

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1036
Judiciary

(Delegate Charles, *et al.*)

Child Custody - Relocation of Child - Expedited Hearing

This bill requires a court to set a hearing on a petition regarding a proposed relocation of a child of 40 or more miles away from the current primary address on an expedited basis. The court *must* consider any violation of existing notice requirements regarding a proposed relocation of a child as a factor in determining the merits of any subsequent proceedings involving custody or visitation. The court may not consider a child's time spent with a party who relocates in violation of statutory requirements regarding notice to be advantageous to that party in a subsequent custody hearing.

Fiscal Summary

State Effect: It is assumed that the bill's requirements, including any *potential* minimal expenditures associated with expedited hearings, do not materially affect State finances or operations.

Local Effect: It is assumed that the bill's requirements, including any *potential* minimal expenditures associated with expedited hearings, do not materially affect circuit court finances or operations.

Small Business Effect: None.

Analysis

Current Law: Subject to limited exception, 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 90 days to the court and/or the other party

of the intent to relocate the permanent residence of the party or the child either within or outside the State. The court may specify the form and content of the notice requirement. If the court orders that notice be given to the other party, a mailing of the notice by certified mail (return receipt requested) to the last known address of the other party must be deemed sufficient to comply with the notice requirement. If either party files a petition regarding a proposed relocation within 20 days of the written notice, the court must set a hearing on an expedited basis.

The court must waive the notice requirement on a showing that notice would expose the child or either party to abuse, as specified, or for any other good cause. If either party is required to relocate in less than the 90-day period specified in the notice requirement, the court may consider as a defense to any action brought for a violation of the notice 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 requirements as a factor in determining the merits of any subsequent proceeding involving custody or visitation.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 21, 2022
fnu2/lgc

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