

# **RULE 16-307. FAMILY DIVISION AND SUPPORT SERVICES**

## **West's Annotated Code of Maryland Maryland Rules**

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Maryland Rules

Title 16. Court Administration

Chapter 300. Circuit Courts--Administration and Case Management

MD Rules, Rule 16-307

## **RULE 16-307. FAMILY DIVISION AND SUPPORT SERVICES**

### [Currentness](#)

#### **(a) Family Division.**

(1) *Established.* In each county having more than seven resident judges of the circuit court authorized by law, there shall be a family division in the circuit court.

(2) *Actions Assigned.* In a court that has a family division, the following categories of actions and matters shall be assigned to that division:

(A) dissolution of marriage, including divorce, annulment, and property distribution;

(B) child custody and visitation, including proceedings governed by the Maryland Uniform Child Custody Jurisdiction and Enforcement Act, Code, Family Law Article, Title 9.5, and the Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A;

(C) alimony, spousal support, and child support, including proceedings under the Maryland Uniform Interstate Family Support Act, Code, Family Law Article, Title 10, Subtitle 3;

(D) establishment and termination of the parent-child relationship, including paternity, adoption, guardianship that terminates parental rights, and emancipation;

(E) criminal nonsupport and desertion, including proceedings under Code, Family Law Article, Title 10, Subtitle 2 and Code, Family Law Article, Title 13;

(F) name changes;

(G) guardianship of minors and disabled individuals under Code, Estates and Trusts Article, Title 13;

(H) involuntary admission and emergency evaluation under Code, Health General Article, Title 10, Subtitle 6;

(I) family legal-medical issues, including decisions on the withholding or withdrawal of life-sustaining medical procedures;

(J) actions involving domestic violence under Code, Family Law Article, Title 4, Subtitle 5;

(K) juvenile causes under Code, Courts Article, Title 3, Subtitles 8 and 8A;

(L) matters assigned to the family division by the County Administrative Judge that are related to actions in the family division and appropriate for assignment to the family division; and

(M) civil or criminal contempt arising out of any of the categories of actions and matters set forth in subsection (a)(2)(A) through (a)(2)(L) of this Rule.

**Committee note:** The jurisdiction of the circuit courts, the District Court, and the Orphans' Court is not affected by section (a) of this Rule. For example, the District Court has concurrent jurisdiction with the circuit court over proceedings under Code, Family Law Article, Title 4, Subtitle 5, and the Orphans' Courts and circuit courts have concurrent jurisdiction over guardianships of the person of a minor and over protective proceedings for minors under Code, Estates and Trusts Article, § 13-105.

(3) *Family Support Services.* Subject to the availability of funds, the following family support services shall be available through the family division for use when appropriate in a particular action assigned to the family division:

(A) mediation in custody and visitation matters;

(B) custody investigations;

(C) trained personnel to respond to emergencies;

(D) mental health evaluations and evaluations for alcohol and drug abuse;

(E) information services, including procedural assistance to self-represented litigants;

**Committee note:** This subsection is not intended to interfere with existing projects that provide assistance to self-represented litigants.

(F) information regarding attorney referral services;

(G) parenting coordination services as permitted by Rule 9-205.2;

(H) parenting seminars; and

(I) any additional family support services for which funding is provided.

**Committee note:** Examples of additional family support services that may be provided include general mediation programs, case managers, and family follow-up services.

(4) *Responsibilities of the County Administrative Judge.* The County Administrative Judge of the Circuit Court for each county having a family division shall:

(A) allocate sufficient available judicial resources to the family division so that actions are heard expeditiously in accordance with applicable law and the case management plan required by Rule 16-302 (b);

**Committee note:** This Rule neither requires nor prohibits the assignment of one or more judges to hear family division cases on a full-time basis. Rather, it allows each County Administrative Judge the flexibility to determine how that county's judicial assignments are to be made so that actions in the family division are heard expeditiously. Additional matters for county-by-county determination include whether and to what extent magistrates, special magistrates, and examiners are used to assist in the resolution of family division cases. Nothing in this Rule affects the authority of a circuit court judge to act on any matter within the jurisdiction of the circuit court and properly assigned to that judge.

(B) provide in the case management plan required by Rule 16-302 (b) criteria for:

(i) requiring parties in an action assigned to the family division to attend a scheduling conference in accordance with Rule 2-504.1 (a)(1), and

(ii) identifying those actions in the family division that are appropriate for assignment to a specific judge who shall be responsible for the entire action unless the County Administrative Judge subsequently decides to reassign it;

**Cross reference:** For rules concerning the referral of matters to magistrates as of course, see Rules 2-541 and 9-208.

(C) appoint a family support services coordinator whose responsibilities include:

(i) compiling, maintaining, and providing lists of available public and private family support services,

(ii) coordinating and monitoring referrals in actions assigned to the family division, and

(iii) reporting to the County Administrative Judge concerning the need for additional family support services or the modification of existing services; and

(D) prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of family support services provided by the court's family division in the preceding fiscal year.

**(b) Circuit Courts Without a Family Division.**

(1) *Applicability.* Section (b) of this Rule applies to circuit courts for counties having fewer than eight resident judges of the circuit court authorized by law.

(2) *Family Support Services*. Subject to availability of funds, the family support services listed in subsection (a)(3) of this Rule shall be available through the court for use when appropriate in cases in the categories listed in subsection (a)(2) of this Rule.

(3) *Family Support Services Coordinator*. The County Administrative Judge shall appoint a full-time or part-time family support services coordinator whose responsibilities shall be substantially as set forth in subsection (a)(4)(C) of this Rule.

(4) *Report to the Chief Judge of the Court of Appeals*. The County Administrative Judge shall prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of the family support services provided by the court in the preceding fiscal year.

**Source:** This Rule is derived from former Rule 16-204 (2016).

## Credits

[Adopted June 6, 2016, eff. July 1, 2016.]

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