

DRAFT “VIRTUAL VISITATION” BILL

Amends the Maryland Code, Family Law, Title 9 and Title 12 Subtitle 2.

By: Delegates

Introduced and read first time:

Assigned to:

CHAPTER _____

AN ACT concerning

Family Law – Virtual Visitation Amendments

FOR the purpose of the option of Electronic Communication and the guidelines to follow for electronic communication.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

MARYLAND, That the Laws of Maryland read as follows:

BY amending

Article - Family Law

Section 9-101

(b) Specific finding required.- Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation and any electronic communication arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

SECTION 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

MARYLAND, That the Laws of Maryland read as follows:

BY amending

Article - Family Law

Section 9-101.2

(a) "Visitation", means in-person time spent between a child and their parent including any Electronic Communication;

(b) "Electronic communication" means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

(b)(1) The court may grant a reasonable amount of Electronic Communication at reasonable hours to either or both parents when the child is not in the parent's physical custody if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide the reasonableness of its availability

(b)(2) Electronic Communication with the child may be used only to supplement a parent's periods of visitation with the child. Electronic Communication may not be used as a replacement or as a substitute for custody or a parent's periods of visitation with the child.

**SECTION 3. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:**

BY adding to

Article - Family Law

Section 9-102

(3) if the court finds it to be in the best interests of the child, grant electronic communication rights to relatives defined by 9-301.

**SECTION 4. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:**

BY adding to

Article - Family Law

Section 9-106

(e) The court may not use the availability of Electronic Communication as a factor to justify or in support of a relocation by the custodial parent out of the immediate area or state.

**SECTION 5. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:**

BY adding to

Article - Family Law

Title 12, Subtitle 2 – Section 12-201

(L) The amount of time Electronic Communication is used shall not be a factor in the calculation of Child Support.