
By: Delegate Montague

Introduced and read first time: February 21, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Joint Custody - Decision Making**

3 FOR the purpose of specifying that a court may award each parent of a child full or
4 shared decision making authority with respect to certain decisions for the child;
5 establishing that an award of joint custody may be full or shared and may specify
6 certain areas or types of decision making to be shared; providing for the application
7 of this Act; and generally relating to child custody proceedings.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 5-203(d)
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1996 Supplement)

13 BY adding to
14 Article - Family Law
15 Section 9-501 to be under the new subtitle "Subtitle 5. Custody Awards"
16 Annotated Code of Maryland
17 (1991 Replacement Volume and 1996 Supplement)

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

20 **Article - Family Law**

21 5-203.

22 (d) (1) If the parents live apart, a court may award custody of a minor child to
23 either parent or joint custody to both parents.

24 (2) Neither parent is presumed to have any right to custody that is superior
25 to the right of the other parent.

26 (3) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE A COURT
27 FROM AWARDING EACH PARENT FULL OR SHARED DECISION MAKING AUTHORITY
28 WITH RESPECT TO MAJOR DECISIONS FOR THE CHILD IN SEPARATE AREAS,
29 INCLUDING EDUCATION, MEDICAL TREATMENT, RELIGIOUS TRAINING, DISCIPLINE,
30 SPORTS, AND EXTRACURRICULAR ACTIVITIES.

2

1 SUBTITLE 5. CUSTODY AWARDS.

2 9-501.

3 (A) IN A CHILD CUSTODY PROCEEDING, IN ACCORDANCE WITH THE BEST
4 INTERESTS OF THE CHILD, THE COURT MAY AWARD SOLE CUSTODY TO EITHER
5 PARENT OR MAY AWARD JOINT CUSTODY TO BOTH PARENTS.

6 (B) AN AWARD OF JOINT CUSTODY MAY BE FULL OR SHARED AND MAY
7 SPECIFY PARTICULAR AREAS OR TYPES OF DECISION MAKING TO BE SHARED.

8 (C) AREAS OF SHARED DECISION MAKING MAY INCLUDE MAJOR DECISIONS
9 REGARDING EDUCATION, MEDICAL TREATMENT, RELIGIOUS TRAINING,
10 DISCIPLINE, SPORTS, AND EXTRACURRICULAR ACTIVITIES.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
12 only prospectively and may not be applied or interpreted to have any effect on or
13 application to any cause of action arising before the effective date of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1997.