

IN THE SUPREME COURT OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its Two Hundred and Sixteenth Report to the Supreme Court of Maryland, recommending adoption, on an emergency basis, of proposed amendments to Rules 9-112 and 11-319 of the Maryland Rules of Procedure, all as posted for comment on the website of the Maryland Judiciary; and

This Court having considered the proposed Rules changes, together with comments received, at an open meeting, notice of which was posted as prescribed by law, and finding that exigent circumstances exist with respect to the effective date of the proposed amendments to Rule 11-319, it is this 8th day of May, 2023,

ORDERED, by the Supreme Court of Maryland, that amendments to Rule 11-319 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the proposed amendments to Rule 9-112 be, and they are hereby, remanded to the Rules Committee for further study; and it is further

ORDERED that the Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after May 8, 2023, and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/s/ Matthew J. Fader
Matthew J. Fader

/s/ Shirley M. Watts
Shirley M. Watts

/s/ Michele D. Hotten
Michele D. Hotten

/s/ Brynja M. Booth
Brynja M. Booth

/s/ Jonathan Biran
Jonathan Biran

/s/ Steven B. Gould
Steven B. Gould

/s/ Angela M. Eaves
Angela M. Eaves

Filed: May 8, 2023

/s/ Gregory Hilton
Clerk
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

AMEND Rule 11-319 by creating new section (a) pertaining to dockets for guardianship proceedings, by adding to section (a) a provision that dockets are confidential and shielded from public inspection, by creating new section (b) pertaining to shielding and sealing of records, by creating new subsection (b) (1) pertaining to shielding of records in guardianship proceedings, by adding a cross reference following subsection (b) (1), by creating new subsection (b) (2) pertaining to sealing of records in guardianship proceedings, by adding a cross reference following subsection (b) (2), by creating new subsection (b) (3) pertaining to inspection of sealed records, by adding a cross reference following subsection (b) (3) to statutes governing access to records relating to an adoptee, and by making stylistic changes, as follows:

Rule 11-319. COURT RECORDS

(a) Dockets

The court shall keep a separate docket for guardianship proceedings, which shall be confidential and shielded from public inspection.

(b) Shielding and Sealing of Records

(1) Shielding of Records

All pleadings and other papers in guardianship proceedings shall be ~~sealed when they are filed~~ confidential and shielded from public inspection upon filing.

Cross reference: See Rule 16-914 (a), requiring denial of inspection of case records in actions for guardianship filed under this Chapter, and Rule 20-109, concerning remote access.

(2) Sealing of Records

All pleadings and other papers shall be sealed and are not open to inspection by any person, including a parent, ~~except upon an order of court~~ upon the latter of (A) 30 days after the guardianship action is closed, or (B) if an appeal is taken, dismissal of the appeal or exhaustion of appellate review.

Cross reference: See Code, Family Law Article, § 5-328 and Rule 11-318, concerning termination of guardianship proceedings and a court order closing the guardianship action.

(3) Inspection of Sealed Records

Sealed records of guardianship proceedings shall remain sealed and not be opened for inspection except upon order of court.

Cross reference: See Code, Family Law Article, Title 5, Subtitle 3, Part V, concerning access to records relating to an adoptee.

Source: This Rule is derived from Rule 9-112 and is in part new.