
By: Delegate Kach

Introduced and read first time: February 14, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Custody and Visitation - Mediation**

3 FOR the purpose of authorizing circuit court judges to require that certain disputes
4 concerning child custody or visitation be submitted to mediation; requiring the court
5 to determine certain funding; specifying the conditions of the mediation
6 proceedings; specifying the rights of the mediator and the parties; requiring the
7 mediator to compile a certain report and specifying the contents of the report;
8 requiring that the report be submitted to certain persons; requiring that a certain
9 agreement be incorporated into any custody or visitation order, unless a certain
10 determination is made; providing that mediation does not relieve an individual from
11 certain support payments; providing that the status of certain support does not
12 prevent mediation; defining certain terms; and generally relating to mediation of
13 child custody and visitation disputes.

14 BY adding to

15 Article - Family Law
16 Section 9-501 through 9-505, inclusive, to be under the new subtitle "Subtitle 9.
17 Mediation; Custody and Visitation"
18 Annotated Code of Maryland
19 (1991 Replacement Volume and 1995 Supplement)

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

22 **Article - Family Law**

23 SUBTITLE 9. MEDIATION; CUSTODY AND VISITATION.

24 9-501.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) "MEDIATION" MEANS A PROCESS BY WHICH A MEDIATOR FACILITATES
28 THE RESOLUTION OF A DISPUTE BETWEEN TWO OR MORE PARTIES IN AN INFORMAL
29 AND NONADVERSARIAL ENVIRONMENT TO HELP THE DISPUTING PARTIES REACH A
30 MUTUALLY ACCEPTABLE AND VOLUNTARY AGREEMENT.

2

1 (C) "MEDIATOR" MEANS A NEUTRAL THIRD PERSON WHO GOVERNS A
2 MEDIATION.

3 9-502.

4 (A) THE COURT SHALL APPOINT A MEDIATOR IF A PLEADING PLACES CHILD
5 CUSTODY OR VISITATION IN ISSUE.

6 (B) THE COURT SHALL DETERMINE THE METHOD OF FUNDING MEDIATION
7 SERVICES.

8 9-503.

9 (A) (1) A MEDIATION PROCEEDING MUST BE HELD IN PRIVATE AND MUST BE
10 CONFIDENTIAL.

11 (2) A MEDIATOR MAY:

12 (I) MEET WITH THE PARTIES SEPARATELY OR JOINTLY;

13 (II) INTERVIEW THE CHILD INVOLVED; AND

14 (III) ATTEMPT TO RESOLVE THE VISITATION DISPUTES BETWEEN
15 THE PARTIES REGARDING CUSTODY OR VISITATION, COURT-ORDERED CUSTODY
16 OR VISITATION, OR ANY PARENTING AGREEMENT.

17 (3) A PARTY TO THE MEDIATION MAY BE ACCOMPANIED BY AN
18 ATTORNEY.

19 (B) (1) AT THE CONCLUSION OF THE MEDIATION, THE MEDIATOR SHALL
20 COMPILE A REPORT.

21 (2) THE REPORT SHALL CONTAIN:

22 (I) THE REASON FOR THE MEDIATION, INCLUDING THE SPECIFIC
23 DISPUTES REGARDING THE TERMS OF A COURT-ORDERED CUSTODY OR
24 VISITATION DECREE OR OF A PARENTING AGREEMENT;

25 (II) THE SUBSTANCE OF ANY RESOLUTION OF DISPUTED ISSUES;
26 AND

27 (III) A LIST OF ANY UNRESOLVED ISSUES.

28 (3) A MEDIATION REPORT MAY CONTAIN ANY RECOMMENDATION
29 REGARDING CUSTODY OR VISITATION APART FROM THE PARENTS' AGREEMENTS.

30 (4) THE REPORT MUST BE SUBMITTED TO THE PARTIES AND TO THE
31 JUDGE OR MASTER.

32 9-504.

33 THE AGREEMENT OF THE PARTIES MUST BE INCORPORATED INTO ANY
34 CUSTODY OR VISITATION ORDER, UNLESS THE JUDGE OR MASTER FINDS THAT THE
35 AGREEMENT IS NOT IN THE BEST INTERESTS OF THE CHILD.

3

1 9-505.

2 (A) A PLEADING THAT RESULTS IN MEDIATION AS A RESULT OF A CUSTODY
3 OR VISITATION ISSUE DOES NOT ABSOLVE A PARENT FROM THE RESPONSIBILITY
4 FOR PAYMENT OF COURT-ORDERED SUPPORT.

5 (B) THE STATUS OR PAYMENT OF CHILD SUPPORT MAY NOT PREVENT A
6 JUDGE OR MASTER FROM APPOINTING A MEDIATOR.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1996.