



MARYLAND
LEGAL AID

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Justice for All

**FAQ: FAMILY LAW CASES DURING THE COVID-19 CRISIS
(CUSTODY, VISITATION, SUPPORT, AND DOMESTIC VIOLENCE)**

Are the courts open?

As per the Administrative Order of the Chief Judge, the Maryland Courts are closed except for certain emergency matters. All of the courts' orders can be found at <https://www.courts.state.md.us/> and information for the public can be found at <https://www.courts.state.md.us/coronavirusinformationforpublic>. Although the courts are now scheduled to reopen on June 5, 2020, it is possible that this date may be extended. For further information about an individual court, please contact the Maryland Courts Self-Help Center at 410-260-1392 or at <https://www.mdcourts.gov/selfhelp>. You may also call the hotline at Maryland Legal Aid at 410-951-7750 or contact your local office.

What family law matters are the courts hearing?

According to the court's order, courts are hearing only emergency matters.

What is an emergency?

The courts have defined family law emergencies (custody, child access, visitation, and support) as situations where there is a credible risk of imminent and substantial physical or emotional harm to a child or parent. If the court decides that your matter is an actual emergency, they may decide without a hearing, or a hearing may be held either in person or remotely.

Peace and Protective Orders:

Is the court still accepting Protective Order and Peace Order petitions?

You can file new Protective Order and Peace Order petitions at the Commissioner's stations around the state. They are available 24/7. Here is a link to find the one closest to you:

<https://mdcourts.gov/district/directories/commissionermap>

Will I see a judge when I file a Protective Order or Peace Order petition?

You will see a commissioner who can grant you an Interim Peace/Protective Order that will stay in effect until you see a judge.

When will I see a judge?

The court is currently scheduling all Temporary Hearings for early May. In some situations, a judge may schedule a sooner court date.

Why would the judge schedule a sooner court date?

Judges will be reviewing Interim Peace/Protective Orders to determine if a hearing is necessary before the courts fully reopen. They will be paying special attention to Interim Peace/Protective Orders that have the following issues: (1) orders to vacate the home, (2) custody of a child, (3) firearms.

How will I know if they change my court date?

The court should contact you if that happens, so be sure to put all of your contact information on your Peace/Protective order petition. If you are unsure, you can call the courthouse directly to check on your court date.

Will law enforcement still be serving Peace/Protective Orders?

Yes. In order to check on the status of service, you may sign up for the VINE Protective Order service at <https://www.registervpo.com/>. You can also call the court for any updates.

Can an interim Protective Order be enforced by law enforcement?

Yes, as soon as the Peace/Protective Order is served, it is in effect. If you have filed a Peace/Protective and the Respondent violates it, call the police. If you have been served with a Peace/Protective Order, be sure to follow the terms of the order.

I already have a court order spelling out custody and visitation. How does the COVID 19 virus affect the terms of this order?

The courts have made it clear that when there is an order in place, the parties are to follow the order. If you have unusual circumstances and both parents agree, you may alter the terms of the order temporarily, to provide for the safety of your children.

How does the Governor's Stay at Home order affect my ability to comply with this order?

The Governor's Order allows travel pursuant to a valid court order.

What if I don't believe that it is in my child's best interest to comply with the order at this time?

If you decide that it is not in your child's best interest to comply with the court's order, you may face legal action by the opposing party. The opposing party may file a contempt action against you and the court may find you to be in contempt of the order. If the court

finds you in contempt of the order, the court may order make-up time or other remedies as it sees fit. If the court finds that you have unjustifiably or unreasonably withheld the child from the other parent, the court is likely to order you to pay attorney's fees to the opposing party and may consider changing the original order. However, in the end, it is up to each parent to decide if they are acting in their child's best interest. In all communications from the courts, it is clear that safety for all is most important. It seems unlikely that any court will hold it against you if you can demonstrate that your actions were truly in the best interest of your child and their safety was your uppermost concern.

My order specifies that I meet the other party in a public place. Must I comply with this order?

If the designated exchange place is no longer available, or if the designated exchange place is not safe at this time, try to agree on an alternative place with the other parent.

My order makes it necessary for me to use public transportation for the visitation exchange; how do I comply with this?

If it is not possible for you to travel safely or to find an alternative method to facilitate the exchange, you might use other means of contact with the other parent like FaceTime, Skype, or other electronic methods.

I am a healthcare provider and I have not seen my child during this crisis because I don't want to put them at risk. Will this be held against me when regular contact can resume?

In all communications from the courts, it is clear that safety for all is most important. It seems unlikely that any court will hold it against you if you can demonstrate that your actions were in the best interest of your child and their safety was your uppermost concern.