
By: Delegate Montague

Introduced and read first time: February 20, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Custody Criteria**

3 FOR the purpose of requiring a court to consider certain factors in determining custody
4 of a child; providing for the application of this Act; and generally relating to child
5 custody proceedings.

6 BY adding to

7 Article - Family Law

8 Section 9-501 to be under the new subtitle "Subtitle 5. Custody Criteria"

9 Annotated Code of Maryland

10 (1991 Replacement Volume and 1996 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Family Law**

14 **SUBTITLE 5. CUSTODY CRITERIA.**

15 9-501.

16 IN DETERMINING CUSTODY OF A CHILD, THE COURT SHALL CONSIDER THE
17 FOLLOWING FACTORS:

18 (1) THE PRESENT AND FUTURE DEVELOPMENTAL NEEDS OF THE
19 CHILD;

20 (2) EACH PARENT'S PROPOSED PLAN TO RESPOND TO THE CHILD'S
21 NEEDS;

22 (3) EACH PARENT'S EXPERIENCE IN CARING FOR THE NEEDS OF THE
23 CHILD;

24 (4) THE ABILITY OF EACH PARENT TO DETERMINE, INVESTIGATE, AND
25 IMPLEMENT DECISIONS CONCERNING THE NEEDS OF THE CHILD;

26 (5) THE FITNESS, CHARACTER, AND REPUTATION OF EACH PARENT,
27 INCLUDING ANY HISTORY OF CHILD ABUSE OR DOMESTIC VIOLENCE;

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1 (6) THE POTENTIALITY FOR MAINTAINING POSITIVE AND
2 COOPERATIVE FAMILY RELATIONSHIPS;

3 (7) THE AGE, BACKGROUND, DEVELOPMENT, AND GENDER OF THE
4 CHILD;

5 (8) THE EXTENT TO WHICH A PARENT PARTICIPATED IN PARENTING
6 EDUCATION PROGRAMS;

7 (9) ANY PARENTAL AGREEMENT REGARDING DECISION MAKING AND
8 RESIDENTIAL LIVING ARRANGEMENTS FOR THE CHILD;

9 (10) THE PREFERENCE OF THE CHILD IF THE CHILD IS OF SUFFICIENT
10 AGE AND CAPACITY TO FORM A RATIONAL JUDGMENT; AND

11 (11) ANY OTHER FACTOR RELEVANT TO A DETERMINATION OF THE
12 BEST INTEREST OF THE CHILD.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
14 only prospectively and may not be applied or interpreted to have any effect on or
15 application to any cause of action arising before the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.