

SENATE BILL 383

D4
SB 924/20 – JPR

3lr2745
CF HB 267

By: **Senator McKay**

Introduced and read first time: February 1, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Custody and Visitation – Notice of Intent to Travel**
3 **(Maryland Child Abduction Prevention Act)**

4 FOR the purpose of ~~authorizing a court in a custody or visitation proceeding to require a~~
5 ~~party to provide certain notice of the intent to travel internationally with a child;~~
6 authorizing a court to order child abduction prevention measures in certain child
7 custody proceedings; authorizing certain parties to petition the court for child
8 abduction prevention measures; ~~authorizing certain custody settlements to be~~
9 ~~amended to permit international travel in limited circumstances; requiring a~~
10 ~~traveling parent to disclose certain information to a nontraveling parent at the~~
11 ~~request of the nontraveling parent~~ establishing requirements for a petition under
12 this Act; providing factors for determining whether a credible risk of child abduction
13 exists; establishing requirements for an abduction prevention order; authorizing a
14 court to issue a warrant for physical custody of a child under certain circumstances;
15 applying this Act retroactively; and generally relating to child abduction and the
16 Maryland Child Abduction Prevention Act.

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article – Family Law~~
19 ~~Section 9-106~~
20 ~~Annotated Code of Maryland~~
21 ~~(2019 Replacement Volume and 2022 Supplement)~~

22 BY repealing and reenacting, without amendments,
23 Article – Family Law

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 Section 9.5–101(a), (d), (e), and (g)
 2 Annotated Code of Maryland
 3 (2019 Replacement Volume and 2022 Supplement)

4 BY adding to
 5 Article – Family Law
 6 Section 9.7–101 through ~~9.7–108~~ 9.7–111 to be under the new title “Title 9.7.
 7 Maryland Child Abduction Prevention Act”
 8 Annotated Code of Maryland
 9 (2019 Replacement Volume and 2022 Supplement)

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

12 **Article – Family Law**

13 ~~9–106.~~

14 ~~(a) (1) Except as provided in subsection (b) of this section, in any custody or~~
 15 ~~visitation proceeding the court may include as a condition of a custody or visitation order a~~
 16 ~~requirement that either party provide advance written notice of at least 90 days to the~~
 17 ~~court, the other party, or both, of the intent to:~~

18 ~~(I) relocate the permanent residence of the party or the child either~~
 19 ~~within or outside the State; OR~~

20 ~~(II) TRAVEL OUTSIDE THE UNITED STATES WITH THE CHILD.~~

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

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

25 ~~(4) If either party files a petition regarding a proposed relocation OR~~
 26 ~~INTENT TO TRAVEL within 20 days of the written notice of the relocation OR TRAVEL~~
 27 ~~required by paragraph (1) of this subsection, the court shall set a hearing on the petition~~
 28 ~~on an expedited basis.~~

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

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

1 ~~(1) relocation OR TRAVEL was necessary due to financial or other~~
2 ~~extenuating circumstances; and~~

3 ~~(2) the required notice was given within a reasonable time after learning~~
4 ~~of the necessity to relocate OR TRAVEL.~~

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

7 9.5–101.

8 (a) In this title the following words have the meanings indicated.

9 (d) (1) “Child custody determination” means a judgment, decree, or other order
10 of a court providing for the legal custody, physical custody, or visitation with respect to a
11 child.

12 (2) “Child custody determination” includes a permanent, temporary,
13 initial, and modification order.

14 (3) “Child custody determination” does not include an order relating to
15 child support or other monetary obligation of an individual.

16 (e) (1) “Child custody proceeding” means a proceeding in which legal custody,
17 physical custody, or visitation with respect to a child is an issue.

18 (2) “Child custody proceeding” includes a proceeding for divorce,
19 separation, neglect, abuse, dependency, guardianship, paternity, termination of parental
20 rights, and protection from domestic violence, in which the issue may appear.

21 (3) “Child custody proceeding” does not include a proceeding involving
22 juvenile delinquency, contractual emancipation, or enforcement under Subtitle 3 of this
23 title.

24 (g) “Court” means an entity authorized under the law of a state to establish,
25 enforce, or modify a child custody determination.

26 **TITLE 9.7. MARYLAND CHILD ABDUCTION PREVENTION ACT.**

27 **9.7–101.**

28 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

1 (B) "ABDUCTION" MEANS: THE WRONGFUL REMOVAL OR WRONGFUL
2 RETENTION OF A CHILD.

3 ~~(1) A TAKING OF A CHILD THAT BREACHES RIGHTS OF CUSTODY OR~~
4 ~~VISITATION PROVIDED OR RECOGNIZED UNDER THE LAWS OF THE STATE; OR~~

5 ~~(2) A KEEPING OR CONCEALING OF A CHILD THAT BREACHES RIGHTS~~
6 ~~OF CUSTODY OR VISITATION PROVIDED OR RECOGNIZED UNDER THE LAWS OF THE~~
7 ~~STATE.~~

8 (C) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

9 (D) "CHILD CUSTODY DETERMINATION" HAS THE MEANING STATED IN §
10 9.5-101 OF THIS ARTICLE.

11 (E) "CHILD CUSTODY PROCEEDING" HAS THE MEANING STATED IN §
12 9.5-101 OF THIS ARTICLE.

13 (F) "COURT" HAS THE MEANING STATED IN § 9.5-101 OF THIS ARTICLE.

14 (G) "PETITION" INCLUDES A MOTION OR ITS EQUIVALENT.

15 (H) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE
16 MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS
17 RETRIEVABLE IN PERCEIVABLE FORM.

18 ~~(H)~~(I) (1) "STATE" MEANS A STATE OF THE UNITED STATES, THE
19 DISTRICT OF COLUMBIA, PUERTO RICO, THE U.S. VIRGIN ISLANDS, OR ANY
20 TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE
21 UNITED STATES.

22 (2) "STATE" INCLUDES A FEDERALLY RECOGNIZED NATIVE
23 AMERICAN NATION OR TRIBE.

24 (J) (1) "TRAVEL DOCUMENT" MEANS A RECORD RELATING TO A TRAVEL
25 ITINERARY, INCLUDING A TRAVEL TICKET OR PASS OR A RESERVATION FOR
26 TRANSPORTATION OR ACCOMMODATIONS.

27 (2) "TRAVEL DOCUMENT" DOES NOT INCLUDE A PASSPORT OR VISA.

28 (K) "WRONGFUL REMOVAL" MEANS A TAKING OF A CHILD THAT BREACHES
29 RIGHTS OF CUSTODY OR VISITATION PROVIDED OR RECOGNIZED UNDER THE LAWS
30 OF THE STATE.

1 (L) “WRONGFUL RETENTION” MEANS A KEEPING OR CONCEALING OF A
2 CHILD THAT BREACHES RIGHTS OF CUSTODY OR VISITATION PROVIDED OR
3 RECOGNIZED UNDER THE LAWS OF THE STATE.

4 **9.7-102.**

5 (A) EXCLUDING § 101(C) OF THE FEDERAL ELECTRONIC SIGNATURES IN
6 GLOBAL AND NATIONAL COMMERCE ACT, THIS TITLE MODIFIES, LIMITS, AND
7 SUPERSEDES THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
8 COMMERCE ACT.

9 (B) THIS TITLE DOES NOT AUTHORIZE DELIVERY OF ANY OF THE NOTICES
10 DESCRIBED IN § 103(B) OF THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL
11 AND NATIONAL COMMERCE ACT.

12 **9.7-103.**

13 SECTIONS 9.5-109 THROUGH 9.5-111 OF THIS ARTICLE APPLY TO
14 COOPERATION AND COMMUNICATIONS AMONG COURTS IN A PROCEEDING UNDER
15 THIS TITLE.

16 **9.7-104.**

17 (A) A COURT ON ITS OWN MOTION MAY ORDER ABDUCTION PREVENTION
18 MEASURES IN A CHILD CUSTODY PROCEEDING IF THE COURT FINDS THAT THE
19 EVIDENCE ESTABLISHES A CREDIBLE RISK OF ABDUCTION OF THE CHILD.

20 (B) A PARTY TO A CHILD CUSTODY DETERMINATION OR ANOTHER
21 INDIVIDUAL OR ENTITY HAVING A RIGHT UNDER THE LAW OF A STATE TO SEEK A
22 CHILD CUSTODY DETERMINATION FOR THE CHILD MAY FILE A PETITION SEEKING
23 ABDUCTION PREVENTION MEASURES TO PROTECT THE CHILD UNDER THIS TITLE.

24 (C) A PROSECUTOR OR PUBLIC AUTHORITY UNDER § 9.5-315 OF THIS
25 ARTICLE MAY SEEK A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD UNDER §
26 9.7-109 OF THIS TITLE OR TAKE OTHER APPROPRIATE PREVENTION MEASURES.

27 ~~9.7-104.~~ **9.7-105.**

28 (A) A PETITION UNDER THIS TITLE MAY BE FILED ONLY IN A COURT THAT
29 HAS JURISDICTION TO MAKE A CHILD CUSTODY DETERMINATION WITH RESPECT TO
30 THE CHILD AT ISSUE ~~UNDER THE UNIFORM CHILD CUSTODY JURISDICTION AND~~
31 ~~ENFORCEMENT ACT~~ UNDER TITLE 9.5 OF THIS ARTICLE.

1 (B) A COURT IN THIS STATE SHALL HAVE TEMPORARY EMERGENCY
 2 JURISDICTION UNDER § 9.5–204 OF THIS ARTICLE IF THE COURT FINDS A CREDIBLE
 3 RISK OF ABDUCTION OF A CHILD.

4 9.7–106.

5 (A) (1) A PETITION UNDER THIS TITLE SHALL BE VERIFIED AND INCLUDE
 6 A COPY OF ANY EXISTING CHILD CUSTODY DETERMINATION, IF AVAILABLE.

7 (2) THE PETITION SHALL SPECIFY THE RISK FACTORS FOR
 8 ABDUCTION ~~AND SHALL INCLUDE ANY INFORMATION RELATED TO THE LIKELIHOOD~~
 9 ~~OF ABDUCTION OR THE DIFFICULTY OF RETURNING THE CHILD AND ANY OTHER~~
 10 ~~RELEVANT INFORMATION AS DETERMINED BY THE U.S. CUSTOMS AND BORDER~~
 11 ~~PROTECTION'S PREVENT ABDUCTION PROGRAM AND THE U.S. DEPARTMENT OF~~
 12 ~~STATE INCLUDING THE RELEVANT FACTORS DESCRIBED IN § 9.7–107 OF THIS TITLE.~~

13 ~~(C)~~ (B) SUBJECT TO § 9.5–209(E) OF THIS ARTICLE, IF REASONABLY
 14 ASCERTAINABLE, THE PETITION SHALL CONTAIN:

15 (1) THE NAME, DATE OF BIRTH, AND GENDER OF THE CHILD;

16 (2) THE CUSTOMARY ADDRESS AND CURRENT PHYSICAL LOCATION
 17 OF THE CHILD;

18 (3) THE IDENTITY, CUSTOMARY ADDRESS, AND CURRENT PHYSICAL
 19 LOCATION OF THE RESPONDENT;

20 (4) A STATEMENT OF WHETHER A PRIOR ACTION TO PREVENT
 21 ABDUCTION OR DOMESTIC VIOLENCE HAS BEEN FILED BY A PARTY OR OTHER
 22 INDIVIDUAL OR ENTITY HAVING CUSTODY OF THE CHILD AND THE DATE, LOCATION,
 23 AND DISPOSITION OF THE ACTION;

24 (5) A STATEMENT OF WHETHER A PARTY TO THE PROCEEDING HAS
 25 BEEN ARRESTED FOR A CRIME RELATED TO DOMESTIC VIOLENCE, STALKING, OR
 26 CHILD ABUSE OR NEGLECT AND THE DATE, LOCATION, AND DISPOSITION OF THE
 27 CASE; AND

28 (6) ANY OTHER INFORMATION REQUIRED TO BE SUBMITTED TO THE
 29 COURT FOR A CHILD CUSTODY DETERMINATION UNDER § 9.5–209 OF THIS ARTICLE.

30 ~~9.7–105.~~

31 ~~(A) MEDIATED CUSTODY SETTLEMENTS MAY NOT BE AMENDED TO PERMIT~~
 32 ~~INTERNATIONAL TRAVEL UNLESS THE AMENDMENT IS UNDERSTOOD AND AGREED~~

~~1 TO BY THE PARTIES OR UNLESS THERE HAS BEEN A SIGNIFICANT CHANGE OF
2 CIRCUMSTANCES THAT MAKES THE AMENDMENT IN THE BEST INTEREST OF THE
3 CHILD.~~

~~4 (B) THE COURT SHALL CONSIDER BOTH DOCUMENTARY AND TESTIMONIAL
5 EVIDENCE.~~

~~6 (C) THE COURT SHALL CONSIDER THE DIFFICULTY OF REGAINING CUSTODY
7 OF THE CHILD AND THE RISK OF ABDUCTION.~~

~~8 (D) THE COURT MAY CONSIDER EMERGENCY PETITIONS FOR A REHEARING
9 ON TRAVEL PERMISSION IF THERE IS A SIGNIFICANT CHANGE OF CIRCUMSTANCES,
10 INCLUDING THE DIFFICULTY OF REGAINING CUSTODY OF THE CHILD OR THE RISK
11 OF ABDUCTION.~~

~~12 (E) THE COURT SHALL GRANT PETITIONS FOR A REHEARING ON TRAVEL
13 PERMISSIONS EACH YEAR WITHOUT REQUIRING EVIDENCE OF A SIGNIFICANT
14 CHANGE OF CIRCUMSTANCES.~~

~~15 (F) (1) FOR DIVORCED PARENTS WHERE AT LEAST ONE PARENT HAS
16 HELD FOREIGN CITIZENSHIP, PRIOR TO THE TRAVELING PARENT REQUESTING
17 INTERNATIONAL TRAVEL CONSENT OF THE OTHER PARENT, THE FOLLOWING ARE
18 DISCOVERABLE AND SHALL BE PRESENTED BY THE TRAVELING PARENT TO THE
19 NONTRAVELING PARENT IF REQUESTED BY THE NONTRAVELING PARENT:~~

~~20 (I) THE PRESENT EMPLOYER'S NAME AND ADDRESS, TIME
21 WORKING FOR PRESENT EMPLOYER, SALARY, AND THE LAST W-2 AVAILABLE;~~

~~22 (II) A FINANCIAL STATEMENT WITH THE PREVIOUS 12 MONTHS
23 OF STATEMENTS FROM ALL ACCOUNTS AT ALL FINANCIAL INSTITUTIONS;~~

~~24 (III) THE PRESENT ADDRESS; AND~~

~~25 (IV) THE LEASE OR BOTH THE DEED AND 12 MONTHS OF
26 MORTGAGE STATEMENTS FOR THE PRIMARY PERMANENT RESIDENCE.~~

~~27 (2) A PARENT PROVIDING DOCUMENTS UNDER THIS SUBSECTION
28 SHALL DECLARE UNDER OATH THAT THE DOCUMENTS ARE FULL AND COMPLETE TO
29 THE BEST OF THE PARENT'S KNOWLEDGE.~~

~~30 9.7-106.~~

~~31 IN DETERMINING WHETHER TRAVEL ABROAD MAY BE ALLOWED, THE COURT
32 SHALL CONSIDER ANY INFORMATION RELATED TO THE LIKELIHOOD OF ABDUCTION~~

~~OR THE DIFFICULTY OF RETURNING THE CHILD AND ANY OTHER RELEVANT INFORMATION AS DETERMINED BY THE U.S. CUSTOMS AND BORDER PROTECTION'S PREVENT ABDUCTION PROGRAM AND THE U.S. DEPARTMENT OF STATE.~~

9.7-107.

(A) IN DETERMINING WHETHER THERE IS A CREDIBLE RISK OF ABDUCTION OF A CHILD, THE COURT SHALL CONSIDER ANY EVIDENCE THAT THE PETITIONER OR RESPONDENT:

(1) HAS PREVIOUSLY ABDUCTED OR ATTEMPTED TO ABDUCT THE CHILD;

(2) HAS THREATENED TO ABDUCT THE CHILD;

(3) HAS RECENTLY ENGAGED IN ACTIVITIES THAT MAY INDICATE A PLANNED ABDUCTION, INCLUDING:

(I) ABANDONING EMPLOYMENT;

(II) SELLING A PRIMARY RESIDENCE;

(III) TERMINATING A LEASE;

(IV) CLOSING A BANK OR OTHER FINANCIAL MANAGEMENT ACCOUNT, LIQUIDATING ASSETS, HIDING OR DESTROYING FINANCIAL DOCUMENTS, OR CONDUCTING ANY UNUSUAL FINANCIAL ACTIVITIES;

(V) APPLYING FOR A PASSPORT OR VISA OR OBTAINING TRAVEL DOCUMENTS FOR THE RESPONDENT, A FAMILY MEMBER, OR THE CHILD; OR

(VI) SEEKING TO OBTAIN THE CHILD'S BIRTH CERTIFICATE OR SCHOOL OR MEDICAL RECORDS;

(4) HAS ENGAGED IN DOMESTIC VIOLENCE, STALKING, OR CHILD ABUSE OR NEGLECT;

(5) HAS REFUSED TO FOLLOW A CHILD CUSTODY DETERMINATION;

(6) LACKS STRONG FAMILIAL, FINANCIAL, EMOTIONAL, OR CULTURAL TIES TO THE STATE OR THE UNITED STATES;

(7) HAS STRONG FAMILIAL, FINANCIAL, EMOTIONAL, OR CULTURAL TIES TO ANOTHER STATE OR COUNTRY;

1 **(8) IS LIKELY TO TAKE THE CHILD TO A COUNTRY THAT:**

2 **(I) IS NOT A PARTY TO THE HAGUE CONVENTION ON THE CIVIL**
3 **ASPECTS OF INTERNATIONAL CHILD ABDUCTION AND DOES NOT PROVIDE FOR THE**
4 **EXTRADITION OF AN ABDUCTING PARENT OR FOR THE RETURN OF AN ABDUCTED**
5 **CHILD;**

6 **(II) IS A PARTY TO THE HAGUE CONVENTION ON THE CIVIL**
7 **ASPECTS OF INTERNATIONAL CHILD ABDUCTION BUT:**

8 **1. THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF**
9 **INTERNATIONAL CHILD ABDUCTION IS NOT IN FORCE BETWEEN THE UNITED**
10 **STATES AND THAT COUNTRY;**

11 **2. IS NONCOMPLIANT ACCORDING TO THE MOST RECENT**
12 **COMPLIANCE REPORT ISSUED BY THE UNITED STATES DEPARTMENT OF STATE; OR**

13 **3. LACKS LEGAL MECHANISMS FOR IMMEDIATELY AND**
14 **EFFECTIVELY ENFORCING A RETURN ORDER UNDER THE HAGUE CONVENTION ON**
15 **THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION;**

16 **(III) POSES A RISK THAT THE CHILD'S PHYSICAL OR EMOTIONAL**
17 **HEALTH OR SAFETY WOULD BE ENDANGERED IN THE COUNTRY BECAUSE OF**
18 **SPECIFIC CIRCUMSTANCES RELATING TO THE CHILD OR BECAUSE OF HUMAN**
19 **RIGHTS VIOLATIONS COMMITTED AGAINST CHILDREN;**

20 **(IV) HAS LAWS OR PRACTICES THAT WOULD:**

21 **1. ENABLE THE RESPONDENT, WITHOUT DUE CAUSE, TO**
22 **PREVENT THE PETITIONER FROM CONTACTING THE CHILD;**

23 **2. RESTRICT THE PETITIONER FROM FREELY**
24 **TRAVELING TO OR EXITING FROM THE COUNTRY BECAUSE OF THE PETITIONER'S**
25 **GENDER, NATIONALITY, MARITAL STATUS, OR RELIGION; OR**

26 **3. RESTRICT THE CHILD'S ABILITY LEGALLY TO LEAVE**
27 **THE COUNTRY AFTER THE CHILD REACHES THE AGE OF MAJORITY BECAUSE OF A**
28 **CHILD'S GENDER, NATIONALITY, OR RELIGION;**

29 **(V) IS INCLUDED BY THE UNITED STATES DEPARTMENT OF**
30 **STATE ON A CURRENT LIST OF STATE SPONSORS OF TERRORISM;**

31 **(VI) DOES NOT HAVE AN OFFICIAL UNITED STATES DIPLOMATIC**
32 **PRESENCE IN THE COUNTRY; OR**

1 **(VII) IS ENGAGED IN ACTIVE MILITARY ACTION OR WAR,**
2 **INCLUDING A CIVIL WAR, TO WHICH THE CHILD MAY BE EXPOSED;**

3 **(9) IS UNDERGOING A CHANGE IN IMMIGRATION OR CITIZENSHIP**
4 **STATUS THAT WOULD ADVERSELY AFFECT THE RESPONDENT'S ABILITY TO REMAIN**
5 **IN THE UNITED STATES LEGALLY;**

6 **(10) HAS HAD AN APPLICATION FOR UNITED STATES CITIZENSHIP**
7 **DENIED;**

8 **(11) HAS FORGED OR PRESENTED MISLEADING OR FALSE EVIDENCE**
9 **ON GOVERNMENT FORMS OR SUPPORTING DOCUMENTS TO OBTAIN OR ATTEMPT TO**
10 **OBTAIN A PASSPORT, A VISA, TRAVEL DOCUMENTS, A SOCIAL SECURITY CARD, A**
11 **DRIVER'S LICENSE, OR ANY OTHER GOVERNMENT-ISSUED IDENTIFICATION CARD**
12 **OR HAS MADE A MISREPRESENTATION TO THE UNITED STATES GOVERNMENT;**

13 **(12) HAS USED MULTIPLE NAMES TO ATTEMPT TO MISLEAD OR**
14 **DEFRAUD; OR**

15 **(13) HAS ENGAGED IN ANY OTHER CONDUCT THE COURT CONSIDERS**
16 **RELEVANT TO THE RISK OF ABDUCTION.**

17 **(B) IN A HEARING ON A PETITION UNDER THIS TITLE, THE COURT SHALL**
18 **CONSIDER ANY EVIDENCE THAT THE RESPONDENT BELIEVED IN GOOD FAITH THAT**
19 **THE RESPONDENT'S CONDUCT WAS NECESSARY TO AVOID IMMINENT HARM TO THE**
20 **CHILD OR RESPONDENT AND ANY OTHER EVIDENCE THAT MAY BE RELEVANT TO**
21 **WHETHER THE RESPONDENT MAY BE PERMITTED TO REMOVE OR RETAIN THE**
22 **CHILD.**

23 **9.7-108.**

24 **(A) IF A PETITION IS FILED UNDER THIS TITLE, THE COURT MAY ENTER AN**
25 **ORDER THAT SHALL INCLUDE:**

26 **(1) THE BASIS FOR THE COURT'S EXERCISE OF JURISDICTION;**

27 **(2) THE MANNER IN WHICH NOTICE AND AN OPPORTUNITY TO BE**
28 **HEARD WERE GIVEN TO THE PERSONS ENTITLED TO NOTICE OF THE PROCEEDING;**

29 **(3) A DETAILED DESCRIPTION OF EACH PARTY'S CUSTODY AND**
30 **VISITATION RIGHTS AND RESIDENTIAL ARRANGEMENTS FOR THE CHILD;**

1 **(4) A PROVISION STATING THAT A VIOLATION OF THE ORDER MAY**
2 **SUBJECT THE PARTY IN VIOLATION TO CIVIL AND CRIMINAL PENALTIES; AND**

3 **(5) IDENTIFICATION OF THE CHILD'S COUNTRY OF HABITUAL**
4 **RESIDENCE AT THE TIME OF THE ISSUANCE OF THE ORDER.**

5 **(B) (1) IF, AT A HEARING ON A PETITION UNDER THIS TITLE OR ON THE**
6 **COURT'S OWN MOTION, THE COURT AFTER REVIEWING THE EVIDENCE FINDS A**
7 **CREDIBLE RISK OF ABDUCTION OF THE CHILD, THE COURT SHALL ENTER AN**
8 **ABDUCTION PREVENTION ORDER.**

9 **(2) AN ORDER ENTERED UNDER THIS SUBSECTION SHALL INCLUDE**
10 **THE PROVISIONS REQUIRED BY SUBSECTION (A) OF THIS SECTION AND MEASURES**
11 **AND CONDITIONS, INCLUDING THOSE IN SUBSECTIONS (C), (D), AND (E) OF THIS**
12 **SECTION, THAT ARE REASONABLY CALCULATED TO PREVENT ABDUCTION OF THE**
13 **CHILD, GIVING DUE CONSIDERATION TO THE CUSTODY AND VISITATION RIGHTS OF**
14 **THE PARTIES.**

15 **(3) THE COURT SHALL CONSIDER THE AGE OF THE CHILD, THE**
16 **POTENTIAL HARM TO THE CHILD FROM AN ABDUCTION, THE LEGAL AND PRACTICAL**
17 **DIFFICULTIES OF RETURNING THE CHILD TO THE JURISDICTION IF ABDUCTED, AND**
18 **THE REASONS FOR THE POTENTIAL ABDUCTION, INCLUDING EVIDENCE OF**
19 **DOMESTIC VIOLENCE, STALKING, OR CHILD ABUSE OR NEGLECT.**

20 **(C) AN ABDUCTION PREVENTION ORDER MAY INCLUDE ONE OR MORE OF**
21 **THE FOLLOWING:**

22 **(1) AN IMPOSITION OF TRAVEL RESTRICTIONS THAT REQUIRE THAT A**
23 **PARTY TRAVELING WITH THE CHILD OUTSIDE A DESIGNATED GEOGRAPHIC AREA**
24 **PROVIDE THE OTHER PARTY WITH THE FOLLOWING:**

25 **(I) THE TRAVEL ITINERARY OF THE CHILD;**

26 **(II) A LIST OF PHYSICAL ADDRESSES AND TELEPHONE**
27 **NUMBERS AT WHICH THE CHILD CAN BE REACHED AT SPECIFIED TIMES; AND**

28 **(III) COPIES OF ALL TRAVEL DOCUMENTS;**

29 **(2) A PROHIBITION ON THE RESPONDENT DIRECTLY OR INDIRECTLY:**

30 **(I) REMOVING THE CHILD FROM THE STATE, THE UNITED**
31 **STATES, OR ANOTHER GEOGRAPHIC AREA WITHOUT PERMISSION OF THE COURT OR**
32 **THE PETITIONER'S WRITTEN CONSENT;**

1 (II) REMOVING OR RETAINING THE CHILD IN VIOLATION OF A
2 CHILD CUSTODY DETERMINATION;

3 (III) REMOVING THE CHILD FROM SCHOOL OR A CHILD CARE OR
4 SIMILAR FACILITY; OR

5 (IV) APPROACHING THE CHILD AT ANY LOCATION OTHER THAN
6 A SITE DESIGNATED FOR SUPERVISED VISITATION;

7 (3) A REQUIREMENT THAT A PARTY REGISTER THE ORDER IN
8 ANOTHER STATE AS A PREREQUISITE TO ALLOWING THE CHILD TO TRAVEL TO THAT
9 STATE;

10 (4) WITH REGARD TO THE CHILD'S PASSPORT:

11 (I) A DIRECTION THAT THE PETITIONER PLACE THE CHILD'S
12 NAME IN THE UNITED STATES DEPARTMENT OF STATE'S CHILD PASSPORT
13 ISSUANCE ALERT PROGRAM;

14 (II) A REQUIREMENT THAT THE RESPONDENT SURRENDER TO
15 THE COURT OR THE PETITIONER'S ATTORNEY ANY UNITED STATES OR FOREIGN
16 PASSPORT ISSUED IN THE CHILD'S NAME, INCLUDING A PASSPORT ISSUED IN THE
17 NAME OF BOTH THE PARENT AND THE CHILD; AND

18 (III) A PROHIBITION ON THE RESPONDENT APPLYING ON
19 BEHALF OF THE CHILD FOR A NEW OR REPLACEMENT PASSPORT OR VISA;

20 (5) AS A PREREQUISITE TO EXERCISING CUSTODY OR VISITATION, A
21 REQUIREMENT THAT THE RESPONDENT PROVIDE:

22 (I) TO THE UNITED STATES DEPARTMENT OF STATE'S OFFICE
23 OF CHILDREN'S ISSUES AND THE RELEVANT FOREIGN CONSULATE OR EMBASSY, AN
24 AUTHENTICATED COPY OF THE ORDER DETAILING PASSPORT AND TRAVEL
25 RESTRICTIONS FOR THE CHILD;

26 (II) TO THE COURT:

27 1. PROOF THAT THE RESPONDENT HAS PROVIDED THE
28 INFORMATION IN ITEM (I) OF THIS ITEM; AND

29 2. AN ACKNOWLEDGMENT IN A RECORD FROM THE
30 RELEVANT FOREIGN CONSULATE OR EMBASSY THAT NO PASSPORT APPLICATION
31 HAS BEEN MADE, OR PASSPORT ISSUED, ON BEHALF OF THE CHILD;

1 (III) TO THE PETITIONER, PROOF OF REGISTRATION WITH THE
2 UNITED STATES EMBASSY OR OTHER UNITED STATES DIPLOMATIC PRESENCE IN
3 THE DESTINATION COUNTRY AND WITH THE CENTRAL AUTHORITY FOR THE HAGUE
4 CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, IF
5 THAT CONVENTION IS IN EFFECT BETWEEN THE UNITED STATES AND THE
6 DESTINATION COUNTRY, UNLESS ONE OF THE PARTIES OBJECTS; AND

7 (IV) A WRITTEN WAIVER UNDER THE FEDERAL PRIVACY ACT, 5
8 U.S.C. § 552A, WITH RESPECT TO ANY DOCUMENT, APPLICATION, OR OTHER
9 INFORMATION PERTAINING TO THE CHILD AUTHORIZING ITS DISCLOSURE TO THE
10 COURT AND THE PETITIONER; AND

11 (6) ON THE PETITIONER'S REQUEST, A REQUIREMENT THAT THE
12 RESPONDENT OBTAIN AN ORDER FROM THE RELEVANT FOREIGN COUNTRY
13 CONTAINING TERMS IDENTICAL TO THE CHILD CUSTODY DETERMINATION ISSUED
14 IN THE UNITED STATES.

15 (D) IN AN ABDUCTION PREVENTION ORDER THE COURT MAY IMPOSE
16 CONDITIONS ON THE EXERCISE OF CUSTODY OR VISITATION THAT:

17 (1) (I) LIMIT VISITATION OR REQUIRE THAT VISITATION WITH THE
18 CHILD BY THE RESPONDENT BE SUPERVISED UNTIL THE COURT FINDS THAT
19 SUPERVISION IS NO LONGER NECESSARY; AND

20 (II) ORDER THE RESPONDENT TO PAY THE COSTS OF ANY
21 SUPERVISION;

22 (2) REQUIRE THE RESPONDENT TO POST A BOND OR PROVIDE OTHER
23 SECURITY IN AN AMOUNT SUFFICIENT TO SERVE AS A FINANCIAL DETERRENT TO
24 ABDUCTION, THE PROCEEDS OF WHICH MAY BE USED TO PAY FOR THE REASONABLE
25 EXPENSES OF RECOVERY OF THE CHILD, INCLUDING REASONABLE ATTORNEY'S
26 FEES AND COSTS IF THERE IS AN ABDUCTION; AND

27 (3) REQUIRE THE RESPONDENT TO OBTAIN EDUCATION ON THE
28 POTENTIALLY HARMFUL EFFECTS TO THE CHILD FROM ABDUCTION.

29 (E) TO PREVENT IMMINENT ABDUCTION OF A CHILD, A COURT MAY:

30 (1) ISSUE A WARRANT TO TAKE PHYSICAL CUSTODY OF THE CHILD
31 UNDER § 9.7-109 OF THIS TITLE OR UNDER ANY OTHER LAW OF THE STATE;

32 (2) DIRECT THE USE OF LAW ENFORCEMENT TO TAKE ANY ACTION
33 REASONABLY NECESSARY TO LOCATE THE CHILD, OBTAIN RETURN OF THE CHILD,
34 OR ENFORCE A CUSTODY DETERMINATION UNDER THE LAWS OF THE STATE; OR

1 **(3) GRANT ANY OTHER RELIEF ALLOWED UNDER THE LAWS OF THE**
2 **STATE.**

3 **(F) THE REMEDIES PROVIDED IN THIS SECTION ARE CUMULATIVE AND DO**
4 **NOT AFFECT THE AVAILABILITY OF OTHER REMEDIES TO PREVENT ABDUCTION.**

5 **9.7-109.**

6 **(A) IF A PETITION UNDER THIS TITLE CONTAINS ALLEGATIONS, AND THE**
7 **COURT FINDS THAT THERE IS A CREDIBLE RISK OF ABDUCTION, THE COURT MAY**
8 **ISSUE AN EX PARTE WARRANT FOR PHYSICAL CUSTODY OF THE CHILD.**

9 **(B) (1) THE RESPONDENT IN A PETITION UNDER SUBSECTION (A) OF THIS**
10 **SECTION SHALL BE AFFORDED AN OPPORTUNITY TO BE HEARD AT THE EARLIEST**
11 **POSSIBLE TIME AFTER THE EX PARTE WARRANT IS EXECUTED, BUT NOT LATER THAN**
12 **THE NEXT BUSINESS DAY, UNLESS A HEARING ON THE NEXT BUSINESS DAY IS**
13 **IMPOSSIBLE.**

14 **(2) IF A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION IS**
15 **NOT POSSIBLE, THE COURT SHALL HOLD THE HEARING ON THE NEXT BUSINESS DAY.**

16 **(C) AN EX PARTE WARRANT UNDER SUBSECTION (A) OF THIS SECTION**
17 **SHALL:**

18 **(1) RECITE THE FACTS ON WHICH A DETERMINATION OF A CREDIBLE**
19 **RISK OF IMMINENT WRONGFUL REMOVAL OF THE CHILD IS BASED;**

20 **(2) DIRECT LAW ENFORCEMENT OFFICERS TO TAKE PHYSICAL**
21 **CUSTODY OF THE CHILD IMMEDIATELY;**

22 **(3) STATE THE DATE AND TIME FOR THE HEARING ON THE PETITION;**
23 **AND**

24 **(4) PROVIDE FOR THE SAFE INTERIM PLACEMENT OF THE CHILD**
25 **PENDING FURTHER ORDER OF THE COURT.**

26 **(D) IF FEASIBLE, BEFORE ISSUING A WARRANT AND BEFORE DETERMINING**
27 **THE PLACEMENT OF THE CHILD AFTER THE WARRANT IS EXECUTED, THE COURT**
28 **MAY ORDER A SEARCH OF THE RELEVANT DATABASES OF THE NATIONAL CRIME**
29 **INFORMATION CENTER SYSTEM AND SIMILAR DATABASES TO DETERMINE IF**
30 **EITHER THE PETITIONER OR RESPONDENT HAS A HISTORY OF DOMESTIC VIOLENCE,**
31 **STALKING, OR CHILD ABUSE OR NEGLECT.**

1 **(E) THE PETITION AND WARRANT MUST BE SERVED ON THE RESPONDENT**
2 **WHEN OR IMMEDIATELY AFTER THE CHILD IS TAKEN INTO PHYSICAL CUSTODY.**

3 **(F) (1) A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD ISSUED BY**
4 **THIS STATE IS ENFORCEABLE IN THIS STATE.**

5 **(2) IF THE COURT FINDS THAT A LESS INTRUSIVE REMEDY WILL NOT**
6 **BE EFFECTIVE, THE COURT MAY AUTHORIZE LAW ENFORCEMENT OFFICERS TO**
7 **ENTER PRIVATE PROPERTY TO TAKE PHYSICAL CUSTODY OF THE CHILD.**

8 **(3) IF REQUIRED BY EXIGENT CIRCUMSTANCES, A COURT MAY**
9 **AUTHORIZE LAW ENFORCEMENT OFFICERS TO MAKE A FORCIBLE ENTRY AT ANY**
10 **HOUR.**

11 **(G) IF THE COURT FINDS, AFTER A HEARING, THAT A PETITIONER SOUGHT**
12 **AN EX PARTE WARRANT UNDER SUBSECTION (A) OF THIS SECTION FOR THE**
13 **PURPOSE OF HARASSMENT OR IN BAD FAITH, THE COURT MAY AWARD THE**
14 **RESPONDENT REASONABLE ATTORNEY'S FEES, COSTS, AND EXPENSES.**

15 **(H) THIS TITLE DOES NOT AFFECT THE AVAILABILITY OF RELIEF IN OTHER**
16 **PROVISIONS OF STATE LAW.**

17 **9.7-110.**

18 AN ABDUCTION PREVENTION ORDER REMAINS IN EFFECT UNTIL THE
19 EARLIEST OF:

20 **(1) THE TIME STATED IN THE ORDER;**

21 **(2) THE EMANCIPATION OF THE CHILD;**

22 **(3) THE CHILD TURNING 18 YEARS OLD; OR**

23 **(4) THE TIME THE ORDER IS MODIFIED, REVOKED, VACATED, OR**
24 **SUPERSEDED BY A COURT WITH JURISDICTION UNDER §§ 9.5-201 THROUGH**
25 **9.5-203 OF THIS ARTICLE.**

26 ~~**9.7-108.**~~ **9.7-111.**

27 **THIS TITLE MAY BE CITED AS THE MARYLAND CHILD ABDUCTION**
28 **PREVENTION ACT.**

29 **SECTION 2. ~~AND BE IT FURTHER ENACTED, That this Act shall be construed to~~**
30 **~~apply retroactively and shall be applied to and interpreted to affect parents desiring to~~**

1 ~~travel internationally with their children and shall require parents desiring to travel~~
2 ~~internationally to comply with the requirements of this Act.~~

3 ~~SECTION 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.