

HB1275/412115/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1275

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “applying” insert “certain provisions of”; and in line 7, after “Act;” insert “prohibiting a court of this State from treating a foreign country as if the country were a state for the purposes of applying certain provisions of this Act unless a court of this State makes a certain finding;”.

AMENDMENT NO. 2

On page 27, in line 1, strike “A” and substitute “(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A”; and after line 3, insert:

“(B) UNLESS A COURT OF THIS STATE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A FOREIGN COUNTRY APPLIES AND FOLLOWS SUBSTANTIVE AND PROCEDURAL DUE PROCESS CONSISTENT WITH THE PRACTICES AND POLICIES OF THE STATE OF MARYLAND, THE COURT:

(1) MAY NOT REQUEST A COURT IN THE FOREIGN COUNTRY TO ISSUE AN ORDER OR HOLD A HEARING;

(2) MAY NOT DECLINE TO EXERCISE JURISDICTION IF, BY DECLINING JURISDICTION IN THIS STATE, A COURT IN THE FOREIGN COUNTRY MAY OBTAIN JURISDICTION;

(3) MAY NOT DISMISS OR STAY A PROCEEDING IN THIS STATE REQUESTED OR ORDERED BY A COURT IN THE FOREIGN COUNTRY;

(Over)

(4) MAY NOT DETERMINE THAT A COURT IN THE FOREIGN COUNTRY IS AN APPROPRIATE FORUM;

(5) MAY DECLINE TO COMPLY WITH NOTICE REQUIREMENTS OF THE FOREIGN COUNTRY OR THIS TITLE;

(6) MAY PROCEED WITH THE CASE IF THIS STATE IS OTHERWISE AN APPROPRIATE FORUM;

(7) MAY NOT ISSUE AN ORDER OR PROVISIONAL ORDER TO TRANSFER A GUARDIANSHIP OR CONSERVATORSHIP TO THE FOREIGN COUNTRY; AND

(8) MAY NOT RECOGNIZE UNDER ANY PROVISION OF LAW A GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM THE FOREIGN COUNTRY.”.

AMENDMENT NO. 3

On page 29, in line 22, strike the second “OR” and substitute “AND”.