

HOUSE BILL 973

D4

1lr1771

By: **Delegate C. Branch**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grandparent Visitation**

3 FOR the purpose of altering the circumstances under which an equity court is authorized
4 to grant visitation rights to a grandparent of a child; requiring the court to consider
5 certain circumstances in making a certain determination; specifying the
6 circumstances under which an equity court is required to grant visitation rights to a
7 grandparent of a child; prohibiting the court from denying visitation rights to a
8 grandparent based on certain allegations, except under certain circumstances; and
9 generally relating to grandparent visitation.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 9–102
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2020 Supplement)

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

Article – Family Law

18 9–102.

19 (A) [An] IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, AN
20 equity court may[:

21 (1)] consider a petition for reasonable visitation of a grandchild by a
22 grandparent[; and

23 (2) if the court finds it to be in the best interests of the child, grant

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 visitation rights to the grandparent].

2 **(B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS**
3 **SUBSECTION AND SUBSECTION (D) OF THIS SECTION, AN EQUITY COURT MAY GRANT**
4 **VISITATION RIGHTS TO A GRANDPARENT IF:**

5 **(I) 1. THE CHILD'S PARENT, WHO IS THE CHILD OF THE**
6 **GRANDPARENT, IS DECEASED; OR**

7 **2. THE PETITION FOR VISITATION RIGHTS WAS FILED**
8 **AFTER AN ACTION FOR DIVORCE, ANNULMENT, CUSTODY, OR PATERNITY WAS FILED**
9 **BY A PARENT OF THE CHILD; AND**

10 **(II) THE COURT FINDS THAT GRANTING VISITATION RIGHTS TO**
11 **THE GRANDPARENT:**

12 **1. IS IN THE BEST INTERESTS OF THE CHILD; AND**

13 **2. WOULD NOT INTERFERE WITH THE PARENT-CHILD**
14 **RELATIONSHIP.**

15 **(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1)(II)1 OF**
16 **THIS SUBSECTION, THE COURT SHALL CONSIDER THE AMOUNT OF PERSONAL**
17 **CONTACT THAT OCCURRED BETWEEN THE GRANDPARENT AND THE CHILD BEFORE**
18 **THE FILING OF THE PETITION.**

19 **(C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, AN**
20 **EQUITY COURT SHALL GRANT VISITATION RIGHTS TO A GRANDPARENT UNDER THIS**
21 **SECTION IF:**

22 **(1) THE CHILD RESIDED WITH THE GRANDPARENT FOR A PERIOD OF**
23 **AT LEAST 12 MONTHS; AND**

24 **(2) THE COURT FINDS THAT GRANTING VISITATION RIGHTS TO THE**
25 **GRANDPARENT:**

26 **(I) IS IN THE BEST INTERESTS OF THE CHILD; AND**

27 **(II) WOULD NOT INTERFERE WITH THE PARENT-CHILD**
28 **RELATIONSHIP.**

29 **(D) IN MAKING A DETERMINATION UNDER THIS SECTION, THE COURT MAY**
30 **NOT DENY VISITATION RIGHTS BASED ON ALLEGATIONS THAT GRANTING**

1 VISITATION RIGHTS TO THE GRANDPARENT WOULD INTERFERE WITH THE
2 PARENT-CHILD RELATIONSHIP UNLESS, AFTER A HEARING, THE COURT
3 DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT INTERFERENCE
4 WOULD OCCUR.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.