

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 485
Judiciary

(Delegate Simmons)

Family Law - Child Custody - Interim Custody or Visitation Order

This bill authorizes a party to file a motion for an interim custody or visitation order in a case in which a complaint for custody or visitation has been filed with the court, and establishes a process by which interim custody or visitation orders may be issued.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures for the Judiciary to accommodate the new hearings within the timeframes established by the bill.

Local Effect: Minimal increase in general fund expenditures for the circuit courts to accommodate the new hearings within the timeframes established by the bill.

Small Business Effect: None.

Analysis

Bill Summary: A party who files a motion for an interim custody or visitation order must file with the motion a certificate describing good faith attempts to reach agreement with the opposing party on custody or visitation and certifying that the parties are unable to reach agreement. A certificate must include the date, time, and circumstances of each attempt to reach agreement with the opposing party.

If a party files a motion and certificate, the court is required to hold a hearing on the motion within seven days after service on the opposing party. On a finding that the parties are unable to reach agreement on custody or visitation despite good faith attempts, the court must determine interim custody or visitation in accordance with the best interest of the child.

An interim custody or visitation order issued under these provisions remains in effect until superseded by a subsequent circuit court order.

Current Law: There are no statutory provisions for an interim custody or visitation order. In cases of domestic violence or child abuse, temporary custody and visitation may be included as part of the relief in a protective order case.

Prior to a final child custody or divorce hearing, matters relating to custody and visitation may be settled temporarily at a *pendente lite* hearing. At a *pendente lite* hearing, a master or judge may award temporary custody and determine a visitation schedule which will remain in effect, unless exceptions are filed, until a final disposition date.

Background: The Judiciary advises that under current case management plans, *pendente lite* hearings are to occur within two to six weeks of filing a complaint for custody. This bill will allow for more immediate judicial intervention in child custody and visitation cases when the parties are unable to reach an agreement.

Additional Information

Prior Introductions: None.

Cross File: SB 481 (Senator Zirkin) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 21, 2012
mc/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510