

# HOUSE BILL 888

D4

5lr1484  
CF SB 650

---

By: **Delegates Carter, Anderson, D. Barnes, Cluster, Jalisi, McConkey, O'Donnell,  
Oaks, Rey, Vaughn, Walker, A. Washington, and C. Wilson**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Rebuttable Presumption of Joint Custody**

3 FOR the purpose of creating a rebuttable presumption in certain court proceedings that  
4 certain custodial arrangements are in the best interests of a child; authorizing the  
5 court to grant sole custody under certain circumstances; and generally relating to  
6 child custody determinations.

7 BY adding to

8 Article – Family Law

9 Section 9–109

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2014 Supplement)

12 Preamble

13 WHEREAS, Joint custody assures frequent and continuing contact of a child with  
14 both parents; and

15 WHEREAS, A policy promoting joint custody encourages parents to settle custody  
16 disputes outside of the litigation process; and

17 WHEREAS, The love and support of both parents is unquestionably beneficial to  
18 children; now, therefore,

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

21 **Article – Family Law**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **9-109.**

2 (A) IN AN INITIAL CHILD CUSTODY PROCEEDING, WHETHER PENDENTE LITE  
3 OR PERMANENT, INVOLVING THE PARENTS OF A CHILD, REGARDLESS OF A PARENT'S  
4 MARITAL STATUS OR GENDER, THERE IS A REBUTTABLE PRESUMPTION THAT:

5 (1) JOINT LEGAL CUSTODY IS IN THE BEST INTERESTS OF THE CHILD;  
6 AND

7 (2) JOINT PHYSICAL CUSTODY FOR APPROXIMATELY EQUAL PERIODS  
8 OF TIME IS IN THE BEST INTERESTS OF THE CHILD.

9 (B) IF THE COURT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE  
10 THAT A CO-PARENTING CUSTODY ARRANGEMENT IS NOT IN THE BEST INTERESTS OF  
11 THE CHILD, THE COURT MAY AWARD SOLE CUSTODY TO ONE PARENT.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2015.