

HOUSE BILL 1120

D4

6lr1975

By: **Delegate Dumais**

Introduced and read first time: February 11, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Automatic Injunction**

3 FOR the purpose of requiring an automatic order to be issued and entered and served with
4 the summons on a certain party on the filing of certain pleadings in certain family
5 law actions; establishing that an automatic order shall be binding on certain parties
6 on the occurrence of certain events; establishing that an automatic order shall
7 remain in full force and effect during the pendency of a certain action, unless
8 terminated, modified, or amended by further order of court or on agreement of the
9 parties; requiring a court to schedule a hearing on a request to terminate, modify, or
10 amend an automatic order on a request for a hearing and for good cause shown;
11 specifying the contents of an automatic order; requiring a court to conduct a certain
12 expedited hearing under certain circumstances; providing certain exceptions to
13 certain provisions of an automatic order; providing for the application of this Act;
14 and generally relating to automatic orders in certain family law actions.

15 BY adding to

16 Article – Family Law

17 Section 1–204

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2015 Supplement)

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

22 **Article – Family Law**

23 **1–204.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) ON THE FILING OF AN ORIGINAL PLEADING FOR DIVORCE, CUSTODY,**
2 **CHILD SUPPORT, ALIMONY, OR CONTEMPT OR A PLEADING FOR MODIFICATION OF**
3 **CUSTODY, CHILD SUPPORT, OR ALIMONY, AN AUTOMATIC ORDER SHALL BE:**

4 **(1) ISSUED AND ENTERED; AND**

5 **(2) SERVED WITH THE SUMMONS ON THE RESPONDING PARTY.**

6 **(B) AN AUTOMATIC ORDER SHALL BE BINDING ON:**

7 **(1) THE PLEADING PARTY IMMEDIATELY ON THE FILING OF THE**
8 **PLEADING; AND**

9 **(2) THE RESPONDING PARTY IMMEDIATELY ON SERVICE OF THE**
10 **AUTOMATIC ORDER AND SUMMONS.**

11 **(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN**
12 **AUTOMATIC ORDER SHALL REMAIN IN FULL FORCE AND EFFECT DURING THE**
13 **PENDENCY OF THE ACTION, UNLESS TERMINATED, MODIFIED, OR AMENDED BY**
14 **FURTHER ORDER OF COURT OR ON AGREEMENT OF THE PARTIES EXECUTED IN**
15 **WRITING OR PLACED ON THE RECORD IN COURT.**

16 **(2) ON A REQUEST FOR A HEARING AND FOR GOOD CAUSE SHOWN,**
17 **THE COURT SHALL SCHEDULE A HEARING ON A REQUEST TO TERMINATE, MODIFY,**
18 **OR AMEND AN AUTOMATIC ORDER.**

19 **(D) AN AUTOMATIC ORDER SHALL:**

20 **(1) UNLESS THE COURT HAS ORDERED OTHERWISE IN A PROTECTIVE**
21 **ORDER ENTERED BEFORE THE FILING OF THE ACTION, AND SUBJECT TO**
22 **SUBSECTION (E) OF THIS SECTION, PROHIBIT EACH PARTY FROM:**

23 **(I) RELOCATING, OR CAUSING THE RELOCATION OF, THE**
24 **RESIDENCE OF ANY MINOR CHILD OF THE PARTIES OUTSIDE THE STATE OR MORE**
25 **THAN 50 MILES FROM THE HOME IN WHICH EITHER OR BOTH PARTIES RESIDED**
26 **IMMEDIATELY BEFORE THE FILING OF THE ACTION;**

27 **(II) CONCEALING THE WHEREABOUTS OF A MINOR CHILD OF**
28 **THE PARTIES FROM THE OTHER PARTY; AND**

29 **(III) UNILATERALLY WITHDRAWING ANY MINOR CHILD OF THE**
30 **PARTIES FROM THE SCHOOL OR CHILDCARE THAT THE CHILD ATTENDS OR HAS**
31 **ATTENDED IN ACTUAL FAMILY EXPERIENCE;**

1 **(2) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,**
2 **PROHIBIT EACH PARTY FROM TRANSFERRING, ENCUMBERING, PLEDGING,**
3 **ASSIGNING, REMOVING, WITHDRAWING, OR IN ANY WAY DISPOSING OF ANY**
4 **PROPERTY INDIVIDUALLY OR JOINTLY HELD BY THE PARTIES, INCLUDING REAL**
5 **ESTATE, PERSONAL PROPERTY, CARS, BOATS, CASH ACCOUNTS, STOCKS, MUTUAL**
6 **FUNDS, AND BANK ACCOUNTS;**

7 **(3) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,**
8 **PROHIBIT EACH PARTY FROM:**

9 **(I) TRANSFERRING, ENCUMBERING, PLEDGING, ASSIGNING,**
10 **REMOVING, WITHDRAWING, OR IN ANY WAY DISPOSING OF ANY TAX DEFERRED**
11 **FUNDS, STOCKS, OR OTHER ASSETS HELD IN ANY INDIVIDUAL RETIREMENT**
12 **ACCOUNT, 401K ACCOUNT, PROFIT SHARING PLAN, KEOGH ACCOUNT, OR ANY**
13 **OTHER PENSION OR RETIREMENT ACCOUNT; AND**

14 **(II) APPLYING FOR OR REQUESTING THE ADVANCE PAYMENT OR**
15 **LIQUIDATION OF RETIREMENT BENEFITS OR ANNUITY PAYMENTS OF ANY KIND;**

16 **(4) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,**
17 **PROHIBIT EACH PARTY FROM INCURRING:**

18 **(I) ANY MARITAL DEBTS, INCLUDING BORROWING AGAINST**
19 **ANY CREDIT LINE SECURED BY REAL PROPERTY TITLED IN THE PARTIES'**
20 **INDIVIDUAL OR JOINT NAMES OR ENCUMBERING ANY ASSETS TITLED IN THE**
21 **PARTIES' INDIVIDUAL OR JOINT NAMES; OR**

22 **(II) UNSECURED OR NONMARITAL DEBT IN THE PARTIES' JOINT**
23 **NAMES, INCLUDING CREDIT CARD DEBT, CASH ADVANCES AGAINST CREDIT CARDS,**
24 **OR UNSECURED LINES OF CREDIT;**

25 **(5) SUBJECT TO THE AUTHORITY OF THE COURT UNDER §§ 11-111**
26 **AND 12-102 OF THIS ARTICLE:**

27 **(I) PROHIBIT EACH PARTY FROM CAUSING THE OTHER PARTY**
28 **OR A MINOR CHILD OF THE PARTIES TO BE REMOVED FROM ANY EXISTING MEDICAL,**
29 **HOSPITAL, DENTAL, VISION, OR PRESCRIPTION INSURANCE COVERAGE WITHOUT**
30 **THE CONSENT OF THE OTHER PARTY, UNLESS THE PARTY PROVIDES REASONABLY**
31 **COMPARABLE ALTERNATIVE INSURANCE COVERAGE; AND**

32 **(II) REQUIRE EACH PARTY TO MAINTAIN EXISTING MEDICAL,**
33 **HOSPITAL, DENTAL, VISION, OR PRESCRIPTION INSURANCE COVERAGE OR**

1 REASONABLY COMPARABLE ALTERNATIVE INSURANCE COVERAGE IN FULL FORCE
2 AND EFFECT;

3 (6) REQUIRE EACH PARTY TO MAINTAIN EXISTING AUTOMOBILE
4 INSURANCE AND HOMEOWNERS OR RENTERS INSURANCE POLICIES IN FULL FORCE
5 AND EFFECT; AND

6 (7) PROHIBIT EACH PARTY FROM UNILATERALLY INTERRUPTING OR
7 TERMINATING ANY ESSENTIAL UTILITY SERVICE, INCLUDING ELECTRICITY, GAS,
8 OIL, AND WATER, TO THE OTHER PARTY'S RESIDENCE.

9 (E) ON A REQUEST FOR A HEARING AND FOR GOOD CAUSE SHOWN, THE
10 COURT SHALL CONDUCT AN EXPEDITED HEARING, BY TELEPHONE CONFERENCE IF
11 APPROPRIATE, TO DETERMINE THE REASONABLENESS OF A PROPOSED
12 RELOCATION OF THE RESIDENCE OF A MINOR CHILD AND TO ISSUE ANY OTHER
13 APPROPRIATE ORDER.

14 (F) A PARTY WHO IS ALREADY IN PAY STATUS UNDER ANY PENSION OR
15 RETIREMENT PLAN OR ACCOUNT MAY CONTINUE TO RECEIVE THOSE PAYMENTS.

16 (G) A PARTY MAY TAKE AN ACTION DESCRIBED IN SUBSECTION (D)(2) OR (4)
17 OF THIS SECTION:

18 (1) AS REQUIRED FOR NECESSARY, CUSTOMARY, OR USUAL LIVING
19 EXPENSES;

20 (2) IN THE ORDINARY AND USUAL COURSE OF BUSINESS;

21 (3) FOR PAYMENT OF REASONABLE AND NECESSARY ATTORNEY'S
22 FEES AND COSTS IN CONNECTION WITH THE ACTION;

23 (4) BY WRITTEN AGREEMENT OF THE PARTIES; OR

24 (5) AS ORDERED BY THE COURT.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
26 apply only prospectively and may not be applied or interpreted to have any effect on or
27 application to any action filed before the effective date of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2016.