

# HOUSE BILL 422

D4

9lr0365

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2009

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## CHAPTER \_\_\_\_\_

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, that~~ any order or  
5 modification of an existing child custody or visitation order issued by ~~the~~ a court  
6 during ~~certain active military duty of the~~ a certain deployment of a parent  
7 specifically reference certain information; requiring a parent, under certain  
8 circumstances, to specifically reference certain information in a certain petition  
9 for child custody or visitation; requiring the court, if a certain petition is filed  
10 within a certain time period after the end of ~~certain active military duty, to hear~~  
11 ~~and rule~~ a certain deployment, to set a hearing on the petition on an expedited  
12 basis; authorizing the court, under extenuating circumstances, to ~~hear and rule~~  
13 set a hearing on a certain petition on an expedited basis whenever the petition  
14 is filed; ~~establishing that the end of certain active military duty of a parent~~  
15 ~~constitutes a material change of circumstances that affects the welfare of the~~  
16 ~~child for purposes of modifying a child custody order~~ requiring any custody or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



visitation order issued based on a certain deployment of a parent to contain certain provisions; defining the term “deployment”; and generally relating to active military duty and child custody or visitation orders.

BY adding to  
Article – Family Law  
Section 9–107  
Annotated Code of Maryland  
(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 THIS SECTION:

(1) “DEPLOYMENT” MEANS COMPLIANCE WITH MILITARY ORDERS RECEIVED BY A MEMBER OF THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS, COAST GUARD, NATIONAL GUARD, OR ANY OTHER RESERVE COMPONENT TO REPORT FOR COMBAT OPERATIONS OR OTHER ACTIVE SERVICE FOR WHICH THE MEMBER IS REQUIRED TO REPORT UNACCOMPANIED BY ANY FAMILY MEMBER OR THAT IS CLASSIFIED BY THE MEMBER’S BRANCH AS REMOTE; AND

(2) “DEPLOYMENT” DOES NOT INCLUDE NATIONAL GUARD OR RESERVE ANNUAL TRAINING, INACTIVE DUTY DAYS, OR DRILL WEEKENDS.

~~(A) (B) 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 ANY ORDER OR MODIFICATION OF AN EXISTING CHILD CUSTODY OR VISITATION ORDER ISSUED BY THE A COURT DURING THE A TERM OF THE A DEPLOYMENT OR FEDERAL ACTIVE DUTY OF THE A PARENT SHALL SPECIFICALLY REFERENCE THE DEPLOYMENT OR FEDERAL ACTIVE DUTY STATUS OF THE PARENT.~~

~~(B) (C)~~ (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.

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

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

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

14       (D) ANY CUSTODY OR VISITATION ORDER ISSUED BASED ON THE  
15 DEPLOYMENT OF A PARENT SHALL REQUIRE THAT:

16                       (1) THE OTHER PARENT REASONABLY ACCOMMODATE THE LEAVE  
17 SCHEDULE OF THE PARENT WHO IS SUBJECT TO THE DEPLOYMENT;

18                       (2) THE OTHER PARENT FACILITATE OPPORTUNITIES FOR  
19 TELEPHONE AND ELECTRONIC MAIL CONTACT BETWEEN THE PARENT WHO IS  
20 SUBJECT TO THE DEPLOYMENT AND THE CHILD DURING THE PERIOD OF  
21 DEPLOYMENT; AND

22                       (3) THE PARENT WHO IS SUBJECT TO THE DEPLOYMENT PROVIDE  
23 TIMELY INFORMATION REGARDING THE PARENT'S LEAVE SCHEDULE TO THE  
24 OTHER PARENT.

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