

Article - Family Law

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§9.5–310.

(a) Unless the court issues a temporary emergency order in accordance with § 9.5-204 of this title, on a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) the child custody determination has not been registered and confirmed under § 9.5-305 of this subtitle and that:

(i) the issuing court did not have jurisdiction under Subtitle 2 of this title;

(ii) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Subtitle 2 of this title; or

(iii) the respondent was entitled to notice, but notice was not given in accordance with the standards of § 9.5-107 of this title, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under § 9.5-305 of this subtitle but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Subtitle 2 of this title.

(b) The court shall award the fees, costs, and expenses authorized under § 9.5-312 of this subtitle and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this subtitle.

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