

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
NOTICE OF PROPOSED RULES CHANGES

The Rules Committee has submitted its Two Hundred and Twenty-Seventh Report to the Supreme Court of Maryland, transmitting thereby proposed new Title 16, Chapter 900, Division 5 (Other Requests); proposed new Rules 1-315, 8-306, 9-103.1, 10-304.2, and 16-942; proposed amendments to current Rules 2-305, 2-512, 2-601, 2-625, 2-643, 2-645, 3-305, 3-505, 3-601, 3-621, 3-625, 3-643, 3-645, 4-215, 4-508.1, 4-512, 6-121, 7-501, 8-111, 8-301, 8-305, 8-422, 8-502, 8-503, 8-504, 8-523, 9-102, 9-103, 9-105, 9-107, 9-109, 9-111, 9-112, 9-204.1, 9-204.2, 9-206, 9-301, 10-711, 11-112, 11-220, 11-410, 11-503, 12-103, 15-901, 16-104, 16-203, 16-204, 16-301, 16-406, 16-904, 16-912, 16-914, 16-915, 18-305, 19-409, 19-503, 19-606, 19-728, 20-106, 20-203, 20-205, 20-403, 20-404, and 20-504; proposed re-numbering of Rule 16-934; and proposed amendments to Form 11-309.

The Committee's Two Hundred and Twenty-Seventh Report and the proposed Rules changes are set forth below.

Interested persons are asked to consider the Committee's Report and proposed Rules changes and to forward on or before January 20, 2026 any written comments they may wish to make to rules@mdcourts.gov or:

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Gregory Hilton
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**THE SUPREME COURT OF MARYLAND
STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

Hon. YVETTE M. BRYANT, Chair
Hon. DOUGLAS R.M. NAZARIAN, Vice Chair
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December 17, 2025

The Honorable Matthew J. Fader,
Chief Justice

The Honorable Shirley M. Watts

The Honorable Brynja M. Booth

The Honorable Jonathan Biran

The Honorable Steven B. Gould

The Honorable Angela M. Eaves

The Honorable Peter K. Killough,
Justices

The Supreme Court of Maryland
Robert C. Murphy Courts of Appeal Building
Annapolis, Maryland 21401

Honorable Justices:

The Rules Committee submits this, its Two Hundred and Twenty-Seventh Report, and recommends that the Court adopt the new Rules, new Division, and proposed amendments to existing Rules and a Form in the thirteen categories submitted in this Report.

CATEGORY ONE – RECUSAL

Proposed new Rule 1-315 implements a recommendation made by the Committee on Equal Justice’s (the “EJC”) Rules Review Subcommittee. The subcommittee noted that the only Rule addressing recusal appeared in Title 3, leaving individuals in the circuit courts and appellate courts without clear direction. For additional guidance, the Rules Committee proposes new Rule 1-315 to advise litigants that a recusal request may be made of any Maryland judge or judicial appointee. Unlike Rule 3-505, which prescribes the specific procedure applicable to recusal of judges of the District Court, and in recognition of the fact that various circuit and appellate courts may follow

different reassignment procedures, the new Rule seeks to make clear that litigants may seek recusal; however, the Committee does not recommend outlining a specific procedure, as outlined in Rule 3-505.

Should the Court adopt proposed Rule 1-315, the Committee recommends a conforming amendment to Rule 3-505 that references Rule 1-315 and contains a stylistic change.

CATEGORY TWO – JUDGMENTS

Money Judgments from Medical Debt

Proposed amendments in Titles 2 and 3 are the result of action taken by the General Assembly through Chapters 497/498, 2025 Laws of Maryland (SB 439/HB 428), adding a requirement to Code, Courts Article § 11-402 that a complaint seeking judgment for a medical debt must so indicate. The complaint must also state the defendant's primary residence because the legislation provides that a money judgment for medical debt does not create a lien on the debtor's primary residence. The new requirements are effective after October 1, 2025.

Proposed amendments to Rule 2-305 reorganize the Rule by creating sections and subsections. New language addresses the new requirements for a complaint if a demand for money judgment seeks payment of medical debt. The cross reference at the end of the Rule is expanded to include a citation to Code, Courts Article, § 11-402(b). Parallel amendments are proposed to Rule 3-305 concerning pleadings in the District Court.

A proposed amendment to Rule 2-601 adds a new subsection that requires the court, when entering a judgment in an action commenced on or after October 1, 2025, to state whether the complaint indicated that a money judgment for medical debt was sought. A new cross reference explains the statutory basis for the requirement.

Rules 3-601 and 3-621 are amended also to acknowledge that the new legislation provides that a judgment for medical debt does not constitute a lien on owner-occupied real property in an action commenced on or after October 1, 2025.

Renewal of Money Judgments

Following release of the EJC's report in March 2023, the Rules Committee's Judgments Subcommittee examined whether any Rules changes were warranted and deferred action pending further discussion with stakeholders and other interested parties. In 2024, consumer rights advocates,

via the Administrative Office of the Court's Access to Justice office, raised a concern about the judgment renewal process.

The EJC recommended either that a party seeking to renew a judgment following expiration of the 12-year period set forth in Code, Courts Article § 5-102 specify the attempts made to collect the debt in the interim, or that the court limit the number of times a judgment creditor may renew a judgment. Specifically, advocates contended that requiring creditors to take steps to collect the debt might reveal problems sooner, in addition to tamping down on the high amount of interest that accrues over the years. Additionally, some argued that the decision to "sit on" a debt for years was deliberate, with the intent to allow accumulation of interest, an allegation with which the creditors' bar disagreed. Nevertheless, representatives of the creditors' bar indicated that an amendment limiting a creditor to one judgment renewal would not be unreasonable.

Proposed amendments to Rules 2-625 and 3-625 would require the Supreme Court to make a policy change for judgments entered after the effective date of the changes. For existing judgments, there would be no procedural change.

Release of Property from Levy

Proposed modifications to Rules 2-643 and 3-643 emanate from an EJC recommendation. Amendments are offered to distinguish between when a court is required to release property from levy, such as when a judgment has been vacated or expired or is exempt from levy, and when the court has discretion to release property.

Additionally, subsection (d)(2) would permit a court to release funds in deposit accounts where a debtor elects to assert the statutory exemption. As proposed, in an effort to alleviate economic stress experienced by the debtor, the Rule would allow a court, upon motion, to release exempt funds, in an amount up to but not exceeding the statutory maximum, without awaiting a response from the judgment creditor. Under the proposed Rule, if a party requests a hearing, the court is only required to hold a hearing if the party is entitled to a hearing.

Garnishments

Proposed amendments to Rules 2-645 and 3-645, also resulting from EJC recommendations, add statutory references concerning the \$500 exemption applicable to garnishments without any action by the judgment debtor.

CATEGORY THREE – DISCHARGE OF COUNSEL

The proposed amendment to Rule 4-215 is an attempt to provide guidance, through caselaw, on the procedure a trial judge should follow when an individual seeks to discharge counsel in a criminal action. In *Dykes v. State*, 444 Md. 642 (2015), Justice Watts, in her concurrence, suggested that the Rules Committee consider providing guidance to trial judges, particularly where a defendant presents a meritorious reason for discharging counsel. When weighing whether to outline a specific guidepost versus whether to provide a cross reference, the Rules Committee determined that guidance through citation to caselaw should suffice.

CATEGORY FOUR – ORPHANS’ COURT

Rule 6-121

At the request of Orphans’ Court judges, Registers of Wills, and the Estate and Trust Law Section of the Maryland State Bar Association (“MSBA”), the Rules Committee recommends amendments to Rule 6-121. The Committee learned that individuals file documents of all shapes and sizes, and that often documents are illegible due to font size, handwriting, and landscape orientation. In an effort to eliminate the problem of illegibility, changes are recommended to standardize font size and margin width, and to require that documents be submitted using indelible ink and in portrait orientation. Recognizing that standardized forms used by Registers of Wills may be formatted differently, the proposed changes do not apply to forms appearing on the Registers of Wills’ website.

Rule 7-501

At the request of Orphans’ Court judges, Registers of Wills, and the MSBA’s Estate and Trust Law Section, the Rules Committee recommends amendments to Rule 7-501. The problem identified for the Committee is that litigants in Orphans’ Courts seek to take appeals from unappealable orders. In an effort to distinguish between unappealable and appealable orders, those stakeholders request a change to the Rule.

CATEGORY FIVE – DIRECT APPEAL TO THE SUPREME COURT

Proposed New Rule 8-306

At the request of the Chief Justice of the Supreme Court and the Clerk of the Supreme Court, the Committee considered and recommends adoption of new Rule 8-306 (Direct Appeal to Supreme Court). The Rule has at its aim,

clarifying the procedures governing direct appeals to the Supreme Court. In an effort to provide guidance to litigants, a cross reference provides examples, not designed to be all-inclusive, of statutes permitting direct appeal to the Supreme Court.

Rules 8-301, 8-504, 8-523, and 16-406

Should the Court adopt proposed new Rule 8-306, the Rules Committee proposes amending Rule 8-301 to provide a reference to that Rule. The Committee also recommends conforming amendments to Rules 8-504 and 8-523 to guide individuals to new Rule 8-306. Additionally, as to Rule 16-406, a new section is proposed, to add to the list of filings a notice of appeal to the Supreme Court. The amendment also seeks to clarify that the provision pertaining to Information Reports remains applicable only to appeals to the Appellate Court.

CATEGORY SIX – OTHER APPELLATE RULES

Rule 8-111

The proposed amendment to Rule 8-111 is a housekeeping amendment designed to conform section (c) to the current version of Code, Criminal Procedure, § 11-103(b), as amended in 2013, to permit a victim to appeal from a final order, without leave from the Appellate Court. Additionally, as a matter of style, the Committee recommends removing the reference to Rule 8-204, since having the reference may lead a reader to believe the Appellate Court still must grant leave.

Rule 8-305

Proposed amendments to Rule 8-305 result from a request from the Clerk of the Supreme Court. The amendments are designed to conform the Rule to a Memorandum of Understanding between the U.S. District Court for the District of Maryland and the Supreme Court of Maryland, and to outline the procedures to be followed by the Clerk where the District Court seeks a certification order.

Rules 8-502, 20-403, and 20-404

Proposed amendments to 8-502, which would reduce from eight to five the number of copies of briefs parties are required to file in the Appellate Court, and from two to one the number of copies parties are required to serve on other parties, is offered as a cost-cutting measure. Proposed amendments to Rules 20-403 and 20-404 conform the Rules to amended Rule 8-502.

Rule 8-503

The first proposed amendment to Rule 8-503 emanates from a discrepancy between the 3900-word limit in Rule 8-503 (d)(4)(B) for an amicus curiae supporting or opposing a petition for certiorari or other extraordinary writ and the word count provision in Rule 8-511 (e)(4) of 1900 words.

Additionally, new subsection (d)(5) is proposed in an effort to clarify that, while an image may be used in a brief for demonstrative purposes, a party may not use an image to circumvent word count restrictions. The Committee considered whether words appearing on images should be included within the word count. Having learned that current technology does not allow words within the image to be counted easily, the Committee opted to emphasize that the words in the image must not be used improperly.

CATEGORY SEVEN – THE WILKINSON ACT

Rule 16-941

The language in proposed Rule 16-941 is not new language. Rather, it is the language of current Rule 16-934 (Case Records – Court Orders Denying or Permitting Inspection Not Otherwise Authorized by Rule). Rule 16-934 currently resides in Division 4 – Resolution of Disputes, along with Rules that govern the procedure for disputes resulting from decisions records custodians make on whether to permit or deny access. The Committee determined that Rule 16-934 should be relocated, in its entirety, and renumbered as Rule 16-941.

Proposed New Rule 16-942

Proposed Rule 16-942 extends the protections of the Judge Andrew F. Wilkinson Judicial Security Act (the Act) to publicly available court records. Although the Act established the Office of Information Privacy in the Administrative Office of the Courts (the “AOC”), allowed for current and retired judicial officers and their families to seek removal from the public arena of certain personal information, and created a judicial address confidentiality program, the Act does not apply to public case records.

In response to concerns judicial officers expressed about having personal information appear in court records due to having been private parties in a case, the AOC requested that the Rules Committee consider a proposed Rule that would permit individuals protected by the Act to request shielding from public-facing judiciary systems. New Rule 16-942 is intended to address the concern.

A “protected party,” as defined by the Act, may request shielding of personal information contained in a case record. As is the case with any other request for shielding, the Clerk of Court is required automatically to shield the record for a period of five days in order to allow for consideration of the shielding request. If the request is granted, the Clerk of Court is required to redact personal information from a case record subject to inspection and shield the unredacted portion of the record. In an ongoing case, the onus rests with the parties to redact personal information from future filings, as well as file redacted and unredacted versions of documents containing personal information.

Rules 2-512, 15-901, 16-203, 16-204, 16-904, 16-914, 16-915, 20-203, and 20-504

Rules 2-512, 15-901, 16-203, 16-204, 16-904, 16-914, 16-915, 20-203, and 20-504 contain proposed amendments to conform to the renumbering of Rule 16-934 to Rule 16-941 and the addition of new Rule 16-942.

CATEGORY EIGHT – ENFORCEMENT OF ATTORNEYS’ OBLIGATIONS

As to each of the Rules in this category, the Committee proposes amendments designed to update and streamline attorneys’ annual professional requirements. Currently, attorneys must meet four obligations to continue practicing law, including payment of the annual Client Protection Fund (“CPF”) assessment, verification of the attorney’s Tax Identification Number (“TIN”), if applicable, submitting a report on pro bono activities, and reporting information concerning the attorney’s Interest on Lawyers’ Trust Accounts (“IOLTA”) compliance.

An attorney who fails to pay the CPF assessment or report a TIN is subject to “temporary suspension.” An attorney who fails to file the pro bono or IOLTA report is subject to “decertification.”

Currently, the CPF payment, TIN verification, and submission of reports are due at the same time, and attorneys receive one notice encompassing all four requirements, all of which must be completed through the Attorney Information System (“AIS”).

The Clerk of the Supreme Court, along with the Executive Director of the Client Protection Fund, the Executive Director of the Maryland Legal Services Corporation, and the Director of the AOC’s Access to Justice department recommend amendments to Title 19 that reflect current practices, apply the same status to all violations, require the same procedure for curing any default, standardize the reinstatement process, and correct errors in the

existing Rules. The Rules Committee recommends amending the Rules to meet the goals stated by the proponents of these changes.

The Committee agrees that while a “suspension” is appropriate for failure to meet reporting guidelines, the Rules should be amended to clarify that the suspension is in the nature of an administrative, rather than a disciplinary, suspension by indicating in the Rules that the attorney is “administratively” suspended, rather than “temporarily” suspended.

Rule 19-409

In addition to stylistic changes, the Committee recommends deleting the definition of the “Client Protection Fund” from section (a), as the definition is superfluous and does not appear in Rule 19-409.

Proposed amendments to subsection (c)(2), pertaining to the IOLTA Compliance Report, place the onus upon the State Court Administrator to send notice to active attorneys to timely file the report on a form approved by the State Court Administrator, in consultation with the Maryland Legal Services Corporation.

An amendment to subsection (c)(3) clarifies that, where a law firm has a reporting attorney, the non-reporting attorneys in the firm need not include account information for a shared law firm IOLTA account.

Additions and deletions to section (d) set forth a clearer process for administrative suspension and reinstatement of defaulting attorneys, replacing the current procedure related to decertification. Amendments to subsection (d)(1) place upon the State Court Administrator the onus to notify attorneys of a default and advise that failure to cure the default will result in administrative suspension. The Committee recommends eliminating existing subsection (5)(B) which currently provides for additional notice to defaulting attorneys through means other than electronic notice.

Proposed amendments to subsection (d)(2) place the onus upon the State Court Administrator to provide the list of defaulting attorneys to the Supreme Court and to update the information required in the list.

Pursuant to amendments in subsection (d)(3), the Supreme Court will issue administrative suspension orders, if satisfied that proper notice was given to the defaulting attorneys. The Clerk of Court will then make the appropriate notifications of the administrative suspensions.

New subsection (d)(4) clarifies that an administratively suspended attorney may not practice law unless restored to good standing. An attorney

who practices law while administratively suspended may face a contempt action, in addition to any other remedy or sanction provided by law.

New subsection (d)(5)(A) provides that, once an attorney cures the default, the State Court Administrator will notify the Supreme Court and request that the Court terminate the administrative suspension. Proposed new subsection (d)(5)(B) provides for reinstatement by the Supreme Court upon payment of any reinstatement fee.

Proposed subsection (d)(5)(C) indicates an attorney who has been administratively suspended for failure to file the IOLTA report is not required to disclose the suspension as a disciplinary action or remedial proceeding.

The elimination of current subsections (c)(5)(E) and (c)(5)(F) divests the AOC of the obligation to send notice of decertification to noncompliant attorneys and requests for recertification to the Supreme Court since those actions will now be taken by the State Court Administrator.

An amendment to section (e) clarifies that IOLTA reports are confidential and not subject to disclosure under Title 16, Chapter 900 of the Rules.

Section (f) places upon the AOC the obligation to share with the Maryland Legal Services Corporation all information from the IOLTA compliance reports.

Rules 19-503 and 19-606

Proposed modifications to Rule 19-503 about the reporting of pro bono activities follow in the same vein as the previous modifications to the IOLTA reporting rules and consequences from the failure to report. The amendments parallel the changes to Rule 19-409, reflecting current practices, applying the same administrative suspension for noncompliance, and creating the same process for reinstatement after curing a default.

Amendments to Rule 19-606 match modifications to the other reporting Rules. Although the Rule's structure differs from that of Rules 19-409 and 19-503, Rule 19-606 also is amended to sanction a failure to pay the CPF assessment or report a TIN, if applicable, by administrative suspension. The process for reinstatement after curing a default is also streamlined to parallel the process set forth in the other reporting Rules.

CATEGORY NINE – MOTIONS IN THE SUPREME COURT

Having considered a request from the Clerk of the Supreme Court, the Committee proposes amending section (b) of Rule 19-728 to include motions in

the list of filings a party may submit within 30 days of service of notice that the Clerk of the Supreme Court received the record in disciplinary proceedings.

The Committee also proposes an amendment to section (c) to require parties to respond to motions within 15 days of service.

CATEGORY TEN – MDEC

Rule 20-106

Based upon concerns raised by the Major Projects Committee, the Rules Committee proposes amendments to subsection (a)(3) of Rule 20-106 regarding self-represented litigants. Problems that arise when self-represented litigants switch between electronic and paper filings should be rectified if the Court implements the proposed amendments. With the amendments, a self-represented litigant who is a registered user of MDEC may elect to file either electronically or in paper form. Once the election is made, absent a good cause showing, the self-represented litigant must use the same format throughout the course of the proceedings.

Rule 20-205

Proposed amendments to Rule 20-205 are designed to address a gap in the MDEC Rules regarding service of electronic submissions. The amendments clarify that the Clerk of Court bears responsibility for causing the system to serve court orders and communications on registered users who are entitled to service. Likewise, the amendments are designed to clarify that the filer bears responsibility for causing the system to serve electronically submissions on registered users who are entitled to service.

The Committee was advised that some users neglect to direct MDEC to serve filings electronically. The existing language of Rule 20-205, which reads “the MDEC system shall electronically serve” certain submissions, does not reference the duty of the filer to cause the service. The proposed language is designed to fill this gap, as well as ensure that the filer understands the obligation to serve anyone who is not a registered user in accordance with Rule 1-321.

CATEGORY ELEVEN – FAMILY LAW

Adult Adoption Rules

Several proposed amendments to Title 9 of the Rules implement Chapter 501, 2025 Laws of Maryland (HB 243). The law exempts adult adoption

proceedings from the consent and show cause requirements of Code, Family Law Article, Title 5, Subtitle 3B.

To address this legislation and account for the differences between the adoption of a minor and the adoption of an adult, a separate petition for an adult adoption is proposed in new Rule 9-103.1. Most notably, the legislation eliminates the requirement that an adult adoption petition include consents. The Rules Committee considered the public policy implications of this change, including the possibility of fraud or undue influence, the estate planning implications for biological parents of the adoptee, and the absence of the consent of the adoptee. Accordingly, the new Rule requires the adoptee to join in an adult adoption petition and requires the petition to state the name and last known address of the adoptee's living parents so that the court may send notice of the judgment of adoption.

The remaining proposed amendments in this category reflect the new distinctions between the adoption of an adult and the adoption of a minor. An amendment to Rule 9-102 clarifies that the provisions of Code, Family Law Article, Title 5, Subtitle 3B apply only to the adoption of a minor. A new section (a) is added to Rule 9-103 clarifying the applicability of the Rule, and a cross reference notes that adult adoptions are addressed in new Rule 9-103.1. A new Committee note in Rule 9-107 explains that, while a living parent of an adult adoptee has no statutory right to file an objection, there is nothing in the Rules precluding the filing of a motion to intervene. Rule 9-111 is proposed to be amended to add new section (g) pertaining to notice sent to a living parent after the entry of a judgment of adoption of an adult adoptee. Amendments to Rule 9-112 clarify access to court records in an adult adoption proceeding. Rule 16-914 is amended also to reflect that Rule 9-112 no longer will prohibit inspection of docket entries, indices, or judgments in an adult adoption proceeding.

The proposed amendment to Rule 9-105 is conforming only. A "housekeeping" amendment is proposed to Rule 9-109.

Best Interest Factors

Amendments are proposed to Rule 9-204.1 and 9-204.2 to address Chapters 483/484, 2025 Laws of Maryland (HB 1191/SB 458). The legislation sets forth the factors that a court may consider when determining the legal and physical custody of a child.

Changes to Rule 9-204.1 include an amendment to section (b) to permit the parenting plan instructions and forms, in either paper or electronic format, to be provided to the parties before their first court appearance. Amendments to section (c) conform the language of the Rule to the new statutory language.

Amendments to Rule 9-204.2 also implement the new legislation. Although the legislation provides that the court “may consider” the listed factors, it also requires the court to make findings as to each factor. Accordingly, the Committee recommends amending Rule 9-204.2 (d) to state that the court must “address” the statutory factors, which may include a statement that a factor is inapplicable given the facts of a particular case, and to articulate findings in accordance with the statute.

Child Support Multifamily Adjustment

In Chapter 532, 2025 Laws of Maryland (HB 275), the General Assembly amended the definition of the “adjusted actual income” of a parent for purposes of child support to include an adjustment for other children in the home of a parent if the parent owes a duty of support to the other children. This is considered a “multifamily adjustment.”

Proposed amendments to Rule 9-206 conform the Rule to the statutory changes. The definition of “multifamily adjustment” is added as new subsection (a)(1), and a Committee note explains that the adjustment is calculated pursuant to the statute. Additional amendments to the worksheets contained within the Rule reflect the impact of the new adjustment.

Name Change of Minor

A proposed amendment to Rule 15-901 adds a cross reference to *In the Matter of Becker*, 265 Md. App. 301 (2025). In the case, a parent petitioned to change a child’s surname after the child’s name was mutually agreed to at birth. Because this topic has limited relevant published case law, the Committee proposes a cross reference to the opinion.

CATEGORY TWELVE – SPECIFIC TRANSACTIONS

Proposed new Rule 10-304.2 was suggested by the Guardianship & Vulnerable Adult Workgroup of the Judicial Council’s Domestic Law Committee to provide guidance to courts on ordering a specific transaction. A transaction related to the property, service, or care of a minor or disabled person may be authorized by a court, without the appointment of a guardian, pursuant to Code, Estates and Trusts Article, § 13-204.

Rule 10-304.2 aims to standardize motions and court processes for specific transactions by setting forth the required contents of a motion, establishing the need for a hearing before ordering a specific transaction, and delineating the process for expedited hearings. The Rule also specifies the findings that must be made, the contents of an order by the court, and the

processes for modification or termination of authority. Payment of a reasonable and necessary fee is permitted as set forth in the Rule.

CATEGORY THIRTEEN – ADMINISTRATIVE AND “HOUSEKEEPING”

The remaining proposed amendments are administrative or address “housekeeping” matters.

Amendments to Rules 4-508.1 and 4-512 involve updates to cross-references resulting from enactment of the Expungement Reform Act of 2025 (Chapter 95, 2025 Laws of Maryland (SB 432).

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

The amendment to Rule 9-301 updates the cross reference to reflect changes to Code, Family Law Article, § 4-501 resulting from the addition of a new definition by Chapters 530/531, 2025 Laws of Maryland (HB 533/SB 273).

The amendment to Rule 10-711, by way of expanding the cross reference at the end of the Rule, references action taken by the General Assembly through Chapters 228/229, 2025 Laws of Maryland (HB 146/SB 126). As a result of the legislation, a trustee now may resign with 30 days’ notice, which is an alternative to court approval. The amendment references, as well as highlights, the new legislation.

The amendment to Rule 11-112 updates the statutory language quoted in the Committee note. The legislature recently amended the statute in Chapter 434, 2025 Laws of Maryland (HB 1473), changing the language cited in Rule 11-112.

Amendments to Rules 11-220 and 11-503 are necessitated by Chapters 261/262, 2025 Laws of Maryland (SB 280/HB 1060) in which the legislature added a new section and re-lettered subsequent sections in Code, Courts Article, § 3-804.

The amendment to Form 11-309 will allow for correction of a numbering error as well as unintended deletion of the oath above the signature block when the Rule was re-codified in the 208th Report.

The amendment to Rule 11-410 corrects a statutory reference in the cross reference following subsection (f)(1)(C).

The amendment to Rule 12-103 updates the cross reference to Code, Real Property Article, § 3-105 after Chapters 65/66, 2025 Laws of Maryland (HB 347/SB 150) deleted a section from the Code.

The amendment to Rule 16-104 resulted from a request from the Chair of the Conference of Circuit Judges, who noted that Circuit Administrative Judges lacked the ability to designate another County Administrative Judge within the same circuit to serve as Acting Circuit Administrative Judge in the Circuit Administrative Judge's temporary absence. New section (c) seeks to rectify the problem.

The amendment to Rule 16-301 updates a cross reference, the result of an amendment to § 8-101 of the Courts Article through Chapter 137, 2025 Laws of Maryland (HB 1440).

The amendment to Rule 16-912 involves a revision to section (d) that will exclude from public inspection a Social Security number that appears in a domestic partnership record. The amendment is in response to Chapters 226/227, 2025 Laws of Maryland (HB 323/SB 286), through which the legislature updated information required to be provided in a declaration of domestic partnership filed with the Register of Wills to include a Social Security number.

A housekeeping amendment is proposed in Rule 18-305 to replace incorrect references to Rules 18-703 and 18-704 with the correct references to Rules 18-603 and 18-604.

For the further guidance of the Court and the public, following the proposed amendments to each existing Rule is a Reporter's note describing in further detail the reasons for the proposals. We caution that the Reporter's notes are not part of the Rules, have not been debated or approved by the Committee, and are not to be regarded as any kind of official comment or interpretation. They are included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully Submitted,

/ s /

Yvette M. Bryant
Chair

cc: Hon. Douglas R. M. Nazarian, Vice Chair
Greg Hilton, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 1 – GENERAL PROVISIONS

CHAPTER 300 – GENERAL PROVISIONS

ADD new Rule 1-315, as follows:

Rule 1-315. REQUEST FOR RECUSAL

(a) Request

A party asserting that a fair and impartial proceeding cannot be had before the judge or judicial appointee to whom the proceeding has been assigned may request that the judge or judicial appointee recuse.

Cross reference: For the obligation of judges to recuse, see Md. Const. Art. IV, § 7 and Rule 18-102.11. For the obligation of judicial appointees to recuse, see Rule 18-202.11.

(b) Reassignment

If the judge or judicial appointee grants the request, the proceeding shall be reassigned in the court where the action is pending in accordance with the assignment policies and procedures of that court.

Cross reference: For recusal and reassignment in District Court proceedings, see Rules 3-505 and 4-254 (a). For assignment of proceedings in the circuit courts, see Rule 16-302. For assignment of proceedings in the courts of this State, generally, see the Rules in Title 16, Chapter 100.

Source: This Rule is derived in part from Rule 3-505 (a) and is in part new.

REPORTER'S NOTE

Proposed new Rule 1-315 implements a recommendation in the Report and Recommendations of the Committee on Equal Justice Rules Review Subcommittee (“the EJC Report”).

The EJC Report briefly discusses the issue of judicial recusal, which is addressed in detail in the Code of Judicial Conduct. Rule 18-102.11 provides that judges must recuse themselves under certain circumstances and suggests in its comments that, “A judge should disclose on the record information that the judge believes the parties or their attorneys might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.”

The EJC Report notes that Rule 3-505 is the only Rule that discusses the procedure for requesting recusal and the EJC Report proposes that the Committee “consider moving Rule 3-505 to Title 1 of the rules and reword it to make clear that it applies to all judges in all courts.”

Proposed new Rule 1-315 is derived from Rule 3-505 (a). Section (a) of new Rule 1-315 contains the provision that a party may request a judge or judicial appointee to recuse if the party believes a fair and impartial trial cannot be had before that judge or judicial appointee. A cross reference to the Maryland Constitution and the Title 18 Rules governing disqualification of judges and judicial appointees follows section (a).

Rather than set forth the administrative procedure for reassignment in each court (e.g., by the administrative judge or that judge’s designee in the District Court and the circuit courts, by the Chief Judge in the Appellate Court), section (b) of new Rule 1-315 provides that reassignment shall be done in accordance with the policies of the court. The various courts in the State have established methods of dealing with reassignment when there is a recusal or disqualification and there is no indication that those procedures are insufficient. Because the intent of the Rule is to highlight for the public the option of requesting recusal, section (b) simply refers to the assignment policies and procedures of the court where the action is pending.

MARYLAND RULES OF PROCEDURE
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT
CHAPTER 500 – TRIAL

AMEND Rule 3-505 by adding a reference to Rule 1-315 in section (a) and by making stylistic changes, as follows:

Rule 3-505. DISQUALIFICATION OF JUDGE

(a) Request for Recusal

A party ~~who believes~~ asserting that a fair and impartial trial cannot be had before the judge to whom the action has been assigned may request ~~that judge's recusal~~ of that judge pursuant to Rule 1-315. If the judge grants the request, the action shall be reassigned by the administrative judge of the district or a person designated by the administrative judge.

(b) Motion and Affidavit

Without a request for recusal, or upon denial of a request by the assigned judge, a party may at any time before trial file a motion for reassignment with the administrative judge of the district or, if the assigned judge is the administrative judge of the district, with the Chief Judge of the District Court. The motion shall be accompanied by an affidavit alleging that the party cannot receive a fair and impartial trial before the assigned judge and setting forth reasonable grounds for the allegation. If the motion is granted, the action shall be reassigned.

(c) Further Reassignment by Another Party

When an action is reassigned upon motion of one party, any other party may obtain further reassignment pursuant to this Rule.

Source: This Rule is derived from former M.D.R. 542.

REPORTER'S NOTE

Rule 3-505 (a) is proposed to be amended to refer to a request to recuse pursuant to proposed new Rule 1-315, which addresses requests for recusal in any court, and to make stylistic changes in the first sentence.

The Committee determined that, due to the distinct qualities of the District Court, the recusal and reassignment procedures should remain in Rule 3-505. In particular, the provision pertaining to reassignment by the administrative judge and the mechanism in section (b) for a “motion for reassignment,” with or without a prior request for recusal, were considered to be unique and appropriate to maintain in the District Court Rule.

MARYLAND RULES OF PROCEDURE
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 300 – PLEADINGS AND MOTIONS

AMEND Rule 2-305 by creating new section (a) consisting of the first and last sentences of the current Rule, by creating new subsection (b)(1) consisting of the second sentence of the current Rule, by creating new subsection (b)(2) pertaining to money judgments for medical debt, by adding a cross reference at the end of the Rule, and by making stylistic changes, as follows:

Rule 2-305. CLAIMS FOR RELIEF

(a) Generally

A pleading that sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain a clear statement of the facts necessary to constitute a cause of action and a demand for judgment for the relief sought. Relief in the alternative or of several different types may be demanded.

(b) Demand for Money Judgment

(1) Amount Sought

Unless otherwise required by law, ~~(a)~~(A) a demand for a money judgment that does not exceed \$75,000 shall include the amount of damages sought, and ~~(b)~~(B) a demand for a money judgment that exceeds \$75,000 shall not specify the amount sought, but shall include a general statement that the amount

sought exceeds \$75,000. ~~Relief in the alternative or of several different types may be demanded.~~

Cross reference: For pleading requirements and other procedures when attorneys' fees are claimed, see the Rules in Title 2, Chapter 700.

Committee note: If the amount sought exceeds \$75,000, a general statement to that effect is necessary in order to determine if the case may be removed to a federal court based on diversity of citizenship. See 28 U.S.C.S. U.S.C. § 1332. A specific dollar amount must be given when the damages sought are less than or equal to \$75,000 because the dollar amount is relevant to determining whether the amount is sufficient for circuit court jurisdiction or a jury trial.

(2) Medical Debt

If a demand for money judgment seeks payment of medical debt as defined by Code, Real Property Article, § 14-203.1, the complaint shall (A) indicate that the judgment sought is for medical debt and (B) state the address of the primary residence of the defendant.

Cross reference: See Code, Courts Article, § 11-402(b) for pleading requirements for a complaint seeking judgment for medical debt.

Source: This Rule is derived in part from former Rules 301 c, 340 a, and 370 a 3 and the 1966 version of Fed. R. Civ. P. 8(a) and is in part new.

REPORTER'S NOTE

Proposed amendments to Rule 2-305 implement Chapters 497/498, 2025 Laws of Maryland (SB 349/HB 428). The legislation adds a requirement to Code, Courts Article, § 11-402 that a complaint seeking judgment for medical debt – defined elsewhere in the Code – must so indicate and must include the address of the defendant's primary residence. The legislation goes on to create an exception to the general principle that a money judgment properly indexed and recorded acts as a lien on the debtor's property in the county where the judgment is recorded. The legislation is prospective for actions filed on or after October 1, 2025.

Rule 2-305 is proposed to be divided into two sections. New section (a) contains the first and last sentences of the current Rule pertaining to general requirements for a pleading setting forth a claim for relief. New section (b) pertains to pleading requirements when there is a demand for money judgment.

Subsection (b)(1) contains the current provisions of the Rule governing money judgments, with stylistic changes. A stylistic citation correction is made in the Committee note following the subsection. New subsection (b)(2) sets forth the new pleading requirement for money judgments for medical debt. A cross reference is added after new subsection (b)(2) to cite to the new pleading requirement in the Courts Article.

MARYLAND RULES OF PROCEDURE
TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT
CHAPTER 300 – PLEADINGS AND MOTIONS

AMEND Rule 3-305 by creating new section (a) consisting of the current Rule, by creating new section (b) pertaining to money judgments for medical debt, and by adding to the cross reference at the end of the Rule, as follows:

Rule 3-305. CLAIMS FOR RELIEF

(a) Generally

A pleading that sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain a clear statement of the facts necessary to constitute a cause of action and a demand for judgment for the relief sought. Relief in the alternative or of several different types may be demanded.

(b) Medical Debt

If a demand for money judgment seeks payment of medical debt as defined by Code, Real Property Article, § 14-203.1, the complaint shall (1) indicate that the judgment sought is for medical debt and (2) state the address of the primary residence of the defendant.

Cross reference: See Code, Courts Article, § 11-402(b) for pleading requirements for a complaint seeking judgment for medical debt. For pleading requirements and other procedures when attorneys' fees are claimed, see Rule 3-741.

Source: This Rule is derived from former M.D.R. 301 a (ii) and the 1966 version of Fed. R. Civ. P. 8 (a).

REPORTER'S NOTE

Proposed amendments to Rule 3-305 implement Chapters 497/498, 2025 Laws of Maryland (SB 349/HB 428). The legislation adds a requirement to Code, Courts Article, § 11-402 that a complaint seeking judgment for medical debt – defined elsewhere in the Code – must so indicate and must include the address of the defendant's primary residence. Additionally, the legislation creates an exception to the general principle that a money judgment properly indexed and recorded acts as a lien on the debtor's property in the county where the judgment is recorded. The legislation is prospective for actions filed on or after October 1, 2025.

The current language of the Rule 3-305 is contained now in section (a). Proposed new section (b) sets forth new pleading requirements when a demand for money judgment seeks payment of medical debt. The cross reference at the end of the Rule is expanded to cite to the new requirements in Code, Courts Article, § 11-402.

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

AMEND Rule 2-601 by adding new subsection (a)(6) and by adding a cross reference following the new subsection, as follows:

Rule 2-601. ENTRY OF JUDGMENT

(a) Separate Document—Prompt Entry

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

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

(2) Upon a verdict of a jury or a decision by the court allowing recovery only of costs or a specified amount of money or denying all relief, the clerk shall forthwith prepare, sign, and enter the judgment, unless the court orders otherwise.

(3) Upon a verdict of a jury or a decision by the court granting other relief, the court shall promptly review the form of the judgment presented and, if approved, sign it, and the clerk shall forthwith enter the judgment as approved and signed.

(4) A judgment is effective only when so set forth and when entered as provided in section (b) of this Rule.

(5) Unless the court orders otherwise, entry of the judgment shall not be delayed pending determination of the amount of costs.

Committee note: The judgment document need not include the amount of costs but only which party or parties are to be charged with them. If the prevailing party is to be allowed costs, it will suffice to state in the document that the judgment is in favor of that party “with costs.”

(6) When a money judgment is awarded in an action commenced on or after October 1, 2025, the court shall state whether the complaint indicated that a money judgment for medical debt was sought.

Cross reference: See Code, Courts Article, § 11-402(b) for the requirement to indicate whether a money judgment is sought for medical debt. See Code, Real Property Article, § 14-203.1 for the definition of “medical debt.”

...

REPORTER'S NOTE

Proposed amendments to Rule 2-601 implement Chapters 497/498, 2025 Laws of Maryland (SB 349/HB 428). The legislation adds a requirement to Code, Courts Article, § 11-402 that a complaint seeking judgment for medical debt – defined elsewhere in the Code – must so indicate and must include the address of the defendant’s primary residence. See the Reporter’s note to Rule 2-305.

The legislation creates an exception to the general principal that a money judgment properly indexed and recorded acts as a lien on the debtor’s property in the county where the judgment is recorded. The legislation is prospective for actions filed on or after October 1, 2025. The Judgments Subcommittee of the Rules Committee consulted attorneys from the creditors’ bar and a title searcher to determine how to implement the legislation in a way that minimizes burdens on those groups and maintains the integrity of Maryland land records.

Proposed amendments to Rule 2-601 add new subsection (a)(6), which requires the court to state on a judgment entered in an action commenced on or after the effective date of the law whether the plaintiff indicated on the complaint that it sought a judgment for medical debt. A cross reference to the pleading requirement and the Real Property Article statute defining “medical debt” follows the section.

Rule 2-601 (a)(6) requires the court to carry forward the plaintiff’s statement indicating that the complaint sought a judgment for medical debt. This provision ensures that a judgment recorded and indexed in the county of origin or another jurisdiction clearly alerts anyone reviewing judgment records of the fact that the judgment may not constitute a lien on certain property. The Subcommittee was informed that putting title searchers and others on notice inquiry that a judgment resulted from medical debt will assist with determining what impact the judgment may have on property.

The Subcommittee discussed requiring the court to determine that the judgment is for medical debt regardless of whether the complaint so stated. In situations where a complaint was obviously one for medical debt but the plaintiff failed to so state, the court could make the finding when entering the judgment. Where the complaint did indicate that it sought a judgment for medical debt, the court could verify this statement when entering the judgment. The Subcommittee concluded that it would be inappropriate for the court to raise issues not generated by the parties and, if there are not facts in evidence on the issue of whether the debt meets the definition of “medical debt,” the court is not in a position to make the determination.

The Rules Committee concurs in the recommendations of the Subcommittee.

MARYLAND RULES OF PROCEDURE

TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT

CHAPTER 600 – JUDGMENT

AMEND Rule 3-601 by adding a requirement to section (a) that the court take certain steps when entering a money judgment where the complaint indicated that the judgment is for medical debt and by adding a cross reference after section (a), as follows:

Rule 3-601. ENTRY OF JUDGMENT

(a) When Entered

Upon a decision by the court denying or granting relief, the court shall enter the judgment promptly. When a money judgment is awarded in an action commenced on or after October 1, 2025, the court shall state whether the complaint indicated that a money judgment for medical debt was sought.

Cross reference: See Code, Courts Article, § 11-402(b) for the requirement to indicate whether a money judgment is sought for medical debt. See Code, Real Property Article, § 14-203.1 for the definition of “medical debt.”

. . .

REPORTER’S NOTE

Proposed amendments to Rule 3-601 implement Chapters 497/498, 2025 Laws of Maryland (SB 349/HB 428). The legislation adds a requirement to Code, Courts Article, § 11-402 that a complaint seeking judgment for medical debt – defined elsewhere in the Code – must so indicate and must include the address of the defendant’s primary residence. The amendments to Rule 3-601 add a sentence to section (a) requiring the court to state in a

RULE 3-601

judgment entered in an action commenced on or after the effective date of the law whether the plaintiff indicated on the complaint that it sought a judgment for medical debt. See the Reporter's note to Rule 2-601.

A cross reference to the relevant statutes follows section (a).

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

AMEND Rule 3-621 by adding an exception to section (b) and by adding a Committee note at the end of the Rule, as follows:

Rule 3-621. LIEN OF MONEY JUDGMENT

(a) Generally

A money judgment constitutes a lien in the amount of the judgment and post-judgment interest on the judgment debtor's interest in land located in a county, except as provided by law, only in accordance with this Rule.

(b) In Baltimore City

~~In~~ Except as provided in Code, Real Property Article, § 14-203.1, in Baltimore City a money judgment, when recorded and indexed pursuant to Rule 3-601 (d), constitutes a lien from the date of entry if entered in Baltimore City, or from the date of recording if received from another county.

(c) In Counties Other Than Baltimore City

(1) Notice of Lien

A person holding a money judgment entered in a county other than Baltimore City may file with the clerk of the court of entry a request that a certified Notice of Lien of Judgment be transmitted for recording to the clerk of the circuit court for that county or any other county. Within 24 hours after the filing of the request, the clerk shall transmit the Notice of Lien. If the Notice of

Lien is transmitted to another county, the clerk at the same time shall transmit a certified copy of the judgment to the clerk of the District Court sitting in that county. The clerk shall maintain a record of all transmittals.

(2) Content of Notice

A Notice of Lien shall contain: (A) the names of the parties, designating each judgment creditor as a plaintiff and each judgment debtor as a defendant; (B) the name of the court and assigned docket reference; (C) the date of the judgment; and (D) the amount of the judgment.

(3) Date of Lien

When a Notice of Lien is recorded and indexed in the circuit court, the judgment constitutes a lien from the date of recording.

Committee note: A judgment for medical debt in an action commenced on or after October 1, 2025 does not constitute a lien on owner-occupied residential property as defined by Code, Real Property Article, § 7-105.1. See Code, Courts Article, § 11-402(b) and Code, Real Property Article, § 14-203.1.

Source: This Rule is derived as follows:
Section (a) is derived from former M.D.R. 620 b.
Section (b) is derived from former M.D.R. 620 c.
Section (c) is derived from former M.D.R. 621 b and c.

REPORTER'S NOTE

Proposed amendments to Rule 3-621 implement Chapters 497/498, 2025 Laws of Maryland (SB 349/HB 428). The legislation adds a requirement to Code, Courts Article, § 11-402 that a complaint seeking judgment for medical debt – defined elsewhere in the Code – must so indicate and must include the address of the defendant's primary residence.

Rule 3-621 states that, in general, a money judgment constitutes a lien on the judgment debtor's interest in land located in a county if the holder of the judgment requests that a notice of the lien be transmitted to the clerk of

the circuit court of that county. Section (b) applies only to the District Court in Baltimore City and provides that a money judgment recorded and indexed in that court constitutes a lien on property in Baltimore City.

Section (a) includes the qualifier “except as provided by law,” but the proposed amendments to section (b) would make it clear that new Code, Real Property Article, § 14-203.1 creates an exception to the longstanding practice pertaining to money judgments in the District Court in Baltimore City.

A Committee note at the end of the Rule draws attention to and summarizes the exception created by the new statute.

MARYLAND RULES OF PROCEDURE

TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT

CHAPTER 600 – JUDGMENT

AMEND Rule 2-625 by adding 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 a stylistic change, 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 (1) state the date of entry of the judgment and that there has been no prior renewal of the judgment and (2) contain a certification by the filer that the judgment has not expired. Upon receipt of a timely filed Notice of Renewal, the clerk shall enter the judgment renewed for a period of 12 years from the date the Notice of Renewal was filed.

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

A money judgment entered before [effective date of Rule change] expires 12 years from the date of entry or most recent renewal. At any time before expiration of the judgment, the judgment holder may file a ~~notice of renewal~~

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

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

Source: This Rule is new.

REPORTER'S NOTE

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

The Rules Committee’s Judgments Subcommittee first discussed a series of proposed amendments impacting the Rules governing judgments and their enforcement in June 2023. After consideration, the Subcommittee deferred action on any proposed amendments until interested parties and stakeholders could confer and possibly identify points of agreement. Consumer rights advocates, via the Access to Justice Office in the Administrative Office of the Courts (“Access to Justice”), proposed a series of amendments in 2024 which were considered by the Subcommittee in consultation with stakeholders.

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, irregularities 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 – in order 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 indicated that an amendment limiting a creditor to one renewal for an additional 12-year term would not be unreasonable.

Historically, Rule 2-625 was adopted in 1984, superseding 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 current 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. 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 and that the judgment has not expired.

New section (b) contains the existing language of the Rule and applies to judgments entered prior to the effective date of the Rule change. A new sentence at the end of the section clarifies that judgments entered before the Rule change will not be subject to the limit on renewals. The distinction addresses concerns about potentially abrogating vested property rights by Rule without due process.

A stylistic change in section (b) capitalizes the phrase “Notice of Renewal.”

MARYLAND RULES OF PROCEDURE

TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT

CHAPTER 600 – JUDGMENT

AMEND Rule 3-625 by adding 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 (1) state the date of entry of the judgment and that there has been no prior renewal of the judgment and (2) contain a certification by the filer that the judgment has not expired. Upon receipt of a timely filed Notice of Renewal, the clerk shall enter the judgment renewed for a period of 12 years from the date the Notice of Renewal was filed.

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

A money judgment entered before [effective date of Rule change] expires 12 years from the date of entry or most recent renewal. At any time before expiration of the judgment, the judgment holder may file a ~~notice of renewal~~

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

(c) Transmittal of Notice

Upon request of the judgment holder, the clerk shall transmit a copy of the ~~notice of renewal~~ Notice of Renewal to each clerk to whom a certified copy of the judgment was transmitted pursuant to Rules 3-621 (c)(1) and 3-622 and to each circuit court clerk to whom a Notice of Lien was transmitted pursuant to Rule 3-621, and the receiving clerk shall enter the judgment or Notice of Lien renewed.

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

Source: This Rule is new.

REPORTER'S NOTE

Proposed amendments to Rule 3-625 eliminate the system of unlimited judgment renewals in the District Court. 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 and that the judgment has not expired.

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.

Section (c) is created with current language of the Rule and stylistic

changes in sections (b) and (c) capitalize the phrase “Notice of Renewal.”

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~~ (1) 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 (2) may release some or all of the property from a levy if it finds that:

~~(3)~~(A) the judgment creditor has failed to comply with these rules or an order of court regarding the enforcement proceedings,

~~(4)~~(B) property sufficient in value to satisfy the judgment and enforcement costs will remain under the levy after the release,

~~(5)~~(C) 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)~~(D) 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 the 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, provided that the record reflects that this exemption has not already been exhausted.

(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 requested, a hearing.~~ If the party is entitled to a hearing, it shall be held promptly.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is derived from former Rule G51.

Section (c) is derived from former Rule G51.

Section (d) is new.

Section (e) is new.

Section (f) is new.

REPORTER'S NOTE

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

The Rules Committee’s Judgments Subcommittee first discussed a series of proposed amendments impacting the Rules governing judgments and their enforcement in June 2023. After consideration, the Subcommittee deferred action on any proposed amendments until interested parties and stakeholders could confer and possibly identify points of agreement. Consumer rights advocates, via the Access to Justice Office in the Administrative Office of the Courts (“Access to Justice”), proposed a series of amendments in 2024 which were considered by the Subcommittee in consultation with stakeholders.

Proposed amendments to Rule 2-643 section (c) distinguish the situations where the court “shall” order release of the property from a levy (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 section (d), recommended by Access to Justice and the consumer rights advocates, require the court to release promptly

property from the levy in subsection (d)(1) after the debtor elects exemptions and requires the garnishee to release promptly 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, provided the record does not show that the exemption was previously exhausted.

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~~ (1) 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 (2) may release some or all of the property from a levy if it finds that:

~~(3)~~(A) the judgment creditor has failed to comply with these rules or an order of court regarding the enforcement proceedings,

~~(4)~~(B) property sufficient in value to satisfy the judgment and enforcement costs will remain under the levy after the release,

~~(5)~~(C) 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)~~(D) 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 the 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, provided that the record reflects that this exemption has not already been exhausted.

(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 requested, a hearing.~~ If a party is entitled to a hearing, it shall be held promptly.

Source: This Rule is derived as follows:

Section (a) is new.

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

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

Section (d) is new.

Section (e) is new.

Section (f) is new.

REPORTER'S NOTE

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

MARYLAND RULES OF PROCEDURE

TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT

CHAPTER 600 – JUDGMENT

AMEND Rule 2-645 by adding a reference to a certain statutory exemption in subsection (c)(4) and by making stylistic changes, as follows:

Rule 2-645. GARNISHMENT OF PROPERTY – GENERALLY

. . .

(c) Content

The writ of garnishment shall:

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

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

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

(4) notify the judgment debtor and garnishee that federal and state exemptions may be available, and that up to an aggregate amount of \$500 in deposit accounts of the debtor held by a depository institution pursuant to

Code, Courts Article, § 11-504 is exempt from execution without the necessity of an election by the debtor;

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

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

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

. . .

REPORTER'S NOTE

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

The Rules Committee’s Judgments Subcommittee first discussed a series of proposed amendments impacting the Rules governing judgments and their enforcement in June 2023. After consideration, the Subcommittee deferred action on any proposed amendments until interested parties and stakeholders could confer and possibly identify points of agreement. Consumer rights advocates, via the Access to Justice Office in the Administrative Office of the Courts, proposed a series of amendments in 2024 which were considered by the Subcommittee in consultation with stakeholders.

Proposed amendments to Rule 2-645, which applies to garnishment in

general, adds to subsection (c)(4) reference to the provision that exempts \$500 from garnishment without any action by the judgment debtor.

Stylistic changes modifying punctuation are proposed also.

MARYLAND RULES OF PROCEDURE

TITLE 3 – CIVIL PROCEDURE – DISTRICT COURT

CHAPTER 600 – JUDGMENT

AMEND Rule 3-645 by adding a reference to a certain statutory exemption in subsection (c)(4) and by making stylistic changes, 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.

. . .

REPORTER'S NOTE

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

Stylistic changes modifying punctuation are proposed also.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-215 by adding to the cross reference at the end of the Rule and by making a stylistic change, as follows:

Rule 4-215. WAIVER OF COUNSEL

(a) First Appearance in Court Without Counsel

At the defendant's first appearance in court without counsel, or when the defendant appears in the District Court without counsel, demands a jury trial, and the record does not disclose prior compliance with this section by a judge, the court shall:

(1) Make certain that the defendant has received a copy of the charging document containing notice as to the right to counsel.

(2) Inform the defendant of the right to counsel and of the importance of assistance of counsel.

(3) Advise the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.

(4) Conduct a waiver inquiry pursuant to section (b) of this Rule if the defendant indicates a desire to waive counsel.

(5) If trial is to be conducted on a subsequent date, advise the defendant that if the defendant appears for trial without counsel, the court could determine that the defendant waived counsel and proceed to trial with the

defendant unrepresented by counsel.

(6) If the defendant is charged with an offense that carries a penalty of incarceration, determine whether the defendant had appeared before a judicial officer for an initial appearance pursuant to Rule 4-213 or a hearing pursuant to Rule 4-216 and, if so, that the record of such proceeding shows that the defendant was advised of the right to counsel.

The clerk shall note compliance with this section in the file or on the docket.

(b) Express Waiver of Counsel

If a defendant who is not represented by counsel indicates a desire to waive counsel, the court may not accept the waiver until after an examination of the defendant on the record conducted by the court, the State's Attorney, or both, the court determines and announces on the record that the defendant is knowingly and voluntarily waiving the right to counsel. If the file or docket does not reflect compliance with section (a) of this Rule, the court shall comply with that section as part of the waiver inquiry. The court shall ensure that compliance with this section is noted in the file or on the docket. At any subsequent appearance of the defendant before the court, the docket or file notation of compliance shall be prima facie proof of the defendant's express waiver of counsel. After there has been an express waiver, no postponement of a scheduled trial or hearing date will be granted to obtain counsel unless the court finds it is in the interest of justice to do so.

(c) Waiver by Inaction—District Court

In the District Court, if the defendant appears on the date set for trial

without counsel and indicates a desire to have counsel, the court shall permit the defendant to explain the appearance without counsel. If the court finds that there is a meritorious reason for the defendant's appearance without counsel, the court shall continue the action to a later time, comply with section (a) of this Rule, if the record does not show prior compliance, and advise the defendant that if counsel does not enter an appearance by that time, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds that there is no meritorious reason for the defendant's appearance without counsel, the court may determine that the defendant has waived counsel by failing or refusing to obtain counsel and may proceed with the trial only if (1) the defendant received a copy of the charging document containing the notice as to the right to counsel and (2) the defendant either (A) is charged with an offense that is not punishable by a fine exceeding five hundred dollars or by imprisonment, or (B) appeared before a judicial officer of the District Court pursuant to Rule 4-213 (a) or (b) or before the court pursuant to section (a) of this Rule and was given the required advice.

(d) Waiver by Inaction—Circuit Court

If a defendant appears in circuit court without counsel on the date set for hearing or trial, indicates a desire to have counsel, and the record shows compliance with section (a) of this Rule, either in a previous appearance in the circuit court or in an appearance in the District Court in a case in which the defendant demanded a jury trial, the court shall permit the defendant to explain the appearance without counsel. If the court finds that there is a

meritorious reason for the defendant's appearance without counsel, the court shall continue the action to a later time and advise the defendant that if counsel does not enter an appearance by that time, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds that there is no meritorious reason for the defendant's appearance without counsel, the court may determine that the defendant has waived counsel by failing or refusing to obtain counsel and may proceed with the hearing or trial.

(e) Discharge of Counsel—Waiver

If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant's request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel.

If the court finds no meritorious reason for the defendant's request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections ~~(a)(1)-(4)~~ (a)(1) through (a)(4) of this Rule if the docket or file does not reflect prior compliance.

Cross reference: See Rule 4-213.1 with respect to waiver of the right to an attorney at an initial appearance before a judge and Rule 4-216.2 (b) with

respect to waiver of the right to an attorney at a hearing to review a pretrial release decision of a commissioner. See *Dykes v. State*, 444 Md. 642 (2015) and *State v. Westray*, 444 Md. 672 (2015) pertaining to discharge of appointed counsel. See Code, Criminal Procedure Article, § 16-213 with respect to appointment of an attorney other than through the Office of the Public Defender.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 723 b 1, 2, 3 and 7 and c 1.

Section (b) is derived from former Rule 723.

Section (c) is in part derived from former M.D.R. 726 and in part new.

Section (d) is derived from the first sentence of former M.D.R. 726 d.

Section (e) is new.

REPORTER'S NOTE

Proposed amendments to Rule 4-215 expand the cross reference at the end of the Rule to provide additional guidance to parties and the court when the discharge of counsel analysis in section (e) is triggered.

Both *Dykes v. State*, 444 Md. 642 (2015) and *State v. Westray*, 442 Md. 672 (2015) address procedures and considerations when an indigent defendant seeks to discharge appointed counsel. The Supreme Court – then the Court of Appeals – held in *Dykes* that a request to discharge appointed counsel for a reason deemed meritorious by the court is not the equivalent of a waiver of the right to appointed counsel. The Court also determined that if the Office of the Public Defender is unable or unwilling to provide new counsel, the trial court may appoint counsel for the defendant pursuant to its inherent authority. In *Westray*, the Court provided additional guidance on when an unmeritorious discharge of counsel can be treated as a waiver of counsel.

The Rules Committee, prompted by the opinions in *Dykes* and *Westray*, recommended a series of Rules changes to clarify the procedures for evaluating a request to discharge counsel. In *Dykes*, Justice Shirley M. Watts wrote a concurring opinion suggesting that the Committee consider providing guidance to trial judges upon a determination that a defendant has a meritorious reason for appearing without counsel – particularly in the circumstances present in *Dykes* where an indigent defendant discharges appointed counsel for a meritorious reason. The Committee proposed in its 191st Report the deletion of Rule 4-215 and the creation of new Rules 4-215 and 4-215.1 for the District Court and circuit courts, respectively. Those proposals were remanded on other grounds without discussion of the discharge issue. Rule 4-215 was

amended in the 192nd Report, but the discharge issue raised by *Dykes* was not revisited at that time.

Recently, the Committee was informed that the issue raised in *Dykes* has persisted, most recently in a case where an indigent defendant had conflicts with his attorney appointed from the Office of the Public Defender and a subsequently appointed panel attorney. The OPD declined to be reappointed in the case, but the judge had not yet found that the discharge of appointed counsel was not meritorious.

The Criminal Rules Subcommittee of the Rules Committee discussed current issues faced by courts attempting to comply with Rule 4-215, agreeing with Judge Charles E. Moylan's characterization of the Rule – cited by Justice Watts – as a “minefield” (see *Dykes* at 671, citing *Garner v. State*, 183 Md. App. 122, 127 (2008), *aff'd*, 414 Md. 372 (2010)). The Subcommittee considered whether to expand section (e) to set forth a procedure upon a determination that the reason for discharging an attorney was meritorious.

The Subcommittee concluded that the “meritorious” analysis is a significant issue for trial judges and determined that it would be most helpful to expand the cross reference at the end of the Rule to include references to *Dykes*, *Westray*, and a statute addressing appointment of an attorney when the Public Defender is unable or declines to provide representation. The Committee approved the Subcommittee's recommendation.

A stylistic change in section (e) is also proposed.

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~~ Register of Wills 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 Requirements~~

(1) Legibility; Durability

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

(2) Size of Paper; Orientation

A paper filed shall be printed, typed, or handwritten on paper 8 ½ inches wide and 11 inches long, in portrait orientation.

(3) Ink Color; Margins; One-sided Paper

A 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.

(4) Type; Font Size

A computer-generated paper prepared electronically and filed shall be formatted in at least an eleven-point font size. A 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 ~~any~~ (1) a form approved by the Registers of Wills and posted on the Register of Wills' website and (2) a 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~~ a document prepared as an exhibit.

Committee note: Rule 6-108 (a) 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.

REPORTER'S NOTE

The Rules Committee proposes, at the request of the Orphans' Court judges, Registers of Wills, and the Estate and Trust Law Section of the Maryland State Bar Association, 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" orientation.

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

New subsection (b)(2) specifies that a filing must be in blue or black ink on one-sided paper with one-inch margins.

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

An explanatory Committee note referencing Rule 6-108 (a) is proposed following section (c).

Conforming and stylistic amendments to the Rule also are proposed.

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” 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.

REPORTER’S NOTE

The Rules Committee proposes, at the request of Orphans’ Court judges, Registers of Wills, and the Estate and Trust Law Section of the Maryland State Bar Association, that Rule 7-501 be revised to clarify that, in addition to judgments, only appealable orders of an orphans’ court are eligible to be appealed. This revision was requested because some litigants in Orphans’ Court matters were seeking to take appeals from unappealable judgments and orders.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT

AND THE APPELLATE COURT

CHAPTER 300 – OBTAINING REVIEW IN THE SUPREME COURT

ADD new Rule 8-306, as follows:

Rule 8-306. DIRECT APPEAL TO THE SUPREME COURT

(a) Generally

In a matter in which a direct appeal to the Supreme Court is authorized by statute or other law, and upon the filing of such a notice of appeal, the Supreme Court may direct the lower court promptly to transmit the record and may take any of the following actions allowed by law:

- (1) Dismiss the appeal pursuant to Rule 8-602;
- (2) Affirm the judgment that is the source of the appeal;
- (3) Vacate or reverse the judgment that is the source of the appeal; or
- (4) Remand the appeal to the lower court to modify the judgment or for

proceedings as directed by order of the Supreme Court. The Supreme Court may elect to retain appellate jurisdiction over an appeal in an order directing a remand.

(b) Briefing; Oral Argument

(1) Briefing

After a review of the record, the Supreme Court may direct the parties to brief the issues on appeal pursuant to Rules 8-503 and 8-504. An order from

the Supreme Court requiring briefs to be filed shall establish a time that transcripts must be ordered by the parties and submitted to the Court.

(2) Submission; Oral Argument

After briefing is completed pursuant to subsection (b)(1) of this Rule, the Supreme Court may decide the appeal based on the briefs submitted or may schedule oral argument.

(c) Expedited Direct Appeals

The Supreme Court, as authorized by statute, other law, or on its own initiative, may expedite the briefing, oral argument, and consideration of a direct appeal considered under this Rule.

Cross reference: For examples of Code provisions governing direct appeal to the Supreme Court of Maryland, see Code, Criminal Procedure Article, § 8-201 (Petition for DNA Testing and Preservation of Scientific Identification Evidence); Code, Election Law Article, § 5-305 (Petitions Challenging Residency of Candidate); Code, Election Law Article, § 6-209 (Judicial Review); Code, Election Law Article, § 6-210 (Schedule of Process); Code, Election Law Article, § 9-209 (Judicial Review of Ballot); Code, Election Law Article, § 12-203 (Appeal Proceedings); Code, Election Law Article, § 16-1004 (Injunction to Prohibit Violation of § 16-201 of Election Law Title); Code, Financial Institutions Article, § 9-712 (Pledge, Transfer, or Sale of Assets); and Code, Public Utilities Article, § 7-528 (Effective Date of Qualified Rate Orders).

Source: This Rule is new.

REPORTER'S NOTE

The Rules Committee proposes new Rule 8-306 to clarify the procedures that govern direct appeals to the Supreme Court of Maryland.

Section (a) provides that the Supreme Court may take any of the following actions after a direct appeal is filed: dismiss the appeal; affirm the underlying judgment; vacate or reverse the underlying judgment; or remand the appeal.

Section (b) is divided into two subsections. Subsection (b)(1) pertains to briefing. Subsection (b)(2) provides that the Supreme Court may schedule an oral argument or decide an appeal on the briefs submitted.

Section (c) indicates that the Supreme Court “as authorized by statute, other law, or on its own initiative, may expedite the briefing, oral argument, and consideration of a direct appeal.”

A non-exhaustive list of statutory authority providing for direct appeals to the Supreme Court is included in a cross reference following section (c).

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT

AND THE APPELLATE COURT

CHAPTER 300 – OBTAINING REVIEW IN THE SUPREME COURT

AMEND Rule 8-301 by deleting certain citations in the cross reference following section (a), by adding a reference to Rule 8-306 in section (b), and by deleting certain language in section (b), as follows:

Rule 8-301. METHOD OF SECURING REVIEW – THE SUPREME COURT

(a) Generally

Appellate review by the Supreme Court may be obtained only:

- (1) by direct appeal where allowed by law;
- (2) pursuant to the Maryland Uniform Certification of Questions of Law Act;
- (3) by writ of certiorari upon petition filed pursuant to Rules 8-302 and 8-303; or
- (4) by writ of certiorari issued on the Court's own initiative.

Cross reference: ~~For Code provisions governing direct appeals to the Supreme Court, see Code, Election Law Article, § 12-203 concerning appeals from circuit court decisions regarding contested elections; Code, Election Law Article, § 16-1004 concerning appeals from circuit court decisions regarding injunctive relief sought for certain violations of election law; and Code, Financial Institutions Article, § 9-712(d)(2) concerning appeals from circuit court decisions approving transfer of assets of savings and loan associations.~~ For the Maryland Uniform Certification of Questions of Law Act, see Code, Courts Article, §§ 12-601 through 12-613. For the authority of the Court to issue a writ of certiorari on its own initiative, see Code, Courts Article, § 12-201.

(b) Direct Appeals to Supreme Court

A direct appeal to the Supreme Court allowed by law is governed by ~~the other Rules of this Title applicable to appeals~~ Rule 8-306, or by the law authorizing the direct appeal. In the event of a conflict, the law authorizing the direct appeal shall prevail. ~~Except as otherwise required by necessary implication, references in those Rules to the Appellate Court shall be regarded as references to the Supreme Court.~~

(c) Certification of Questions of Law

Certification of questions of law to the Supreme Court pursuant to the Maryland Uniform Certification of Questions of Law Act is governed by Rule 8-305.

Source: This Rule is in part derived from Rule 810 and in part new.

REPORTER'S NOTE

The Rules Committee proposes amendments to Rule 8-301 to conform this Rule to the provisions of proposed new Rule 8-306.

A proposed amendment to the cross reference following section (a) deletes the citations to Code provisions concerning direct appeals to the Supreme Court because the information is now contained in proposed new Rule 8-306 addressing direct appeals to the Supreme Court. Rule 8-306 contains a cross reference with citations to the three statutes in the current language of Rule 8-301, as well as additional relevant Code provisions.

Proposed amendments to Rule 8-301 (b) conform the section to reflect that provisions governing direct appeals to the Supreme Court are now contained in new Rule 8-306.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE
APPELLATE COURT

CHAPTER 500 – RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-504 by adding a reference to new Rule 8-306 in
subsection (a)(8), as follows:

Rule 8-504. CONTENTS OF BRIEF

(a) Contents

A brief shall comply with the requirements of Rule 8-112 and include the
following items in the order listed:

(1) A table of contents and a table of citations of cases, constitutional
provisions, statutes, ordinances, rules, and regulations, with cases
alphabetically arranged. When a reported Maryland case is cited, the citation
shall include a reference to the official Report.

Cross reference: Citation of unreported opinions is governed by Rule 1-104.

(2) A brief statement of the case, indicating the nature of the case, the
course of the proceedings, and the disposition in the lower court, except that
the appellee's brief shall not contain a statement of the case unless the
appellee disagrees with the statement in the appellant's brief.

(3) A statement of the questions presented, separately numbered, indicating
the legal propositions involved and the questions of fact at issue expressed in
the terms and circumstances of the case without unnecessary detail.

(4) A clear concise statement of the facts material to a determination of the questions presented, except that the appellee's brief shall contain a statement of only those additional facts necessary to correct or amplify the statement in the appellant's brief. Reference shall be made to the pages of the record extract or appendix supporting the assertions. If pursuant to these rules or by leave of court a record extract is not filed, reference shall be made to the pages of the record or to the transcript of testimony as contained in the record.

Cross reference: Rule 8-111 (b).

(5) A concise statement of the applicable standard of review for each issue, which may appear in the discussion of the issue or under a separate heading placed before the argument.

(6) Argument in support of the party's position on each issue.

(7) A short conclusion stating the precise relief sought.

(8) In the Appellate Court, or on direct appeal to the Supreme Court pursuant to Rule 8-306, a statement as to whether the party filing the brief requests oral argument.

(9) If the brief is prepared with proportionally spaced type, a Certification of Word Count and Compliance with Rule 8-112 substantially in the form set forth in subsection (a)(9)(A) of this Rule. The party or amicus curiae providing the certification may rely on the word count of the word-processing system used to prepare the brief.

(A) Form

A Certification of Word Count and Compliance with Rule 8-112 shall be substantially in the following form:

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

1. This brief contains _____ words, excluding the parts of the brief exempted from the word count by Rule 8-503.

2. This brief complies with the requirements stated in Rule 8-112.

(10) The citation and verbatim text of all pertinent constitutional provisions, statutes, ordinances, rules, and regulations except that the appellee's brief shall contain only those not included in the appellant's brief.

(11) Unless filed as a separate document, a certificate of service in compliance with Rule 1-323.

Cross reference: For requirements concerning the form of a brief, see Rule 8-112.

...

REPORTER'S NOTE

The Rules Committee proposes amendments to subsection (a)(8) of Rule 8-504 to conform this Rule to the addition of proposed new Rule 8-306 addressing direct appeals to the Supreme Court.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE
APPELLATE COURT

CHAPTER 500 – RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-523 by adding a cross reference to new Rule 8-306
following subsection (a)(2), as follows:

Rule 8-523. CONSIDERATION ON BRIEF

(a) Submission on Brief by Party

(1) In the Appellate Court

In the Appellate Court, a party to a case the Court has scheduled for argument may submit for consideration on brief by filing a notice with the Clerk at least ten days prior to argument. Before filing a notice submitting on brief, a party shall attempt to ascertain whether any other parties to the appeal also will submit on brief and state the position of those other parties in the notice. The Court may require oral argument from either side or both sides, notwithstanding the submission on brief.

(2) In the Supreme Court

In the Supreme Court a party may not submit an appeal for consideration on brief except with permission of the Court. A request to submit on brief shall be made in writing at least 15 days before argument.

Cross reference: See Rule 8-306 (b)(2) governing submission on brief in direct appeals to the Supreme Court.

(b) Directed by the Appellate Court

(1) When Directed

In the Appellate Court, if all the judges of the panel to which an appeal has been assigned conclude, after the filing of the appellant's brief, that oral argument would not be of assistance to the Court because of the nature of the questions raised, the Court shall direct that the appeal be considered on brief without oral argument. The Clerk shall promptly mail notice to all parties that the Court has directed consideration of the appeal on brief.

(2) Request for Oral Argument

If pursuant to subsection (1) of this section the Court directs that an appeal be considered on brief without oral argument, any party may file a request for oral argument. The request shall be filed within ten days after the later of (A) the date the Clerk mails the notice required by subsection (1) of this section or (B) the date the appellee's brief is filed. If the Court grants the request for oral argument, the appeal shall be assigned for argument pursuant to Rule 8-521. Unless the Court specifies otherwise in its order granting the request, oral argument shall be as provided in Rule 8-522.

Source: This Rule is derived from former Rules 846 d, 1047, and 1038.

REPORTER'S NOTE

The Rules Committee proposes adding a cross reference to proposed new Rule 8-306 concerning direct appeals to the Supreme Court following subsection (a)(2) of this Rule.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 400 – CIRCUIT COURTS – CLERKS’ OFFICES

AMEND Rule 16-406 by revising the title of the Rule, by adding new item (4) pertaining to a notice of appeal to the Supreme Court, by adding “or the Clerk of the Supreme Court, as appropriate” to the end of the first sentence, by adding “In the Appellate Court” to the second sentence, and by making stylistic changes, as follows:

Rule 16-406. NOTICE TO THE APPELLATE COURT OR SUPREME COURT

Upon the filing of (1) a notice of appeal or application for leave to appeal to the Appellate Court, (2) a timely motion pursuant to Rule 2-532, 2-533, or 2-534 if filed after the filing of a notice of appeal, ~~or~~ (3) an order striking a notice of appeal pursuant to Rule 8-203, or (4) a notice of appeal, where permitted by law, to the Supreme Court, the clerk of the circuit court immediately shall send via the MDEC system a copy of the paper filed to the Clerk of the Appellate Court or the Clerk of the Supreme Court, as appropriate. ~~If In the Appellate Court, if~~ a notice of appeal is accompanied by a Civil Appeal Information Report required by Rule 8-205, the Information Report shall be transmitted ~~in the same manner as~~ with the notice of appeal.

Source: This Rule is derived from former Rule 16-309 (2016).

REPORTER'S NOTE

Amendments are proposed to conform Rule 16-406 to the provisions of proposed new Rule 8-306, which pertains to direct appeals to the Supreme Court of Maryland. New item (4) is proposed, which adds to the list notices of appeal in direct appeals to the Supreme Court. In addition, the Clerk of the Supreme Court is added to the portion of the first sentence that pertains to recipients of circuit court transmissions required by the Rule. Because the proposed revision expands the applicability of the Rule to direct appeals to the Supreme Court, an amendment is made to the second sentence of the Rule to clarify that the provision pertaining to Information Reports remains applicable only to appeals in the Appellate Court.

In the last sentence, an amendment replacing “in the same manner as” with the word “with” is stylistic, only.

MARYLAND RULES OF PROCEDURE
TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT
AND THE APPELLATE COURT
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 8-111 by moving the reference to Code, Criminal Procedure Article § 11-103 from the end of subsection (c)(1) to the beginning of the subsection, by deleting and adding certain language to subsection (c)(1) regarding a victim’s right to appeal a final order, and by deleting a reference to Rule 8-204 in subsection (c)(1), as follows:

Rule 8-111. DESIGNATION OF PARTIES; REFERENCES

(a) Formal Designation

(1) No Prior Appellate Decision

When no prior appellate decision has been rendered, the party first appealing the decision of the trial court shall be designated the appellant and the adverse party shall be designated the appellee. Unless the Court orders otherwise, the opposing parties to a subsequently filed appeal shall be designated the cross-appellant and cross-appellee.

(2) Prior Appellate Decision

In an appeal to the Supreme Court from a decision by the Appellate Court or by a circuit court exercising appellate jurisdiction, the party seeking review of the most recent decision shall be designated the petitioner and the adverse party shall be designated the respondent. Except as otherwise specifically

provided or necessarily implied, the term “appellant” as used in the Rules in this Title shall include a petitioner and the term “appellee” shall include a respondent.

Cross reference: See Rule 8-305 for designation of parties in cases certified pursuant to the Maryland Uniform Certification of Questions of Law Act.

(b) Alternative References

In the interest of clarity, the parties are encouraged to use the designations used in the trial court, the actual names of the parties, or descriptive terms such as “employer,” “insured,” “seller,” “husband,” and “wife” in papers filed with the Court and in oral argument.

(c) Victims and Victims’ Representatives

Although not a party to a criminal or juvenile proceeding, a victim of a crime or a delinquent act or a victim’s representative may: (1) under Code, Criminal Procedure Article, § 11-103, file an application for leave to appeal to the Appellate Court from an interlocutory ~~or a final~~ order or appeal to the Appellate Court from a final order; under Code, Criminal Procedure Article, § 11-103 and Rule 8-204; or (2) participate in the same manner as a party regarding the rights of the victim or victim’s representative.

Cross reference: See Rule 1-326 for service and notice to attorneys for victims and victims’ representatives regarding the rights of victims and representatives.

Source: This Rule is derived as follows:

Section (a) is derived in part from former Rule 827 and in part new.

Section (b) is derived from Fed. R. App. P. 28 (d).

Section (c) is new.

REPORTER'S NOTE

The Rules Committee proposes a housekeeping amendment to conform section (c) of Rule 8-111 to the current version of Code, Criminal Procedure Article, § 11-103(b), which was amended by the General Assembly in 2013 to add a provision to permit a victim to appeal a final order to the Appellate Court without filing a request for leave of court to do so. Before this amendment, a victim was required to file a request for leave of court to appeal both an interlocutory order and a final order. This housekeeping amendment will bring section (c) of this Rule into conformity with the provisions of Code, Criminal Procedure Article, § 11-103.

It is also proposed to delete the reference to Rule 8-204 from subsection (c)(1). This is because its placement near the citation to the Criminal Procedure Article was viewed as potentially confusing and perhaps misleading to an individual reading this Rule in that it may be construed to require a victim to request leave of court to appeal an order in which it may not be required to do so.

MARYLAND RULES OF PROCEDURE
TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT
AND THE APPELLATE COURT
CHAPTER 300 – OBTAINING REVIEW IN THE SUPREME COURT

AMEND Rule 8-305 by replacing the word “original” with the word “certification” in subsection (b)(3), by deleting the provision pertaining to the filing fee for docketing regular appeals from subsection (b)(3), by adding a provision to subsection (b)(3) permitting the electronic forwarding of a certification order under certain circumstances, by adding new subsection (c)(1) pertaining to actions to be taken by the Supreme Court, by adding new subsection (c)(2) pertaining to the payment of fees, by adding new section (d) pertaining to the use of MDEC and coordination with the certifying court, and by making stylistic changes, as follows:

Rule 8-305. CERTIFICATION OF QUESTIONS OF LAW TO THE SUPREME COURT

(a) Certifying Court

~~“Certifying court”~~ A “certifying court” as used in this Rule means a court authorized by Code, Courts Article, § 12-603 to certify a question of law to the Supreme Court ~~of Maryland~~.

Committee note: Necessary implication requires that the definition of “court” set forth in Rule 1-202 does not apply in this Rule.

(b) Certification Order

(1) Generally

In disposing of an action pending before it, a certifying court, on motion of any party or on its own initiative, may submit to the Supreme Court a question of law of this State, in accordance with the Maryland Uniform Certification of Questions of Law Act, by filing a certification order.

(2) Contents of Order

The certification order shall be signed by a judge of the certifying court and shall state the question of law submitted, state the relevant facts from which the question arises, and ~~the party who shall be treated as~~ designate the appellant in the certification procedure.

(3) Transmittal of Order to Supreme Court

The ~~original~~ certification order shall be forwarded to the Supreme Court by the clerk of the certifying court under its official seal, ~~together with the filing fee for docketing regular appeals.~~ By prior arrangement with the Clerk of the Supreme Court, the certification order may be forwarded through electronic mail or other electronic means.

(c) Proceeding in the Supreme Court

(1) Order Received by Supreme Court

Upon receipt of the certification order, the Supreme Court promptly shall consider whether to accept or reject the certification.

(A) Order Rejected by Supreme Court

If the Supreme Court rejects the certification, the Clerk shall send notice to the clerk of the certifying court.

(B) Order Accepted by Supreme Court

If the Supreme Court accepts the certification, the Clerk shall send notice of acceptance to the clerk of the certifying court, docket the certification as a miscellaneous matter, and send a copy of the notice and a briefing schedule to the parties.

(2) Payment of Fees

Within 15 days after the Clerk sends notice of acceptance, the parties shall deposit the filing fee for docketing an appeal with the Clerk of the Supreme Court. Unless otherwise directed by the certifying court, each party shall pay an equal share of the filing fee. The obligation to pay the filing fee may be enforced by the certifying court or by the Supreme Court.

(3) Certification Order Equivalent of Transmission of Record

The filing of the certification order in the Supreme Court shall be the equivalent of the transmission of a record on appeal. The Supreme Court may request, in addition, all or any part of the record before the certifying court. Upon request, the certifying court shall file the original or a copy of the parts of the record requested together with a certificate, under the official seal of the certifying court and signed by a judge or clerk of that court, stating that the materials submitted are all the parts of the record requested by the Supreme Court.

(d) Use of MDEC; Coordination with Certifying Court

(1) Use of MDEC During Pendency of Certification

The parties to the certified question will receive notices, orders, and other papers from the Supreme Court and shall file all papers with the Supreme Court through the MDEC system.

(2) Coordination with Certifying Court

By prior arrangement between the Clerk of the Supreme Court and the clerk of the certifying court, notices, correspondence, and other papers, including the written opinion of the Supreme Court, may be transmitted between the Supreme Court and the certifying court through electronic mail or other electronic means.

(d)(e) Decision by the Supreme Court

The written opinion of the Supreme Court stating the law governing the question certified shall be sent by the Clerk of the Supreme Court to the certifying court. The Clerk of the Supreme Court shall certify, under seal of the Court, that the opinion is in response to the question of law of this State submitted by the certifying court.

Cross reference: Code, Courts Article, §§ 12-601 through 12-609.

Source: This Rule is derived in part from former Rule 896 and is in part new.

REPORTER'S NOTE

The Rules Committee, at the request of the Clerk of the Supreme Court of Maryland, proposes revisions to Rule 8-305 to conform the Rule to the provisions of a Memorandum of Understanding between the U.S. District Court for the District of Maryland and the Supreme Court of Maryland.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE
APPELLATE COURT

CHAPTER 500 – RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-502 by replacing “eight” with “five paper” in subsection (c)(1), by deleting “eight copies of each” from subsection (c)(1), by adding “paper” to subsection (c)(2), by replacing “two copies” with the phrase “Unless otherwise agreed to by the parties, one paper copy” in subsection (c)(3), and by making stylistic changes, as follows:

Rule 8-502. FILING OF BRIEFS

...

(c) Filing and Service

(1) Filing in Appellate Court

In an appeal to the Appellate Court, ~~eight~~ five paper copies of each brief and ~~eight~~ five paper copies of each record extract shall be filed, unless otherwise ordered by the court. Unless filing an informal brief pursuant to subsection (a)(9) of this Rule, incarcerated or institutionalized parties who are self-represented shall file ~~eight~~ five paper copies of each brief and ~~eight~~ five paper copies of each record extract.

(2) Filing in Supreme Court

In the Supreme Court, eight paper copies of each brief and record extract shall be filed, unless otherwise ordered by the court.

(3) Service on Parties

~~Two copies~~ Unless otherwise agreed to by the parties, one paper copy of each brief and record extract shall be served on each party pursuant to Rule 1-321.

...

REPORTER'S NOTE

The Rules Committee proposes amendments to section (c) of Rule 8-502, including stylistic changes to separate the section into three subsections. In subsection (c)(1), the proposed amendments reduce the number of paper copies filed in appellate actions in the Appellate Court of Maryland. In subsection (c)(2), the word “paper” is added before “copies” for clarity.

In addition, the number of paper copies to be served on other parties pursuant to subsection (c)(3) is proposed to be reduced from two to one, with a provision added that permits the parties to agree otherwise.

These amendments are anticipated to reduce ancillary costs associated with an appeal. Conforming amendments also are proposed to Rules 20-403 and 20-404.

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 400 – APPELLATE REVIEW

AMEND Rule 20-403 by deleting and adding certain language in sections (b) and (c) to change the number of paper copies of the record extract or appendix to be filed and served, as follows:

Rule 20-403. RECORD EXTRACT OR APPENDIX

(a) Electronic Filing Required

The registered user responsible for the preparation of a record extract or appendix shall cause all portions of the document to be filed electronically unless otherwise ordered by the court. For a record extract in excess of 300 pages, the extract shall be filed in separate volumes not exceeding 300 pages each.

(b) Paper Copies Required from Persons Who File Electronically

In addition to the electronic filing, the party responsible for the preparation and filing of the record extract or appendix shall file ~~eight~~ the number of paper copies of the document ~~in paper form~~ required by Rule 8-502.

(c) Service

In addition to electronic service, the party responsible for the preparation and filing of the record extract or appendix shall serve ~~two~~ the number of paper copies of the document required by Rule 8-502 on each party pursuant to the provisions of Rule 1-321.

(d) Record Extract or Appendix Filed by a Person Other than a Registered User

A person who is not required to file electronically and files a record extract or appendix in paper form shall file and serve the number of paper copies required by the Rules in Title 8 of these Rules.

Source: This Rule is new.

REPORTER'S NOTE

The Rules Committee proposes amendments to section (b) and section (c) of Rule 20-403 to reduce the number of paper copies filed in appellate actions in this State. This is anticipated to reduce the ancillary costs associated with an appeal. The Rules Committee opted to replace the provisions in section (b) and section (c) that stated the actual number of copies required with a reference to Rule 8-502 (c). This was done, in part, to continue the gradual migration away from Title 20 provisions that would be more properly located in other Titles of the Rules in the wake of all jurisdictions in the State having switched to MDEC.

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 400 – APPELLATE REVIEW

AMEND Rule 20-404 by deleting and adding certain language in sections (b) and (c) to change the number of paper copies of a brief to be filed and served, as follows:

Rule 20-404. BRIEFS

(a) Electronic Filing Required

All briefs filed by a registered user shall be filed electronically, unless otherwise ordered by the court.

(b) Paper Copies Required from Persons Who File Electronically

In addition to the electronic filing, the party filing a brief shall file ~~eight~~ copies of the brief in paper form the number of paper copies required by Rule 8-502.

(c) Service

In addition to electronic service, the party filing a brief shall serve ~~two~~ the number of paper copies of the brief required by Rule 8-502 on each party pursuant to the provisions of Rule 1-321.

(d) Brief Filed by a Person Other than a Registered User

A person who is not required to file electronically and files a brief in paper form shall file and serve the number of paper copies required by Rule 8-502.

Source: This Rule is new.

REPORTER'S NOTE

The Rules Committee proposes amendments to sections (b) and (c) of Rule 20-404 to reduce the number of paper copies filed in appellate actions in this State. This is anticipated to reduce the cost of an appeal. The Rules Committee opted to replace the provisions in sections (b) and (c) that stated the actual amount of copies required with a reference to Rule 8-502. This was done, in part, to continue the gradual migration away from Title 20 provisions that would be more properly located in other Titles of the Rules in the wake of all jurisdictions in the State having switched to MDEC.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE
APPELLATE COURT

CHAPTER 500 – RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-503 by adding a reference to Rule 8-511 to subsection (d)(4), by deleting the provision in subsection (d)(4)(B) pertaining to word counts in amicus briefs supporting or opposing a petition for certiorari or other extraordinary writ, and by adding new subsection (d)(5) pertaining to images included in briefs, as follows:

Rule 8-503. STYLE AND FORM OF BRIEFS

(a) Numbering of Pages; Binding

The pages of a brief shall be consecutively numbered. The brief shall be securely bound along the left margin.

(b) References

References (1) to the record extract, regardless of whether the record extract is included as an attachment to the appellant's brief or filed as a separate volume, shall be indicated as (E), (2) to any appendix to appellant's brief shall be indicated as (App), (3) to an appendix to appellee's brief shall be indicated as (Apx), (4) to an appendix to a reply brief shall be indicated as (Rep. App), and (5) to an appendix to a cross-appellant's reply brief shall be indicated as (Cr. Apx). If the case falls within an exception listed in Rule 8-501 (b), references to the transcript of

testimony contained in the record shall be indicated as (T) and other references to the record shall be indicated as (R).

(c) Covers

A brief shall have a back and cover of the following color:

(1) In the Appellate Court:

- (A) appellant's brief--yellow;
- (B) appellee's brief--green;
- (C) reply brief--light red;
- (D) amicus curiae brief--gray;
- (E) cross-appellant's reply brief--purple;
- (F) briefs of incarcerated or institutionalized parties who are self-

represented--white.

(2) In the Supreme Court:

- (A) appellant's brief--white;
- (B) appellee's brief--blue;
- (C) reply brief--tan;
- (D) amicus curiae brief--gray;
- (E) cross-appellant's reply brief--orange.

The cover page shall contain the name of the appellate court, the caption of the case on appeal, and the case number on appeal, as well as the name, address, telephone number, and e-mail address, if available, of at least one attorney for a party represented by an attorney or of the party if not represented by an attorney. If the appeal is from a decision of a trial court, the

cover page shall also name the trial court and each judge of that court whose ruling is at issue in the appeal. The name typed or printed on the cover constitutes a signature for purposes of Rule 1-311.

(d) Length

(1) Principal Briefs of Parties

Except as otherwise provided in section (e) of this Rule or with permission of the Court, the principal brief of an appellant or appellee shall not exceed 9,100 words in the Appellate Court or 13,000 words in the Supreme Court. This limitation does not apply to (A) the table of contents and citations required by Rule 8-504 (a)(1); (B) the information required by Rule 8-504 (a)(10); or (C) a Certification of Word Count and Compliance with Rule 8-112 required by Rule 8-504 (a)(9).

(2) Motion to Dismiss

Except with permission of the Court, any portion of a party's brief pertaining to a motion to dismiss shall not exceed an additional 2,600 words in the Appellate Court or 6,500 words in the Supreme Court.

(3) Reply Brief

Any reply brief shall not exceed 3,900 words in the Appellate Court or 6,500 words in the Supreme Court.

(4) Amicus Curiae Brief

Except with the permission of the Court, or as provided in Rule 8-511, an amicus curiae brief:

(A) if filed in the Appellate Court, shall not exceed 3,900 words; and

(B) if filed in the Supreme Court, shall not exceed 6,500 words, ~~except that an amicus curiae brief supporting or opposing a petition for certiorari or other extraordinary writ shall not exceed 3,900 words.~~

(5) Use of Images

Images shall be used in a brief only for demonstrative purposes and not to avoid any word count limits.

(e) Briefs of Cross-Appellant and Cross-Appellee

In cases involving cross-appeals, the principal brief filed by the appellee/cross-appellant shall not exceed 13,000 words. The reply brief filed by the appellant/cross-appellee shall not exceed (1) 13,000 words in the Supreme Court or (2) in the Appellate Court (A) 9,100 words if no reply to the appellee's answer is included or (B) 13,000 words if a reply is included. The reply brief filed by the cross-appellant shall not exceed 3,900 words in the Appellate Court or 6,500 words in the Supreme Court.

(f) Incorporation by Reference

In a case involving more than one appellant or appellee, any appellant or appellee may adopt by reference any part of the brief of another.

(g) Effect of Noncompliance

For noncompliance with this Rule, the appellate court may dismiss the appeal or make any other appropriate order with respect to the case, including an order that an improperly prepared brief be reproduced at the expense of the attorney for the party for whom the brief was filed.

Source: This Rule is derived as follows:
Section (a) is derived from former Rules 831 a and 1031 a.

Section (b) is derived from former Rules 831 a and 1031 a.

Section (c) is derived from former Rules 831 a and 1031 a.

Section (d) is in part derived from Rule 831 b and 1031 b and in part new.

Section (e) is new.

Section (f) is derived from Fed. R. App. P. 28(i).

Section (g) is derived from former Rules 831 g and 1031 f.

REPORTER'S NOTE

The Rules Committee proposes an amendment to subsection (d)(4)(B) of Rule 8-503 to correct an inconsistency between the word count provisions of this subsection (3,900 words) and the word count provisions in subsection (e)(4) of Rule 8-511 (1,900 words). This is accomplished by adding language to the stem of subsection (d)(4) acknowledging the different limits in Rule 8-511 and by deleting the provision pertaining to word counts for certain amicus briefs in subsection (d)(4)(B) of this Rule.

New subsection (d)(5) is proposed to provide guidance to practitioners and the appellate bench concerning the use of images in appellate briefs. An image may be used in an appellate brief for demonstrative purposes but may not be used in such a manner as to attempt to circumvent word count restrictions. The Committee considered whether words contained in an image should be included in the word count limit, but ultimately settled on the suggested language in proposed new subsection (d)(5) because current limits in technology do not easily permit words contained in images to be counted in an automated fashion as word counts are in word-processed documents. As a result, the choice was made to emphasize the intended use of the image and not merely the word count.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 900 – ACCESS TO JUDICIAL RECORDS

DIVISION 5 – OTHER REQUESTS

TABLE OF CONTENTS

Rule ~~16-934~~ 16-941. CASE RECORDS – COURT ORDER DENYING OR
PERMITTING INSPECTION NOT OTHERWISE AUTHORIZED BY RULE

- (a) Purpose; Scope
- (b) Petition
- (c) Shielding of Record Upon Petition
- (d) Temporary Order Precluding or Limiting Inspection
- (e) Referral for Evidentiary Hearing
- (f) Hearing; Final Order
- (g) Filing of Order
- (h) Non-Exclusive Remedy
- (i) Request to Shield Certain Information

Rule 16-942. PROTECTED INDIVIDUALS – REQUEST TO SHIELD

- (a) Definition
- (b) Applicability
- (c) Request
- (d) Shielding of Record upon Request
- (e) Determination; Order

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 900 – ACCESS TO JUDICIAL RECORDS

~~DIVISION 4 – RESOLUTION OF DISPUTES~~ DIVISION 5 – OTHER REQUESTS

AMEND Rule 16-934 by renumbering it as Rule 16-941, as follows:

Rule ~~16-934~~ 16-941. CASE RECORDS – COURT ORDER DENYING OR
PERMITTING INSPECTION NOT OTHERWISE AUTHORIZED BY RULE

(a) Purpose; Scope

. . .

REPORTER'S NOTE

Proposed amendments to Rule 16-934 renumber it as Rule 16-941 and place it in new Division 5 of Title 16, Chapter 900. Rule 16-934 “is intended to authorize a court to permit inspection of a case record that is not otherwise subject to inspection, or to deny inspection of a case record that otherwise would be subject to inspection” if certain conditions are met. It is currently located in Division 4, Resolution of Disputes, with Rules governing the procedure for contesting determinations by custodians, including administrative review and declaratory relief. The Committee determined that Rule 16-934 should be moved to a new Division for “Other Requests.”

There are no substantive changes proposed to new Rule 16-941.

MARYLAND RULES OF PROCEDURE
TITLE 16 – COURT ADMINISTRATION
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS
DIVISION 5 – OTHER REQUESTS

ADD new Rule 16-942, as follows:

Rule 16-942. PROTECTED INDIVIDUALS – REQUEST TO SHIELD

(a) Definitions

The following definitions apply in this Rule:

(1) Personal Information

“Personal information” means information described in Code, Courts Article, § 3-2301(d).

(2) Protected Individual

“Protected individual” means an individual described in Code, Courts Article, § 3-2301(e).

(b) Applicability

This Rule applies to a request by or on behalf of a protected individual to shield from public inspection personal information contained in a case record.

(c) Request

A request to shield pursuant to this Rule shall itself be shielded and shall:

- (1) be in writing;
- (2) provide sufficient information to permit the court to confirm that the

requester or individual on whose behalf the request is made is a protected individual;

(3) state with particularity each record alleged to contain personal information and the location of the personal information within the record; and

(4) be filed with the clerk.

(d) Shielding of Record upon Request

Upon the filing of a request pursuant to this Rule, the clerk shall deny public inspection of the case record for a period not to exceed five business days, including the day the request is filed, in order to allow the court an opportunity to determine whether an order should issue. Immediately upon docketing, the request shall be delivered to a judge who is not the protected individual or related to the protected individual named in the request for consideration.

(e) Determination; Order

(1) The court shall consider a request filed under this Rule on an expedited basis.

(2) If the court determines that the case record contains personal information of a protected individual, the court shall:

(A) order the clerk to redact the personal information from a copy of each case record that is subject to public inspection and shield the unredacted version of the case record; and,

(B) in an open case, order the parties to redact specified personal information from all future filings in the proceeding and, if the personal

information is necessary to be included in the filing, file an unredacted copy, which shall be shielded by the clerk.

Cross reference: See Rule 20-201.1 pertaining to restricted information in electronic court filings.

Source: This Rule is new. It is derived in part from former Rule 16-934 (2025).

REPORTER'S NOTE

Proposed new Rule 16-942 extends the protections of the Judge Andrew F. Wilkinson Judicial Security Act (the “Act”), signed into law on May 9, 2024, to publicly available court records. The Act established the Office of Information Privacy (the “OIP”) in the Administrative Office of the Courts (the “AOC”) and established the ability for current or retired state judges, federal judges, magistrates, and other judicial officers and their families to seek to have certain personal information removed from certain publications, websites, and government records. The Act also created a Judicial Address Confidentiality Program.

The Act applies to records held by a “governmental entity” (defined as Executive Branch agencies and local entities that are political subdivisions of the state) and real property records but does not apply to public case records. The AOC was informed that judges and other judicial officers, who, from time to time, may be private parties in a case, expressed concern about their personal information being available in Case Search or at courthouse kiosks. In response, the AOC requested that the Rules Committee consider the formulation of a Rule to permit individuals covered by the Act to request shielding of personal information from public-facing Judiciary systems.

New Rule 16-942 is derived in part from current Rule 16-934 and the Act.

Section (a) adopts the definitions of “personal information” and “protected individual” from the Act.

Section (b) states that the Rule applies to a request by or on behalf of a protected individual to shield certain information in a case record. Rule 16-903 contains definitions applicable in all of the Rules in Title 16, Chapter 900, and includes, as section (d), the definition of the term “case record,” which is used throughout new Rule 16-942.

Section (c) is derived in part from Code, State Government Article, §3-2302. It requires that the request to shield be in writing, provide sufficient information for the court to confirm that the requester or the individual on whose behalf the request is made is a protected individual, state in detail the records and information that are the subject of the request, and be filed with the clerk. The Committee was informed that specificity will assist courts with implementing the requests. The OIP creates standards for compliance and can assist courts with questions about application of the Act and, by extension, the new Rule.

Section (d) is derived from current Rule 16-934 (c). It provides for the temporary shielding of the subject record while the court considers the request. The temporary shielding may not exceed five business days. The request must be docketed and delivered immediately to a judge who is not the protected individual or related to the protected individual. This provision was added to Rule 16-942 to make it clear that a judge cannot rule on the judge's own request or a request pertaining to a family member of the judge.

Section (e) is derived in part from current Rule 16-934 (d). It requires expedited consideration of the request and instructions for compliance if the record is found to contain personal information. Subsection (e)(2)(B) provides for redaction of the personal information in future filings in an open case. It is derived in part from the procedure in Rule 20-201.1 (c).

MARYLAND RULES OF PROCEDURE
TITLE 2 – CIVIL PROCEDURE – CIRCUIT COURT
CHAPTER 500 - TRIAL

AMEND Rule 2-512 by updating a reference to Rule 16-934 in the cross reference following subsection (c)(3), as follows:

Rule 2-512. JURY SELECTION

...

(c) Jury List

...

(3) Not Part of the Case Record; Exception

Unless the court orders otherwise, copies of jury lists shall be returned to the jury commissioner. Unless marked for identification and offered in evidence pursuant to Rule 2-516, a jury list is not part of the case record.

Cross reference: See Rule ~~16-934~~ 16-941 concerning petitions to permit or deny inspection of a case record.

...

REPORTER'S NOTE

A proposed conforming amendment to Rule 2-512 updates the numbering of a Rule. Rule 16-934 is proposed to be renumbered as Rule 16-941.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 900 – CHANGE OF NAME; JUDICIAL DECLARATION OF GENDER
IDENTITY

AMEND Rule 15-901 by updating a reference to Rule 16-934 in the
Committee note following subsection (c)(1)(G), as follows:

Rule 15-901. ACTION FOR CHANGE OF NAME

...

(c) Petition

(1) Contents

An action for change of name shall be commenced by filing a petition
captioned “In the Matter of ...” [stating the name of the individual whose name
is sought to be changed] “for change of name to ...” [stating the change of name
desired]. The petition shall be under oath and shall contain the following
information:

...

(G) if the individual whose name is sought to be changed is a minor, (i) a
statement explaining why the petitioner believes that the name change is in the
best interest of the minor; (ii) the name and address of each parent and any
guardian or custodian of the minor; (iii) whether each of those persons
consents to the name change; (iv) whether the petitioner has reason to believe
that any parent, guardian, or custodian is unfamiliar with the English

language and, if so, the language the petitioner reasonably believes the individual can understand; (v) if the minor is at least ten years old, whether the minor consents to the name change; and (vi) if the minor is younger than ten years old, whether the minor objects to the name change; and

Committee note: If a petition filed on behalf of a minor contains confidential information pertaining to the minor, the petitioner may request that the court seal or otherwise limit inspection of a case record as provided in Rule ~~16-934~~ 16-941.

• • •

REPORTER'S NOTE

A proposed conforming amendment to Rule 15-901 updates the numbering of a Rule. Rule 16-934 is proposed to be renumbered as Rule 16-941.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 200 – GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-203 by updating a reference to the Rules in Chapter 900 of Title 16 in the cross reference following subsection (c)(6), as follows

Rule 16-203. ELECTRONIC FILING OF PLEADINGS, PAPERS, AND REAL PROPERTY INSTRUMENTS

...

(c) Criteria for Adoption of Plan

In developing a plan for the electronic filing of pleadings, the County Administrative Judge or the Chief Judge of the District Court, as applicable, shall be satisfied that the following criteria are met:

...

(6) the court can discard or replace the system during or at the conclusion of a trial period without undue financial or operational burden.

The State Court Administrator shall review the plan and make a recommendation to the Chief Justice of the Supreme Court with respect to it.

Cross reference: For the definition of “public record,” see Code, General Provisions Article, § 4-101. See also Rules 16-901 —~~16-934~~ through 16-942 (Access to Judicial Records).

...

REPORTER'S NOTE

A proposed conforming amendment to Rule 16-203 updates the cross reference following subsection (c)(6) to reflect proposed amendments and additions to Title 16 of the Rules. The final Rule in Chapter 900 of Title 16 now will be Rule 16-942.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 200 – GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURTS

AMEND Rule 16-204 by updating a reference to Rule 16-934 in section (b), as follows:

Rule 16-204. REPORTING OF CRIMINAL AND MOTOR VEHICLE
INFORMATION

...

(b) Inspection of Criminal History Record Information Contained in Court
Records of Public Judicial Proceedings

Criminal history record information contained in court records of public
judicial proceedings is subject to inspection in accordance with Rules 16-901
through ~~16-934~~ 16-942.

...

REPORTER'S NOTE

A proposed conforming amendment to Rule 16-204 updates section (b) to
reflect proposed amendments and additions to Title 16 of the Rules. The final
Rule in Chapter 900 of Title 16 now will be Rule 16-942.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 900 – ACCESS TO JUDICIAL RECORDS

DIVISION 1 – GENERAL PROVISIONS

AMEND Rule 16-904 by updating a reference to Rule 16-934 in the Committee note following section (c), as follows:

Rule 16-904. GENERAL POLICY

...

(c) Exhibit Pertaining to Motion or Marked for Identification

Unless a judicial proceeding is not open to the public or the court expressly orders otherwise and except for identifying information shielded pursuant to law, a case record that consists of an exhibit (1) submitted in support of or in opposition to a motion or (2) marked for identification by the clerk at a hearing or trial or offered in evidence, whether or not admitted, is subject to inspection, notwithstanding that the record otherwise would not have been subject to inspection under the Rules in this Chapter.

Cross reference: See Rules 2-516, 3-516, and 4-322 concerning exhibits.

Committee note: Section (c) is based on the general principle that the public has a right to know the evidence upon which a court acts in making decisions, except to the extent that a superior need to protect privacy, safety, or security recognized by law permits particular evidence, or the evidence in particular cases, to be shielded. See Rule ~~16-934~~ 16-941 authorizing a court to permit inspection of a case record that is not otherwise subject to inspection or to deny inspection of a case record that otherwise would be subject to inspection.

...

REPORTER'S NOTE

A proposed conforming amendment to Rule 16-904 updates the numbering of a Rule. Rule 16-934 is proposed to be renumbered as Rule 16-941.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 900 – ACCESS TO JUDICIAL RECORDS

DIVISION 2 – LIMITATIONS ON ACCESS

AMEND Rule 16-914 by updating references to Rule 16-934 in the Committee note following section (e) and in subsection (k)(2), as follows:

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

...

(e) Except for docket entries and orders entered under Rule 10-108, papers and submissions filed in guardianship actions or proceedings under Title 10, Chapter 200, 300, 400, or 700 of the Maryland Rules.

Committee note: Most filings in guardianship actions are likely to be permeated with financial, medical, or psychological information regarding the minor or disabled person that ordinarily would be sealed or shielded under other Rules. Rather than require custodians to pore through those documents to redact that kind of information, this Rule shields the documents themselves subject to Rule ~~16-934~~ 16-941, which permits the court, on a motion and for good cause, to permit inspection of case records that otherwise are not subject to inspection. There may be circumstances in which that should be allowed. Parties to the action have access to the case records unless the court orders otherwise. See Rule 10-105 (b). The guardian, as a party, has access to the case records and may need to share some of them with third persons in order to perform the duties of the guardian. This Rule is not intended to impede the guardian from doing so. Public access to the docket entries and to orders entered under Rule 10-108 will allow others to be informed of the guardianship and to seek additional access pursuant to Rule ~~16-934~~ 16-941.

...

(k) A case record that:

RULE 16-914

- (1) a court has ordered sealed or not subject to inspection, except in conformance with the order; or
- (2) in accordance with Rule ~~16-934 (b)~~ 16-941 (b) is the subject of a pending petition to preclude or limit inspection.
- • •

REPORTER'S NOTE

A proposed conforming amendment to Rule 16-914 updates the numbering of a Rule. Rule 16-934 is proposed to be renumbered as Rule 16-941.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 900 – ACCESS TO JUDICIAL RECORDS

DIVISION 2 – LIMITATIONS ON ACCESS

AMEND Rule 16-915 by updating references to Rule 16-934 in section (c), section (e), and the cross reference following section (i), as follows:

Rule 16-915. CASE RECORDS – REQUIRED DENIAL OF INSPECTION –
SPECIFIC INFORMATION

• • •

(c) The address, telephone number, and e-mail address of a victim or victim's representative in a criminal action, juvenile delinquency action, or an action under Code, Family Law Article, Title 4, Subtitle 5, who has requested, or as to whom the State has requested, that such information be shielded. Such a request may be made at any time, including in a victim notification request form filed with the clerk or a request or petition filed under Rule ~~16-934~~ 16-941.

(d) The name of a minor victim or any other information that could reasonably be expected to identify a minor victim in a criminal action or a juvenile delinquency action where the juvenile court waives jurisdiction.

Cross reference: See Code, Criminal Procedure Article, § 11-301(b).

(e) The address, telephone number, and e-mail address of a witness in a criminal or juvenile delinquency action, who has requested, or as to whom the

RULE 16-915

State has requested, that such information be shielded. Such a request may be made at any time, including a request or petition filed under Rule ~~16-934~~ 16-941.

(f) Any part of the Social Security or federal tax identification number of an individual.

(g) A trade secret, confidential commercial information, confidential financial information, or confidential geological or geophysical information.

(h) Information about a person who has received a copy of a case record containing information prohibited by Rule 1-322.1.

(i) The address, telephone number, and e-mail address of a payee contained in a Consent by the payee filed pursuant to Rule 15-1302 (c)(1)(F).

Cross reference: See Rule ~~16-934 (i)~~ 16-941 (i) concerning information shielded upon a request authorized by Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence) and in criminal actions. For obligations of a filer of a submission containing restricted information, see Rules 16-916 and 20-201.1.

Source: This Rule is derived from former Rule 16-908 (2019).

REPORTER'S NOTE

A proposed conforming amendment to Rule 16-915 updates the numbering of a Rule. Rule 16-934 is proposed to be renumbered as Rule 16-941.

MARYLAND RULES OF PROCEDURE
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 200 – FILING AND SERVICE

AMEND Rule 20-203 by updating a reference to Rule 16-934 in
subsection (e)(3), as follows:

Rule 20-203. REVIEW BY CLERK; STRIKING OF SUBMISSION; DEFICIENCY
NOTICE; CORRECTION; REQUEST FOR COURT ORDER TO SEAL

...

(e) Restricted Information

...

(3) Shielding on Motion of Party

A party aggrieved by the refusal of the clerk to shield a filing or part of a
filing that contains restricted information may file a motion pursuant to Rule
~~16-934~~ 16-941.

...

REPORTER'S NOTE

A proposed conforming amendment to Rule 20-203 updates the
numbering of a Rule. Rule 16-934 is proposed to be renumbered as Rule 16-
941.

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 500 – MISCELLANEOUS RULES

AMEND Rule 20-504 by changing Rule 16-934 to Rule 16-942 in the cross reference following section (b), as follows:

Rule 20-504. AGREEMENTS WITH VENDORS

...

(b) Agreement With Administrative Office of the Courts

As a condition of having the access to MDEC necessary for a person to become a vendor, the person must enter into a written agreement with the Administrative Office of the Courts that, in addition to any other provisions, (1) requires the vendor to abide by all Maryland Rules and other applicable law that limit or preclude access to information contained in case records, whether or not that information is also stored in the vendor's database, (2) permits the vendor to share information contained in a case record only with a party or attorney of record in that case who is a customer of the vendor, (3) provides that any material violation of that agreement may result in the immediate cessation of remote electronic access to case records by the vendor, and (4) requires the vendor to include notice of the agreement with the Administrative Office of the Courts in all agreements between the vendor and its customers.

Cross reference: See Maryland Rules 20-109 and 16-901 through ~~16-934~~ 16-942.

Source: This Rule is new.

REPORTER'S NOTE

A proposed conforming amendment to Rule 20-504 updates the cross reference following section (b) to reflect proposed amendments and additions to Title 16 of the Rules. The final Rule in Chapter 900 of Title 16 now will be Rule 16-942.

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 400 – ATTORNEY TRUST ACCOUNTS

AMEND Rule 19-409 by deleting an unnecessary definition in section (a); by adding taglines to subsections (c)(1), (c)(2), (c)(3), and (c)(4); by revising certain language in subsection (c)(1); by providing in subsection (c)(2) that the State Court Administrator sends notice regarding the IOLTA Compliance Report through AIS; by adding provisions to subsection (c)(2) regarding the form and content of the report; by adding clarifying language to the end of subsection (c)(3); by clarifying in subsection (c)(4) that each attorney in active status shall file a report through AIS; by reorganizing subsection (c)(5) as section (d) and renumbering subsequent subsections; by providing in subsection (d)(1) that the State Court Administrator sends the Notice of Default and updating the requirements for the notice; by deleting current subsection (c)(5)(B); by providing in subsection (d)(2) that the State Court Administrator sends the list of defaulting attorneys to the Supreme Court and updating the information contained in the list; by deleting the requirement that a proposed order be transmitted with the list of defaulting attorneys; by replacing the entry of a decertification order pursuant to subsection (d)(3) with the entry of an Administrative Suspension Order for defaulting attorneys; by adding language to subsection (d)(3) regarding the duties of the Clerk upon entry of an Administrative Suspension Order; by adding new subsection (d)(4) detailing the effect of an Administrative Suspension Order; by deleting former subsections

(c)(5)(E), (c)(5)(F), and (c)(5)(G); by adding new subsection (d)(5), with subsections (d)(5)(A) through (d)(5)(C), addressing the reinstatement process and the effect of terminating an Administrative Suspension Order; by deleting current subsection (c)(5)(H); by re-lettering current subsection (c)(5)(I) as section (e); by updating an internal reference in section (e); by adding a reference in section (e) to the access Rules in Title 16, Chapter 900; by creating new section (f) with the language of former subsection (c)(5)(H), with amendments; and by making stylistic changes, as follows:

Rule 19-409. INTEREST ON FUNDS

(a) ~~Definition~~ Definitions

In this Rule, (1) “AIS” means the Attorney Information System created in Rule 19-801, and (2) “AOC” means the Administrative Office of the Courts, ~~and~~ (3) ~~“Client Protection Fund” means the Client Protection Fund of the Bar of Maryland.~~

(b) Generally

Any interest paid on funds deposited in an attorney trust account, after deducting service charges and fees of the financial institution, shall be credited and belong to the client or third person whose funds are on deposit during the period the interest is earned, except to the extent that interest is paid to the Maryland Legal Services Corporation Fund as authorized by law. The attorney or law firm shall have no right or claim to the interest.

Cross reference: See Rule 19-411 (b)(1)(D) providing that certain fees may not be deducted from interest that otherwise would be payable to the Maryland

Legal Services Corporation Fund.

(c) Duty to Report IOLTA Participation

(1) Required as a Condition of Practice

As a condition ~~precedent~~ of continuing to the practice of law in Maryland, each attorney admitted to practice in Maryland shall report in accordance with this Rule information concerning all IOLTA accounts.

(2) IOLTA Compliance Report

On or before July 10 of each year, ~~AOC~~ the State Court Administrator shall send electronically to each attorney ~~on~~ in active status a notice requiring the attorney to complete through AIS an IOLTA Compliance Report on or before September 10 of that year. The report shall be in a form approved by the State Court Administrator in consultation with the Maryland Legal Services Corporation. The report shall require, at a minimum, the disclosure of the name, address, location, and account number of each IOLTA account maintained by the attorney as of July 10 of each year.

(3) Shared Law Firm IOLTA Accounts

If all IOLTA eligible trust funds of all attorneys in a law firm are deposited in shared law firm IOLTA accounts, the firm shall designate an attorney to be its "IOLTA Reporting Attorney." The IOLTA Reporting Attorney shall report on all law firm IOLTA accounts by submitting one report listing the specific account information for the firm with the IOLTA Reporting Attorney's signature. Each attorney at the law firm other than the firm's IOLTA Reporting Attorney shall submit a report that includes the attorney's name, law firm address and

phone number, and the name of the IOLTA Reporting Attorney. The report of an attorney other than the firm's IOLTA Reporting Attorney need not include account information for a shared law firm IOLTA account.

(4) Filing Report Through AIS

On or before September 10 of each year, ~~the each~~ attorney, ~~through AIS,~~ in active status shall file electronically through AIS a completed IOLTA Compliance Report with AOC.

~~(5)~~(d) Enforcement

~~(A)~~(1) Notice of Default

As soon as practicable after February 10 of each year, ~~AOC~~ the State Court Administrator shall send electronically ~~notify each defaulting a Notice of Default to each~~ attorney ~~of the attorney's failure~~ who has failed to file the ~~required~~ IOLTA Compliance Report. The ~~notice~~ Notice of Default shall ~~(i)(A) be~~ on a form approved by the State Court Administrator, (B) state that the attorney has not filed the ~~required~~ IOLTA Compliance Report, and ~~(ii)(C) state~~ that ~~continued failure to file the Report may~~ cure the default will result in the entry of an order by the Supreme Court prohibiting administratively suspending the attorney from practicing the practice of law in Maryland.

~~(B)~~ Additional Discretionary Notice

~~In addition to the electronic notice, AOC may give additional notice in other ways to defaulting attorneys. This discretion shall be liberally construed with respect to notices given in 2019.~~

~~(C)~~(2) List of Defaulting Attorneys

As soon as practicable after February 10 of each year but no later than March 10, ~~AOC~~ the State Court Administrator shall:

(i)~~(A)~~ ~~prepare, certify, and, transmit to the Supreme Court a list that includes the name and, unless the attorney has elected to keep the address confidential, the address~~ AIS number of each attorney engaged in the practice of law who has failed to file the IOLTA Compliance Report for the preceding reporting period;

~~(ii) include with the list a proposed Decertification Order stating the name and, unless the attorney has elected to keep the address confidential, the address of each attorney who has failed to file the IOLTA Compliance Report; and~~

~~(iii)~~(B) at the request of the Court, furnish additional information from its records or give further notice to the defaulting attorneys.

~~(D) Decertification~~ (3) Administrative Suspension Order

If satisfied that ~~AOC~~ the State Court Administrator has given the required notice Notice of Default to the attorneys named ~~in the proposed decertification order on the list~~, the Supreme Court shall enter ~~a decertification order~~ an Administrative Suspension Order prohibiting each ~~of them~~ attorney in default from practicing law in Maryland ~~until such time as a Recertification Order applicable to a listed attorney is entered pursuant to subsection (c)(4)(F) of this Rule. If the Court concludes that an attorney was not given the required notice, it shall delete that attorney's name from the proposed Order. The Clerk of the Supreme Court shall (A) send electronically a copy of the Order to each~~

administratively suspended attorney named in the order, (B) comply with Rule 19-761, and (C) post the Order on the Judiciary website.

(4) Effect of Order

An attorney who has been sent a copy of the Administrative Suspension Order and who has not been restored to good standing may not practice law in Maryland and shall comply with the requirements of Rule 19-741 (b) and (c). In addition to any other remedy or sanction allowed by law, an action for contempt may be brought against an attorney who practices law in violation of an Administrative Suspension Order.

~~(E) Transmittal of Decertification Order~~

~~AOC shall transmit a copy of the decertification order to each attorney named in the Order.~~

~~(F) Recertification; Reinstatement~~

~~If a decertified attorney thereafter files the outstanding IOLTA Compliance Report, AOC shall inform the Supreme Court and request the Court to enter an order that recertifies the attorney and terminates the decertification. Upon the entry of that order, AOC promptly shall transmit confirmation to the attorney. After an attorney is recertified, the fact that the attorney had been decertified need not be disclosed by the attorney in response to a request for information as to whether the attorney has been the subject of a disciplinary or remedial proceeding.~~

~~(G) Duty of Clerk of Supreme Court~~

~~Upon entry of each Decertification Order and each Recertification Order~~

~~entered pursuant to this Rule, the Clerk of the Supreme Court shall comply with Rule 19-761.~~

(5) Termination of Order

(A) Notice to Supreme Court

If, after an administrative suspension under this Rule, an attorney files the outstanding IOLTA Compliance Report and the attorney is in compliance with the requirements of Rules 19-503 and 19-605, the State Court Administrator shall inform the Supreme Court that the attorney is no longer in default and request the Court to enter an order terminating the attorney's administrative suspension.

(B) Duty of Court

Upon receipt of the notice and request provided for in subsection (d)(5)(A) of this Rule and payment of any fee for reinstatement, the Supreme Court shall enter an order terminating the administrative suspension of the attorney and the Clerk of the Court shall (A) send electronically a copy of the Reinstatement Order to each attorney who has been restored to good standing, (B) comply with Rule 19-761, and (C) post the Order on the Judiciary website.

(C) Disclosure of Administrative Suspension

After an attorney's administrative suspension for failure to file an IOLTA Compliance Report has been terminated, the attorney need not disclose the administrative suspension in response to a request for information as to whether the attorney has been the subject of a disciplinary or remedial proceeding.

~~(H) Certain Information Furnished to the Maryland Legal Services Corporation~~

~~AOC promptly shall submit to the Maryland Legal Services Corporation the data from the IOLTA Compliance Reports.~~

~~(f)(e)~~ Confidentiality

Except as provided in subsections (c)(4)(H) and (c)(4)(I) section (f) of this Rule, IOLTA Compliance Reports are confidential and are not subject to inspection or disclosure under Code, General Provisions Article, § 4-301 or Title 16, Chapter 900 of these Rules. Neither AIS nor AOC shall release those Reports to any person, except as provided in this Rule or upon order of the Supreme Court. Non-identifying information and data contained in an attorney's IOLTA Compliance Report are not confidential.

(f) Information Furnished to the Maryland Legal Services Corporation

AOC promptly shall submit to the Maryland Legal Services Corporation all information from the IOLTA Compliance Reports.

Cross reference: See Code, Business Occupations and Professions Article, § ~~10-103~~ 10-303.

Source: This Rule is derived from former Rule 16-608 (2016).

REPORTER'S NOTE

Amendments to Rules 19-409, 19-503, and 19-606 are proposed to streamline and update the Rules regarding reporting requirements for attorneys practicing law in Maryland. Attorneys in Maryland must comply with four requirements to remain in good standing: (1) pay the annual Client Protection Fund ("CPF") Assessment, including the portion of the assessment that is paid to the Disciplinary Fund pursuant to Rule 19-705, (2) verify the

attorney's Social Security number and, if applicable, Tax Identification Number ("TIN"), (3) report on pro bono activities, and (4) report information about the attorney's Interest on Lawyer Trust Accounts ("IOLTA"). The Rules currently provide that attorneys who fail to pay their CPF assessment or report their TIN are subject to a temporary suspension, while attorneys who fail to file pro bono or IOLTA reports are only subject to decertification. Each Rule also contains its own process for reinstatement after the attorney cures the default.

After these reporting requirements were implemented, there have been several changes in the compliance process for attorneys. Most notably, the process has been streamlined so that the CPF assessment, TIN information, and reports are due at the same time. Attorneys are also notified of the need to complete these requirements in one combined notice. Similarly, attorneys must complete all requirements through the Attorney Information System ("AIS").

Proposed amendments to Rules 19-409, 19-503 and 19-606 were submitted to the Rules Committee for consideration by the Clerk of the Supreme Court, the Executive Director of the CPF, the Executive Director of the Maryland Legal Services Corporation ("MLSC"), and the Director of Access to Justice. The proponents recommended changes to reflect current practices, apply the same status to all violations, follow the same process for reinstatement after curing any default, and correct some errors in the current Rules. The proposed changes are intended to update and streamline the attorney compliance process.

The Rules Committee agrees with the proponents of the amendments that a failure to fulfill any of the four compliance requirements should result in the same sanction, simplifying the process and making it easier to use the same reinstatement procedures when an attorney cures any default. The Committee believes that, while a "suspension" is appropriate, the Rules should be clear that the suspension is not the result of a disciplinary proceeding for violation of the Maryland Attorneys' Rules of Professional Conduct. Accordingly, instead of imposition of a "temporary suspension," the proposed amendments throughout all three Rules provide that an attorney who fails to fulfill a reporting or payment obligation now would be "administratively suspended."

Several additional amendments are proposed in Rule 19-409. Overall, Rules 19-409 and 19-503 are restructured and reorganized to be more parallel.

In Rule 19-409, section (a) is amended to delete an unnecessary definition. The term "Client Protection Fund," which had appeared in an earlier version of the Rule, does not appear in the current Rule version. Stylistic changes are also made to the tagline and language of the section.

There are several stylistic changes throughout Rule 19-409 (c), including the addition of taglines for each subsection. Stylistic changes in subsection (c)(1) note that reporting in accordance with the Rule is a condition of continuing to practice law in Maryland.

In subsection (c)(2), a proposed amendment requires the State Court Administrator to send the notice of the reporting requirement to attorneys. The notice previously was sent by the Administrative Office of the Courts (“AOC”). Throughout the Rule, references to the mailings and notices from the AOC have been amended to be sent instead by the State Court Administrator. Other new language in the subsection notes that the IOLTA Compliance Report is completed through AIS, and a new sentence provides that the report is to be in a form approved by the State Court Administrator, in consultation with the Maryland Legal Services Corporation. Addition of the phrase “at a minimum” in subsection (c)(2) clarifies that the information listed in the section is the minimum information that will be requested by the report.

Furthermore, phrases are added to the last sentence of Rule 19-409 (c)(3), making clear that an attorney does not need to include account information for a shared law firm IOLTA account, unless the attorney serves as the firm’s IOLTA Reporting Attorney. Current subsection (c)(4) of Rule 19-409 is amended to clarify that attorneys in active status must file reports through AIS.

Current subsection (c)(5) of Rule 19-409 is re-lettered as section (d). New section (d) concerns enforcement of the requirement to file an IOLTA Compliance Report. The revised organization better parallels the sections used in Rule 19-503 concerning reporting of pro bono activities. Subsections within new section (d) are re-lettered or renumbered accordingly.

In addition to several stylistic changes, new language proposed in Rule 19-409 (d)(1) provides that the State Court Administrator sends a Notice of Default, and the Notice is to be on a form approved by the State Court Administrator. Most notably, language at the end of the subsection is changed to reflect that the penalty for being in default is an administrative suspension from the practice of law in Maryland.

Current subsection (c)(5)(B) is deleted, and subsection (c)(5)(C) is relabeled as subsection (d)(2). Amendments to subsection (d)(2) provide that the State Court Administrator transmits a list of defaulting attorneys to the Supreme Court, including the attorney’s name and AIS number. Attorneys’ addresses no longer are needed with the list because addresses no longer are included in the Administrative Suspension Order. Similarly, the requirement that a proposed order be provided with the list is deleted because, in current practice, the Supreme Court prepares the order.

In amendments to renumbered subsection (d)(3), a process is set forth for the Supreme Court to enter an Administrative Suspension Order. New language at the end of the section sets forth the obligations of the Clerk of the Supreme Court, including sending a copy of the Order to each suspended attorney electronically, complying with Rule 19-761, and posting the Order on the Judiciary's website.

New subsection (d)(4) of Rule 19-409 sets forth the effects of an Administrative Suspension Order, making clear that an attorney who has been administratively suspended may not practice law in Maryland and must comply with Rule 19-741. This language is taken from current Rule 19-606 (b)(3), which sets forth the effect of a Temporary Suspension Order for an attorney who fails to pay the CPF assessment or provide TIN information.

Current subsections (c)(5)(E) through (c)(5)(G) of Rule 19-409 are deleted as the process for reinstatement after a default is now set forth in new subsection (d)(5). Proposed subsection (d)(5)(A) requires that the State Court Administrator notify the Supreme Court when a default has been cured, provided that the attorney is in compliance with other reporting requirements. This notice includes a request for reinstatement. Subsection (d)(5)(B) provides that the Supreme Court terminates the administrative suspension after receipt of notice from the State Court Administrator and payment of any fee for reinstatement. The subsection also sets forth the obligations of the Clerk of the Supreme Court after an attorney has been restored to good standing.

Proposed new subsection (d)(5)(C) states that an attorney need not disclose an administrative suspension for a failure to file an IOLTA Compliance Report in response to a question of whether the attorney has been the subject of a disciplinary or remedial proceeding. In this manner, an administrative suspension clearly differs from a suspension for a violation of the Maryland Attorneys' Rules of Professional Conduct.

The language in Rule 19-409 (c)(5)(H) is deleted, and current subsection (c)(5)(I) is re-lettered as section (e). An internal reference is updated in the section, and a reference to the Rules concerning access to judicial records is added.

New section (f) is created from the language of former subsection (c)(5)(H), with changes. The word "certain" is deleted from the tagline, and the language is amended to state that MLSC receives "all information" from the reports. MLSC uses information from the IOLTA reports to ensure compliance with the Rules by both banks and attorneys, and to conduct audits. MLSC may also support disciplinary investigations conducted by the Attorney Grievance Commission with information contained in IOLTA reports.

MLSC has historically been able to request paper copies of submitted IOLTA Compliance Reports. Changes to Rule 19-409 in 2018, removing the reference to paper copies, conformed the Rule to the implementation of AIS. References to paper copies were removed because reports now are filed through AIS. There is no indication from the Rules history materials that the change intended to alter the extent of the data provided to MLSC. Accordingly, Rule 19-409 (f) is amended to ensure that MLSC has access to information in the IOLTA Compliance Reports as intended by earlier versions of Rule 19-409.

Finally, a typographical error in the cross reference at the end of the Rule is corrected to reflect the appropriate statutory section.

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 500 – PRO BONO LEGAL SERVICES

AMEND Rule 19-503 by adding a new tagline to section (b); by creating new subsection (b)(1) with the tagline and first sentence of current section (b), with amendments; by creating new subsection (b)(2) using language from current section (b), with amendments; by providing that the State Court Administrator send the Notice of Default and updating requirements for the notice in subsection (c)(1); by deleting subsection (c)(2); by providing in new subsection (c)(2) that the State Court Administrator send the list of defaulting attorneys to the Supreme Court and updating the information contained on the list; by deleting the requirement that a proposed order be included with the list of defaulting attorneys; by replacing the entry of a decertification order pursuant to subsection (c)(3) with entry of an Administrative Suspension Order for defaulting attorneys; by adding language to subsection (c)(3) regarding the duties of the Clerk upon entry of an Administrative Suspension Order; by deleting former subsection (c)(5); by adding subsection (c)(4) detailing the effect of an Administrative Suspension Order; by updating the tagline of renumbered subsection (c)(5); by adding language to subsection (c)(5)(A) clarifying when notice is sent to the Supreme Court after an attorney has cured a default and requiring the State Court Administrator to send the notice; by adding new subsection (c)(5)(B) addressing the duty of the Court after notice of a cured default; by updating the tagline of, deleting certain language in, and adding

language to subsection (c)(5)(C) concerning disclosure of an administrative suspension; by deleting former subsection (c)(7); by creating new section (d) using the language of current section (e), with amendments; by re-lettering current section (d) as section (e); and by making stylistic changes, as follows:

Rule 19-503. REPORTING PRO BONO LEGAL SERVICE

(a) Definitions

In this Rule, (1) “AIS” means the Attorney Information System, (2) “AOC” means the Administrative Office of the Courts, and (3) “fiscal year” means the 12-month period commencing on July 1 and ending the following June 30.

(b) Duty to Report Pro Bono Legal Service

(1) Required as a Condition of Practice

As a condition ~~precedent to the practice of~~ continuing to practice law in Maryland, ~~each attorney admitted to practice in Maryland, by~~ on or before September 10 of each year ~~and in accordance with this Rule~~, each attorney in active status shall file electronically, through AIS, a Pro Bono Legal Service Report.

(2) Pro Bono Legal Service Report

On or before July 10 of each year, ~~AOC~~ the State Court Administrator shall send electronically to each attorney ~~registered with~~ in active status a notice requiring the attorney to complete through AIS a Pro Bono Legal Service Report on or before September 10 of that year. The report shall be in a form approved by the State Court Administrator. ~~The first notice to be sent under~~

~~this Rule shall be emailed to attorneys on or before July 10, 2019 and shall require attorneys to report information with respect to pro bono legal service during the period January 1, 2018 through June 30, 2019. This report shall be filed electronically on or before September 10, 2019. Thereafter, the Report shall include information with respect to pro bono legal service during the preceding fiscal year.~~

Committee note: The purpose of pro bono legal service reporting is to document the pro bono legal service performed by attorneys in Maryland and determine the effectiveness of the Local Pro Bono Action Plans, the State Pro Bono Action Plan, the Rules in this Chapter, and Rule 19-306.1 (6.1) of the Maryland Attorneys' Rules of Professional Conduct.

(c) Enforcement

(1) Notice of Default

As soon as practicable after February 10 of each year, ~~AOC~~ the State Court Administrator shall send electronically ~~notify a~~ Notice of Default to each ~~defaulting attorney of the attorney's failure~~ who has failed to file the Pro Bono Legal Service Report for the preceding fiscal year. The ~~notice~~ Notice of Default shall (A) be on a form approved by the State Court Administrator, (B) state that the attorney has not filed the Pro Bono Legal Service Report, and ~~(B)(C)~~ state that ~~continued failure to file the Report may~~ cure the default will result in the entry of an order by the Supreme Court ~~prohibiting~~ administratively suspending the attorney from ~~practicing~~ the practice of law in Maryland.

~~(2) Additional Discretionary Notice of Default~~

~~In addition to the electronic notice, AOC may give additional notice in other ways to defaulting attorneys.~~

~~(3)~~(2) List of Defaulting Attorneys

As soon as practicable after February 10 of each year but no later than March 10, AOC the State Court Administrator shall:

(A) ~~prepare, certify, and~~ transmit to the Supreme Court a list that includes the name and, ~~unless the attorney has elected to keep the address confidential,~~ the address AIS number of each attorney engaged in the practice of law who has failed to file the Pro Bono Legal Service Report for the preceding reporting period;

~~(B) include with the list a proposed Decertification Order stating the name and, unless the attorney has elected to keep the address confidential, the address of each attorney who has failed to file the Pro Bono Legal Service Report; and~~

~~(C)~~(B) at the request of the Court, furnish additional information from its records or give further notice to the defaulting attorneys.

~~(4) Decertification Order~~ (3) Administrative Suspension Order

If satisfied that AOC the State Court Administrator has given the required notice Notice of Default to the attorneys named in the proposed Decertification Order on the list, the Supreme Court shall enter a Decertification an Administrative Suspension Order prohibiting each of them attorney in default from practicing law in Maryland ~~until such time as a Recertification Order applicable to a listed attorney is entered pursuant to subsection (c)(6) of this Rule.~~ If the Court concludes that an attorney was not given the required notice, it shall delete that attorney's name from the proposed Order. The Clerk

of the Supreme Court shall (A) send electronically a copy of the Order to each administratively suspended attorney named in the Order, (B) comply with Rule 19-761, and (C) post the Order on the Judiciary website.

~~(5) Transmittal of Decertification Order~~

~~AOC shall transmit a copy of the Decertification Order to each attorney named in the Order.~~

(4) Effect of Order

An attorney who has been sent a copy of the Administrative Suspension Order and who has not been restored to good standing may not practice law in Maryland and shall comply with the requirements of Rule 19-741 (b) and (c). In addition to any other remedy or sanction allowed by law, an action for contempt may be brought against an attorney who practices law in violation of an Administrative Suspension Order.

~~(6) Recertification; Reinstatement~~ (5) Termination of Administrative Suspension Order

(A) Notice to Supreme Court

If, after an administrative suspension under this Rule, a decertified an attorney thereafter files the outstanding Pro Bono Legal Service Report and is in compliance with the requirements of Rules 19-409 and 19-605, AOC the State Court Administrator shall inform the Supreme Court that the attorney is no longer in default and request the Court to enter an order that recertifies the attorney and terminates the decertification terminating the attorney's administrative suspension.

(B) Duty of Court

Upon receipt of the notice and request provided for in subsection (c)(5)(A) of this Rule and payment of any fee for reinstatement, the Supreme Court shall enter an order terminating the administrative suspension of the attorney and the Clerk of the Court shall (A) send electronically a copy of the reinstatement order to each attorney who has been restored to good standing, (B) comply with Rule 19-761, and (C) post the Order on the Judiciary website.

~~(B) Confirmation of Recertification~~ (C) Disclosure of Administrative Suspension

~~Upon entry of that order, AOC promptly shall transmit confirmation to the attorney. After an attorney is recertified, the fact that the attorney had been decertified~~ attorney's administrative suspension for failure to file a Pro Bono Legal Services Report has been terminated, the attorney need not be disclosed by the attorney disclose the administrative suspension in response to a request for information as to whether the attorney has been the subject of a disciplinary or remedial proceeding.

~~(7) Duty of Clerk of Supreme Court~~

~~Upon entry of each Decertification Order and each Recertification Order entered pursuant to this Rule, the Clerk of the Supreme Court shall comply with Rule 19-761.~~

(d) Confidentiality

Pro Bono Legal Service Reports are confidential and are not subject to inspection or disclosure under Code, General Provisions Article, § 4-301 or

Title 16, Chapter 900 of these Rules. Neither AIS nor AOC shall release those Reports to any person, except as provided in this Rule or upon order of the Supreme Court. Non-identifying information and data contained in an attorney's Pro Bono Legal Service Report are not confidential.

~~(d)(e)~~ Certain Information Furnished to the Standing Committee on Pro Bono Legal Service

AOC promptly shall submit to the Standing Committee on Pro Bono Legal Service a compilation of non-identifying information and data from the Pro Bono Legal Service Reports.

~~(e) Confidentiality~~

~~Pro Bono Legal Service Reports are confidential and are not subject to inspection or disclosure under Code, General Provisions Article, § 4-301. Neither AIS nor AOC shall release those Reports to any person, except as provided in this Rule or upon order of the Supreme Court. Non-identifying information and data contained in an attorney's Pro Bono Legal Service Report are not confidential.~~

Source: This Rule is derived from former Rule 16-903 (2016).

REPORTER'S NOTE

Amendments are proposed to Rules 19-409, 19-503, and 19-606 to streamline and update the Rules regarding reporting requirements for attorneys practicing law in Maryland. For further details, see the Reporter's note to Rule 19-409.

Several stylistic changes are proposed in Rule 19-503 (b). A new tagline is proposed and the current language is divided into two sections. Changes to

the language in subsection (b)(1) provide that each attorney in active status must file a Pro Bono Legal Service Report to continue practicing law in Maryland.

In subsection (b)(2) of Rule 19-503, a proposed amendment requires the State Court Administrator to send the notice to attorneys of the reporting requirement. The notice was previously sent by the Administrative Office of the Courts (“AOC”). As in the amendments to Rule 19-409, references to the mailings and notices from the AOC are amended to be sent instead by the State Court Administrator throughout Rule 19-503. Additional language clarifies that the report is to be in a form approved by the State Court Administrator. The remaining language in the section, addressing notices for the reporting period of January 1, 2018 to June 30, 2019, no longer is necessary and is proposed to be deleted.

In addition to several stylistic changes, new language proposed in Rule 19-503 (c)(1) provides that the State Court Administrator sends the Notice of Default, and the notice is to be on a form approved by the State Court Administrator. Most notably, language at the end of the subsection is changed to reflect that the penalty for being in default is an administrative suspension from the practice of law in Maryland.

Current subsection (c)(2) is proposed to be deleted, and subsection (c)(3) is relabeled as subsection (c)(2). Amendments to renumbered subsection (c)(2) provide that the State Court administrator transmits a list of defaulting attorneys to the Supreme Court, providing the attorney’s name and AIS number. Attorneys’ addresses no longer are needed because addresses are not included in the Administrative Suspension Order. Similarly, the requirement that a proposed order be provided with the list is deleted because, in current practice, the Supreme Court prepares the order.

In proposed amendments to renumbered subsection (c)(3), a process is set forth for entry of an Administrative Suspension Order. New language at the end of the section sets forth the obligations of the Clerk of the Supreme Court, including sending a copy of the Order to each suspended attorney electronically, complying with Rule 19-761, and posting the Order on the Judiciary’s website.

Current subsection (c)(5) is proposed to be deleted. The requirement that AOC transmit the order is unnecessary because the Clerk of the Supreme Court sends a copy of the order to the suspended attorney pursuant to amended subsection (c)(3).

New subsection (c)(4) of Rule 19-503 sets forth the effects of an Administrative Suspension Order, making clear that an attorney who has been administratively suspended may not practice law in Maryland and must

comply with Rule 19-741. This language is taken from current Rule 19-606 (b)(3), which sets forth the effect of a Temporary Suspension Order for an attorney who fails to pay the CPF assessment or provide TIN information.

Current subsection (c)(6) is renumbered as subsection (c)(5) and sets forth a reinstatement process, consistent with the process in the proposed amendments to Rule 19-409. Proposed Rule 19-503 (c)(5)(A) requires that the State Court Administrator notify the Supreme Court when a default has been cured, provided that the attorney is in compliance with other reporting requirements. This notice includes a request for reinstatement. Subsection (c)(5)(B) states that the Supreme Court terminates the administrative suspension after receipt of notice from the State Court Administrator and payment of any fee for reinstatement. The subsection also sets forth the obligations of the Clerk of the Supreme Court after an attorney has been restored to good standing.

Proposed new subsection (c)(5)(C) states that an attorney need not disclose an administrative suspension for a failure to file a Pro Bono Legal Services Report if asked whether the attorney has been the subject of a disciplinary or remedial proceeding. In this manner, an administrative suspension clearly differs from a suspension for a violation of the Maryland Attorneys' Rules of Professional Conduct.

Current subsection (c)(7) of Rule 19-503 is proposed to be deleted as unnecessary. The requirement that the Clerk of the Supreme Court comply with Rule 19-761 is now included in subsection (c)(5)(B).

New section (d) is created with the current language of section (e), proposed to be deleted later in the Rule. A reference to the Rules concerning access to judicial records is added. Current section (d) is re-lettered as section (e).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 600 – CLIENT PROTECTION FUND

AMEND Rule 19-606 by replacing several terms and phrases with updated language in subsection (a)(2), by changing references to a temporary suspension to an administrative suspension throughout the Rule, by modifying language in section (b) to reflect that the Fund provides the Court with a list of defaulting attorneys and must provide additional information or notice as directed by the Court, by updating in subsection (b)(2) the duties of the Clerk after entry of an Administrative Suspension Order, by updating an internal reference in subsection (b)(3), by deleting subsection (c)(1)(C), by requiring in subsection (c)(2) that an attorney pay a fee and meet other compliance requirements before reinstatement, by adding the duties of the Clerk after entry of an order terminating a suspension in subsection (c)(2), by adding new subsection (c)(3) addressing disclosure of an administrative suspension, and by making stylistic changes, as follows:

Rule 19-606. ENFORCEMENT OF OBLIGATIONS

(a) Notice of Default

(1) Generally

As soon as practicable after February 10 of each year, the Fund shall send electronically a Notice of Default to each attorney who has (1) failed to pay in full (A) the amount due as stated in the invoice, (B) any penalty for late

payment, or (C) any charge for a dishonored check or money order, or (2) failed to supply to the Fund a required ~~social security~~ Social Security number or federal tax identification number or statement that there is no such number.

(2) Form and Content

The Notice of Default shall (A) be on a form ~~created~~ approved by the State Court Administrator and ~~approved by~~ the Supreme Court, (B) identify the nature of the default and the amount, if any, owed to the Fund, and (C) ~~warn~~ state that failure to cure the default will result in the entry of an order by the Supreme Court ~~prohibiting~~ administratively suspending the attorney from ~~practicing the practice of~~ law in Maryland.

(b) ~~Temporary~~ Administrative Suspension

(1) ~~Proposed Order~~ List of Defaulting Attorneys

As soon as practicable after February 10 of each year but no later than March 10, the Fund shall transmit to the Supreme Court a ~~proposed Temporary Suspension Order stating the names and Fund account numbers~~ list that includes the name and AIS number of those attorneys who failed to cure the default stated in the Notice of Default. ~~The~~ At the request of the Court, the Fund shall furnish to the Court ~~such~~ additional information from its records ~~as the Court directs~~ or give further notice to the defaulting attorneys.

(2) ~~Entry of~~ Administrative Suspension Order

If satisfied that the Fund has given the required Notice of Default to the attorneys named in the list, the Supreme Court shall enter a ~~Temporary~~ an Administrative Suspension Order prohibiting each of the attorneys ~~who are~~ in

default from practicing law in Maryland. The Clerk of the Supreme Court shall (A) send electronically a copy of the Order to ~~(A)~~ each administratively suspended attorney named in the Order, ~~(B) the clerks of the Appellate Court, each circuit court, the District Court of Maryland, the Supreme Court of the United States, the U.S. Court of Appeals for the Fourth Circuit, and the U.S. District Court for the District of Maryland and~~ (B) comply with Rule 19-761, and (C) post notice of the Order on the Judiciary website.

(3) Effect of Order

An attorney who has been ~~served with~~ sent a copy of the ~~Temporary Administrative~~ Suspension Order and who has not been restored to good standing may not practice law in Maryland and shall comply with the requirements of Rule 19-741 (b) and (c) ~~and (d)~~. In addition to any other remedy or sanction allowed by law, an action for contempt may be brought against an attorney who practices law in violation of a ~~Temporary Administrative~~ Suspension Order.

(c) Termination of ~~Temporary Administrative~~ Suspension Order

(1) Duty of Trustees

Upon receipt of the attorney's ~~social security~~ Social Security number, federal tax identification number or statement that the attorney has no such number, and all amounts due by the attorney, including all related costs prescribed by the Supreme Court or the trustees, the trustees shall:

- (A) remove the attorney's name from the list of attorneys in default; and
- (B) if a ~~Temporary~~ Administrative Suspension Order has been entered,

inform the Supreme Court that the ~~social security~~ Social Security number, federal tax identification number or statement that the attorney has no such number, and full payment have been received and request the Court to enter an order terminating the attorney's administrative suspension; ~~and~~

~~(C) if requested by the attorney, confirm that the trustees have complied with the requirements of subsections (c)(1)(A) and (B) of this Rule.~~

(2) Duty of Court

Upon receipt of the notice and request provided for in subsection (c)(1)(B) of this Rule and payment of any fee for reinstatement, and if the attorney is in compliance with the requirements of Rules 19-409 and 19-503, the Supreme Court shall enter an order terminating the temporary administrative suspension of the attorney and the Clerk of the Court shall (A) send electronically a copy of the reinstatement order to each attorney who has been restored to good standing, (B) comply with Rule 19-761, and (C) post notice of the Order on the Judiciary website.

(3) Disclosure of Administrative Suspension

After an attorney's administrative suspension for failure to comply with the requirements of Rule 19-605 has been terminated, the attorney need not disclose the administrative suspension in response to a request for information as to whether the attorney has been the subject of a disciplinary or remedial proceeding.

Source: This Rule is derived from former Rule 16-811.6 (2016).

REPORTER'S NOTE

Amendments are proposed to Rules 19-409, 19-503, and 19-606 to streamline and update the Rules regarding reporting requirements for attorneys practicing law in Maryland. For further details, see the Reporter's note to Rule 19-409.

Rule 19-606 is structured differently than Rules 19-409 and 19-503, but many of the changes to language appear throughout all three Rules. For example, the sanction of administrative suspension is imposed if an attorney fails to fulfill any reporting requirement and the process for reinstatement is consistent after curing a default for a failure to comply with any requirement.

Stylistic changes in subsection (a)(2) replace the term "created" with "approved" and "warn" with "state." Other changes to the language of subsection (a)(2) mirror the language used in a Notice of Default sent pursuant to Rules 19-409 or 19-503.

Proposed amendments to subsection (b)(1) provide that the Fund is to transmit a list of defaulting attorneys to the Supreme Court with the attorney's name and AIS number, instead of submitting a proposed suspension order. In current practice, the Supreme Court prepares the order. Attorneys' addresses no longer are needed because they are not included in the order. Clarifying language added to the end of subsection (b)(1) requires the Fund to give further notice to the defaulting attorneys if so requested by the Court.

Proposed amendments to subsection (b)(2) update the tagline and language to reflect that an administrative suspension is the sanction for a default. The subsection is updated to reflect the obligations of the Clerk of the Supreme Court upon entry of an Administration Suspension Order. Former subsection (b)(2)(B), listing clerks to whom notice of the order must be sent, has been updated to refer to compliance with Rule 19-761. Rule 19-761 contains a complete list of the entities that are to be notified upon an attorney's suspension.

An internal reference to certain sections of Rule 19-741 is corrected in subsection (b)(3).

Current subsection (c)(1)(C) is proposed to be deleted to help streamline the reinstatement process, consistent with Rules 19-409 and 19-503. Subsection (c)(2) is amended to reflect that any fee for reinstatement must be paid before the administrative suspension is terminated and that the attorney must comply with other reporting requirements before reinstatement. Proposed amendments also set forth the duty of the Clerk upon termination of the suspension, including electronically notifying the attorney, complying with Rule 19-761 and posting the order on the Judiciary website.

Proposed new subsection (c)(3) states that an attorney need not disclose a terminated administrative suspension for a failure to pay the CPF assessment or provide TIN information if asked whether the attorney has been the subject of a disciplinary or remedial proceeding. In this manner, an administrative suspension clearly differs from a suspension for a violation of the Maryland Attorneys' Rules of Professional Conduct.

As a stylistic change, the capitalization of "Social Security" is corrected throughout the Rule.

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 700 – DISCIPLINE, INACTIVE STATUS, RESIGNATION

PROCEEDINGS ON PETITION FOR DISCIPLINARY OR REMEDIAL ACTION

AMEND Rule 19-728 by adding new subsection (b)(4) pertaining to motions filed in the Supreme Court after a disciplinary hearing, by adding motions to the list of items in section (c) to which a response may be filed within 15 days, and by making stylistic changes, as follows:

Rule 19-728. POST-HEARING PROCEEDINGS

(a) Notice of the Filing of the Record

Upon receiving the record, the Clerk of the Supreme Court shall notify the parties that the record has been filed.

(b) ~~Exceptions; Recommendations; Statement of Costs~~ Post-Notice Filings

Within 30 days after service of the notice required by section (a) of this Rule, each party may file (1) exceptions to the findings and conclusions of the hearing judge, (2) recommendations concerning the appropriate disposition under Rule 19-740 (c), ~~and~~ (3) a statement of costs to which the party may be entitled under Rule 19-709, and (4) any motion.

(c) Response

Within 15 days after service of exceptions, recommendations, ~~or~~ a statement of costs, or any motion, the adverse party may file a response.

(d) Form

The parties shall file eight copies of any exceptions, recommendations, and responses. The copies shall conform to the requirements of Rule 8-112.

(e) Proceedings in Supreme Court

Review in and disposition by the Supreme Court are governed by Rule 19-740.

Source: This Rule is derived from former Rule 16-758 (2016).

REPORTER'S NOTE

The Rules Committee, at the request of the Clerk of the Supreme Court, proposes amendments to sections (b) and (c) of this Rule to clarify that motions may be filed within 30 days after service of the notice of the filing of the record, and that the deadline to respond to a motion during post-circuit court disciplinary hearings is 15 days for motions practice in the Supreme Court.

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-106 by deleting a portion of current subsection (a)(3)(A) and replacing it with a statement pertaining to filing by a self-represented litigant; by creating new subsection (a)(3)(B) containing a portion of current subsection (a)(3)(A) pertaining to paper filing by a self-represented litigant, with amendments; by adding new subsection (a)(3)(C) pertaining to electronic filing by a self-represented litigant; by adding a Committee note following subsection (a)(3)(C); by adding new subsection (a)(3)(D) pertaining to the administrative judge's authority to permit a self-represented litigant to change the litigant's filing method; and by re-lettering current subsection (a)(3)(B) as (a)(3)(E), as follows:

Rule 20-106. WHEN ELECTRONIC FILING REQUIRED; EXCEPTIONS

(a) Filers – Generally

(1) Attorneys

Except as otherwise provided in section (b) of this Rule, an attorney who enters an appearance in an action shall file electronically the attorney's entry of appearance and all subsequent submissions in the action.

(2) Judges, Judicial Appointees, Clerks, and Judicial Personnel

Except as otherwise provided in section (b) of this Rule, judges, judicial appointees, clerks, and judicial personnel, shall file electronically all

submissions in an action.

(3) Self-represented Litigants

(A) ~~Except as otherwise provided in section (b) of this Rule, A self-~~
represented litigant who is a registered user may elect to file electronically or in
paper form.

(B) Subject to section (b) of this Rule, a self-represented litigant in an
action who is a registered user and who files an initial pleading or paper
electronically shall file electronically all subsequent submissions in the action
in that court.

(C) A self-represented litigant who files an initial pleading or paper in paper
form shall file in paper form all subsequent submissions in the action in that
court and shall not be considered a registered user under this Title in that
action.

Committee note: A self-represented litigant must choose a filing method and
continue to file in the same manner throughout the action in that court.
Nothing in this Rule is intended to preclude a self-represented litigant from
selecting a different filing method in the action on appeal.

(D) For good cause shown, the administrative judge having direct
administrative supervision over the court in which an action is pending may
permit a self-represented litigant to change how the litigant files in the action.

~~(B)~~(E) A self-represented litigant in an action who is not a registered user
may not file submissions electronically.

(4) Other Persons

Except as otherwise provided in the Rules in this Title, a registered user
who is required or permitted to file a submission in an action shall file the

submission electronically. A person who is not a registered user shall file a submission in paper form.

Committee note: Examples of persons included under subsection (a)(4) of this Rule are government agencies or other persons who are not parties to the action but are required or permitted by law or court order to file a record, report, or other submission with the court in the action and a person filing a motion to intervene in an action.

(b) Exceptions

(1) MDEC System Outage

Registered users, judges, judicial appointees, clerks, and judicial personnel are excused from the requirement of filing submissions electronically during an MDEC system outage in accordance with Rule 20-501.

(2) Other Unexpected Event

If an unexpected event other than an MDEC system outage prevents a registered user, judge, judicial appointee, clerk, or judicial personnel from filing submissions electronically, the registered user, judge, judicial appointee, clerk, or judicial personnel may file submissions in paper form until the ability to file electronically is restored. With each submission filed in paper form, a registered user shall submit to the clerk an affidavit describing the event that prevents the registered user from filing the submission electronically and when, to the registered user's best knowledge, information, and belief, the ability to file electronically will be restored.

Committee note: This subsection is intended to apply to events such as an unexpected loss of power, a computer failure, or other unexpected event that prevents the filer from using the equipment necessary to effect an electronic filing.

(3) Other Good Cause

For other good cause shown, the administrative judge having direct administrative supervision over the court in which an action is pending may permit a registered user, on a temporary basis, to file submissions in paper form. Satisfactory proof that, due to circumstances beyond the registered user's control, the registered user is temporarily unable to file submissions electronically shall constitute good cause.

...

REPORTER'S NOTE

Proposed amendments to Rule 20-106 were recommended by the Major Projects Committee (the "MPC") to clarify requirements for self-represented litigants ("SRLs") who register to use MDEC. Rule 20-106 requires attorneys as well as judges, judicial appointees, and judicial personnel to file electronically, with limited exceptions for an MDEC outage or another unexpected event. SRLs are the only filers still permitted to file in paper form, but they have the option of registering for MDEC, becoming registered users, and filing electronically.

Rule 20-106 currently provides that an SRL who is a registered MDEC user must file all submissions in an action electronically. The MPC was alerted to a situation where an SRL who is a registered user wished to file a case in paper form. The Rule does not include a provision for a registered user to "unregister" or opt out of being a registered user. The MPC recommended that an SRL be permitted to file either electronically or in paper form in each action, but be required to continue to use the chosen filing method thereafter in that action.

Proposed amendments to Rule 20-106 (a)(3) implement the MPC recommendation. Subsection (a)(3)(A) is amended to state that an SRL who is a registered user may file either electronically or in paper. New subsections (a)(3)(B) and (a)(3)(C) set forth the policy that an SRL who files an initial pleading or paper in electronic form or in paper form must continue to use that method throughout the action in that court. The significance of "in that court" and the Committee note following subsection (a)(3)(C) are intended to clarify that the SRL is not precluded from changing filing methods in the event of an appeal to a different court.

Additionally, language is added in subsection (a)(3)(C) to clarify that an SRL who is a registered user and who chooses to file in paper form “shall not be considered a registered user under this Title in that action.” Rule 20-101 defines “registered user” as “an individual authorized to use the MDEC system by the State Court Administrator pursuant to Rule 20-104” and is used throughout Title 20. The proposed language in subsection (a)(3)(C) makes it clear that the procedures in Title 20 do not apply when an SRL who is a registered user is filing in paper.

New subsection (a)(3)(D) permits the administrative judge, for good cause shown, to allow the SRL to change how the SRL files in an action.

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 200 – FILING AND SERVICE

AMEND Rule 20-205 by adding new subsection (c)(1) pertaining to MDEC service by the clerk on registered users entitled to service; by creating new subsection (c)(2) containing the current provisions of section (c), with stylistic amendments; by adding a new stem to section (d); by adding to subsection (d)(1) a requirement that the filer cause MDEC to serve electronically submissions not served by the clerk; by adding a cross reference to Rules pertaining to service requirements in the event of an MDEC system outage; and by making stylistic changes, as follows:

Rule 20-205. SERVICE

(a) Original Process

Service of original process shall be made in accordance with the applicable procedures established by the other Titles of the Maryland Rules.

(b) Subpoenas

Service of a subpoena shall be made in accordance with the applicable procedures established by the other Titles of the Maryland Rules.

(c) Court Orders and Communications

(1) Except as provided by subsection (c)(2) of this Rule, the clerk is responsible for causing the MDEC system to serve electronically writs, notices, official communications, court orders, and other dispositions on each

registered user entitled to service of the submission.

(2) The clerk is responsible for serving writs, notices, official communications, court orders, and other dispositions, in the manner set forth in Rule 1-321, on ~~persons~~ each person entitled to receive service of the submission who (A) ~~are~~ is not a registered ~~users~~ user, (B) ~~are~~ is a registered ~~users~~ user but ~~have~~ has not entered an appearance in the action, ~~and or~~ (C) ~~are persons~~ is a person otherwise entitled to receive service of copies of tangible items that are in paper form.

(d) Other Electronically Filed Submissions

For all electronically filed submissions other than those described in sections (a), (b), and (c) of this Rule:

(1) ~~On~~ Except as provided by subsection (d)(2) of this Rule, (A) the filer is responsible for causing the MDEC system to serve electronically each registered user entitled to receive service, and (B) on the effective date of filing, the MDEC system shall electronically serve electronically on each registered users user entitled to receive service all other submissions filed electronically.

Cross reference: For the effective date of filing, see Rule 20-202.

(2) The filer is responsible for serving, in the manner set forth in Rule 1-321, ~~persons~~ each person entitled to receive service of the submission who (A) ~~are~~ is not a registered ~~users~~ user, (B) ~~are~~ is a registered ~~users~~ user but ~~have~~ has not entered an appearance in the action, or (C) ~~are persons~~ is a person otherwise entitled to receive service of copies of tangible items that are in paper form.

Committee note: Rule 1-203 (c), which adds three days to certain prescribed periods after service by mail, does not apply when service is made by the

MDEC system.

Cross reference: See Rule 20-106 (b)(1) and Rule 20-501 concerning service requirements in the event of an MDEC system outage.

Source: This Rule is new.

REPORTER'S NOTE

Proposed amendments to Rule 20-205 clarify electronic service requirements in MDEC to address an apparent gap in the MDEC Rules regarding service of electronic submissions.

New subsection (c)(1) clarifies that the clerk is responsible for causing the MDEC system to serve court orders and communications on registered users entitled to service. Subsection (c)(2) contains the current language from section (c), with stylistic amendments.

Section (d) is amended to add stem language, which states that it applies to electronically filed submissions other than those described in sections (a), (b), and (c). This applicability previously was stated at the end of subsection (d)(1).

Subsection (d)(1) is amended to state that the filer is responsible for causing MDEC to serve electronically submissions on registered users entitled to service. Current Rule 20-205 (d) sets forth that “the MDEC system shall electronically serve” these submissions. The Rules Committee was informed that some users neglect to properly serve electronically submissions, and the Rules do not expressly require the filer to instruct MDEC to conduct electronic service. The current language can be a point of confusion, particularly with self-represented litigants using MDEC. The clarifying amendment to subsection (d)(1) states that the filer is responsible for causing MDEC to serve electronically submissions.

A cross reference to the Rules applicable to service in the event of an MDEC system outage follows section (d).

Stylistic amendments to sections (c) and (d) change “persons” and “users” to the singular “person” and “user.”

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

ADD new Rule 9-103.1, as follows:

Rule 9-103.1. PETITION – ADOPTION OF ADULT

(a) Applicability

This Rule applies to a petition pursuant to Code, Family Law Article, Title 5, Subtitle 3B, when the prospective adoptee is an adult.

(b) Titling of Case

A proceeding shall be titled “In re Adoption of _____” (first and last name of prospective adoptee).

(c) Parties to the Petition

(1) Required

The petitioner and the prospective adoptee shall join in a petition for adoption filed pursuant to this Rule.

(2) Permitted

If the petitioner is married or in a registered domestic partnership, the spouse or domestic partner of the petitioner may join the petition.

Cross reference: See Code, Family Law Article, § 5-3B-13.

(d) Petition for Adoption

(1) Contents

A petition shall be signed and verified by each petitioner and shall contain the following information:

(A) The name, address, age, business or employment, and employer of each petitioner, including the person to be adopted;

(B) The name, sex, and date and place of birth of the person to be adopted;

(C) The name, last known address, and age of each living parent of the person to be adopted, including any individual who has been adjudicated to be a *de facto* parent;

(D) Any relationship of the person to be adopted to each petitioner;

(E) The name, last known address, and age of each child of each petitioner, including any children of the person to be adopted;

(F) If applicable, the name of each spouse or registered domestic partner of each petitioner;

(G) Facts known to each petitioner that may indicate that any other petitioner, including the person to be adopted, has a disability that makes that individual incapable of participating effectively in the proceedings, or, if no such facts are known to the petitioner, a statement to that effect;

(H) Facts known to each petitioner that may entitle the person to be adopted to the appointment of an attorney by the court;

(I) If a petitioner desires to change the name of the person to be adopted:

(i) the name that is desired;

(ii) a certification that the petitioner is not requesting the name change for any illegal or fraudulent purpose; and,

(iii) whether the person to be adopted has ever registered or been required to register as a sexual offender and, if so, each full name, including any suffix, under which the individual was registered and each state where the registration requirement originated; and

Cross reference: See Code, Criminal Procedure Article, § 11-705, which requires a registered sexual offender whose name has been changed by order of court to send written notice of the change to each law enforcement unit where the registrant resides or habitually lives within three days after the order is entered.

(J) As to each petitioner, a statement whether the petitioner has ever been convicted of a crime other than a minor traffic violation and, if so, the offense and the date and place of the conviction.

(2) Exhibits

The following documents shall accompany the petition as exhibits:

(A) A certified copy of the birth certificate of the person to be adopted;

(B) A certified copy of any court order adjudicating parentage, establishing parental rights, or establishing an individual as a *de facto* parent of the person to be adopted;

Cross reference: See Rule 20-106 (c)(3) regarding electronic filing of certain original documents.

(C) A brief statement of the health of each petitioner, including the person to be adopted, signed by a physician or other licensed health care provider if applicable; and,

(D) If a change of name is sought and the current name of the person to be adopted differs from the name shown on the person's birth certificate,

documentation from which the court can find that the current name of the person is as alleged.

(3) Other Documents

The following documents shall be filed before a judgment of adoption is entered:

(A) A proposed judgment of adoption; and

(B) A Maryland Department of Health Certificate of Adoption Form.

Cross reference: Code, Health-General Article, § 4-211(h).

(e) If Facts Unknown or Documents Unavailable

If a fact required by subsection (d)(1) of this Rule is unknown to a petitioner, or if a document required by subsection (d)(2) is unavailable, the petitioner shall so state and provide the reason for the omission in the petition or in a subsequent affidavit. If a document required to be submitted with the petition becomes available after the petition is filed, the petitioner shall ensure that the document is filed as soon as it becomes available.

Source: This Rule is new. It is derived in part from Rule 9-103.

REPORTER'S NOTE

Proposed new Rule 9-103.1 implements Chapter 501, 2025 Laws of Maryland (HB 243). The law generally exempts independent adoption proceedings involving adult adoptees from the consent and show cause requirements of Code, Family Law Article, Title 5, Subtitle 3B.

New Rule 9-103.1 governs the petition for the adoption of an adult.

Section (a) sets forth the applicability of the petition Rule.

Section (b) provides for captioning in the case. Because the usual concerns present in an adoption of a minor that encourage secrecy of adoption proceedings are not as likely to be present in an adult adoption, the case is captioned with the adoptee's first and last name. See Rule 9-112 regarding shielding and sealing of records.

Section (c) sets forth the required and permitted parties to the petition. Code, Family Law Article, § 5-3B-20 eliminates any required consents before the court may enter a judgment of adoption for an adult adoptee. The stated intent of the legislature was to do away with the requirement that the parents of the adoptee be located and their consent required when an adult child is being adopted. However, in doing away with all consents, the law eliminates the requirement that an adoptee who is at least 10 years old consent to the adoption. To ensure that the adoptee in an adult adoption is participating voluntarily, subsection (c)(1) requires the prospective adoptee to join in the petition. Code, Family Law Article, § 5-3B-13 does not require a spouse of the adopting petitioner to join a petition where the perspective adoptee is an adult. Subsection (c)(2) implements this provision for spouses and registered domestic partners by making their participation permissive.

Section (d) governs the contents of the petition and attachments. The required information and documents are primarily derived from provisions of Rule 9-103 that are relevant to an adult adoptee.

Subsection (d)(1)(C) requires the name, last known address, and age of each living parent of the prospective adoptee. Subsection (d)(1)(E) requires the name, address, and age of each child of each petitioner, including any children of the person to be adopted. Though the legislative intent was to relieve the adult adoptee of the burden of locating and obtaining consent from an absent or abusive parent, there is a public policy argument that a parent or adult child of the adult adoptee should be notified when the adoption occurs. There are estate planning implications and the possibility that these individuals could alert the court of possible fraud or undue influence in the proceeding. The disclosure of the name and address of these individuals, if known, permits the court to notify them of the judgment of adoption pursuant to new section (g) in Rule 9-111.

Subsection (d)(1)(I) provides that an adult adoptee seeking a change of name must comply with certain requirements from the name change Rule (15-901).

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-102 by adding a clarifying amendment in the cross reference following section (a), as follows:

Rule 9-102. CONSENTS; REVOCATION OF CONSENT

(a) Consents Generally Required

Except when otherwise permitted, a judgment of adoption or guardianship may not be entered without the consents prescribed by Code, Family Law Article.

Cross reference: For provisions governing the authority to grant guardianships or adoptions and the validity of consents, see Code, Family Law Article, §§ 5-338 and 5-339 as to a Public Agency Adoption without Prior TPR; 5-350 and 5-351 as to a Public Agency Adoption after TPR; 5-3A-18 and 5-3A-19 as to a Private Agency Guardianship; 5-3A-35 as to a Private Agency Adoption; and 5-3B-20 and 5-3B-21 as to an Independent Adoption of a minor.

...

REPORTER'S NOTE

Proposed amendments to Rule 9-102 implement Chapter 501, 2025 Laws of Maryland (HB 243). See the Reporter's note to Rule 9-103.1.

The proposed amendment clarifies that the provisions of Code, Family Law Article, Title 5, Subtitle 3B mandating consents in an adoption proceeding only apply to the independent adoption of a minor.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-103 by adding new section (a) stating the applicability of the Rule, by correcting a cross reference at the end of current section (b), by re-lettering sections (a) through (e) as (b) through (f), respectively, as follows:

Rule 9-103. PETITION

(a) Applicability

This Rule applies to a petition for:

- (1) private agency guardianship;
- (2) private agency adoption;
- (3) public agency adoption without prior TPR;
- (4) public agency adoption after TPR; and,
- (5) independent adoption where the prospective adoptee is a minor.

Cross reference: See Rule 9-103.1 regarding a petition for independent adoption when the prospective adoptee is an adult.

~~(a)~~(b) Titling of Case

A proceeding shall be titled “In re Adoption/Guardianship of _____” (first name and first initial of last name of prospective adoptee or ward).

• • •

~~(b)~~(c) Petition for Adoption

...

Cross reference: Code, Health-General Article, § 4-211(~~f~~) 4-211(h).

~~(e)~~(d) Petition for Guardianship

...

~~(d)~~(e) If Facts Unknown or Documents Unavailable

...

~~(e)~~(f) Disclosure of Facts Known or Documents Available to Child Placement
Agency

...

Source: This Rule is derived in part from former Rule D72, in part from former Rule D80, and is in part new.

REPORTER'S NOTE

Proposed amendments to Rule 9-103 implement Chapter 501, 2025 Laws of Maryland (HB 243). See the Reporter's note to Rule 9-103.1.

New section (a) sets forth the applicability of the petition Rule and excludes a petition where the prospective adoptee is an adult. A cross reference to new Rule 9-103.1 following new section (a) directs the reader to the new Rule for a petition for the adoption of an adult.

A housekeeping amendment corrects a cross reference to Code, Health-General Article, § 4-211 at the end of current section (b). Current sections (a) through (e) are re-lettered as (b) through (f), respectively.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-107 by adding a Committee note after section (a), as follows:

Rule 9-107. OBJECTION

(a) In General

Any person having a right to participate in a proceeding for adoption or guardianship may file a notice of objection to the adoption or guardianship. The notice may include a statement of the reasons for the objection and a request for the appointment of an attorney. The notice may be accompanied by a request for access to case records.

Cross reference: See Rule 9-105 for Form of Notice of Objection.

Committee note: In an independent adoption where the prospective adoptee is an adult, Code, Family Law Article, §§ 5-3B-15 and 5-3B-20 do not apply. Because there is no requirement that the court issue a notice pursuant to Rule 9-104 or a show cause order pursuant to Rule 9-105, a living parent of the prospective adoptee does not have a statutory right to file a notice of objection to the adoption pursuant to Rule 9-107. Nothing in these Rules is intended to preclude an individual who does not have a statutory right to participate in the adult adoption proceedings, including a parent of the prospective adoptee, from filing a motion to intervene pursuant to Rule 2-214.

...

REPORTER'S NOTE

Proposed amendments to Rule 9-107 implement Chapter 501, 2025 Laws

of Maryland (HB 243). The law generally exempts independent adoption proceedings involving adult adoptees from the consent and show cause requirements of Code, Family Law Article, Title 5, Subtitle 3B.

Because a natural parent's consent is not required, that parent will not receive notice or a show cause order and is not entitled to participate in a proceeding for adoption of an adult child. A Committee note is added following section (a) to explain the impact of the statute. The note also states that nothing precludes an individual without a right to participate from filing a motion to intervene. The Family/Domestic Subcommittee of the Rules Committee discussed whether this Committee note invites input from individuals who are not parties, but ultimately determined that it provides information to the public about the proper way to attempt to become involved while allowing the court to deny a motion if there are no grounds to permit intervention. The Rules Committee concurs in the recommendation of the Subcommittee.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-111 by adding new section (g) pertaining to notice of an adoption of an adult, as follows:

Rule 9-111. JUDGMENT OF ADOPTION OR GUARDIANSHIP

(a) Time

The court may not enter a judgment of adoption or guardianship before the time set forth in Code, Family Law Article:

- (1) § 5-336 in a Public Agency Adoption without Prior TPR;
- (2) § 5-348 in a Public Agency Adoption after TPR;
- (3) § 5-3A-17 in a Private Agency Guardianship;
- (4) § 5-3A-33 in a Private Agency Adoption; or
- (5) § 5-3B-18 in an Independent Adoption.

(b) Information from Other Court

If a required consent indicates that any revocation of the consent must be filed in a court other than the trial court, the trial court may not enter a judgment of adoption or guardianship until it has obtained from the other court a copy of all papers filed in connection with the consent or an affidavit of the clerk of the other court that no papers were filed in connection with the consent.

(c) Supplemental Report

Before entering a judgment of adoption or guardianship, the court may require a supplemental written report from the investigating officer or agency.

(d) Change of Name

If the name of the person adopted is changed, the judgment of adoption shall state the new name of the person adopted and the names of the adopting parents.

(e) Spouse or Registered Domestic Partner of Parent

If the adopting parent is the spouse or registered domestic partner of a parent of the person to be adopted, the judgment shall specifically state whether and to what extent the parental rights of the parent are affected.

(f) Judgments of Adoption – Recording

The clerk shall record each judgment of adoption entered by the juvenile court pursuant to Code, Family Law Article, § 5-352 in the adoption records of the circuit court for the county where the judgment was awarded.

(g) Notice of Adoption of Adult

In an independent adoption where the adoptee is an adult, the clerk shall send a notice of the entry of a judgment of adoption to each living parent, including each *de facto* parent, and each living adult child of the adoptee. The notice shall be:

- (1) sent by first-class mail to the last known address provided in the petition;
- (2) include the caption and case number of the case; and
- (3) include a statement that the judgment has the effect set forth in Code, Family Law Article, § 5-3B-25.

Committee note: Any attempt to set aside a judgment of adoption by reason of a procedural defect shall be filed with the court within one year following entry of the judgment. See Code, Family Law Article, §§ 5-342 as to a Public Agency Adoption without Prior TPR; 5-353 as to a Public Agency Adoption after TPR; 5-3A-37 as to a Private Agency Adoption; and 5-3B-26 as to an Independent Adoption.

An adoptive relationship created by a judgment of adoption in another jurisdiction shall be given full faith and credit by the courts of this State. See Code, Family Law Article, §§ 5-305 as to a Public Agency Adoption without Prior TPR; 5-305 as to a Public Agency Adoption after TPR; 5-3A-05 as to a Private Agency Adoption; and 5-3B-04 as to an Independent Adoption.

For the legal effect of adoption of an adult, see Code, Family Law Article, §§ 5-341 as to a Public Agency Adoption without Prior TPR; 5-352 as to a Public Agency Adoption after TPR; 5-3A-36 as to a Private Agency Adoption; and 5-3B-25 as to an Independent Adoption.

Source: This Rule is derived in part from former Rule D79 and former Rule 11-501 (g) (2021) and is in part new.

REPORTER'S NOTE

Proposed amendments to Rule 9-111 implement Chapter 501, 2025 Laws of Maryland (HB 243). The law generally exempts independent adoption proceedings involving adult adoptees from the consent and show cause requirements of Code, Family Law Article, Title 5, Subtitle 3B. See the Reporter's note to Rule 9-103.1.

Though the stated legislative intent was to relieve the adult adoptee of the burden of locating and obtaining consent from an absent or abusive parent, there is a public policy argument that a parent or adult child of the adult adoptee should be notified when the adoption occurs. There are estate planning implications and the possibility that these individuals could alert the court of possible fraud or undue influence in the proceeding.

Proposed provisions in new Rule 9-103.1 require the petition to provide the last known address of a living parent and the name, age, and address of the children of each petitioner, including the adoptee. This information will be used by the court to send the notice in Rule 9-111.

New section (g) requires the court to send notice of a judgment of adoption to the parents of the adoptee and any adult children of the adoptee to alert them of the entry of the judgment and the legal effect of the judgment.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-112 by creating new subsection (b)(1) with the current language in section (b), by adding new subsection (b)(2) pertaining to adult adoption records, by adding new subsection (c)(4) pertaining to judgments of adoption for adult adoptees, and by making stylistic changes, as follows:

Rule 9-112. COURT RECORDS

(a) Party

For purposes of this Rule, “party” includes (1) a petitioner, (2) the prospective adoptee, (3) in a Private Agency Guardianship or Private Agency Adoption, the agency, and (4) in a Public Agency Adoption after TPR or Public Agency Adoption without Prior TPR, the local department to which the prospective adoptee is committed.

Committee note: Unless the prospective adoptee's parent is also a petitioner, the parent is not a party to a proceeding under this Chapter except as provided by Code, Family Law Article, § 5-301 in a Public Agency Adoption without Prior TPR.

(b) Dockets and Indices

(1) Generally

The clerk shall keep separate dockets for ~~(1)(A)~~ adoption and guardianship proceedings and ~~(2)(B)~~ revocations of consent to adoption or guardianship for which there are no pending adoption or guardianship proceedings in that

county. These dockets are not open to inspection by any person except upon order of court, but docket entries in a proceeding shall be open to inspection by the parties to the proceeding. If the court maintains a non-electronic index to a docket that is kept apart from the docket itself, the index shall be open to public inspection.

(2) Adult Adoption Docket Entries

Docket entries in a proceeding for an independent adoption of a prospective adoptee who is an adult shall be open to public inspection.

(c) Shielding and Sealing of Records

(1) Shielding of Records

All pleadings and other papers in adoption and guardianship proceedings shall be shielded from public inspection when they are filed. Unless otherwise ordered by the court, and subject to Rule 9-103 ~~(e)~~(f) and subsection (c)(2) of this Rule, pleadings and other papers shall be open to inspection by parties to a proceeding. If a person files a notice of objection pursuant to Rule 9-107, the person's access to pleadings and papers filed in the proceeding is governed by the court's order entered pursuant to Rule 9-107 (f).

Cross reference: See Rule 16-914 (a), requiring denial of public inspection of case records in actions for adoption, guardianship, or revocation of consent to adoption or guardianship filed under this Chapter. See Rule 20-109 concerning remote access.

(2) Sealing of Records

(A) Guardianship Records

The case file for a guardianship proceeding shall be sealed and not open to inspection by any person, including the parties, upon the later of (i) 30 days

after termination of the proceeding pursuant to Code, Family Law Article, § 5-3A-25 or, (ii) if an appeal is taken, dismissal of the appeal or exhaustion of appellate review.

(B) Adoption Records

Except as otherwise provided in subsections (c)(3) ~~and (e)(4)~~ through (c)(5) of this Rule, the case file for an adoption proceeding shall be sealed and not open to inspection by any person, including the parties, upon the later of (i) 30 days after entry of a judgment of adoption or, (ii) if an appeal is taken, dismissal of the appeal or exhaustion of appellate review. When an adoption becomes final, the clerk shall send notice of that event to each person entitled to notice.

Cross reference: See Code, Health-General Article, § 4-211, concerning the amendment and replacement of birth certificates following adoption and the requirement that the clerk transmit to the Maryland Department of Health a report of adoption or revocation of adoption.

(3) Adoption Records Prior to June 1, 1947

If a final decree of adoption was entered before June 1, 1947 and the record is not already sealed, the record may be sealed only on motion of a party.

(4) Judgment of Adult Adoption

A judgment of adoption in an independent adoption of an adoptee who is an adult at the time of the adoption shall be open to public inspection.

~~(4)~~(5) Inspection of Sealed Records

Sealed records of guardianship and adoption proceedings shall remain sealed and not be open to inspection except upon order of court.

Cross reference: See Code, Family Law Article, Title 5, Subtitle 3, Part V; Subtitle 3A, Part IV; and Subtitle 3B, Part III concerning access to records relating to an adoptee.

Source: This Rule is derived from former Rule D80 a and c and is in part new.

REPORTER'S NOTE

Proposed amendments to Rule 9-112 implement Chapter 501, 2025 Laws of Maryland (HB 243). The law generally exempts independent adoption proceedings involving adult adoptees from the consent and show cause requirements of Code, Family Law Article, Title 5, Subtitle 3B.

Proposed amendments to section (b) provide that docket entries in a proceeding for an independent adoption of an adult are open to public inspection. New subsection (c)(4) makes the judgment of adoption of an adult a public record.

Because the usual concerns present in an adoption of a minor that encourage secrecy of adoption proceedings are not as likely to be present in an adult adoption, the Committee recommends that this information be subject to public inspection to allow for individuals who may have estate planning interests or concerns about fraud to learn that the adoption occurred.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 900 – ACCESS TO JUDICIAL RECORDS

DIVISION 2 – LIMITATIONS ON ACCESS

AMEND Rule 16-914 by adding an exception to subsection (a)(1)(A), as follows:

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

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

(a) All case records filed in the following actions involving children:

(1) Actions filed under Title 9, Chapter 100 of the Maryland Rules for:

(A) adoption, except as otherwise provided in Rule 9-112;

(B) guardianship; or

(C) revocation of a consent to adoption of guardianship for which there is no pending adoption or guardianship proceeding in that county.

...

REPORTER’S NOTE

Proposed amendments to Rule 16-914 implement Chapter 501, 2025 Laws of Maryland (HB 243). The law generally exempts independent adoption proceedings involving adult adoptees from the consent and show cause requirements of Code, Family Law Article, Title 5, Subtitle 3B.

Because the usual concerns present in an adoption of a minor that encourage secrecy of adoption proceedings are not as likely to be present in an adult adoption, the Committee recommends that this information be subject to public inspection to allow for individuals who may have estate planning interests or concerns about fraud to learn that the adoption occurred.

Rule 9-112 is amended to state that docket entries, indices, and judgements in these cases are subject to public inspection. Rule 16-914 (a)(1)(A) is amended to refer to the exception in Rule 9-112.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-105 by updating a reference in the form in section (d), as follows:

Rule 9-105. SHOW CAUSE ORDER; DISABILITY OF AN INDIVIDUAL; OTHER NOTICE

• • •

(d) Form of Show Cause Order

Except as provided in section (g) of this Rule, the show cause order shall be substantially in the following form:

IMPORTANT

THIS IS A COURT ORDER. IF YOU DO NOT UNDERSTAND WHAT THE ORDER SAYS, HAVE SOMEONE EXPLAIN IT TO YOU. YOUR RIGHT TO AN ATTORNEY IS EXPLAINED IN PARAGRAPH 3 OF THIS ORDER. IF YOU DO NOT MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED IN PARAGRAPH 2 OF THIS ORDER, YOU HAVE AGREED TO A TERMINATION OF YOUR PARENTAL RIGHTS.

(Note to Drafter of Show Cause Order: For the form of the caption of the Show Cause Order, see Rule 9-103 ~~(a)~~(b).)

• • •

REPORTER'S NOTE

Proposed amendments to Rule 9-105 implement Chapter 501, 2025 Laws of Maryland (HB 243). See the Reporter's note to Rule 9-103.1.

Amendments to Rule 9-103 re-letter current section (a) as section (b).
The reference is updated in Rule 9-105 (d).

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-109 by replacing “a guardianship” with “an adoption” in subsection (a)(1), as follows:

Rule 9-109. HEARING ON MERITS

(a) Requirement

(1) Generally

The court shall hold a hearing and make findings on the record on the merits of ~~a guardianship~~ an adoption petition as provided by Code, Family Law Article:

(A) § 5-335 in a Public Agency Adoption without Prior TPR;

(B) § 5-347 in a Public Agency Adoption after TPR;

(C) § 5-3A-32 in a Private Agency Adoption; or

(D) § 5-3B-17 in an Independent Adoption.

(2) Guardianship

The court may hold a hearing on the merits of a consensual Private Agency Guardianship petition.

. . .

REPORTER’S NOTE

A proposed housekeeping amendment to Rule 9-109 removes reference

to guardianships. Public agency guardianship procedures were removed from Title 9 in 2022.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

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

AMEND Rule 9-204.1 by clarifying in section (b) that parenting plan documents may be provided either at or before the parties' first appearance on a decision-making or parenting time matter, by permitting the court in section (b) to provide either paper or electronic copies of the documents to the parties, by adding "exposure to" to subsection (c)(5), by adding "in determining how best to serve the physical, developmental, and emotional needs of the child" to subsection (c)(16), by adding a cross reference following section (c), and by making a stylistic change, as follows:

Rule 9-204.1. PARENTING PLANS

(a) Definitions

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

(1) Decision-Making Authority (Legal Custody)

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

(2) Parenting Plan

Parenting Plan means a written agreement about how parties will work

together to take care of a child.

(3) Parenting Time (Physical Custody)

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

(b) Introduction of Parenting Plan

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

(c) Best Interest of the Child

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

- (1) Stability and the foreseeable health and welfare of the child;
- (2) Frequent, regular, and continuing contact with parties who can act in the child's best interest;
- (3) Whether and how parties who do not live together will share the rights and responsibilities of raising the child;
- (4) The child's relationship with each parties, any siblings, other relatives, and individuals who are or may become important in the child's life;

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

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

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

(8) How to:

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

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

(C) maintain the child's relationship with the parties, siblings, other relatives, or other individuals who have or likely may have a significant relationship with the child;

(9) Age of the child;

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

(11) Any prior court orders or agreements;

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

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

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

(A) how they communicate with each other;

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

(C) how the parties will resolve any disputes in the future without the need for court intervention;

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

(16) Any other factor deemed appropriate by the parties in determining how best to serve the physical, developmental, and emotional needs of the child.

Cross reference: See Code, Family Law Article, § 9-201.

(d) No Agreement Reached

If the parties do not reach a comprehensive parenting plan, they shall complete a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time pursuant to Md. Rule 9-204.2.

Source: This Rule is new.

REPORTER'S NOTE

Proposed amendments to Rule 9-204.1 implement Chapters 483/484, 2025 Laws of Maryland (HB 1191/SB 548). The legislation generally establishes factors that a court may consider when determining what legal and physical custody is in the best interest of the child. The factors were drawn from case law and largely mirror those in Rule 9-204.1, which sets forth the factors for the parties' consideration in making a parenting plan.

Proposed amendments to section (b) are recommended by the Court Process Workgroup in the Domestic Law Committee of the Judicial Council. The workgroup recommended permitting the court to provide the parenting plan instructions and forms to the parties "at or before" their first appearance

in court. The amendments also permit the court to provide the documents in either paper or electronic format.

Subsection (c)(5) is amended to refer to “exposure to” conflict and violence to match the language of the statute.

A stylistic change is proposed in subsection (c)(13)

Subsection (c)(16) is amended to align with the language of the statute and a new cross reference cites the applicable statute.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

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

AMEND Rule 9-204.2 by altering the requirements when the court reviews a joint statement in section (d), as follows:

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

(a) When Required

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

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

(b) Form of Joint Statement

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

(c) Time for Filing; Procedure

The Joint Statement shall be filed at least ten days before any scheduled settlement conference or if none, 20 days before the scheduled trial date or by any other date fixed by the court. At least 30 days before the Joint Statement

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

(d) Review of Joint Statement

Prior to rendering its decision, the court shall consider the entire Joint Statement. As to the provisions upon which the parties agree as well as those upon which the court must decide, the court ~~may consider~~ shall address the factors listed in ~~Rule 9-204.1 (e)~~ Code, Family Law Article, § 9-201(a) and articulate its findings of fact on the record or in writing pursuant to Code, Family Law Article, § 9-201(b).

(e) Sanctions

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

Committee note: Failure to comply with this Rule cannot be the basis upon which to deny a party's request for decision-making authority or parenting time.

REPORTER'S NOTE

Proposed amendments to Rule 9-204.2 implement Chapters 483/484, 2025 Laws of Maryland (HB 1191/SB 548). The legislation generally establishes factors that a court may consider when determining what legal and physical custody is in the best interest of the child. The factors were drawn from case law and largely mirror those in Rule 9-204.1, which sets forth the factors for the parties' consideration in making a parenting plan.

Code, Family Law Article, § 9-201(a) states that the court "may consider" the listed factors. Section (b) of the statute, however, requires the court to articulate findings, "including consideration of each factor listed in section (a)." The Family/Domestic Subcommittee of the Rules Committee expressed concern about this conflicting language; courts are presumed to be considering all relevant factors but cannot articulate findings if a factor is not relevant. The Subcommittee was informed that one of the motivations for the statute was parties who claim they do not know the reasoning behind a judge's decision.

The Subcommittee recommended, and the Committee concurred with, amending section (d) to require the court to "address" the factors listed in the statute, which would include stating when a factor is not relevant and articulating findings as required by the statute.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

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

AMEND Rule 9-206 by adding new subsection (a)(1) defining “multifamily adjustment”; by adding a Committee note following subsection (a)(1); by renumbering current subsections (a)(1) and (a)(2) as (a)(2) and (a)(3), respectively; by updating a statutory reference in renumbered subsection (a)(2); and by adding to sections (c) and (d) a statutory reference and new section 1.d. in Worksheet A and Worksheet B pertaining to a multifamily adjustment, as follows:

Rule 9-206. CHILD SUPPORT GUIDELINES

(a) Definitions

The following definitions apply in this Rule:

(1) Multifamily Adjustment

“Multifamily adjustment” means an allowance for support for each child
(A) living in a parent’s home to whom the parent owes a legal duty of support,
(B) spending more than 92 overnights in the parent’s home in a year, and (C)
not subject to the support order.

Committee note: In calculating a multifamily adjustment, the court (1) uses
the actual income of the parent entitled to the deduction to determine the basic
child support obligation for each additional child in the parent’s home in
accordance with Code, Family Law Article, § 12-204, then (2) multiplies that

amount by 75 percent. See Code, Family Law Article, § 12-201(c)(1)(iii).

~~(1)~~(2) Shared Physical Custody

“Shared physical custody” has the meaning stated in Code, Family Law Article, § 12-201~~(n)~~(o).

~~(2)~~(3) Worksheet

"Worksheet" means a document to compute child support under the guidelines set forth in Code, Family Law Article, Title 12, Subtitle 2.

(b) Filing of Worksheet

In an action involving the establishment or modification of child support, each party shall file a worksheet in the form set forth in section (c) or (d) of this Rule. Unless the court directs otherwise, the worksheet shall be filed not later than the date of the hearing on the issue of child support.

Cross reference: See Code, Family Law Article, § 12-203(a) and *Walsh v. Walsh*, 333 Md. 492 (1994).

(c) Primary Physical Custody

Except in cases of shared physical custody, the worksheet shall be in substantially the following form:

v.	In the Circuit Court for _____ No. _____
----	--

WORKSHEET A – CHILD SUPPORT OBLIGATION: PRIMARY PHYSICAL CUSTODY

Name of Child	Date of Birth	Name of Child	Date of Birth
Name of Child	Date of Birth	Name of Child	Date of Birth
Name of Child	Date of Birth	Name of Child	Date of Birth

	<u>Parent 1</u>	<u>Parent 2</u>	<u>Combined</u>
1. MONTHLY ACTUAL INCOME (Before taxes) (Code, Family Law Article, §12-201 (b) <u>and</u> (c))	\$	\$	///////// ///////// /////////
a. Minus preexisting child support payment actually paid	-	-	///////// /////////
b. Minus alimony actually paid	-	-	/////////
c. Plus/minus alimony awarded in this case	+/-	+/-	///////// /////////
d. <u>Minus multifamily adjustment</u>	<u>-</u>	<u>-</u>	<u>/////////</u>

...

(d) Shared Physical Custody

In cases of shared physical custody, the worksheet shall be in substantially the following form:

_____ In the
Circuit Court for _____
v.

No. _____

WORKSHEET B – CHILD SUPPORT OBLIGATION: SHARED PHYSICAL CUSTODY

_____ Name of Child	_____ Date of Birth	_____ Name of Child	_____ Date of Birth
_____ Name of Child	_____ Date of Birth	_____ Name of Child	_____ Date of Birth
_____ Name of Child	_____ Date of Birth	_____ Name of Child	_____ Date of Birth

	<u>Parent 1</u>	<u>Parent 2</u>	<u>Combined</u>
1. MONTHLY ACTUAL INCOME (Before taxes) (Code, Family Law Article, §12-201 (b) <u>and</u> (c))	\$	\$	///////// ///////// /////////
a. Minus preexisting child support payment actually paid	-	-	///////// /////////
b. Minus alimony actually paid	-	-	/////////
c. Plus/minus alimony awarded in this case	+/-	+/-	///////// /////////
<u>d. Minus multifamily adjustment</u>	<u>-</u>	<u>-</u>	<u>/////////</u>

...

REPORTER'S NOTE

Proposed amendments to Rule 9-206 implement Chapter 532, 2025 Laws of Maryland (HB 275). The statute alters the definition of “adjusted actual income” in the child support guidelines to require an adjustment for other children in the home of the parent whose income is being calculated. The statute applies when the parent owes a duty of support for children in the home other than the child for whom child support is being calculated.

Proposed amendments to Rule 9-206 add a definition of “multifamily adjustment” to section (a). A Committee note provides practical guidance to the court in applying the statute to an income calculation. The worksheets in section (c) and (d) are amended to add a statutory reference and a line for the multifamily adjustment.

MARYLAND RULES OF PROCEDURE

TITLE 15 – OTHER SPECIAL PROCEEDINGS

CHAPTER 900 – CHANGE OF NAME; JUDICIAL DECLARATION OF GENDER
IDENTITY

AMEND Rule 15-901 by adding a cross reference following subsection
(f)(2), as follows:

Rule 15-901. ACTION FOR CHANGE OF NAME

. . .

(f) Action by Court; Hearing

(1) Name Change of Adult

The court may hold a hearing or may rule on a petition to change the name of an adult without a hearing and shall enter an appropriate order, except that the court shall not deny the petition without a hearing. The court may not enter an order earlier than 30 days after the petition was filed.

Committee note: Although there is no publication or other required notice of a requested name change of an adult, if a person learns of a requested name change, the 30-day delay in the entry of an order after the petition is filed affords a period of time within which an objection could be filed.

(2) Name Change of Minor

The court may hold a hearing or may rule on a petition to change the name of a minor without a hearing and enter an appropriate order if (A) the written consent of the minor, if required, has been filed, and (B) each parent, guardian, and custodian (i) has filed a written consent pursuant to subsection

(c)(2)(B) of this Rule, or (ii) having been served pursuant to section (d) of this Rule, did not timely file an objection. In all other cases in which a name change of a minor is requested, the court shall hold a hearing and enter an appropriate order no earlier than 30 days after all nonconsenting parents, guardians, or custodians have been served in accordance with section (d) of this Rule.

Cross reference: See *In the Matter of Becker*, 265 Md. App. 301 (2025) pertaining to the relevant standards for changing the surname of a minor.

Source: This Rule is derived in part from former Rules BH70 through BH75 and is in part new.

REPORTER'S NOTE

The proposed amendment to Rule 15-901 adds a cross reference to a recent appellate case discussing the standard for changing the surname of a minor. *In the Matter of Becker*, 265 Md. App. 301 (2025) involved a change of name case where the parents mutually agreed to the child's name at birth, and one later sought to change the child's surname.

The Appellate Court discussed the relevant considerations and standard for the trial court to apply in deciding such cases. Because of the relative paucity of case law discussing these issues, the Committee recommends adding a cross reference to the case following subsection (f)(2) of Rule 15-901.

MARYLAND RULES OF PROCEDURE
TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES
CHAPTER 300 – GUARDIAN OF PROPERTY

ADD new Rule 10-304.2, as follows:

Rule 10-304.2. SPECIFIC TRANSACTION

(a) Definition

In this Rule, “specific transaction” means an action or series of actions authorized or directed by a court order to meet a demonstrated need of a minor or disabled person as a less restrictive alternative to guardianship of the property.

(b) Authorization

In conjunction with a proceeding initiated pursuant to Rule 10-301, a circuit court may, on motion or on its own initiative, order a specific transaction with respect to the property, service, or care arrangement of a minor or disabled person pursuant to Code, Estates & Trusts Article, § 13-204 and this Rule, including, for example:

- (1) granting access to financial or other records related to a minor or disabled person;
- (2) establishing a minor or disabled person’s eligibility for benefits, such as Medical Assistance;

Committee note: Examples of an action or series of actions that the court may authorize as a specific transaction to establish an individual’s eligibility for

Medical Assistance include marshalling the individual's assets, accessing financial or other records that must be submitted with a Medical Assistance application, and effectuating a spend down of known income and resources to permit the individual to meet eligibility thresholds by creating a Medicaid eligible trust, making burial arrangements, establishing an ABLE account pursuant to 26 U.S.C. § 529A, or taking other appropriate action.

(3) setting up direct deposit or automatic pay services; and

(4) ordering any transaction described in Code, Estates and Trusts Article, § 13-204(a)(2).

(c) Contents of Motion

A motion for a specific transaction shall state:

(1) the specific transaction sought;

(2) how the specific transaction meets a demonstrated need of the minor or alleged disabled person;

(3) the inability of the minor or alleged disabled person or currently authorized individual to effectuate the requested specific transaction;

(4) facts supporting that the requested specific transaction is sufficient to meet the demonstrated needs of the minor or alleged disabled person without appointing a guardian of the property;

(5) information about any individual the petitioner believes is qualified to perform the requested transaction including that individual's:

(A) name, age, organization, if any, address, telephone, and email address, if available;

(B) relationship to the minor or alleged disabled person;

(C) relationship to the petitioner;

(D) whether that individual (i) has been convicted of a crime listed in Code,

Estates and Trusts Article, § 11-114 or any such charge is currently pending against the individual and (ii) if the individual has been convicted of such a crime, the charge for which the individual was convicted, the year of the conviction, the court in which the conviction occurred, and any good cause for the appointment, if applicable under § 11-114(b); and

(E) any relevant qualifications of the individual; and

(6) the level of intrusion the requested specific transaction would have on the rights or interests of the minor or alleged disabled person.

(d) Show Cause; Hearing

(1) Show Cause Order

The show cause order issued pursuant to Rule 10-104 shall state that a motion for a specific transaction has been filed and specify the date, time, and place of the hearing. A copy of the motion for a specific transaction shall be served with a copy of the show cause order.

(2) Hearing

The court shall hold a hearing prior to ordering a specific transaction.

(e) Request to Expedite Hearing

(1) Contents

A request for an expedited hearing on a motion for a specific transaction may be filed with the petition for guardianship of the property or at any time after the filing of the petition. The request shall be verified and contain the following information:

(A) the reason for seeking an expedited hearing;

(B) a statement of how the minor or alleged disabled person would be harmed if the proceeding is not expedited; and

(C) a description of all efforts made to notify interested persons, all individuals named in subsection (c)(5) of this Rule as qualified to perform the specific transaction, and any individual nominated as guardian about the request for an expedited hearing.

(2) Factors for Courts to Consider

In determining whether to expedite a hearing in connection with a motion for a specific transaction, the court shall consider:

(A) the nature, urgency, necessity, and gravity of the requested specific transaction;

(B) risks to the minor or alleged disabled person if the hearing is not expedited; and

(C) any other factor the court considers relevant.

(3) Scheduling of an Expedited Hearing

If the court orders an expedited hearing pursuant to this section, the hearing shall be scheduled as soon as practicable, taking into account:

(A) the ability of the petitioner to serve or notify interested persons, individuals named in subsection (c)(5) of this Rule, and any individual nominated as the guardian on an expedited basis;

(B) the ability of the attorney for the minor or alleged disabled person, government agencies, and court-appointed investigators to perform any necessary investigations on an expedited basis; and

(C) any other circumstances that the court considers relevant.

Committee note: The procedure set forth in section (e) of this Rule is not intended to affect the court's discretion to schedule expedited hearings in general or the court's power to preserve and apply the property of the minor or alleged disabled person pursuant to Code, Estates and Trusts Article, § 13-203.

(f) Findings

Following the hearing, the court shall make findings in writing or on the record as to:

(1) whether a basis exists under Code, Estates and Trusts Article, § 13-201 to assume jurisdiction over the property of the minor or alleged disabled person;

(2) whether the property of the minor or alleged disabled person needs the continuing protection of a guardian;

Committee note: If the court determines that it is appropriate to appoint a guardian of the property of the minor or alleged disabled person, the court may make the appointment in accordance with Rule 10-304.1. If the court determines that further proceedings are necessary prior to the appointment of a guardian, the court may proceed with the specific transaction and schedule additional proceedings on the petition for guardianship of the property.

(3) the extent to which the interests of creditors and dependents of the minor or alleged disabled person would be adversely affected by the grant or denial of the specific transaction requested; and

(4) whether the specific transaction requested meets the demonstrated need of the minor or alleged disabled person as a less restrictive alternative to guardianship of the property.

(g) Order

An order authorizing or directing a specific transaction shall include:

- (1) the specific transaction that is authorized or directed to be performed;
- (2) the name, organization, if any, address, telephone number, and email address, if available, of the individual authorized to perform the specific transaction;
- (3) any limits on the individual's authority;
- (4) a date or event that terminates the individual's authority;
- (5) direction to the individual to notify the court in writing when the specific transaction has been completed and to provide all available documentation as proof of the completion;
- (6) the extent to which the Rules in Title 10, Chapter 700 are to apply with respect to the performance of the specific transaction; and
- (7) direction to the individual to make decisions and take actions that are in the best interest of the minor or disabled person.

Committee note: To the extent practicable, the order should identify property over which the individual authorized to perform the specific transaction has authority and how that authority is to be exercised. For example, if the individual is authorized to sell a house, the order should identify the location of the house and specify how the proceeds of the sale are to be disbursed.

(h) Modification

After notice and an opportunity for a hearing, the court on motion or on its own initiative may modify or terminate an order authorizing a specific transaction or order the appointment of a guardian of the property if the minor or alleged disabled person needs the continuing protection provided by a guardian.

Committee note: Nothing in section (h) of this Rule precludes the court from clarifying an order issued pursuant to section (g) of this Rule at the request of

the individual authorized to perform the specific transaction.

(i) Termination of Authority

The court shall issue an order terminating the authority of the person authorized to perform a specific transaction upon finding that the ordered transaction has been completed or no longer is needed.

(j) Fee

A person authorized to perform a specific transaction may be paid a reasonable and necessary fee from the estate of the minor or alleged disabled person unless the court otherwise directs.

Source: This Rule is new.

REPORTER'S NOTE

Proposed new Rule 10-304.2 clarifies the procedure for requests and orders for specific transactions, authorized by Code, Estates and Trusts Article, § 13-204. The new Rule was requested by the Guardianship & Vulnerable Adult Workgroup of the Judicial Council's Domestic Law Committee ("the workgroup") to provide guidance to courts and to encourage more standardized treatment of specific transactions.

A specific transaction, as defined in new section (a), is one or more actions that the court authorizes or directs "to meet a demonstrated need of a minor or disabled person as a less restrictive alternative to guardianship of the property."

The specific transaction statute authorizes the court to "authorize or direct a transaction with respect to the property, service, or care of [a] minor or disabled person" without appointing a guardian. A basis for assuming jurisdiction over the property must exist as set forth in Code, Estates and Trusts Article, § 13-201.

Section (b) of Rule 10-304.2 permits the court to order a specific transaction in conjunction with a proceeding for guardianship of the property

of a minor or alleged disabled person. The court may enter an order on motion or its own initiative.

The Probate/Fiduciary Subcommittee of the Rules Committee expressed concern about requiring a party seeking a specific transaction order to file a full guardianship petition. The Subcommittee asked whether the motion for a specific transaction could be a standalone proceeding. In response, the workgroup conducted additional research and spoke with various stakeholders before concluding that a specific transaction must be requested in conjunction with a guardianship of the property proceeding because the specific transaction statute requires that the grounds for appointing a guardian exist and it ensures that all due process mechanisms associated with a guardianship proceeding are afforded to the minor or alleged disabled person for whom a specific transaction is sought.

Section (b) also lists common types of specific transactions, such as granting access to financial records and establishing eligibility for benefits. A Committee note further explains actions that may be required to establish an individual's eligibility for benefits. Subsection (b)(4) incorporates the transactions listed in the statute.

Section (c) sets forth the required contents of a motion for a specific transaction. The motion must state the transaction sought, how it meets a demonstrated need of the individual, and relevant information about the individual the petitioner proposes to perform the transaction.

Section (d) requires that the show cause order issued pursuant to Rule 10-104 state that a motion for a specific transaction has been filed and include a copy of the motion. This puts all interested parties on notice of both the guardianship petition and the motion for specific transaction. A hearing must be held on the motion.

Section (e) permits the petitioner to request that a hearing on the motion for a specific transaction be expedited. The request must explain why the hearing should be expedited and show efforts to notify interested persons of the proceedings. There are factors for the court to consider in granting the request and setting the date for the expedited hearing.

Section (f) sets forth the findings the court must make in writing or on the record. Subsection (f)(2) requires a finding regarding whether the property of the minor or alleged disabled person requires the continuing protection of a guardian. The Subcommittee was concerned that interested persons notified of the proceedings may choose not to participate if they do not object to the specific transaction but would want to be heard as to the appointment of a guardian. If the court opts to appoint a guardian, a Committee note explains

that the court may do so. However, the court may also choose to go forward with an order for the discrete specific transaction, as necessary, and schedule additional proceedings on the guardianship petition.

Section (g) governs the contents of the court's order authorizing or directing a specific transaction. The order should be as detailed as practicable to clearly state the extent of the authority granted to the individual performing the transaction.

Section (h) permits the court to modify an order after notice and an opportunity to be heard. A Committee note differentiates clarifications to the order, as requested by the authorized individual, from a substantive modification.

Section (i) requires the court to issue an order terminating the authority of the authorized individual upon finding that the transaction has been completed.

Section (j) governs fees for the individual who performs a specific transaction.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 500 – EXPUNGEMENT OF RECORDS

AMEND Rule 4-508.1 by updating a cross reference after section (d), as follows:

Rule 4-508.1. EXPUNGEMENT BY OPERATION OF LAW

• • •

(d) Compliance by Custodians

Not later than ten days after the effective date of the expungement stated in the notice, each custodian shall expunge all records subject to the expungement.

Cross reference: See Code, Criminal Procedure Article, § ~~10-101(e)~~ 10-101(f) for methods of expungement.

Source: This Rule is new.

REPORTER'S NOTE

On April 22, 2025, the Governor signed Senate Bill 432, the Expungement Reform Act of 2025. The new law makes several changes to the statutes governing expungement, including adding a new definition to Code, Criminal Procedure Article, § 10-101, altering the lettering of prior sections. Accordingly, a housekeeping amendment is proposed to Rule 4-508.1 to update a reference to a certain section of Code, Criminal Procedure Article, § 10-101 in the cross reference after section (d).

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 500 – EXPUNGEMENT OF RECORDS

AMEND Rule 4-512 by updating a cross reference after section (e), as follows:

Rule 4-512. DISPOSITION OF EXPUNGED RECORDS

• • •

(e) Storage in Denied Access Area on Premises – Prohibition on Transfer

All expunged records shall be filed and maintained by the clerk in numerical sequence by docket or case file number, together with the Index of Expunged Records, in one or more locked filing cabinets to be located on the premises of the clerk's office but in a separate secure area to which the public and other persons having no legitimate reason for being there are denied access. Expunged records shall not be transferred to any Hall of Records facility.

Cross reference: Code, Criminal Procedure Article, § ~~10-101(e)~~ 10-101(f).

• • •

REPORTER'S NOTE

On April 22, 2025, the Governor signed Senate Bill 432, the Expungement Reform Act of 2025. The new law makes several changes to the statutes governing expungement, including adding a new definition to Code,

Criminal Procedure Article, § 10-101, altering the lettering of prior sections. Accordingly, a housekeeping amendment is proposed to Rule 4-512 to update a reference to a certain section of Code, Criminal Procedure Article, § 10-101 in the cross reference after section (e).

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT AND THE

APPELLATE COURT

CHAPTER 400 – PRELIMINARY PROCEDURES

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

Rule 8-422. STAY OF ENFORCEMENT OF JUDGMENT

(a) Civil Proceedings

(1) Generally

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

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

...

REPORTER'S NOTE

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

A comma is proposed to be added after “Insurance Article” in the cross reference following subsection (a)(1).

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 300 – DOMESTIC VIOLENCE

AMEND Rule 9-301 by correcting a typographical error and by updating the cross reference, as follows:

Rule 9-301. APPLICABILITY

The Rules ~~is~~ in this Chapter apply to actions brought solely under Code, Family Law Article, Title 4, Subtitle 5.

Committee note: If relief is sought as part of a criminal, divorce, or other action, the Rules governing that action prevail.

Cross reference: For the issuance of a peace order for the protection of an individual who is not a “person eligible for relief” as defined in Code, Family Law Article, § ~~4-501(m)~~ 4-501(n), see Rule 3-731 and Code, Courts Article, Title 3, Subtitle 15 if the respondent is an adult and Code, Courts Article, Title 3, Subtitle 8A if the respondent is an individual under the age of 18 years.

Source: This Rule is new.

REPORTER’S NOTE

The proposed amendments to Rule 9-301 correct a typographical error and update a statutory reference. Chapters 530/531, 2025 Laws of Maryland (HB 533/SB 273) add a new definition to Code, Family Law Article, § 4-501. The definition of “person eligible for relief” is now contained in section (n).

MARYLAND RULES OF PROCEDURE

TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 700 – FIDUCIARY ESTATES INCLUDING GUARDIANSHIPS OF THE
PROPERTY

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

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

(a) Commencement of Action

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

(b) Venue

(1) Guardianships of the Property

The petition to resign or to appoint a substituted or successor fiduciary shall be filed in the court that has assumed jurisdiction over the guardianship. If jurisdiction has not been assumed, the petition shall be filed pursuant to

Rule 10-301 (c).

(2) Other Fiduciary Proceedings

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

(c) Account of Resigning Fiduciary

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

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

(d) Notice

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

(e) Termination of Fiduciary's Appointment

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

(f) Proceedings

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

successor fiduciary, the court may appoint a temporary fiduciary.

(g) Resignation of Co-Fiduciary

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

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

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

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

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

(i) Additional Means of Resignation

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

Cross reference: See Code, Estates and Trusts Article, § 14.5-705 pertaining to

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

Source: This Rule is derived as follows:

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

Section (b):

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

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

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

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

Section (e) is new.

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

Section (g) is new.

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

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

REPORTER'S NOTE

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

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

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

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 11-112 by updating a quotation in the Committee note, as follows:

Rule 11-112. PAPERS IN A FOREIGN LANGUAGE

Whenever the court has reason to believe that an individual required to be served with a summons, subpoena, notice of hearing or court conference, or other document that requires a decision, action, or response by the individual, by reason of unfamiliarity with the English language, may be unable to read and understand the document, the court shall issue the document in English and (1) if the document is available in a language that the court reasonably believes the individual can understand, issue the document in that language, or (2) if the document is not available in a language the court reasonably believes the individual can understand, attach a Multilingual Advisement Form approved by the State Court Administrator.

Committee note: The Access to Justice Department of the Administrative Office of the Courts provides translation services to the Maryland courts and can provide translations of certain forms and materials into priority languages. The Access to Justice Department does not provide translation of case-specific documents. See Code, State Government Article, § 10-1103 requiring certain State agencies, departments, and programs in the Executive Branch of government, including the Department of Human Services, Department of Juvenile Services, and Attorney General's Office, to provide “the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the ~~overall~~ population within the geographic area served by a local office of a State

program as ~~measured by the United States Census.~~”

Source: This Rule is new.

REPORTER’S NOTE

A proposed amendment to Rule 11-112 updates the language in the Committee note quoting a portion of Code, State Government Article, § 10-1103. Chapter 434, 2025 Laws of Maryland (HB 1473) amended the language in § 10-1103. Accordingly, the proposed amendment to Rule 11-112 conforms the language in the Committee note to the amended law.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 200 – CHILD IN NEED OF ASSISTANCE

AMEND Rule 11-220 by updating the cross references following subsections (a)(1) and (a)(2), as follows:

Rule 11-220. TERMINATION OF PROCEEDING

(a) Termination of Jurisdiction

(1) Generally

Except as provided in subsection (a)(2), upon termination of the court's jurisdiction over the respondent child, the court shall enter a final order terminating the proceeding.

Cross reference: See Code, Courts Article, § 3-804~~(b)(c)~~, providing that jurisdiction over a CINA continues until the child is age 21 years, unless the court terminates the case sooner.

(2) Limited Retention of Jurisdiction

If the court enters an order directing the provision of services to a child under Code, Courts Article, § 3-819(c)(3) or § 3-823(h)(2)(viii), the court retains jurisdiction for the limited purpose of enforcement, modification, or termination of the order.

Cross reference: See Code, Courts Article, §§ 3-804~~(d)(e)~~ and 3-823(k) and *In re Adoption/ Guardianship Dustin R.*, 445 Md. 536 (2015) for continuing jurisdiction over a CINA.

(b) Prior to Termination of Jurisdiction

Upon a finding of good cause, the court may enter a final order

terminating the proceeding prior to expiration of the court's jurisdiction by operation of law (1) on the court's own initiative, (2) on motion of a party, or (3) on the recommendation of an appropriate governmental agency exercising supervision over the respondent.

Cross reference: See *In re Emileigh F.*, 355 Md. 198 (1999) and *In re Joseph N.*, 407 Md. 278 (2009) precluding the court from terminating the proceeding while an appeal from its decision is pending.

Source: This Rule is derived from former Rule 11-120 (2021).

REPORTER'S NOTE

Proposed amendments to Rule 11-220 update references to Code, Courts Article, § 3-804 in the cross references following sections (a) and (b). Chapters 261/262, 2025 Laws of Maryland (SB 280/HB 1060) added new section (a) to § 3-804, re-lettering the subsequent sections. Accordingly, the proposed amendments to Rule 11-220 update the references to sections of § 3-804.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 500 – OTHER PROCEEDINGS

AMEND Rule 11-503 by updating a reference in subsection (a)(2)(A) and in the cross reference following section (q), as follows:

Rule 11-503. VOLUNTARY PLACEMENT

(a) Applicability; Definitions

(1) Applicability

This Rule applies to voluntary placement proceedings under Code, Courts Article, Title 3, Subtitle 8 and Code, Family Law Article, § 5-525.

(2) Definitions

In this Rule, the following definitions apply:

(A) Former CINA

“Former CINA” means an individual who (i) has been found to be a CINA, (ii) is at least 18 years old but under the age of 21 years, and (iii) is subject to the jurisdiction of the court pursuant to Code, Courts Article, § 3-804(a)(2)(b)(2).

...

(q) Continuing Jurisdiction

If the court obtains jurisdiction over a child, that jurisdiction continues in that case until the child reaches the age of 21 years, unless the court terminates the case.

Cross reference: See Code, Courts Article, § 3-804~~(b)~~(c), providing that jurisdiction over a child in voluntary placement continues until the child is age 21, unless the court terminates the case.

Source: This Rule is new.

REPORTER'S NOTE

Proposed amendments to Rule 11-503 update references to Code, Courts Article, § 3-804 in subsection (a)(2)(A) and in the cross reference following section (q). Chapters 261/262, 2025 Laws of Maryland (SB 280/HB 1060) added new section (a) to § 3-804, re-lettering the subsequent sections. Accordingly, the proposed amendments to Rule 11-503 update the references to sections of § 3-804.

MARYLAND RULES OF PROCEDURE

TITLE 11 – JUVENILE CAUSES

CHAPTER 300 – GUARDIANSHIP TERMINATING PARENTAL RIGHTS

FORMS

AMEND Form 11-309 by correcting numbering in the form and by moving section I of the form before 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~~

REPORTER'S NOTE

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

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

AMEND Rule 11-410 by correcting a statutory reference in the cross reference following subsection (f)(1)(C), as follows:

Rule 11-410. WAIVER OF JURISDICTION

• • •

(f) Waiver Order

(1) Statement of Grounds; Contents of Order

If the court concludes that its jurisdiction should be waived, it shall prepare and file or dictate into the record a statement of the grounds for its decision and enter an order:

(A) waiving its jurisdiction and ordering the child held for trial under the appropriate criminal procedure;

(B) committing the child to the custody of the sheriff or other appropriate officer in an adult detention facility pending a pretrial release hearing pursuant to Rule 4-222; and

(C) if identifying information of a minor victim or other restricted information is in the case record, ordering the State's Attorney or other filer to comply with the requirements of Rule 20-201.1 prior to the transfer of the case record to the court exercising criminal jurisdiction.

Cross reference: See Code, ~~Courts~~ Criminal Procedure Article, § 11-301 pertaining to redaction of identifying information of a minor victim.

(2) Effect of Delinquency Petition

The delinquency petition shall be considered a charging document for the purpose of detaining the respondent child pending a pre-trial release hearing.

(3) Copies

Pending a pre-trial release hearing, the clerk promptly shall furnish to the appropriate officer true copies of the delinquency petition and the court's waiver order.

Source: This Rule is derived in part from former Rule 11-113 (2021) and is in part new.

REPORTER'S NOTE

A proposed amendment to Rule 11-410 corrects a reference to the Maryland Code in the cross reference following subsection (f)(1)(C), which was added in the 224th Report Rules Order. The statute is in the Criminal Procedure Article, not the Courts Article.

MARYLAND RULES OF PROCEDURE

TITLE 12 – PROPERTY ACTIONS

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 12-103 by updating the cross reference, as follows:

Rule 12-103. ACTION FOR RELEASE OF LIEN INSTRUMENT

When a mortgage or deed of trust remains unreleased of record, the mortgagor, grantor, or a successor in interest entitled by law to a release may file a complaint for release of the lien instrument in any county where the lien instrument is recorded. The person bringing the action shall include as defendants all other parties to the instrument unless their interest has been assigned or transferred of record, and in that case their successors in interest. If the court orders the lien instrument released of record, the clerk shall record the release in the manner prescribed by law.

Cross reference: Code, Real Property Article, § 7-106(e), § 3-105~~(d)~~(c), and § 3-105.1(e)(1).

Source: This Rule is new.

REPORTER'S NOTE

A proposed amendment to Rule 12-103 updates a cross reference at the end of the Rule. Chapters 65/66, 2025 Laws of Maryland (HB 347/SB 150) delete section (c) from Code, Real Property Article, § 3-105, re-lettering the subsequent sections. The proposed amendment to Rule 12-103 updates the citation to § 3-105 in the cross reference. A stylistic change also is made.

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 an Acting Circuit Administrative Judge, as follows:

Rule 16-104. CIRCUIT COURT – CIRCUIT ADMINISTRATIVE JUDGE

(a) Designation

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

(b) Duties

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

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

absence of the County Administrative Judge or acting County Administrative Judge for that court;

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

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

(c) Delegation of Authority

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

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

REPORTER'S NOTE

The Rules Committee proposes, at the request of the Chair of the Conference of Circuit Judges, that Rule 16-104 be amended to permit a Circuit Administrative Judge to designate another County Administrative Judge from the same circuit as Acting Circuit Administrative Judge in the Circuit Administrative Judge's temporary absence. This is accomplished by new section (c).

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)~~ 8-101(d).

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

REPORTER’S NOTE

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

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 from public inspection and by deleting the cross reference following section (d), as follows:

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

(a) Notice Records

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

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

(b) Special Judicial Unit Records

(1) Generally

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

(2) Exception

Access to administrative records of special judicial units that are not

subject to a confidentiality provision in the Rules governing the unit shall be governed by Rule 16-913.

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

(c) License Records

(1) Business License Records

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

(2) Marriage License Records

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

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

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

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

(d) Domestic Partnership Records

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

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

Source: This Rule is new.

REPORTER'S NOTE

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

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

MARYLAND RULES OF PROCEDURE
TITLE 18 – JUDGES AND JUDICIAL APPOINTEES
CHAPTER 300 – JUDICIAL ETHICS COMMITTEE

AMEND Rule 18-305 by correcting references in sections (c) and (d), as follows:

Rule 18-305. DUTIES

In addition to its other duties imposed by law, the Committee:

- (a) shall give advice, as provided in this Rule, with respect to the application or interpretation of the Maryland Code of Judicial Conduct and the Maryland Code of Conduct for Judicial Appointees;
- (b) is designated as the body to give advice with respect to the application or interpretation of any provision of Code, General Provisions Article, § 5-501 et seq. and § 5-601 et seq., to a State official in the Judicial Branch;
- (c) shall review timely appeals from the State Court Administrator's decision not to extend, under Rule ~~18-703~~ 18-603 or ~~18-704~~ 18-604, the period for filing a financial disclosure statement;
- (d) shall determine, under Rule ~~18-703 (e)~~ 18-603 (e) or Rule ~~18-704 (e)~~ 18-604 (e), whether to allow a judge or judicial appointee to correct a deficiency as to a financial disclosure statement or to refer the matter, as to a judge, to the Commission on Judicial Disabilities or, as to a judicial appointee, to the State Ethics Commission; and

(e) shall submit to the Rules Committee recommendations for necessary or desirable changes in any ethics provision.

Source: This Rule is derived from section (i) of former Rule 16-812.1 (2016).

REPORTER'S NOTE

Housekeeping amendments are proposed to sections (c) and (d) of this Rule to replace incorrect references to Rule 18-703 and Rule 18-704 with the correct references to Rule 18-603 and Rule 18-604.