

HOUSE BILL 440

D4
HB 1036/22 – JUD

3lr2594
CF SB 42

By: ~~Delegate Charles~~ Delegates Charles, Cardin, Conaway, Kaufman, Pasteur,
Phillips, Taylor, Toles, and Williams

Introduced and read first time: January 30, 2023

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Child Custody – Relocation of Child – Expedited Hearing**
3 **(Assurance of Child’s Safety Act)**

4 FOR the purpose of requiring a court to schedule a hearing on a certain petition regarding
5 the proposed relocation of a child who is the subject of a custody or visitation order
6 on an expedited basis under certain circumstances; ~~prohibiting a court from~~
7 ~~considering a child’s time spent with a party who relocated in violation of certain~~
8 ~~notice provisions to be advantageous to that party in a subsequent custody hearing;~~
9 and generally relating to child custody and visitation.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section ~~9–106~~ 9–106(a)
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

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

17 **Article – Family Law**

18 9–106.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) Except as provided in subsection (b) of this section, in any custody or
 2 visitation proceeding the court may include as a condition of a custody or visitation order a
 3 requirement that either party provide advance written notice of at least 90 days to the
 4 court, the other party, or both, of the intent to relocate the permanent residence of the party
 5 or the child either within or outside the State.

6 (2) The court may prescribe the form and content of the notice requirement.

7 (3) If the court orders that notice be given to the other party, a mailing of
 8 the notice by certified mail, return receipt requested, to the last known address of the other
 9 party shall be deemed sufficient to comply with the notice requirement.

10 (4) (I) If either party files a petition regarding a proposed relocation
 11 within 20 days of the written notice of the relocation required by paragraph (1) of this
 12 subsection, the court shall set a hearing on the petition on an expedited basis.

13 (II) IF EITHER PARTY FILES A PETITION REGARDING A
 14 PROPOSED RELOCATION OF 40 OR MORE MILES AWAY FROM THE CURRENT PRIMARY
 15 RESIDENCE, THAT WOULD SIGNIFICANTLY INTERFERE WITH THE OTHER PARENT'S
 16 ABILITY TO MAINTAIN THE PREDETERMINED PARENTING TIME SCHEDULE, THE
 17 COURT SHALL SET A HEARING ON THE PETITION ON AN EXPEDITED BASIS.

18 ~~(b) On a showing that notice would expose the child or either party to abuse as~~
 19 ~~defined in § 4-501 of this article or for any other good cause the court shall waive the notice~~
 20 ~~required by this section.~~

21 ~~(c) If either party is required to relocate in less than the 90-day period specified~~
 22 ~~in the notice requirement, the court may consider as a defense to any action brought for a~~
 23 ~~violation of the notice requirement that:~~

24 ~~(1) relocation was necessary due to financial or other extenuating~~
 25 ~~circumstances; and~~

26 ~~(2) the required notice was given within a reasonable time after learning~~
 27 ~~of the necessity to relocate.~~

28 ~~(d) (1) The court may consider any violation of the notice requirement as a~~
 29 ~~factor in determining the merits of any subsequent proceeding involving custody or~~
 30 ~~visitation.~~

31 ~~(2) THE COURT MAY NOT CONSIDER A CHILD'S TIME SPENT WITH A~~
 32 ~~PARTY WHO RELOCATED IN VIOLATION OF THIS SECTION TO BE ADVANTAGEOUS TO~~
 33 ~~THAT PARTY IN A SUBSEQUENT CUSTODY HEARING.~~

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 35 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.