

SUPREME COURT STANDING COMMITTEE
ON RULES OF PRACTICE AND PROCEDURE

Minutes of a meeting of the Rules Committee held in Rooms
131-132 of the Maryland Judicial Center, 187 Harry S. Truman
Parkway, Annapolis, Maryland on Thursday, June 26, 2025.

Members present:

Hon. Yvette M. Bryant, Chair
Hon. Douglas R.M. Nazarian, Vice
Chair

Hon. Tiffany H. Anderson
Hon. Vicki Ballou-Watts
James M. Brault, Esq.
Julia Doyle, Esq.
Monica Garcia Harms, Esq.
Brian A. Kane, Esq.
Hon. Karen R. Kettermann
Dawne D. Lindsey

Stephen S. McCloskey, Esq.
Kathleen H. Meredith, Esq.
Judy Rupp, State Court
Administrator
Scott D. Shellenberger, Esq.
Gregory K. Wells, Esq.
Hon. Dorothy J. Wilson
Brian L. Zavín, Esq.

In attendance:

Sandra F. Haines, Esq., Reporter
Colby L. Schmidt, Esq., Deputy Reporter
Heather Cobun, Esq., Assistant Reporter
Meredith A. Drummond, Esq., Assistant Reporter

Louise Carwell, Esq., Chief Attorney, Baltimore City Housing &
Consumer Law, Maryland Legal Aid
J. Isaac De La Cruz
Robert Enten, Esq.
Thomas Fisher, Esq., Managing Director, Maryland Center for
Legal Assistance
Marianne Lee, Esq., Executive Counsel and Director, Attorney
Grievance Commission
Erica LeMon, Esq., Advocacy Director for Children's Rights,
Maryland Legal Aid
Mary Miguez-Jordan, Esq., Managing Attorney, Civil Justice, Inc.

Hon. John P. Morrissey, Chief Judge, District Court of Maryland
Chelsea Ortega, Esq.
Pamela Ortiz, Esq., Director, Access to Justice
Shaoli Sarkar, Esq., MSBA
Gillian Tonkin, Esq., Staff Attorney to Chief Judge, District
Court
David Wanger, Esq., Office of the Public Defender
Brittany West, Esq., Legal Content Analyst, Access to Justice
Magistrate Erica J. Wolfe, Circuit Court for Anne Arundel County

The Chair convened the meeting. She announced that Judge Ballou-Watts and Mr. Shellenberger's terms were expiring at the end of the month. She thanked them for their services to the Committee.

The Reporter informed the Committee that Judge Catherine Chen, who filled a District Court seat on the Committee, was recently elevated to the circuit court; this leaves her seat vacant. She noted that the Supreme Court has several upcoming conference days, after which she hopes to receive the names of new appointees to the Committee and Rules Orders pertaining to the 224th Report and the amendment to Rule 16-701, which the Court had proposed on its own initiative.

The Reporter said that the next Report to the Court will contain the changes necessary to implement the NextGen Bar Exam, which will be offered in Maryland beginning July 2026. The remaining Rules approved by the Committee in March and May and at today's meeting will be in the next general Report to the Court.

The Reporter announced that Committee members are reminded to submit mileage and expenses to Ms. Towles by July 10 for the fiscal year ending on June 30.

The Reporter also advised that the meeting would be recorded for the purpose of assisting with the preparation of meeting minutes and that speaking will be treated as consent to being recorded.

The Chair called for a motion to approve the May Rules Committee meeting minutes. A motion was made, seconded, and approved by consensus.

The Reporter said that this morning, as reflected in the agenda, members will hear a special presentation by Senior U.S. District Judge Paul Grimm on evidentiary issues associated with artificial intelligence ("AI") and updates on the Federal Rules of Evidence. She said that the presentation would be recorded and available on request. The meeting will resume after the lunch break.

The Chair introduced Judge Grimm. She said that AI is an important issue that the Committee will likely have to deal with in the Rules sooner or later. She said that judges heard Judge Grimm's presentation on AI at the Maryland Judiciary's annual Judicial Conference, and she felt that it would be beneficial to invite the judge to present to the Committee as well. She said that Judge Grimm is a Senior U.S. District Judge (retired) of

the U.S. District Court for the District of Maryland. He is the David F. Levi Professor of the Practice of Law and Director of the Bolch Judicial Institute at Duke Law School, with plans to return to Maryland later this year. She thanked Judge Grimm for his time and invited him to address the Committee.

The Committee heard Judge Grimm's presentation and resumed the agenda after lunch.

The Chair reconvened the meeting and welcomed the Committee and guests. The Reporter restated the recording announcement.

Agenda Item 1. Consideration of proposed amendments to Rules 2-625 and 3-625 (Expiration and Renewal of Money Judgment), Rules 2-643 and 3-643 (Release of Property from Levy), and Rules 2-645 and 3-645 (Garnishment of Property - Generally).

Judge Nazarian informed the Committee that the proposed amendments in Agenda Item 1 include three pairs of circuit court and District Court Rules governing judgments. He said that the amendments flow from the Equal Justice Committee Rules Review Subcommittee Report and Recommendations (the "EJC Report").

Judge Nazarian presented Rule 2-625, Expiration and Renewal of Money Judgment, and Rule 3-625, Expiration and Renewal of Money Judgment, for consideration.

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.

Rule 2-625 was accompanied by the following 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 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 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 OF PROCEDURE
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.

Rule 3-625 was accompanied by the following 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.

Judge Nazarian explained that the lengthy Reporter's note to Rule 2-625 sets forth the history of judgment terms, expiration, and renewal. Currently, judgments expire by law after 12 years, and Rules 2-625 and 3-625 provide a procedure to renew a judgment - before it expires - for an additional 12 years.

Judge Nazarian explained that the concern raised by the EJC Report was that, due to these lengthy terms with theoretically unlimited renewals, a judgment can accrue an astronomical amount of interest while a debtor possibly is not aware of its existence or the interest accrual. He said that the proposed amendment, which would apply to judgments entered on or after the effective date of the Rule change, would permit only one renewal for an additional 12-year term. He added that new section (b) maintains the current law permitting multiple renewals for judgments in existence at the time of the amendment. This section was added due to concerns about impacting a vested property interest without due process.

Judge Nazarian asked Ms. Lindsey whether the proposed language works for the clerks. Ms. Lindsey responded that she questions whether the use of the term "timely filed" requires clerks to confirm that the judgment had not expired before accepting the Notice of Renewal. The Reporter asked Ms. Lindsey what clerks do now when someone seeks to renew a judgment that

is expired. Ms. Lindsey said that clerks inform the filer that the judgment sought to be renewed is expired, take the filing fee if the filer insists, and inform the filer that the fee will not be refunded. She said that there is an advice letter from the Maryland Attorney General that states that once the judgment expires, there is nothing to renew. Judge Nazarian commented that the amendment to the Rules should not change that process.

Judge Bryant suggested that section (a) be amended to state that the clerk will enter the judgment renewed "provided the judgment has not expired" or require a statement from the filer that the judgment has not expired. She asked whether the clerk should have the authority to reject a renewal if the judgment is expired.

Judge Wilson said that she supports adding a requirement that the filer certify that the judgment sought to be renewed has not expired. Chief Judge Morrissey commented that there is caselaw stating that the clerk must accept any filing in any paper form; the only filing that can be rejected "at the counter" is one that lacks the required certificate of service or is not accompanied by a required filing fee.

The Reporter suggested moving the "(2)" in section (a) to the end of the sentence and adding "and (2) contain a certification by the filer that the judgment has not expired." Judge Wilson moved to make the Reporter's suggested amendment to

Rules 2-625 and 3-625. The motion was seconded and approved by consensus.

Judge Nazarian asked if there was any further discussion or comment on Rules 2-625 and 3-625. There being no motion to further amend or reject the proposed Rules, they were approved as amended.

Judge Nazarian presented Rule 2-643, Release of Property from Levy, and Rule 3-643, Release of Property from Levy, for consideration.

MARYLAND RULES OF PROCEDURE
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.

Rule 2-643 was accompanied by the following 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.

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 OF PROCEDURE
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT
CHAPTER 600 – JUDGMENT

AMEND Rule 3-643 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 3-643. 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 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.

Rule 3-643 was accompanied by the following 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.

Judge Nazarian said that Rules 2-643 and 3-643 contain the process for releasing property under levy. Section (c) contains stylistic changes. Section (d) is divided into two subsections with a new subsection (d) (2) carving out situations where a debtor seeks to release the statutory maximum exemption for cash in deposit accounts. The new language authorizes the court to order the funds released without a hearing and without waiting for a response from the creditor.

Judge Nazarian invited D. Robert Enten, an attorney representing the Maryland Bankers Association, to address the Committee. Mr. Enten said that he spoke with Ronald Canter, a collections attorney who also consulted with the Judgments Subcommittee on these Rules, and they wanted to raise a concern with the Committee. He explained that the new provision in subsection (d) (2) does not require the court to wait for a response before releasing funds. He asked what would happen if the debtor has already claimed some or all of the \$6,000 exemption and the new request for release from levy exceeds the maximum. A creditor would not have the opportunity to raise this issue with the court before an order could be entered.

The Chair suggested adding an exception to the prompt release if the court determines that the maximum exemption already had been claimed. She noted that previous requests should be in the file for the judge to review prior to entering

the order. Mr. Enten suggested that the creditor should be able to respond, allege that the funds are not subject to release, and have a hearing.

Louise Carwell, an attorney with Maryland Legal Aid, addressed the Committee. Ms. Carwell said that the amendments were proposed because her office sees clients with encumbered property that they are entitled to have released from levy as a matter of law, but it can take time for the court to enter an order. She said that she has never seen the situation described by Mr. Enten, but concedes that it is possible. She pointed out that the point of the Rule is to have property released quickly when it is not disputed that the debtor is entitled to it. She suggested that it should be possible for the court to check for previous exemption claims in the case.

Judge Nazarian said that the goal of the amendment is to address an exemption to which the debtor is entitled and the creditor cannot dispute; however, the concern is about whether a debtor could accidentally or intentionally take advantage of a process that does not allow for a response or require a hearing. Assistant Reporter Cobun asked the Committee if there is any interest in the Chair's suggestion that would require the court to verify that the statutory maximum had not been exceeded previously. The Reporter suggested subsection (d)(2) be amended to add "provided that the case file reflects that this exemption

has not already been exhausted.” Mr. Enten voiced his support of the amendment.

Judge Wilson moved to amend Rules 2-643 and 3-643 as suggested by the Chair and as stated by the Reporter. The motion was seconded and approved by consensus. There being no further motion to amend or reject the proposed Rules, they were approved as amended.

Judge Nazarian presented Rule 2-645, Garnishment of Property – Generally, and Rule 3-645, Garnishment of Property – Generally, for consideration.

MARYLAND RULES OF PROCEDURE
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.

...

Rule 2-645 was accompanied by the following 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 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 OF PROCEDURE
TITLE 3 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 600 – JUDGMENT

AMEND Rule 3-645 (c)(4) by adding a reference to a certain statutory exemption, as follows:

Rule 3-645. 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.

...

Rule 3-645 was accompanied by the following 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.

Judge Nazarian informed the Committee that Rules 2-645 and 3-645 are amended to require that notice to the debtor explicitly reference the statutory requirement that \$500 of funds in a deposit account are exempt from a writ of garnishment without the necessity of a request or motion. Assistant Reporter Cobun pointed out that this information currently appears on the garnishment notice forms. Judge Wilson agreed.

There being no motion to amend or reject the proposed amendments to Rules 2-645 and 3-645, they were approved as presented.

Agenda Item 2. Consideration of proposed amendments to Rule 11-216 (Disposition Hearing and Order) and Form 11-309 (Consent by Parent to Guardianship).

Judge Anderson presented Rule 11-216, Disposition Hearing and Order, for consideration.

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.

(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).

Rule 11-216 was accompanied by the following 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 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.

Judge Anderson informed the Committee that prior to the 2021 revision of the Juvenile Rules, there was a provision in Title 11 authorizing the implementation of a magistrate's recommendation after disposition and prior to an exceptions hearing before a judge. She directed the Committee's attention to the Reporter's note, which summarizes the legislative history and the discussions at the Juvenile Subcommittee. In the 2021 revision, this provision was not carried forward and the Assistant Reporter could find no record of the Subcommittee or full Committee explicitly discussing the change.

Judge Anderson explained that a magistrate is authorized to order emergency shelter care in a Child in Need of Assistance ("CINA") action, but that decision is subject to immediate review by a judge. After an adjudicatory hearing and disposition hearing, the magistrate recommends a disposition in accordance with the Courts Article. The magistrate's report and recommendation are then transmitted to a circuit court judge, and parties may file exceptions.

Judge Anderson stated that Magistrate Erica Wolfe contacted the Subcommittee recently because it had been pointed out to her that the provision authorizing implementation of her recommendation while exceptions are pending no longer is in the Rules; consequently, there is no provision for what happens to a child who a magistrate has found to be a CINA while the parties wait for a judge to review the case and hold a hearing.

Judge Anderson said that, after significant discussion, the Subcommittee recommended adding language to Rule 11-216 (f)(2) that authorizes implementation of the magistrate's recommendation but permits a party to request immediate review by a judge.

Mr. Zavin commented that this issue may have arisen because of an oversight, but some doubt whether the prior provision had been constitutional. He pointed out that former Rules Committee Chair Judge Alan M. Wilner was on the Court of Appeals (now the

Supreme Court), when it decided *In re Kaela C.*, 394 Md. 432 (2006). In her opinion, Judge Lynne A. Battaglia said in a footnote, "Although no challenge to the constitutionality of [the Rule's] provision permitting the immediate implementation of a [magistrate's] recommendations has been raised in this case, it is important to note that this provision is not consistent with this Court's holdings regarding the role of a [magistrate]." *Id.* at n. 30. Mr. Zavín said that he is concerned about whether a constitutional issue should be reinserted into the Rules.

The Reporter commented that the problem identified by the Juvenile Subcommittee was that a child must be somewhere, and there must be some authorization for a placement outside of the home. If a magistrate has adjudicated a child to be a CINA and has recommended anything other than a return to the child's home as a disposition, the child should not be returned to a potentially dangerous situation while the parties wait for a judge to review the case. She suggested that the addition of immediate review for an aggrieved party who does not want to wait for a hearing on exceptions may address the constitutional concerns.

The Chair said that she envisions an immediate review as something that happens "right now," if requested: the parties walk next door and have a hearing with a judge the same day.

She said that she did not envision the review happening days later. Mr. Zavin pointed out that the Rule does not say that the hearing would occur on the same day; could it be up to 24 hours later? The Reporter replied that a Committee note could explain how "immediately" the hearing is supposed to occur.

Judge Kettermann said that, without this provision, there is technically no order for where the child is supposed to be until the judge rules on exceptions. She noted that Rule 11-103 (d) (2) contains a provision for immediate review where a magistrate finds that, due to extraordinary circumstances, the magistrate's recommendation needs to be implemented immediately. Judge Kettermann said that a magistrate is not going to find "extraordinary circumstances" for every out-of-home placement.

David Wanger, a supervising attorney in the Maryland Office of the Public Defender ("OPD"), addressed the Committee. He said that "immediate" review of a magistrate's shelter care order is supposed to happen within three days, but it can be much longer before a hearing is set before a judge. He reiterated Mr. Zavin's point that there is no statutory or constitutional authority for a magistrate to issue a commitment order. Mr. Wanger added that an immediate review of the magistrate's commitment recommendation would take time and stretch the overall pendency of the case further by delaying a hearing on exceptions. He pointed out that the record of the

proceedings before the magistrate could be lengthy, with many documents, and he questioned what the judge would be able to review on the spot.

Mr. Wanger suggested that the Title 11 Rules emulate the Rule in Title 9 for family law actions, which permits referral of certain issues to a magistrate only on agreement of the parties. He commented that it can take more than a year from the filing of a petition for emergency shelter care to the completion of a disposition hearing, which has real consequences for a parent and child who have been separated. He noted that, where the magistrate recommends that a child be returned to the parent, the child stays in foster care pending exceptions. He said that every time there is an issue, it seems to be resolved "against" the parent. Mr. Wanger said that Rule 11-103 (d) (2) already provides authorization for the magistrate to refer a recommendation to a judge where there are actual extraordinary circumstances.

Ms. Doyle asked what happens now after a disposition. Mr. Wanger responded that the child remains in the shelter care placement. Ms. Doyle asked Mr. Wanger if there is a way to accomplish the goal of assuring prompt review of a magistrate's placement decision without bogging down proceedings. Mr. Wanger responded that not every CINA case is contested; he suggested

that litigants should have the choice of whether to go forward with a magistrate or a judge.

Ms. Doyle asked how serious a problem it is that magistrates do not have the authority to implement a placement recommendation without a judge's approval. Mr. Wanger said that, in contested cases, he does not know how to address the issue other than his suggestion that cases be heard by a judge unless the parties consent. He commented that he does not know if most jurisdictions could effectively provide prompt review of a commitment recommendation made by a magistrate. He reiterated that many cases are not contested, but the issue of not meeting statutory timelines for prompt resolution is pervasive.

Judge Nazarian said that the problem of not meeting statutory timelines is a serious one, but not one that the Committee can resolve today. In terms of the proposal before the Committee today, he asked whether it will make anything better. The Chair responded that a child adjudicated to be a CINA by a magistrate with a recommended placement outside of the home has to be somewhere on some authority while exceptions are pending.

Judge Anderson explained that the proposed amendment addresses the issue to the extent there is confusion or concern about the "gap" in a CINA case after disposition and before a hearing on exceptions. She added that it is her understanding

that parties frequently agree to maintain the status quo for a child who is in a placement outside of the home.

Judge Nazarian asked if there is a constitutional issue with providing by Rule for the magistrate to fill that gap.

Judge Anderson replied that this already is being done.

Assistant Reporter Cobun added that the proposed amendment adds an opportunity for immediate review. Magistrate Wolfe pointed out that the provision had been in the Rules prior to 2022.

Judge Ballou-Watts suggested that the Rule could provide that the magistrate's recommendation may be implemented by consent of the parties or after consideration on immediate review by the court. Judge Nazarian replied that this would be what happens without this Rule change.

The Chair invited Erica LeMon, Advocacy Director for Children's Rights for Maryland Legal Aid, to address the Committee. Ms. LeMon said that Mr. Wanger's suggestions would compound the delays in adjudicating CINA cases; attorneys will be strategic with when they request to have a case heard by a magistrate or a judge. She said that the Subcommittee's recommendation protects all parties by allowing prompt review by a judge if a parent would like to contest the continued placement. She said that the amendment balances due process and protection for children. She expressed concern that, without a change to the Rule, a parent's attorney could tell a client that

there is no court order in effect while exceptions are pending and argue for return of the child to a potentially abusive home.

Judge Nazarian said that he understands Ms. LeMon's concerns, but the Committee cannot grant constitutional authority to magistrates. He said that the proposed amendments would appear to fill the "gap" identified by Judge Anderson and Magistrate Wolfe, but questioned whether it was appropriate. Judge Anderson pointed out that this is the reason for the provision authorizing immediate review of the magistrate's recommendation by a judge. Judge Nazarian replied that he worried that this review could take days to occur.

Mr. Wanger asked what the standard of review would be for a judge reviewing a commitment recommendation while exceptions are pending. Will the judge defer to the magistrate's findings? The Chair responded that the judge would review the evidence and the recommendation. Judge Anderson said that the proposed amendment provides for immediate review on the record with oral argument, if requested.

Magistrate Wolfe said that, if emergency shelter care had been granted and findings were made after the adjudicatory hearing that caused the magistrate to recommend the continued out-of-home placement for the child, the magistrate must now have to find extraordinary circumstances pursuant to Rule 11-103 (d) (2). Ms. LeMon agreed that extraordinary circumstances would

have to be found in every case to have a judge review and approve the continued placement while exceptions are pending.

The Chair commented that the Committee can decline to recommend the amendment to Rule 11-216 and let the current system remain in place. She moved to reject the recommendation of the Juvenile Subcommittee. The motion was seconded and approved by a majority vote.

Judge Wilson asked about the impact of the Committee's vote and whether there would be further discussion. Judge Anderson responded that the current Rules and practices will remain in place.

Mr. Kane asked whether more of the procedures for immediate review from Rule 11-103 (d)(2) could be placed in Rule 11-216 (f). The Chair replied that it does not address the underlying constitutional issue, which the Committee cannot fix. She said that there remains disagreement over how to manage the small percentage of cases where there is a debate over what should happen to a child who has been adjudicated to be a CINA and a magistrate recommends continued placement outside of the home.

There being no further discussion, the proposed amendments to Rule 11-216 were rejected.

Judge Anderson presented Form 11-309, Consent by Parent to Guardianship, for consideration.

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 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~~

Form 11-309 was accompanied by the following 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 recodified in the 208th Report. This is corrected in section I of the form.

Judge Anderson informed the Committee that the amendments to Form 11-309 correct errors and inadvertent omissions from prior revisions to the Form.

There being no motion to amend or reject the proposed amendments to Form 11-309, the form was approved as presented.

Agenda Item 3. Consideration of a proposed amendment to Rule 16-104 (Circuit Court - Circuit Administrative Judge)

The Chair presented Rule 16-104, Circuit Court - Circuit Administrative Judge, for consideration.

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).

Rule 16-104 was accompanied by the following 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).

The Chair explained that the proposed amendment to Rule 16-104 was prompted by a request from Judge Fred S. Hecker, Chair of the Conference of Circuit Judges. She said that he requested that the Rules permit a circuit administrative judge to designate another county administrative judge to serve as acting circuit administrative judge.

There being no motion to amend or reject the proposed amendment to Rule 16-104, the Rule was approved as presented.

Agenda Item 4. Consideration of proposed amendments to Rule 6-121 (Form of Court Papers) and Rule 7-501 (Applicability).

The Chair presented Rule 6-121, Form of Court Papers, Rule 7-501, Applicability, for consideration.

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 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.

Rule 6-121 was accompanied by the following 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).

The Chair informed the Committee that the Registers of Wills and orphans' courts for the various counties requested clarifying amendments. Rule 6-121 is proposed to be amended to standardize the form of court papers filed with the Register.

The Rule mandates paper size, ink color, font size, and other details, with an exception for any forms promulgated by the Registers. A Committee note explains the possible consequences for failing to comply with the requirements.

There being no motion to amend or reject the proposed amendments to Rule 6-121, the Rule was approved as presented.

The Chair presented a "hand-out" version of Rule 7-501, Applicability, for consideration.

HANDOUT

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
"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 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.

Rule 7-501 was accompanied by the following 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, in addition to judgments, only 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.

The Chair explained that Rule 7-501 is amended to make it clear that only orders of the orphans' court that are subject to appeal may be appealed pursuant to Title 7. The Reporter noted that a "hand-out" version of the Rule had been circulated prior to the meeting.

The Reporter said that the "hand-out" version of Rule 7-501 was approved by the Probate/Fiduciary Subcommittee. There being no motion to amend or reject the proposed amendments to Rule 7-501, the Rule was approved as presented.

Agenda Item 5. Consideration of proposed amendments to 16-912 (Access to Notice, Special Judicial Unit, License, and Domestic Partnership Records) and Rule 10-711 (Resignation of Fiduciary and Appointment of Substituted or Successor Fiduciary).

The Chair presented Rule 16-912, Access to Notice, Special Judicial Unit, License, and Domestic Partnership Records, for consideration.

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.

Rule 16-912 was accompanied by the following 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.

The Chair explained that a bill passed during the 2025 session of the General Assembly updated the information required to be provided in a declaration of domestic partnership and imposed a restriction on public disclosure of that information. The proposed amendment conforms Rule 16-912 to the statute.

There being no motion to amend or reject the proposed amendments to Rule 16-912, the Rule was approved as presented.

The Chair presented Rule 10-711, Resignation of Fiduciary and Appointment of Substituted or Successor Fiduciary, for consideration.

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.

Rule 10-711 was accompanied by the following 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.

The Chair said that Rule 10-711 is amended to refer to a new statutory provision allowing resignation of a trustee with 30 days' notice to certain stakeholders. The cross reference following section (i) is expanded to add the new statute.

There being no motion to amend or reject the proposed amendments to Rule 10-711, the Rule was approved as presented.

Agenda Item 6. Consideration of "housekeeping" amendments to Rule 8-422 (Stay of Enforcement of Judgment) and Rule 16-301 (Term of Court and Grand Jury).

Assistant Reporter Drummond presented housekeeping amendments to Rule 8-422, Stay of Enforcement of Judgment, and Rule 16-301, Term of Court and Grand Jury, for consideration.

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.

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Rule 8-422 was accompanied by the following 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).

Rule 16-301 was accompanied by the following

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.

Ms. Drummond explained that both amendments are non-substantive conforming amendments necessitated by legislation. Rule 8-422 updates a reference to a re-titled Article. Rule 16-301 is amended to update a cross reference to reflect re-lettering in a statute.

A motion to approve the housekeeping amendments to Rules 8-422 and 16-301 was made, seconded, and approved by consensus.

The Chair reiterated her thanks to Judge Ballou-Watts and Mr. Shellenberger, whose terms are expiring. Judge Ballou-Watts said that it has been an honor and a privilege to serve on the Committee, adding that she was always fascinated by the Rules and enjoyed seeing the process of how they are drafted. Mr. Shellenberger thanked the Committee for the civility and professionalism of the members. The Chair said that the service of both members would be missed.

There being no further business before the Committee, the Chair adjourned the meeting.