

# SENATE BILL 481

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CF HB 485

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By: **Senator Zirkin**

Introduced and read first time: February 2, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Custody – Interim Custody or Visitation Order**

3 FOR the purpose of authorizing a party to file with the court a motion for an interim  
4 custody or visitation order under certain circumstances; requiring a party who  
5 files a motion for an interim custody or visitation order to file with the motion a  
6 certain certificate; specifying the contents of the certificate; requiring the court  
7 to hold a hearing on the motion within a certain period of time under certain  
8 circumstances; requiring the court to determine interim custody or visitation in  
9 accordance with the best interest of the child under certain circumstances;  
10 establishing that an interim custody or visitation order remains in effect until it  
11 is superseded by a certain order; and generally relating to an interim custody or  
12 visitation order.

13 BY adding to

14 Article – Family Law

15 Section 9–109

16 Annotated Code of Maryland

17 (2006 Replacement Volume and 2011 Supplement)

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

20 **Article – Family Law**

21 **9–109.**

22 **(A) (1) IN A CASE IN WHICH A COMPLAINT FOR CUSTODY OR**  
23 **VISITATION HAS BEEN FILED WITH THE COURT, A PARTY MAY FILE A MOTION**  
24 **FOR AN INTERIM CUSTODY OR VISITATION ORDER.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) (I) A PARTY WHO FILES A MOTION FOR AN INTERIM**  
2 **CUSTODY OR VISITATION ORDER SHALL FILE WITH THE MOTION A CERTIFICATE**  
3 **DESCRIBING THE GOOD FAITH ATTEMPTS TO REACH AGREEMENT WITH THE**  
4 **OPPOSING PARTY ON CUSTODY OR VISITATION AND CERTIFYING THAT THE**  
5 **PARTIES ARE UNABLE TO REACH AGREEMENT.**

6           **(II) THE CERTIFICATE SHALL INCLUDE THE DATE, TIME,**  
7 **AND CIRCUMSTANCES OF EACH ATTEMPT TO REACH AGREEMENT WITH THE**  
8 **OPPOSING PARTY.**

9           **(B) (1) IF A PARTY FILES A MOTION AND A CERTIFICATE IN**  
10 **ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE COURT SHALL HOLD**  
11 **A HEARING ON THE MOTION WITHIN 7 DAYS AFTER SERVICE ON THE OPPOSING**  
12 **PARTY.**

13           **(2) IF THE COURT FINDS THAT THE PARTY FILING THE MOTION**  
14 **AND THE CERTIFICATE MADE GOOD FAITH ATTEMPTS TO REACH AGREEMENT**  
15 **WITH THE OPPOSING PARTY ON CUSTODY OR VISITATION, BUT THAT THE**  
16 **PARTIES ARE UNABLE TO REACH AGREEMENT, THE COURT SHALL DETERMINE**  
17 **INTERIM CUSTODY OR VISITATION IN ACCORDANCE WITH THE BEST INTEREST**  
18 **OF THE CHILD.**

19           **(C) AN INTERIM CUSTODY OR VISITATION ORDER ISSUED UNDER THIS**  
20 **SECTION REMAINS IN EFFECT UNTIL IT IS SUPERSEDED BY A SUBSEQUENT**  
21 **CIRCUIT COURT ORDER.**

22           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2012.