

Notice of In-Person Meeting

Standing Committee on Rules of Practice and Procedure **January 9, 2026 Open Meeting, 9:30 a.m.** **Instructions for Members of the Public**

The January 9, 2026, 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 132-133, 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

January 9, 2026 (Friday)
9:30 a.m.
Maryland Judicial Center
Rooms 132-133
187 Harry S. Truman Parkway
Annapolis, MD 21401

- | | | |
|--------|--|----------------|
| Item 1 | Consideration of proposed new Rule 5-107 (Illustrative Aids) | Mr. Brault |
| | Proposed amendments to:
Rule 5-1006 (Summaries) | |
| Item 2 | Consideration of proposed new Title 15, Chapter 1700 (Assisted Outpatient Treatment): | Judge Nazarian |
| | New Rule 15-1701 (Applicability; Definitions)
New Rule 15-1702 (Petition)
New Rule 15-1703 (Initial Hearing; Show Cause; Service)
New Rule 15-1704 (Advice of Rights)
New Rule 15-1705 (Initial Hearing)
New Rule 15-1706 (Hearing)
New Rule 15-1707 (Findings; Order)
New Rule 15-1708 (Modification; Review Hearings)
New Rule 15-1709 (Confidentiality) | |
| | Conforming and "housekeeping" amendments to:
Rule 1-101 (Applicability)
Rule 16-914 (Case Records – Required Denial of Inspection – Certain Categories) | |
| | Rule 10-203 (Service; Notice)
Rule 10-302 (Service; Notice) | |
| Item 3 | Consideration of proposed amendments to Rule 20-109 (Access to Electronic Records in an Action) | Judge Nazarian |
| Item 4 | Consideration of proposed "housekeeping" amendments to Rule 16-903 (Definitions) | Reporter |

AGENDA ITEM 1

MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 100 – GENERAL PROVISIONS

ADD new Rule 5-107, as follows:

Rule 5-107. ILLUSTRATIVE AIDS

(a) Permitted Uses

The court may allow a party to present an illustrative aid to help the trier of fact understand the evidence or argument if the aid's utility in assisting comprehension is not substantially outweighed by the danger of prejudice, confusing the issues, misleading the jury, undue delay, or wasting time.

(b) Record

An illustrative aid used at trial shall be marked for identification and included in the record.

(c) Use in Jury Deliberations

An illustrative aid is not evidence and may not be provided to the jury during deliberations unless:

- (1) all parties consent; or
- (2) the court, for good cause, orders otherwise.

If the court permits a jury to see an illustrative aid during deliberation, the court shall give a limiting instruction.

Cross reference: See Rule 5-1006 (Summaries) for admissibility of a summary of voluminous writings, recordings, or photographs.

REPORTER'S NOTE

The Evidence Subcommittee proposes new Rule 5-107 be adopted to cover illustrative aides. The new Rule is derived from new F.R.Ev. 107. It is intended to provide clear and uniform guidance on the use of illustrative aids.

Section (a) delineates the permissible use of an illustrative aide and establishes that the judge must determine whether the benefits of the use of the aid are not substantially outweighed by the potential harms of its use.

Section (b) requires that an illustrative aid used at trial must be marked for identification and included in the record.

Section (c) establishes that an illustrative aid is not evidence, and therefore it may not be provided to a jury during deliberation unless the parties agree or the court finds good cause. If a jury is permitted to see an illustrative aid during deliberations, the judge must give a limiting instruction.

A cross reference to Rule 5-1006 (Summaries) is included following section (c).

MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 1000 – CONTENTS OF WRITINGS, RECORDINGS, AND
PHOTOGRAPHS

AMEND Rule 5-1006 by adding a provision to section (a) clarifying that the underlying materials of a summary need not be offered or admitted into evidence, by adding a cross reference following section (a), and by making a stylistic change, as follows:

Rule 5-1006. SUMMARIES

(a) Generally

The contents of voluminous writings, recordings, or photographs, otherwise admissible, which cannot conveniently be examined in court may be presented in the form of a chart, calculation, or other summary, whether or not the voluminous writings, recordings, or photographs have been offered or admitted into evidence.

Cross reference: See Rule 5-107 concerning the use of a summary as an illustrative aid.

(b) Procedures

The party intending to use such a summary must give timely notice to all parties of the intention to use the summary and shall make the summary and the originals or duplicates from which the summary is compiled available for

inspection and copying by other parties at a reasonable time and place. The court may order that they be produced in court.

Source: This Rule is derived from F.R.Ev. 1006.

REPORTER'S NOTE

The Evidence Subcommittee proposes amendments to Rule 5-1006 to reflect recent revisions made to Fed.R.Ev. 1006. The federal rule was amended to correct mistaken applications of the rule, where summaries were not being admitted into evidence unless the underlying voluminous materials were also admitted into evidence. The amendment to this Rule clarifies that the summary of admissible voluminous writings, recordings, or photographs is itself admissible evidence, with or without the need to separately admit the voluminous admissible evidence. This is in contract to an illustrative aid, which is not separately admissible evidence.

A cross reference to Rule 5-107 (Illustrative Aids) is added following section (a).

A stylistic change, dividing the Rule into sections (a) and (b), is also proposed.

AGENDA ITEM 2

MARYLAND RULES OF PROCEDURE

TITLE 15 – COURT ADMINISTRATION

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

Rule 15-1701. APPLICABILITY; DEFINITIONS

- (a) Applicability
- (b) Definitions
 - (1) Statutory Definitions
 - (2) Additional Definition

Rule 15-1702. PETITION

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

Rule 15-1703. INITIAL HEARING; SHOW CAUSE; SERVICE

- (a) Show Cause Order
 - (1) Generally
 - (2) Contents of Show Cause Order
- (b) Service on Respondent
- (c) Notice to Other Persons

Rule 15-1704. ADVICE OF RIGHTS

Rule 15-1705. INITIAL HEARING

- (a) Generally
- (b) Required Attendees
- (c) Permitted Attendees
- (d) Conduct of Hearing

Rule 15-1706. HEARING

- (a) Requirement; Scheduling
- (b) Required Testimony

Rule 15-1707. FINDINGS; ORDER

- (a) Findings
- (b) Order

Rule 15-1708. MODIFICATION; REVIEW HEARINGS

- (a) Modification
 - (1) Generally
 - (2) Without Motion
 - (3) On Motion
 - (4) Immediate Necessity
- (b) Review Hearing
- (c) Notice of Emergency Evaluation

Rule 15-1709. CONFIDENTIALITY

- (a) Records
- (b) Hearings

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1701, as follows:

Rule 15-1701. APPLICABILITY; DEFINITIONS

(a) Applicability

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

(b) Definitions

(1) Statutory Definitions

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

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

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

(2) Additional Definition

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

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Title 15, Chapter 1700 implements Chapters 703/704 (HB 576/SB 453), 2024 Laws of Maryland. The law creates a new subtitle in the Health—General Article for Assisted outpatient treatment (“AOT”) Programs. The Maryland Department of Health (“MDH”) is required to establish an AOT program by July 1, 2026 in any county that does not opt to establish its own. The Committee has been advised that none have done so to date. The law generally permits certain individuals to file a petition for AOT in the circuit court.

Code, Health—General Article, § 10-6A-07 (a)(3) provides that “[all] rules of civil procedure shall apply” to petitions filed under the AOT subtitle. Due to the unique characteristics of AOT proceedings, such as their potentially involuntary nature, detailed pleading requirements, and testimony and findings, the General Court Administration Subcommittee recommends the creation of a new Chapter in the Special Proceedings Title to supplement the general rules of civil procedure in circuit court found in Title 2.

New Rule 15-1701 sets forth the applicability of the Chapter to AOT proceedings under Code, Health—General Article, Title 10, Subtitle 6A. It also adopts the statutory definitions in that subtitle as well as Code, Health—General Article, § 7.5-101. Additionally, the word “Department” is defined to mean the Maryland Department of Health.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1702, as follows:

Rule 15-1702. PETITION

(a) Who May File

A petition for assisted outpatient treatment may be filed by:

- (1) the director of a mental health program; or
- (2) any individual who is at least 18 years old and has a legitimate interest in the welfare of the respondent.

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

(b) Venue

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

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

(c) Contents

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

- (1) the name and address of the petitioner;
- (2) the name and address of the respondent;

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

(4) the name and address of each guardian and health care agent of the respondent, if any, or that there are no known guardians or health care agents; and

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

(d) Required Affidavit or Affirmation

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

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 15-1702 governs the petition for Assisted outpatient treatment (“AOT”). It is derived in part from Code, Health—General Article, § 10-6A-04.

Section (a) is derived from the statute and permits a petition to be filed by a director of a mental health program or an individual at least 18 years old who has a legitimate interest in the welfare of the respondent. “Legitimate interest” is not a defined term in the statute.

Section (b) is derived from the statute and states the venue where the petition may be filed.

Section (c) is derived in part from the statute, with some modifications to enable the court to comply with its requirements. The additional information required by section (c) includes the name and address of any guardian or

RULE 15-1702

health care agent of the respondent. The court is required by section (d) of the statute to notify these individuals of the filing of the petition.

Rule 15-1702 (d) refers to the affidavit or affirmation of a psychiatrist required by the statute.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1703, as follows:

Rule 15-1703. INITIAL HEARING; SHOW CAUSE; SERVICE

(a) Show Cause Order

(1) Generally

Upon the filing of a petition, the court shall schedule an initial hearing to be held ten days from the date the petition is filed and issue a show cause order in accordance with subsection (a)(2) of this Rule. If the respondent is not served in accordance with section (b) of this Rule prior to the date of the initial hearing, the court shall schedule a new date for the initial hearing and reissue the show cause order. The court may postpone the initial hearing for up to 30 days for good cause shown.

(2) Contents of Show Cause Order

The show cause order shall direct the persons on whom it is served to appear for an initial hearing pursuant to Rule 15-1705 to (A) determine whether the petition meets the requirements of Code, Health—General Article, § 10-6A-04; (B) inform the respondent of the right to be represented by counsel, and; (C) as appropriate, schedule a hearing pursuant to Code, Health—General Article, § 10-6A-07. The order also shall specify who is to be

served, the method of service, and the date, time, and place of the initial hearing and be accompanied by a copy of the petition and an “Advice of Rights” in the form set forth in Rule 15-1704.

(b) Service on Respondent

The petitioner shall cause the show cause order issued pursuant to section (a) of this Rule to be served on the respondent in the manner provided by Rule 2-121 (a) and returnable as provided by Rule 2-126. If the respondent resides with the petitioner, service shall be made upon the respondent and on such other persons as the court may direct.

(c) Notice to Other Persons

Unless the court orders otherwise, the clerk shall mail a copy of the petition and show cause order by first-class mail to:

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

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

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

- (3) the county attorney; and

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

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 15-1703 establishes an initial hearing procedure to bring the petitioner, respondent, and counsel to court after the petition is filed and served. It is derived in part from the statute and in part from Rule 10-203, which applies to service of a show cause order in an action for guardianship of the person.

The General Court Administration Subcommittee expressed concern about scheduling a hearing on the merits of a petition for Assisted outpatient treatment (“AOT”) without first ensuring that the petition meets the requirements of the statute and that the respondent understands the implications of the petition and has made contact with the Maryland Office of the Public Defender (“OPD”), which may provide representation to qualifying individuals. The Subcommittee heard comments from the OPD and advocates from the disability rights community and concluded that an initial hearing procedure would be an appropriate step to help the court and the parties identify and address any issues or needs early in the proceeding.

Section (a) establishes a process for the court to schedule an initial hearing ten days after the filing of the petition and to issue a show cause order for that hearing. Subsection (a)(1) provides for scheduling the initial hearing and rescheduling the hearing if the respondent is not served prior to the hearing date. Subsection (a)(2) sets forth the contents of the order, which explains the purpose of the initial hearing and provides instructions for service. The order must be accompanied by a copy of the petition and the Advice of Rights in the form set forth in Rule 15-1704.

Section (b) requires service of the show cause order, petition, and attachments on the respondent. Code, Health—General Article, § 10-6A-04 (c)(2) states that “the circuit court shall notify... the respondent” of the filing of the petition. The General Court Administration identified this provision as a due process concern because it does not call for service on the respondent. If the court is responsible for conducting service of an initial pleading, that service will be accomplished by the sheriff. There were concerns with defaulting to service by law enforcement on a respondent who is alleged to have a serious and persistent mental illness.

The Subcommittee recommends in section (b) that it should be the responsibility of the petitioner to cause the show cause order to be served on the respondent. If the respondent resides with the petitioner, the court

specifies how service on the petitioner is to be made. This provision is derived from Rule 10-203.

Section (c) requires the clerk to mail the petition and show cause order to the remaining individuals named in Code, Health—General Article, § 10-6A-04, including the Mental Health Division of the OPD, the applicable local health authority, the county attorney, and any guardian or health agent for the respondent who has been identified in the petition.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1704, as follows:

Rule 15-1704. ADVICE OF RIGHTS

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

ADVICE OF RIGHTS

TO _____
(Name)

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

YOU HAVE CERTAIN RIGHTS IN THIS CASE:

1. You are entitled to be represented by an attorney of your choosing. The Maryland Office of the Public Defender will be notified of the filing of the petition, and you may be entitled to representation at no expense. You may contact the office by calling 410-999-8279.
2. You have a right to a hearing on the petition.

Rule 15-1704 ver 2.1
GCA SC Approved
For RC 1/9/2026

3. You have the right to be present at the hearing.
4. You have the right to present evidence on your own behalf and to cross-examine witnesses against you. You are not required to testify at the hearing.
5. The hearing may be closed to the public if you so request.
6. You will have the opportunity to participate in the development of a treatment plan and the opportunity to voluntarily agree to the treatment plan.
7. If you have an advance directive that applies to your mental health treatment, the court must honor it.

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

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 15-1704 establishes a form for the Advice of Rights required to be served with the show cause order and petition by Rule 15-1703. The form is derived in part from the Advice of Rights form in Rule 10-204 used in actions for guardianship of the person.

The form informs the respondent that a petition for assisted outpatient treatment ("AOT") has been filed, who filed it, and the possibility of the court ordering treatment for up to one year. The form sets forth a series of rights afforded to the respondent, including the right to representation by an attorney, to have a hearing on the petition, to present evidence, to ask for the hearing to be closed, to participate in development of the treatment plan, and to have a mental health advance directive honored. The Mental Health Division of the Office of the Public Defender requested that its phone number be

included in the section pertaining to representation to encourage the respondent to make contact with the office.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1705, as follows:

Rule 15-1705. INITIAL HEARING

(a) Generally

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

(b) Required Attendees

The initial hearing shall be attended by:

- (1) the petitioner;
- (2) the respondent;
- (3) a guardian or health care agent for the respondent, if any; and
- (4) unless a private attorney has entered an appearance on behalf of the respondent, a representative from the Maryland Office of the Public Defender.

(c) Permitted Attendees

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

(d) Conduct of Hearing

At the initial hearing, the court shall:

(1) determine whether the petition meets the requirements of Code, Health—General Article, § 10-6A-04 and, if so, schedule a hearing on the merits of the petition pursuant to Rule 15-1706;

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

(3) appoint counsel, if appropriate.

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 15-1705 governs the conduct of the initial hearing after the filing of a petition for assisted outpatient treatment.

Section (b) requires attendance at the hearing by the petitioner, respondent, any guardian or health agent for the respondent, and, unless an attorney has entered an appearance on behalf of the respondent, the Maryland Office of the Public Defender.

Section (c) permits, but does not require, any other person who receives notice of the initial hearing pursuant to Rule 15-1703 to attend the hearing.

Section (d) requires the court to make a determination as to whether the petition meets the statutory requirements in Code, Health—General Article, § 10-6A-04, inform the respondent of the rights contained in the Advice of Rights, and appoint counsel, if appropriate.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1706, as follows:

Rule 15-1706. HEARING

(a) Requirement; Scheduling

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

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

(b) Required Testimony

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

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 15-1706 governs the hearing on the merits of the petition for assisted outpatient treatment. It is derived from Code, Health—General Article, § 10-6A-07.

Section (a) requires the court to hold a hearing on the merits of the petition no later than 60 days after the date the petition was filed unless the court orders otherwise for good cause shown or the respondent consents to the treatment plan pursuant to Code, Health—General Article, § 10-6A-06.

Section (b) requires the petitioner to present the testimony required by Code, Health—General Article, § 10-6A-07(d) and (e).

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1707, as follows:

Rule 15-1707. FINDINGS; ORDER

(a) Findings

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

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

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

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

(b) Order

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

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

Source: This Rule is new.

REPORTER’S NOTE

Proposed new Rule 15-1707 pertains to the findings required for the court to enter an order for assisted outpatient treatment (“AOT”) and the contents of the order.

Section (a) is derived from Code, Health—General Article, § 10-6A-05 and lists the findings required before the court may order AOT.

Section (b) is derived from Code, Health—General Article, § 10-6A-08 and governs the contents of the order.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1708, as follows:

Rule 15-1708. MODIFICATION; REVIEW HEARINGS

(a) Modification

(1) Generally

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

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

(2) Without Motion

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

(3) On Motion

(A) The court may incorporate the requested material change into the order for assisted outpatient treatment if (i) the respondent consents to the proposed

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

(B) At the request of the respondent, the court shall hold a hearing on a motion for material change and may hold a hearing on a motion for material change on its own initiative.

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

(4) Immediate Necessity

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

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

(B) immediately file an emergency motion with the court to be considered on an expedited basis after providing the respondent with notice and an opportunity to be heard.

(b) Review Hearing

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

(c) Notice of Emergency Evaluation

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

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

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 15-1708 governs modifications to a treatment plan and review hearings. It is derived from Code, Health—General Article, §§ 10-6A-09 and 10-6A-10.

Section (a) is derived from the statute and provides that certain individuals may file a motion at any time requesting that the court stay, vacate, or modify the order for assisted outpatient treatment (“AOT”). A cross reference to the definition of “material change” in the statute follows subsection (a)(1).

Subsection (a)(2) sets forth the types of modifications that may be made to the treatment plan without court order. It requires the care coordination team to notify the court of such changes.

Subsection (a)(3) establishes a procedure for modification to the order on motion. The court shall hold a hearing on the motion at the request of the respondent and may hold a hearing on its own initiative. The court is required by Code, Health—General Article, § 10-6A-09(d) to rule on a motion for material change within 30 days of the filing of the motion and any timely response.

Subsection (a)(4) contains an exception to the requirement that a material change may only be made by court order where the treating psychiatrist deems the change an “immediate necessity.” Code, Health—General Article, § 10-6A-09(f) requires the care coordination team to notify the respondent, respondent’s attorney, and any guardian or health agent of the

respondent. If a change based on “immediate necessity” is made, the Rule requires the team to immediately file an emergency motion with the court to be considered on an expedited basis.

Section (b) is derived from Code, Health—General Article, § 10-6A-10 and permits the court to schedule a status conference at any time to review the progress of the respondent.

Section (c) also is derived from Code, Health—General Article, § 10-6A-10 and requires certain notice to the court if the respondent is the subject of a petition for emergency evaluation.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 1700 – ASSISTED OUTPATIENT TREATMENT

ADD new Rule 15-1709, as follows:

Rule 15-1709. CONFIDENTIALITY

(a) Records

Except for docket entries, all papers and submissions in an assisted outpatient treatment proceeding shall be shielded upon filing and not open for public inspection. Unless the court orders otherwise, parties, the Department, and members of the care coordination team shall have access to case records.

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

(b) Hearings

A hearing conducted pursuant to this Chapter may be closed at the request of the respondent or counsel for the respondent.

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 15-1709 governs confidentiality of records and hearings in assisted outpatient treatment (“AOT”) proceedings. Code, Health—

General Article, § 10-6A-04(e) requires that a petition for AOT “be held under seal” and prohibits publication on the Case Search website.

The General Court Administration Subcommittee considered the intent of the legislature and the existing scheme of Rules governing confidentiality of similar records. The statute refers only to the petition, not any subsequent records filed in the action, and is silent on the openness of hearings on AOT petitions. The Subcommittee concluded that prohibition of publication to Case Search indicates a strong intent to prevent public inspection of case records.

Section (a) is derived from the provisions governing access to records in guardianship proceedings. It makes all papers and submissions in an AOT proceeding shielded upon filing and not open for public inspection. Docket entries are public, as they are in guardianships, for the limited purpose of permitting interested persons to learn of the existence of the case.

The Rule specifies that parties, the Department, and the care coordination team shall have access to case records unless the court orders otherwise. The Committee note following section (a) cautions that a lay petitioner who initiates the proceeding will have access to records in the case, including medical records the individual would not otherwise be authorized to see, as a party.

Section (b) states that hearings conducted in an AOT proceeding may be closed at the request of the respondent. Court proceedings are presumed to be open to permit the public to see how cases are adjudicated and to protect litigants from decisions impacting their rights being made in secret. The General Court Administration Subcommittee proposes that AOT hearings similarly be presumptively open but, like guardianship proceedings, be permitted to be closed at the request of the respondent.

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 100 – APPLICABILITY AND CITATION

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

Rule 1-101. APPLICABILITY

...

(o) Title 15

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

...

REPORTER'S NOTE

Proposed amendments to Rule 1-101 (o) are both housekeeping amendments to update the Rule and a conforming amendment in light of proposed new Title 15, Chapter 1700 (Assisted Outpatient Treatment).

Rule 1-101 (Housekeeping/AOT conforming)
GCA SC Approved
For RC 1/9/2026

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 900 – ACCESS TO JUDICIAL RECORDS

DIVISION 2 – LIMITATIONS ON ACCESS

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

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

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

. . .

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

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

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

(3) A case record that consists of information, documents, or records of a child fatality review team, to the extent they are declared confidential by Code,

Rule 16-914 (AOT conforming)
GCA SC Approved
For RC 1/9/2026

Health-General Article, § 5-709.

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

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

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

(7) Except for docket entries, a case record relating to a petition for assisted outpatient treatment made under Code, Health-General Article, § 10-6A-01 *et. seq.* and shielded pursuant to Rule 15-709.

. . .

REPORTER'S NOTE

Proposed amendments to Rule 16-914 (i) are conforming ones in light of confidentiality provisions governing petitions for assisted outpatient treatment ("AOT").

MARYLAND RULES OF PROCEDURE

TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 200 – GUARDIAN OF THE PERSON

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

Rule 10-203. SERVICE; NOTICE

(a) Service on Minor or Alleged Disabled Person

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

. . .

REPORTER’S NOTE

Rule 10-203 (AOT Housekeeping)
GCA SC Approved
For RC 1/9/2026

RULE 10-203

Proposed amendments to 10-203 and 10-302 are clarifying ones to accurately state service requirements for a show cause order in a guardianship proceeding. Rule 2-123 prohibits a party to the action from serving original papers; the amendments make it clear that the petitioner is responsible for causing the respondent to be served, not for conducting the service.

MARYLAND RULES OF PROCEDURE

TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 300 – GUARDIAN OF PROPERTY

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

Rule 10-302. SERVICE; NOTICE

(a) Service on Minor or Alleged Disabled Person

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

. . .

REPORTER'S NOTE

Proposed amendments to 10-203 and 10-302 are clarifying ones to accurately state service requirements for a show cause order in a guardianship proceeding. Rule 2-123 prohibits a party to the action from serving original papers; the amendments make it clear that the petitioner is responsible for causing the respondent to be served, not for conducting the service.

AGENDA ITEM 3

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-109 by adding a Committee note following section (i), as follows:

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

. . .

(i) Government Agencies and Officials

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

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

. . .

REPORTER'S NOTE

The proposed amendment to Rule 20-109 was suggested by the Major Projects Committee to implement Chapter 578, 2025 Laws of Maryland (HB 681). The law adds a provision to Code, Family Law Article, § 12-202 requiring the court, after establishing a child support order, to “send a copy of the guideline calculation and the order to the Child Support Administration.”

The General Assembly was informed that this provision would have a significant operational impact on the courts and likely result in the transmittal of tens of thousands of documents to the Child Support Administration in cases where the Administration is not involved. According to the Fiscal Note, there were approximately 8,200 dispositions in cases involving the Administration in the 2024 fiscal year. The Administration was provided child support orders in those cases through MDEC, but not the guidelines calculation. The Judiciary estimated that more than 50,000 additional cases could be impacted by the statute, in addition to the requirement that the guidelines calculation be shared.

Since the passage of the statute, the Administrative Office of the Courts and the Major Projects Committee discussed compliance with the Child Support Administration. Rules Committee staff was informed that the Administration expressed concern about receiving orders from cases in which the agency is not involved and may never become involved. Both the Administration and the Judiciary wish to comply with the law, which requires these records to be “sent,” but are seeking business process solutions that allow both sides to share necessary records without wasting resources.

The proposed amendment to Rule 20-109 (i) adds a Committee note stating that an agreement to provide MDEC government access pursuant to the second can satisfy a statutory requirement to “send” a case record, if the government agency agrees in writing.

AGENDA ITEM 4

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

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

Rule 16-903. DEFINITIONS

...

(j) Judicial Record

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

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

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

(3) includes:

(A) an administrative record;

(B) a license record;

(C) a case record;

(D) a notice record;

(E) a special judicial record.

...

Source: This Rule is derived from former Rule 16-902 (2019).

REPORTER'S NOTE

A housekeeping amendment is proposed to subsection (j)(2) of this Rule to correct a typographical error in the citation to the General Provisions Article of the Maryland Code. A stylistic change is also proposed.