

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Child Custody: A Discussion of Legal Proceedings (Part 4)

Hello, and welcome to the Maryland Courts video series on child custody. This four-part series discusses the process used to decide how a child's time will be divided between parents in custody cases, and how major decisions about the child will be made.

This video discusses legal proceedings. We'll introduce you to the scheduling conference, which is your first court hearing. We'll also go over several court programs. Some may help you reach a settlement, others may provide the court with important information. Finally, we'll introduce you to the legal process of discovery.

This series talks about child custody only. Child custody in divorce cases can be more complex. The legal concepts, however, are the same. You will be learning a lot of new terms, so consider using the tip sheet and taking notes. Let's get started with a look at the initial conference.

CHAPTER HEADING FULL SCREEN TEXT: SCHEDULING CONFERENCE

Once all parties have filed their documents or the court has issued an Order of Default, the case will be set for a Scheduling or Initial Conference. The court mails both sides a notice. This is usually the first court date in your custody case. All parties appear before a judge or magistrate

to talk about court programs that may help you reach a settlement. The court will also work with you to schedule hearings or deadlines and determine how your case will proceed.

At your scheduling conference, the court may determine what services are appropriate. Some are designed to help your family through the custody process. Others are needed to protect the child or children in the custody case. There are also services to help the court gather information needed to make its decision.

Next, let's talk about Alternative Dispute Resolution and Co-Parenting Classes

CHAPTER HEADING FULL SCREEN TEXT: ALTERNATIVE DISPUTE RESOLUTION AND CO-PARENTING CLASSES

Two court services that may help your family through the process are Alternative Dispute Resolution, or ADR, and Co-parenting Classes.

ADR refers to a variety of processes for resolving disputes without having a trial. At your scheduling or initial conference, the judge or magistrate will determine if ADR is appropriate. If ADR is recommended, you may ask the court for time to try to reach an agreement. The court will provide you with ADR information. One popular form of ADR is mediation. In mediation, you and the other parent meet with a neutral third party, called a mediator. Mediators help parents discuss their custody issues as they try to reach an agreement. The court may order

your family to participate in mediation. Take a look at the *My Courts, My Laws, My Maryland* video called Mediation, as this might be helpful.

Another service is parenting coordination. With this service, you and the other parent work with a neutral professional to reduce the effects of parental conflict on your children. The parenting coordinator will use a variety of techniques to help your family. Your local court may have a list of parent coordinators in your area.

Some circuit courts require all parties in contested family cases involving children to attend co-parenting classes. These classes may discuss how divorce impacts children and parents emotionally or how it changes the parent-child relationship. Co-parenting classes often address transitions between households and communication between family members. Generally, the classes also talk about problem-solving, decision-making, and other topics.

Sometimes the court will order a Custody Evaluation

CHAPTER HEADING FULL SCREEN TEXT: CUSTODY EVALUATION

The court may order a custody evaluation if it thinks more information is needed to determine the child's best interest. Custody evaluators meet with family members. They also interview those who may know the family's history and each parent's ability to care for the children. Evaluators may contact references provided by parents and review personal records. Finally,

the evaluator may visit each parent's home to observe family life. Evaluators usually prepare a written report, and they may testify at trial.

In certain situations, a court may order a mental health evaluation to assess a parent's ability to care for a child, or to assess the child's needs. When this happens, a court psychologist or private clinician, who does not have a relationship with the person, interviews the parent or child. They may prepare a report or testify in a hearing. The court may also order or refer family members to attend counseling.

Visitation is another aspect of child custody

CHAPTER HEADING FULL SCREEN TEXT. – VISITATION SERVICES

Sometimes, parents aren't able to coordinate effectively or safely for visits with their child or children. When this happens, the court may order a visitation service.

Monitored exchange provides a safe location for dropping-off and picking-up children for visits. This service helps decrease the chance of angry exchanges or inappropriate behavior in front of children.

Sometimes, even more protection is needed. In that case, parents may have visits at a center for supervised visitation. In these cases, one parent brings the child to a center where trained staff observe the visit, model positive behavior, and ensure that interaction is safe and appropriate.

The last topic we'll cover is called discovery

CHAPTER HEADING FULL SCREEN TEXT: DISCOVERY

A Discovery deadline may be set at the scheduling conference discussed earlier.

Discovery is an important legal process. Each party shares information with the other side about their case. For example, you may ask the other parent to answer up to 30 written questions, called Interrogatories. The other side must answer in writing and under oath. You may also ask the other side to produce certain documents for inspection. Forms of discovery include oral depositions, requests for admissions of fact, and subpoenas. Rules about discovery are complicated, and they must be followed precisely. If they aren't followed, it may affect your case. When it comes to discovery, consider talking to a lawyer.

Ideally, you and the other parent make major decisions for your family. It may happen at mediation. Or, you may simply reach a settlement on the important issues. If you do, the court will put your settlement into a court order at a short hearing. If you are unable to reach an agreement, you will appear before a judge or magistrate for a contested trial. In a trial, each side presents testimony and evidence to support his or her case. At the end, a judge makes the final custody decisions about your family. See Part Four of this series to learn about contested trials.

CHAPTER HEADING FULL SCREEN TEXT: SUMMARY

Remember, your first hearing with a judge or magistrate is called the Scheduling Conference.

The court may ask you to try Alternative Dispute Resolution or co-parenting classes to help you reach a settlement. If the court needs more information, it may order evaluations. If there is a

risk of harm to the child or children, the court may order visitation services. Finally, if your case goes to trial, discovery is the process by which both sides share information. The court will set discovery deadlines at the Scheduling conference.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about legal proceedings in child custody cases has been helpful.