

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 1363 (Delegate Kach)  
Judiciary

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**Family Law - Interference with Visitation Rights**

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This bill prohibits a parent or legal guardian from taking or retaining a child with the intent to detain or conceal the child from any other parent, grandparent, or guardian who has lawful, court ordered visitation rights. Violators of this provision may be punished for contempt of court and be required to pay court costs, attorney's fees and other reasonable expenses incurred in locating and returning the child. In addition, the bill requires the court to order make up visitation to restore the visitation that the parent, grandparent, or guardian was denied and authorizes the court to revise, amend, or clarify the custody or visitation order.

The bill also establishes exceptions to this provision when the violation is committed to protect the child from imminent physical harm or there was mutual consent of all parties having a right to custody and visitation of the child.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

**Local Effect:** Potential minimal increase in expenditures due to the bill's penalty provisions. No effect on revenues.

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**Fiscal Analysis**

**State Revenues:** To the extent that violators are fined for contempt of court, general fund revenues could increase depending upon the fines imposed.

**State Expenditures:** Persons incarcerated for contempt of court generally are sent to local detention facilities. To the extent that violators are incarcerated for contempt of court,

general fund expenditures could increase due to increased payments to counties for reimbursement of inmate costs.

The State reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements are estimated to range from \$10 to \$48 per inmate, depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

**Local Expenditures:** Persons incarcerated for contempt of court generally are sent to local detention facilities. To the extent that violators are incarcerated for contempt, expenditures could increase. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Fiscal Services

**Fiscal Note History:** First Reader - March 11, 1996

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