligible to be appealed. This revision was requested because some litigants in Orphans’ Court matters were seeking to take appeals from non-final judgments and unappealable orders.

AGENDA ITEM 5

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

AMEND Rule 16-912 by revising section (d) to exclude certain information pertaining to sensitive information from public inspection and by deleting the cross reference following section (d), as follows:

Rule 16-912. ACCESS TO NOTICE, SPECIAL JUDICIAL UNIT, LICENSE, AND DOMESTIC PARTNERSHIP RECORDS

(a) Notice Records

Except as otherwise provided by statute, a custodian may not deny inspection of a notice record that has been recorded and indexed by the clerk.

Cross reference: See Code, Real Property Article, § 3-111, precluding certain personal information from being included in recordable documents after June 1, 2010 and providing for the redaction of such information if included.

(b) Special Judicial Unit Records

(1) Generally

Subject to unwaived lawful privileges and subsection (b)(2) of this Rule, where a requested record falls within the confidentiality rules applicable to a special judicial unit, access to the record is governed by the confidentiality Rules applicable to that unit.

(2) Exception

Access to administrative records of special judicial units that are not subject to a confidentiality provision in the Rules governing the unit shall be governed by Rule 16-913.

Cross reference: See Rule 18-407, applicable to records and proceedings of the Commission on Judicial Disabilities, the Judicial Inquiry Board, and Investigative Counsel; Rule 19-105, applicable to the State Board of Law Examiners, the Accommodation Review Committee, and the character committees; and Rule 19-707, applicable to records and proceedings of the Attorney Grievance Commission and Bar Counsel.

(c) License Records

(1) Business License Records

Except as otherwise provided by the Rules in this Chapter, the right to inspect business license records is governed by the applicable provisions of Parts II, III, and IV of the PIA.

(2) Marriage License Records

A custodian shall deny inspection of the following records pertaining to a marriage license:

(A) certificate of a physician or certified nurse practitioner filed pursuant to Code, Family Law Article, § 2-301, attesting to the pregnancy of a child under 18 years of age who has applied for a marriage license; and

(B) until the license becomes effective, the fact that an application for a license has been made, except to the parent or guardian of a minor party to be married who is 15 years old or older.

Cross reference: See Code, Family Law Article, § 2-301, which lists the conditions necessary to permit a minor between 15 and 17 years old to legally marry and Code, Family Law Article, § 2-402 (e), which permits disclosure to a parent or guardian of such a minor prior to the license becoming effective.

(d) Domestic Partnership Records

A Pursuant to Code, Estates and Trusts Article, § 2-214(d), a custodian shall deny inspection of ~~the portion~~ portions of a declaration of domestic partnership or declaration of termination that ~~contains~~ contain the home address and Social Security number of either domestic partner.

~~Cross reference: See Code, Estates and Trusts Article, § 2-214(d)(3).~~

Source: This Rule is new.

REPORTER'S NOTE

Proposed amendments to Rule 16-912 are in response to Chapters 226/227, 2025 Laws of Maryland (HB 323/SB 286). The legislation updates the information required to be provided as part of a declaration of domestic partnership filed with a Register of Wills. The changes to Code, Estates and Trusts Article, § 2-214 include adding the Social Security number of each party to the declaration, if the party has one, as well as a restriction on public access to that information.

Proposed amendments to Rule 16-912 (d) update the Rule to encompass the additional restriction on access to information contained in these records.

MARYLAND RULES OF PROCEDURE

TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 700 – FIDUCIARY ESTATES INCLUDING GUARDIANSHIPS OF THE
PROPERTY

AMEND Rule 10-711 by expanding the cross reference at the end of the Rule, as follows:

Rule 10-711. RESIGNATION OF FIDUCIARY AND APPOINTMENT OF
SUBSTITUTED OR SUCCESSOR FIDUCIARY

(a) Commencement of Action

A fiduciary may file a petition to resign. The petition shall state the reasons for the resignation and may request the appointment of a substituted or successor fiduciary. When a fiduciary resigns, dies, is removed, or becomes otherwise incapable of filling the position, and there is no substituted or successor fiduciary already named, the court may, on its own initiative or on petition filed by any interested person, appoint a substituted or successor fiduciary.

(b) Venue

(1) Guardianships of the Property

The petition to resign or to appoint a substituted or successor fiduciary shall be filed in the court that has assumed jurisdiction over the guardianship.

If jurisdiction has not been assumed, the petition shall be filed pursuant to Rule 10-301(c).

(2) Other Fiduciary Proceedings

The petition shall be filed in the court that has assumed jurisdiction over the fiduciary estate, or if jurisdiction has not been assumed, in the county in which the property is situated, or where the fiduciary resides, is regularly employed, or maintains a place of business.

(c) Account of Resigning Fiduciary

The resigning fiduciary shall file with the petition an accounting pursuant to Rule 10-706 for any period not covered in any annual accountings previously filed, or, if none, from the date the fiduciary assumed the office.

In the case of an estate not previously subject to court jurisdiction, where all beneficiaries have filed a waiver or where the court does not require an accounting, an accounting need not be filed.

(d) Notice

The petitioner shall give notice to those interested persons designated by the court by mailing to them by ordinary mail a copy of the petition and a show cause order issued pursuant to Rule 10-104.

(e) Termination of Fiduciary's Appointment

Resignation of a fiduciary does not terminate the appointment of the fiduciary until the court enters an order accepting the resignation.

(f) Proceedings

The court may, and upon request shall, hold a hearing and shall grant or deny the relief sought in the petition. Pending the appointment of the successor fiduciary, the court may appoint a temporary fiduciary.

(g) Resignation of Co-Fiduciary

Unless otherwise ordered by the court, a co-fiduciary may resign the office pursuant to this Rule. The resigning co-fiduciary shall turn over all property belonging to the estate to the remaining co-fiduciary.

(h) Duty of Personal Representative of the Estate of Deceased Fiduciary or Guardian of Disabled Fiduciary

Upon the death or disability of a fiduciary, the personal representative or the guardian of the fiduciary, if any, shall, subject to order of court:

- (1) Have the duty to protect all property belonging to the estate;
- (2) Have the power to perform acts necessary for the protection of the estate;
- (3) Immediately apply to the court for the appointment of a substituted or successor fiduciary;
- (4) Upon appointment of a substituted or successor fiduciary have the duty to file an accounting pursuant to Rule 10-708 and deliver any property of the estate to the substituted or successor fiduciary.

Committee note: Code, Estates and Trusts Article, § 13-220(c) applies to deceased or disabled guardians of the property; section (i) of this Rule applies to all deceased or disabled fiduciaries.

(i) Additional Means of Resignation

This Rule is in addition to, and not in lieu of, any other procedure for the resignation or discharge of a fiduciary provided by law or by the instrument creating the estate or appointing the fiduciary.

Cross reference: See Code, Estates and Trusts Article, § 14.5-705 pertaining to resignation of a trustee. See Code, Estates and Trusts Article, § 15-111 pertaining to the effect of resignation of a fiduciary.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule V81 a and former Rule V82 a.

Section (b):

Subsection (1) is derived from former Rule R72 a and b.

Subsection (2) is derived from former Rule V81 a.

Section (c) is in part derived from former Rule V81 b 1 and is in part new.

Section (d) is derived from former Rule V81 c 1.

Section (e) is new.

Section (f) is in part derived from former Rule V78 b 5 and is in part new.

Section (g) is new.

Section (h) is derived from former Rule V82 e.

Section (i) is derived from former Rule V81 e.

REPORTER'S NOTE

Proposed amendments to Rule 10-711 are in response to Chapters 228/229, 2025 Laws of Maryland (HB 146/SB 126). The legislation adds a provision to the Maryland Trust Act (codified at Code, Estates and Trusts Article, Title 14.5) to permit resignation of a trustee with 30 days' notice to certain stakeholders. This procedure is an alternative to approval of the court. Proponents of the legislation informed the General Assembly that many modern trust instruments include a provision for resignation of the trustee with notice; older instruments may not contain such a provision and resignation must occur pursuant to Rule 10-711, which requires time and resources.

Rule 10-711 concludes with section (i), "Additional Means of Resignation," which provides, "This Rule is in addition to, and not in lieu of, any other procedure for the resignation or discharge of a fiduciary provided by law or by the instrument creating the estate or appointing the fiduciary."

The proposed amendments expand the cross reference following section (i) to add this statute and to explain the context of the existing reference.

Rule 10-711

Probate SC approved

For 6/26/25 R.C.

AGENDA ITEM 6

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE COURT OF APPEALS AND COURT OF

SPECIAL APPEALS

CHAPTER 400 – PRELIMINARY PROCEDURES

AMEND Rule 8-422 by correcting the cross reference after subsection (a)(1), as follows:

Rule 8-422. STAY OF ENFORCEMENT OF JUDGMENT

(a) Civil Proceedings.

(1) Generally

Stay of an order granting an injunction is governed by Rules 2-632 and 8-425. Except as otherwise provided in the Code or Rule 2-632, an appellant may stay the enforcement of any other civil judgment from which an appeal is taken by filing with the clerk of the lower court a supersedeas bond under Rule 8-423, alternative security as prescribed by Rule 1-402 (e), or other security as provided in Rule 8-424. The bond or other security may be filed at any time before satisfaction of the judgment, but enforcement shall be stayed only from the time the security is filed.

Cross reference: For provisions permitting a stay without the filing of a bond, see Code, Family Law Article, § 5-518 and Courts Article, § 12-701(a)(1). For provisions limiting the extent of the stay upon the filing of a bond, see Code, Alcoholic Beverages and Cannabis Article, § 4-908; Courts Article, § 12-701(a)(2); Insurance Article § 2-215(j)(2); and Tax--Property Article, § 14-514. For general provisions governing bonds filed in civil actions, see Title 1, Chapter 400 of these Rules.

• • •

REPORTER'S NOTE

A proposed amendment to Rule 8-422 corrects the title of an Article of the Code in the cross reference after subsection (a)(1). The title “Alcoholic Beverages Article” is corrected to “Alcoholic Beverages and Cannabis Article.”

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 300 – CIRCUIT COURTS – ADMINISTRATION AND CASE
MANAGEMENT

AMEND Rule 16-301 by updating the cross reference after section (b), as follows:

Rule 16-301. TERM OF COURT AND GRAND JURY

• • •

(b) Term of Grand Jury; Extension to Complete Investigation

(1) Definition

In section (b) of this Rule, “State's Attorney” includes the Attorney General when using a grand jury pursuant to Article V, § 3 of the Maryland Constitution or other law and the State Prosecutor when using a grand jury pursuant to Code, Criminal Procedure Article, § 14-110.

(2) Term of Grand Jury and Additional Grand Jury

The term of a grand jury for a county shall be as determined in the jury plan for that county. The term of any additional grand jury for a county appointed pursuant to Code, Courts Article, § 8-413 shall be determined by the County Administrative Judge.

(3) Extension of Term

On motion of the State's Attorney, the County Administrative Judge or the jury judge may enter an order extending the term of a grand jury or

additional grand jury so that it may complete an investigation specified by the judge in the order. During an extension, the grand jury shall continue until it concludes its investigation or is sooner discharged by the judge but is limited to the investigation specified in the order.

Cross reference: For the definition of “jury plan,” see Code, Courts Article, § 8-101 ~~(e)~~(d).

Source: This Rule is derived from former Rule 16-107 (2016).

REPORTER’S NOTE

Chapter 137, 2025 Laws of Maryland (HB 1440), effective October 1, 2025, includes an amendment to Code, Courts Article, § 8-101. The new law adds a new section (b) and re-letters the subsequent sections. Accordingly, a proposed amendment to Rule 16-301 updates the cross reference after section (b) to reflect the re-lettering of sections in Code, Courts Article, § 8-101.