

Circuit Court for Baltimore County Family Law Differentiated Case Management Plan

Pursuant to Md. Rule 16-202b.

(April 2015)

This Case Management Plan was submitted and approved by the Chief Judge of the Court of Appeals in October of 1994 when Differentiated Case Management was adopted in the Circuit Courts and was modified in 2006. Since that time a number of changes have necessitated a modification to this plan. These modifications have been incorporated into the DCM Plan.

Table of Contents

	Page
I. Family Law Cases	3
II. Civil (Domestic) Case Information Report	3
III. Uncontested Divorce Hearings	3
IV. Emergency Hearings	4
V. Temporary Ex Parte and Temporary Restraining Orders	4
VI. Settlement/Scheduling Conferences	5
VII. Assignment Guidelines	6
(1) Expedite Domestic Track	7
(2) Standard Domestic Track	7
(3) Child Access Evaluation Track	7
(4) Complex Domestic Track	8
VIII. Family Division Services & Programs	8
IX Contempt Petitions	10
X. Exceptions Hearings	11
XI. Pre-Trial Settlement Conferences	12
XII. Judicial Assignments	13
XIII. Completion of the Daily Dockets & Stand-By Policy	13
XIV. Continuance Policy	14
XV. Requests to Strike Appearance of Counsel	16
XVI. Settlement of the Case (Dismissals/ Consent Orders)	16
Appendix: Domestic Track Scheduling Chart	17

I. Family Law Cases

The policies and procedures described in this plan apply to the following types of cases:

- alimony
- custody & visitation
- use and possession of a family home
- absolute & limited divorce
- paternity
- child support (excluding cases filed by the Baltimore County Office of Child Support)
- post judgment modification of custody, visitation, use and possession of a family home, child support or alimony
- contempt of an order for custody, visitation, use and possession of a family home, child support or alimony
- adoption
- guardianship

-II. Civil (Domestic) Case Information Report

Pursuant to Md. Rule 2-111, a Civil (Domestic) Case Information Report must be filed with a complaint/petition and a copy must be served on the defendant/respondent. This form, which must be filed in certain domestic cases, is used to determine the issues in the case and whether the matter is contested or uncontested. (Note: As to the cases that are exempt from filing an information report, see the revised administrative order of the Chief Judge of the Court of Appeals dated December 10, 1996, effective January 1, 1997 in the Committee Note to Md. Rule 2-111.)

The court also recommends that an information report be filed with the response to a complaint or petition. Failure to file an information report may result in the court assigning the case to a track that may be contrary to the intent of a party or may result in the scheduling of a hearing or scheduling conference which may not be necessary.

III. Uncontested Divorce Hearings

All uncontested divorce proceedings are scheduled in the courthouse before a Family Division Magistrate or a Family Division Judge. All uncontested divorce

hearing are automatically scheduled by the Civil Assignment Office approximately 30 days after an answer has been filed or approximately 35 days after a default order has been issued. A Special Request for Hearing does not need to be filed with the court nor do litigants or attorneys need to make a telephone call to obtain a hearing date from the Civil Assignment Office. This program also is consistent with Md. Rule 16-202 (4.) which requires the "prompt disposition of uncontested matters" and at the same time assists pro se litigants and attorneys unfamiliar with the processes in Baltimore County in gaining quicker access to routine court proceedings. If a party or attorney has a conflict on the date of the scheduled hearing, they may call the Civil Assignment Office to reset the date. If the matter has become contested, the DCM Office should be contacted so that the hearing date is vacated and a Settlement/Scheduling Conference can then be scheduled.

IV. Emergency Hearings

If there is some immediate substantial injury that will result to the party or the party's child or children before a regularly scheduled hearing can be held, an emergency hearing may be considered in a domestic case. In order to request an emergency hearing, a motion must be filed (in motion format) and must be titled, MOTION FOR AN EMERGENCY HEARING. The motion should contain all of the relevant facts including the reason why the matter needs immediate court attention. It is helpful to include with the motion a statement regarding the time estimates to hear the motion and whether medical experts may or may not be called. Motions for emergency hearings should be sent to the opposing counsel/party.

An affidavit and certificate of service must accompany the motion for an emergency hearing detailing the facts that give rise to the emergency. In certain instances, where the party does not have the personal knowledge to support all of the facts in the motion, additional affidavits should be used. All affidavits are to be attached to motions for mailing and/or service and must be signed by the party not by counsel, unless the attorney has personal knowledge. The request for an emergency hearing will be reviewed by a Family Division Magistrate or the Family Division Coordinating Judge (unless the case is specially assigned, in which case it will be sent to the assigned judge), depending on the issues, and if approved, it will be scheduled before a Family Division Judge within 10 days by the Central Assignment Office, provided that the case is at-issue.

V. Temporary Ex Parte and Temporary Restraining Orders

Temporary ex parte orders for domestic violence cases or temporary restraining orders for domestic matters not pertaining to domestic violence are to be presented to the Chamber's Judge for a ruling. A party or their attorney may fax an advance copy to the chambers judge and arrange a time through that chambers to advise the opposing party or their counsel when the matter will be heard by the judge. The original request for ex parte relief must be filed with the Civil Department in the Clerk's Office before the matter is heard by the chambers judge. Ex parte requests may be denied without any chambers hearing if the request does not sufficiently

state a claim that may warrant ex parte relief or if proper notice is not given to the opposing side. Maryland Rule 15-504 requires that any ex parte request be accompanied by certification of notice, or alternatively, of specified efforts commensurate with the circumstances to attempt to provide notice to the opposing side or their counsel.

If the ex parte protective order is approved, domestic violence protective order hearings are set within seven days before a Family Division Judge. (See generally, Family Law Ann. Code of Md., 4-504 through 4-506.) If a temporary restraining order is granted, the party affected by the order may apply for modification or dissolution of the order on two days notice to the party who obtained the temporary restraining order. If notice is given, a hearing before a Family Division Judge will be scheduled at the earliest possible time. (See generally, Md. Rule 15-501 through Md. Rule 15-505.)

VI. Settlement/Scheduling Conferences

Once the case is at issue (i.e., when a counter complaint or the answer is filed to a complaint or petition), the DCM Office reviews the case and schedules the contested matter **within 30 days** for a Settlement/Scheduling Conference pursuant to Md. Rule 2-504. Scheduling Conferences are not held where the parties are in default of answering the complaint (or petition) or where a contempt petition and a show cause order have been filed. The Settlement/ Scheduling Conference has the following multiple purposes:

- (1) To provide an early opportunity for the parties to settle any of the issues in their case;
- (2) To establish track assignments;
- (3) To determine the contested issues in each case;
- (4) To determine the need for mediation, investigations, counseling or any other support related services; and
- (5.) To screen High Conflict domestic cases so that the parties and children can be identified for services as early as possible. This may result in High Conflict Parenting and Mediation or Evaluations in child access cases.

At the conference, all parties and attorneys first meet with a Family Division Magistrate to attempt to settle all or any of the contested issues in the case, to determine all issues and whether the case needs to be screened by a Family Support Services Social Worker. The Magistrate will also determine whether abuse exists in the case, determine the appropriate Scheduling Track and arrive at a time estimate for any necessary hearings. If the parties come to an agreement at the conference, the Magistrate will prepare a Consent Agreement that will be signed by all parties and attorneys and forwarded to a Family Division Judge for approval.

If the case is screened by a Family Support Services Social Worker, the Social Worker will determine whether the case is appropriate for a child access evaluation, an investigation, supervised visitation or any other family support services. (See some of these services listed below.)

If the entire case is not settled with the Family Division Magistrate, agreed dates are obtained from the attorneys and parties for the scheduling of parenting classes and mediation, *pendente lite* hearings, settlement conferences and, if appropriate, a final merits hearing. A computerized Scheduling Order will then be generated and distributed at the time of the conference. Hearing dates established at the time of the conference shall not be postponed except for extraordinary reasons.

Telephone scheduling conferences are also available if there are no contested children's issues and no party in the case is seeking a Complex Track. Attorneys who wish to conduct these conferences must first contact the DCM Office and arrange a date and time that is available by the court. The telephone conference must be conducted 30 days from the assignment date notice and the DCM staff will initiate the conference call on the agreed date and time.

Rescheduling a Settlement/Scheduling Conference: If a party and/or attorney is unable to attend a Settlement/Scheduling Conference, he/she **MUST** contact the DCM Office (410-887-2509) to obtain a new date/time. Failure to notify the DCM Office or failure to appear at the Settlement/Scheduling Conference may result in Scheduling Order being issued without any opportunity to be modified, or, if the moving party fails to appear, the matter being dismissed.

The DCM Coordinator will provide the party/attorney seeking to modify the date with new available dates to reschedule the Conference. That party/attorney must contact all parties or attorneys in the case and get an agreed date. The new date for the Conference must be set within twenty-one (21) days of the originally scheduled Conference date. If the parties/attorneys cannot agree on a new date within this timeframe, the party/attorney seeking to change the originally scheduled date will need to submit in writing to the DCM Coordinator a Request to Reschedule Settlement/Scheduling Conference. The Request shall contain the reason for the postponement and why a new date cannot be set with the 21-day timeframe. The Request will be reviewed and ruled upon by the Administrative Judge or her/his designee.

VII. Track Assignment Guidelines

A track assignment for all contested domestic cases will be made by a Family Division Magistrate, with assistance by a Family Support Services Social Worker, at the time of the Settlement/Scheduling Conference. A case will be assigned to one of following four tracks:

(1.) Expedited Domestic Track

Criteria: A contested case with minor property and/or child access issues. Simple contested modifications of child support and visitation shall also be scheduled using this track and shall be scheduled before a Family Division Magistrate. The anticipated length of the hearing should be ½ day or less.

Scheduling: If child support is the only issue, then the case shall be set for a final hearing before a Family Division Magistrate no more than 90 days from the date of the Scheduling Conference, otherwise the case shall be set for a Settlement Conference no more than 90 days after the Scheduling Conference. If necessary, a trial date shall be set at the time of the Settlement Conference and shall be set no more than 60 days from the date of the Settlement Conference. If Mediation is appropriate, a Mediation session will be scheduled approximately 60 days after the Scheduling Conference.

(2.) Standard Domestic Track

Criteria: A contested case that does not have significant financial issues (i.e., Complex Track) or high conflict child access issues (i.e., Child Access Evaluation Track), but the contested issues are not minor (i.e., Expedited Track). Modifications of custody that do not require a Child Access Evaluation and modifications of alimony shall also be scheduled under this track and shall be scheduled before a Family Division Magistrate, unless the Order being modified was a result of a hearing before a Judge (the case should be scheduled before the Judge who issued the Order in this scenario). The anticipated length of the hearing will be one to two days.

Scheduling: If a *Pendente Lite* hearing is requested, it shall be set before a Family Division Magistrate no later than 90 days from the date of the Scheduling Conference. A Settlement Conference shall be set no later than 120 days from the date of the Scheduling Conference. If necessary, a trial date shall be set at the time of the Settlement Conference and shall be set no more than 60 days from the date of the Settlement Conference. If Mediation is appropriate, a Mediation session will be scheduled approximately 60 days after the Scheduling Conference.

(3.) Child Access Evaluation Track

Criteria: A contested case where it has been determined by a Family Support Services Social Worker that a Child Access Evaluation is necessary. These cases will likely include high conflict issues, such as significant domestic violence, significant substance abuse, child protective orders and/or other significant contact by the parties with the Department of Social Services, significant and reoccurring mental health issues and any other high conflict issues between the parties that necessitate a Child Access Evaluation.

Scheduling: A Child Access Evaluation Conference shall be set approximately 120 days from date of the Scheduling Conference. If a *Pendente Lite* hearing is

requested, it shall be set before a Family Division Magistrate no more than 30 days after the date of the Child Access Evaluation Conference. A Settlement Conference shall be set no more than 30 days after the Child Access Evaluation Conference, or 30 days after the *Pendente Lite* hearing, if one is requested. If necessary, a trial date shall be set at the time of the Settlement Conference and shall be set no more than 60 days from the date of the Settlement Conference.

If at the time of the Scheduling Conference a Magistrate determines that one of the parties does not have any access at all, the parties will be referred for a Mediation session on that date to attempt to resolve the access issue. If the access issue is not resolved at that time, a *Pendente Lite* hearing will be scheduled within 30 days of the date of the Scheduling Conference to address the child access issue only.

(4.) Complex Domestic Track

Criteria: A contested case with extensive property holdings, complicated business valuations, significant assets held in various forms, contested pensions and legitimate claims for significant alimony. The anticipated length of the hearing will be three days or more.

Scheduling: If a *Pendente Lite* hearing is requested, it shall be set before a Family Division Magistrate no later than 180 days from the date of the Scheduling Conference. A Settlement Conference shall be set no later than 240 days from the date of the Scheduling Conference and a trial date shall be set at the time of the Scheduling Conference and shall be no later than 270 days from the date of the Scheduling Conference. If the complex financial case also has high conflict child access issues and it is determined that a Child Access Evaluation is necessary too, then a Child Access Evaluation Conference will be scheduled approximately 120 days after the Scheduling Conference. If Mediation is appropriate, a Mediation session will be scheduled approximately 60 days after the Scheduling Conference. A follow up status conference with the Family Division Coordinating Judge will be scheduled approximately 45 days from the date of the Scheduling Conference to address discovery issues, to possibly resolve specific disputes in the case, and to streamline or narrow issues before the Settlement Conference or trial.

Complex cases are not automatically specially assigned to a judge. If the parties/attorneys wish to have a Complex case specially assigned, they will need to submit a request, in writing. Written requests should be submitted to the Family Law Administrator, who will review the case file with the Family Division Coordinating Judge to determine whether the case shall be specially assigned.

VIII. Family Division Services & Programs

The following are some of the services that may be ordered as part of an ongoing contested domestic case. Ideally, the need for any service will be determined at the time of the Settlement/Scheduling Conference, however, a Judge may order, or a

Family Division Magistrate may recommend any of these services at anytime in the case process. The services and programs are as follows:

(A.) Co-Parenting Classes - This course is available in the courthouse twice a month to all parties. It is recommended that this program be taken prior to any scheduled mediation. Designed to educate parents about the impact that divorce or separation may have upon children, these classes also explain better ways to understand relationships and assist parents in finding more improved methods of communication. There is a fee for Co-Parenting education classes.

(B.) Intensive Service Parenting Workshop - After careful screening, cases may be referred to High Conflict Parenting Classes. High Conflict Parenting Classes will concentrate on those areas that make effective parenting difficult such as domestic violence, substance abuse and mental health issues. Parallel parenting skills will be stressed in order to reduce the conflict levels. There is no fee for the Intensive Service Parenting Workshop.

(C.) Supervised Visitation and Monitored Exchange - Supervised visitation and a monitored exchange of children for visitation are provided through the Family Division. The service is provided at a neutral site location under certain restrictions ordered by a Family Division Judge. This program is coordinated through the Family Support Services Office in the Family Division and there is a one-time orientation fee for both parents.

(D.) Mediation - Pursuant to Md. Rule 9-205, a case may be referred to mediation on custody and visitation issues. The mediation session may take place at the time of the Settlement/Scheduling Conference or on an agreed future date scheduled at the time of the conference. All mediation sessions are held in the County Courts Building with fully trained staff mediators from the Office of Family Mediation. There is a fee for Mediation.

(E.) Intensive Services Mediation - Intensive Services Mediation will be conducted after parenting classes are conducted. This will mostly be a facilitative, problem-solving process that allows the parties to be interviewed separately (i.e. caucus method), if necessary. This process also helps in identifying the underlying problems of the dispute and a methodology for improving communications between the parties. There is a fee for Intensive Services Mediation.

(F.) Family Support Services - Special services are coordinated through the Family Support Services Office including mental health counseling, substance abuse counseling and treatment and anger management counseling. There may be fees charged by the various providers of these services.

(G.) Child Access Investigations - Child Access Investigations and Home Studies are conducted by the staff of the Family Support Services Office, usually within 60 to 90 days after being requested by a Family Division Judge or Magistrate. Psycho-social assessments and emergency investigations are performed

by social workers in the Family Support Services Office. There is a fee for each home study, but not for any other investigation services.

(H.) Psychiatric Evaluations -These are conducted by the Office of the Court Psychiatrist when ordered by a Family Division Judge. Two forensic psychiatrists, one forensic psychologist and a clinician are available to perform these family mental health assessments. Psychiatric Evaluations may be part of the Child Access Evaluation, if the Family Support Services Social Worker determines one is necessary, or a party may file a Motion for a Psychiatric Evaluation. There is no fee for a Psychiatric Evaluation.

(I.) Child Access Evaluations - These reports will include information such as: the quality of relationship between parent and child, the ability of each parent to parent a child, the relationship between the parents and their ability to co-parent, the mental health of the parties, the mental health of the child and the patterns of domestic abuse. At the conclusion of the evaluation, a conference is held for purposes of presenting the report and reaching an agreement with the parties. If need be, mediation can be utilized to further encourage this agreement. There is a fee for a Child Access Evaluation.

Requests to Rescind Orders for Family Division Services: If Family Division Services, such as a Child Access Evaluation, Home Study or Investigation, are ordered through the Family Support Services Office (FSSO) and a party fails to comply with the Order, either by not contacting or responding to the FSSO or by failing to appear at scheduled appointments, the FSSO staff will first attempt to contact all parties and/or their attorneys to try and resolve the issue. If this attempt fails, the Family Law Administrator will prepare an Order to Rescind Court Ordered Family Support Service, indicate the reason why the Service is being rescinded, and present the Order to the Family Division Coordinating Judge. If the Order is signed, any pending Child Access Evaluation Conference will also be vacated.

Requests for Waiver of Family Service Fees: Any request to waive a family service fee must be made in writing and accompanied by a current Financial Affidavit of the party making the request. Requests for waiver shall be filed with the Civil Division in the Clerk's Office, directed to Richard Abbott for review, and ruled upon by the Administrative Judge.

IX. Contempt Petitions

Pursuant to Md. Rule 15-206(c) (2), the Court refers all Petitions for Contempt of Visitation or Financial issues to a Pre-Hearing Contempt Conference. These conferences, which are held 25 to 30 days after the filing of the contempt proceeding, are designed to facilitate a settlement before a staff mediator. If the petition and show cause order is not served, the Pre-Hearing Conference is not held. If all issues are not settled or if the mediator rescinds the mediation, the Civil

Assignment Office will schedule the case for a contempt hearing before a Family Division Magistrate approximately 20 to 30 days after the conference. With respect to all other contempt cases not scheduled for a Pre-Hearing Conference, Civil Assignment staff will assign these a hearing date approximately 30 days (but no earlier than 20 days) from the date the petition is filed. This hearing date is then entered on the show cause order. The petition and show cause order will then be presented to the Chamber's Judge for his/her signature. The show cause order, together with a copy of any petition and other document filed in support of the allegations of contempt, shall be served on the party pursuant to Rule 15-206(d)...

When a hearing is held on a civil contempt issue and the Family Division Magistrate concludes that there are reasonable grounds to believe that the party is in contempt and that incarceration may be an appropriate sanction (pursuant to Md. Rule 9-207 d.), the Family Division Judge does not enter an order or judgement in the case. Instead, a summons is issued at the time of the Magistrate's hearing and a subsequent hearing is held before a Family Division Judge approximately 30 days (but not earlier than 20 days) from that date. At the time of the Magistrate's hearing, the defendant is informed of the notice set forth in Rule 15-206 (c)(2) that he or she may hire private counsel or must contact the Public Defender's Office at least 10 business days prior to the date of the new hearing before a Family Division Judge. All issues before the Family Division Judge are held de novo since no exceptions are actually filed in the case. (Note: See Md. Rule 9-207, effective October 1, 2000.)

X. Exceptions Hearings

In accordance with Md. Rule 9-207(f), a party may file exceptions to a Family Division Magistrate's decision with the Clerk within ten days after the filing of the Magistrate's written report. Counter exceptions must be filed within ten days of service of the exceptions. If exceptions are not filed within ten days, the pendente lite order is sent to the Chamber's Judge for signature.

If exceptions are filed within the required time limit and a hearing is requested with the exceptions or by an opposing party within ten days after service of the exceptions, the matter will be scheduled for a hearing within 60 days after filing the exceptions, unless the parties otherwise agree in writing (Md. Rule 9-207 (i) (2)). All notices setting the date for hearings on the exceptions will be forwarded separately by the Civil Assignment Office and will not be included in the Scheduling Order. However, all dates and time requirements as prescribed in the Scheduling Order will remain in effect. If an appropriate request for hearing ~~the exceptions~~ is not filed, the exceptions will be referred to a Family Division Judge within 60 days after the filing of the exceptions.

If, at the time of the hearing before the Family Division Magistrate, the Magistrate determines that extraordinary circumstances exist and the Magistrate recommends that an order concerning pendente lite relief be entered immediately, the court will afford the parties oral argument before an immediate order may be entered (Md.

Rule 9-207 (h) (2)). The parties/counsel shall schedule the oral argument through the Central Assignment Office. If the question of extraordinary circumstances arises subsequent to the Magistrate's hearing and exceptions have been filed, the parties/counsel may request by motion an emergency hearing on the exceptions with the Administrative Judge. (See generally, Section IV. Emergency Hearings and Md. Rule 9-207, effective October 1, 2000.)

XI. Pre-Trial Settlement Conferences

(A.) Matters Referred: All contested divorce, custody and visitation matters, including those before the Court on a request for modification, will be scheduled for a conference in Settlement Court. The date of the Conference will be set at the Scheduling Conference or when the initial Scheduling Order is issued. All Pre-Trial Settlement Conferences are held before a retired judge. The Settlement Judge, acting in a recall capacity, will place on the record any settlement agreement reached between the parties.

(B.) Postponement or Cancellation of a Settlement Conference: Any request to postpone or re-schedule a settlement conferences must be made in writing in accordance with the Family Division Postponement Policy. Requests made within ten days of the scheduled conference are strongly discouraged. If a case settles in advance of the settlement conference, parties or their council must notify the Settlement Office at 410-887-2920 so the matter is removed from the settlement schedule.

(C.) Attendance at Settlement Conference: Unless requested in writing and approved in advance of the settlement conference, parties and counsel must appear in person. If parties or counsel anticipate that divorce testimony will be placed on the record, a corroborating witness should also be present.

(D.) Required Documentation: In advance of any Settlement Conference, counsel and unrepresented parties are required to prepare and exchange initial drafts of a Maryland Rule 9-207 Joint Statement of Parties Concerning Marital and Non-Marital Property in all cases with contested issues involving marital property. Although a finalized Joint Statement is not required at the Settlement Conference, the initial drafts must be provided to the settlement judge for use in the Settlement Conference.

Also, in advance of any Settlement Conference, counsel and unrepresented parties are required to prepare and exchange proposed Child Support Guidelines in all cases with contested child support issues. The draft guidelines must be provided to the settlement judge for use in the Settlement Conference.

(E.) Procedure for Scheduling Merits Hearing: Upon arrival in Settlement Court, parties and counsel will set a tentative agreed date for a merits hearing before

meeting with a Settlement Judge except in Complex Domestic cases, which will already have a trial date. If the case is not resolved in Settlement Court, that trial date will be finalized, and can only be postponed by the Administrative Judge. Any follow up Settlement Conference must be set prior to that date.

XII. Judicial Assignments

Pursuant to Md. Rule 16-204(a) (4), the County Administrative Judge has designated judges to specifically sit in the Family Division of the Circuit Court. These judges will sit in the Family Division for a six-month period.

If a Family Division Judge has held a substantive hearing (i.e., pendente lite hearing or a trial on the merits), then the case will remain with that judge and will be referred back to that judge for hearings on modifications and contempt petitions, even if the judge is no longer sitting in the Family Division. A Judge may refer a routine modification or contempt of child support to a Family Division Judge for hearing.

XIII. Completion of the Daily Dockets & Stand-By Policy

In order that attorneys and parties are aware of how cases are prioritized in terms of assigning judges to hear civil domestic and non-domestic cases, the following policies and procedures have been adopted.

(A.) Completion of the Daily Docket - The Central Assignment Office completes the daily judicial assignments based upon the following criteria:

- (1.) Carryovers from the previous day;
- (2.) Specially assigned cases;
- (3.) "Right-of-way" cases (i.e., those cases previously postponed by the court because of the unavailability of a judge or jury or those cases that have been approved in writing as right-of-way because of an out-of-state witness or party);
- (4.) Stand by cases from the previous day; and
- (5.) Cases regularly scheduled for a trial or hearing. Priority is not given as to any type of case. Assignment of cases will be given to the oldest case first, however, the estimated length of trial and the availability of judges are also factors in assigning cases on a daily basis.

(B.) Stand-By Policy - On days when there are more cases than judges available to hear them, the Central Assignment Office will place the case on "Stand By." Parties and their attorneys will still be required to appear at the courthouse on the trial date, but will be referred to the Settlement Office for a follow up Settlement Conference with a Settlement Court Judge. If the case can

be resolved, in whole or in part, at this conference, the settlement agreement will be placed on the record. If the case cannot be resolved and a Family Division Judge becomes available that day, the case will be assigned and go forward. If the case is not fully resolved and cannot be reached on the assigned trial date, a new, agreed trial date will be scheduled. Whenever possible, cases that have been administratively postponed because they could not be reached by the Court on the original trial date will be given priority on the new trial date.

XIV. Continuance Policy

It is the policy of this Court to resolve family law disputes without unnecessary delay or undue waste of the time and other resources of the Court, the litigants, and other case participants. Although it may be necessary or appropriate to postpone a hearing or court event, such requests should be based upon a showing of good cause, and should be done well in advance of any scheduled court deadline or event. Requests for postponement are particularly disfavored on the day of a hearing or trial. The Court also views with disfavor any request for postponement or for modification of a scheduling order that delays the resolution of the matter beyond twelve months from the date of filing, which is the case time standard that applies to domestic proceedings other than complaints for limited divorce.

Form of Request: The date of a Show Cause Hearing, motions hearing, or a mediation may be reset by conference call between the parties and the Court. If the party requesting the change is unable to arrange a conference call with all necessary parties or counsel, or obtain agreement on a new proposed date, the request must then be made in writing and directed to the Civil Assignment Clerk to process. All such requests must be made no later than fifteen days prior to the scheduled event. Conference calls to re-schedule a Show Cause or motions hearings shall be directed to Civil Assignment at 410-887-2660; and for Mediation shall be directed to the Family Services Office at 410-887-6570.

All other requests for modification of a scheduling order or for postponement of a settlement conference, hearing or trial shall be in writing. If all parties consent to the modification or postponement, the request can be in letter format. If the request is opposed, or if the party making the request is unable, despite reasonable effort, to ascertain the position of another party or counsel, the request should be made by motion. All requests must set forth the basis for the modification or postponement, the position of other parties or their counsel, and provide suggested new scheduling dates. If a contested request is made less than three weeks before a scheduled hearing or trial, it should be accompanied by an appropriate motion to shorten time.

“Good Cause” Requirement: The following are examples that are usually considered “good cause” for postponement:

- Trial date conflict: The first case set takes precedence;

- Serious illness of, or death in the family of, a party, counsel, or necessary witness;
- Vacation(s) scheduled prior to any assigned trial or hearing date; Requests for postponement must be made within ten (10) calendar days of notification of the scheduled event;
- Counsel is in trial in another matter that carries over to cause a conflict with the Baltimore County date;
- A party did not receive notice of the hearing or trial, through no fault of the party or their counsel.
- Facts or circumstances arising or becoming apparent too late in the proceedings to be corrected in advance of the hearing, and which, in the view of the Court, would likely cause undue hardship or a possible miscarriage of justice if the hearing or trial proceeded as scheduled.

The following are generally NOT “good cause” for postponement:

- Vacations(s) scheduled after establishing a trial or motion date;
- Consent of counsel without compelling reason or a substantive basis;
- The matter has not previously been postponed;
- Any matter known or which should have been known when the trial date became firm;
- New counsel has entered an appearance or a party wishes to change counsel;
- Discovery is incomplete or was just provided;
- A party wishes to conduct further investigation;
- A party or counsel is unprepared to try to case for reasons including, but not limited to, the party’s failure to cooperate with or maintain necessary contact with counsel.

Rulings on Requests to Modify Scheduling Orders or to Postpone - Advance requests to postpone hearings scheduled before a Magistrate will be referred to a Family Division Magistrate designated by the Administrative Judge for ruling. Any party or attorney seeking review of the decision by the Designated Family Division Magistrate may request reconsideration in writing, which will be referred to the Family Division Coordinating Judge, and if that judge is not available, the matter will be referred to the Administrative Judge for final review.

Requests to postpone hearings before a Magistrate that are made on the day of trial are referred to the Family Division Coordinating Judge for ruling. Parties and/or counsel should report to the assigned courtroom and advise the Magistrate of the postponement request. The Magistrate will then notify the Family Division Coordinating Judge and refer the parties and counsel to the appropriate courtroom for a hearing on the postponement request.

Requests for postponement or modification of scheduled dates in cases that are specially assigned shall be referred to the assigned judge. New dates will be set on the assigned judge's calendar and confirmed with the Assignment Office, regardless of whether the re-set date is during a period when the assigned judge is in a Family Division rotation.

Advance requests for all other scheduling changes shall be referred to the Administrative Judge for ruling. Requests filed within fifteen days of a hearing or trial are processed through the Central Assignment office. All other requests are processed through the Civil Assignment office.

Requests for postponement made on the date of a hearing or trial shall be heard on the record before the assigned judge. Postponements on the date of trial are strongly disfavored, and should only be granted upon a compelling showing of good cause or other special circumstance. If a case is postponed, parties and counsel shall be directed to the Civil Assignment office to select an agreed re-set date.

XV. Requests to Strike Appearance of Counsel

Absent a showing of some compelling circumstance, a Motion to Strike Appearance of Counsel will not be granted within 14 day period before an assigned settlement conference or hearing date unless accompanied by the entry of appearance of another attorney. Similarly, a Motion to Strike Appearance of Counsel will ordinarily not be granted during a period when counsel is responsible to submit a draft Order to the Court based upon a prior hearing or ruling. Counsel are reminded that, pursuant to Rule 2-132(b) the Court "may deny the motion if withdrawal of the appearance would cause undue delay, prejudice or injustice."

XVI. Settlement of the Case (Dismissals/Consent Orders)

If after an initial judicial hearing or after the pendente lite hearing is held, the case is settled and a consent order is filed with the court, an uncontested divorce hearing will be set before the Magistrate. Counsel shall notify the Civil Assignment Office of all settlements that occur before or after the pendente lite stage. The consent order must be signed by all attorneys or all parties for the pendente lite hearing to be removed from the daily docket.

Counsel shall also notify the Civil Assignment Office of all settlements of final merits hearings that occur at least ten days prior to the settlement conference date. If settlement occurs between the settlement conference and the date of trial, the Central Assignment Office should be notified.

Domestic Track Scheduling Chart

Expedited Domestic Track

Case At-Issue		Day 1
Scheduling Conference	+30 Days	Day 31
-If Mediation	+60 Days	Day 91
-Child Support only issue – Hearing (Magistrate)	+60 Days	Day 91
-Child Access Issues—Settlement Conference	+90 Days	Day 121
Merits Trial (Magistrate)	+30 Days	Day 151

Standard Domestic Track

Case At-Issue		Day 1
Scheduling Conference	+30 Days	Day 31
-If Mediation	+60 Days	Day 91
-If PL Hearing (Magistrate)	+90 Days	Day 121
Settlement Conference	+120 Days	Day 151
Merits Trial (Judge or Magistrate)	+60 Days	Day 211

-If Unmarried Custody Case, Modification of Custody or Alimony (Magistrate, unless Order being modified is result of a previous Judge Hearing, then trial before Judge who issued the Order)

-Divorce Hearing (Judge)

Child Access Evaluation Track

Case At-Issue		Day 1
Scheduling Conference	+30 Days	Day 31
-If no access, referred to Mediation day of Conference		Day 31
-If no access and no resolution at Mediation, PL on Access Issue Only	+30 Days	Day 61
Child Access Evaluation Conference	+120 Days	Day 151
-If PL Hearing (Magistrate)	+30 Days	Day 181
Settlement Conference	+30 or 60 Days	Day 181 or 211
Merits Trial (Judge)	+60 Days	Day 241 or 271

Complex Domestic Track

Case At-Issue		Day 1
Scheduling Conference	+30 Days	Day 31
- Status Conference w/Lead Family Judge	+45 Days	Day 76
-If Mediation	+60 Days	Day 91
-If Child Access Evaluation Conference	+120 Days	Day 151
-If PL Hearing (Magistrate, unless specially assigned)	+180 Days	Day 211
Settlement Conference	+240 Days	Day 271
Merits Trial (Judge)	+270 Days	Day 301