2024 LEGISLATIVE CHANGES TO MARYLAND FAMILY LAW

MARYLAND VOLUNTEER LAWYERS SERVICE

The 2024 legislative session was less robust in the Family Law arena, given last year's significant changes to Maryland Divorce Law. However, there a several legislative bills that were passed that will have an impact on Family Law in Maryland. All bills will be finalized and will become effective as law on October 1, 2024.

Marriage

- HB300/SB136 Family Law – Marriage Ceremony – Designation of Deputy Clerk
  - The bill transfers, from the county administrative judge of the circuit court to the clerk of the circuit court, the authority to designate a deputy clerk to perform a marriage ceremony.
  - Amends FL 2-406(a). Effective date 10/1/24.

Child Support

- HB435 Child Support – Incarcerated Obligors
  - The bill establishes incarceration as a material change of circumstances for the obligor to file for a modification of child support, provided that the party's ability to pay child support is significantly reduced due to the incarceration. and excepts incarcerated obligors from being found to have voluntarily impoverished.
  - Amends 12-104, 12-104.1 and 12-204. Effective date 10/1/24.

Children and CINA

- HB508/SB550 Children – Labor Trafficking
  - The bill alters the definition of "abuse" to include labor trafficking of a child for the purposes of provisions of law governing CINA cases and child abuse and neglect reporting. It also includes child victims of labor trafficking for referrals to Safe Harbor Regional Navigator Grant Programs for services. The bill also mandates the Department of Human Services (DHS) to include labor trafficking in its annual report on child sex trafficking to the Governor and General Assembly.

Labor Trafficking is defined as knowingly:

1. Taking, placing, harboring, persuading, inducing, or enticing a child by force, fraud, or coercion to provide
2. services or labor, OR
   Receiving a benefit or thing of value from the provision of services or labor by a child that was induced by force, fraud, or coercion.
   - Amends C&JP 3-801, FL 5-701 & 5-704.4(c), 5-701(b) and (m), 5-704.3, 5-704.4(b), (d), (e) and (g), 5-701(m). Approved by Governor - Effective date 10/1/24.

- SB708 Family Law – Kinship Care
  - The bill alters the definition of relative to mean an individual who is a kinship caregiver for purposes of CINA cases and mandates that the DSS give preference to placement with a kinship caregiver and make proactive, thorough and timely efforts to locate a kinship caregiver. Kinship Caregiver must be aged 18 or older and includes:
    - A Kinship parent:
    - An individual who is related to the child through blood or marriage, adoption, tribal law or custom, or cultural custom or practice; AND
    - An individual who is unrelated to the child but has a strong familial or other significant bond with the child, or is a person identified by the child's parent.

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Children and CINA

- SB708 Family Law – Kinship Care

If DSS cannot locate a kinship caregiver at initial placement, DSS shall give preference to a placement that considers:

1. Proximity to the child's home, extended family and siblings;
2. The child's culture or language continuity.
3. The child's age; AND
4. The child's developmental and educational needs.

Amends C&JP 3-801(a), and (x), and FL 1-101(h), and 5-534. Effective date 10/1/24.

Domestic Violence

- SB439 Family Law – Victims of Domestic Violence Program – Certification and Grant Fund
  - The bill requires DV programs to be certified by the State DV coalition as a comprehensive DV program. Establishes a Victims of Domestic Violence Program Grant Fund as a special, non-lapsing fund in the State budget to be administered by the Governor's Office of Crime Prevention. Grants may be used by certified DV programs for program operations, including establishing additional shelters. The Executive Director shall attempt to secure funding from the federal government, local governments, and private sources. The Governor may include in the annual budget an appropriation of $5,000,000 to the fund.
  - Amends FL 4-515 and 4-516, SFP 6-226(a)(2)(i) and (ii) and 191. Effective date 10/1/24.

Legislative Bills Not Passed

It is also important to note those bills that did not pass during this legislative session, although likely to be returned for consideration in upcoming sessions.

Child Custody Factors

- HB79 Family Law – Child Custody – Determinations
  - The bill attempted to establish factors plus add relocation as a material change in circumstances. The bill was withdrawn by the sponsor.
  - Currently, there are no custody factors statutes available, and the judiciary and attorneys must rely on parenting plans and appellate decisions to guide them.
- HB848/SB327 – Child Custody – Determinations
  - The bill attempted to establish statutory factors from The Maryland Commission on Child Custody. The bill passed in the House but failed in the Senate.
- SB670 – Child Custody and Visitation – The Best Interest of the Child
  - The bill attempted to establish new and different child custody factors, including the consideration by the court the ability of each parent to meet the child's developmental needs, the relations between the parties, the siblings and other relatives, and the ability of each party to meet the child's day to day needs and certain other factors.

Child Support

- HB 648/SB 390 Child Support – Actual Income
  - This bill would have altered the definition of actual income to include certain amounts of non-taxable, earned income from an employer, the amount of Federal, State, and local taxes, including Medicare taxes and any amount required to be withheld under FICA that would have been withheld if the income was taxable for purposes of child support calculations.

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Child Custody and Visitation

- HB1071 Family Law – Grandparent Visitation
  - This bill attempted to provide that the court grant visitation to rights to the grandparent(s) of the child.
- HB 1307 Family Law – Child Custody and Visitations- Visitation Reevaluations and Remedies
  - This bill attempted to enforce mandatory makeup time and other remedies if a parent fails to comply with a court ordered visitation schedule.
- SB 365/HB 405 Family Law – Child Custody Evaluators- Qualifications and Training custody evaluators qualifications and training – dictates training that could be prohibitive.
  - The bill attempted to specify dictates certain qualifications and training necessary (that could be prohibitive) for an individual to be appointed or approved by a court as a custody evaluator.
- SB 663 Family Law – Rebuttable Presumption of Joint Custody
  - The bill attempted to establish a rebuttable presumption that joint physical and joint legal custody are in the best interest of the child at all stages of case (PL and merits trial) and to establish factors in the best interest of the child.
- SB1016 – Heath Occupations – Prescriptions for Children Subject to Joint Custody
  - The bill attempted to require prescribing health care providers to double the amount of each child prescription for parents if the parents provide the provider with a court order of joint legal custody.

For additional information regarding this summary, see **Legislation - (maryland.gov).**

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