

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 42

(Senator Carter)

Judicial Proceedings

Judiciary

Child Custody - Relocation of Child - Expedited Hearing (Assurance of Child's
Safety Act)

This bill requires a court to set a hearing on a petition regarding a proposed relocation of a child that would significantly interfere with the other parent's ability to maintain the predetermined parenting time schedule on an expedited basis.

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: Similar legislation has been introduced within the last three years. See HB 1036 of 2022.

Designated Cross File: HB 440 (Delegate Charles, *et al.*) - Judiciary.

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

Fiscal Note History: First Reader - January 16, 2023
km/lgc Third Reader - March 20, 2023
Revised - Amendment(s) - March 20, 2023

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