



Types of court ordered custody

Joint Physical Custody-

the child has two residences, spending at least 35% of the time with each parent

Sole Physical Custody-

the child primarily resides with only one parent

Joint Legal Custody- parents work together to share care and control of the upbringing of the child

Sole Legal Custody- only one parent has the authority to make decisions regarding the upbringing of the child

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Information you NEED to file for **Custody**

This information will help you understand the process for filing a custody case and the different custody rights you may ask for.



The Steps to Filing Your Case (for new cases)

1. Preparing the **Complaint for Custody**
2. Receive **Writ of Summons**
3. Have the other party served by one of the following:
Private Process Service, Certified Mail Restricted Delivery, or Sheriff
4. If opposing party does not file an **Answer** within required time you may file a **Request for Default**. You will receive a signed copy of a Default Order in the mail and a court hearing will be set.
5. Schedule of the initial Custody Conference with a Magistrate will be set within 2-3 months.



Timeline of Custody Case

- 1. Initial Custody Conference,** Court wants to know what the current situation is and what each party is asking for. Each side has 15 minutes to plead their case unless an Agreement is reached. Whether an agreement is reached or is not reached, the Magistrate will recommend a Pendente Lite Order. Do you want general or specific schedule with child? Do you want opposing parties visitation to be supervised? Specify the location and time of exchanging child. Drug tests may be needed if applicable.
- 2. Pendente Lite Custody Order** this is a temporary order until a new order is issued by the court.
- 3. Referral to Office of Family Court Services**— There are two steps during this process: (a) gathering information for the court to make an informed decision, and (b) Draft Parenting Plan created through mediation.

*You can request a developmental needs assessment for your child.

4. Evaluators Report (next hearing, about 3 months after initial conference). If a parenting plan is reached, whether temporary or final, the Court will issue a new order adopting the parenting plan. If no agreement is reached, then the Evaluator will give an oral report and the Magistrate may keep the current order in place or issue a new order based on information from the Evaluator.

5. Trial on the merits before Judge (not Magistrate), usually occurs around 1 year after filing., may take several days, final decision is reached.

*If there is a material change in circumstances after a final decision is reached, you may file a modification to the current custody order.

Contact Us

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