

SENATE BILL 396

D4

4r1230
CF HB 315

By: **Senator Jones–Rodwell (By Request – Baltimore City Administration)**

Introduced and read first time: January 23, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Equity Court Jurisdiction – Immigrant Children – Custody or Guardianship**
3 **Petitions**

4 FOR the purpose of altering the jurisdiction of an equity court to include a certain
5 petition to award custody or guardianship of an immigrant child that is filed
6 with a certain motion; defining a certain term under certain circumstances; and
7 generally relating to equity court jurisdiction over immigrant children.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 1–201
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2013 Supplement)

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

15 **Article – Family Law**

16 1–201.

17 **(A) FOR THE PURPOSES OF SUBSECTION (B)(10) OF THIS SECTION,**
18 **“CHILD” MEANS AN UNMARRIED INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

19 **[(a)] (B)** An equity court has jurisdiction over:

20 (1) adoption of a child, except for a child who is under the jurisdiction
21 of any juvenile court and who previously has been adjudicated to be a child in need of
22 assistance;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) alimony;
- 2 (3) annulment of a marriage;
- 3 (4) divorce;
- 4 (5) custody or guardianship of a child except for a child who is under
5 the jurisdiction of any juvenile court and who previously has been adjudicated to be a
6 child in need of assistance;
- 7 (6) visitation of a child;
- 8 (7) legitimation of a child;
- 9 (8) paternity; [and]
- 10 (9) support of a child; AND

11 **(10) A PETITION TO AWARD CUSTODY OR GUARDIANSHIP OF AN**
12 **IMMIGRANT CHILD THAT IS FILED WITH A MOTION FOR SPECIAL IMMIGRANT**
13 **JUVENILE FACTUAL FINDINGS.**

14 **[(b)] (C)** In exercising its jurisdiction over the custody, guardianship,
15 visitation, or support of a child, an equity court may:

- 16 (1) direct who shall have the custody or guardianship of a child,
17 pendente lite or permanently;
- 18 (2) determine who shall have visitation rights to a child;
- 19 (3) decide who shall be charged with the support of the child, pendente
20 lite or permanently;
- 21 (4) from time to time, set aside or modify its decree or order
22 concerning the child; or
- 23 (5) issue an injunction to protect a party to the action from physical
24 harm or harassment.

25 **[(c)] (D)** This section does not take away or impair the jurisdiction of a
26 juvenile court or a criminal court with respect to the custody, guardianship, visitation,
27 and support of a child.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2014.