

Maryland Custody & Divorce Client Notebook

Rev.: May 5, 2017

You don't have to go to court unprepared!

This notebook can help you take your case from start to finish, with the help of an attorney (or attorneys) from a self-help center, a legal help organization, or a private law firm. Use the notebook to keep papers and evidence together in one place. **An attorney or volunteer can show you how to get started.**

Part One: Gather the facts of YOUR case

1. **“Topic of Dispute” charts:** Gathering facts and evidence to support your case
2. **Calendar & Journal:** Tracking important events in your case

Part Two: Find ways to work with a lawyer

3. **Legal Advice:** Ways to find a lawyer, and notes from your meetings

Part Three: Keeping your documents in order

4. **Court Papers:** Copies of any paper you give the court or get from the court
5. **Financial Information:** Financial issues in your case

Part Four: The steps in a custody or divorce dispute

6. **Issue Checklists:** A step-by-step guide to court procedure
7. **Discovery Related Documents:** Copies of all communication with the other side
8. **Mediation & settlement:** Keeping control of the outcome by settling
9. **Preparing for a hearing:** How to present arguments in court

Part Five: Appendix

10. **Appendix:** Other documents

At certain points in your case, it is very important to talk with a lawyer. We point out some of those times with a “Talk sign” in the book.



WARNING: It may be possible for the other side to get access to your notes from this book through the discovery process. If you have concerns about writing information in this book, talk to a lawyer.



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Please contribute your changes and provide feedback at limited.scope.workbook@gmail.com.

The latest version of this book can be found online at www.peoples-law.org/workbook



Developed with assistance, cooperation, and funding from groups including the AOC Department of Family Administration, Circuit Court for Frederick County, People's Law Library, Frederick County Circuit Court Law Library, Bar Association of Frederick County, and MSBA Section on Delivery of Legal Services.

Have you talked to a lawyer or legal help organization?

Family Law Self-Help Center (FLSHC)

On this date: _____ I spoke with: _____

Return on: _____

Next steps: _____

Legal help organization: _____

On this date: _____ I spoke with: _____

Cannot take case now: Income too high Not yet contested Other: _____

Return on: _____

Next steps: _____

Legal help organization: _____

On this date: _____ I spoke with: _____

Cannot take case now: Income too high Not yet contested Other: _____

Return on: _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

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Next steps: _____

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On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

Legal Topic Checklists

Place a check next to any issue that concerns you.

Learn more about these issues at www.peoples-law.org/workbook; Look up each issue by its number. (G1, G2, etc.)

CHECKLIST - General concerns (G1 – G9)

- G1. I want to file a case.
- G2. Another party has already filed a case.



Time sensitive issues - Talk to a lawyer.

Do any of the following situations apply?

- G3. Someone has immigration issues.
- G4. There is a protective order.
- G5. Child protective services is involved.
- G6. There is a child support order.
- G7. Someone owns real estate.
- G8. Someone has a retirement account or pension.
- G9. Who pays the attorney fees?



Important issues - Talk to a lawyer.

LEARN MORE: Now is a good time to learn more about the law, about court procedure, and about your options. See the LEGAL ADVICE tab, and

Sign up to attend a Family Law for the People seminar.

Visit www.peoples-law.org/family-law-for-the-people to find a session near you, and to sign up.

Place a check next to any issue that concerns you.

Learn more about these issues at www.peoples-law.org/workbook; Look up each issue by its number. (C1, C2, etc.)

CHECKLIST - Child- related concerns (C1 – C14)

- C1. **Emergency** – the child is in danger
What's the danger? _____
- C2. **Emergency** – the other party is trying to take the child to another state
How did you become aware of this? _____
- C3. Paternity – proving who is the father
Explain: _____
- C4. Parentage – who has the right to be considered a parent
Explain: _____
- C5. Decision-making Authority (Legal Custody)
How are decisions made now? _____
- C6. Parenting Time (Physical Custody)
Where does the child sleep now? _____
- C7. Access (Visitation)
Explain: _____
- C8. Restrictions, conditions, or monitoring of access (visitation)
Explain: _____
- C9. I want to live in the home with my children for the near future
Explain: _____
- C10. Getting an attorney for my child
Explain: _____
- C11. Getting assessments done for custody, home study, mental health, or other
Explain: _____
- C12. Child support – there is no order in place
Explain: _____
- NOTE: If you are seeking ANY child support, remember that you need to fill out the “Financial Statement (Child Support Guidelines)” form: <http://www.mdcourts.gov/family/forms/ccdr030.pdf>**
- C13. Child support – there is already an order – the order should be changed (increased, decreased, or terminated)
What has changed since the order: _____
- C14. Child support – there is already an order – it is being ignored, or not paid in full
Explain: _____
- C15. Child support - there is already an order – from a different county or state
Where was the order made? _____

Place a check next to any issue that concerns you.

Learn more about these issues at www.peoples-law.org/workbook; Look up each issue by its number. (D1, D2, etc.)

CHECKLIST - Divorce- related issues (D1 – D14)

- D1. **Emergency** - I have immediate needs for help with home, vehicle, bank account, etc.
Explain: _____
- D2. **Emergency** - The other party is trying to steal or spend down money
How did you become aware of this? _____
- D3. I do not want a divorce
What are your goals? _____
- D4. I want a limited divorce (parties stay married, but the court enters some orders)
What are your goals? _____
- D5. I want an absolute divorce (marriage ends)
What are your goals? _____
- D6. Financial support (alimony) – I need support for myself (not related to children)
Explain your need: _____
- D7. Financial support (alimony) – the other party wants support (not related to children)
Explain: _____
- NOTE: If you are seeking ANY alimony, remember that you need to fill out the “Financial Statement (General)” form: <http://www.mdcourts.gov/family/forms/ccdr031.pdf>**
- D8. I need Health insurance through the other party
Explain: _____
- D9. The other party wants health insurance through me
Explain: _____
- D10. Who gets the home?
What are your goals? _____
- D11. Who gets the vehicles?
What are your goals? _____
- D12. Who gets the money?
What are your goals? _____
- D13. Who gets the retirement benefits?
What are your goals? _____
- D14. Who gets _____ ?
What are your goals? _____
- NOTE: If you are seeking ANY PROPERTY, you will need to fill out the “Joint Statement of Parties Concerning Marital and Non-Marital Property” form (also called the “9-207 form”): <http://www.mdcourts.gov/family/forms/ccdr033.pdf>**

DIVIDER: “Topic of Dispute” charts

1. Take this page out and replace it with a divider.

If you don't have a divider, stick a sticky note on the right side of this page so that it sticks out, making a tab. Staple it to keep it securely in place.


2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Topic of Dispute” charts**

“Topic of Dispute” chart: For each issue you wish to pursue, fill out a chart.

“Topic of Dispute” charts are essential for organizing your case. Begin by thinking about the general topics in your case and list below. Complete a chart (blank charts provided) for each topic.

See sample completed “Topic in Dispute” charts.

Example One – Custody issue

Topic of Dispute		
<p><i>We cannot agree on where our children should live. I want them to live with me and he wants them to live with him.</i></p> <p>Use a symbol or word for this topic of dispute. When you keep track of events in your calendar or journal, you can just use the word or symbol.</p> <p>Example: </p>		
<p>WHAT is the best solution?</p> <p><i>I believe it's best for our children if they live with me primarily and visit with him.</i></p>		
WHY is this the best solution?	FACTS:	PROOF:
<p>Arguments to support what you are seeking:</p>	<p>Examples to support those arguments:</p>	<p>Documents (records, receipts, etc.) or Witnesses that support the facts.</p> <p>Examples of proof you can use to support your arguments:</p>
<p><i>I have been their primary caregiver.</i></p>	<p><i>-I quit my job after the birth of our first child and have not resumed working.</i> <i>-Our children have never been in daycare and with babysitters only on rare occasions.</i> <i>-I take children to all commitments (school, doctor, activities)</i></p>	<ul style="list-style-type: none"> • <i>Employment records</i> • <i>Tax records</i> • <i>Correspondence between the parties</i> • <i>Witnesses</i> • <i>Doctors reports/records</i> • <i>School records</i>
<p><i>Our oldest child has special medical needs that I can best manage.</i></p>	<p><i>-Our oldest son has asthma and severe allergies that require special medications and treatments. I have been trained to manage his illnesses and father has not.</i></p>	<ul style="list-style-type: none"> • <i>Prescriptions</i> • <i>Doctors reports/records</i> • <i>Training certification</i>
<p><i>The other parent works long hours during the week and I don't want our children in daycare.</i></p>	<p><i>-The other parent is in sales and the position requires travel frequently through the week. He also works long hours and is rarely home before the children's bedtime.</i></p>	<ul style="list-style-type: none"> • <i>Employment records</i> • <i>Tax records</i> • <i>Correspondence between parties</i> • <i>Travel receipts</i>

Example Two - Divorce issue

Topic of Dispute

I need financial support from my spouse after our divorce.

Use a symbol or word for this topic of dispute. When you keep track of events in your calendar or journal, you can just use the word or symbol.

Example: \$

WHAT is the best solution?

The best solution is for me to receive money from her for the rest of my life.

WHY is this the best solution?

Arguments to support what you are seeking:

FACTS:

Examples to support those arguments:

PROOF:

Documents (records, receipts, etc.) or Witnesses that support the facts.

Examples of proof you can use to support your arguments:

I supported my spouse when she was earning her advanced degree in school.

-I did not go to school and worked so she could finish her degree. She was supposed to do the same for me but never did.

- *Employment records*
- *Tax records*
- *School records*
- *Witnesses*

I managed all the household responsibilities during our marriage including caring for our children.

*-I cared for the children and we both were against daycare.
-I managed all of our children's commitments (school, doctor, etc.)
-I ran the household (cleaning, cooking, shopping) for 15 years.*

- *Witnesses*
- *Doctors reports*
- *School records/degrees*
- *Tax records*

Topic of Dispute

Write the issue here: _____

Symbol for this issue: _____

What is the best solution?

NOTE: Solutions relating to children must start with, "I believe it's best for our child(ren) if ..."

WHY is this the best solution? Arguments to support what you are seeking:	FACTS: Examples to support those arguments:	PROOF: Documents (records, receipts, etc.) or Witnesses that support the facts. Examples of proof you can use to support your arguments:

Topic of Dispute

Write the issue here: _____

Symbol for this issue: _____

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Symbol for this issue: _____

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WHY is this the best solution? Arguments to support what you are seeking:	FACTS: Examples to support those arguments:	PROOF: Documents (records, receipts, etc.) or Witnesses that support the facts. Examples of proof you can use to support your arguments:

Topic of Dispute

Write the issue here: _____

Symbol for this issue: _____

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WHY is this the best solution? Arguments to support what you are seeking:	FACTS: Examples to support those arguments:	PROOF: Documents (records, receipts, etc.) or Witnesses that support the facts. Examples of proof you can use to support your arguments:

Topic of Dispute

Write the issue here: _____

Symbol for this issue: _____

What is the best solution?

NOTE: Solutions relating to children must start with, "I believe it's best for our child(ren) if ..."

WHY is this the best solution? Arguments to support what you are seeking:	FACTS: Examples to support those arguments:	PROOF: Documents (records, receipts, etc.) or Witnesses that support the facts. Examples of proof you can use to support your arguments:

DIVIDER: “Calendar & Journal”

1. Take this page out and replace it with a divider.

If you don't have a divider, stick a sticky note on the right side of this page so that it sticks out, making a tab. Staple it to keep it securely in place.

2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Calendar & Journal”**

A Calendar and Journal will help you gather your evidence in THREE steps:

STEP ONE: KEEP A MONTH-AT-A-GLANCE CALENDAR (blank copies are provided in the notebook)

Write below the issues from your **Topic of Dispute CHARTS**. Create a **SYMBOL** or choose a **WORD** for each issue to use on your month-in-a-glance calendar.

Subject of Topic of Dispute chart (or issue to track)

Symbol or word

Example: "I need financial support from my spouse after divorce."

Example:  or \$

Place this symbol in the month-at-a-glance calendar each day the event occurs. This will help you remember exactly when (and how often) the problem happens each month. It will also help you find evidence of the **problem**.

STEP TWO: KEEP A JOURNAL

After you place a symbol in the calendar, as described above, write note about the event and include the following:

1. The date it occurred
2. A brief description of what occurred (facts only)
3. A list of any way you could prove what happened, such as:
 - phone records
 - witness
 - text message
 - Photographs
 - Social media

Note: Take a screen shot of text messages or social media posts that you want to use as evidence. (The court will probably not look at evidence on your phone.)

STEP THREE: PRESERVE THE EVIDENCE

Print out and keep all evidence you list in your journal entry. Create a folder for each TYPE of evidence (photos, text messages, emails, etc.) and organize it by date. Clip the folder in your notebook.

****IMPORTANT****

If an event occurs that helps to support an argument on your Topic of Dispute charts, then add the event to the chart. Update the charts regularly.

CALENDAR for MONTH: _____ YEAR: _____

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-

Symbol:	Represents Issue:

Journal

Date	Which Issue	What happened	How can I prove this?

CALENDAR for MONTH: _____ YEAR: _____

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-

Symbol:	Represents Issue:

Journal

Date	Which Issue	What happened	How can I prove this?

CALENDAR for MONTH: _____ YEAR: _____

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-

Symbol:	Represents Issue:

Journal

Date	Which Issue	What happened	How can I prove this?

DIVIDER: “Legal Advice”

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2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Legal Advice”**

Finding legal help...

A lawyer, law librarian, or family law self-help center can help you understand the steps explained in this book.

If you don't already have a lawyer, there are a few ways to get some free help.

1. **Call or visit your county's family law self-help center.**
 - a. **How can I contact them?** Visit <http://mdcourts.gov/family/familylawassistance.html#familyservices>, and click on your county.
 - b. **Does this service cost money?** No – every county provides *some* free help for people facing a custody or divorce case.
 - c. **Will they help me?** Yes, if you live in the county.
 - d. **How much can they help?** It varies by county. Each office can at least provide help understanding the forms. Some self-help centers also provide limited legal advice about your options. They will not represent you in court.
2. **Contact a reduced-fee or limited-scope lawyer referral service.**
 - a. **How can I contact them?** Visit <https://www.peoples-law.org/reduced-fee-services>
 - b. **Does this service cost money?** Yes
 - c. **Will they help me?** The question of fees is between you and the lawyer, but some lawyers are willing to work for a reduced fee, particularly if you have limited income. Also, some lawyers are willing to do “limited scope” work, sharing the work with the client. This can reduce the overall legal fee.
 - d. **How much can they help?** This varies based on your agreement with the lawyer.
3. **Contact your county bar association.**
 - a. **How can I contact them?** Visit <http://www.msba.org/public/lawyer-referral.aspx>
 - b. **Does this service cost money?** Fees vary.
 - c. **Will they help me? How much?** Lawyer referral services can provide you with a lawyer to contact. You will work out all details of representation and fees with the lawyer.
4. **Call the Maryland Court Self-Help Center.**
 - a. **How can I contact them?**
 - i. Call 410-260-1392 to talk to an attorney; or
 - ii. Visit www.peoples-law.org, and click on the image that says “Click to chat.”
 - b. **Does this service cost money?** No
 - c. **Will they help me?** Yes, there are no income restrictions.
 - d. **How much can they help?** They can answer questions, help you understand forms, and give some advice, but they will not represent you in court.
5. **Apply for help from a legal services program.**
 - a. **How can I contact them?** Visit www.peoples-law.org/directory, choose your county, and choose “Family Law.”
 - b. **Does this service cost money?** Many of the organizations in this directory provide free services. Lawyer referral services may charge a fee.
 - c. **Will they help me?** It often depends on your income and how much money you have. It may also depend on other facts about your case, and on whether they are overloaded with cases.
 - d. **How much can they help?** It depends on the organization. Some can provide a lawyer to give full representation.
6. **Call a hotline or use [Maryland.freelegalanswers.org](http://www.freelegalanswers.org).**
 - a. **How can I contact them?** To find the phone number for a hotline, visit www.peoples-law.org/hotlines, choose your county, and choose “Family Law.” To ask a question on a website, visit [Maryland.freelegalanswers.org](http://www.freelegalanswers.org).
 - b. **Does this service cost money?** No.
 - c. **Will they help me?** It may depend on your income.
 - d. **How much can they help?** They can provide some advice over the phone or by email.
7. **Visit your county law library.**
 - a. **How can I contact them?** Visit <http://www.lawlib.state.md.us/researchtools/otherlibraries.html>, and choose your county. You can also call the Maryland State Law Library at 410-260-1430, or email questions to the Maryland State Law Library at mdlaw.library@mdcourts.gov.
 - b. **Does this service cost money?** No
 - c. **Will they help me?** Yes
 - d. **How much can they help?** Law librarians will not give advice, but can help you find resources to understand the law. A lawyer may send you to a law library to learn more about one specific topic.

Strengths and Weaknesses Chart

For each of your "Topic of Dispute" charts, use one of these pages to take notes when you talk with a lawyer.

- The lawyer can help you understand whether the court is likely to agree with you or not.
- The lawyer can help you decide which issues are most significant.
- The lawyer can tell you what information you need to gather to prove your point in each issue.

Strengths and Weaknesses
Attorney name: _____
Date of visit: _____ Time of meeting start _____ end _____
Issue: (match with each Topic of Dispute chart you completed)
Strengths of my case for this issue:
Weaknesses of my case for this issue:
What can I do to increase my chances of success for this issue?
What can I do to repair my weaknesses for this issue?
What types of evidence should I gather to strengthen or support this issue?
Additional Notes:

Strengths and Weaknesses Chart

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Strengths of my case for this issue:
Weaknesses of my case for this issue:
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2. On the tab of the divider (*or on the edge of the sticky note*) write: “**Court Papers.**”

DIVIDER: “Financial Information”

1. Take this page out and replace it with a divider.

If you don't have a divider, stick a sticky note on the right side of this page so that it sticks out, making a tab. Staple it to keep it securely in place.

2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Financial Information”**

Financial papers

Place all financial information in this section of your binder. These may include:

- Financial Statement (General) (also called the “Long form”)
(<http://www.mdcourts.gov/family/forms/ccdr031.pdf>)
- Financial Statement (Child Support Guidelines) (also called the “Short form”)
(<http://www.mdcourts.gov/family/forms/ccdr030.pdf>)
- Joint Statement of Parties Concerning Marital and Non-Marital Property (also called the “9-207”)
(<http://www.mdcourts.gov/family/forms/ccdr033.pdf>)
- Any child support guidelines worksheets
- Assets chart (below)
- Debts chart (below)

Assets

Write a list of all of your assets. Do not yet question whether you want that asset or whether you believe it to be something you are entitled to claim... those questions will be considered later. You must start with a *complete* list of the **assets owned jointly or individually by both parties** in a divorce matter.

Real Property - Address:		
Date of purchase		
Price at purchase		
Current value		
Amount owed		
Rental income, if any		
Name(s) on Deed		
Source of funds for purchase		

Real Property - Address:		
Date of purchase		
Price at purchase		
Current value		
Amount owed		
Rental income, if any		
Name(s) on Deed		
Source of funds for purchase		

Other Property:	Describe item	Title: Who owns own?	Purchased prior or during marriage?	Value	Amount owed
Vehicle			____ Prior ____ During		
Vehicle			____ Prior ____ During		
Vehicle			____ Prior ____ During		
Vehicle			____ Prior ____ During		
Bank Account					

Other Property, Continued:	<i>Describe item</i>	<i>Title: Who owns own?</i>	<i>Purchased prior or during marriage?</i>	<i>Value</i>	<i>Amount owed</i>
Bank Account					
Bank Account					
Bank Account					
Retirement					
Retirement					
Retirement					
Retirement					
Stocks					
Bonds					
CD's					
Mutual funds					
Mutual funds					
Business interests					
Business interests					
Jewelry					
Collections					
Insurance					
Other					
Other					
TOTAL ASSETS (real property plus other property):				\$	

DEBTS

Write a list of all of your debts. Credit card accounts, car loans, mortgages, medical expenses... if in doubt, include it and discuss with a lawyer.

Check credit report (www.annualcreditreport.com)

Creditor	Specify debtor (You, Spouse, Joint)	Date	Purpose of debt	Amount	Payment amount
TOTAL DEBTS:				\$	

DIVIDER: “Issue Checklists”

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2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Issue Checklists”**

One step at a time

These are some common steps in family law cases. The self-help attorney can guide you through this list.

Any internet links that are listed can be clicked by going to www.peoples-law.org/workbook

PART 1: NARROW THE ISSUES, AND GATHER INFORMATION

- Review safety plan resources - <https://www.peoples-law.org/creating-safety-plan-0>

- Review counseling resources - Mental Health Association: 301-663-0011

- _____

- Start looking for a lawyer to give you advice. For options, flip to the Appendix of this book.

- Use the “Topic of Dispute” charts (in the Narrowing the Issues tab) to list the things that are most important to you. Fill out the sheets, using the examples at the bottom of the sheets as a guide.

- Read through the Legal Issues Checklists, and read the law about relevant issues. (www.peoples-law.org/workbook)

- Fill out the Financial Summary Sheet (in the Financial Papers tab)

- Write down a budget, using a Long Financial Statement. (Clip it in the Financial Papers tab)

<http://www.courts.state.md.us/family/forms/ccdr031.pdf>

- Complete a Short Financial Statement. (Clip it in the Financial Papers tab)

<http://www.courts.state.md.us/family/forms/ccdr030.pdf>

- _____

-
- Write a list of your assets – include everything, and let a lawyer advise you if any items should be left off. (Clip it in the Financial Papers tab) Use the Joint Statement of Property form as a guide.
<http://www.courts.state.md.us/family/forms/ccdr031.pdf>
 - Write a list of the debts in your name – if needed, you can run a credit report at annualcreditreport.com.
(Clip it in the Financial Papers tab)
 - Run the child support guidelines (www.peoples-law.org/calculating-child-support)
 - Talk to a self-help lawyer to narrow down the issues from your “Topic of Dispute” charts.
 - Continue completing your “Topic of Dispute” charts.
 - Set up a calendar and journal to keep a record of your evidence. (Refer to the Calendar and Journal tab) Use your “Topic of Dispute” charts to help guide the issue-related information to track.
 - _____

 - As you gather documents of evidence, clip them in the Evidence tabs. Use a separate tab for each different kind of evidence. Clip the most recent document of each type on top of the others.
 - Read the law links for relevant topics (see the Checklists tab).
 - Read about parenting plans and joint parenting.

- Research about a “life plan” to become self-supporting. (For example, look into local community college options.) www.peoples-law.org/workbook#life
- To get an idea of what the courts can and cannot do for you, we recommend that you attend a Family Law for the People seminar. Visit www.peoples-law.org/family-law-for-the-people to find a session near you, and to sign up.
- _____

- _____



PART 2: TALK TO A LAWYER TO GET ADVICE AND CHOOSE REALISTIC GOALS

- Make an appointment with a lawyer – Unless you qualify for a free lawyer, this part will probably cost some money, because you need the lawyer’s time and expertise. If possible, choose a lawyer who takes Workbook cases.
- Fill out your “Topic of Dispute” charts as completely as you can.
- While you wait** to meet with the lawyer: keep collecting and organizing your notes and documents.
- When you meet** with the lawyer: Ask the lawyer to explain the strengths and weaknesses of each issue in your case (based on your “Topic of Dispute” charts). For each “Topic of Dispute” chart, talk to

the lawyer, and fill out a “Strengths and Weaknesses” chart. (You will find this chart at the “Lawyer Strategy Session” tab.)


Knowing which issues are strong and which are not will help you choose which evidence to gather, and which issues you might choose to leave alone.

- When you meet** with the lawyer: Ask the lawyer about the range of likely settlement options, so you can mediate more confidently.

PART 3: START THE COURT PROCESS, AND DEVELOP YOUR CASE

- Anytime you file a document with the court, or get a document from the court, or get a document from the other party, clip it in the Court Papers tab.

If you are the first to file a Complaint in your case (the Plaintiff):

-  Prepare the complaint to start your case. (Have a lawyer review the documents before filing them.) Be sure to confirm spellings of names and to include all of the needed information for addresses.
- Take the original to the Clerk’s Office located at the courthouse and hand it in. There is a cost to file a new case (or to re-open an existing but closed case).
- If you can’t afford the fees – complete and file a Motion to Waive the Pre-payment of the Filing Fee, available at the courthouse or <http://mdcourts.gov/courtforms/joint/ccdc089.pdf>.
- Have the Opposing Party(ies) Served: The court will issue a WRIT OF SUMMONS (or, if you are filing a Petition for Contempt, the court will issue a completed Show Cause Order). It is YOUR responsibility to make sure the other party receives a copy of the Writ (or Show Cause Order) and a copy of the documents you filed, within the time limit (often 30 days). You cannot

personally be the one to serve the other parties. For more information, read <https://www.peoples-law.org/frequently-asked-questions-about-service-process-maryland>.

Show Causes Orders will provide a specific date that service be completed (typically handwritten on the document).

DO NOT DELAY. Long delays in serving the other party will result in the court dismissing your case. The money you paid will not be refunded and you may be required to pay the fee even if you were granted a fee waiver.

If you were served with a Complaint and Summons, or a Show Cause order (you are the defendant):



Complete an Answer form within the time permitted. (Have a lawyer review the documents before filing them.)



YOU MAY NEED TO FILE A “COUNTER COMPLAINT”. If you seek relief that is different than the opposing party, you may need to file a complaint outlining what YOU seek from the court. If you fail to request help with certain topics (such as alimony or a division of marital property), the court may be barred from granting you anything. It is important that you seek legal help from a Self-Help Center, legal services program, hotline or private attorney.


When you file your answer, and any counter complaint, follow the RULE OF THREE instructions, below, at the end of this section.

Anytime you file anything with the court, after service has been made, follow the RULE OF THREE instructions, below, at the end of this section. (This includes filing an Answer, Counter-Complaint, Change of Address, Motion to Postpone, *etc.*).

If you are the Plaintiff, write down your efforts to find the other party.

If you are the Plaintiff, be sure the correct affidavit of service gets filed. (For more information, read the “Service” material on www.peoples-law.org/workbook.)

Anytime you file anything with the court, follow the RULE OF THREE instructions below.

-  Begin the Discovery process. (See the Discovery and Communications tab.) Talk to a self-help lawyer about discovery. There are deadlines that you must follow.
- See list of sample interrogatories at www.peoples-law.org/workbook and select those that are applicable in your case.
- Write down 10-15 statements that you think are true and that would be helpful if the other party admitted. For example, these might include the phone numbers, email addresses, and social media identities that the other party uses. Discuss these with your lawyer.
- See list of sample Requests for Production of Documents at www.peoples-law.org/workbook and select those that are applicable to your case.
- Send discovery requests and file Certificate of Notice of Discovery with the court.
- Mark your calendar with the date that the other party should send you responses to your discovery requests. Visit your self-help attorney for help if you do not get a response by that date. (For more information, read the “Discovery” material on www.peoples-law.org/workbook.)
- If the other party’s discovery responses are overdue, send a letter to the other party reminding them to respond. Keep a copy of the letter you send. That letter allows a judge to help you later.
- Respond to discovery requests. Don’t get overwhelmed; work on a handful each day. But, it is important to complete them on time or the opposing party can seek sanctions and other relief harmful to your case.

PART 4: EXPLORE SETTLEMENT OPTIONS

- Read the article at the “Explore Settlement Options” tab.
- Review the subject matter list (found at the Explore Settlement Options tab) for topics often discussed at mediation and take notes of your thoughts and needs on each subject. Write your thoughts down and discuss with a lawyer.
- Review the Strengths/Weaknesses charts that you filled out after meeting a lawyer. Have there been new events? Is there new evidence? Has anything changed? If so, go back to a lawyer to get updated advice about how to approach settlement discussions and what to expect.

PART 5: WALK INTO COURT PREPARED FOR EACH HEARING.

- Talk to an attorney about representing you in court.

If you do not have an attorney, the diagrams in the Court Hearings tab will show you how to use your “Topic of Dispute” charts to give your opening statement, and to proceed through your case.
- Organize your “Topic of Dispute” charts to create opening statement. See instructions in Court Hearings tab.
- Organize your “Topic of Dispute” charts to create script for each issue in your case, as described in the Court hearings tab.
- Organize your evidence in support of each argument.
- Use the scripts in the Court Hearings tab to get your evidence into the court record. (See sample questions by evidence type.)

- Practice, practice, practice. Get very familiar with your arguments, your evidence, and the scripts. Try to find a lawyer, or a volunteer at the family law self-help center who can help you know what to expect when you go to court.
- Go to court early! It takes time to find parking, enter the courthouse through security and find the correct courtroom. If you are late, you usually cannot get another court date. The court may dismiss your case or award property to the other party if you do not show up.

RULE OF THREE instructions

Once service has been made, follow this rule when filing ANY document with the court (such as an Answer, Counter-Complaint, Change of Address, Motion to Postpone, *etc.*).

Take the original and TWO COPIES (additional if there is more than one opposing party) of the document to the Clerk's office in the same courthouse where the case was filed. Give the original to the court and ask the clerk to date stamp both copies.

Mail a copy to the opposing party or their attorney, if represented (all opposing parties if more than one) by first class mail (a stamp; no certified mail required).

Keep a date-stamped copy for your records and place in Court Papers tab. It is important to maintain date-stamped copies of any document you file because it is the only proof of whether and when it was filed.

If you are MAILING a document for filing with the court, add this step to the process:

Make one EXTRA copy of the document.

Send the following by mail to the Clerk of the Circuit Court in the county of the case:

- Original document (be sure to keep a copy at home in case it is lost)

- One copy of the document

- One self-addressed, stamped envelope

Brief note asking the clerk to "file the original document and sent a date-stamped copy back to in the enclosed envelope.

- Send a copy of the document to all opposing parties or their attorney, as described above.

DIVIDER: “Discovery Related Documents”

1. Take this page out and replace it with a divider.

If you don't have a divider, stick a sticky note on the right side of this page so that it sticks out, making a tab. Staple it to keep it securely in place.

2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Discovery Related Documents”**

DISCOVERY:

Discovery is the legal way to get the information you need (from the other parties) to prove your case, ahead of time. This information might include what facts, evidence, and documents they will use in court.

Some frequently used discovery tools are:

- Interrogatories (written questions that the other side must answer under oath);
- Requests for Production of Documents (requests to see documents held by the other side);
and
- Requests for Admissions (short statements that can be admitted or denied by the other side).

Read more about discovery at: <https://www.peoples-law.org/maryland-circuit-court-discovery>

That website also has articles explaining the discovery process in more detail.

Family Law Self Help Centers and Law Libraries may also have sample discovery requests available for you to use.

Timing of Discovery & Responding to Discovery Requests:

When one side receives discovery requests from the other side, there are deadlines to respond. If you do not respond, the court can impose serious penalties. The penalties can make it much harder to prove your case.



Talk to a lawyer for help.

Date: _____

To: _____

From: _____

Method of delivery: Mail to : _____

Text message w/photo of letter to ph # _____

Emailed to: _____

Plaintiff

Vs.

Case no. _____

Defendant

RE: Overdue discovery response

Dear _____,

On the ____ day of _____, 20____, you were served with Interrogatories Request for Production of documents Admissions. The 30-day response period has now expired and no answer or motion to extend response time has been served.

If justification exists for the delay in answering the discovery request, please advise me immediately.

Unless some alternative agreement is reached within 10 days from the date of this letter, I will file a motion to compel discovery and to assess costs and reasonable attorney fees pursuant to Md. Rule 2-432.

Sincerely,

DIVIDER: “Mediation & Settlement”

1. Take this page out and replace it with a divider.

If you don't have a divider, stick a sticky note on the right side of this page so that it sticks out, making a tab. Staple it to keep it securely in place.

2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Mediation & Settlement”**

What is mediation?

See articles at People's Law Library link: www.peoples-law.org/workbook

Mediation gives you a chance to come up with good ideas and creative solutions in your divorce or custody dispute. In mediation, a neutral third party can help you and the other party have a difficult conversation.

Preparing for mediation will also help organize your case. Below is a list of topics that may be useful to think about before mediation:

Child-related issues:

Information: Who gets access to what information?

- School
- Medical
- Extra-curricular activities
- Religion

Decision making: Who has a role in decisions; what guidelines that can be set?

- Discipline/home rules
- Medical related (emergency and non-emergency)
- Medications/medical appointments
- Dental/orthodontic/mental health
- Education
- Religion
- What's the plan when there is a disagreement? Tie breaker? Use of a neutral party?
- Sports/activities
- Use of child photos on social media (by child and/or co-parents)

Communication: How to keep the lines open?

- Schedule of times/manner to communicate
- Best ways to communicate (in person/phone) for children and co-parents
- Changes in co-parent status
- Keeping communication healthy

Schedule:

- Daily (school days; school holidays; special events)
- Weekends
- Holidays
- Birthdays (of children, parents, step/half siblings)
- Right of first refusal
- Summer/vacations
- Transportation (who drives when and which way)
- What "stuff" should be transported?
- What if child sick?
- Who gets first choice?
- Relocation of either parent
- Holidays on weekends

Miscellaneous

- Tax deductions
- Birth certificates
- Travel/Passports
- Insurance information (Medical and life insurance)

Name changes
Social Security cards

Financials:

Child Support/arrears
Payment of child related expenses
-uninsured medical - sports/activities - daycare/summer camp

Divorce-related issues:

1. Review and update budgets for various plans (for example, living in the marital home; or moving from the marital home);
2. Review income potential for both parties and consider ways to improve;
3. Consult with a professional (for example, a community college advisor) about career opportunities.
4. Seek assistance from a financial planner, if needed.
5. Division of marital assets (Review Asset/Debts worksheets)
 - Household items
 - Cars and other vehicles
 - Retirement accounts
 - Bank and other accounts

Real property:

- If you rent: Is there a lease? When does it end?
 - If you own: Value of property? What is remaining due?
 - What expenses would have to be paid in order to stay in the property?
 - Who pays for repairs and other expenses? (Review Financial Statements/Budgets)
6. Health insurance coverage for both spouses.
 7. Division of bills (Review Asset/Debts worksheets and Financial Statements/Budgets)
 - Insurance
 - Debts
 - Cell phones

Prepare well for the mediation session.

Bring any relevant documents.

Arrive early.

Do not bring children to the mediation.



Talk to a lawyer before signing any agreement.

DIVIDER: “Preparing for a Hearing”

1. Take this page out and replace it with a divider.

If you don't have a divider, stick a sticky note on the right side of this page so that it sticks out, making a tab. Staple it to keep it securely in place.

2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Preparing for a Hearing”**

To begin organizing for trial, do the following:

Create a separate section of binder (or a new binder) for your trial notebook.

You will re-use your **Topic of Dispute** charts for each stage of your trial. Make copies, as described below.

Opening Statement:

Make ONE copy of each **Topic of Dispute** chart for use as your opening statement. You will read the sections highlighted in the sample chart below labeled “Opening Statement.” You will read those sections for EACH **Topic of Dispute** chart.

OPENING STATEMENT

Topic of Dispute		
<i>Write the issue here:</i> <hr/>		
What is the best solution? <hr/>		
Arguments to support what you are seeking:	Examples to support those arguments:	Examples of proof you can use to support your arguments:

PRESENTING YOUR CASE

Topic of Dispute		
<i>Write the issue here:</i> _____		
What is the best solution? _____		
Arguments to support what you are seeking:	Examples to support those arguments:	Examples of proof you can use to support your arguments:

You will present your case by:

1. Organize all of your TOPIC OF DISPUTE charts.
2. Make the same number of copies of each chart as you have arguments in each chart. Place in trial notebook after your opening statement sheets.
3. Highlight one argument row per sheet.
4. For each argument, place all the evidence that goes with that argument behind the sheet in your notebook.
5. Find the blank script (these are located on the next few pages in your notebook) for each type of evidence you are presenting. Fill out the matching script and place in notebook next to each piece of evidence from step 4.
6. Complete this process for each argument and each piece of evidence in support of the argument.
7. Then complete this same process for each issue.

Topic of Dispute

Write the issue here:

What is the best solution?

Arguments to support what you are seeking:

Examples to support those arguments:

Examples of proof you can use to support your arguments:

SCRIPT FOR TEXT MESSAGES/EMAILS

MADAM CLERK, could you please mark this document as EXHIBIT _____.

YOUR HONOR, I wish to identify this document as EXHIBIT _____.

QUESTIONS TO WITNESS (OR YOURSELF IF YOU ARE WITNESS):

Q: I am showing you what has been marked as exhibit _____, what is this document?

A:

Q: Do you recognize it?

A:

Q: How did you obtain it?

A:

Q: When did you receive it the email/take the screen shot?

A:

Q: How did you obtain it?

A:

Q: When did you receive it?

A:

Q: Have you made any alterations to the document?

A:

Q: What is the significance of the document?

A:

YOUR HONOR, I move Exhibit _____ into evidence.

SCRIPT FOR PHOTOGRAPHS

MADAM CLERK, could you please mark this document as EXHIBIT _____.

YOUR HONOR, I wish to identify this document as EXHIBIT _____.

QUESTIONS TO WITNESS (OR YOURSELF IF YOU ARE WITNESS):

Q: I am showing you what has been marked as exhibit _____, what is this document?

A:

Q: Do you recognize this photograph?

A:

Q: Are you familiar with what is shown (person, object, etc) in the photograph?

A:

Q: How are you familiar with what is shown in the photograph?

A:

Q: Does the photograph fairly and accurately represent what is shown as your remember it?

A:

YOUR HONOR, I move Exhibit _____ into evidence.

SCRIPT FOR BUSINESS RECORDS

MADAM CLERK, could you please mark this document as EXHIBIT _____.

YOUR HONOR, I wish to identify this document as EXHIBIT _____.

QUESTIONS TO WITNESS (OR YOURSELF IF YOU ARE WITNESS):

Q: I am showing you what has been marked as exhibit _____. Are you familiar with the business records in this exhibit?

A:

Q: Can you identify these documents?

A:

Q: Were these documents prepared in the ordinary scope of the business of your company?

A:

Q: How are these documents stored after they are prepared?

A:

Q: How are these documents retrieved?

A:

Q: Is it a regular part of your business to keep and maintain records of this type?

A:

Q: Are these documents of the type that would be kept under custody or control?

A:

Q: What is the significance of the document?

A:

YOUR HONOR, I move Exhibit_____ into evidence.

DIVIDER: “Appendix”

1. Take this page out and replace it with a divider.

If you don't have a divider, stick a sticky note on the right side of this page so that it sticks out, making a tab. Staple it to keep it securely in place.

2. On the tab of the divider (*or on the edge of the sticky note*) write: **“Appendix”**

Personal information

_____ Has a case already been filed? If yes, case number: _____

You:	Other party:
	_____ Spouse _____ Other parent
Full name:	Full name:
Address:	Address:
Email:	Email:
Phone:	Phone:

MARRIAGE INFORMATION (if applicable)

Date of Marriage _____	Type of Ceremony _____civil _____religious	Separated? Y N Date: _____	Allegations of adultery? Y N
Have you been a Maryland resident for the past year? Y N	Has your spouse been a Maryland resident for the past year? Y N	Is there a limited divorce in this case? Y N Don't know	Are there any protective orders between you and your spouse? Y N

CHILDREN (if applicable)

Full Name of Child	Date of Birth	Paternity Established?	Any Court Orders	No. Months in MD
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	

Have you talked to a lawyer or legal help organization?

Family Law Self-Help Center (FLSHC)

On this date: _____ I spoke with: _____

Return on: _____

Next steps: _____

Legal help organization: _____

On this date: _____ I spoke with: _____

Cannot take case now: Income too high Not yet contested Other: _____

Return on: _____

Next steps: _____

Legal help organization: _____

On this date: _____ I spoke with: _____

Cannot take case now: Income too high Not yet contested Other: _____

Return on: _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

I visited or called: _____ Phone: _____

On this date: _____ I spoke with: _____

What happened? _____

Next steps: _____

SURVEY FOR **NON-LAWYERS (CLIENTS)** USING THE NOTEBOOK

Where did you receive a copy of the Client Notebook?

- Self Help Center at courthouse
- Private attorney
- Legal Service Provider (such as Legal Aid, Maryland Volunteer Lawyers)
- Social Service Provider?
- Other _____

At what stage in your case did you receive a copy of the Client Notebook? Check all that apply:

- Before filing (or being served with) court documents
- Before the *pendente lite* hearing?
- Before the settlement conference
- Before discovery deadlines

Which portions of the workbook did you use? Check all that apply:

- Issue checklist
- Legal related resources
- Attorney consult chart
- Discovery resources
- New case To-Do List
- People's Law Library articles
- Health related resources
- Issue in dispute charts
- Month at a glance calendar/journal
- Trial preparation resources
- Scripts to enter documents into evidence
- Rule of Three (Steps for filing/mailling copies of court documents)

In what ways did you find the Client Notebook useful? Check all that apply:

Did it help you:

- organize your case file and documents
- help you focus on the most important issues in your case
- gather information about the most important issues in your case
- have a better understanding about the legal process
- have a better understanding of how to prepare for trial
- have a more meaningful discussion with an attorney (free or fee based)
- find resources to help you with your case (ie. People's Law library, lawyer referral services)
- organize our case to help with a meeting with a lawyer

Please provide any feedback to help us improve this tool for future use:

SURVEY FOR **LAWYERS** USING THE NOTEBOOK

How did your client receive the Client Notebook?

- Self Help Center at courthouse
- Legal Service Provider
- Other _____
- Private attorney
- Social Service Provider?

What type of assistance did you provide the client?

- limited scope work
 - initial consultation
 - discovery
 - representation at *pendente lite* hearing
- full representation (for fee)
- pro bono representation
- establish settlement parameters
- representation at mediation
- representation at merits hearing

At what stage in the case did you come in contact with the client?

- Before filing/being served court documents
- Before the settlement conference
- Before the *pendente lite* hearing?
- Before discovery deadlines

Do you think the Client Notebook helped the client:

- organize their case file and documents
- focus on the most important issues in their case
- gather information about the most important issues in their case
- have a better understanding about the legal process
- have a better understanding of how to prepare for trial
- have a more meaningful discussion with an attorney (free or fee based)
- find resources to help with their case (ie. People's Law library, lawyer referral services)
- organize their case to help with a meeting with a lawyer

What portion of the notebook, if any, were helpful to you in assisting the client:

- Issue checklist
- Legal related resources
- Attorney consult chart
- _____
- Health related resources
- Issue in dispute charts
- Month at a glance calendar/journal
- _____

Please provide any feedback to help us improve this tool for future use:
