

HOUSE BILL 350

D4

5lr1561

By: **Delegates Valentino–Smith, Dumais, Rey, and C. Wilson**

Introduced and read first time: February 5, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody and Visitation – Deployed Parents**

3 FOR the purpose of prohibiting a court, in any child custody or visitation proceeding, from
4 making any negative inference regarding a parent’s past, present, or future
5 deployment; altering certain provisions relating to certain expedited hearings;
6 authorizing a party or witness who is subject to deployment to provide testimony and
7 present evidence by electronic means or by telephone under certain circumstances;
8 authorizing a court to grant custody or visitation on behalf of a deployed parent to
9 another individual under certain circumstances; requiring a certain custody or
10 visitation agreement to be in writing and signed under certain circumstances;
11 specifying that a certain agreement is effective for the period of deployment of a
12 parent; establishing the primary residence of a parent who is subject to deployment
13 for purposes of determining jurisdiction in a child custody or visitation proceeding;
14 and generally relating to child custody and visitation and deployed parents.

15 BY repealing and reenacting, with amendments,
16 Article – Family Law
17 Section 9–108
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2014 Supplement)

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

22 **Article – Family Law**

23 9–108.

24 (a) In this section:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) “deployment” means compliance with military orders received by a
2 member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National
3 Guard, or any other Reserve component to report for combat operations or other active
4 service for which the member is required to report unaccompanied by any family member
5 or that is classified by the member’s branch as remote; and

6 (2) “deployment” does not include National Guard or Reserve annual
7 training, inactive duty days, or drill weekends.

8 **(B) IN ANY CHILD CUSTODY OR VISITATION PROCEEDING, THE COURT MAY**
9 **NOT MAKE ANY NEGATIVE INFERENCE REGARDING A PARENT’S PAST, PRESENT, OR**
10 **FUTURE DEPLOYMENT.**

11 **[(b)] (C)** Any order or modification of an existing child custody or visitation order
12 issued by a court during a term of a deployment of a parent shall specifically reference the
13 deployment of the parent.

14 **[(c)] (D)** (1) A parent who petitions the court for an order or modification of
15 an existing child custody or visitation order after returning from a deployment shall
16 specifically reference the date of the end of the deployment in the petition.

17 (2) (i) If the petition under paragraph (1) of this subsection is filed
18 within 30 days after the end of the deployment of the parent **AND THE PERIOD OF**
19 **DEPLOYMENT WAS NOT MORE THAN 3 MONTHS**, the court shall set a hearing on the
20 petition on an expedited basis, **TO BE HELD NOT LATER THAN 30 DAYS AFTER THE DATE**
21 **OF THE FILING OF THE PETITION.**

22 **(II) IF THE PETITION UNDER PARAGRAPH (1) OF THIS**
23 **SUBSECTION IS FILED WITHIN 30 DAYS AFTER THE END OF THE DEPLOYMENT OF**
24 **THE PARENT AND THE PERIOD OF DEPLOYMENT WAS MORE THAN 3 MONTHS, THE**
25 **COURT SHALL SET A HEARING ON THE PETITION ON AN EXPEDITED BASIS.**

26 **[(ii)] (III)** If the court finds that extenuating circumstances
27 prohibited the filing of the petition within 30 days after the end of the deployment of the
28 parent, the court may set a hearing on the petition on an expedited basis whenever the
29 petition is filed.

30 **(E) A PARTY OR WITNESS WHO IS SUBJECT TO DEPLOYMENT AND IS NOT**
31 **REASONABLY AVAILABLE TO APPEAR IN PERSON BEFORE THE COURT IN A CHILD**
32 **CUSTODY OR VISITATION PROCEEDING MAY PROVIDE TESTIMONY AND PRESENT**
33 **EVIDENCE BY ELECTRONIC MEANS OR BY TELEPHONE.**

34 **(F) ON MOTION OF A PARENT WHO IS SUBJECT TO DEPLOYMENT, THE**
35 **COURT MAY GRANT CUSTODY OR VISITATION ON BEHALF OF THE PARENT TO AN**

1 ADULT FAMILY MEMBER OF THE CHILD OR AN ADULT WITH WHOM THE CHILD HAS A
2 SIGNIFICANT RELATIONSHIP.

3 (G) (1) IF A PARENT IS SUBJECT TO DEPLOYMENT AND BOTH PARENTS
4 REACH AN AGREEMENT REGARDING CUSTODY OR VISITATION, THE AGREEMENT
5 SHALL BE IN WRITING AND SIGNED BY BOTH PARENTS.

6 (2) AN AGREEMENT DESCRIBED IN PARAGRAPH (1) OF THIS
7 SUBSECTION IS EFFECTIVE FOR THE PERIOD OF DEPLOYMENT.

8 [(d)] (H) Any custody or visitation order issued based on the deployment of a
9 parent shall require that:

10 (1) the other parent reasonably accommodate the leave schedule of the
11 parent who is subject to the deployment;

12 (2) the other parent facilitate opportunities for telephone and electronic
13 mail contact between the parent who is subject to the deployment and the child during the
14 period of deployment; and

15 (3) the parent who is subject to the deployment provide timely information
16 regarding the parent's leave schedule to the other parent.

17 (I) FOR PURPOSES OF DETERMINING JURISDICTION IN A CHILD CUSTODY
18 OR VISITATION PROCEEDING, THE PRIMARY RESIDENCE OF A PARENT WHO IS
19 SUBJECT TO DEPLOYMENT IS THE PARENT'S LAST KNOWN ADDRESS IN THE UNITED
20 STATES.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.