

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 872
Judiciary

(Delegate Carter)

Family Law - Modification of Child Custody or Denial of Visitation - Expedited Hearings

This bill specifies that if a party petitions the court for modification of a child custody order or an order denying visitation, the court must hold a hearing on the petition within 14 days after the petition is filed.

Fiscal Summary

State Effect: Significant operational impact and potentially significant general fund expenditure increase for the Judiciary to accommodate hearings within the specified timeframe.

Local Effect: Significant operational impact and minimal increase in expenditures for circuit courts to accommodate hearings within the specified timeframe.

Small Business Effect: None

Analysis

Current Law: The court maintains continuing jurisdiction over custody cases and may modify custody if there is a material change in circumstances which adversely impacts or may adversely impact the welfare of the child. (*See McCready v. McCready*, 323 Md. 476 (1991).) Statutory provisions do not require a hearing within 14 days.

State/Local Fiscal Effect: Information regarding the number of modifications is not readily available. However, the Department of Legislative Services agrees with the assessment of the Judiciary that the bill has a significant operational impact on the courts.

Circuit courts are already utilizing the services of retired judges to ensure that cases are adjudicated in a timely manner, and the compressed timeframe between the filing of a petition and a required hearing under this bill's provisions likely necessitates additional use of these judges. *For illustrative purposes only and based on a conservative estimate*, if five of the larger jurisdictions require the use of a retired judge four days per month to accommodate the hearings, general fund expenditures increase by \$102,800 in fiscal 2014, which accounts for the bill's October 1, 2013 effective date and by approximately \$137,000 annually thereafter (based on a \$571 per diem). On the other hand, if the workload is such that even one additional judge is needed, annual expenditures for the Judiciary increase by approximately \$200,000 in fiscal 2014, which assumes a January 1, 2014 start date for the judge, and by over \$400,000 annually. These costs include salaries and fringe benefits for a judge, a law clerk, and a court clerk. Although the State is responsible for these costs, the counties are responsible for additional required expenditures for secretarial staff, supplies, and equipment for circuit court judges.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 26, 2013
ncs/kdm

Analysis by: Jennifer K. Botts

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