

**MONTGOMERY COUNTY**

**CIRCUIT COURT**



**FAMILY DIVISION DIFFERENTIATED  
CASE MANAGEMENT PLAN AND  
PROCEDURES**

**June, 2009**

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND  
FAMILY DIVISION DIFFERENTIATED CASE MANAGEMENT PLAN**

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## **Commentary on Plan for the Family Division**

The following plan represents the shared efforts of numerous dedicated professionals who have pooled their experience and vision to assist the Court in implementing our Family Division. Several committees whose membership is drawn from the Judges and Masters of this Court, members of the Bar, Government support agency personnel, mental health professionals and Court personnel have been meeting to advise the Court in the formation of this plan. We are grateful for their exceptional dedication to the needs of families in our court system.

In addition, Chief Judge Bell has been working with statewide committees to promote uniformity in the Family Divisions. As we receive the results of their efforts we will refine our plan in compliance with that mandate.

Our Family Division is truly a work in progress. We will continue to meet and evaluate all aspects of the Division. Your feedback is crucial and will assist us in assuring the highest level of service to the citizens of Montgomery County.

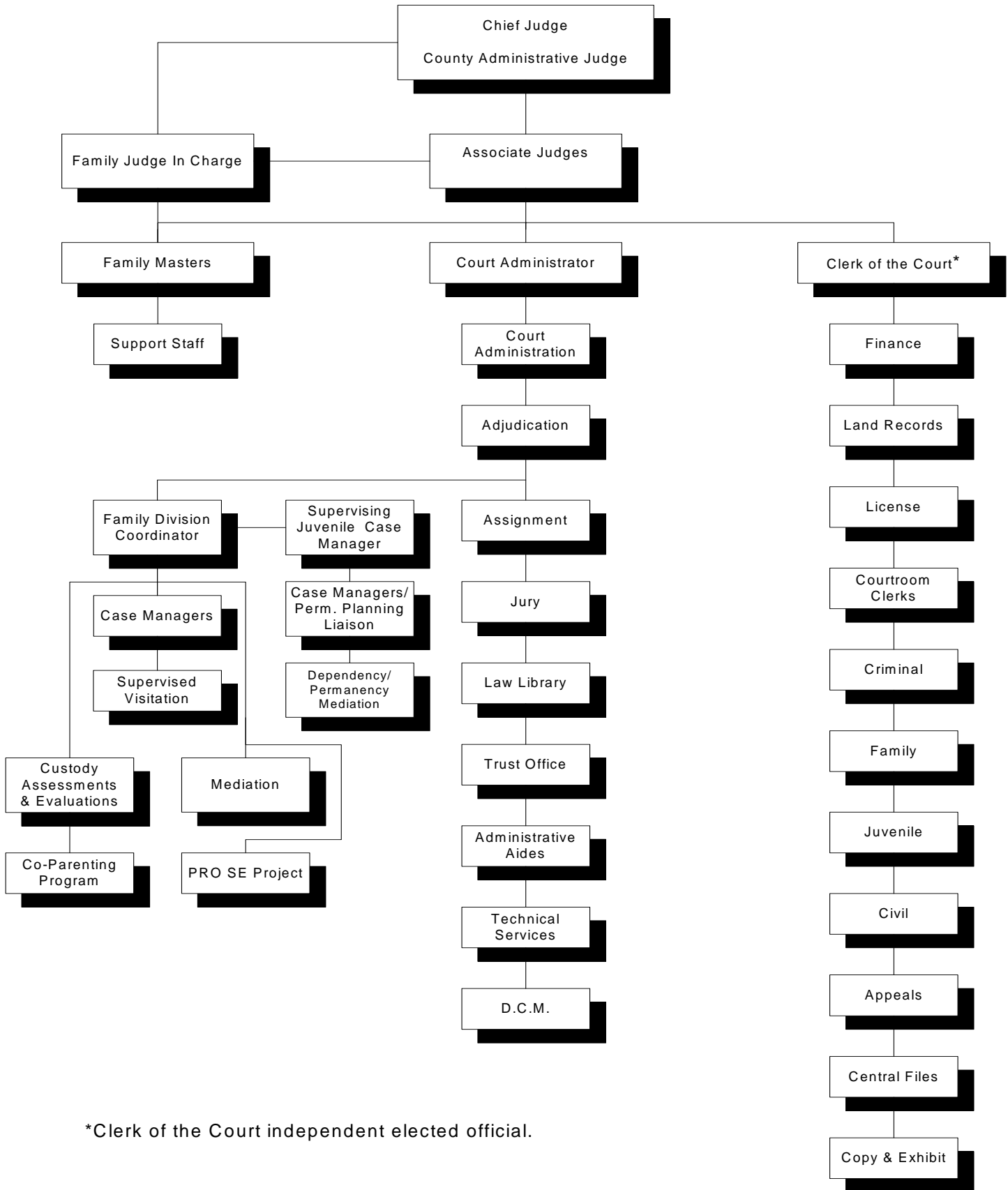
Presiding Family Division Judge

## **MONTGOMERY COUNTY CIRCUIT COURT**

### **FAMILY DIVISION GOALS & OBJECTIVES**

- 1.) Protect and serve the best interests of the children and families in our community.
- 2.) Provide means by which litigants become aware of their rights and responsibilities and have access to information to assist them with judicial procedures.
- 3.) Develop appropriate support services to families so that the process reduces the conflict and introduce the parties to problem-solving techniques to help reduce future litigation.
- 4.) Facilitate consistent rulings in family matters.
- 5.) Provide continuity of case management by case assignment to a Case Manager, Master and/or a Judge.
- 6.) Differentiate case management through appropriate track assignment and require compliance with Family Division differentiated case management guidelines, including timelines.
- 7.) Implement measures to attract and sustain the most highly qualified Masters and Judges to serve in the Family Division.

# Circuit Court Organizational Chart: Fiscal Year 2009



\*Clerk of the Court independent elected official.

# CIRCUIT COURT FOR MONTGOMERY COUNTY

## FAMILY DIVISION

### PERSONNEL AND ASSOCIATED OFFICES

***Administration*** shall have as its meaning the County Administrative Judge and Court Administrator of the entire Circuit Court.

***Family Division Judge*** shall mean any Judge of the Circuit Court who volunteers, or is appointed to serve in the Family Division for a period of 18-months, with approved extensions of service time within the Family Division.

***Family Division Judge in Charge*** shall mean one of the Family Division Judges who is designated by the County Administrative Judge to fulfill administrative functions, including oversight of the Family Division function, to receive information and input from the Family Division Coordinator, and serve as spokesperson for the Division. The administrative duties are in addition to the regularly designated judicial assignment for the Family Division.

***Family Division Master***, formerly known as Domestic Relations Master, shall mean a qualified individual appointed by the Judges of the bench to hear family matters and make a report and recommendations based on testimony and analysis of the testimony received at hearing. A Family Division Judge will continue to review the recommendations and sign orders resulting from those recommendations of the Master.

***Child Support Enforcement Master*** shall mean a qualified individual appointed to hear CSE IV-D cases in accordance with State and Federal guidelines.

***Family Division Coordinator*** was a position created at the same time as the Family Division within the Circuit Court. This position provides liaison with Family Division Judges and Masters and directly supervises the activities of the Family Division Case Managers. The Coordinator will also assist the Court Administrator in the statistical accountability for the Family Division and in the preparation and application for available grant funding. The incumbent is responsible for direct oversight of all support services programs envisioned by the Court in interpretation of the Rule creating the Family Division. The Coordinator will function under the direct supervision of the Court Administrator and County Administrative Judge.

***Family Division Case Manager*** is a position created in conjunction with the Family Division of the Circuit Court and is specifically mentioned in the Family Rule. The Case Manager provides the day-to-day liaison between the Family Division Judges, Masters, counsel and litigants. Ongoing contact is maintained with all support service providers, clerks, and other court personnel. This highly responsible position provides case continuity and demands exercise of case-related discretion within guidelines established by the Court. The incumbent is responsible to the Court Administrator with direct oversight by the Family Division Coordinator.

***Adoption/Guardianship Caseworker*** is a position having primary responsibility for reviewing all initial pleadings in adoption and guardianship cases filed in the Circuit Court, assisting attorneys and petitioners in perfecting documents, and generally managing and monitoring cases, including referral for investigative services where appropriate. This Caseworker is expected to develop and maintain an expertise in adoption and guardianship matters as prescribed by the Family Law Article and Rules of Practice and Procedure, Annotated Code of Maryland, and prescribed by the Family Division Rule.

***Family Department*** means a department created within the Office of Clerk of the Circuit Court. This department is created for the handling of family matters. The Family Department designation distinguishes this department from the Civil Department that will continue to process all other civil matters, which are not contemplated by the Rule establishing the Family Division in the Circuit Court.

***Family Division Case Screener/Clerk*** is an employee in the Family Department who works for the Clerk of the Circuit Court under the direct supervision of the Family Department Manager. Duties include reviewing all new pleadings for correctness with the aid of a screener check sheet. The employee works with the public at the window of the Family Department or by corresponding through return mail. The Screener/Clerk marks the initial designation of Track 0 or Track 1 in the Differentiated Case Management system in accordance with established guidelines.

***Family Division Mediator (Custody/Visitation)*** is an employee of the Court who has completed the requisite training in accordance with Maryland Rule 17-101, et seq., who may also be an attorney or professional from various other fields, and is approved to provide mediation services to the litigants by the County Administrative Judge. The mediator meets with the litigants in an effort to obtain a settlement of custody issues and report to the Court concerning any issue resolved through the mediation process.

***Family Division Evaluator*** is an employee of the Court possessing substantial experience in social science or suitable credentials in the field of social work. The employee meets with litigants and children and conducts interviews with professionals, collateral references to ascertain the appropriate custodial situation for the children, including reasonable visitation for the non-custodial parent. The employee also conducts adoption and guardianship investigations and record reviews as required by the Court.

***Facilitator*** shall mean a seasoned, experienced attorney who, for a one-time fee, will attempt to settle *pendente lite* and other issues at the initial stage of family controversy.

***Alternative Dispute Resolution Mediator*** shall mean an experienced attorney who will attempt to settle issues unrelated to child custody prior to hearing/trial on the merits of the case.

***Trust Office*** shall mean the office of the Court charged with maintaining cases where a petitioner has filed for guardianship of the person and/or property of a minor child or adult suffering a disability as defined by the Annotated Code of Maryland.

***The Family Law Self Help Center*** shall mean a walk-in clinic staffed by attorneys and paralegals to help people representing themselves in relatively uncomplicated family law cases involving divorce, custody and child support, and who meet financial eligibility guidelines.



# CIRCUIT COURT FOR MONTGOMERY COUNTY

## FAMILY DIVISION

### SERVICES DEFINED

***Co-Parenting Skills Enhancement*** will be ordered, where appropriate, for parties involved in family litigation. The litigants will choose two sessions for attendance at a reasonably convenient time within the framework specified by the Court. The goals of Co-Parenting Skills Enhancement sessions include the education of parents and the provision of necessary tools to remove the children from the adult conflict, in order to encourage a healthy adjustment for children whose parents no longer live together.

Co-Parenting Skills Enhancement is also available for non-English speakers. This program has been created to allow multiple non-English speaking parties to participate in both sessions with the assistance of a language interpreter. The program also provides written co-parenting materials in Spanish.

***Custody/Visitation Mediation*** will be offered throughout the course of the family contact with the Court. Initially, the parties will be ordered to attend two custody mediation sessions. The goal of mediation is to develop an agreement for the care and custody of the children, or to create a visitation plan, if this is an area of controversy. An agreement reached through mediation may be incorporated into an Order issued by the Court. Mediation sessions are confidential.

***Child Custody Assessments*** are limited assessments made by the Office of Court Evaluators. The Court may order the parties to meet with the Court Evaluator to obtain background information, review the concerns of each parent, assess the needs of the child(ren) and determine the extent to which the child(ren) have been involved in the conflict. This assessment usually involves four sessions. The parents are encouraged to note areas of agreement such as those related to visitation schedules, holidays, and decision-making with regard to medical and educational preferences. The Evaluator will present an oral review at conference with the Master, parties and counsel, presenting any agreement reached, outlining areas of disagreement, and making recommendations as to the best interests of the child(ren).

***Custody/Visitation Evaluation*** is a more in depth evaluation of the conflicted family requiring home visits, school reports, submission of therapy/medical reports and collateral contacts in the community. The need for the more extensive evaluation may develop from the Custody Assessment or may be ordered by the Judge or Master in lieu of the Assessment, based upon known circumstances. If, during intake or in the course of the Assessment, it becomes evident to the Evaluator that the family conflict requires an extensive investigation and evaluation, or that there is a need for psychological testing, the Evaluator shall request an Order amending the Assessment to the status of Custody/Visitation Evaluation. An Order might also be entered directing the parties to contract for psychological testing as an aid in determining the best interests of the child(ren).

***Adoption Investigations*** are conducted by the Family Evaluators and may be ordered in a variety of situations, including private placement, stepparent, and extended family situations. Post placement studies are usually conducted in foreign adoption placements where the petitioners have guardianship with the right to adopt or when re-adoption is sought in the United States. Investigations are required in contested cases.

***Adoption Home Study Reviews*** are conducted by Family Evaluators when home study and post placement reports have been prepared by a licensed child placement agency. Home studies are scrutinized for accuracy and completeness, supplemented where necessary by contact with the agencies, and a brief report submitted to the Judge.

***Guardianship Investigations*** are conducted in cases where the petitioner seeks guardianship of the person and/or property of a minor or an adult under disability. The Family Evaluator will investigate and make a recommendation to the Court with regard to the suitability of the guardian to undertake the duties.

***The Family Law Self Help Center*** is a free walk-in clinic staffed by attorneys and paralegals. The Project provides either general legal information or limited legal advice in family law matters such as divorce, custody, visitation, and child support. A party will receive information or advice depending on their income and whether an attorney of the Family Law Self Help Center has already met with the opposing party.

~COORDINATED SERVICE REFERRALS~

**Facilitators** are practicing attorneys who offer immediate mediation to litigants from the Master's hearing room. Facilitators are chosen from a list of experienced counsel approved by the County Administrative Judge and the Family Division Masters.

**Alternative Dispute Resolution (ADR)** is available to parties to settle property issues. ADR is conducted by practicing attorneys with substantial expertise in the domestic field. Selection of the ADR mediator is from an approved list designated by the County Administrative Judge and maintained by the Differentiated Case Manager.

**Best Interest Attorney** may be appointed by the Court to specifically represent the best interests of the child(ren) of the parties. Only attorneys having completed the approved course of training will be considered for appointment in the capacity of Guardian ad Litem. In most cases, the cost of this representation will be borne by the litigants.

**Child Privilege Attorney** may be appointed as a neutral guardian to act for a child in waiving or asserting the psychiatrist-patient privilege. This type of appointment is frequently referred to as a Nagle v. Hooks appointment and derives its name from the Maryland case requiring this representation to protect the child's best interests. In most cases, the cost of this representation will be borne by the litigants.

**Psychological Evaluations** are conducted by private practitioners in the community and the expense of the testing and evaluation is borne by the parties. Participation may be ordered by the Court upon motion of the opposing party or upon recommendation of the staff of the Office of Court Evaluations. Psychological evaluations may be sought when it becomes apparent during the Custody Assessment that the Court will benefit from the more in-depth Custody/Visitation Evaluation with psychological testing as an adjunct to arriving at a decision in the best interests of the child(ren). In most cases, the cost of this representation will be borne by the litigants.

**Psychological Evaluations and/or Therapy** may be ordered by the Court during the pendency of a case when there is a demonstrated immediate and significant concern. Ongoing therapy may be ordered as part of the ultimate decision in a contested custody/visitation case. In most cases, the cost of this representation will be borne by the litigants.

***Psychological/Custody Evaluations*** are conducted by privately retained psychologists (or psychiatrists) who conduct relevant testing to assist in determination of custody issues in the best interests of the child(ren). Referrals may be made during initial case proceedings or with regard to a change of custody or modification of visitation issues. In most cases, the cost of this representation will be borne by the litigants.

***Private Custody Evaluations*** may be permitted by the Court under certain circumstances. If the parties demonstrate a need, a qualified private practitioner, possessing at least the designation of LCSW (Licensed Certified Social Worker), may be permitted to provide a suitable custody evaluation. In most cases, the cost of this representation will be borne by the litigants.

***Domestic Violence Assistance (DVA)*** provides legal representation in protective order hearings to victims of domestic violence who have been abused by an intimate partner (i.e., current or former spouse, current or, past boyfriend, girlfriend, or an individual who has a child in common with the victim). DVA also offers a variety of related services to its clients, including assistance in formulating a safety plan, accompaniment to related criminal proceedings, and information on family law and domestic violence issues. DVA works closely with the other service providers in the community to provide clients with referrals for services not offered by DVA. In addition, DVA represents clients with appeals from decisions in both the District and Circuit Courts of Montgomery County.

***Genetic Testing*** is available when paternity is at issue. Testing is done through the Office of Child Support Enforcement, and must be by Court Order.

***Drug and Alcohol Testing*** or the Urine Monitoring Program is available when an allegation of substance abuse arises or may be requested as part of a Custody/Visitation Evaluation. A one time testing or referral for twice weekly monitoring can be ordered, by consent, and counsel or the parties will be notified of all results.

***Supervised Visitation*** program at Family Trauma Services is designed to provide a structured setting and relaxed environment for visitation between children and their parents. The majority of family cases referred to supervised visitation include reunification, absconding, alcohol or drug use, and child physical abuse.

## TRACK 0

Track 0 is the fast track for uncontested cases. In this track the complaint is filed simultaneously with an Answer, Joint Request to Schedule an Uncontested Divorce Hearing, and Child Support Guidelines, where appropriate.

The Family Department Screener/Clerk reviews the pleadings and docketed the case. The computer automatically schedules the case for a 10-minute or 30-minute hearing. The length of the hearing is dependent upon whether all items are checked on the Joint Hearing Request.

Order signed by Judge, docketed and mailed by Family Department Clerk.

## FAMILY TRACK 0

### FAST TRACK UNCONTESTED

**Complaint filed simultaneously with Answer, Joint Request to Schedule an Uncontested Divorce Hearing, and Child Support Guidelines, if applicable.**

**Track 0 is the only track designated by the Family Division Screener/Clerk.**

<b>WEEKS</b>	<b>ACTIVITY</b>	<b>ACTION</b>
1	Complaint filed	FD Screener/Clerk reviews pleadings for proper form, i.e. Answer, Joint Request to Schedule an Uncontested Divorce Hearing and Child Support Guidelines.
4 weeks following Answer	Hearing Set	Upon filing of a Complaint, together with Answer and Joint Request to Schedule an Uncontested Divorce Hearing, the case is set for an <b>automatic</b> 10-minute hearing.  If all statements are not checked on the Joint Request to Schedule an Uncontested Divorce Hearing, the case will be set for an <b>automatic</b> 30-minute hearing.

## TRACK 1

All Family Law cases in which a summons is issued begin as Track 1. The track designation will be confirmed or changed at the Scheduling Hearing.

Summons is issued at the direction of the plaintiff for 30, 60, or 90 days and the Family Department Clerk enters the actual date of service when an affidavit is filed. A Scheduling Hearing is set when an Answer or an Affidavit of Service is filed.

A Notice of Scheduling Hearing and Order of Court is generated and mailed with a Joint Request to Schedule an Uncontested Divorce Hearing.

Note: If an Uncontested Answer is filed without a Joint Request to Schedule an Uncontested Divorce Hearing, Plaintiff must appear at the Scheduling Hearing in order to obtain an uncontested hearing date approximately 45 days from the Scheduling Hearing.

**Assignment Office delivers files to the Family Division Case Managers who will review the files one-week before Scheduling Conference. The Family Division Case Managers will review the complaint, proof of proper service, and suggest a track designation to the Master.**

**The Family Division Case Managers will deliver files to the Family Division Master prior to the Scheduling Hearing.**

The Family Division Master conducts Scheduling Hearing, confirms or changes track, and if the case remains Track 1, sets the case for an Uncontested Divorce Hearing.

The Uncontested Divorce Hearing is held, and the order is finalized by Judge, docketed and mailed.

## FAMILY TRACK 1

All Family Law cases in which a summons was issued are designated **TRACK 1**, until confirmed or changed at the Scheduling Hearing. If case becomes uncontested prior to or at the Scheduling Hearing, it shall remain **TRACK 1**.

30 DAY SUMMONS	60 DAY SUMMONS	90 DAY SUMMONS	ACTIVITY	ACTION
1	1	1	Complaint Filing	FD Screeners review case filings. (see FD Screener Checklist)
1	1	1	Summons Issued	FD Clerk issues summons at plaintiff's direction for 30, 60, or 90 day service with instructions, and service copy of complaint.
1 – 60	1 – 60	1 – 60	Affidavit of Service Filed <b>OR</b> Answer	FD Clerk enters actual DATE OF SERVICE not filing date. Date of service or answer triggers Scheduling Hearing date and packet mailed containing notice, joint request, etc.
30-90	60-120	90-150	Answer Due/Filed	<p>If Answer denotes case is contested, set for Scheduling Hearing, review by Family Division Case Manager one week prior to Scheduling Hearing, and track designation suggested to Family Division Master.</p> <p>If Uncontested Answer is filed without joint request, plaintiff must appear for Scheduling Hearing in order to obtain uncontested hearing date 45 days from Scheduling Conference.</p>

*Actual date of Scheduling Hearing can vary depending on the date the summons was served and affidavit of service or answer was filed*

### SCHEDULING HEARING & OPTIONS:

WEEKS FROM SCH. CONF.	ACTIVITY	ACTION
1	*Scheduling Hearing -- Confirm Track or Change	<b>Affidavit filed:</b> set 21 days after Answer due on Summons when Affidavit is filed. (21 days allowed for default request to be processed if an Answer is not filed.)



**TRACK 1 CONTINUED**

<b>1</b>	*Scheduling Hearing -- Confirm Track or Change	<b>Answer filed:</b> Summons issued, no Affidavit filed, but defendant files Answer. triggers Scheduling Hearing 30 days from Answer. (30 days allowed to give parties reasonable amount of time to be present for hearing.)
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**DAYS  
FROM  
SCH. CONF.**

**ACTIVITY**

**ACTION**

<b>45</b>	Uncontested Hearing Date	Family Division Master takes testimony.
<b>55-60</b>	Divorce Finalized	Order finalized by judge, docketed, mailed by FD Clerk.

*Data entered for all case activities, with dates, at Scheduling Hearing.*

\*If uncontested Answer is filed with Joint Request to Schedule an Uncontested Divorce prior to Scheduling Hearing, the conference is removed and notice sent with 10 or 30 min – uncontested hearing date 45 days from filing.

## TRACK 2

NO CONTESTED PHYSICAL CUSTODY ISSUES. Cases involving any or all of the following issues: visitation, legal custody, alimony, child support, earnings withholding, limited property, pension, costs, attorney fees, and divorce. Note: By agreement of the parties, a one-day or less hearing may be referred to a Master.

All Family Law cases in which a summons is issued begin as Track 1. The track designation will be confirmed or changed at the Scheduling Hearing.

Summons is issued at the direction of the plaintiff for 30, 60, or 90 days and the Family Department Clerk enters the actual date of service when an affidavit is filed. A Scheduling Hearing is set when an Answer or an Affidavit of Service is filed.

A Notice of Scheduling Hearing and Order of Court is generated and mailed with a Joint Request to Schedule an Uncontested Divorce Hearing.

Assignment Office delivers files to the Family Division Case Managers who will review the files one-week before Scheduling Hearing. The Family Division Case Managers will review the complaint, proof of proper service, and suggest a track designation to the Family Division Master.

The Family Division Case Managers will deliver files to the Family Division Master prior to the Scheduling Hearing.

The Family Division Master conducts Scheduling Hearings, and confirms or changes tracks.

The Family Division Master changes the case to a Track 2, establishes service needs and generates orders. Possible services include referral to the facilitator, parenting classes, psychological evaluation or visitation mediation.

The Family Division Master issues Track 2 Scheduling Order, sets pendente lite hearing, if applicable. If trial estimate is ½ day or less, a trial date will be set. If more than ½ day, a Settlement/Pretrial will be set. Note: By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.

Dates in the Scheduling Order are based upon when the case was filed and when the parties' grounds for divorce are ripe.

**½ day case**

pendente lite hearing  
discovery completed  
alternative dispute resolution (opt.)  
joint marital property & pretrial statement filed  
trial (trial of 2 hours or less will not require a pretrial statement)  
final order

**more than ½ day**

pendente lite hearing  
plaintiff's expert identified  
defendant's expert identified  
discovery completed  
alternative dispute resolution  
joint marital property & pretrial statement filed  
settlement pretrial conference or trial date set (by agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.)  
trial  
final order

## FAMILY TRACK 2

	½ DAY – RIPE	½ DAY <u>NOT</u> RIPE	MORE THAN 1/2 DAY & RIPE	MORE THAN 1/2 DAY & <u>NOT</u> RIPE
Scheduling Hearing	1	1	1	1
Pendente Lite	2 – 6 weeks	2 – 6 weeks	2 – 6 weeks	2 – 6 weeks
Discovery Completed	12 weeks following Scheduling Conf.	1 week prior to Joint Marital Property & Pretrial Statement due date	12 weeks following Scheduling Hearing	3 weeks prior to Pretrial Statement due date
Plaintiff's Expert Identified			8 weeks following Scheduling Hearing	7 weeks prior to Property & Pretrial Statement due date
Defendant's Expert Identified			10 weeks following Scheduling Hearing	5 weeks prior to Property & Pretrial Statement due date
Joint Marital Property & Pretrial Stmt.	1 week following Discovery Completion date	1 week prior to merits date	3 weeks following Discovery completion date	1 week prior to Settlement/ Pretrial Conf.
ADR	Optional – complete prior to trail date	Optional – complete prior to merits date	Complete prior to Settlement/Pretrial Conf.	Complete prior to Settlement/Pretrial Conference
Settlement/Pre-Trial Conference	N/A	N/A	1 week following Pretrial Stmt.	4 weeks prior to Ripe date
Trial Date	2 weeks following Joint Marital Prop. Pretrial Stmt.	Ripe plus 4 weeks	4-8 weeks following Settlement/ Pretrial Conf.	Ripe plus 4 weeks
<b>TOTAL TIME</b>	<b>15 WEEKS OR 105 DAYS</b>		<b>24 WEEKS OR 168 DAYS</b>	

## FAMILY TRACK 2

**NO CONTESTED PHYSICAL CUSTODY.** Cases involving any or all of the following issues: visitation, legal custody, alimony, child support, earnings withholding, limited property, pension, costs and attorney fees, and divorce. By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.

### PRELIMINARY STAGE

30 DAY SUMMONS	60 DAY SUMMONS	90 DAY SUMMONS	ACTIVITY	ACTION
30-90	60-120	90-150	Answer Due/Filed	If Answer denotes case is contested, set for Scheduling Hearing, review by Family Division Case Manager one week prior to Scheduling Hearing, and track designation suggested to Family Division Master.

*Actual date of Scheduling Hearing can vary depending on the date the summons was served and affidavit of service or answer was filed.*

WEEKS.	ACTIVITY	ACTION
1	<b>SCHEDULING HEARING</b>	<p>Family Division Master assesses case, confirms track, establishes need for services, generates orders with dates from hearing room.</p> <p>Family Division Master sets trial date if ½-day or less.</p> <p style="color: red; font-weight: bold;">AVAILABLE SERVICES:</p> <p><b>Facilitator</b> – if case-appropriate, parties are referred to approved facilitator at hearing for immediate session.</p> <p><b>Parenting Classes</b> – if case-appropriate, parties are ordered to attend in accordance with dates specified.</p> <p><b>Psychological Evaluation</b> – ordered if needed. Parties and counsel are provided with list of therapists or their choice is approved.</p> <p><b>Visitation Mediation</b> – if case-appropriate, parties participate with court provided mediators to attempt settlement.</p>
	<p><b>Scheduling Hearing Master will set case on the first agreeable date within track guidelines on main calendar if trial (property, etc) estimate is ½ day or less and pendente lite relief is not sought.</b></p>	

## FAMILY TRACK 2

½ DAY - RIPE

WEEKS	ACTIVITY	ACTION
2-6 weeks following Scheduling Hearing	Pendente Lite Hearing	Family Division Master hears interim visitation, child support, alimony, earnings withholding, costs and attorney fees.
12 weeks following Scheduling Hearing	Discovery due	All discovery completed.
	Alternative Dispute Resolution	ADR Optional court provides attorney.
1 week following discovery completion date.	Joint Marital Property & Pretrial Statement due	Joint Marital Property & Pretrial Statement filed.
2 weeks following Joint Marital Property & Pretrial Stmt.	Trial date	Judge conducts trial.

## FAMILY TRACK 2

### MORE THAN ½ DAY - RIPE

WEEKS	ACTIVITY	ACTION
2-6 weeks following Scheduling Hearing	Pendente Lite Hearing	Family Division Master hears interim visitation, child support, alimony, earnings withholding, costs and attorney fees.
8 weeks following Scheduling Hearing	Plaintiff's Expert Identified	
10 weeks following Scheduling Hearing	Defendant's Expert Identified	
12 weeks following Scheduling Hearing	Discovery due	All discovery completed.
	Alternative Dispute Resolution	ADR completed prior to Settlement/Pretrial Conference.
3 weeks following Discovery Completion Date	Joint Marital Property & Pretrial Statement due	Parties to file Joint Marital Property & Pretrial Statement with Court.
1 week following Pretrial Stmt.	Settlement/Pretrial Conf.	Settlement/Pretrial Conference held. Trial date set. (By agreement of the parties, a one-day or less hearing may be referred to a Master.)
4-8 weeks following Settlement/Pre-trial Conf.	Trial date.	Judge conducts trial.

## FAMILY TRACK 2

½ DAY - NOT RIPE

WEEKS	ACTIVITY	ACTION
2-6 weeks following Scheduling Hearing	Pendente Lite Hearing	Family Division Master hears interim visitation, child support, alimony, earnings withholding, costs and attorney fees.
1 week prior to Joint Marital Property & Pre-trial Stmt. due date	Discovery due	All discovery completed.
	Alternative Dispute Resolution	ADR Optional.
1 week prior to trial date	Joint Marital Property & Pretrial Statement due	Joint Marital Property & Pretrial Statement filed.
Ripe date plus 4 weeks	Trial date.	Judge conducts trial.



## FAMILY TRACK 2

### MORE THAN ½ DAY - NOT RIPE

WEEKS	ACTIVITY	ACTION
2-6 weeks following Scheduling Hearing	Pendente Lite Hearing	Family Division Master hears interim visitation, child support, alimony, earnings withholding, costs and attorney fees.
7 weeks prior to Jt. Marital Property & Pretrial Statement	Plaintiff's Expert Identified	
5 weeks prior to Jt. Marital Property & Pretrial Statement	Defendant's Expert Identified	
3 weeks prior to Jt. Marital Property & Pretrial Statement	Discovery due	All discovery completed.
	Alternative Dispute Resolution	ADR completed prior to Settlement/Pretrial Conference.
1 week prior to Settlement/Pre-trial	Joint Marital Property & Pretrial Statement due	Parties to file Joint Marital Property & Pretrial Statement with Court.
4 weeks prior to ripe date.	Settlement/Pretrial Conf.	Settlement/Pretrial Conference held. Trial date set. (By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.)
Ripe date plus 4 weeks.	Trial date.	Judge conducts trial.

## TRACK 3

Cases involving physical custody and any or all of the following issues: visitation, alimony, child support, earnings withholding, property, pension, costs and attorney fees, divorce. This track has been separated in three stages, **Preliminary**, **Stage 1** and **Stage 2**, to facilitate a better understanding of the process and the Master/Judge responsibilities at each stage.

All Family Law cases in which a summons is issued begin as Track 1. The track designation will be confirmed or changed at the Scheduling Conference.

Summons is issued at the direction of the plaintiff for 30, 60, or 90 days and the Family Department Clerk enters the actual date of service when an affidavit is filed. A Scheduling Hearing is set when an Answer or an Affidavit of Service is filed.

A Notice of Scheduling Hearing and Order of Court is generated and mailed with a packet containing Joint Request to Schedule an Uncontested Divorce Hearing.

Assignment Office delivers files to Family Division Case Managers who will review the files one-week before Scheduling Hearing. The Family Division Case Managers will review complaint, proof of proper service, and suggest a track designation to the Family Division Master.

The Family Division Case Managers deliver files to the Family Division Master prior to the Scheduling Hearing.

The Family Division Master conducts Scheduling Hearing, and confirms or changes track.

The Family Division Master changes case to a Track 3 and establishes service needs and generates orders. Possible services include referral to the facilitator, co-parenting skills enhancement sessions, psychological evaluation, custody mediation, custody assessment or appointment of counsel (BIA or Child Privilege Attorney).

The Family Division Master issues Track 3 Scheduling Order, (order will include deadlines for **Stage 1**-custody and **Stage 2**-property). Date for custody trial is set and if remaining issues will be ½ day or less, a trial date will be set. If more than ½ day, a Settlement/Pretrial will be set. Note: By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.

Dates in the Scheduling Order are based upon when the case was filed and when the parties' grounds for divorce are ripe.

**PRELIMINARY STAGE:**

Scheduling Hearing  
Pendente Lite Hearing

**STAGE 1 (CUSTODY)**

Plaintiff expert identified  
Defendant expert identified  
Discovery completed  
Settlement/Status conference:

Family Division Master attempts to settle custody and Court Evaluator presents oral custody assessments. If custody settles at Settlement/Status Conference, agreement is placed on the record, reduced to an order and filed promptly. The Assignment Office removes custody trial from the calendar.

If custody settles before Settlement/Status Conference, Settlement/Status Conference will not be removed unless a Consent Order is filed.

Custody trial held and Order issued

**STAGE 2 (REMAING ISSUES ½ DAY OR LESS)**

Discovery complete  
Alternative Dispute Resolution (optional)  
Joint Pretrial Statement filed  
Trial  
Final Order

**STAGE 2 (REMAINING ISSUES MORE THAN A ½ DAY)**

Plaintiff expert identified  
Defendant expert identified  
Discovery completed  
ADR  
Joint Marital Property & Pretrial Statement filed  
Settlement/Pretrial Conference:

Family Division Master attempts to settle issues. If issues settle, agreement is placed on the record and reduced to an Order and filed promptly. If case does not settle, a trial date will be set.

Trial date  
Final Order

***NOTE: The Family Division Master assigned to the case will not conduct the Pretrial/Settlement Conference.***

## FAMILY TRACK 3

	<b>½ DAY – RIPE</b>	<b>½ DAY -<u>NOT</u> RIPE</b>	<b>MORE THAN 1/2 DAY &amp; RIPE</b>	<b>MORE THAN 1/2 DAY &amp; <u>NOT</u> RIPE</b>
Scheduling Hearing	1	1	1	1
Pendente Lite	2 – 6 weeks	2 – 6 weeks	2 – 6 weeks	2 – 6 weeks
<b>STAGE ONE</b>				
Plaintiff's Expert Identified	8 weeks from Scheduling Hearing	8 weeks from Scheduling Hearing.	8 weeks from Scheduling Hearing	8 weeks from Scheduling Hearing
Defendant's Expert Identified	2 weeks from plaintiff's experts identification	2 weeks from plaintiff's experts identification	2 weeks from plaintiff's experts identification	2 weeks from plaintiff's experts identification
Discovery Completed	2 weeks from defendant's experts identification	2 weeks from defendant's experts identification	2 weeks from defendant's experts identification	2 weeks from defendant's experts identification
Settlement/Status Conference	2 weeks from discovery completion date	2 weeks from discovery completion date	2 weeks from discovery completion date	2 weeks from discovery completion date
Custody Trial	2 weeks from Settlement/Status Conf.	2 weeks from Settlement/Status Conf.	2 weeks from Settlement/Status Conf.	2 weeks from Settlement/Status Conf.
<b>STAGE TWO</b>				
Plaintiff's Expert Identified	N/A	N/A	4 weeks following custody date	2 weeks prior to defendant's experts
Defendant's Expert Identified	N/A	N/A	2 weeks following plaintiff's experts identification	2 weeks prior to discovery completion
Discovery Completed	8 weeks following Custody Trial	1 week prior to Joint Pretrial Stmt.	2 weeks from defendant's experts identification	3 weeks prior to Joint Marital Property & Pretrial Stmt.
ADR	Prior to Set./Pretrial			
Joint Marital Property & Pretrial Stmt.	1 week following Discovery Completion date	1 week prior to trial date	3 weeks from discovery completion date	1 week prior to Settlement/Pretrial
Settlement Pretrial	N/A	N/A	1 week following Joint Marital Property & Pretrial Stmt.	4 weeks prior to Ripe date
Trial Date	2 weeks following Joint Marital Property & Pretrial Statement	Ripe plus 4 weeks	4-8 weeks following Settlement Pretrial	Ripe plus 4 weeks



## FAMILY TRACK 3

Track 3 cases involve any or all of the following issues: physical custody, visitation, alimony, child support, earnings withholding, property, pension, costs and attorney fees, divorce. This track has been separated into two stages to better facilitate an understanding of the process and the Master/Judge responsibilities at each stage of the action

### PRELIMINARY STAGE

30 DAY SUMMONS	60 DAY SUMMONS	90 DAY SUMMONS	ACTIVITY	ACTION
30-90	60-120	90-150	Answer Due/Filed	If Answer denotes case is contested, set for Scheduling Hearing, review by Family Division Case Manager one week prior to Scheduling Hearing, and track designation suggested to Family Division Master.

*Actual date of Scheduling Hearing can vary depending on the date the summons was served and affidavit of service or answer was filed.*

WEEK	ACTIVITY	ACTION
1	<p style="text-align: center;"><b>SCHEDULING HEARING</b></p> <p><b>Scheduling Hearing Master will set case on the first agreeable date within track guidelines on main calendar if trial (property, etc) estimate is ½ day or less and pendente lite relief is not sought.</b></p>	<p>From the hearing room, Family Division Master assesses case, confirms track, establishes need for services, generates Scheduling Order for services, appointment of counsel, etc.</p> <p><b>Scheduling Order</b> will include deadlines for Stage One (custody) and Stage Two (property).</p> <p><b>Stage One deadlines involve:</b> pendente lite hearing before a Family Division Master (if requested), discovery completion date, settlement/ status conference, and custody trial before a Judge;</p> <p style="text-align: center;">~AND~</p> <p><b>Stage Two deadlines involve:</b> identification of experts, discovery completion date, Joint Marital Property Pretrial Statement and trial date.</p> <p>Family Division Master inquires as to ADR and orders, if case-appropriate.</p>

## FAMILY TRACK 3

### AVAILABLE SERVICES:

**Facilitator** – if case-appropriate, parties are referred to an approved facilitator at conference for immediate session.

**Co-parenting Skills Enhancement** – if case-appropriate, parties are ordered to attend in accordance with dates specified.

**Custody Mediation** – if case-appropriate, parties participate in two sessions with court provided mediators to attempt settlement of custody.

**Custody Assessment** – parties and children meet for several sessions with court evaluators, at no cost to parties, with view toward reaching a parenting agreement. (Provided Custody Mediation has been attempted.)

### OTHER MATTERS TO BE CONSIDERED OR ADDRESSED:

Where sufficient information available, Family Division Master will order psychological evaluation, if necessary, and/or private custody evaluation to be paid by parties.

If case-appropriate, Family Division Master addresses appointment of Best Interest Attorney and/or Child Privilege Attorney.

### WEEKS

### ACTIVITY

### ACTION

2-6 Weeks

Pendente Lite Hearing

Family Division Master hears interim visitation, child support, alimony, earnings withholding, costs and attorney fees.

If case-appropriate, Family Division Master addresses appointment of, Best Interest Attorney and/or Child Privilege Attorney if not previously considered.

Orders psychological evaluation, if needed -- parties and counsel are provided with list of

## FAMILY TRACK 3

therapists or their choice is approved and Family Division Master orders custody assessment by Court Evaluators **or** private custody evaluation to be paid by parties.

### STAGE ONE (Custody)

WEEKS	ACTIVITY	ACTION
8 weeks following Scheduling Conf.	Plaintiff's Expert Identified	Identification of all plaintiff's experts
2 weeks following plaintiff's experts	Defendant's Expert Identified	Identification of all defendant's experts
2 weeks following defendant's experts	Discovery due	Discovery completed
2 weeks following discovery completion	Settlement/Status Conference	<p>Family Division Master attempts to settle custody. Court Evaluator presents oral custody assessment.</p> <p>If custody settles at Settlement Conference, agreement placed on the record, reduced to an order and filed promptly. The Assignment Office removes custody trial date from calendar.</p> <p>If custody settles before Settlement Conference, Settlement Conference will not be removed unless <b>Consent Order</b> is filed.</p>
2 weeks from Settlement/Status Conference	Custody Trial	Judge conducts trial



# FAMILY TRACK 3

## ½ DAY - RIPE

### STAGE TWO (Merits other than Custody)

WEEKS FROM CUSTODY TRIAL	ACTIVITY	ACTION
8 weeks following Custody Trial	Discovery due	Discovery completed
	Alternative Dispute Resolution	Optional
1 week following discovery completion.	Joint Pretrial Statement due	Joint Pretrial Statement filed
2 weeks following Joint Marital Property & Pretrial Statement	Trial	Judge conducts trial

## FAMILY TRACK 3

**½ DAY - NOT RIPE**

### STAGE TWO (Merits other than Custody)

**WEEKS FROM  
CUSTODY TRIAL**

**ACTIVITY**

**ACTION**

1 week prior to  
Joint Marital Prop.  
& Pretrial Stmt.

Discovery due

Discovery completed

Alternative Dispute Resolution

Optional

1 prior to trial date

Joint Pretrial Statement due

Joint Pretrial Statement filed

Ripe date plus 4  
weeks

Trial

Judge conducts trial

## FAMILY TRACK 3

### MORE THAN ½ DAY - RIPE

#### STAGE TWO -- Merits other than Custody

WEEKS	ACTIVITY	ACTION
4 weeks following Custody Trial	Plaintiff's Expert Identified	Identification of all plaintiff's experts
2 weeks following plaintiff's experts	Defendant's Expert Identified	Identification of all defendant's experts
2 weeks following defendant's experts	Discovery Completed	All discovery completed
3 weeks following discovery completion	Joint Marital Property & Pretrial Statement due	Joint Marital Property & Pretrial Statement filed
1 week following Joint Marital Property & Pretrial Statement	Settlement/Pretrial Conference	Family Division Master attempts to settle issues. Case set for trial. (By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.)
4-8 weeks following Settlement/Pretrial Conference	Trial	Judge conducts trial

## FAMILY TRACK 3

### MORE THAN ½ DAY & NOT RIPE

#### STAGE TWO -- Merits other than Custody

WEEKS	ACTIVITY	ACTION
2 weeks prior to defendant's experts	Plaintiff's Expert Identified	Identification of all plaintiff's experts
2 weeks prior to discovery completion	Defendant's Expert Identified	Identification of all defendant's experts
3 weeks prior to Joint Marital Property & Pretrial Statement	Discovery Completed	All discovery completed
1 week prior to Settlement Pretrial	Joint Marital Property & Pretrial Statement due	Joint Marital Property & Pretrial Statement filed
4 weeks prior to Ripe date	Settlement/Pretrial Conference	Family Division Master attempts to settle issues. Case set for trial. (By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.)
Ripe plus 4 weeks	Trial	Judge conducts trial

## TRACK 3A

Effective February 8, 1999, a 60-day expedited custody option became available. There must be an oral election of the expedited custody option stated at the Scheduling Conference before the Family Division Master. If this option is chosen, there will be limited discovery. Available services will also be limited to co-parenting skills enhancement sessions and custody mediation.

If the 60-day custody option is *not* chosen, the case will be projected out the 120 days permitted in Track 3, which allows for a full range of services, if desired, and ample time for completion of discovery if custody services are unnecessary.

**Stage 2** of Track 3A will proceed within the same guidelines stated in Track 3.

## FAMILY TRACK 3A

	<b>½ DAY – RIPE</b>	<b>½ DAY <u>NOT</u> RIPE</b>	<b>MORE THAN 1/2 DAY &amp; RIPE</b>	<b>MORE THAN 1/2 DAY &amp; <u>NOT</u> RIPE</b>
Scheduling Hearing.	1	1	1	1
Pendente Lite	2 – 6 weeks	2 – 6 weeks	2 – 6 weeks	2 – 6 weeks
<b>STAGE ONE</b>				
Discovery Completed	7 weeks from Scheduling Hearing	7 weeks from Scheduling Hearing	7 weeks from Scheduling Hearing	7 weeks from Scheduling Hearing
Settlement/Status Hearing	2 weeks from discovery completion date	2 weeks from discovery completion date	2 weeks from discovery completion date	2 weeks from discovery completion date
Custody Trial	2 weeks from Settlement/Status Hearing	2 weeks from Settlement/Status Hearing	2 weeks from Settlement/Status Hearing	2 weeks from Settlement/Status Hearing



## FAMILY TRACK 3A

### AVAILABLE SERVICES:

**Facilitator** – if case-appropriate, parties are referred to approved facilitator at conference for immediate session.

**Co-parenting Skills Enhancement** – if case-appropriate, parties are ordered to attend in accordance with dates specified.

**Custody Mediation** – if case-appropriate, parties participate in two sessions with court provided mediators to attempt settlement of custody.

**Custody Evaluation/Assessment** – If case appropriate parties will be ordered to an evaluation or assessment conducted by Family Division Evaluator.

WEEKS	ACTIVITY	ACTION
2-6 Weeks	Pendente Lite Hearing	Family Division Master hears interim visitation, child support, alimony, earnings withholding, costs and attorney fees.

### STAGE ONE (Custody)

WEEKS	ACTIVITY	ACTION
7 weeks following Scheduling Hearing	Discovery due	Discovery completed
2 weeks following discovery completion	Settlement/Status Hearing	<p>Family Division Master attempts to settle custody.</p> <p>If custody settles at Settlement Hearing, agreement placed on the record, reduced to an order and filed promptly. The Assignment Office removes custody trial date from calendar.</p> <p>If custody settles before Settlement Hearing, event will not be removed unless <b>Consent Order</b> is filed.</p>
2 weeks from Settlement/Status Hearing	Custody Trial	Judge conducts trial

**½ DAY - RIPE**



## FAMILY TRACK 3A

### STAGE TWO (Merits other than Custody)

WEEKS FROM CUSTODY TRIAL	ACTIVITY	ACTION
8 weeks following Custody Trial	Discovery due	Discovery completed
	Alternative Dispute Resolution	Optional
1 week following discovery completion	Joint Pretrial Statement due	Joint Pretrial Statement filed
2 weeks following Joint Marital Property & Pretrial Statement	Trial	Judge conducts trial

### ½ DAY - NOT RIPE

### STAGE TWO (Merits other than Custody)

WEEKS FROM CUSTODY TRIAL	ACTIVITY	ACTION
1 week prior to Joint Marital Prop. & Pretrial Stmt.	Discovery due	Discovery completed
	Alternative Dispute Resolution	Optional
1 week prior to trial date.	Joint Pretrial Statement due	Joint Pretrial Statement filed
Ripe date plus 4 weeks	Trial	Judge conducts trial

## FAMILY TRACK 3A

### MORE THAN ½ DAY - RIPE

#### STAGE TWO -- Merits other than Custody

WEEKS	ACTIVITY	ACTION
4 weeks following Custody Trial	Plaintiff's Experts Identified	Identification of all plaintiff's experts
2 weeks following plaintiff's experts	Defendant's Experts Identified	Identification of all defendant's experts
2 weeks following defendant's experts	Discovery Completed	All discovery completed
3 weeks following discovery completion	Joint Marital Property & Pretrial Statement due	Joint Marital Property & Pretrial Statement filed
1 week following Joint Marital Property & Pretrial Statement	Settlement/Pretrial Conference	Family Division Master attempts to settle issues. Case set for trial. (By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.)
4-8 weeks following Settlement/Pretrial Conference	Trial	Judge conducts trial

## FAMILY TRACK 3A

### MORE THE ½ DAY & NOT RIPE

#### STAGE TWO -- Merits other than Custody

WEEKS	ACTIVITY	ACTION
2 weeks prior to defendant's experts	Plaintiff's Experts Identified	Identification of all plaintiff's experts
2 weeks prior to discovery completion	Defendant's Experts Identified	Identification of all defendant's experts
3 weeks prior to Joint Marital Property & Pretrial Statement	Discovery Completed	All discovery completed
1 week prior to Settlement Pretrial	Joint Marital Property & Pretrial Statement due	Joint Marital Property & Pretrial Statement filed
4 weeks prior to ripe date	Settlement/Pretrial Conference	Family Division Master attempts to settle issues. Case set for trial. (By agreement of the parties, a one-day or less hearing may be referred to a Family Division Master.)
Ripe plus 4 weeks	Trial	Judge conducts trial.

## TRACK 4

Track 4 cases are referred to as the “Judge Track,” and once a case is designated Track 4, oversight will be by a specific Family Division Judge. There are three basic categories of Track 4 cases.

A Family Division Master conducts the Scheduling Hearing and determines that the case warrants a Track 4 designation by ascertaining the complexity of the potential litigation. Indicators may include, for example, extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony and other support issues, as well as custody, visitation and divorce.

### 1.) *New Filings.*

New cases filed on or after November 4, 1998 and bearing a FL case number, will proceed in the same manner as other track designations, e.g. cases with a summons issued begin as Track 1.

Summons is issued at the direction of the plaintiff for 30, 60, or 90 days and the Family Department Clerk enters the actual date of service when an affidavit is filed. A Scheduling Hearing is set when an Answer or an Affidavit of Service is filed.

A Notice of Scheduling Hearing and Order of Court is generated with a Joint Request to Schedule an Uncontested Divorce Hearing.

Assignment Office delivers files to the Family Division Case Managers who will review the files one-week before the Scheduling Hearing. The Family Division Case Managers will verify complaint, proof of proper service, and suggest a track designation to the Family Division Master, using the Family Division Case Manager Memorandum Form.

Assignment Office will retrieve the files on the morning prior to the Scheduling Hearing and deliver those files to the Family Division Master.

**The Family Division Master establishes service needs and generates a Scheduling Order, considers appointment of counsel, and the case is specially assigned to a Family Division Judge as selected by computer, which sets a pendente lite/status conference hearing before the selected Family Division Judge.**

**The Family Division Judge will generate a Scheduling Order after the Status Conference.**

Thereafter, the assigned Family Division Judge will conduct all hearings and consider additional services and/or changes or adjustments in timing of events through the completion of the case.

2.) *Protracted Litigation.*

The second approach to this “specially assigned” Judge track involves those protracted cases filed under the system existing prior to November 4, and those cases from the “old” system which are reopened for modification. While pending protracted cases may encompass numerous issues, the recidivism cases are usually reopened for consideration of a modification of physical custody and/or visitation.

Outside of the Scheduling Hearing, cases falling into the narrow Track 4 category may be designated as such upon motion filed by either side with the approval of the Presiding Family Division Judge, or sua sponte by a Family Division Judge.

3.) *CINA, Adoption & Guardianship.*

Finally, there are several specific areas of family law to which Family Division Judge assignment will automatically attach. Termination of parental rights matters arising out of CINA cases and filed by the Department of Health and Human Services in this Court prior to October 1, 1997, will be heard by a Family Division Judge.

When all adoption matters are assumed by the Family Division of the Court, contested adoption matters will be specially assigned to a Family Division Judge and bear a Track 4 designation.

Additionally, guardianship of the person and/or property of a minor or adult under disability will eventually be assumed by the Family Division of the Court and will receive special assignment.

## TRACK 4

Track 4 cases are referred to as the “Judge Track,” and once a case is designated as Track 4, oversight will be by a specific Family Division Judge. A Family Division Master conducts the Scheduling Hearing and determines that the case warrants a Track 4 designation by ascertaining the complexity of the potential litigation. Indicators may include, for example, extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony and other support issues, as well as custody, visitation and divorce.

### PRELIMINARY STAGE

30 DAY SUMMONS	60 DAY SUMMONS	90 DAY SUMMONS	ACTIVITY	ACTION
30-90	60-120	90-150	Answer Due/Filed	If Answer denotes case is contested, set for Scheduling Hearing, review by Family Division Case Manager one week prior to Scheduling Hearing, and track designation suggested to Family Division Master.

*Actual date of Scheduling Hearing can vary depending on the date the summons was served and affidavit of service or answer was filed.*

WEEK	ACTIVITY	ACTION
1	Scheduling Hearing	<p>Family Division Master assesses case, confirms track, establishes need for services, generates Scheduling Order for services, appointment of counsel, specially assigned to Family Division Judge as designated by computer, and sets Pendente Lite/Status Conference Hearing before Family Division Judge.</p> <p><b>AVAILABLE SERVICES:</b></p> <p><b>Facilitator</b> – if case-appropriate, parties are referred to approved facilitator at conference for immediate session.</p> <p><b>Custody Mediation</b> – if case-appropriate, parties participate in two sessions with court provided mediators to attempt settlement of custody.</p>

## TRACK 4

WEEK	ACTIVITY	ACTION
2-6 weeks	Pendente Lite Hearing/Status Conference	<p><b>Custody Assessment</b> – parties and children meet for several sessions with court evaluators, at no cost to parties, with view toward reaching parenting agreement. (Provided Custody Mediation has been attempted.)</p> <p><b>OTHER MATTERS TO BE CONSIDERED OR ADDRESSED:</b></p> <p>Where sufficient information is available, Family Division Master will order psychological evaluation, if necessary, and/or private custody evaluation to be paid by parties.</p> <p>If case-appropriate, Family Division Master addresses appointment of a Best Interest Attorney or a Child Privilege Attorney.</p> <p>Family Division Judge to hear Pendente Lite relief requested, e.g. interim visitation, child support, alimony, earnings withholding, costs and attorney fees, and conducts status conference.</p> <p>If needed, the Family Division Judge orders psychological evaluation, custody assessment by Court Evaluators <b>or</b> private custody evaluation to be paid by the parties.</p> <p>If case-appropriate, Family Division Judge addresses appointment of a Best Interest Attorney or a Child Privilege Attorney if not previously considered.</p>

## TRACK 4

**WEEKS**

**ACTIVITY**

**ACTION**

If Pendente Lite is settled prior to hearing, the date will remain on for purposes of Status Conference.

Family Division Judge reviews issues and establishes a Scheduling Order for Stage 1 (Custody) and Stage 2 (Property).

**TRACK 4 WILL INCLUDE: CINA, ADOPTION, GUARDIANSHIP**

**ALL GUIDELINES TO BE DETERMINED BY TRACK 4 FAMILY DIVISION JUDGE.**



## NARRATIVE FOR JOINT REQUEST FOR UNCONTESTED HEARING

The “Joint Request for an Uncontested Hearing” has been revised to allow for the filing of the request before the grounds for divorce are ripe. The computer will generate an Uncontested Hearing Date based on the date the grounds are ripe within 45 days to allow for an Amended or Supplemental Complaint & Answer to be filed. Any dates previously set will be removed automatically. The Joint Request provides space for the grounds and separation date (if appropriate) to be entered. If the Complaint does not have grounds for an absolute divorce and the revised Joint Request is filed **without** the grounds and **separation date** information, **no hearing** date will be set and any previously set dates will remain on the docket.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Plaintiff :
v. : Case No.
Defendant :

JOINT REQUEST TO SCHEDULE AN UNCONTESTED DIVORCE HEARING

The parties agree that this matter is uncontested as to all issues and request that this matter be scheduled for a ten-minute divorce hearing. They further agree that they have read the statements below and have checked all appropriate lines that apply to their case.

Grounds for divorce Separation date (if appropriate)
(Grounds and separation date (if appropriate) must be entered or request will have no effect.)

- 1a. There are no minor children of the marriage who are subject to this Court's jurisdiction.
OR
1b. Custody and visitation have been agreed to or have been previously determined by the Court.
2. Child support has been established in compliance with the Child Support Guidelines. IF THIS LINE IS CHECKED, THIS JOINT REQUEST MAY NOT BE FILED UNLESS A COMPLETED CHILD SUPPORT GUIDELINES WORKSHEET IS ATTACHED.
3. All parties/witnesses speak and understand English, and there is no need for a translator. Note: The Court will provide a translator if a timely written request is filed.
4. There are no pension rights or any pension rights have been waived or pension rights shall be addressed by a consent qualified domestic relations order to be submitted at the divorce hearing.
5. There are no support or property rights to be adjudicated by the Court and/or there is a written agreement disposing of all such rights.

Plaintiff or Plaintiff's
Attorney (signature)

Defendant or Defendant's
Attorney (signature)

Address

Address

Daytime Telephone

Daytime Telephone

THIS JOINT REQUEST IS NOT AN ANSWER, AND SHOULD NOT BE FILED UNTIL AN ANSWER HAS BEEN FILED.

## Family Law Self Help Center

The Family Law Self Help Center is a FREE walk-in clinic, staffed by attorneys and paralegals, which provides either general legal information or limited legal advice in family law matters such as divorce, custody, visitation, and child support. Whether you receive advice or information will depend on your income and whether we have already met with the opposing party.

If you wish to represent yourself in a family law matter, we can help you determine which family law forms are the most appropriate for you, how to complete the forms, and how to navigate the process. The forms are available for free at the family law window on the first floor of the Judicial Center (Room 107) and they are also available online. We strongly suggest that you visit the Family Law Self Help Center BEFORE you pick up any forms from the family law window. If your family law matter is too complex or otherwise inappropriate for our project (**e.g. domestic violence, guardianships, name changes, or complex property issues**), we will try to refer you to the appropriate agency or office.

The Family Law Self Help Center is located on the second floor of the Judicial Center, in Room 224. Hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday. (No intakes are accepted after 4 p.m.)

### HISTORY:

The Family Law Self Help Center was established in 1995, a joint effort of the University of Baltimore School of Law and the University of Maryland School of Law. The Center was staffed by Law Students -- who were involved in family law clinical programs -- and their professors. Subsequently, the Center was taken over by the Montgomery County Bar Foundation, which staffed the Center with staff attorneys and a paralegal; the Center also utilized the services of volunteer attorneys as needed. In July of 1999, the Center became a part of the Circuit Court for Montgomery County. The Center is now staffed by two attorneys and a legal assistant.

Based on statistical data collected since June of 1997, the Center has helped more than 23,000 people (including repeat visitors) with their family law problems. In Fiscal Year 1999, the Center provided assistance to 4,182 clients (including repeat visitors); that number grew to 4,226 in Fiscal Year 2000, and to 5,125 in Fiscal Year 2001.

## FAMILY DIVISION MASTER'S SCHEDULE

### Master One and Master Two –

Monday through Friday, 8:30 AM to 9:30 AM – Seven Scheduling Conferences set each day per Master.

Friday, 9:30 AM to 12:30 PM – Six Settlement/Pretrial Conferences (property) set per Master. One at 9:30 AM, one at 10:00 AM, one at 10:30 AM, one at 11:00 AM, one at 11:30 AM, and one at 12:00 PM.

### Master Three and Master Four –

Monday through Friday, 8:30 AM to 9:30 AM – Three 10-minute uncontested divorce hearings set every half-hour for each day. Three at 8:30 AM and three at 9:00 AM.

Friday, 9:30 AM to 12:30 PM – One 1 hour Pendente Lite Hearing set each hour. One at 9:30 AM, one at 10:30 AM, and one at 11:30 AM.

### Master One through Master Four –

**Monday through Wednesday, 9:30 AM to 12:30 PM – ½ to 1 day Modification, Contempt, Enforce or Pendente Lite Hearing set each day per Master.**

**Thursday, 9:30 AM to 12:30 PM – ½ day or less Modification, Contempt, Enforce or Pendente Lite Hearing set per Master.**

Monday through Friday, 12:30 PM to 1:30 PM – Lunch.

**Monday through Wednesday, 1:30 PM to 4:30 PM - 1 day Modification, Contempt, Enforce or Pendente Lite Hearing to resume or another ½ day Modification, Contempt, Enforce or Pendente Lite Hearing set each day per Master.**

Thursday and Friday, 1:30 PM and 2:30 PM – Four Settlement/Status Conferences (custody) set per Master. (Thursday, one at 1:30 PM, one at 2:30 PM; Friday one at 1:30 PM, one at 2:30 PM.)

## MCOCS MASTER SCHEDULE

Tuesday and Friday, 9:00 AM to 12:00 PM – One 30-minute uncontested divorce hearing or Earnings Withholding Order Hearing set every half-hour. One at 9:00 AM, one at 9:30 AM, one at 10:00 AM, one at 10:30 AM, one at 11:00 AM, and one at 11:30 AM.

Tuesday, 12:00 PM to 2:00 PM – Specially set matters.

Wednesday, 8:30 AM to 12:30 PM – 30 MCOCS Support Hearings.

Thursday, 8:30 AM to 12:30 PM – 15 MCOCS Modification Hearings.

Friday, 12:00 PM to 2:00 PM – 40 MCOCS Paternity Pretrials and 40 MCOCS Paternity Inquiries.

**ALL MATTERS GREATER THAN ONE (1) DAY TO BE SCHEDULED BEFORE A FAMILY DIVISION JUDGE**

# Family Department Screener Checklist Information

**The moving party must be mailed or handed a copy of the Check Sheet and a copy of the check sheet must be filed and docketed as “Screener Check Sheet (mailed or handed) to (plaintiff or defendant).” The original should be placed under the face sheet.**

## GROUNDS FOR DIVORCE

The following are the grounds for a Limited Divorce. The Complaint must state specific ground(s) and a date if required.

**Cruelty/Excessively Vicious Conduct Against Me-** My spouse has persistently treated me cruelly and has engaged in excessively vicious conduct rendering continuation of the marital relationship impossible, if I am to preserve my health, safety, and self-respect.

**Cruelty/Excessively Vicious Conduct Against My Children-** My spouse has persistently treated my minor child(ren) cruelly and has engaged in excessively vicious conduct against them rendering continuation of the marital relationship impossible, if I am to preserve my minor child(ren)’s health, safety, and self-respect.

**Actual Desertion-** On or about (Date), my spouse, without just cause or reason, abandoned and deserted me, with the intention of ending our marriage. This abandonment has continued without interruption up to, and including, the time of filing this Complaint.

**Constructive Desertion-** I left my spouse because his/her cruel and vicious conduct made continuation of our marriage impossible, if I am to preserve my health, safety, and self-respect. This conduct was the final and deliberate act of my spouse and our separation has continued without interruption up to, and including, the time of filing this Complaint.

**Voluntary Separation-** From on or about (Date), my spouse and I have lived separate and apart from one another in separate residences, without interruption, without sexual intercourse, with the express purpose and intent of ending our marriage, and there is no reasonable expectation that we will reconcile.

## **SCREENER CHECKLIST INFORMATION**

2

The following are the grounds for an Absolute Divorce. The Complaint must state specific ground(s) and a date if required.

**Two-Year Separation-** From on or about (Date), my spouse and I have lived separate and apart from each other in separate residences, without interruption, without sexual intercourse, for more than 2 years and there is no reasonable expectation that we will reconcile.

**Voluntary Separation-** From on or about (Date), my spouse and I, by mutual and voluntary agreement, have lived separate and apart from one another in separate residences, without interruption, without sexual intercourse, for more than 12 months with the express purpose and intent of ending our marriage, and there is no reasonable expectation that we will reconcile.

**Adultery-** My spouse committed adultery.

**Actual Desertion-** On or about (Date), my spouse, without just cause or reason, abandoned and deserted me, with the intention of ending our marriage. This abandonment has continued without interruption for more than 12 months and there is no reasonable expectation that we will reconcile.

**Constructive Desertion-** I left my spouse on (date) because his/her cruel and vicious conduct made the continuation of our marriage impossible, if I am to preserve my health, safety, and self-respect. This conduct was the final and deliberate act of my spouse and our separation has continued without interruption for more than 12 months prior to the filing of the Complaint and there is no reasonable expectation that we will reconcile.

**Criminal Conviction of a Felony or Misdemeanor-** On or about (Date), my spouse was sentenced to serve at least 3 years or an indeterminate sentence in a penal institution and has served 12 or more months of the sentence.

## **SCREENER CHECKLIST INFORMATION**

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**Insanity-** On or about (Date), my spouse was confined to a mental institution, hospital, or other similar institution and has been confined for 3 or more years. Two doctors competent in psychiatry will testify that the insanity is incurable and there is no hope of recovery. My spouse or I have been a resident of Maryland for at least 2 years before the filing of this Complaint.

**Cruelty of Treatment *or* Excessively Vicious Conduct-** My spouse has persistently treated me cruelly and has engaged in excessively vicious conduct rendering continuation of the marital relationship impossible, if I am to preserve my health, safety, and self-respect. There is no reasonable expectation of reconciliation. *(NOTE: An absolute divorce may now be sought based on cruelty or excessively vicious conduct towards parties minor child(ren).*

## **FINANCIAL STATEMENT**

If you check that a financial statement is needed, you must attach the financial statement form to the check sheet.

## **SERVICE**

Who can serve papers? Maryland Rules of Procedure (MRP) 2-132 - A Sheriff or equivalent, Private Process Server or anybody over the age of 18 and not a party to the action. An Attorney can serve papers.

How can papers be served? MRP 2-121- Service can be in person, by mail or any alternate means ordered.

What must be served? MRP 2-121- At the least, the Summons and Complaint must be served along with any other papers that might be filed with the Complaint.

Types of Summons? MRP 2-321- The type of summons issued depends on where service will take place. If service is within the State of Maryland, the party should

## SCREENER CHECKLIST INFORMATION

be served with a 30 day summons; service outside the state, with a 60 day summons; and outside the country, with a 90 day summons. If a party is served out of state or country with a 30 day summons, service is not valid. But, if a party is served in state with a 60 or 90 day summons, service is valid, but the party must be given the time frame indicated on the summons to answer.

A summons must be served within 60 days of the issue date, MRP 2-113. To calculate time, do not count the day the summons was issued. If a summons was issued on 9-21-98, day #1 would be 9-22-98. All calendar days are counted. The summons would have to be served by 11-20-98. Service can be on weekends or a holiday. When computing this time it does not matter what type of summons was issued (30, 60 or 90 day).

### **RETURN OF SERVICE MRP 2-126**

A Sheriff's Return should state who was served, what was served (Summons & Complaint) and the date of service.

A Private Process Server's Return must be filed by someone who is over the age of 18 and not a party to the action (the return must state this information specifically). The person serving the papers must file an "Affidavit of Service" (NOTE: an Affidavit is a document that is either signed under the penalties of perjury or notarized). The Affidavit of Service must state what documents were served, who was served, where service took place, date of service and the manner of service (Handed to \_\_\_\_\_ or served to \_\_\_\_\_). **Effective 10-5-99 any summons issued** may be served in accordance with the additional new service rule. The rule now includes "if the person to be served is an individual, by leaving a copy of the summons, Complaint, and all other papers filed with it at the individual's dwelling house or usual place of abode with a resident of suitable age and discretion." The Administrative Judge has designated guidelines for service and the language of the return of service. This Court considers 15 years or older, as suitable age. The return must state that "an adult" was served or state the age of the person served. The return must also state that the person served is a resident and/or lives at the address where service took place.



## **SCREENER CHECKLIST INFORMATION**

**Service by mail, MRP 2-121 & 2-126-** Mailing of Summons and Complaint must be by certified mail, return receipt requested and marked restricted delivery. The original return receipt must be filed along with the Affidavit of Service. If the defendant did not sign the return receipt, service is not valid, issue an error notice stating the same. If the signature is not legible, issue an error notice requesting plaintiff to file an “Affidavit of Signature” to verify signature.

NOTE: A party may mail the Summons and Complaint since they are not actually “serving” the papers personally. Most mailings out of the country cannot be marked restricted delivery (usually a pink return receipt). If you have this type of return, issue check sheet requesting plaintiff to verify signature. If plaintiff can’t verify signature, service is not valid.

A copy of the Summons should be attached to the return of service, MRP 2-126- If a copy of the Summons is not attached, you can check the Clerk's copy to make sure service is valid. If more than one Summons has been issued and no copy is attached to the return, issue check sheet requesting “Amended Affidavit of Service” specifying which Summons was served.

Any correction to an Affidavit of Service would be by filing an “Amended Affidavit of Service.”

### **Service of a Supplemental or Amended Complaint, MRP 1-321 (b) or 2-121-**

If a defendant has not answered the original Complaint, or has been found in default of the original Complaint, service of any Supplement or Amendment would have to be with a new Summons and in accordance with the original service Rules (2-121). If a defendant has answered the original Complaint, then the first class mailing with a certificate of service on the Supplemental or Amended Complaint would be sufficient.

**Service in Accordance with Out-of-State Rules, MRP 2-121 (a)-** Service out-of-state may be made in accordance with the foreign jurisdiction service Rules, if reasonably calculated to give actual notice (have attorney provide copy of the foreign jurisdiction Rules).

**Alternate Service, MRP 2-122-** If a party is unable to locate a defendant or the defendant is evading service, they can petition the Court to allow alternate

## **SCREENER CHECKLIST INFORMATION**

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service. This request must be granted by Court Order. The Order granting alternate service should state what type of alternate service is being granted. The Court may order service by the mailing of a notice to the defendant's last known address and:

## **SCREENER CHECKLIST INFORMATION**

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- 1.) by the posting of the notice by the Sheriff at the Courthouse for a period of 30 days; or
- 2.) by publishing the notice at least once a week for 3 successive weeks in one or more newspapers of general circulation published in the county in which the action is pending; or
- 3.) any other means ordered by the Court.

The time for mailing (which only has to be by first class mail) notice shall be accomplished at least 30 days before the date by which a response to the Complaint is to be filed. The notice shall be signed by the Clerk and shall include the caption of the case, describe the substance of the Complaint and the relief sought, inform the defendant of the latest date by which a response is to be filed, warn the defendant that failure to file a response within the time allowed may result in a judgment by default or the granting of the relief requested. The Sheriff will automatically make their return as to the posting. Make sure Sheriff posted notice for 30 days. The plaintiff must file an "Affidavit of Mailing", stating what was mailed and date of mailing. Mailing should be to the defendant's last known address.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

CASE NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

RE: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

**THE MOVING PARTY IS HEREBY NOTIFIED THAT THE FOLLOWING ITEMS MUST BE CORRECTED AND/OR SUBMITTED. FAILURE TO COMPLY WITH THIS NOTICE MAY RESULT IN A DELAY OR INABILITY TO PROCESS THIS CASE.**

\_\_\_\_\_ Costs/Fees not enclosed. Amount Due \_\_\_\_\_.

\_\_\_\_\_ Domestic case information sheet missing and/or incomplete.

\_\_\_\_\_ Name, address and/or telephone number missing or incomplete.

\_\_\_\_\_ Grounds for divorce not marked or insufficient. You must file an "Amended Complaint" and have Amended Complaint and a summons served on the defendant. (NOTE: If the defendant filed an answer to the original complaint, then a first class mailing together with a Certificate of Service on the Amended Complaint will be sufficient.

\_\_\_\_\_ A financial statement **signed and dated** within the last six months under affidavit, itemizing assets and liabilities and showing income and expenses must be filed pursuant to Md. Rule 9-202 (e) and/or (f).

\_\_\_\_\_ Incorrect case number/reference number missing.

\_\_\_\_\_ No certificate of service of mailing. (See Md. Rule 1-323.)

\_\_\_\_\_ If you have/are filing Domestic Relation Form 50 (counterclaim), you must also fill out and attach the corresponding "complaint" form.

**SERVICE HAS BEEN REVIEWED AND:**

\_\_\_\_\_ A copy of the summons served on the defendant must be filed pursuant to Md. Rule 2-126(e).

\_\_\_\_\_ Proof of service must comply with Md. Rules. (See Md. Rule 2-121, 2-122, 2-123 and 2-126.)

\_\_\_\_\_ An "Amended Affidavit of Service" must be filed to indicate:

\_\_\_\_\_

\_\_\_\_\_ Service is defective because the service was out-of-state with an in-state summons. Therefore, a request to re-issue the appropriate summons must be filed.

\_\_\_\_\_ Service of process is defective because process was not served within the time period specified on the summons (60 days from issue date).

\_\_\_\_\_ Affidavit as to proof of mailing a copy of the Notice/Posting Order to the defendant's last known address at least 30 days prior to the response date must be filed pursuant to Md. Rule 2-122(b) & 2-126(b).

\_\_\_\_\_ Service of the Supplemental and/or Amended Complaint by regular mail is insufficient. (See Md. Rule 1-321(b).)

**OTHER:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**MOLLY Q. RUHL, Clerk of the Court**

**NOTE: THE ABOVE "CHECKED" DOCUMENT(S) MUST BE FILED WITH THE FAMILY DEPARTMENT**

Montgomery County Circuit Court  
Judicial Center, Room 307  
50 Maryland Avenue  
Rockville, Maryland  
20850

[DATE]

Family Division Case Managers

240-777-9075

[CAPTION]

[CASE NUMBER]

**FAMILY DIVISION CASE MANAGER'S NOTICE**

It has been brought to the Court's attention that no Answer or Order of Default has been filed in this case. A Hearing Date is set for [ DATE & TIME ]

If the moving party wishes to proceed on the final hearing date, an Answer or Order of Default must be entered by the Clerk.

**To proceed by default the following must be filed:**

- 1.) Proof of Service. (See Md. Rules 2-121, 2-122, 2-123 and 2-126)
- 2.) A copy of the summons served on the Defendant/Respondent. (See Md. Rule 2-126 (e) )
- 3.) A military affidavit, dated within the last six months, signed by a person other than the attorney. (See 50 USC Appendix, Sec. 520)
- 4.) A written request for an Order of Default, stating the last known address of the Defendant/Respondent, and a proposed Order. (See Md. Rule 2-613(a))

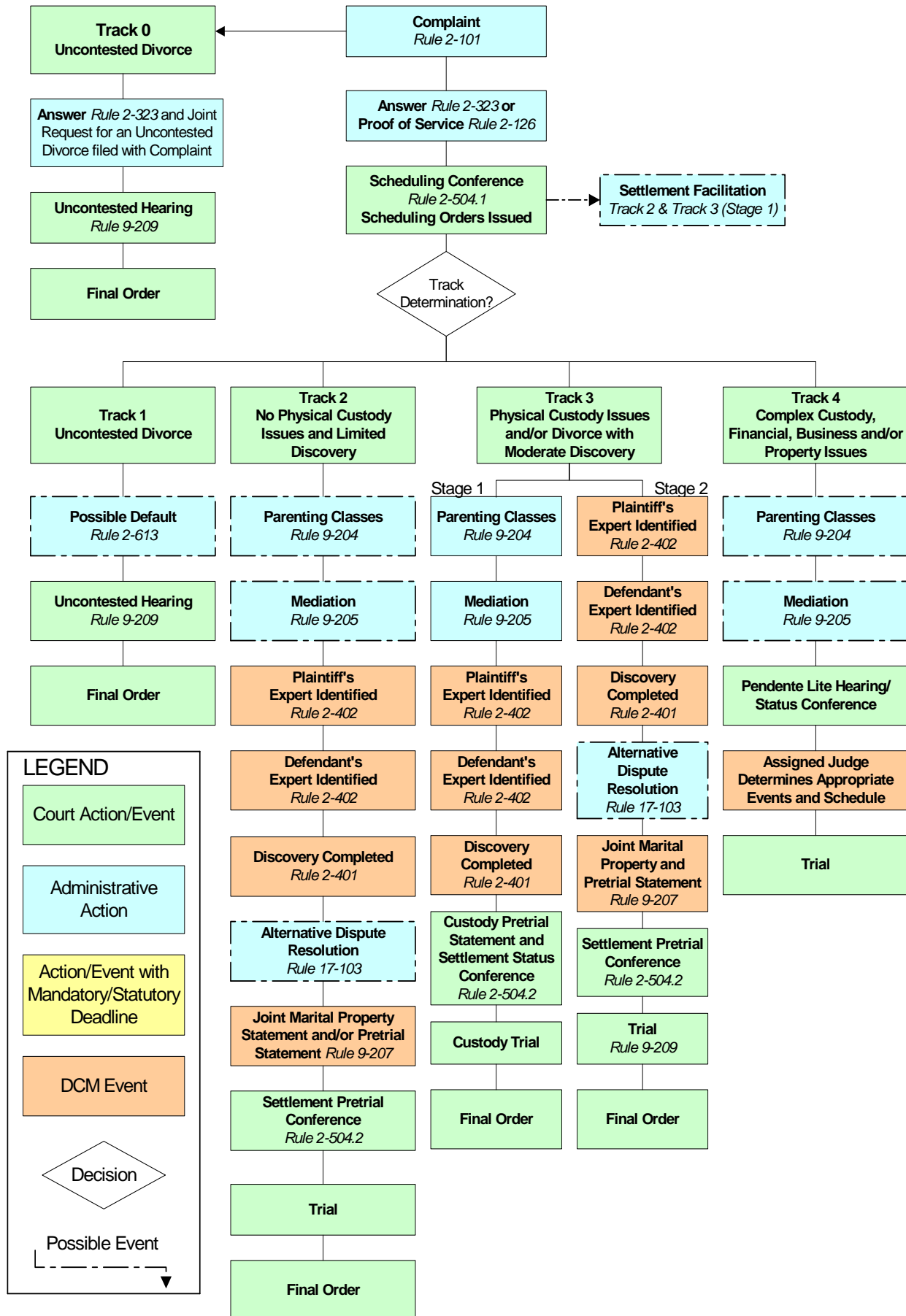
**Failure to comply with the above requirements, PRIOR TO YOUR HEARING DATE, will result in the removal of your hearing date and a new date will not be set until proof of compliance has been provided to the Court.**

## **Narrative for Case Managers Notice**

### **Family Division Case Manager's Notice as to Answer or Default Order**

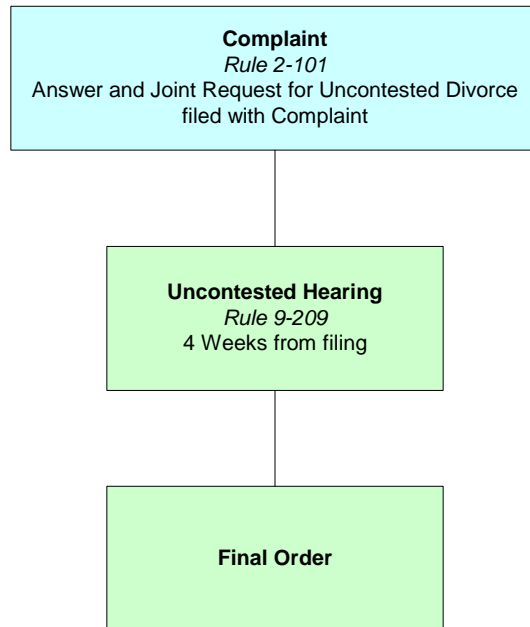
To assure that all scheduled cases are in the proper posture to proceed, the Family Division Case Managers will receive a list of all cases set for a final hearing that do not contain an Answer or an Order of Default. If an Answer or an Order of Default has not been filed with the Clerk, a notice will be sent to all parties/counsel of record and the original filed in the court file. The final hearing date will not go forward, unless an Answer or Order of Default has not been entered prior to the hearing (no new date will be set until an Answer or an Order of Default has been entered).

# Family Case Overview



# Family Track 0

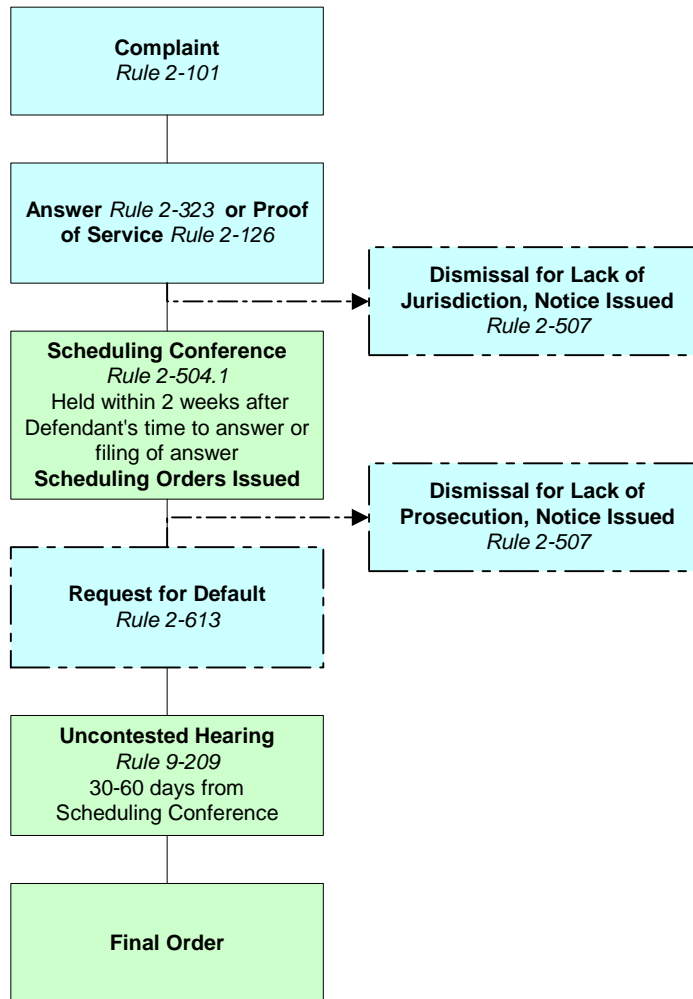
## Uncontested Divorce





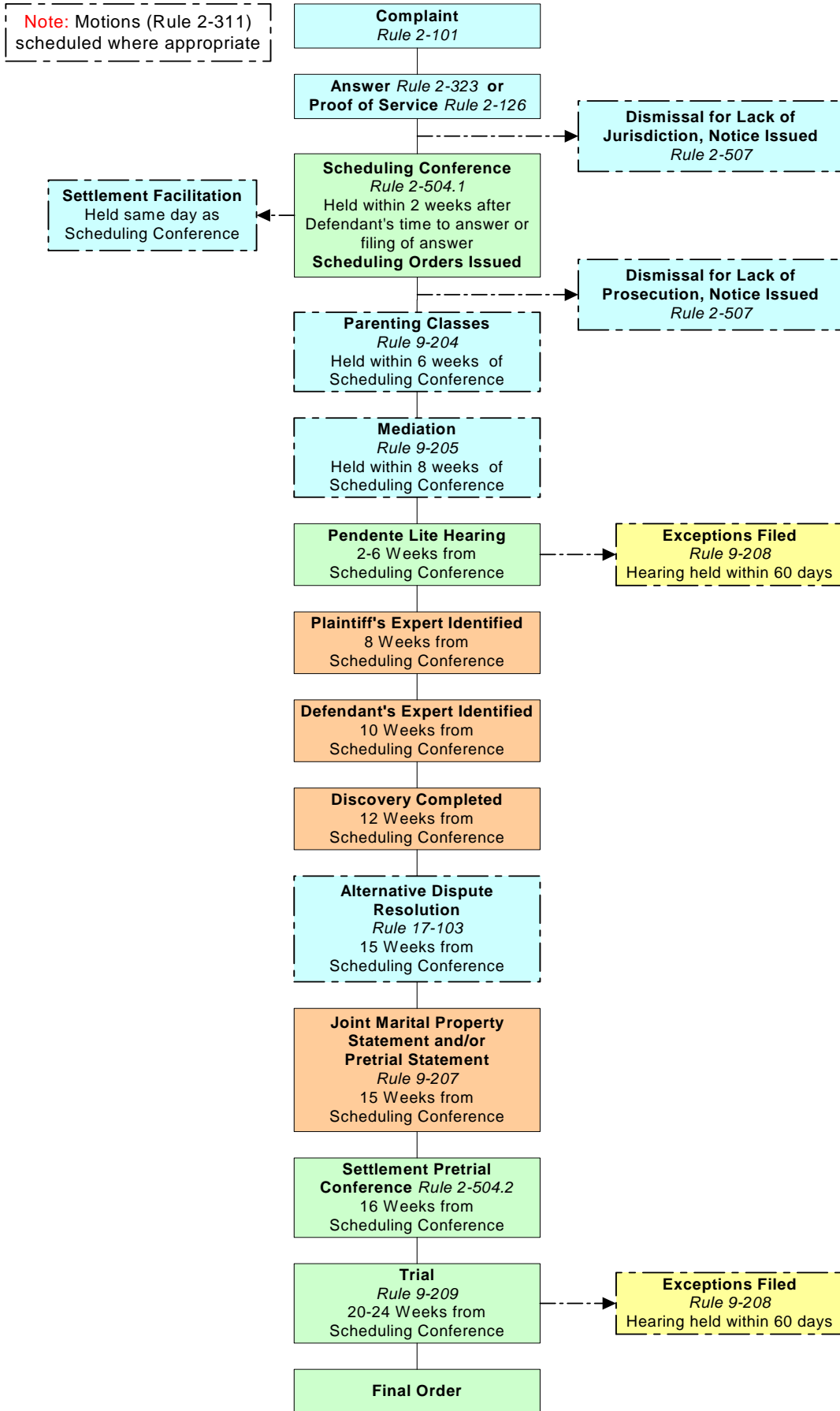
# Family Track 1

## Uncontested Divorce



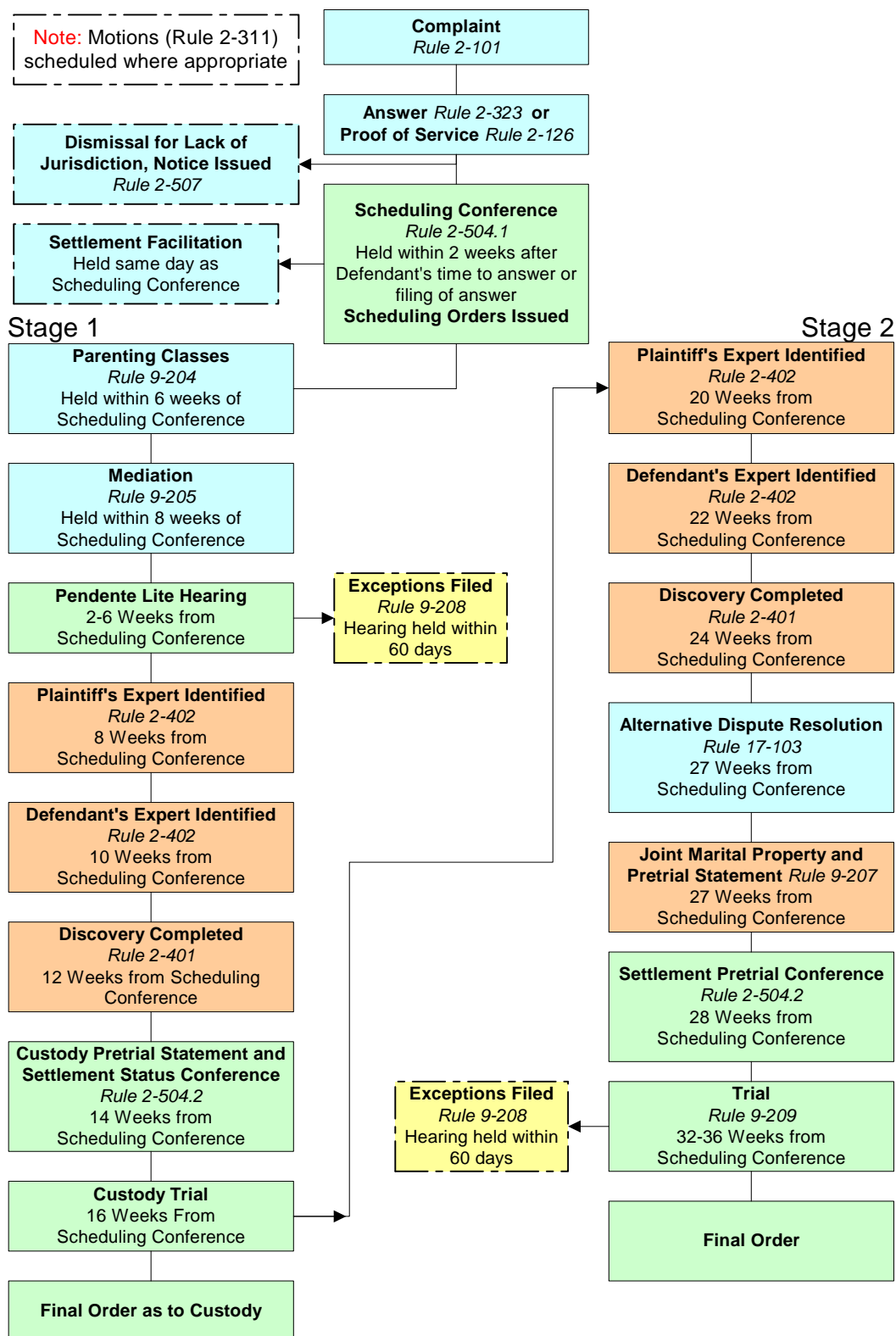
# Family Track 2

Cases involving any or all of the following issues: visitation, alimony, legal custody, child support, limited property, pension, cost, attorney fees and divorce



# Family Track 3

Cases involving physical custody and any of the following issues: visitation, child support, alimony, property, pension, attorney fees, and divorce. Stage 1: physical custody issues; Stage 2: monetary, property and divorce issues.



*Note: If complaint does not include a request for a divorce, the case terminates at the conclusion of stage 1.*

# Family Track 4

Complex Custody, Financial, Business and/or Property Issues

