

# SENATE BILL 1042

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9lr3012

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By: **Senators Ready and Salling**

Introduced and read first time: March 4, 2019

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Removal of Child From United States – Injunction**

3 FOR the purpose of authorizing a parent to bring an action for an injunction against the  
4 other parent to prevent the other parent from taking a certain child to a place that  
5 is outside the United States under certain circumstances; authorizing a parent to  
6 bring an action for an immediate injunction against the other parent to prevent the  
7 other parent from taking a child to a place that is outside the United States under  
8 certain circumstances; requiring a court to notify certain federal agencies if a certain  
9 injunction is granted; requiring a court to schedule a custody or visitation hearing  
10 as soon as practicable if a certain injunction is granted; authorizing the Court of  
11 Appeals to adopt certain rules with the cooperation of the federal government; and  
12 generally relating to injunctions to prohibit the international travel of children.

13 BY adding to

14 Article – Family Law

15 Section 9–305.1

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2018 Supplement)

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

20 **Article – Family Law**

21 **9–305.1.**

22 **(A) UNLESS INTERNATIONAL TRAVEL IS AUTHORIZED UNDER AN EXISTING**  
23 **CUSTODY ORDER, A PARENT OF A CHILD UNDER THE AGE OF 16 YEARS WHO KNOWS**  
24 **OR REASONABLY BELIEVES THAT THE CHILD’S OTHER PARENT PLANS TO ABDUCT,**  
25 **TAKE, OR CARRY AWAY THE CHILD TO A PLACE THAT IS OUTSIDE THE UNITED**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 STATES MAY BRING AN ACTION FOR AN INJUNCTION AGAINST THE OTHER PARENT  
2 TO PREVENT INTERNATIONAL TRAVEL WITH THE CHILD, IF THE OTHER PARENT HAS  
3 DUAL CITIZENSHIP OR CITIZENSHIP OTHER THAN UNITED STATES CITIZENSHIP.

4 (B) IF A PARENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION  
5 REASONABLY BELIEVES THAT INTERNATIONAL TRAVEL BY THE OTHER PARENT IS  
6 IMMINENT, THE PARENT MAY BRING AN ACTION FOR AN IMMEDIATE INJUNCTION TO  
7 PREVENT INTERNATIONAL TRAVEL WITH THE CHILD.

8 (C) A COURT THAT GRANTS AN INJUNCTION UNDER THIS SECTION SHALL:

9 (1) NOTIFY THE TRANSPORTATION SECURITY ADMINISTRATION,  
10 UNITED STATES DEPARTMENT OF STATE, OR OTHER APPROPRIATE FEDERAL  
11 AGENCY TO PREVENT THE INTERNATIONAL TRAVEL OF THE CHILD; AND

12 (2) SCHEDULE A HEARING AS SOON AS PRACTICABLE TO DECIDE  
13 ISSUES OF CUSTODY OR VISITATION BETWEEN THE PARENTS.

14 (D) WITH THE COOPERATION OF THE FEDERAL GOVERNMENT, THE COURT  
15 OF APPEALS MAY ADOPT RULES TO CARRY OUT THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2019.