

HOUSE BILL 422

D4

9lr0365

By: **Delegates Shewell, DeBoy, Ali, Aumann, Barkley, Barnes, Beidle, Beitzel, Bohanan, Boteler, Branch, Bromwell, Bronrott, Burns, Cane, Carr, G. Clagett, Conway, Costa, Davis, Donoghue, Dumais, Eckardt, Elliott, Elmore, Frank, George, Glenn, Guzzone, Haddaway, Hecht, Heller, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Kipke, Kramer, Krebs, Kullen, Lafferty, Lee, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Norman, O'Donnell, Olszewski, Riley, Robinson, Rudolph, Schuh, Schuler, Serafini, Smigiel, Sophocleus, Sossi, Stein, Stocksdales, Stull, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, Walkup, Weir, Weldon, and Wood**

Introduced and read first time: February 3, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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 certain active military duty of the parent specifically reference certain
7 information; requiring a parent, under certain circumstances, to specifically
8 reference certain information in a certain petition for child custody or visitation;
9 requiring the court, if a certain petition is filed within a certain time period
10 after the end of certain active military duty, to hear and rule on the petition on
11 an expedited basis; authorizing the court, under extenuating circumstances, to
12 hear and rule on a certain petition on an expedited basis whenever the petition
13 is filed; establishing that the end of certain active military duty of a parent
14 constitutes a material change of circumstances that affects the welfare of the
15 child for purposes of modifying a child custody order; and generally relating to
16 active military duty and child custody or visitation orders.

17 BY adding to

18 Article – Family Law

19 Section 9–107

20 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2006 Replacement Volume and 2008 Supplement)

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

Article – Family Law

9–107.

(A) IN A CHILD CUSTODY OR VISITATION PROCEEDING INVOLVING A PARENT WHO IS ON ACTIVE DUTY AS A MEMBER OF THE UNITED STATES ARMED FORCES DEPLOYED OUTSIDE THE UNITED STATES OR ON FEDERAL ACTIVE DUTY AS A MEMBER OF A STATE NATIONAL GUARD OR RESERVE FORCE, ANY ORDER OR MODIFICATION OF AN EXISTING CHILD CUSTODY OR VISITATION ORDER ISSUED BY THE COURT DURING THE TERM OF THE DEPLOYMENT OR FEDERAL ACTIVE DUTY OF THE PARENT SHALL SPECIFICALLY REFERENCE THE DEPLOYMENT OR FEDERAL ACTIVE DUTY STATUS OF THE PARENT.

(B) (1) A PARENT WHO PETITIONS THE COURT FOR AN ORDER OR MODIFICATION OF AN EXISTING CHILD CUSTODY OR VISITATION ORDER AFTER RETURNING FROM A DEPLOYMENT OR FEDERAL ACTIVE DUTY SHALL SPECIFICALLY REFERENCE THE DATE OF THE END OF THE DEPLOYMENT OR FEDERAL ACTIVE DUTY STATUS IN THE PETITION.

(2) (I) IF THE PETITION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS FILED WITHIN 30 DAYS AFTER THE END OF THE DEPLOYMENT OR FEDERAL ACTIVE DUTY OF THE PARENT, THE COURT SHALL HEAR AND RULE ON THE PETITION ON AN EXPEDITED BASIS.

(II) IF THE COURT FINDS THAT EXTENUATING CIRCUMSTANCES PROHIBITED THE FILING OF THE PETITION WITHIN 30 DAYS AFTER THE END OF THE DEPLOYMENT OR FEDERAL ACTIVE DUTY OF THE PARENT, THE COURT MAY HEAR AND RULE ON THE PETITION ON AN EXPEDITED BASIS WHENEVER THE PETITION IS FILED.

(C) THE END OF A DEPLOYMENT OR FEDERAL ACTIVE DUTY OF A PARENT CONSTITUTES A MATERIAL CHANGE OF CIRCUMSTANCE THAT AFFECTS THE WELFARE OF THE CHILD FOR PURPOSES OF MODIFYING A CHILD CUSTODY ORDER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.