

HOUSE BILL 104

D4
HB 748/21 – JUD

(PRE-FILED)

2lr0663
CF 2lr0377

By: **Delegate Atterbeary**

Requested: October 6, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Custody and Visitation**

3 FOR the purpose of requiring a court, in a custody or visitation proceeding, to deny custody
4 or visitation rights to a party under certain circumstances, unless the court makes a
5 certain finding and states the reasons for the finding; authorizing the court to
6 approve a supervised visitation arrangement under certain circumstances; providing
7 that any reasonable effort to protect a child or a party to a custody or visitation order
8 from the other party may not be considered an unjustifiable denial of or interference
9 with visitation; and generally relating to child custody and visitation.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 9–101 and 9–105
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2021 Supplement)

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

Article – Family Law

18 9–101.

19 [(a) In any custody or visitation proceeding, if the court has reasonable grounds to
20 believe that a child has been abused or neglected by a party to the proceeding, the court
21 shall determine whether abuse or neglect is likely to occur if custody or visitation rights
22 are granted to the party.]

23 [(b)] (A) [Unless the court specifically finds that there is no likelihood of further

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 child abuse or neglect by the party, the] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF**
2 **THIS SECTION, IN ANY CUSTODY OR VISITATION PROCEEDING, THE** court shall deny
3 custody or visitation rights to [that party, except that the court may approve a supervised
4 visitation arrangement that assures the safety and the physiological, psychological, and
5 emotional well-being of the child] **A PARTY IF THE COURT FINDS BY A PREPONDERANCE**
6 **OF THE EVIDENCE THAT A CHILD HAS BEEN ABUSED OR NEGLECTED BY THE PARTY,**
7 **UNLESS THE COURT:**

8 **(1) SPECIFICALLY FINDS THAT THERE IS NO LIKELIHOOD OF**
9 **FURTHER CHILD ABUSE OR NEGLECT BY THE PARTY; AND**

10 **(2) STATES WITH SPECIFICITY THE REASONS FOR THE FINDING THAT**
11 **THERE IS NO LIKELIHOOD OF FURTHER CHILD ABUSE OR NEGLECT BY THE PARTY.**

12 **(B) A COURT MAY APPROVE A SUPERVISED VISITATION ARRANGEMENT IF**
13 **THE ARRANGEMENT:**

14 **(1) SPECIFICALLY TAKES INTO ACCOUNT THE TYPE OF CHILD ABUSE**
15 **OR NEGLECT, INCLUDING WHETHER, IN THE CASE OF CHILD ABUSE, THE ABUSE WAS**
16 **EMOTIONAL, PHYSICAL, OR SEXUAL; AND**

17 **(2) ASSURES THE SAFETY AND THE PHYSIOLOGICAL,**
18 **PSYCHOLOGICAL, AND EMOTIONAL WELL-BEING OF THE CHILD.**

19 9–105.

20 **(A)** In any custody or visitation proceeding, if the court determines that a party to
21 a custody or visitation order has unjustifiably denied or interfered with visitation granted
22 by a custody or visitation order, the court may, in addition to any other remedy available
23 to the court and in a manner consistent with the best interests of the child, take any or all
24 of the following actions:

25 (1) order that the visitation be rescheduled;

26 (2) modify the custody or visitation order to require additional terms or
27 conditions designed to ensure future compliance with the order; or

28 (3) assess costs or counsel fees against the party who has unjustifiably
29 denied or interfered with visitation rights.

30 **(B) ANY REASONABLE EFFORT TO PROTECT A CHILD OR A PARTY TO A**
31 **CUSTODY OR VISITATION ORDER FROM THE OTHER PARTY MAY NOT BE CONSIDERED**
32 **AN UNJUSTIFIABLE DENIAL OF OR INTERFERENCE WITH VISITATION GRANTED BY A**
33 **CUSTODY OR VISITATION ORDER.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.