

## CHAPTER 672

(House Bill 422)

AN ACT concerning

### Family Law – Child Custody and Visitation – Military Duty

FOR the purpose of requiring ~~that, in a child custody or visitation proceeding involving a parent who is on certain active military duty, that~~ any order or modification of an existing child custody or visitation order issued by ~~the a~~ a court during ~~certain active military duty of the~~ a certain deployment of a parent specifically reference certain information; requiring a parent, under certain circumstances, to specifically reference certain information in a certain petition for child custody or visitation; requiring the court, if a certain petition is filed within a certain time period after the end of ~~certain active military duty, to hear and rule~~ a certain deployment, to set a hearing on the petition on an expedited basis; authorizing the court, under extenuating circumstances, to ~~hear and rule~~ set a hearing on a certain petition on an expedited basis whenever the petition is filed; ~~establishing that the end of certain active military duty of a parent constitutes a material change of circumstances that affects the welfare of the child for purposes of modifying a child custody order~~ requiring any custody or 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.

(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~~ SET A HEARING 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~~ SET A HEARING 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.~~

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

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

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

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

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

**Approved by the Governor, May 19, 2009.**