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BILL NO: House Bill 440  
TITLE: Child Custody - Relocation of Child - Expedited Hearing (Assurance of Child's Safety Act)  
COMMITTEE: Judiciary  
HEARING DATE: February 16, 2023  
POSITION: **Support with Amendments.**

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House Bill 440 would create a path to an expedited hearing if a parent or custodian of a child was planning to relocate. The Women's Law Center of Maryland (WLC) supports HB 440 with amendments being offered by the Senate sponsor of this bill. An expedited hearing for a situation where relocating the child will interfere with another parent's parenting time is valuable, and as amended this bill is a proper avenue for litigants to get court resolution on the issue of relocation if that relocation will interfere with one parent or custodian's ordered child access.

Under current law, under Family Law Section 9-106, 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. House Bill 440 will therefore not flood the court with these expedited cases. Under HB 440, either party may file a Motion to Modify Custody and seek an expedited hearing. There are often valid reasons for relocation, such as escaping from domestic violence, moving to where there is a support system in place for the parent relocating, including family and childcare options, a better job, etc. We get calls about this issue often on our statewide Family Law Hotline. Relocation is not in any way necessarily for a nefarious purpose of cutting off the other parent, but it can be.

The suggested amendments for HB 440 are as follows:

- delete the proposed subsection (d) (2) in its entirety.
- revise proposed section 4 (II) to read:
  - (4) II. The court shall consider a proposed relocation from a minor child's primary residence that would significantly interfere with the other parent's ability to maintain the predetermined parenting time schedule when deciding whether to grant an expedited hearing on a Motion for Modification of Custody.

Each court in Maryland has a differentiated case management plan (DCM) that may have provisions for emergency or expedited hearings. However, they are not always provided to the public, and they do not all have any uniform standards for emergency or expedited hearings. This bill would require all of the circuit courts to consider relocation and whether to address it in an expedited manner based on the facts and circumstances of the particular parents and child. House Bill 440, as amended, would allow the court to consider relocation while maintaining the paramount concern of what is in the best interests of the child.

A survey of other state laws indicated that relocation is usually considered, collectively with other facts, in the best interests of the child analysis when deciding modifications of custody. See Ala. Code 1975, § 30-3-168(a). Ala. Code 1975, § 30-3-169.2(a) and (a)(3); Florida - F.S.A. § 61.13001; Missouri -

V.A.M.S. §452.377, La. R.S. §9:355.4 (“Failure to give notice is merely “a factor” that the trial court “may” consider in deciding the relocation issue. Jamie's failure to give statutory notice does not render the court's judgment in her favor erroneous in any way.” *Granados v. Granados*, 339 So.3d 1281, 1290. (2022).

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on House Bill 440 but only with amendments.

*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.*