



Filing for Initial Child Custody and Modifying Custody

To file an original custody matter, you file a “Complaint for Custody” Form, Form [CC-DR-004 \(mdcourts.gov\)](#). The following forms must accompany it.

- Civil Domestic Case Information Report [CC-DCM-001 \(mdcourts.gov\)](#)
- Certificate of Service [CC-DR-058 \(mdcourts.gov\)](#)
- Financial Support Form (Child Support Guidelines) [CC-DR-030 \(mdcourts.gov\)](#) OR [CC-DR-031 \(mdcourts.gov\)](#) depending on your income
- Financial Support Form Worksheet A (Child Support Obligations) [CC-DR-034 \(mdcourts.gov\)](#) OR Financial Support Worksheet B (Child Support Obligations) [CC-DR-035 \(mdcourts.gov\)](#) depending on the type of custody sought.

If you have concerns about your privacy or safety, you can request that the proceedings be sealed and inaccessible to the general public. To do this, include a Notice Regarding Restricted Information [MDJ008.pdf \(mdcourts.gov\)](#), with your initial filing.

A custody matter must be filed in the Maryland Circuit Court that has jurisdiction over the matter. This usually refers to where the child lives, or where you or the other parent lives. For all Maryland jurisdictions except Baltimore City, you can file online by going to <https://maryland.tylertech.cloud/OfsWeb> and registering for a Self-Represented (Pro Se) Account. There is a fee (\$165 as of 2024) to file the petition. The fee can be waived if you meet the income requirements. See <https://mdcourts.gov/legalhelp/filingfeewaivers> for more information.

Service of Process

When filing your child custody petition, you must serve all documents listed above on the other parent. You cannot serve the documents; but another adult can if they are over the age of 18 and not involved in the case. You must provide the Court with proof of service. The following are some options:

- Have the adult send the documents to the other parent by Certified Mail with Restricted Delivery and Return Receipt Requested. If this method is successful, return the following documents to the Court:
 - Affidavit of Service (Certified Mail Restricted Delivery – Receipt Requested), [Form CC-DR-056 \(mdcourts.gov\)](#), completed by the person who mailed the documents.
- Return Receipt green card.
- Have the adult serve the documents in person to the other parent or to another adult who lives at the same address. You can also hire a private process server to do this (can be expensive). If successful, have the adult server or process server complete an Affidavit of Service, Form [CC-DR-055 \(mdcourts.gov\)](#), and return it to the Court.
- At the time of filing the Complaint, you may also request that the Sheriff serve the documents in person to the other parent. There is a fee for this service but there is nothing else you need to do after the documents are served. See <https://www.mdcourts.gov/video/selfhelp/service-process> for more information about service of process.

Responding to the Initial Complaint

If you are served with a Complaint for Custody by your child’s other parent, you have **30** days to respond if you live in Maryland, **60** days if you live outside of Maryland, and **90** days if you live outside the country. If you fail to respond to the Complaint within the required period, an Order for Default may be filed by the other parent, and the Court could rule for the other parent without a hearing.

To respond to the Complaint, you should file an “Answer to Petition for Custody,” [Form CC-DR-050 \(mdcourts.gov\)](#). If you want to propose a substantially different custody arrangement, you may also file a “Counter Complaint for Custody,” [Form CC-DR-095.pdf \(mdcourts.gov\)](#). You will need to provide the same additional forms listed under filing a custody matter on the prior page with your answer.

As with the initial custody filing, you can request that the proceedings be sealed and inaccessible to the general public by filing Form [CC-DC-053 \(mdcourts.gov\)](#) with your Answer.

This is not legal advice. Please consult an attorney about your specific situation. To get free legal help visit:

WWW.MVLSLAW.COM/FREE-LEGAL-HELP/

or call intake between 9 a.m. and 12 p.m. on Monday through Thursday at 1(800) 510-0050 or (410) 547-65377



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How to Modify an Existing Child Custody Order

To modify an existing Child Custody Order, follow the same procedures as above. The Court will consider whether there been a material change in circumstance since the prior ruling, including the following:

- Has either parent's income significantly changed (new job, job loss, increased salary)?
- Has a party become unemployed, incarcerated, or disabled and is now unable to care for the child?
- Has one or both parties relocated which could affect the original custody order?
- Has the child's living arrangement changed?
- Has the child's environment changed in such a way that their well-being or stability is at risk of harm?
- Where did the existing order originate?
 - If it is from a Maryland court, either parent can file a motion to modify the order at any time. If a parent desires to modify an out of state custody order, it is important to contact an attorney or seek help from a Family Law Self Help Clinic, as the process can be complicated for the self-represented client.

To speak to an attorney about your situation or for assistance with completing forms, call the Maryland Family Law Hotline at 800-845-8550 or visit the Family Law Self Help Center located in the Maryland Circuit Court where you will be opening your case or filing your response.

To view additional court forms pertaining to child support, custody, and visitation, and instructions for completing the forms, visit [Family Law Court Forms \(mdcourts.gov\)](http://mdcourts.gov). For additional information on Child Custody see [Child Custody in Maryland \(peoples-law.org\)](http://peoples-law.org).

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