

IN THE SUPREME COURT OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its Two Hundred and Twenty-First Report the Supreme Court of Maryland, recommending proposed new Rules 1-342, 6-109, and 11-420.2, amendments to current Rules 1-332, 2-341, 3-633, 3-634, 4-242, 5-609, 5-702, 6-108, 6-122, 6-202, 6-316, 6-416, 6-454, 7-112, 8-303, 8-511, 9-103, 9-109, 9-111, 10-112, 16-101, 16-912, 16-934, 18-102.3, 18-103.9, 18-202.3, 20-101, 20-109, and 21-301, and amendments to current Forms 9-102.1, 9-102.2, 9-102.3, 9-102.4, 9-102.5, 9-102.6, 9-102.7, 9-102.8, 9-102.9, and 11-309, all as posted for comment on the website of the Maryland Judiciary; and

The Rules Committee having submitted to the Court a Supplement to the Two Hundred and Twenty-First Report dated February 14, 2024 recommending adoption of amendments to Rules 4-251 and 4-252, as posted for comment on the website of the Maryland Judiciary; and

This Court having considered the proposed Rules changes, together with comments received, at an open meeting, notice of which was posted as prescribed by law, and making on its own motion certain amendments to the proposed Rules changes, it is this 5th day of April, 2024

ORDERED, by the Supreme Court of Maryland, that new Rules 6-109 and 11-420.2 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 3-633, 3-634, 4-242, 4-251, 4-252, 6-108, 6-122, 6-202, 6-316, 6-416, 6-454, 7-112, 8-303, 8-511, 9-103, 9-109, 9-111, 10-112, 16-101, 16-912, 16-934, 18-102.3, 18-103.9, 18-202.3, 20-101, 20-109, and 21-301 and amendments to Forms 9-102.1, 9-102.2, 9-102.3, 9-102.4, 9-102.5, 9-102.6, 9-102.7, 9-102.8, 9-102.9, and 11-309 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the proposed amendments to Rules 2-341 and 5-702 be, and they are hereby, rejected; and it is further

ORDERED that proposed new Rule 1-342 and the proposed amendments to Rules 1-332 and 5-609 be, and they are hereby, remanded to the Rules Committee for further study; and it is further

ORDERED that the Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on

or after July 1, 2024 and, insofar as practicable, to all actions then pending;
and it is further

ORDERED that a copy of this Order be posted promptly on the website of
the Maryland Judiciary.

/s/ Matthew J. Fader
Matthew J. Fader

/s/ Shirley M. Watts
Shirley M. Watts

/s/ Michele D. Hotten
Michele D. Hotten

/s/ Brynja M. Booth
Brynja M. Booth

/s/ Jonathan Biran
Jonathan Biran

/s/ Steven B. Gould
Steven B. Gould

/s/ Angela M. Eaves
Angela M. Eaves

Filed: April 5, 2024

/s/ Gregory Hilton
Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal
Materials Act (§§ 10-1601 et seq. of the State
Government Article) this document is authentic.



Gregory Hilton, Clerk

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

AMEND Rule 3-633 by adding a provision to section (a) prohibiting discovery in aid of execution in money judgments arising out of small claim actions and by adding a cross reference following section (a), as follows:

Rule 3-633. DISCOVERY IN AID OF ENFORCEMENT

(a) Methods

~~Except~~ Unless a money judgment arises out of a small claim action against an individual and except as otherwise provided in Rule 3-634, a judgment creditor may obtain discovery to aid enforcement of a money judgment (1) by use of interrogatories pursuant to Rule 3-421, and (2) by examination before a judge or an examiner as provided in section (b) of this Rule.

Committee note: The discovery permitted by this Rule is in addition to the discovery permitted before the entry of judgment, and the limitations set forth in Rule 3-421(b) apply separately to each. Thus, leave of court is not required under Rule 3-421 to serve one set of not more than 15 interrogatories on a judgment debtor solely because interrogatories were served upon that party before the entry of judgment.

Cross reference: See Code, Courts Article, § 11-704, prohibiting the District Court from ordering an individual to (1) appear for examination or (2) answer interrogatories in aid of execution of a money judgment arising out of a small claim action.

(b) Examination before a Judge or an Examiner

(1) Generally

RULE 3-633

Subject to section (c) of this Rule, on request of a judgment creditor filed no earlier than 30 days after entry of a money judgment, the court where the judgment was entered or recorded shall issue an order requiring the appearance for examination under oath before a judge or person authorized by the Chief Judge of the Court to serve as an examiner of (A) the judgment debtor, or (B) any other person who may have property of the judgment debtor, be indebted for a sum certain to the judgment debtor, or have knowledge of any concealment, fraudulent transfer, or withholding of any assets belonging to the judgment debtor.

(2) Order

(A) The order shall specify when, where, and before whom the examination will be held and that failure to appear may result in (i) the issuance of a body attachment directing a law enforcement officer to take the person served into custody and bring that person before the court and (ii) the person served being held in contempt of court.

Cross reference: See Rule 1-361.

(B) The order shall be served upon the judgment debtor or other person in the manner provided by Rule 3-121, but no body attachment shall issue in the event of a non-appearance absent a determination by the court that (i) the person to whom the order was directed was personally served with the order in the manner described in Rule 3-121 (a)(1) or (3), or (ii) that person has been evading service willfully, as shown by a particularized affidavit based on personal knowledge of a person with firsthand knowledge.

(3) Sequestration

The judge or examiner may sequester persons to be examined, with the exception of the judgment debtor.

Cross reference: Code, Courts Article, §§ 6-411 and 9-119.

(c) Subsequent Examinations

After an examination of a person has been held pursuant to section (b) of this Rule, a judgment creditor may obtain additional examinations of the person in accordance with this section. On request of the judgment creditor, if more than one year has elapsed since the most recent examination of the person, the court shall order a subsequent appearance for examination of the person. If less than one year has elapsed since the most recent examination of the person, the court may require a showing of good cause.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 627.

Section (b) is in part new and in part derived from former M.D.R. 628 b.

Section (c) is new.

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

AMEND Rule 3-634 by adding provisions to subsections (a)(1) and (a)(2) exempting money judgments obtained in connection with small claim actions from the Rule, as follows:

Rule 3-634. JUDGMENT DEBTOR FACT INFORMATION SHEET

(a) Entry of Money Judgment Against an Individual

(1) Notice by Clerk

Upon entry of a money judgment against an individual, unless the money judgment arises out of a small claim action, the clerk shall provide or send to the judgment debtor a Notice substantially in the following form:

NOTICE

You may receive a form from the plaintiff or the plaintiff's attorney requesting information under oath about you, your employment, and your assets, liabilities, income, and expenses. You do not have to complete and return that form, but if you fail to do so within the time allowed, you may be summoned to appear and undergo an examination under oath before a judge or examiner regarding those matters. If you fully complete and return the completed Fact Information Sheet within the time allowed, you will not be subject to discovery in aid of enforcement for at least one year from the entry of

the judgment against you, unless the judgment creditor has been granted leave of court for good cause shown.

Committee note: This Notice may accompany or be included in the copy of the judgment that the clerk sends to the judgment debtor pursuant to Rule 1-324.

(2) Request by Judgment Creditor

Subject to section (c) of this Rule, no earlier than 10 days after entry of a money judgment not arising out of a small claim action, a judgment creditor may obtain discovery in aid of enforcement of a money judgment against an individual by sending to the judgment debtor a Fact Information Sheet substantially in the form approved by the State Court Administrator. The judgment creditor may not modify the approved form to request additional information, but may delete from the form categories of information sought. The Fact Information Sheet shall include a request that the judgment debtor complete the document and return the completed document to the judgment creditor at the address stated in the Form no later than 30 days after the date the form was mailed or otherwise delivered to the judgment debtor.

(b) Fact Information Sheet

(1) Content

The Fact Information Sheet may elicit information pertaining to the income, expenses, assets, and liabilities of the judgment debtor, shall be under oath, and shall include:

(A) An advisement that: (i) the judgment debtor is not required to complete and return the form, but if the debtor fails to do so within the time specified, the debtor may be summoned to appear and undergo an examination before a

judge or examiner regarding the debtor's income, expenses, assets, and liabilities; and (ii) if the judgment debtor fully completes and returns the completed Fact Information Sheet within the time allowed, the debtor will not be subject to discovery in aid of enforcement for at least one year from the entry of the judgment against the debtor unless the judgment creditor has been granted leave of court for good cause shown; and

(B) Information about web-based and in-person resources available to assist self-represented judgment debtors with completion of the Fact Information Sheet and other post-judgment matters.

(2) Posting

The form and content of the Fact Information Sheet approved by the State Court Administrator shall be posted on the Judiciary website.

(3) If the form requests, and the judgment debtor supplies, the judgment debtor's Social Security Number, financial account information, or tax return copies, the judgment creditor shall keep that information confidential and not disclose it to any other person except to the extent necessary to pursue collection efforts authorized by law to collect the judgment or any other judgment against the same individual owed to that judgment creditor.

(c) Other Discovery in Aid of Enforcement

If a judgment debtor who is an individual fully completes a Fact Information Sheet and transmits the completed document to the judgment creditor within the time specified in the Fact Information Sheet, the judgment

RULE 3-634

creditor may not obtain discovery in aid of enforcement by any method listed in Rule 3-633 (a) unless:

- (1) at least one year has elapsed after entry of the judgment, or
- (2) if less than one year has elapsed, the judgment creditor, for good cause shown, has been granted leave of court to obtain the discovery.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-242 by adding new section (f) regarding not guilty pleas pursuant to Code, Criminal Procedure Article, § 6-220(c); by re-lettering subsequent sections; and by correcting a reference in re-lettered section (g), as follows:

Rule 4-242. PLEAS

(a) Permitted Pleas

A defendant may plead not guilty, guilty, or, with the consent of the court, nolo contendere. In addition to any of these pleas, the defendant may enter a plea of not criminally responsible by reason of insanity.

Committee note: It has become common in some courts for defendants to enter a plea of not guilty but, in lieu of a normal trial, to proceed either on an agreed statement of ultimate fact to be read into the record or on a statement of proffered evidence to which the defendant stipulates, the purpose being to avoid the need for the formal presentation of evidence but to allow the defendant to argue the sufficiency of the agreed facts or evidence and to appeal from a judgment of conviction. That kind of procedure is permissible only if there is no material dispute in the statement of facts or evidence. See *Bishop v. State*, 417 Md. 1 (2010); *Harrison v. State*, 382 Md. 477 (2004); *Morris v. State*, 418 Md. 194 (2011). Parties to a criminal action in a circuit court who seek to avoid a formal trial but to allow the defendant to appeal from specific adverse rulings are encouraged to proceed by way of a conditional plea of guilty pursuant to section (d) of this Rule, to the extent that section is applicable.

(b) Method of Pleading

(1) Manner

A defendant may plead not guilty personally or by counsel on the record in open court or in writing. A defendant may plead guilty or nolo contendere personally on the record in open court, except that a corporate defendant may plead guilty or nolo contendere by counsel or a corporate officer. A defendant may enter a plea of not criminally responsible by reason of insanity personally or by counsel and the plea shall be in writing.

(2) Time in the District Court

In District Court the defendant shall initially plead at or before the time the action is called for trial.

(3) Time in Circuit Court

In circuit court the defendant shall initially plead within 15 days after the earlier of the appearance of counsel or the first appearance of the defendant before the circuit court pursuant to Rule 4-213 (c). If a motion, demand for particulars, or other paper is filed that requires a ruling by the court or compliance by a party before the defendant pleads, the time for pleading shall be extended, without special order, to 15 days after the ruling by the court or the compliance by a party. A plea of not criminally responsible by reason of insanity shall be entered at the time the defendant initially pleads, unless good cause is shown.

(4) Failure or Refusal to Plead

If the defendant fails or refuses to plead as required by this section, the clerk or the court shall enter a plea of not guilty.

Cross reference: See *Treece v. State*, 313 Md. 665 (1988), concerning the right of a defendant to decide whether to interpose the defense of insanity.

(c) Plea of Guilty

The court may not accept a plea of guilty, including a conditional plea of guilty, until after an examination of the defendant on the record in open court conducted by the court, the State's Attorney, the attorney for the defendant, or any combination thereof the court determines and announces on the record that (1) the defendant is pleading voluntarily, with understanding of the nature of the charge and the consequences of the plea; and (2) there is a factual basis for the plea. In addition, before accepting the plea, the court shall comply with section ~~(f)~~(g) of this Rule. The court may accept the plea of guilty even though the defendant does not admit guilt. Upon refusal to accept a plea of guilty, the court shall enter a plea of not guilty.

(d) Conditional Plea of Guilty

(1) Scope of Section

This section applies only to an offense charged by indictment or criminal information and set for trial in a circuit court or that is scheduled for trial in a circuit court pursuant to a prayer for jury trial entered in the District Court.

Committee note: Section (d) of this Rule does not apply to appeals from the District Court.

(2) Entry of Plea; Requirements

With the consent of the court and the State, a defendant may enter a conditional plea of guilty. The plea shall be in writing and, as part of it, the defendant may reserve the right to appeal one or more issues specified in the plea that (A) were raised by and determined adversely to the defendant, and,

(B) if determined in the defendant's favor would have been dispositive of the case. The right to appeal under this subsection is limited to those pretrial issues litigated in the circuit court and set forth in writing in the plea.

Committee note: This Rule does not affect any right to file an application for leave to appeal under Code, Courts Article, § 12-302 (e)(2).

(3) Withdrawal of Plea

A defendant who prevails on appeal with respect to an issue reserved in the plea may withdraw the plea.

Cross reference: Code, Courts Article, § 12-302.

(e) Plea of Nolo Contendere

A defendant may plead nolo contendere only with the consent of court. The court may require the defendant or counsel to provide information it deems necessary to enable it to determine whether or not it will consent. The court may not accept the plea until after an examination of the defendant on the record in open court conducted by the court, the State's Attorney, the attorney for the defendant, or any combination thereof, the court determines and announces on the record that the defendant is pleading voluntarily with understanding of the nature of the charge and the consequences of the plea. In addition, before accepting the plea, the court shall comply with section ~~(f)~~(g) of this Rule. Following the acceptance of a plea of nolo contendere, the court shall proceed to disposition as on a plea of guilty, but without finding a verdict of guilty. If the court refuses to accept a plea of nolo contendere, it shall call upon the defendant to plead anew.

(f) Plea of Not Guilty with Agreement Entered under Code, Criminal Procedure Article, § 6-220(c)

(1) Entry of Plea; Requirements for Agreement

With the consent of the State, a defendant may enter a plea of not guilty coupled with an agreement entered into under Code, Criminal Procedure Article, § 6-220(c). The agreement shall (A) comply with the requirements of Code, Criminal Procedure Article, § 6-220(c)(3), (B) be consented to in writing by the defendant, and (C) be placed on the record at the time the plea is entered.

(2) Required Findings on the Record

The court may not accept the plea until, after an examination of the defendant on the record in open court conducted by the court, the State's Attorney, the attorney for the defendant, or any combination thereof, the court determines and announces on the record that (A) the defendant is pleading voluntarily with understanding of the nature of the charge and the consequences of the plea and (B) that the best interest of the defendant and the public welfare would be served by entry of the plea and agreement.

(g) Collateral Consequences of Certain Pleas

Before the court accepts a plea of not guilty on an agreed statement of facts or on stipulated evidence, a plea of guilty, a conditional plea of guilty, or a plea of nolo contendere, the court, the State's Attorney, the attorney for the defendant, or any combination thereof shall advise the defendant (1) that by entering the plea, if the defendant is not a United States citizen, the defendant

may face additional consequences of deportation, detention, or ineligibility for citizenship, (2) that by entering a plea to the offenses set out in Code, Criminal Procedure Article, § 11-701, the defendant will have to register with the defendant's supervising authority as defined in Code, Criminal Procedure Article, § 11-701~~(p)~~(n), and (3) that the defendant should consult with defense counsel if the defendant is represented and needs additional information concerning the potential consequences of the plea. The omission of advice concerning the collateral consequences of a plea does not itself mandate that the plea be declared invalid.

Committee note: In determining whether to accept the plea, the court should not question defendants about their citizenship or immigration status. Rather, the court should ensure that all defendants are advised in accordance with this section.

Cross reference: For the obligation of the defendant's attorney to correctly advise the defendant about the potential immigration consequences of a plea, see *Padilla v. Kentucky*, 559 U.S.356 (2010) and *State v. Prado*, 448 Md. 664 (2016).

~~(g)~~(h) Plea to a Degree

A defendant may plead not guilty to one degree and plead guilty to another degree of an offense which, by law, may be divided into degrees.

~~(h)~~(i) Withdrawal of Plea

At any time before sentencing, the court may permit a defendant to withdraw a plea of guilty, a conditional plea of guilty, or a plea of nolo contendere when the withdrawal serves the interest of justice. After the imposition of sentence, on motion of a defendant filed within ten days, the court may set aside the judgment and permit the defendant to withdraw a plea

RULE 4-242

of guilty, a conditional plea of guilty, or a plea of nolo contendere if the defendant establishes that the provisions of section (c), (d), or (e) of this Rule were not complied with or there was a violation of a plea agreement entered into pursuant to Rule 4-243. The court shall hold a hearing on any timely motion to withdraw a plea of guilty, a conditional plea of guilty, or a plea of nolo contendere.

Committee note: The entry of a plea waives objections to venue and may waive technical defects in the charging document. See, e.g., Rule 4-202 (b) and *Kisner v. State*, 209 Md. 524 (1956).

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 731 a and M.D.R. 731 a.

Section (b)

Subsection (1) is derived from former Rule 731 b 1 and M.D.R. 731 b 1.

Subsection (2) is new.

Subsection (3) is derived from former Rule 731 b 2.

Subsection (4) is derived from former Rule 731 b 3 and M.D.R. 731 b 2.

Section (c) is derived from former Rule 731 c and M.D.R. 731 c.

Section (d) is new.

Section (d) is new.

Section (e) is derived from former Rule 731 d and M.D.R. 731 d.

Section (f) is new.

Section (g) is new.

Section ~~(g)~~(h) is derived from former Rule 731 e.

Section ~~(h)~~(i) is derived from former Rule 731 f and M.D.R. 731 e.

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-251 by adding new subsection (b)(4) pertaining to a motion seeking relief under Code, Criminal Law Article, § 1-402; by adding a cross reference following new subsection (b)(4); and by renumbering current subsection (b)(4) as (b)(5), as follows:

Rule 4-251. MOTIONS IN DISTRICT COURT

. . .

(b) When Made; Determination

(1) A motion asserting a defect in the charging document other than its failure to show jurisdiction in the court or its failure to charge an offense shall be made and determined before the first witness is sworn and before evidence is received on the merits.

(2) A motion filed before trial to suppress evidence or to exclude evidence by reason of any objection or defense shall be determined at trial.

(3) A motion to transfer jurisdiction of an action to the juvenile court shall be determined within 10 days after the hearing on the motion.

Cross reference: See Rule 4-223 for the procedure for detaining a juvenile defendant pending a determination of transfer of the case to the juvenile court. See also *Davis v. State*, 474 Md. 439 (2021) for discussion of the statutory factors in Code, Criminal Procedure Article, § 4-202(d) governing transfer of jurisdiction to the juvenile court.

(4) Child Victim of Trafficking – Court Determination

A motion seeking relief under Code, Criminal Law Article, § 1-402 may be raised at any time prior to entry of judgment. The court shall follow the procedure set forth in Rule 11-420.2. “Petition” as used in Rule 11-420.2 shall be construed to refer to a “charging document.” “Disposition” as used in Rule 11-420.2 shall be construed to refer to a “judgment.”

Cross reference: See Code, Courts Article, § 3-8A-17.13.

~~(4)~~(5) Other motions, including a motion under Code, Courts Article, § 10-923, may be determined at any appropriate time.

...

MARYLAND RULES OF PROCEDURE

TITLE 4 – CRIMINAL CAUSES

CHAPTER 200 – PRETRIAL PROCEDURES

AMEND Rule 4-252 by adding creating new subsection (d)(1) comprised of the first sentence from section (d); by adding new subsection (d)(2) pertaining to a motion seeking relief under Code, Criminal Law Article, § 1-402; by adding a cross reference following new subsection (d)(2); and by creating new subsection (d)(3) comprised of the second sentence from section (d), as follows:

RULE 4-252. MOTIONS IN CIRCUIT COURT

..

(d) Other Motions

(1) Defect in Charging Document

A motion asserting failure of the charging document to show jurisdiction in the court or to charge an offense may be raised and determined at any time.

(2) Child Victim of Trafficking – Court Determination

A motion seeking relief under Code, Criminal Law Article, § 1-402 may be raised at any time prior to entry of judgment. The court shall follow the procedure set forth in Rule 11-420.2. “Petition” as used in Rule 11-420.2 shall be construed to refer to a “charging document.” “Disposition” as used in Rule 11-420.2 shall be construed to refer to a “judgment.”

Cross reference: See Code, Courts Article, § 3-8A-17.13.

(3) Any Other Motion

RULE 4-252

Any other defense, objection, or request capable of determination before trial without trial of the general issue, shall be raised by motion filed at any time before trial.

...

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 6-108 by adding new section (c) pertaining to the criteria to register and terminate a domestic partnership with a register of wills, and by making stylistic changes, as follows:

Rule 6-108. REGISTER OF WILLS—ACCEPTANCE OF PAPERS

(a) Generally

Except as otherwise provided in section (b) of this Rule, a register of wills shall not refuse to accept for filing any paper on the ground that it is not in the form mandated by a Rule in this Title.

(b) Papers Requiring Proof of Service

The register shall not accept for filing any petition or paper requiring service unless it is accompanied by (1) a signed certificate showing the date and manner of service as prescribed in Rule 6-125 or (2) a signed statement that, for reasons set forth in the statement, there is no person entitled to service. A certificate of service is prima facie proof of service.

(c) Papers Regarding Domestic Partnerships

(1) Declaration of Domestic Partnership

The register shall accept for filing any declaration of domestic partnership that complies with the requirements set forth in Code, Estates and Trusts Article, § 2-214(a)(2).

(2) Declaration of Termination

The register shall accept for filing any declaration of termination that complies with the requirements set forth in Code, Estates and Trusts Article, § 2-214(e).

~~(e)~~(d) Photocopies; Facsimile Copies

A photocopy or facsimile copy of a pleading or paper except a will or codicil, once filed with the court, shall be treated as an original for court purposes. The attorney or party filing the copy shall retain the original from which the filed copy was made for production to the court or register upon the request of the court, register, or any party. No filing of a pleading or paper may be made by transmitting it directly to the court or register by electronic transmission, except pursuant to an electronic system approved under Rule 16-203.

MARYLAND RULES OF PROCEDURE
TITLE 6 – SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 100 – GENERAL PROVISIONS

ADD new Rule 6-109, as follows:

Rule 6-109. OTHER JURISDICTIONS – LAWS OF DOMESTIC PARTNERSHIP

(a) Generally

A relationship established under the laws of domestic partnership of another jurisdiction shall be recognized as a registered domestic partnership in this State if the laws establishing the relationship are substantially similar to the requirements of Code, Estates and Trusts Article, § 2-214.

(b) Certified List

With the advice and assistance of the Attorney General, the registers of wills shall establish, update, and maintain a statewide certified list of jurisdictions with laws of domestic partnership that are substantially similar to the requirements of Code, Estates and Trusts Article, § 2-214.

Cross reference: See Code, Estates and Trusts Article, § 2-214(h) for the requirements for recognition in Maryland of a relationship other than marriage established under the laws of another jurisdiction.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 6-122 by adding the language “or registered domestic partner” to statement 1. in the form of Initial Petition set forth in section (a), as follows:

Rule 6-122. PETITIONS

(a) Initial Petition

The Initial Petition shall be substantially in the following form:

IN THE ORPHANS' COURT FOR

(OR)

BEFORE THE REGISTER
OF WILLS FOR

_____, MARYLAND

IN THE ESTATE OF:

ESTATE NO:

FOR:

REGULAR
ESTATE
PETITION FOR
ADMINISTRATION

SMALL
ESTATE
PETITION FOR
ADMINISTRATION

WILL OF NO
ESTATE
Complete items 2
and 9

LIMITED
ORDERS
Complete item 2
and attach
Schedule C

Estate value in
excess of
\$50,000. (If
spouse is sole
heir or legatee,
\$100,000.)

Estate value of
\$50,000 or less.
(If spouse is sole
heir or legatee,
\$100,000.)

Complete and
attach Schedule
A.

Complete and
attach Schedule
B.

NOTE: For the purpose of computing whether an estate qualifies as a small estate, value is determined by the fair market value of property less debts of record secured by the property as of the date of death, to the extent that insurance benefits are not payable to the lien holder or secured party for the secured debt. See Code, Estates and Trusts Article, § 5-601 (d).

The petition of:

Name	
Name	Address
Name	Address
Name	Address

Each of us states:

1. I am (a) at least 18 years of age and either a citizen of the United States or a permanent resident of the United States who is the spouse or registered domestic partner of the decedent, an ancestor of the decedent, a descendant of the decedent, or a sibling of the decedent or (b) a trust company or any other corporation authorized by law to act as a personal representative.

2. The Decedent, _____, was domiciled in _____ (county), State of _____ and died on the _____ day of _____, _____, at _____ (place of death).

3. If the decedent was not domiciled in this county at the time of death, this is the proper office in which to file this petition because:

_____.

4. I am entitled to priority of appointment as personal representative of the decedent's estate pursuant to § 5-104 of the Estates and Trusts Article, Annotated Code of Maryland because: _____

_____.

5. I am mentally competent.

6. I am not a disqualified person because of feloniously and intentionally killing, conspiring to kill, or procuring the killing of the decedent.

Committee note: Code, Estates and Trusts Article, § 11-112 provides that a disqualified person may not serve as a personal representative.

7. (Check one of the following boxes)

I have not been convicted of fraud, extortion, embezzlement, forgery, perjury, theft or any other serious crime that reflects adversely on my honesty, trustworthiness, or fitness to perform the duties of a personal representative or I was convicted of such a crime, namely _____, in _____ (year), but the following good cause exists for me to be appointed as personal representative _____
_____.

Committee note: Code, Estates and Trusts Article, § 5-105 provides that letters of administration may not be granted to someone who has been convicted of certain serious crimes, unless the person shows good cause for the granting of letters.

8. I am not excluded otherwise by law from serving as a personal representative.

9. I have made a diligent search for the decedent's will and to the best of my knowledge:

none exists; or
 the will dated _____ (including codicils, if any, dated _____) accompanying this petition is the last will and it came into my hands in the following manner: _____

and the names and last known addresses of the witnesses are:

10. Other proceedings, known to petitioner, regarding the decedent or the estate are as follows: _____

11. If appointed, I accept the duties of the office of personal representative and consent to personal jurisdiction in any action brought in this State against me as personal representative or arising out of the duties of the office of personal representative.

WHEREFORE, I request appointment as personal representative of the decedent's estate and the following relief as indicated:

that the will and codicils, if any, be admitted to administrative probate;
 that the will and codicils, if any, be admitted to judicial probate;
 that the will and codicils, if any, be filed only;
 that only a limited order be issued;
 that the following additional relief be granted: _____
_____.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

Address

Petitioner Date

_____ Telephone Number	_____ Petitioner	_____ Date
_____ Facsimile Number	_____ Telephone Number (optional)	
_____ Email Address		

IN THE ORPHANS' COURT FOR

(OR)

BEFORE THE REGISTER
OF WILLS FOR

_____, MARYLAND

IN THE ESTATE OF:

ESTATE NO:

SCHEDULE--A

Regular Estate

Estimated Value of Estate and Unsecured Debts

Personal property (approximate value)	\$ _____
Real property (approximate value)	\$ _____
Value of property subject to:	
(a) Direct Inheritance Tax of _____ %	\$ _____
(b) Collateral Inheritance Tax of _____ %	\$ _____
Unsecured Debts (approximate amount)	\$ _____

_____ Attorney	_____ Petitioner	_____ Date
_____ Address	_____ Petitioner	_____ Date
_____ Telephone Number	_____ Petitioner	_____ Date
_____ Facsimile Number	_____ Telephone Number (optional)	
_____ Email Address		

(FOR REGISTER'S USE)

Safekeeping Wills _____ Custody Wills _____
Bond Set \$ _____ Deputy _____

IN THE ORPHANS' COURT FOR

(OR)

BEFORE THE REGISTER
OF WILLS FOR

_____, MARYLAND

IN THE ESTATE OF:

ESTATE NO:

SCHEDULE--B

Small Estate--Assets and Debts of the Decedent

1. I have made a diligent search to discover all property and debts of the decedent and set forth below are:

(a) A listing of all real and personal property owned by the decedent, individually or as tenant in common, and of any other property to which the decedent or estate would be entitled, including descriptions, values, and how the values were determined:

(b) A listing of all creditors and claimants and the amounts claimed, including secured, contingent and disputed claims:

2. Allowable funeral expenses are \$ _____; statutory family allowances are \$ _____; and expenses of administration claimed are \$ _____.

3. Attached is a List of Interested Persons.

4. After the time for filing claims has expired, subject to the statutory order of priorities, and subject to the resolution of disputed claims by the parties or the court, I shall (a) pay all proper claims made pursuant to Code, Estates and Trusts Article, § 8-104 in the order of priority set forth in Code, Estates and Trusts Article, § 8-105, expenses, and allowances not previously paid; (b) if necessary, sell property of the estate in order to do so; and (c) distribute the remaining assets of the estate in accordance with the will or, if none, with the intestacy laws of this State.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

_____ Attorney	_____ Petitioner	_____ Date
_____ Address	_____ Petitioner	_____ Date
_____ Telephone Number	_____ Petitioner	_____ Date
_____ Facsimile Number	_____ Telephone Number (optional)	
_____ Email Address		

IN THE ORPHANS' COURT FOR

(OR)

BEFORE THE REGISTER
OF WILLS FOR

_____, MARYLAND

IN THE ESTATE OF:

ESTATE NO:

SCHEDULE--C
Request for Limited Order

- To Locate Assets
- To Locate Will

1. I am entitled to the issuance of a limited order because I am:

- a nominated personal representative or
- a person interested in the proceedings by reason of

2. The reasons(s) a limited order should be granted are:

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief. I further acknowledge that this order may not be used to transfer assets.

_____ Attorney	_____ Petitioner	_____ Date
_____ Address	_____ Petitioner	_____ Date
_____ Telephone Number	_____ Petitioner	_____ Date
_____ Facsimile Number	_____ Telephone Number (optional)	
_____ Email Address		

(b) Other Petitions

(1) Generally

Except as otherwise provided by the rules in this Title or permitted by the court, and unless made during a hearing or trial, a petition shall be in writing, shall set forth the relief or order sought, shall state the legal or factual basis for the relief requested, and shall be filed with the Register of Wills. The petitioner may serve on any interested person and shall serve on the personal representative and such persons as the court may direct a copy of the petition, together with a notice informing the person served of the right to file a response and the time for filing it.

(2) Response

Any response to the petition shall be filed within 20 days after service or within such shorter time as may be fixed by the court for good cause shown. A copy of the response shall be served on the petitioner and the personal representative.

(3) Order of Court

The court shall rule on the petition and enter an appropriate order.

Cross reference: Code, Estates and Trusts Article, §§ 2-102 (c), 2-105, 5-201 through 5-206, and 7-402.

(c) Limited Order to Locate Assets

Upon the filing of a verified petition pursuant to Rule 6-122 (a), the Orphans' Court may issue a limited order to search for assets titled in the sole name of a decedent. The petition shall contain the name, address, and date of death of the decedent and a statement as to why the limited order is necessary.

The limited order to locate assets shall be in the following form:

IN THE ORPHANS' COURT FOR

(OR)

BEFORE THE REGISTER
OF WILLS FOR

_____, MARYLAND

IN THE ESTATE OF:

LIMITED ORDER NO.:

LIMITED ORDER TO LOCATE ASSETS

Upon the foregoing petition by a person interested in the proceedings and pursuant to Rule 6-122 (c), it is this _____ day of _____, _____ by the Orphans' Court for _____ (county), Maryland, ORDERED that:

1. The following institutions shall disclose to

_____ the assets, and the values thereof,
(Name of petitioner)

titled in the sole name of the above decedent:

(Name of financial institution) (Name of financial institution)

(Name of financial institution) (Name of financial institution)

(Name of financial institution) (Name of financial institution)

2. THIS ORDER MAY NOT BE USED TO TRANSFER ASSETS.
See Maryland Rule 6-122 (c).

(d) Limited Order to Locate Will

Upon the filing of a verified petition pursuant to Rule 6-122 (a), the Orphans' Court may issue a limited order to a financial institution to enter the safe deposit box of a decedent in the presence of the Register of Wills or the Register's authorized deputy for the sole purpose of locating the decedent's will and, if it is located, to deliver it to the Register of Wills or the authorized deputy. The limited order to locate a will shall be in the following form:

IN THE ORPHANS' COURT FOR

(OR)

BEFORE THE REGISTER
OF WILLS FOR

_____, MARYLAND

IN THE ESTATE OF:

LIMITED ORDER NO.:

LIMITED ORDER TO LOCATE WILL

Upon the foregoing Petition and pursuant to Rule 6-122 (d), it is this _____ day of _____ (month), _____ (year) by the Orphans' Court for _____ (County), Maryland, ORDERED that:

RULE 6-122

_____, located at
(Name of financial institution)

(Address)

enter the safe deposit box titled in the sole name of
_____, in the presence of the Register
(Name of decedent)

of Wills _____ OR the Register's authorized deputy
_____ for the sole purpose of locating the
decedent's will and, if the will is located, deliver it to the Register of Wills OR
the Register's authorized deputy.

JUDGE

JUDGE

JUDGE

See Maryland Rule 6-122 (d).

Committee note: This procedure is not exclusive. Banks may also rely on the procedure set forth in Code, Financial Institutions Article, 12-603.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 200 – SMALL ESTATE

AMEND Rule 6-202 by adding a reference to registered domestic partnerships to the list of interested persons in paragraph 1 of the instructions, as follows:

Rule 6-202. LIST OF INTERESTED PERSONS

A list of interested persons shall be filed in the following form:

[CAPTION]

LIST OF INTERESTED PERSONS

Name (and age if under 18 years)	Last Known Address including Zip code	Specify: Heir/Legatee/ Personal Representative	Relationship to Decedent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

Petitioner/Personal Representative

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Instructions:

1. Interested persons include decedent's heirs (surviving spouse, registered domestic partner, children, and other persons who would inherit if there were no will) and, if decedent died with a will, the personal representative named in the will and all legatees (persons who inherit under the will). All heirs must be listed even if decedent dies with a will.

2. This list must be filed (a) within 20 days after appointment of a personal representative under administrative probate or (b) at the time of filing a Petition for Judicial Probate or a Petition for Administration of a Small Estate.

Cross reference: Code, Estates and Trusts Article, §§ 5-403(a), 5-607, and 7-104.

MARYLAND RULES OF PROCEDURE
TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES
CHAPTER 300 - OPENING ESTATES

AMEND Rule 6-316 by adding a reference to registered domestic partnerships to the list of interested persons in paragraph 1 of the instructions, as follows:

Rule 6-316. LIST OF INTERESTED PERSONS

A list of interested persons shall be filed in the following form:

[CAPTION]

LIST OF INTERESTED PERSONS

Name (and age if under 18 years)	Last Known Address including Zip code	Specify: Heir/Legatee/Personal Representative	Relationship to Decedent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

Petitioner/Personal Representative

Attorney

Address

Telephone Number

Facsimile Number

E-mail Address

Instructions:

1. Interested persons include decedent's heirs (surviving spouse, registered domestic partner, children, and other persons who would inherit if there were no will) and, if decedent dies with a will, the personal representative named in the will and all legatees (persons who inherit under the will). All heirs must be listed even if decedent died with a will.

2. This list must be filed (a) within 20 days after appointment of a personal representative under administrative probate or (b) at the time of filing a Petition for Judicial Probate or a Petition for Administration of a Small Estate.

Cross reference: Code, Estates and Trusts Article, §§ 5-403(a), 5-607, and 7-104.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 – ADMINISTRATION OF ESTATES

AMEND Rule 6-416 by deleting the form in subsection (b)(1)(B) and referring to a form posted on the Register of Wills form website and by making stylistic changes, as follows:

Rule 6-416. ATTORNEY'S FEES OR PERSONAL REPRESENTATIVE'S COMMISSIONS

(a) Subject to Court Approval

(1) Contents of Petition

(A) Generally

When a petition for the allowance of attorney's fees or personal representative's commissions is required, it shall be verified and shall state in reasonable detail the basis for the current request and (i) the amount of all fees or commissions previously allowed, (ii) the amount of fees or commissions that the petitioner reasonably estimates will be requested in the future, (iii) the amount of fees or commissions currently requested, (iv) any additional fees or commissions anticipated or previously allowed in connection with an election by or on behalf of a surviving spouse to take an elective share, and (v) that the notice required by subsection (a)(3) of this Rule has been given.

(B) Compensation in Connection with an Elective Share

When a petition for the allowance of additional attorney's fees or personal representative's commissions in connection with an election by or on behalf of a surviving spouse to take an elective share under Code, Estates and Trusts Article, § 7-603(b) is required, it shall be verified and shall state in reasonable detail the basis for the current request and (i) the amount of all fees or commissions previously allowed, (ii) the amount of fees or commissions that the petitioner reasonably estimates will be requested in the future, (iii) the amount of fees or commissions currently requested, (iv) the amount of fees or commissions under this subsection consented to by all interested persons, and (v) that the notice required by subsection (a)(3) of this Rule has been given. A petition under this subsection may be combined with a petition under subsection (a)(1)(A) of this Rule.

Committee note: Code, Estates and Trusts Article, § 7-603(b)(2) states that the amount of compensation or attorney's fees consented to by all interested persons is presumed to be reasonable.

(2) Filing – Separate or Joint Petitions

Petitions for attorney's fees and personal representative's commissions shall be filed with the court and may be filed as separate or joint petitions.

(3) Notice

The personal representative shall serve on each unpaid creditor who has filed a claim and on each interested person a copy of the petition accompanied by a notice in the following form:

NOTICE OF PETITION FOR ATTORNEY'S FEES OR PERSONAL
REPRESENTATIVE'S COMMISSIONS

RULE 6-416

You are hereby notified that a petition for allowance of attorney's fees or personal representative's commissions has been filed. You have 20 days after service of the petition within which to file written exceptions and to request a hearing.

(4) Allowance by Court

Upon the filing of a petition, the court, by order, shall allow attorney's fees or personal representative's commissions as it considers appropriate, subject to any exceptions.

(5) Exception

An exception shall be filed with the court within 20 days after service of the petition and notice and shall include the grounds therefor in reasonable detail. A copy of the exception shall be served on the personal representative.

(6) Disposition

If timely exceptions are not filed, the order of the court allowing the attorney's fees or personal representative's commissions becomes final. Upon the filing of timely exceptions, the court shall set the matter for hearing and notify the personal representative and other persons that the court deems appropriate of the date, time, place, and purpose of the hearing.

(b) Payment of Attorney's Fees and Personal Representative's Commissions Without Court Approval

(1) Consent in Lieu of Court Approval

(A) Procedure

Upon the filing of a completed Consent to Compensation for Personal Representative and/or Attorney form substantially in the form ~~set forth in~~ required by subsection (b)(1)(B) of this Rule, the personal representative may pay attorney's fees and personal representative's commissions without court approval if the combined sum of all payments of attorney's fees authorized under Code, Estates and Trusts Article, § 7-602(a) and personal representative's commissions authorized under Code, Estates and Trusts Article, § 7-601(a) does not exceed the amounts provided in Code, Estates and Trusts Article, § 7-601(b). Unless the Consent form is filed simultaneously with the final account or final report under modified administration, each payment consented to must be for services rendered by the attorney or personal representative prior to the date of the consent.

(B) Form of Consent

The consent stating the amounts of the payments shall be signed by (i) each creditor who has filed a claim that is still open and (ii) all interested persons, and filed with the register substantially in the ~~following~~ approved by the Registers of Wills and posted on the Register of Wills forms website.:

~~BEFORE THE REGISTER OF WILLS FOR _____, MARYLAND~~

~~IN THE ESTATE OF: _____ Estate No. _____~~

~~CONSENT TO COMPENSATION FOR
PERSONAL REPRESENTATIVE AND/OR ATTORNEY~~

~~I understand that the law, Estates and Trusts Article, § 7-601, provides a formula to establish the maximum total commissions to be paid for personal representative's commissions. If the total compensation for personal~~

RULE 6-416

~~representative's commissions and attorney's fees being requested falls within the maximum allowable commissions, and the request is consented to by all unpaid creditors who have filed claims and all interested persons, this payment need not be subject to review or approval by the Court. A creditor or an interested party may, but is not required to, consent to these fees.~~

~~The formula sets total compensation at 9% of the first \$20,000 of the adjusted estate subject to administration PLUS 3.6% of the excess over \$20,000. Based on this formula, the adjusted estate subject to administration known at this time is _____. The total allowable statutory maximum commission based on the adjusted estate subject to administration known at this time is _____, LESS any personal representative's commissions and attorney's fees previously approved as required by law and paid. To date, \$ _____ in personal representative's commissions and \$ _____ in attorney's fees have been paid.~~

~~IF ALL REQUIRED CONSENTS ARE NOT OBTAINED, A PETITION SHALL BE FILED, AND THE COURT SHALL DETERMINE THE AMOUNT TO BE PAID.~~

~~Cross reference: See 90 Op. Att'y. Gen. 145 (2005).~~

~~Total combined commissions and fees being requested for services prior to _____, 20__ are \$ _____, to be paid as follows:~~

Amount	To	Name of Personal Representative/Attorney
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

~~I have read this entire form and I hereby consent to the payment of personal representative and/or attorney's fees in the above amount.~~

~~Date _____ Signature _____ Name (Typed or Printed)~~

~~Attorney _____ Personal Representative~~

~~Address _____ Personal Representative~~

~~Telephone Number~~

~~Facsimile Number~~

~~Email Address~~

(2) Payment of Contingency Fee for Services Other Than Estate Administration

The personal representative may pay attorney's fees without court approval if:

(A) the fee is paid to an attorney representing the estate in litigation under a contingency fee agreement signed by the decedent or by a previous personal representative;

RULE 6-416

(B) the fee is paid to an attorney representing the estate in litigation under a contingency fee agreement signed by the current personal representative of the decedent's estate provided that the personal representative is not acting as the retained attorney and is not a member of the attorney's firm;

(C) the fee does not exceed the terms of the contingency fee agreement;

(D) a copy of the contingency fee agreement is on file with the Register of Wills; and

(E) the attorney files a statement with each account stating that the scope of the representation by the attorney does not extend to the administration of the estate.

(3) Designation of Payment

When rendering an account pursuant to Rule 6-417 or a final report under modified administration pursuant to Rule 6-455, the personal representative shall designate any payment made under this section as an expense.

Cross reference: Code, Estates and Trusts Article, §§ 7-502, 7-601, 7-602, 7-603, and 7-604.

MARYLAND RULES OF PROCEDURE

TITLE 6 - SETTLEMENT OF DECEDENTS' ESTATES

CHAPTER 400 – ADMINISTRATION OF ESTATES

AMEND Rule 6-454 by updating the cross reference following section (e),
as follows:

Rule 6-454. SPECIAL ADMINISTRATION

...

(e) Notice

Notice of the appointment of a special administrator is not required unless
otherwise directed by the court.

Cross reference: Code, Estates and Trusts Article, §§ 1-101 ~~(s)~~(x), 6-304, 6-401
through 6-404, 7-201, 7-301, and 12-701.

MARYLAND RULES OF PROCEDURE

TITLE 7 – APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT

CHAPTER 100 – APPEALS FROM THE DISTRICT COURT TO THE CIRCUIT

COURT

AMEND Rule 7-112 by adding a provision to subsection (d)(2) prohibiting discovery in aid of execution in money judgments arising out of small claim actions, as follows:

Rule 7-112. APPEALS HEARD DE NOVO

...

(d) Procedure in Circuit Court

(1) The form and sufficiency of pleadings and the capacity requirements in an appeal to be heard de novo are governed by the rules applicable in the District Court. A charging document may be amended pursuant to Rule 4-204.

(2) If the action in the District Court was tried under Rule 3-701, there shall be no pretrial discovery under Chapter 400 of Title 2, the circuit court shall conduct the trial de novo in an informal manner, and there shall be no post-judgment discovery under Chapter 600 of Title 2. Title 5 of these rules does not apply to the proceedings.

(3) Except as otherwise provided in this section, the appeal shall proceed in accordance with the rules governing cases instituted in the circuit court.

RULE 7-112

Cross reference: See Rule 2-327 concerning the waiver of a jury trial on appeal from certain judgments entered in the District Court in civil actions.

...

MARYLAND RULES OF PROCEDURE

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

CHAPTER 300 – OBTAINING REVIEW IN THE SUPREME COURT

AMEND Rule 8-303 by adding “or cross-petition” to section (a), by adding new subsection (a)(3) pertaining to petitions by unrepresented incarcerated or institutionalized petitioners, by adding a Committee note following new subsection (a)(3), and by making stylistic changes, as follows:

Rule 8-303. PETITION FOR WRIT OF CERTIORARI — PROCEDURE

(a) Filing

A petition or cross-petition for a writ of certiorari shall be filed with the Clerk of the Supreme Court. The petition or cross-petition shall be accompanied by the filing fee prescribed pursuant to Code, Courts Article, § 7-102 unless:

(1) if the petition or cross-petition is in a civil action, the prepayment of prepaid costs has been waived in accordance with Rule 1-325.1; ~~or~~

(2) if the petition or cross-petition is in a criminal action, the fee has been waived by an order of court or the petitioner is represented by the Public Defender's Office; or

(3) the petitioner either attests in writing or is determined by the court to be (A) not represented by an attorney, and (B) by court order, confined in a

correctional or detention facility or a facility governed by Code, Health –
General Article, Title 10.

Committee note: An individual who is unrepresented and confined by court order in a correctional or detention facility or a mental health facility is presumed to be unable to prepay the fee for filing a petition or cross-petition for certiorari or other extraordinary relief. Nothing in this Rule prohibits the Supreme Court from later ordering the petitioner to pay the fee if the petitioner is not indigent or assessing costs at the conclusion of the proceedings.

. . .

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 – APPELLATE REVIEW IN THE SUPREME COURT

AND THE APPELLATE COURT

CHAPTER 500 – RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-511 by deleting the requirement to attach copies of an amicus brief in subsection (b)(2), by deleting the cross reference following subsection (b)(2), by deleting subsection (b)(3), by re-numbering current subsection (b)(4) as subsection (b)(3), and by adding a service requirement to new subsection (b)(3), and as follows:

Rule 8-511. AMICUS CURIAE

...

(b) Motion and Brief

(1) Content of Motion

A motion requesting permission to file an amicus curiae brief shall:

(A) identify the interest of the movant;

(B) state the reasons why the amicus curiae brief is desirable;

(C) state whether the movant requested of the parties their consent to the filing of the amicus curiae brief and, if not, why not;

(D) state the issues that the movant intends to raise; and

(E) identify every person, other than the movant, its members, or its attorneys, who made a monetary or other contribution to the preparation or submission of the brief, and identify the nature of the contribution.

(2) Attachment of Brief

~~Copies of the~~ The proposed amicus curiae brief shall be attached to ~~two of~~
~~the copies of the motion filed with the Court.~~

~~Cross reference: See Rule 8-431(e) for the total number of copies of a motion required when the motion is filed in an appellate court.~~

~~(3) Service~~

~~The movant shall serve a copy of the motion and proposed brief on each party.~~

~~(4)~~(3) If Motion Granted

If the motion is granted, the brief shall be regarded as having been filed when the motion was filed. ~~Within ten days~~ Promptly after the order granting the motion is filed, the amicus curiae shall file and serve paper copies of the brief as ~~the additional number of briefs~~ required by Rule 8-502 (c).

...

Source: This Rule is derived in part from Fed.R.App.P. 29 and Sup.Ct.R. 37 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-103 by adding to subsection (b)(1)(F) a requirement to list the addresses of all agencies used to locate the adoptee; by deleting from subsection (b)(1)(F) the requirement to attach a copy of advertisements used to locate the person to be adopted; by deleting the Committee note following subsection (b)(1)(F); by adding “or registered domestic partner” to subsection (b)(1)(I); by adding new subsection (b)(1)(Q) pertaining to the Indian Child Welfare Act; by adding clarifying language pertaining to proof of live birth in subsection (b)(2)(A)(i); by adding new subsection (b)(2)(A)(iii) pertaining to certification of domestic partnership; by renumbering current subsection (b)(2)(A)(iii) as (b)(2)(A)(iv); by adding new subsection (b)(2)(A)(v) pertaining to a declaration of termination of domestic partnership; by adding new subsection (b)(2)(A)(vi) pertaining to a court order adjudicating parentage, establishing parental rights, or finding de facto parenthood; by renumbering current subsections (b)(2)(A)(iv) through (b)(2)(A)(xiii) as (b)(2)(A)(vii) through (b)(2)(A)(xvi), respectively; by deleting subsection (b)(2)(C)(ii) and relocating it to new subsection (b)(2)(A)(xvii); by renumbering subsection (b)(2)(A)(xiv) as subsection (b)(2)(A)(xviii); by adding a cross reference to Rule 20-106 (c)(3) following renumbered subsection (b)(2)(A)(viii); by adding a provision to renumbered subsection (b)(2)(A)(xii) pertaining to parental rights terminated by statute; by clarifying provisions pertaining to the Interstate Compact on the

Placement of Children in renumbered subsection (b)(2)(A)(xv); by updating the cross reference following subsection (b)(2)(A)(xv); by renumbering subsections (b)(2)(C)(iii) through (b)(2)(C)(viii) as (b)(2)(C)(ii) through (b)(2)(C)(vii), respectively; and by making stylistic changes, as follows:

Rule 9-103. PETITION

(a) Titling of Case

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

(b) Petition for Adoption

(1) Contents

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

(A) The name, address, age, business or employment, and employer of each petitioner;

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

(C) The name, address, and age of each parent of the person to be adopted;

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

(E) The name, address, and age of each child of each petitioner;

(F) A statement of how the person to be adopted was located (including names and addresses of all agencies, intermediaries, or surrogates), attaching

~~a copy of all advertisements used to locate the person, and a copy of any surrogacy contract;~~

~~Committee note: If the text of an advertisement was used verbatim more than once, the requirement that a copy of all advertisements be attached to the petition may be satisfied by attaching a single copy of the advertisement, together with a list of the publications in which the advertisement appeared and the dates on which it appeared.~~

(G) If the person to be adopted is a minor, the names and addresses of all persons who have had legal or physical care, custody, or control of the minor since the minor's birth and the period of time during which each of those persons has had care, custody, or control, but it is not necessary to identify the names and addresses of foster parents, other than a petitioner, who have taken care of the minor only while the minor has been committed to the custody of a child placement agency;

(H) If the person to be adopted is a minor who has been transported from another state to this State for purposes of placement for adoption, a statement of whether there has been compliance with the Interstate Compact on the Placement of Children (ICPC);

(I) If applicable, the reason why the spouse or registered domestic partner of the petitioner is not joining in the petition;

(J) If there is a guardian with the right to consent to adoption for the person to be adopted, the name and address of the guardian and a reference to the proceeding in which the guardian was appointed;

(K) Facts known to each petitioner that may indicate that an individual has a disability that makes an individual incapable of consenting or participating

effectively in the proceedings, or, if no such facts are known to the petitioner, a statement to that effect;

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

(M) If a petitioner desires to change the name of the person to be adopted, the name that is desired;

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

(O) That the petitioner is not aware that any required consent has been revoked; ~~and~~

(P) If placement pending final action on the petition is sought in accordance with Code, Family Law Article, § 5-3B-12, a request that the court approve the proposed placement; and

(Q) A statement as to whether the Federal Indian Child Welfare Act (25 U.S.C. § 1901) applies.

(2) Exhibits

(A) Except for an adoption pursuant to Code, Family Law Article, § 5-3B-27, the following documents shall accompany the petition as exhibits:

(i) A verification or proof of live birth or a certified copy of the birth certificate ~~or “proof of live birth”~~ of the person to be adopted;

(ii) A certified copy of the marriage certificate of each married petitioner;

(iii) A certified copy of the certification of domestic partnership of each petitioner who is party to a registered domestic partnership;

~~(iii)~~(iv) A certified copy of all judgments of divorce of each petitioner;

(v) A certified copy of a declaration of termination of domestic partnership of each petitioner who had been a party to a registered domestic partnership;

(vi) A certified copy of any court order adjudicating parentage, establishing parental rights, or establishing an individual as a *de facto* parent;

~~(iv)~~(vii) A certified copy of any death certificate of a person whose consent would be required if that person were living;

~~(v)~~(viii) A certified copy of all orders concerning temporary custody or guardianship of the person to be adopted;

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

~~(vi)~~(ix) A copy of any existing adoption home study by a licensed child placement agency concerning a petitioner, criminal background reports, or child abuse clearances;

~~(vii)~~(x) A document evidencing the annual income of each petitioner;

~~(viii)~~(xi) The original of all consents to the adoption, any required affidavits of translators or attorneys, and, if available, a copy of any written statement by the consenting person indicating a desire to revoke the consent, whether or not that statement constitutes a valid revocation;

Cross reference: See Code, Family Law Article, §§ 5-331, 5-338, and 5-339 as to a Public Agency Adoption without Prior TPR; 5-345, 5-350, and 5-351 as to a Public Agency Adoption after TPR; 5-3A-13, 5-3A-18, and 5-3A-19 as to a Private Agency Guardianship; 5-3A-35 as to a Private Agency Adoption; and 5-3B-20 and 5-3B-21 as to an Independent Adoption.

~~(ix)~~(xii) If applicable, proof of (1) termination of parental rights by statute, or (2) guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; a certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws; and any appropriate translation of documents required to allow the child to enter the United States;

Cross reference: See Code, Family Law Article, §§ 5-305, 5-331, and 5-338 as to a Public Agency Adoption without Prior TPR; 5-305 and 5-345 as to a Public Agency Adoption after TPR; 5-3A-05, 5-3A-13, and 5-3A-18 as to a Private Agency Guardianship; 5-3A-05 as to a Private Agency Adoption; and 5-3B-04 and 5-3B-20 as to an Independent Adoption.

~~(x)~~(xiii) If a parent of the person to be adopted cannot be identified or located, an affidavit of each petitioner and the other parent describing the attempts to identify and locate the unknown or missing parent;

Cross reference: See Code, Family Law Article, §§ 5-331 and 5-334 as to a Public Agency Adoption without Prior TPR and 5-3B-15 as to an Independent Adoption.

~~(xi)~~(xiv) A copy of any agreement between a parent of the person to be adopted and a petitioner relating to the proposed adoption with any required redaction;

Cross reference: See Code, Family Law Article, §§ 5-308 and 5-331 as to a Public Agency Adoption without Prior TPR; 5-308 and 5-345 as to a Public Agency Adoption after TPR; 5-3A-08 as to a Private Agency Adoption; and 5-3B-07 as to an Independent Adoption.

~~(xii)~~(xv) If the adoption is subject to the Interstate Compact on the Placement of Children, the ~~appropriate ICPC approval forms~~ form approving placement;

Cross reference: See Code, Family Law Article, ~~§ 5-601~~ § 5-604 for ICPC procedures for sending a child into the state.

~~(xiii)~~(xvi) A brief statement of the health of each petitioner signed by a physician or other health care provider if applicable; ~~and~~

(xvii) A brief statement of the health of the child by a physician or other health care provider; and

~~(xiv)~~(xviii) If required, a notice of filing as prescribed by Code, Family Law Article:

(1) § 5-331 in a Public Agency Adoption without Prior TPR; or

(2) § 5-345 in a Public Agency Adoption after TPR.

(B) If the petition is filed pursuant to Code, Family Law Article, § 5-3B-27 by the spouse of the prospective adoptee's mother or an individual who consented to the prospective adoptee's conception by means of assisted reproduction, the following documents shall accompany the petition as exhibits:

(i) A certified copy of the petitioner's and prospective adoptee's mother's marriage certificate or evidence of the parties' shared express intent to become parents of the child by means of assisted reproduction, including a copy of any written agreement consenting to the conception of the prospective adoptee by means of assisted reproduction;

(ii) A certified copy of the prospective adoptee's birth certificate;

(iii) A statement explaining the circumstances of the prospective adoptee's conception in detail sufficient to identify any individual who may be entitled to notice or whose consent may be required under this subtitle;

(iv) The original of all consents to the adoption, any required affidavits of translators or attorneys, and, if available, a copy of any written statement by the consenting person indicating a desire to revoke the consent, whether or not that statement constitutes a valid revocation; and

(v) An affidavit of counsel for a child, if the child is represented;

Cross reference: Code, Family Law Article, § 5-3B-27.

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

(i) Any post-placement report relating to the adoption, if applicable;

Cross reference: See Code, Family Law Article, §§ 5-337 as to a Public Agency Adoption without Prior TPR; 5-349 as to a Public Agency Adoption after TPR; 5-3A-31 and 5-3A-34 as to a Private Agency Adoption; and 5-3B-16 as to an Independent Adoption.

~~(ii) A brief statement of the health of the child by a physician or other health care provider;~~

~~(iii)~~(ii) If required by law, an accounting of all payments and disbursements of any money or item of value made by or on behalf of each petitioner in connection with the adoption;

Cross reference: Code, Family Law Article, § 5-3B-24 as to an Independent Adoption.

~~(iv)~~(iii) An affidavit of counsel for a parent, if required by Code, Family Law Article:

- (1) §§ 5-307 and 5-339 in a Public Agency Adoption without Prior TPR;
- (2) §§ 5-3A-07 and 5-3A-19 in a Private Agency Guardianship; or
- (3) §§ 5-3B-06 and 5-3B-21 in an Independent Adoption;

~~(v)~~(iv) An affidavit of counsel for a child, if the child is represented;

Cross reference: See Code, Family Law Article, §§ 5-307 and 5-338 as to a Public Agency Adoption without Prior TPR; 5-307 and 5-350 as to a Public Agency Adoption after TPR; 5-3A-07 and 5-3A-35 as to a Private Agency Adoption; and 5-3B-06 and 5-3B-20 as to an Independent Adoption.

~~(vi)~~(v) If the adoption is subject to the Interstate Compact on the Placement of Children, ~~the~~ any required post-placement ~~form~~ reports;

~~(vii)~~(vi) A proposed judgment of adoption; and

~~(viii)~~(vii) A Maryland Department of Health Certificate of Adoption Form.

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

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-109 by clarifying the persons permitted to attend a hearing in subsection (b)(1), as follows:

Rule 9-109. HEARING ON MERITS

(a) Requirement

(1) Generally

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

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

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

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

(D) § 5-3B-17 in an Independent Adoption.

(2) Guardianship

The court may hold a hearing on the merits of a consensual Private Agency Guardianship petition.

(b) Adoption

(1) Persons Present at Hearing

Unless excused for good cause shown, each petitioner and the person to be adopted shall be present at the hearing on the merits in an adoption action. The hearing shall be conducted out of the presence of all persons other than

RULE 9-109

the petitioners, the person to be adopted, those persons whose presence is consented to by all petitioners, and those persons whose presence the court deems necessary or desirable. Notice of a hearing sent to an individual who consented to the adoption pursuant to Rule 9-102 does not entitle that individual to attend the hearing.

Committee note: Social policy against public disclosure of adoption proceedings compels all hearings to be as private as possible. This Rule leaves to the discretion of the trial court the extent to which this consideration must be relaxed in the interest of fair trial.

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

CHAPTER 100 – ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-111 by incorporating a registered domestic partner to the provision in section (e), as follows:

Rule 9-111. JUDGMENT OF ADOPTION OR GUARDIANSHIP

(a) Time

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

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

(b) Information from Other Court

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

(c) Supplemental Report

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

(d) Change of Name

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

(e) Spouse or Registered Domestic Partner of Parent

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

(f) Judgments of Adoption—Recording

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

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

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

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

RULE 9-111

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

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.1 by adding a provision pertaining to the effect of further notice in section G of the Instructions; by adding “found by a court to be the ‘de facto’ parent of the child” to question 5 in section A of the consent form; by adding new section (c) to question 5 in section A of the consent form; by adding new section D to the consent form; by re-lettering current sections D through G of the consent form as sections E through H, respectively; and by making stylistic changes, as follows:

Form 9-102.1. CONSENT OF PARENT TO A PRIVATE AGENCY
GUARDIANSHIP

**CONSENT OF PARENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT
TO ADOPTION OF _____ TO _____,
A LICENSED PRIVATE ADOPTION AGENCY**

INSTRUCTIONS

*These instructions and attached consent form may be used only in cases where the child is being placed for adoption with the assistance of a licensed **private** adoption agency. Code, Family Law Article, Title 5, Subtitle 3A.*

...

G. Further Notice of Guardianship and Adoption Proceedings

A petition for guardianship with the right to consent to adoption has

been or will be filed in _____ Circuit Court. If you sign the consent form, your written consent form will also be filed in the Circuit Court. You have the right to be notified when the petition is filed, about any hearings, if and when the guardianship is granted, and when the child is adopted. You also have the right to be notified if there is a delay in your child's adoption because:

1. The adoption agency does not place your child with an adoptive family within 270 days of being appointed the guardian of your child;
2. The adoption agency does not place your child with an adoptive family within 180 days of the disruption of a prior adoptive placement; or
3. The adoption is not completed within 2 years after your child's placement with the adoptive family.

Any notices will be sent to the address given by you on the consent form, unless you write to the Adoption Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed. Receiving notice of a hearing does not give you the right to attend the hearing.

...

K. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

...

**CONSENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO
ADOPTION OF**

_____ **TO** _____,

A LICENSED PRIVATE ADOPTION AGENCY

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into

_____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on

_____ at _____,
(date) (name of hospital or address of birthplace)

in _____.
(city, state, and county of birth)

5. Status as Parent. Check **all** that apply.

(a) I am

the mother of the child.

the father of the child.

alleged to be the father of the child.

found by a court to be the "de facto" parent of the child.

(b) I was married to the mother of the child

at the time of conception of the child.

at the time the child was born.

(c) I was the registered domestic partner of the parent of the child

at the time of conception of the child.

at the time the child was born.

...

D. Rights Under the Indian Child Welfare Act.

Check the following statement if it applies to you:

I am not a member of an Indian tribe or eligible to become a member of an Indian tribe.

OR

I am a member of an Indian tribe or believe I may be enrolled in a tribe. The name of the tribe is _____, located in

_____.

D. E. Notice

...

E. F. Revocation Rights

...

F. G. Effect of this Consent

...

G. H. Oath and Signature

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.2 by adding a provision pertaining to the effect of further notice in section G of the Instructions; by adding “found by a court to be the ‘de facto’ parent of the child” to question 5 in section A of the consent form; by adding new section (c) to question 5 in section A of the consent form; by adding new section E to the consent form; by re-lettering current sections E through H of the consent form as sections F through I, respectively; and by making stylistic changes, as follows:

Form 9-102.2. CONSENT OF PARENT TO A PUBLIC AGENCY ADOPTION
WITHOUT PRIOR TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Adoption of CINA without Prior Termination of Parental Rights

INSTRUCTIONS

*These instructions and attached consent form may be used only in cases where the child is a Child in Need of Assistance **and** the petitioner is seeking to adopt the child **without** prior termination of parental rights. Code, Family Law Article, Title 5, Subtitle 3, Part III.*

...

G. Further Notice of Adoption Proceedings

A petition for adoption has been or will be filed in the Circuit Court for _____ . If you sign the consent form, your written consent will

also be filed in the court. You have the right to be notified when the petition is filed, when any hearings are held before the adoption is granted, and if and when the adoption is granted. Any notices will be sent to the address given by you on the consent form, unless you write to the Juvenile Clerk at

_____ (court's address) and give the clerk your new address.

You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed. Receiving notice of a hearing does not give you the right to attend the hearing.

...

K. Rights under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

...

CONSENT OF PARENT TO ADOPTION OF _____
Adoption of CINA without PRIOR Termination of Parental Rights

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____,
(date) (name of hospital or address of birthplace)
in _____.
(city, state, and county of birth).

5. Status as Parent. Check **all** that apply.

(a) I am

the mother of the child.

the father of the child.

alleged to be the father of the child.

found by a court to be the “de facto” parent of the child.

(b) I was married to the mother of the child

at the time of conception of the child.

at the time the child was born.

(c) I was the registered domestic partner of the parent of the child

at the time of conception of the child.

at the time the child was born.

...

E. Rights Under the Indian Child Welfare Act.

Check the following statement if it applies to you:

I am not a member of an Indian tribe or eligible to become a member of an Indian tribe.

OR

I am a member of an Indian tribe or believe I may be enrolled in a tribe. The name of the tribe is _____, located in _____.

E. F. Notice

...

F. G. Revocation Rights

...

G. H. Effect of this Consent

...

H. I. Oath and Signature

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.3 by adding a provision pertaining to the effect of further notice in section G of the Instructions; by adding “found by a court to be the ‘de facto’ parent of the child” to question 5 in section A of the consent form; by adding new section (c) to question 5 in section A of the consent form; by adding new section E to the consent form; by re-lettering current sections E through H of the consent form as sections F through I, respectively; and by making stylistic changes, as follows:

Form 9-102.3. CONSENT OF PARENT TO AN INDEPENDENT ADOPTION WITH TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Independent Adoption with Termination of Parental Rights

INSTRUCTIONS

These instructions and attached consent form may be used only in independent adoptions, not those that are arranged by an adoption agency. This form should only be used for a parent whose parental rights are being terminated. It should not be used for a parent who is retaining parental rights, for example, a custodial parent in a step-parent adoption. Code, Family Law Article, Title 5, Subtitle 3B.

...

G. Further Notice of Adoption Proceedings

A petition for adoption has been or will be filed in the Circuit Court for

_____. If you sign the consent form, your written consent will also be filed in the court. You have the right to be notified when the petition is filed, when any hearings are held before the adoption is granted, and if and when the adoption is granted. Any notices will be sent to the address given by you on the consent form, unless you write to the Adoption Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed. Receiving notice of a hearing does not give you the right to attend the hearing.

...

K. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

...

**CONSENT TO INDEPENDENT ADOPTION OF _____
WITH TERMINATION OF PARENTAL RIGHTS**

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____,
(date) (name of hospital or address of birthplace)
in _____.
(city, state, and county of birth).

5. Status as Parent. Check **all** that apply.

(a) I am

the mother of the child.

the father of the child.

alleged to be the father of the child.

found by a court to be the “de facto” parent of the child.

(b) I was married to the mother of the child

at the time of conception of the child.

at the time the child was born.

(c) I was the registered domestic partner of the parent of the child

at the time of conception of the child

at the time the child was born.

...

E. Rights Under the Indian Child Welfare Act.

Check the following statement if it applies to you:

I am not a member of an Indian tribe or eligible to become a member of an Indian tribe.

OR

I am a member of an Indian tribe or believe I may be enrolled in a tribe. The name of the tribe is _____, located in _____.

E. F. Notice

...

F. G. Revocation Rights

...

G. H. Effect of this Consent

...

H. I. Oath and Signature

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.4 by adding a provision pertaining to the effect of further notice in section G of the Instructions; by adding “found by a court to be the ‘de facto’ parent of the child” to question 5 in section A of the consent form; by adding new section (c) to question 5 in section A of the consent form; by adding new section E to the consent form; by re-lettering current sections E through H of the consent form as sections F through I, respectively; and by making stylistic changes, as follows:

Form 9-102.4. CONSENT OF PARENT TO AN INDEPENDENT ADOPTION
WITHOUT PRIOR TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Independent Adoption without Termination of Parental Rights

INSTRUCTIONS

These instructions and attached consent form may be used only in independent adoptions, not those that are arranged by an adoption agency. This form should only be used for a parent whose parental rights are not being terminated. It should be used for a parent who is retaining parental rights, for example, a custodial parent in a step-parent adoption. Code, Family Law Article, Title 5, Subtitle 3B.

...

G. Further Notice of Adoption Proceedings

A petition for adoption has been or will be filed in the Circuit Court for

_____. If you sign the consent form, your written consent will also be filed in the court. You have the right to be notified when the petition is filed, when any hearings are held before the adoption is granted, and if and when the adoption is granted. Any notices will be sent to the address given by you on the consent form, unless you write to the Adoption Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed. Receiving notice of a hearing does not give you the right to attend the hearing.

...

K. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

...

**CONSENT TO INDEPENDENT ADOPTION OF _____
WITHOUT TERMINATION OF PARENTAL RIGHTS**

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____,
(date) (name of hospital or address of birthplace)
in _____.
(city, state, and county of birth).

5. Status as Parent. Check **all** that apply.

(a) I am

the mother of the child.

the father of the child.

alleged to be the father of the child.

found by a court to be the “de facto” parent of the child.

(b) I was married to the mother of the child

at the time of conception of the child.

at the time the child was born.

(c) I was the registered domestic partner of the parent of the child

at the time of conception of the child.

at the time the child was born.

...

E. Rights Under the Indian Child Welfare Act.

Check the following statement if it applies to you:

I am not a member of an Indian tribe or eligible to become a member of an Indian tribe.

OR

I am a member of an Indian tribe or believe I may be enrolled in a tribe. The name of the tribe is _____, located in _____.

E. F. Notice

...

F. G. Revocation Rights

...

G. H. Effect of this Consent

...

H. I. Oath and Signature

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.5 by adding a provision pertaining to federal Indian Child Welfare Act to the form as number 12 and by renumbering 12 through 15 as 13 through 16, respectively, as follows:

Form 9-102.5. CONSENT OF CHILD TO A PUBLIC AGENCY ADOPTION OR PRIVATE AGENCY ADOPTION

CONSENT OF _____ TO ADOPTION
(Name of Child)

INSTRUCTIONS

This consent form may be completed only after being reviewed with an attorney and should be completed only by a child who is in the custody of or under the guardianship of the Department of Social Services or under the guardianship of a private child placement agency. Code, Family Law Article, Title 5, Subtitle 3 or 3A.

...

12. I have not lived on an Indian Reservation, and I do not believe that I am a member of an Indian tribe or eligible to be an enrolled member of an Indian tribe.

~~12.~~ 13. I have read this consent form or have had it read and explained to me in a language that I understand. I understand the meaning of this consent form.

~~13.~~ 14. I have not been promised anything in return for agreeing to be

adopted.

~~14.~~ 15. I have signed this consent form of my own free will.

~~15.~~ 16. I understand that I will be given a copy of this signed consent form.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.6 by adding a new section E pertaining to the federal Indian Child Welfare Act to the Instructions; by adding new question 13 pertaining to the Indian Child Welfare Act to the form; and by renumbering questions 13 through 16 as 14 through 15, respectively, as follows:

Form 9-102.6. CONSENT OF CHILD TO AN INDEPENDENT ADOPTION

CONSENT OF _____ TO INDEPENDENT ADOPTION
(Name of Child)

INSTRUCTIONS

This consent form should be completed only by a child who is being adopted in an independent adoption that is not being arranged by an adoption or child placement agency. Code, Family Law Article, Title 5, Subtitle 3B.

...

E. Rights under the Indian Child Welfare Act

If you are a member of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your case should be handled under the Indian Child Welfare Act.

...

CONSENT OF _____ TO INDEPENDENT ADOPTION
(Name of Child)

Use a pen to fill out this form. If you decide to sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be your parent or the person who is adopting you. You must fill in all the blanks, sign the form, and print your name, address, and telephone number, and the witness must sign and print the witness' name, address, and telephone number in the blanks on the last page.

...

13. Check one:

I am not a member of an Indian tribe or eligible to become a member of an Indian tribe.

OR

I am a member of an Indian tribe or believe I may be enrolled in a tribe. The name of the tribe is _____, located in _____.

~~13.~~ 14. I have read this consent form or have had it read and explained to me in a language that I understand. I understand the meaning of this consent form.

~~14.~~ 15. I have not been promised anything in return for agreeing to be adopted.

~~15.~~ 16. I have signed this consent form of my own free will.

~~16.~~ 17. I understand that I will be given a copy of this signed consent form.

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.7 by adding a new number 5 pertaining to the federal Indian Child Welfare Act to the form and by renumbering numbers 5 and 6 as 6 and 7, respectively, as follows:

Form 9-102.7. ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO A PRIVATE AGENCY GUARDIANSHIP

Affidavit by Attorney as to Consent of _____ (parent) to Guardianship with the Right to Consent to Adoption (“Guardianship”) by _____ (agency) of _____ (child)

...

5. Based on my interview with the parent, the parent is not a member of an Indian tribe, is not eligible for membership in an Indian tribe, and has no immediate family member who is a member of an Indian tribe.

~~5.~~ 6. I have explained to the parent that _____ (agency) has filed or plans to file a case to ask the court to grant it guardianship of the child with the right to consent to adoption by:

Check one of the following:

a family approved by the agency.

OR

_____ (name by which parent knows adoptive parent).

~~6.~~ 7. I reviewed the consent form thoroughly with the parent, and I believe that the parent desires to consent to the guardianship and has signed the consent form knowingly and voluntarily and not due to duress or coercion.

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.8 by adding a new number 5 pertaining to the federal Indian Child Welfare Act to the form and by renumbering numbers 5 and 6 as 6 and 7, respectively, as follows:

Form 9-102.8. ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO ADOPTION

Affidavit by Attorney as to Consent of

_____ (parent)

to Adoption of _____ (child)

...

5. Based on my interview with the parent, the parent is not a member of an Indian tribe, is not eligible for membership in an Indian tribe, and has no immediate family member who is a member of an Indian tribe.

~~5.~~ 6. I have explained to the parent that _____ (name by which parent knows adoptive parent) has filed or plans to file a case to ask the court to permit that person to adopt the parent's child.

~~6.~~ 7. I reviewed the consent form thoroughly with the parent, and I believe that the parent desires to consent to the adoption and has signed the consent form knowingly and voluntarily and not due to duress or coercion.

...

MARYLAND RULES OF PROCEDURE

TITLE 9 – FAMILY LAW ACTIONS

FORMS FOR ADOPTIONS; PRIVATE AGENCY GUARDIANSHIPS

AMEND Form 9-102.9 by adding a new number 5 pertaining to the federal Indian Child Welfare Act to the form and by renumbering numbers 5 and 6 as 6 and 7, respectively, as follows:

Form 9-102.9. ATTORNEY AFFIDAVIT AS TO CONSENT OF A CHILD TO ADOPTION

Affidavit by Attorney as to Consent of

_____ **(child) to Adoption**

...

5. Based on my interview with the child, the child is not a member of an Indian tribe, is not eligible for membership in an Indian tribe, and is not the biological child of a member of an Indian tribe.

~~5.~~ 6. I have explained to the child that _____ have asked the court to be permitted to adopt the child, that the child has the right to decide whether or not the child wants to be adopted, and the possible options if the adoption is not approved.

~~6.~~ 7. I reviewed the consent form thoroughly with the child, and I believe that the child agrees to the adoption and has signed the consent form knowingly and voluntarily and not due to duress or coercion.

...

MARYLAND RULES OF PROCEDURE

TITLE 10 – GUARDIANS AND OTHER FIDUCIARIES

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 10-112 by adding a reference to registered domestic partnerships in paragraphs 8 and 8 B of the petition, as follows:

Rule 10-112. PETITION FOR GUARDIANSHIP OF ALLEGED DISABLED PERSON

A petition for guardianship of an alleged disabled person shall be substantially in the following form:

[CAPTION]

In the Matter of

In the Circuit Court for

(Name of Alleged Disabled Individual)

(County)

(docket reference)

PETITION FOR GUARDIANSHIP OF ALLEGED DISABLED PERSON

INSTRUCTIONS

(1) Use this form of petition when a guardianship of an alleged disabled person, as defined in Code, Estates & Trusts Article, § 13-101(f) and Rule 10-103 (b) is sought.

(2) If the subject of the petition is a minor including a disabled minor, use the form petition set forth in Rule 10-111.

(3) If guardianship of more than one alleged disabled person is sought, a separate petition must be filed for each alleged disabled person.

(4) If the petition is to be filed in the Circuit Court for Baltimore City, use “Baltimore City” as the name of the county.

Guardianship of Person

Guardianship of Property

Guardianship of Person and Property

The petitioner, _____ (name), ___ (age), whose address is _____, and whose telephone number is _____, represents to the court that:

1. The alleged disabled person _____, age ___, born on the ___ day of _____ (month), _____ (year), a [] male or [] female resides at _____.

2. If the alleged disabled person does not reside in the county in which this petition is filed, state the place in this county where the alleged disabled person is currently located .

NOTE: For purposes of this Form, “county” includes Baltimore City.

3. The relationship of petitioner to the alleged disabled person is _____.

4. The alleged disabled person [] is a beneficiary of the Department of Veterans Affairs and the guardian may expect to receive benefits from that Department.

[] is not a beneficiary of the Department of veterans Affairs.

5. Complete Section 5 if the petitioner is asking the court to appoint the petitioner as the guardian.

(Check only one of the following boxes)

[] I have not been convicted of a crime listed in Code, Estates and Trusts Article, § 11-114.

[] I was convicted of such a crime, namely _____. The conviction occurred in ___ (year) in the _____ (name of court), but the following good cause exists for me to be appointed as guardian: _____.

6. Complete Section 6 if the petitioner is asking the court to appoint an individual other than the petitioner as the guardian.

6 a. Prospective Guardian of the Person (Complete Section 6 a if seeking guardianship of the person.)

The name of the prospective guardian of the person is _____ and that individual's age is _____. The relationship of that individual to the alleged disabled person is _____.

(Check only one of the following boxes)

[] _____ (Name of prospective guardian) has not been convicted of a crime listed in Code, Estates and Trusts Article, § 11-114.

[] _____ was convicted of such a crime, namely _____. The conviction occurred in ___ (year) in the _____ (Name of court), but the following good cause exists for the individual to be appointed as guardian: .

6 b. Prospective Guardian of the Property (Complete Section 6 b if the prospective guardian of the property is different from the prospective guardian of the person or if guardianship of the person is not sought.)

The name of the prospective guardian of the property is _____ and that individual's age is _____. The relationship of that individual to the alleged disabled person is _____.

(Check only one of the following boxes)

[] _____ (Name of prospective guardian) has not been convicted of a crime listed in Code, Estates and Trusts Article, § 11-114.

[] _____ was convicted of such a crime, namely _____. The conviction occurred in ___ (year) in the _____ (Name of court), but the following good cause exists for the individual to be appointed as guardian: _____.

7. If the alleged disabled person resides with petitioner, then state the name and address of any additional person on whom initial service shall be made: _____.

8. The following is a list of the names, addresses, telephone numbers, and e-mail addresses, if known of all interested persons (see Code, Estates and Trusts Article, § 13-101(k)):

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>E-mail Address (if known)</u>
Person or Health Care Agent Designated in Writing by Alleged Disabled Person:	_____			
<u>Spouse or Registered Domestic Partner:</u>	_____			
Parents:	_____			
Adult Children:	_____			
Adult Grandchildren*:	_____			
Siblings*:	_____			
Any Other Heirs at Law:	_____			
Guardian (If appointed):	_____			
Any Person Holding a Power of Attorney of the Alleged Disabled Person:	_____			

Alleged Disabled
Person's Attorney:

A Supporter Pursuant
to a Supported
Decision-Making
Agreement:

Any Other Person
Who Has Assumed
Responsibility for the
Alleged Disabled
Person:

Any Government
Agency Paying
Benefits to or for the
Alleged Disabled
Person:

Any Person Having an
Interest in the
Property of the Alleged
Disabled Person:

All Other Persons
Exercising Control
over the Alleged
Disabled Person or the
Person's Property:

A Person or Agency
Eligible to Serve as
Guardian of the
Person of the Alleged
Disabled Person
(Choose A or B below):

A. Director of the
Local Area Agency on
Aging (if Alleged
Disabled Person is Age
65 or over):

B. Local Department
of Social Services (if
Alleged Disabled
Person is Under Age
65):

* Note: Adult grandchildren and siblings need not be listed unless there is no spouse or registered domestic partner and there are no parents or adult children.

9. The names and addresses of the persons with whom the alleged disabled person resides or has resided over the past five years and the approximate dates of the alleged disabled person's residence with each person are as follows:

<u>Name</u>	<u>Address</u>	<u>Approximate Dates</u>
-------------	----------------	--------------------------

10. A brief description of the alleged disability and how it affects the alleged disabled person's ability to function is as follows: _____.

11. (a) Guardianship of the Person is sought because _____ (Name of Alleged Disabled Person) cannot make or communicate responsible decisions concerning health care, food, clothing, or shelter, because of mental disability, disease, habitual drunkenness, addiction to drugs, or other addictions. State the relevant facts: _____.

(b) Describe less restrictive alternatives that have been attempted and have failed (see Code, Estates and Trusts Article, § 13-705 (b)): .

12. (a) Guardianship of the Property is sought because _____ (Name of Alleged Disabled Person) cannot manage property and affairs effectively because of physical or mental disability, disease, habitual drunkenness, addiction to drugs or other addictions, imprisonment, compulsory hospitalization, detention by a foreign power, or disappearance. State the relevant facts:

--

(b) Describe less restrictive alternatives that have been attempted and have failed (see Code, Estates and Trusts Article, § 13-201):

--

13. If this Petition is for Guardianship of the Property, the following is the list of all the property in which the alleged disabled person has any interest including an absolute interest, a joint interest, or an interest less than absolute (e.g. trust, life estate):

<u>Property</u>	<u>Location</u>	<u>Value</u>	<u>Sole Owner, Joint Owner (specific type),</u>
-----------------	-----------------	--------------	---

Life Tenant,
Trustee,
Custodian, Agent,
etc.

14. The petitioner's interest in the property of the alleged disabled person listed in 13. is .

15. If a guardian or conservator has been appointed for the alleged disabled person in another proceeding, the name and address of the guardian or conservator and the court that appointed the guardian or conservator are as follows:

Name

Address

Court

16. All other proceedings regarding the alleged disabled person (including criminal) are as follows: .

17. All exhibits required by the Instructions below are attached.

WHEREFORE, Petitioner requests that this court issue an Order to direct all interested persons to show cause why a guardian of the [] person [] property [] person and property of the alleged disabled person should not be appointed, and (if applicable) _____ (Name of prospective guardian) should not be appointed as the guardian.

Attorney's Signature

Petitioner

Attorney's Name

If There is No Attorney:

Attorney's Address

Petitioner's Address

Attorney's Telephone Number

Petitioner's
Telephone Number

Attorney's E-mail Address

Petitioner's
E-mail Address

Petitioner solemnly affirms under the penalties of perjury that the contents of this document are true to the best of Petitioner's knowledge, information, and belief.

Petitioner's Name

Petitioner's Signature

ADDITIONAL INSTRUCTIONS

1. The required exhibits are as follows:

- (a) A copy of any instrument nominating a guardian;
- (b) A copy of any power of attorney (including a durable power of attorney for health care) which the alleged disabled person has given to someone;
- (c) A copy of any written supported decision-making agreement (see Code, Estates and Trusts Article, § 18-107);
- (d) Signed and verified certificates of two health care professionals who have examined or evaluated the alleged disabled person. The health care professionals shall be either two physicians licensed to practice medicine in the United States or one such licensed physician and one licensed psychologist, licensed certified social worker-clinical, or nurse practitioner . An examination or evaluation by at least one of the health care professionals must have occurred within 21 days before the filing of the petition (see Code, Estates and Trusts Article, § 13-303 and § 1-102 (a) and (b)).

2. Attach additional sheets to answer all the information requested in this petition, if necessary.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 11 – JUVENILE CAUSES

CHAPTER 300 – GUARDIANSHIP TERMINATING PARENTAL RIGHTS

FORMS

AMEND Form 11-309 by adding a provision pertaining to the effect of further notice in section H of the Instructions; by adding “found by a court to be the ‘de facto’ parent of the child” to question 4 in section B of the consent form; by adding statements pertaining to a registered domestic partner to question 4 in section B of the consent form; by adding new section D to the consent form; by re-lettering current sections D through H of the consent form as sections E through I, respectively; and by making stylistic changes, as follows:

Form 11-309. CONSENT BY PARENT TO GUARDIANSHIP

A consent by a parent to guardianship shall be substantially in the following form:

CONSENT BY PARENT TO GUARDIANSHIP WITH THE RIGHT TO
CONSENT TO ADOPTION OF [NAME OF CHILD] BY [NAME OF
LOCAL DEPARTMENT/GUARDIAN]

INSTRUCTIONS

The attached written consent form is an important legal document. You must read all of these instructions BEFORE you decide whether to sign the consent form. If you do not understand the instructions or the

consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

...

H. Further Notice of Guardianship and Adoption Proceedings

1. A petition for guardianship with the right to consent to adoption has been or will be filed in the Juvenile Court for _____ County/Baltimore City. If you sign the consent form, it will also be filed in the Juvenile Court.

2. You have the right to be notified when the petition is filed, about any hearings before or after a guardianship is granted, and if a guardianship is granted, if and when the child is adopted. Any notices will be sent to the address given by you on the consent form, unless you write to the Juvenile Clerk at _____ (court’s address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed. Receiving notice of a hearing does not give you the right to attend the hearing. If you wish to be present at a hearing, you may contact the court and request permission to attend.

...

L. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an ~~American~~ Indian tribe, as defined by federal law, you have special legal rights under the Federal Indian Child Welfare Act (25 U.S.C. § 1901). You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

...

CONSENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO
ADOPTION OR OTHER PLANNED PERMANENT LIVING ARRANGEMENT OF
_____ TO _____

Use a pen to fill out this form. You must complete each section.

A. Language of Form

1. The instructions and this consent form are in _____ (language), which is a language I can read and understand.

2. If the form is in a language other than English, attached to it is an affidavit in English of the person who translated the document from English attesting that the translation is accurate and listing ~~his or her~~ the translator's qualifications.

B. Identifying Information

1. Name

My full name is _____.

2. Age

My date of birth is _____.

3. Child's Birth Information

The child who is the subject of this consent was born on _____ (date) at _____ (name of hospital or address of birthplace) in _____ (city, state, and county, and country of birth).

4. Status as Parent

(a) I am

- the mother of the child;
- the father of the child;

alleged to be the father of the child; or
 found by a court to be the “de facto” parent
of the child.

(b) If I checked “alleged to be the father of the child” or “found by a court to be the ‘de facto’ parent of the child” (Check all that apply):

- (1) I was married to the mother of the child at the time of conception of the child.
- (2) I was married to the mother of the child at the time the child was born.
- (3) I was the registered domestic partner of the parent of the child at the time of conception of the child.
- (4) I was the registered domestic partner of the parent of the child at the time the child was born.
- ~~(5)~~ (7) I was named as the father on the child’s birth certificate.
- ~~(6)~~ (8) The child’s mother named me as the child’s father.
- ~~(7)~~ (9) I have been adjudicated by a court to be the child’s ~~father~~ parent.
- ~~(8)~~ (10) I have acknowledged myself orally or in writing to be the child’s father.
- ~~(9)~~ (11) On the basis of genetic testing, I have been have not been indicated to be the child’s biological father.
- ~~(10)~~ (12) I do not know if I am the father of the child.
- ~~(11)~~ (13) I deny that I am the father of the child.

...

D. Rights Under the Indian Child Welfare Act

Check the following statement if it applies to you:

I am not a member of an Indian tribe or eligible to become a member of an Indian tribe.

OR

[] I am a member of an Indian tribe or believe I may be enrolled in a
tribe. The name of the tribe is _____, located in

_____.

D. E. Consent

...

E. F. Further Notice

...

F. G. Right to Revoke Consent

...

G. H. Effect of this Consent

...

H. I. Oath and Signature

...

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 400 - DELINQUENCY AND CITATION PROCEEDINGS

ADD new Rule 11-420.2, as follows:

Rule 11-420.2. SAFE HARBOR – VICTIMS OF CHILD SEX TRAFFICKING AND HUMAN TRAFFICKING

(a) Applicability

This Rule applies to a petition alleging that a child committed an act that is (1) a qualifying offense listed in Code, Criminal Procedure Article, § 8-302, (2) a violation listed in Code, Courts Article, § 3-8A-01 (dd), or (3) an offense under Code, Criminal Law Article, § 3-1102.

(b) Stay of Proceedings

If at any time after the filing of a petition described in section (a) of this Rule, but not later than entry of a disposition order pursuant to Rule 11-422, there is reason to believe that the child is a victim of sex trafficking or human trafficking, on motion or on its own initiative, the court shall stay all proceedings in the delinquency action and comply with the requirements of Code, Courts Article, § 3-8A-17.13.

Cross reference: See Code, Family Law Article, § 5-701 for the definition of “sex trafficking.” See Code, Criminal Procedure Article, § 8-302 for the definition of “victim of human trafficking.”

(c) Hearing

(1) Generally

RULE 11-420.2

Within 15 days after a stay is entered pursuant to section (b) of this Rule, the court shall hold a hearing to determine and make findings, in writing or on the record in open court, by a preponderance of the evidence:

(A) whether the child is a victim of human trafficking or sex trafficking, and

(B) if so, whether the child committed each alleged act described in section (a) of this Rule, and

(C) if so, whether each alleged act that the child committed was committed as a direct result of the child being a victim of human trafficking or sex trafficking.

(2) Extension of Time

For good cause shown, the court may extend the time for the hearing for an additional 15 days.

(d) Order

The court shall enter an order dismissing each charge required to be dismissed by Code, Courts Article, § 3-8A-17.13. For charges in the petition not dismissed, the court shall enter an order lifting the stay, and shall proceed with the delinquency action pertaining to those alleged acts.

(e) Use of Certain Evidence in Other Proceedings

Any statement made by the child or information elicited from the child (1) in connection with services provided pursuant to a referral under Code, Courts Article, § 3-8A-17.13(b)(1)(iii) or (2) at a hearing pursuant to section (c) of this Rule is inadmissible against the child in any proceeding except a hearing held pursuant to subsection (c)(1) of this Rule.

RULE 11-420.2

Cross reference: See Code, Family Law Article, § 5-704.4 pertaining to the Safe Harbor Regional Navigator Grant Program. See Code, Courts Article, § 3-8A-14 (d) pertaining to duties of a law enforcement officer if there is reason to believe that a child who has been detained is a victim of sex trafficking or human trafficking. See Code, Courts Article, § 3-8A-14.2 pertaining to custodial interrogation of children.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 – COURT ADMINISTRATION

CHAPTER 100 – COURT ADMINISTRATIVE STRUCTURE

AMEND Rule 16-101 by adding a reference to Howard County in section (i), as follows:

Rule 16-101. GENERAL ADMINISTRATIVE STRUCTURE

The administrative structure of the Maryland Judiciary consists of the following:

...

(i) The Registers of Wills and, except in Harford, Howard, and Montgomery Counties, the chief judges of the Orphans' Courts exercising the administrative powers conferred and fulfilling the duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 16 – COURT ADMINISTRATION
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS
DIVISION 2 – LIMITATIONS ON ACCESS

AMEND Rule 16-912 by changing the title of the Rule, by adding new section (d) pertaining to domestic partnership records, and by adding a cross reference following section (d), as follows:

Rule 16-912. ACCESS TO NOTICE, SPECIAL JUDICIAL UNIT, AND LICENSE, AND DOMESTIC PARTNERSHIP RECORDS

...

(c) License Records

(1) Business License Records

Except as otherwise provided by the Rules in this Chapter, the right to inspect business license records is governed by the applicable provisions of Parts II, III, and IV of the PIA.

(2) Marriage License Records

A custodian shall deny inspection of the following records pertaining to a marriage license:

(A) certificate of a physician or certified nurse practitioner filed pursuant to Code, Family Law Article, § 2-301, attesting to the pregnancy of a child under 18 years of age who has applied for a marriage license; and

(B) until the license becomes effective, the fact that an application for a license has been made, except to the parent or guardian of a minor party to be married who is 15 years old or older.

Cross reference: See Code, Family Law Article, § 2-301, which lists the conditions necessary to permit a minor between 15 and 17 years old to legally marry and Code, Family Law Article, § 2-402 (e), which permits disclosure to a parent or guardian of such a minor prior to the license becoming effective.

(d) Domestic Partnership Records

A custodian shall deny inspection of the portion of a declaration of domestic partnership or declaration of termination that contains the home address of either domestic partner.

Cross reference: See Code, Estates and Trusts Article, § 2-214(d)(3).

Source: This Rule is derived from former Rule 16-905 (2019).

MARYLAND RULES OF PROCEDURE
TITLE 16 – COURT ADMINISTRATION
CHAPTER 900 – ACCESS TO JUDICIAL RECORDS
DIVISION 4 – RESOLUTION OF DISPUTES

AMEND Rule 16-934 by altering the service requirements in subsection (b)(2)(B) and by making stylistic changes, as follows:

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

(a) Purpose; Scope

(1) Generally

This Rule is intended to authorize a court to permit inspection of a case record that is not otherwise subject to inspection, or to deny inspection of a case record that otherwise would be subject to inspection, if the court finds, by clear and convincing evidence, (1) a compelling reason under the particular circumstances to enter such an order, and (2) that no substantial harm will come from such an order.

(2) Exception

This Rule does not apply to, and does not authorize a court to permit inspection of, a case record where inspection would be contrary to the United States or Maryland Constitution, a Federal statute or regulation that has the force of law, a Maryland statute other than the PIA, or to a judicial record that is not subject to inspection under Rule 16-911 (c), (d), (e), or (f).

(b) Petition

(1) A party to an action in which a case record is filed, and a person who is the subject of or is specifically identified in a case record may file in the action a petition:

(A) to seal or otherwise limit inspection of a case record filed in that action that is not otherwise shielded from inspection under the Rules in this Chapter or Title 20 or other applicable law; or

(B) subject to subsection (a)(2) of this Rule, to permit inspection of a case record filed in that action that is not otherwise subject to inspection under the Rules in this Chapter or Title 20 or other applicable law.

(2) Except as provided in subsection (b)(3) of this Rule, the petition shall be filed with the court in which the case record is filed and shall be served on:

(A) all parties to the action in which the case record was filed; and

(B) if the petition is to permit inspection of a case record filed in that action that is not otherwise subject to inspection, each identifiable person who is ~~the~~ a subject of the case record.

(3) A petition to shield a judicial record pursuant to Code, Criminal Procedure Article, Title 10, Subtitle 3 shall be filed in the county where the judgment of conviction was entered and shall state that the petition is filed pursuant to this Rule and that it should be shielded. The petition shall be shielded, subject to further order of the court. Service shall be made, and proceedings shall be held as directed in that Subtitle.

(4) The petition shall be under oath and shall state with particularity the circumstances that justify an order under this Rule. Unless the court orders otherwise, the petition and any response to it shall be shielded.

...

MARYLAND RULES OF PROCEDURE

TITLE 18 – JUDGES AND JUDICIAL APPOINTEES

CHAPTER 100 – MARYLAND CODE OF JUDICIAL CONDUCT

RULES GOVERNING THE PERFORMANCE OF JUDICIAL DUTIES

AMEND Rule 18-102.3 by making a stylistic change to Comment [4], as follows:

Rule 18-102.3. BIAS, PREJUDICE, AND HARASSMENT (ABA RULE 2.3)

(a) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(b) In the performance of judicial duties, a judge shall not, by words or conduct, manifest bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation. A judge shall require attorneys in proceedings before the court, court staff, court officials, and others subject to the judge's direction and control to refrain from similar conduct.

(c) The restrictions of section (b) of this Rule do not preclude judges or attorneys from making legitimate references to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

COMMENT

[1] A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

[2] A judge must avoid conduct that may reasonably be perceived as prejudiced or biased. Examples of manifestations of bias or prejudice include

RULE 18-102.3

epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and attorneys in the proceeding, jurors, the media, and others an appearance of bias or prejudice.

[3] Harassment, as referred to in section (b) of this Rule, is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

[4] Sexual harassment includes sexual advances, requests for sexual favors, conduct of a sexual nature through the use of electronic communication that alarms or seriously annoys another, and other unwelcome verbal or physical conduct of a sexual nature ~~that is unwelcome~~.

Source: This Rule is derived from former Rule 2.3 of Rule 16-813 (2016).

MARYLAND RULES OF PROCEDURE
TITLE 18 – JUDGES AND JUDICIAL APPOINTEES
CHAPTER 100 – MARYLAND CODE OF JUDICIAL CONDUCT
RULES GOVERNING EXTRAJUDICIAL ACTIVITY

AMEND Rule 18-103.9 by adding a reference to Howard County in section (c), as follows:

Rule 18-103.9. SERVICE AS ARBITRATOR OR MEDIATOR (ABA RULE 3.9)

...

(c) An Orphans' Court judge, other than a judge sitting as an Orphans' Court judge in Montgomery County, Howard County, or Harford County, may conduct alternative dispute resolution (ADR) proceedings only if the Orphans' Court judge:

(1) does not conduct ADR proceedings in matters within the jurisdiction of an Orphans' Court or that are related to the administration of an estate or guardianship;

(2) does not use the judge's judicial office to further the judge's success in the practice of ADR; and

(3) discloses to the parties in each ADR proceeding over which the judge presides, whether a party, attorney, or law firm involved in the ADR proceeding is or has been involved in an Orphans' Court proceeding before the judge within the past 12 months.

RULE 18-103.9

Committee note: A senior judge may affiliate with an entity that is engaged exclusively in offering ADR services but may not affiliate with any entity that also is engaged in the practice of law.

...

MARYLAND RULES OF PROCEDURE

TITLE 18 – JUDGES AND JUDICIAL APPOINTEES

CHAPTER 200 – MARYLAND CODE OF CONDUCT FOR JUDICIAL

APPOINTEES

RULES GOVERNING THE PERFORMANCE OF A JUDICIAL APPOINTEE’S

DUTIES

AMEND Rule 18-202.3 by making a stylistic change to Comment [4], as follows:

Rule 18-202.3. BIAS, PREJUDICE, AND HARASSMENT

(a) A judicial appointee shall perform the duties of the position, including administrative duties, without bias or prejudice.

(b) In the performance of the judicial appointee's duties, a judicial appointee shall not, by words or conduct, manifest bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

A judicial appointee shall require attorneys in proceedings before the judicial appointee, court staff, court officials, and others subject to the judicial appointee's direction and control to refrain from similar conduct.

(c) The restrictions of section (b) of this Rule do not preclude judicial appointees or attorneys from making legitimate references to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

COMMENT

[1] A judicial appointee who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

[2] A judicial appointee must avoid conduct that may reasonably be perceived as prejudiced or biased. Examples of manifestations of bias or prejudice include epithets, slurs, demeaning nicknames, negative stereotyping, attempted humor based upon stereotypes, threatening, intimidating, or hostile acts, suggestions of connections between race, ethnicity, or nationality and crime, and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and attorneys in the proceeding, the media, and others an appearance of bias or prejudice.

[3] Harassment, as referred to in section (b) of this Rule, is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

[4] Sexual harassment includes sexual advances, requests for sexual favors, conduct of a sexual nature through the use of electronic communication that alarms or seriously annoys another, and other unwelcome verbal or physical conduct of a sexual nature ~~that is unwelcome~~.

Source: This Rule is derived from former Rule 2.3 of Rule 16-814 (2016).

MARYLAND RULES OF PROCEDURE
TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT
CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-101 by adding a reference to Howard County in the
Committee note following section (x), as follows:

Rule 20-101. DEFINITIONS

...

(x) Trial Court

“Trial court” means the District Court of Maryland and a circuit court,
even when the circuit court is acting in an appellate capacity.

Committee note: “Trial court” does not include an orphans' court, even when,
as in Harford, Howard, and Montgomery Counties, a judge of the circuit court
is sitting as a judge of the orphans' court.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 20 – ELECTRONIC FILING AND CASE MANAGEMENT

CHAPTER 100 – GENERAL PROVISIONS

AMEND Rule 20-109 by adding a provision to section (b) pertaining to a designee of a corporation or business entity, as follows:

Rule 20-109. ACCESS TO ELECTRONIC RECORDS IN MDEC ACTIONS

(a) Generally

Except as otherwise provided in this Rule, access to judicial records in an MDEC action is governed by the Rules in Title 16, Chapter 900.

(b) Parties and Attorneys of Record

Subject to any protective order issued by the court or other law, parties to and attorneys of record for a party in an MDEC action shall have full access, including remote access, to all case records in that action. In an action where a corporation or business entity established under the law of any state or federal law is a party, the corporation or business entity may designate in writing a registered user who shall have remote access to all case records in the action but not be permitted to file in the action. An attorney for a victim or victim's representative shall have access, including remote access, to case records as provided in Rule 1-326 (d).

(c) Judges and Judicial Appointees

Judges and judicial appointees shall have full access, including remote access, to judicial records to the extent that such access is necessary to the

performance of their official duties. The Chief Justice of the Supreme Court, by Administrative Order, may further define the scope of remote access by judges and judicial appointees.

(d) Clerks and Judicial Personnel

Clerks and judicial personnel shall have full access from their respective work stations to judicial records to the extent such access is necessary to the performance of their official duties. The State Court Administrator, by written directive, may further define the scope of such access by clerks and judicial personnel.

(e) Judiciary Contractors

The State Court Administrator, by written directive, may allow appropriate access for Judiciary contractors from their respective work stations to judicial records to the extent that such access is necessary to the performance of their official duties. Before access under this section is granted to a contractor, the contractor shall sign a non-disclosure agreement on a form approved by the Chief Justice of the Supreme Court.

(f) Court-Designated ADR Practitioners

(1) Definition

In this section, “ADR practitioner” means an individual who conducts ADR under the Rules in Title 17, and includes a mediator designated pursuant to Rule 9-205.

(2) Access to Case Records

During the period of designation of a court-designated ADR practitioner in an MDEC action, and subject to any protective order issued by the court or other law, the ADR practitioner shall have full access, including remote access, to all case records in that action. In an action in the circuit court, the ADR practitioner shall file a notice of the designation with the clerk and, promptly upon completion of all services rendered pursuant to the designation, a notice that the designation is terminated. If not terminated earlier, the designation shall end when the case is closed.

Committee note: The special access provided by section (f) may be needed to assist the ADR practitioner in rendering the services anticipated by the designation but should end when no further services are anticipated.

(g) Public Access

(1) Access Through CaseSearch

Members of the public shall have free access to information posted on CaseSearch.

(2) Unshielded Documents

Subject to any protective order issued by the court, members of the public shall have free access to unshielded case records and unshielded parts of case records from computer terminals or kiosks that the courts make available for that purpose. Each court shall provide a reasonable number of terminals or kiosks for use by the public. The terminals or kiosks shall not permit the user to download, alter, or forward the information, but the user is entitled to a copy of or printout of a case record in accordance with Rule 16-904 (c).

Committee note: The intent of subsection (g)(2) of this Rule is that members of the public be able to access unshielded electronic case records in any MDEC action from a computer terminal or kiosk in any courthouse of the State, regardless of where the action was filed or is pending.

(h) Department of Juvenile Services

Subject to any protective order issued by the court, a registered user authorized by the Department of Juvenile Services to act on its behalf shall have full access, including remote access, to all case records in an MDEC action to the extent the access is (1) authorized by Code, Courts Article, § 3-8A-27 and (2) necessary to the performance of the individual's official duties on behalf of the Department.

(i) Government Agencies and Officials

Nothing in this Rule precludes the Administrative Office of the Courts from providing remote electronic access to additional information contained in case records to government agencies and officials (1) who are approved for such access by the Chief Justice of the Supreme Court, upon a recommendation by the State Court Administrator, and (2) when those agencies or officials seek such access solely in their official capacity, subject to such conditions regarding the dissemination of such information imposed by the Chief Justice.

(j) CASA Program

(1) Definition

In this section, "CASA program" means a Court-Appointed Special Advocate Program created pursuant to Code, Courts Article, § 3-830.

Committee note: CASA programs provide trained volunteers (1) to provide background information to the Juvenile Courts to aid them in making decisions in the child's best interest, and (2) to ensure that children who are

the subject of proceedings within the jurisdiction of the court are provided appropriate case planning and services. See Code, Courts Article, §§ 3-830 and 3-8A-32. CASA programs are county-based. They are created in a county with the support of the Juvenile Court for that county. The overall CASA program is administered by the Administrative Office of the Courts, which may adopt rules governing the operation of the program, including supervision of the volunteers.

More than a dozen CASA programs have been created throughout the State, some of which serve the Juvenile Courts in more than one county. Upon an appointment to assist a child in a particular case, the director of the program assigns a volunteer attached to that program to provide that assistance. The confidentiality that applies to court records in juvenile cases does not prohibit review of a court record by a “Court-Appointed Special Advocate for the child” in a proceeding involving that child. See Code, Courts Article, §§ 3-827(a)(2) and 3-8A-27(b)(2). The purpose of this section is to clarify how that access and ability to file reports may be accomplished through MDEC.

(2) Registered Users; Reports

Each CASA program shall inform the clerk of the circuit court for each county within its authorized service area in writing of the name of and contact information for not more than two staff persons who are registered users authorized by the program to have remote access and to file reports through MDEC on behalf of the program. Except as otherwise ordered by the court, only those registered users may file reports and have remote access to court records on behalf of the program. CASA program registered users must file reports through MDEC if the program's service area is located in an MDEC jurisdiction.

(3) Limitations; Access

The ability to file reports and have remote access to court records shall be limited to cases in which the CASA program or a volunteer on behalf of the program has been appointed by the court to provide service and is allowed only

for the period during which service is being provided in that case pursuant to the order of appointment. Unless otherwise ordered by the court, access shall include notices of hearings and all other records not under seal.

(4) Control of Records

The registered user with remote access (A) shall keep exclusive control over the records obtained and (B) may not permit such records to be shared with or copied for anyone other than (i) an authorized volunteer designated by the CASA program to provide service to the child pursuant to the order of appointment and (ii) CASA program staff authorized to supervise the volunteer. Any order expunging the court records in a case in which the CASA program participated shall include the expungement of records in that case obtained and maintained by the program.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 21 - REMOTE ELECTRONIC PARTICIPATION IN

JUDICIAL PROCEEDINGS

CHAPTER 300 – CRIMINAL AND DELINQUENCY PROCEEDINGS

AMEND Rule 21-301 by adding new subsection (a)(9) pertaining to remote pretrial hearings involving Rule 5-702, by renumbering subsequent subsections, and by updating an internal reference, as follows:

Rule 21-301. PERMISSIBLE REMOTE ELECTRONIC PARTICIPATION IN
CRIMINAL AND DELINQUENCY PROCEEDINGS

(a) Proceedings Presumptively Appropriate for Remote Electronic Participation

Subject to the conditions in this Title, any other reasonable conditions the court may impose in a particular proceeding, and resolution of any objection made pursuant to section (b) of this Rule, the court, on motion or on its own initiative, may permit or require one, some, or all participants to participate by means of remote electronic participation in all or any part of the following types of criminal and delinquency proceedings:

(1) appearances pursuant to bench warrants;

(2) bail reviews;

(3) expungement hearings;

(4) hearings concerning non-incarcerable traffic citations for which the law permits, but does not require, that the defendant appear;

Cross reference: See Code, Transportation Article, § 16-303(h).

- (5) hearings concerning parking citations;
- (6) initial appearances for detained defendants;
- (7) juvenile detention hearings where the respondent already is detained;
- (8) motions hearings not involving the presentation of evidence;
- (9) pretrial hearings involving Rule 5-702 where the proposed expert witness

is the sole participant to appear remotely;

~~(9)~~(10) proceedings in which remote electronic participation is authorized by specific law;

Cross reference: See Code, Criminal Procedure Article, § 11-303.

~~(10)~~(11) proceedings involving Rule 4-271 (a)(1) or the application of *State v. Hicks*, 285 Md. 310 (1979) or its progeny, other than a motion to dismiss that involves the presentation of evidence; and

~~(11)~~(12) with the knowing and voluntary consent of the defendant pursuant to subsection (c)(2) of this Rule:

(A) discharge-of-counsel hearings;

(B) plea agreements not likely to result in incarceration or where the defendant already is incarcerated;

(C) sentencings; and

(D) three-judge panel sentencing reviews.

(b) Objection by a Party

Upon objection by a party in writing or on the record, the court, before requiring remote electronic participation in any proceeding, shall make findings in writing or on the record that (1) remote electronic participation is not likely

to cause substantial prejudice to a party or adversely affect the fairness of the proceeding and (2) no party lacks the ability to participate by remote electronic participation in the proceeding.

(c) Other Criminal and Delinquency Proceedings by Consent

(1) Generally

Subject to the conditions in this Title and any other reasonable conditions the court may impose in a particular case, one, some, or all participants may participate by remote electronic participation in all or any part of any other proceeding in which the presiding judicial officer and all parties consent to remote electronic participation.

(2) Consent by Defendant or Respondent

The court may not accept the consent of a defendant or respondent to waive an in-person proceeding pursuant to subsections ~~(a)(11)~~(a)(12) or (c)(1) of this Rule unless, after an examination of the defendant or respondent in person or by remote electronic participation on the record in open court conducted by the court, the State's Attorney, the attorney for the defendant or respondent, or any combination thereof, the court determines and announces on the record that the consent is made knowingly and voluntarily. The consent of a defendant or respondent pursuant to this subsection is effective only for the specified proceeding and not for any subsequent proceedings.

(d) Conditions of Remote Electronic Participation by Witness

Unless otherwise ordered by the court, conditions of remote electronic participation in criminal and delinquency proceedings shall include ensuring that a witness:

(1) is alone in a secure room when testifying, and, upon request, shares the surroundings to demonstrate compliance;

Committee note: Subsection (d)(1) of this Rule aims to mirror the separation between a witness and an attorney for the witness while the witness is providing testimony. This subsection does not prohibit remote electronic participation in a proceeding by an attorney for a witness. Nothing in this Rule shall preclude accommodations for a child witness or a witness who otherwise needs assistance when testifying.

(2) is not being coached in any way;

(3) is not referring to any documents, notes, or other materials while testifying, unless permitted by the court;

(4) is not exchanging text messages, e-mail, or in any way communicating with any third parties while testifying;

(5) is not recording the proceeding; and

(6) is not using any electronic devices other than a device necessary to facilitate the remote electronic participation.

Committee note: Section (d) of this Rule is not intended to limit any other reasonable conditions that the court may impose for remote electronic participation or to preclude the court from authorizing an accommodation under the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq. and Rule 1-332.

The Rules Committee endorses two caveats stated in the March 9, 2022 Report of the Judicial Council's Joint Subcommittee on Post-COVID Judicial Operations:

(1) Remote proceedings generally are not recommended when the finder of fact needs to assess the credibility of evidence but may be appropriate when the parties consent or the case needs to be heard on an expedited basis and

remote proceedings will facilitate the participation of individuals who would have difficulty attending in person; and

(2) Where a judicial officer has discretion to hold or decline to hold a remote proceeding, the judicial officer should consider (i) the preference of the parties, (ii) whether the proceeding will involve contested evidence, (iii) whether the finder of fact will need to assess witness credibility, (iv) the availability of participants who will be affected by the decision, (v) possible coaching or intimidation of witnesses appearing remotely, (vi) access by witnesses to technology and connectivity that would allow participation, (vii) the length and complexity of the proceeding, (viii) the burden on the parties and the court, (ix) whether remote participation will cause substantial prejudice to a party or affect the fairness of the proceeding, (x) a defendant's or juvenile respondent's right of confrontation, and (xi) any other factors the judicial officer considers relevant.

Source: This Rule is derived in part from recommendations made in the March 9, 2022 Report of the Judicial Council's Joint Subcommittee on Post-COVID Judicial Operations and from former Rules 2-802 and 2-803 (2023), and is in part new.