
BILL NO: House Bill 1036
TITLE: Child Custody - Relocation of Child - Expedited Hearing
COMMITTEE: Judiciary
HEARING DATE: February 24 2022
POSITION: **OPPOSE**

House Bill 1036 would create a path to an expedited hearing of a parent or custodian of a child was planning to relocate more than 40 miles away. The Women's Law Center of Maryland (WLC) supports the idea that if something momentous is going to upend parent access with a child, an expedited hearing of some sort would be beneficial. Relocation may be one of those upending issues. However, we think this bill does not properly address the concern.

Under current law, the court may include in a court order a required 90 days' written notice of contemplated relocation. That is necessarily only possible in cases where there is an existing order that includes that provision. In any other case, a party must ask for a modification, or perhaps even an initial custody order. HB 1036 is attempting to get at this problem. There are several problems with this bill's approach. First, it seeks to set a mileage limit that would invoke an expedited hearing. However, 40 miles is not far. It is 40 miles from Baltimore to Annapolis, from Baltimore City to outer-lying counties. This random choice of 40 miles does not make sense in certain parts of our state.

Second, the language of the bill indicates an expedited hearing will happen if either party files. We think the language does not actually get at the real problem. Sometimes the party relocating, who has primary custody, does not file anything. Then by the time the other party learns of the relocation, it may have already happened. So the bill says that if that occurs, it won't be considered, essentially, the "status quo" given and won't be given any deference. But the bill would not ensure an expedited hearing in any situation where child access would be affected, nor depending on the procedural posture of the case.

The purpose of the bill actually seems to be to create a situation where an expedited hearing can happen. Each court in Maryland has a differentiated case management plan (DCM) that may have provisions for emergency or expedited hearings. They are not uniform, they are not always provided to the public, and they do not all have any uniform standards for emergency or expedited hearings. They generally do not think relocation is an emergency. Perhaps a better approach to getting quick access in a situation such as relocation would be to require the judiciary to revise its DCMs and provide the ability to have time sensitive issues, including but not limited to relocation, heard in a quick manner. However, this would normally be done by Rule, not by Statute.

Therefore, the Women's Law Center of Maryland, Inc. urges an unfavorable report on House Bill 1036.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.