

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 898
Judiciary

(Delegate McConkey, *et al.*)

Rules

Child Custody and Visitation - Relocation of Child

This bill increases the number of days' notice (from 45 to 90) that a court may require a party to a custody or visitation order to give before relocating the residence of the party or the child. The bill also requires the court to set an expedited hearing if either party files a petition regarding a proposed relocation within 20 days of the written notice.

Fiscal Summary

State Effect: The bill does not substantively change State activities or operations.

Local Effect: The bill does not substantively change local activities or operations.

Small Business Effect: None.

Analysis

Current Law: In any custody or visitation proceeding, the court may include as a condition of a custody or visitation order a requirement that either party provide advance written notice of at least 45 days to the court, the other party, or both, of the intent to relocate the permanent residence of the party or the child either within or outside the State. A mailing of the notice by certified mail, return receipt requested, to the last known address of the other party shall be deemed sufficient to comply with the notice requirement. The court must waive the notice requirement on a showing that the notice would expose the child or either party to abuse or for any other good cause. If either party is required to relocate in less than the 45-day period specified in the notice requirement, the court may consider as a defense to any action brought for a violation of the requirement that: (1) relocation was necessary due to financial or other extenuating

circumstances; and (2) the required notice was given within a reasonable time after learning of the necessity to relocate. The court may consider any violation of the notice requirement as a factor in determining the merits of any subsequent proceeding involving custody or visitation.

Additional Information

Prior Introductions: None.

Cross File: SB 299 (Senator Simonaire) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 25, 2009
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