D4   5lr1006
HB 1217/04 - JUD   CF 5lr0288

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By: **Senator Giannetti**
Introduced and read first time: February 3, 2005
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2   **Children - Joint Legal Custody - Preference**

3 FOR the purpose of requiring a court in certain child custody proceedings to first
4   consider an award of joint legal custody under certain circumstances; requiring
5   the court to order a disposition that is in the best interests of the child if the
6   court does not find joint legal custody appropriate; providing that this Act does
7   not preclude the court's consideration of other provisions of the law, including
8   provisions providing protection from domestic violence; providing for the
9   application of this Act; and generally relating to child custody.

10 BY adding to
11   Article - Family Law
12   Section 9-107
13   Annotated Code of Maryland
14   (2004 Replacement Volume)

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

17   **Article - Family Law**

18 9-107.

19   (A)   (1)   IN AN INITIAL CHILD CUSTODY PROCEEDING, WHETHER PENDENTE
20 LITE OR PERMANENT, INVOLVING THE PARENTS OF A CHILD, THE COURT SHALL
21 FIRST CONSIDER AN ORDER THAT AWARDS JOINT LEGAL CUSTODY OF THE CHILD TO
22 THE PARENTS IF IT IS IN THE BEST INTERESTS OF THE CHILD.

23   (2)   IF THE COURT DOES NOT FIND JOINT LEGAL CUSTODY
24 APPROPRIATE, THE COURT SHALL ORDER A DISPOSITION THAT IS IN THE BEST
25 INTERESTS OF THE CHILD.

26   (B)   NOTHING IN THIS SECTION PRECLUDES CONSIDERATION BY THE COURT
27 OF OTHER PROVISIONS OF THE LAW, INCLUDING PROVISIONS PROVIDING
28 PROTECTION FROM DOMESTIC VIOLENCE.

1   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any cases filed before the effective date of this Act.

4   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2005.