

HOUSE BILL 440

D4
HB 1036/22 – JUD

3lr2594
CF SB 42

By: **Delegate Charles**
Introduced and read first time: January 30, 2023
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Relocation of Child – Expedited Hearing**
3 **(Assurance of Child’s Safety Act)**

4 FOR the purpose of requiring a court to schedule a hearing on a certain petition regarding
5 the proposed relocation of a child who is the subject of a custody or visitation order
6 on an expedited basis under certain circumstances; prohibiting a court from
7 considering a child’s time spent with a party who relocated in violation of certain
8 notice provisions to be advantageous to that party in a subsequent custody hearing;
9 and generally relating to child custody and visitation.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 9–106
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Family Law**

18 9–106.

19 (a) (1) Except as provided in subsection (b) of this section, in any custody or
20 visitation proceeding the court may include as a condition of a custody or visitation order a
21 requirement that either party provide advance written notice of at least 90 days to the
22 court, the other party, or both, of the intent to relocate the permanent residence of the party
23 or the child either within or outside the State.

24 (2) The court may prescribe the form and content of the notice requirement.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (3) If the court orders that notice be given to the other party, a mailing of
2 the notice by certified mail, return receipt requested, to the last known address of the other
3 party shall be deemed sufficient to comply with the notice requirement.

4 (4) (I) If either party files a petition regarding a proposed relocation
5 within 20 days of the written notice of the relocation required by paragraph (1) of this
6 subsection, the court shall set a hearing on the petition on an expedited basis.

7 (II) IF EITHER PARTY FILES A PETITION REGARDING A
8 PROPOSED RELOCATION OF 40 OR MORE MILES AWAY FROM THE CURRENT PRIMARY
9 RESIDENCE, THE COURT SHALL SET A HEARING ON THE PETITION ON AN EXPEDITED
10 BASIS.

11 (b) On a showing that notice would expose the child or either party to abuse as
12 defined in § 4–501 of this article or for any other good cause the court shall waive the notice
13 required by this section.

14 (c) If either party is required to relocate in less than the 90–day period specified
15 in the notice requirement, the court may consider as a defense to any action brought for a
16 violation of the notice requirement that:

17 (1) relocation was necessary due to financial or other extenuating
18 circumstances; and

19 (2) the required notice was given within a reasonable time after learning
20 of the necessity to relocate.

21 (d) (1) The court may consider any violation of the notice requirement as a
22 factor in determining the merits of any subsequent proceeding involving custody or
23 visitation.

24 (2) THE COURT MAY NOT CONSIDER A CHILD’S TIME SPENT WITH A
25 PARTY WHO RELOCATED IN VIOLATION OF THIS SECTION TO BE ADVANTAGEOUS TO
26 THAT PARTY IN A SUBSEQUENT CUSTODY HEARING.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2023.