

SENATE BILL 396

D4

4r1230
CF HB 315

By: **Senator Jones–Rodwell (By Request – Baltimore City Administration)**

Introduced and read first time: January 23, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Equity Court Jurisdiction – Immigrant Children – Custody or Guardianship**
3 **~~Petitions~~**

4 FOR the purpose of altering the jurisdiction of an equity court to include ~~a certain~~
5 ~~petition to award~~ custody or guardianship of an immigrant child ~~that is filed~~
6 ~~with~~ pursuant to a certain motion; defining a certain term under certain
7 circumstances; and generally relating to equity court jurisdiction over
8 immigrant children.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 1–201
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2013 Supplement)

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

16 **Article – Family Law**

17 1–201.

18 **(A) FOR THE PURPOSES OF SUBSECTION (B)(10) OF THIS SECTION,**
19 **“CHILD” MEANS AN UNMARRIED INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

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 **[(a)] (B)** An equity court has jurisdiction over:

2 (1) adoption of a child, except for a child who is under the jurisdiction
3 of any juvenile court and who previously has been adjudicated to be a child in need of
4 assistance;

5 (2) alimony;

6 (3) annulment of a marriage;

7 (4) divorce;

8 (5) custody or guardianship of a child except for a child who is under
9 the jurisdiction of any juvenile court and who previously has been adjudicated to be a
10 child in need of assistance;

11 (6) visitation of a child;

12 (7) legitimation of a child;

13 (8) paternity; **[and]**

14 (9) support of a child; **AND**

15 **(10) ~~A PETITION TO AWARD~~ CUSTODY OR GUARDIANSHIP OF AN**
16 **IMMIGRANT CHILD ~~THAT IS FILED WITH~~ PURSUANT TO A MOTION FOR SPECIAL**
17 **IMMIGRANT JUVENILE FACTUAL FINDINGS REQUESTING A DETERMINATION**
18 **THAT THE CHILD WAS ABUSED, NEGLECTED, OR ABANDONED BEFORE THE AGE**
19 **OF 18 YEARS FOR PURPOSES OF § 101(A)(27)(J) OF THE FEDERAL IMMIGRATION**
20 **AND NATIONALITY ACT.**

21 **[(b)] (C)** In exercising its jurisdiction over the custody, guardianship,
22 visitation, or support of a child, an equity court may:

23 (1) direct who shall have the custody or guardianship of a child,
24 pendente lite or permanently;

25 (2) determine who shall have visitation rights to a child;

26 (3) decide who shall be charged with the support of the child, pendente
27 lite or permanently;

28 (4) from time to time, set aside or modify its decree or order
29 concerning the child; or

1 (5) issue an injunction to protect a party to the action from physical
2 harm or harassment.

3 **[(c)] (D)** This section does not take away or impair the jurisdiction of a
4 juvenile court or a criminal court with respect to the custody, guardianship, visitation,
5 and support of a child.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.