

HOUSE BILL 505

D4
HB 1328/20 – JUD

11r2009

By: **Delegate Dumais**

Introduced and read first time: January 15, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2021

CHAPTER _____

1 AN ACT concerning

2 **Child Custody – Legal Decision Making and Parenting Time**

3 FOR the purpose of repealing references to the terms “child custody” and “visitation” in
4 certain instances and substituting the terms “legal decision making” and “parenting
5 time” in certain instances; authorizing the court, in determining certain legal
6 decision–making authority and parenting time in certain child custody proceedings,
7 to consider certain factors; requiring the court to articulate certain findings of fact
8 on the record or in a written opinion; authorizing the court to award joint legal
9 decision making to both parties under certain circumstances; prohibiting a party
10 from unilaterally making certain decisions concerning a child without agreement of
11 the other party or order of the court under certain circumstances; authorizing the
12 court to modify a child custody or visitation order or a legal decision–making or
13 parenting–time order under certain circumstances; specifying that a party’s proposal
14 to relocate the residence of the party or the child in a certain manner constitutes a
15 material change in circumstances for purposes of a modification of an order;
16 specifying the purposes of this Act; repealing certain provisions relating to the
17 relevancy of a disability of a party in a child custody or visitation proceeding; making
18 certain clarifying and conforming changes; defining certain terms; and generally
19 relating to child custody, visitation, legal decision making, and parenting time.

20 BY repealing

21 Article – Family Law

22 Section 5–203(d) and 9–107

23 Annotated Code of Maryland

24 (2019 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Family Law
3 Section 9–101 and 9–103 to be under the amended subtitle “Subtitle 1. Definitions;
4 General Provisions” and the amended title “Title 9. Custodial Arrangements
5 for Children”; and 9–201 through 9–204 to be under the new subtitle “Subtitle
6 2. Legal Decision Making and Parental Responsibility – Judicial
7 Determinations”
8 Annotated Code of Maryland
9 (2019 Replacement Volume and 2020 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 9–101, 9–101.1, 9–101.2, 9–103, 9–104, 9–105, 9–106, and 9–108
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2020 Supplement)

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

17 **Article – Family Law**

18 5–203.

19 [(d) (1) If the parents live apart, a court may award custody of a minor child to
20 either parent or joint custody to both parents.

21 (2) Neither parent is presumed to have any right to custody that is superior
22 to the right of the other parent.]

23 Title 9. [Child Custody and Visitation] **CUSTODIAL ARRANGEMENTS FOR CHILDREN.**

24 Subtitle 1. [In General] **DEFINITIONS; GENERAL PROVISIONS.**

25 **9–101.**

26 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (B) “CHILD” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

29 (C) (1) “LEGAL DECISION MAKING” MEANS THE RIGHT AND OBLIGATION
30 TO MAKE MAJOR LONG–TERM DECISIONS INVOLVING MEDICAL CARE, MENTAL
31 HEALTH, EDUCATION, RELIGIOUS TRAINING, EXTRACURRICULAR ACTIVITIES, AND
32 OTHER MATTERS OF MAJOR SIGNIFICANCE CONCERNING THE CHILD’S LIFE AND
33 WELFARE.