

The Circuit Court for Queen Anne's County
Civil Domestic Differentiated Case Management Plan

Md. Rule 16-302(a) provides that the county administrative judge shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible.

Md. Rule 16-302(b)(1)(A) mandates that the county administrative judge shall develop and, upon approval by the chief judge of the Court of Appeals, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification. This plan serves as a guide to the management of cases in Queen Anne's County.

The provisions set forth in this plan are intended to serve as a general guideline for the processing of cases which come before the Circuit Court for Queen Anne's County. However, the provisions are not intended to be rigid, given that circumstances related to any particular case may require flexibility to ensure fairness. Additionally, this plan is prepared within the confines of case time standards and the plan does not purport to override any requirements of the Md. Rules or the Annotated Code of Maryland.

It is the goal of this plan to ensure that all domestic matters be concluded within the Case Time Standards adopted by the Judicial Council, Constitutional requirements and applicable Md. Rules. To achieve this goal, the Circuit Court for Queen Anne's County is committed to resolving different categories of cases within a regular and predictable time frame warranted by the needs of those cases.

The Circuit Court for Queen Anne's County recognizes the importance of providing all litigants in domestic cases with prompt, fair access to justice. The family services coordinator is an invaluable resource in providing that access. The family services coordinator aides the judge and the magistrate by compiling and maintaining a list of all family-centered services available in the community, coordinating and monitoring resource referrals made by the judge and the magistrate and informing the judge and the magistrate when a need arises for additional family-centered services.

I. CIVIL DOMESTIC MATTERS

A. SCHEDULING

When a domestic matter such as divorce, annulment, child custody and/or access, child support, alimony/spousal support or the modification of such, is filed with the court, the clerk issues an appropriate summons to the non-moving party.

The clerk's office identifies those cases in which there has been no activity for 60 days and notice is issued advising the moving party of the need to timely take further action. If no action is taken in response to the notice, the matter is referred to the assignment commissioner for scheduling of a status conference before the magistrate or judge or the matter is dismissed, depending on the circumstances of the case.

The Circuit Court for Queen Anne's County
Civil Domestic Differentiated Case Management Plan

The court holds two (2) regularly scheduled dockets each month for the purposes of scheduling and status conferences and motions hearings, but matters may be specially set to accommodate specific circumstances, ensure compliance with time standards and in the interests of judicial economy.

1. Status Conference

At the status conference, the magistrate advises the moving party of the need to take further action and sets another status conference. If the moving party takes further action, the status conference is vacated, and the matter proceeds as is appropriate. If the moving party fails to take further action, the case is dismissed at the second status conference.

2. Uncontested Matters

If an answer is filed indicating no contested issues, the assignment commissioner will set the case before the magistrate as soon as is practicable. In cases when a default is entered, the matter is scheduled at least 30 days after entry of the default, consistent with the Md. Rules.

3. Scheduling Conference

If an answer is filed indicating that there are contested issues, the assignment commissioner will set the case for a scheduling conference before the magistrate. The scheduling conference is set within 30-45 days after filing of the answer and notices are issued.

All counsel and parties are required to appear at the scheduling conference. The magistrate determines the disputed issues and establishes dates and deadlines for the progression of the case, including deadlines for discovery, designation of experts, and the filing of pre-trial statements, proposed joint statements of marital/non-marital property and the joint statement concerning decision-making authority and parenting time, as may be appropriate. The magistrate will also set a date for a settlement conference, which is typically scheduled within 30 days after the close of discovery. The deadline for filing a pre-trial statement, proposed joint statement of marital/non-marital property and joint statement concerning decision-making authority and parenting time, as may be appropriate, is 10 days prior to the date of the settlement conference.

At the scheduling conference, the magistrate may recommend family services, including, but not limited to, co-parenting education, the appointment of child counsel, psychological evaluation, or a substance use assessment. The family services coordinator aides the court in preparing the referral orders. The magistrate may also refer certain cases to day-of-court mediation, when available. Otherwise, except as proscribed by Md. Rule 9-205(b), all other cases are referred to mediation. The deadline for mediation is approximately ten (10) days prior to the close of discovery.

If requested, and deemed necessary and appropriate by the magistrate, a date for a *pendente hearing* may be set at the scheduling conference. The *pendente lite* hearing is scheduled as soon as is practicable given the circumstance of the case and the magistrate's calendar.

The magistrate's recommendations, the proposed scheduling order, the proposed family service orders, if any, and the mediation order are then forwarded to the judge for consideration and signature.

4. Settlement Conference

Settlement conferences take place before a senior judge or the magistrate. The court holds four (4) regularly scheduled dockets each month for the purposes of settlement conferences. Two (2) dates are before a senior judge and two (2) dates are before the magistrate. Matters may be specially set to accommodate specific circumstances, ensure compliance with time standards and in the interests of judicial economy. All parties and all attorneys who will be litigating the case must appear at the settlement conference.

Continuing a settlement conference is strongly discouraged and will only be permitted in extreme circumstances. If the matter has not been fully resolved at a settlement conference before the senior judge, the parties shall immediately appear before the presiding judge for a discussion of the issues and a trial date will be set. If the presiding judge is not available, the parties shall immediately proceed to assignment for the scheduling of trial. Trial is set no more than 90 days after the settlement conference. In cases that are fully settled before the senior judge, whether or not the terms of the agreement are placed on the record before the presiding judge, a status conference shall be scheduled within 45 days to allow for submission of a consent order.

If the matter has not been fully resolved at a settlement conference before the magistrate, a trial date is obtained from assignment by the magistrate and deadlines are established for updating financial information, where appropriate. A trial/hearing is typically set no more than 90 days after the settlement conference. Depending on the contested issues, the trial/hearing may be scheduled before the judge or the magistrate, as the parties agree, and as may be convenient to the court's calendar. In cases that are fully settled before the magistrate, the terms of the agreement are placed on the record before the magistrate and a status conference is scheduled within 45 days to allow for submission of a consent order, or the magistrate will prepare the order. In cases that are partially settled before the magistrate, the terms of partial agreement are placed on the record before the magistrate and the magistrate will prepare the order. In all settlement conferences before the magistrate, regardless of the outcome, recommendations are issued and forwarded to the judge for review and consideration, consistent with the Md. Rules.

B. TRIAL/HEARING

In trials scheduled before the judge, if a ruling is not issued from the bench, an opinion and order or judgment is timely filed.

In hearings scheduled before the magistrate, the magistrate announces the findings of fact and recommendations on the record, schedules the matter for further proceedings in which a written report is generated and read into the record, or holds the matter *sub curia* and issues a written report. In all circumstances, the magistrate's report, recommendations and findings of fact and a proposed order are forwarded to the judge for review and consideration, pursuant to

the Md. Rules. If exceptions to the magistrate's findings of fact and recommendations are filed, an exceptions hearing is scheduled before the judge as soon as is practicable and in accordance with the timelines established by the Md. Rules.

C. CHILD SUPPORT MATTERS

1. Office of Child Support Enforcement (OCSE)-Paternity and Establishment/Modification of child support

When a paternity and/or child support action is filed by the OCSE, the clerk issues a summons. The petition/complaint and summons are forwarded to the OCSE for service, or to the sheriff, as may be requested by the OCSE. At such time as an answer or affidavit of service is filed, the matter is set for a hearing that is at least 30 days from the date of filing of the answer or affidavit. If an affidavit of service is not filed after 120 days, a notice of contemplated dismissal will be issued by the clerk's office.

Paternity and establishment/modification of child support matters are scheduled before the magistrate. The court has one (1) regularly scheduled docket each month for these matters. However, matters may be specially set to accommodate specific circumstances, ensure compliance with time standards and in the interests of judicial economy.

In cases where paternity has not yet been established, the matter will be scheduled before the magistrate for an initial appearance. During the proceedings, the alleged father will be advised of the allegations contained in the petition and afforded the opportunity for genetic testing. If testing is requested, an order will be issued establishing the date, time and location of genetic testing. A hearing will also be scheduled to determine paternity and to proceed with establishment of child support, if appropriate. The hearing is typically scheduled on the first child support docket following the date the genetic testing is scheduled to occur. If testing is waived and the alleged father admits to paternity, the matter will proceed on that day with the establishment of child support, where requested.

If paternity has already been established, or the parties have submitted to voluntary genetic testing and have already received the results of that testing, the magistrate will proceed with testimony regarding the establishment of child support, where requested.

At the conclusion of the hearing, the magistrate announces the findings of fact and recommendations on the record and written recommendations are distributed in the courtroom. The magistrate's report, recommendations and findings of fact and a proposed order are forwarded to the judge for review and consideration, pursuant to the Md. Rules. If exceptions to the magistrate's findings of fact and recommendations are filed, an exceptions hearing is scheduled before the judge as soon as is practicable and in accordance with the timelines established by the Md. Rules.

The Circuit Court for Queen Anne's County
Civil Domestic Differentiated Case Management Plan

If an establishment/modification of child support matter is filed by the OCSE and a custody action is pending, the companion custody action will be noted on the case and no action will be taken in the child support matter until the custody action is resolved. It is the goal of the court to schedule the custody and child support matters at or around the same time to preserve the interests of justice and promote judicial economy.

2. Private party actions for establishment/modification of child support

When a private party files for establishment or modification of child support, the matter proceeds as described in earlier sections of this case management plan. In those circumstances where the action is contested, an abbreviated scheduling conference occurs before the magistrate. The parties are referred to mediation, when appropriate, given deadlines to exchange certain, specified financial documents and the parties are given a date for a hearing before the magistrate.

At the conclusion of the hearing, the magistrate announces the findings of fact and recommendations on the record and written recommendations are distributed in the courtroom. In rare circumstances, the magistrate may schedule the matter for further proceedings in which a written report is generated and read into the record, or the magistrate holds the matter *sub curia* and issues a written report. In all circumstances, the magistrate's report, recommendations and findings of fact and a proposed order are forwarded to the judge for review and consideration, pursuant to the Md. Rules. If exceptions to the magistrate's findings of fact and recommendations are filed, an exceptions hearing is scheduled before the judge as soon as is practicable and in accordance with the timelines established by the Md. Rules.

3. Office of Child Support Enforcement (OCSE)-Request for suspension or reinstatement

Requests for suspension by the OCSE are treated as motions requiring a certificate of service and are given an 18-day response period. A motion to suspend may be ruled on without a hearing, unless a response is filed opposing the requested relief.

If a motion to reinstate is filed by the OCSE, and the matter has been closed for more than 30 days, the clerk will issue a summons to be served on the opposing party and forward the summons and motion to the OCSE or the sheriff, as may be requested by the OCSE. A motion to reinstate may be ruled on without a hearing, unless a response is filed opposing the requested relief.

D. CIVIL CONTEMPT PROCEEDINGS

1. Office of Child Support Enforcement (OCSE)

In contempt actions filed by the OCSE for non-payment of child support, the OCSE files a contempt petition and proposed show cause order. The matter is reviewed by the magistrate and a date is set for an initial appearance before the magistrate. The date of the initial appearance is at least 75 days from the date of the filing of the petition. The clerk also issues a

The Circuit Court for Queen Anne's County
Civil Domestic Differentiated Case Management Plan

summons. The petition, the show cause order and the summons are forwarded to the OCSE for service, or to the sheriff, as may be requested by the OCSE.

If unserved within five (5) days before the date of the initial appearance, the clerk's office will remove the initial appearance from the docket and the OCSE must file a request to reissue. If the unserved party appears in court on the date of the initial appearance and, after fully being advised of his or her due process rights, consents, the magistrate may proceed with the initial appearance on that date.

At the initial appearance, the party alleged to be in contempt is advised of the allegations contained in the petition, his right to counsel and the matter is scheduled for further contempt proceedings. The magistrate may also make referrals to community resources, including available employment programs. If, after further contempt proceedings occur, the magistrate concludes that a referral to the judge for contempt is appropriate, the magistrate will provide the alleged contemnor with both an oral and written advice of rights and a date to return for a contempt hearing before the judge. The contempt hearing is scheduled before the judge within 60 days of the last proceeding before the magistrate.

When it is determined at a court proceeding that regular child support payments have been received, or that the alleged contemnor is in compliance with the directives of the court, no further hearings will be scheduled, and the case will be closed.

The court holds two (2) regularly scheduled dockets each month for the purposes of addressing the OCSE contempt matters, one (1) day each before the judge and the magistrate. Matters may be specially set to accommodate specific circumstances, ensure compliance with time standards and in the interests of judicial economy.

2. Private party

In contempt actions filed by private individuals, the magistrate will review the petition for contempt and prepare a show cause order for the judge's consideration. If incarceration is requested in the petition for contempt, a notice of rights is included as part of the show cause order. All privately filed constructive civil contempt matters are typically set before the magistrate, regardless of whether or not jail time is requested.

When issued, the show cause order contains a date for a show cause hearing and the deadlines for service of the petition and order and the filing of an answer. The date for the show cause hearing is typically set 45 days from the date of issuance of the show cause order.

The show cause order also provides a deadline for filing an affidavit of service or request to reissue. The deadline is approximately ten (10) days after the deadline established for service. Once the deadline has passed, and after review by the magistrate, if an affidavit of service or request to reissue has not been filed, an order will be issued dismissing the matter.

The Circuit Court for Queen Anne's County
Civil Domestic Differentiated Case Management Plan

At the show cause hearing, the magistrate announces the findings of fact and recommendations on the record, schedules the matter for further proceedings in which a written report is generated and read into the record, or holds the matter *sub curia* and issues a written report. In all circumstances, the magistrate's report, recommendations and findings of fact and a proposed order are forwarded to the judge for review and consideration, pursuant to the Md. Rules. If exceptions to the magistrate's findings of fact and recommendations are filed, an exceptions hearing is scheduled before the judge as soon as is practicable and in accordance with the timelines established by the Md. Rules.

If there are reasonable grounds to believe that a party is in contempt and that incarceration is an appropriate sanction, the magistrate will conclude the proceedings without a recommendation and reset the matter before the judge, pursuant to Md. Rule 9-208(d).

E. EMERGENCY RELIEF

When an emergency hearing request is filed, the magistrate or the judge will review the matter to determine whether emergency and/or expedited relief is appropriate. Typically, emergency/expedited matters are reviewed by the magistrate or judge on the same date they are filed and/or processed by the clerk's office.

Upon review, if the court determines that there is a "credible prospect of imminent and substantial physical or emotional harm to a child or vulnerable adult," as set forth in Md. Rule 16-302(2)(A), an emergency hearing will take place the same day. If the court determines that there are credible threats to "imminently terminate services necessary to the physical or mental health, sustenance of the child or vulnerable adult or the imminent removal of the child or vulnerable adult from the jurisdiction of the court," consistent with the intent of Md. Rule 16-302(2)(A), an order may be issued setting the matter for an expedited *pendente lite* hearing before the magistrate. If the court determines that emergency circumstances do not exist, then the court will direct that the matter proceed with scheduling in the normal course as described in earlier sections of this case management plan.

II. DOMESTIC VIOLENCE PROTECTIVE ORDERS

When an individual enters the courthouse and expresses a desire to file a petition for protection from domestic violence/child abuse, the clerk shall promptly notify the family services coordinator. The family services coordinator will meet with the individual and provide information regarding available resources to aid the petitioner and/or the petitioner's family. If requested, the family services coordinator will contact a representative of the Mid-Shore Council on Family Violence to facilitate contact with the petitioner. Simultaneously, the clerk informs the assignment commissioner that a petition for protection from domestic violence may be filed.

As soon as the petition is completed, and the clerk has entered the required information into the domestic violence case management system, the matter is immediately forwarded to the assignment commissioner. The assignment commissioner will transfer the case to chambers for review by the judge and a hearing will be held at the earliest opportunity available that day. If a temporary protective order is granted, a final protective order hearing is set before a judge within

The Circuit Court for Queen Anne's County
Civil Domestic Differentiated Case Management Plan

seven (7) days and law enforcement serves the temporary order upon the petitioner and respondent. If the final protective order hearing results in the extension of the temporary protective order, law enforcement similarly serves the extended protective order upon the parties.

In some circumstances, the District Court will contact the assignment commissioner to transfer final protective order proceedings to the Circuit Court. This occurs when a domestic action is in the Circuit Court involving the same parties, or the same minor child(ren) or vulnerable adult. Scheduling of these matters will be the same as if they originated in the Circuit Court.

If an appeal is filed in Circuit Court, following the entry of a final protective order in District Court, the clerk's office processes the appeal and forwards the matter to the assignment commissioner. If the judge determines that a hearing is appropriate, the appeal will be scheduled within 30-45 days.

At all times, great care is taken by the court, court staff and court security to ensure that the petitioner/persons to be protected are safe from any potential abuse.

III. POSTPONEMENT POLICY

A party who desires a change of the time of any trial, hearing or conference shall immediately obtain several possible alternate times from the Assignment Commissioner and, within 5 days thereafter:

- (1) Attempt to secure the agreement of all other parties to one of those alternate times;
and
- (2) File with the Clerk a written request for change to one of those alternate times.

On its own initiative, or if all parties are not agreed, the county administrative judge or his designee may act upon the request *ex parte* or submit the matter to conference under Md. Rule 2-504.1(b). Whether or not the parties have discussed and/or agreed upon an alternate date, any existing Notice of Trial, Scheduling Order or Pretrial Order remains in full effect until the change has been approved *in writing* by the administrative judge or his designee. If a change of date is approved, all instructions or provisions of the original Notice or Order so modified remain fully applicable to the new date.

In considering all postponement or continuance requests, the court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement or continuance on the parties and witnesses in the case, and evaluate future scheduling issues. The court shall also consider Maryland Circuit Court Time Standards for processing cases.

IV. ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT

The Circuit Court for Queen Anne's County is committed to ensuring that all people have reasonable access to the courthouse and the services provided therein. Accordingly, we encourage any person who requires an accommodation to inform courthouse staff either directly or through their representative as soon as the need for an accommodation is identified. The following Md. Rule provides guidance in that regard.

According to Md. Rule 1-332(b):

- (1) *Notification of Need for Accommodation* - A person requesting an accommodation under the ADA, for an attorney, a party, a witness, a victim, a juror, or a prospective juror shall notify the court promptly. To the extent practicable, a request for an accommodation shall be (1) presented on a form approved by administrative order of the Court of Appeals and available from the clerk of the court and on the Judiciary website and (2) submitted not less than 30 days before the proceeding for which the accommodation is requested.
- (2) *Sign Language Interpreter* - The court shall determine whether a sign language interpreter is needed in accordance with the requirements of the ADA; *Md. Code Ann.*, Cts. & Jud. Proc., § 9-114 (2013, 2018 Supp.); and *Md. Code Ann.*, Crim. Proc., § 1-202 and 3-103 (2018).
- (3) *Provision of Accommodation* - The court shall provide an accommodation if one is required under the ADA. If the accommodation is the provision of a sign language interpreter, the court shall appoint one in accordance with Md. Rule 1-333(c).

V. INTERPRETERS

If any party becomes aware of the need for an interpreter for any party or witness, the party shall promptly notify the court through the clerk's office by using the Request for Spoken Language Interpreter form, at least 30 days prior to the court date. A delay in notifying the court of the need for an interpreter may result in the inability to handle a case on the scheduled date. Requests for interpreters must be specific as to the language and, if appropriate, the particular dialect that may be needed. The request must also specify for whom the interpreter is needed.

The party requesting an interpreter shall remain responsible for confirming that an interpreter has been ordered and shall notify the court immediately if the need for the interpreter changes. According to Md. Rule 1-333(b)(5), Notice When Interpreter Is Not Needed - If an individual who needs an interpreter will not be present at a proceeding for which an interpreter had been requested, including a proceeding that had been postponed, the individual, the individual's attorney, or the party or attorney who subpoenaed or otherwise requested the appearance of the individual shall notify the court as far in advance as practicable that an interpreter is not needed for that proceeding. This court requires at least 48 business hours' notice to cancel a request for interpreter prior to a proceeding. If the court is billed for an interpreter needlessly as a result of the party or counsel's failure to advise the court that the interpreter will not be needed or because counsel or a litigant does not appear in court in a timely

The Circuit Court for Queen Anne's County
Civil Domestic Differentiated Case Management Plan

fashion, the court may assess the interpreter costs against the party or counsel causing the unnecessary expense.

VI. PLAN APPROVAL

Maryland Rule 16-302(b)(1)(B), directs that the county administrative judge shall send a copy of the plan and all amendments to it to the state court administrator. The state court administrator shall review the plan or amendments and transmit the plan or amendments, together with any recommended changes, to the Chief Judge of the Court of Appeals. This plan was sent to the state court administrator on _____; accordingly, the forgoing plan is approved this _____ day of _____, 2021, by the undersigned:

Lynn Knight
County Administrative Judge
Circuit Court for Queen Anne's County, Maryland