

HOUSE BILL 1307

D4

4lr2686

By: **Delegates Phillips, Toles, Lehman, J. Long, Roberson, Taveras, Taylor, and Young**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Custody and Visitation – Visitation Reevaluations and**
3 **Remedies**

4 FOR the purpose of authorizing a parent to petition a court for an emergency hearing to
5 reevaluate a visitation schedule under certain circumstances; requiring and
6 authorizing a court to take certain actions as a result of a parent’s failure to comply
7 with a court–ordered visitation schedule; and generally relating to child custody and
8 visitation.

9 BY adding to
10 Article – Family Law
11 Section 9–109
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2023 Supplement)

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

16 **Article – Family Law**

17 **9–109.**

18 **(A) (1) IF A PARENT FAILS TO COMPLY WITH A COURT–ORDERED**
19 **VISITATION SCHEDULE WITHOUT JUST CAUSE, THE OTHER PARENT MAY PETITION**
20 **THE COURT FOR AN EMERGENCY REEVALUATION OF THE VISITATION SCHEDULE.**

21 **(2) IF THE COURT DETERMINES THAT A PETITION IS IN ORDER, THE**
22 **COURT SHALL HOLD AN EMERGENCY HEARING WITHIN 10 DAYS AFTER THE**
23 **PETITION HAS BEEN FILED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) THE COURT:

(1) SHALL:

(I) CALCULATE THE AMOUNT OF VISITATION TIME IMPROPERLY DENIED TO THE PETITIONER;

(II) AWARD THE PETITIONER EXTRA TIME IN AN AMOUNT SUFFICIENT TO COMPENSATE ANY MISSED VISITATION TIME UNDER THE VISITATION AGREEMENT;

(III) SCHEDULE ANY EXTRA TIME AWARDED UNDER ITEM (II) OF THIS ITEM IN A MANNER THAT IS:

1. CONSISTENT WITH THE BEST INTERESTS OF THE CHILD;

2. CONVENIENT FOR THE PETITIONER; AND

3. AT THE EXPENSE OF THE NONCOMPLIANT PARENT; AND

(IV) ORDER THE NONCOMPLIANT PARENT TO PAY COURT COSTS AND REASONABLE ATTORNEY'S FEES INCURRED BY THE PETITIONER IN THE EFFORT TO ENFORCE THE VISITATION SCHEDULE;

(2) MAY ORDER THE NONCOMPLIANT PARENT TO:

(I) ATTEND A COURT-APPROVED PARENTING COURSE;

(II) PERFORM COMMUNITY SERVICE, IF THE COMMUNITY SERVICE WILL NOT INTERFERE WITH THE BEST INTERESTS OF THE CHILD; AND

(III) ASSUME THE FINANCIAL RESPONSIBILITY OF ENSURING THAT THE COURT-ORDERED VISITATION SCHEDULE IS MAINTAINED WHEN THE NONCOMPLIANT PARENT AND CHILD LIVE MORE THAN 20 MILES FROM THE PETITIONER;

(3) MAY, ON THE REQUEST OF THE PETITIONER, MODIFY THE VISITATION SCHEDULE IF THE COURT FINDS THAT A MODIFICATION WOULD BE IN THE BEST INTERESTS OF THE CHILD; AND

1 **(4) MAY IMPOSE ANY OTHER REASONABLE SANCTION.**

2 **(C) A PERSON WHO VIOLATES AN ORDER OF THE COURT UNDER**
3 **SUBSECTION (B) OF THIS SECTION MAY BE HELD IN CONTEMPT OF COURT.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.