

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 350
Judiciary

(Delegate Valentino-Smith, *et al.*)

Child Custody and Visitation - Deployed Parents

This bill establishes special provisions for custody and visitation proceedings involving a parent subject to military deployment. The bill also prohibits a court, in a custody or visitation proceeding, from making any negative inference regarding a parent's past, present, or future deployment.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Judiciary.

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary: If, within 30 days after the end of a deployment which was less than three months in duration, a parent returning from deployment petitions the court for a custody or visitation order or a modification of an existing order, the court must hold a hearing no later than 30 days after the filing of the petition.

A party or witness who is subject to deployment and is not reasonably available to appear in person before the court in a child custody or visitation proceeding may provide testimony and present evidence by electronic means or by telephone. On motion of a parent who is subject to deployment, the court may grant custody or visitation on behalf of the parent to an adult family member of the child or an adult with whom the child has a significant relationship. If a parent is subject to deployment and both parents reach an agreement

regarding custody or visitation, the agreement must be in writing and signed by both parents. An agreement is effective for the period of deployment. For purposes of determining jurisdiction in a child custody or visitation proceeding, the primary residence of a parent who is subject to deployment is the parent's last known address in the United States.

Current Law: Any order or modification of an existing child custody or visitation order issued by a court during a term of a deployment of a parent must specifically reference the deployment of the parent. "Deployment" means compliance with military orders received by a member of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other Reserve component to report for combat operations or other active service for which the member is required to report unaccompanied by any family member or that is classified by the member's branch as remote. "Deployment" does not include National Guard or Reserve annual training, inactive duty days, or drill weekends.

A parent who petitions the court for an order or modification of an existing order after returning from deployment must specifically reference the date of the end of the deployment in the petition. If the petition is filed within 30 days after the end of the deployment, the court must set a hearing on the petition on an expedited basis. On a finding that extenuating circumstances prohibited the filing of the petition within 30 days, the court may set a hearing on the petition on an expedited basis whenever the petition is filed.

Any custody or visitation order issued based on the deployment of a parent must require that (1) the other parent reasonably accommodate the leave schedule of the parent who is subject to the deployment; (2) the other parent facilitate opportunities for telephone and electronic mail contact between the parent who is subject to the deployment and the child during the time of deployment; and (3) the parent who is subject to the deployment provide timely information regarding the parent's leave schedule to the other parent.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 3, 2015
min/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510