

HOUSE BILL 346

D4

8lr0393

By: **Delegates Shewell, DeBoy, Ali, Aumann, Barkley, Bartlett, Beidle, Beitzel, Bohanan, Boteler, Bromwell, G. Clagett, Conaway, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Glenn, Heller, Holmes, Impallaria, James, Jameson, Jennings, Kach, Kelly, King, Krebs, Kullen, Lafferty, Levy, Love, Malone, McComas, McConkey, McDonough, McKee, Miller, Minnick, Montgomery, Myers, Niemann, Norman, O'Donnell, Riley, Schuh, Schuler, Shank, Smigiel, Sophocleus, Sossi, Stifler, Stocksdales, Stull, Walkup, Weir, Weldon, and Wood**

Introduced and read first time: January 25, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Custody and Visitation – Military Deployment**

3 FOR the purpose of requiring that, in a child custody or visitation proceeding
4 involving a parent who is on certain active military duty, any order or
5 modification of an existing child custody or visitation order issued by the court
6 during a certain period of time be a temporary order and specifically reference
7 certain information; establishing that, at the end of the active military duty of
8 the parent, a certain order terminates or reverts to a certain previous order
9 under certain circumstances; authorizing either parent to petition the court to
10 issue a new child custody or visitation order under certain circumstances; and
11 generally relating to military deployment and child custody or visitation orders.

12 BY adding to

13 Article – Family Law

14 Section 9–107

15 Annotated Code of Maryland

16 (2006 Replacement Volume and 2007 Supplement)

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

19 **Article – Family Law**

20 **9–107.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN A CHILD CUSTODY OR VISITATION PROCEEDING INVOLVING A**
2 **PARENT WHO IS ON ACTIVE DUTY AS A MEMBER OF THE UNITED STATES ARMED**
3 **FORCES DEPLOYED OUTSIDE THE UNITED STATES OR ON FEDERAL ACTIVE**
4 **DUTY AS A MEMBER OF A STATE NATIONAL GUARD OR RESERVE FORCE, ANY**
5 **ORDER OR MODIFICATION OF AN EXISTING CHILD CUSTODY OR VISITATION**
6 **ORDER ISSUED BY THE COURT DURING THE TERM OF THE DEPLOYMENT OR**
7 **FEDERAL ACTIVE DUTY OF THE PARENT:**

8 **(1) IS A TEMPORARY ORDER; AND**

9 **(2) SHALL SPECIFICALLY REFERENCE THE DEPLOYMENT OR**
10 **FEDERAL ACTIVE DUTY OF THE PARENT.**

11 **(B) AT THE END OF THE DEPLOYMENT OR FEDERAL ACTIVE DUTY OF**
12 **THE PARENT, AN ORDER ISSUED UNDER SUBSECTION (A) OF THIS SECTION**
13 **SHALL:**

14 **(1) TERMINATE; OR**

15 **(2) IN THE CASE OF A MODIFICATION OF AN EXISTING ORDER,**
16 **REVERT TO THE PREVIOUS ORDER.**

17 **(C) AT THE END OF THE DEPLOYMENT OR FEDERAL ACTIVE DUTY OF**
18 **THE PARENT, EITHER PARENT MAY PETITION THE COURT TO ISSUE A NEW**
19 **CHILD CUSTODY OR VISITATION ORDER.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2008.**