
By: **Delegate Vallario (Commission on Uniform State Laws)**

Introduced and read first time: January 29, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Child-Custody Jurisdiction and Enforcement Act**

3 FOR the purpose of repealing the Maryland Uniform Child Custody Jurisdiction Act;
4 adopting the Maryland Uniform Child-Custody Jurisdiction and Enforcement
5 Act; establishing the general procedures for child-custody proceedings under
6 this Act; specifying the circumstances under which a court of this State and a
7 court of another state may exercise jurisdiction over child-custody
8 determinations; specifying the procedures for enforcing a child-custody
9 determination made under this Act; defining certain terms; making provisions
10 of this Act severable; providing for the application of this Act; and generally
11 relating to the Maryland Uniform Child-Custody Jurisdiction and Enforcement
12 Act.

13 BY repealing

14 Article - Family Law

15 Section 9-201 through 9-224, inclusive, and the subtitle "Subtitle

16 2. Maryland Uniform Child Custody Jurisdiction Act"

17 Annotated Code of Maryland

18 (1991 Replacement Volume and 1997 Supplement)

19 BY adding to

20 Article - Family Law

21 Section 9.5-101 through 9.5-317, inclusive, to be under the new title "Title

22 9.5. Maryland Uniform Child-Custody Jurisdiction and Enforcement
23 Act"

24 Annotated Code of Maryland

25 (1991 Replacement Volume and 1997 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

27 MARYLAND, That Section(s) 9-201 through 9-224, inclusive, and the subtitle

28 "Subtitle 2. Maryland Uniform Child Custody Jurisdiction Act" of Article - Family

29 Law of the Annotated Code of Maryland be repealed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Family Law**

4 TITLE 9.5. MARYLAND UNIFORM CHILD-CUSTODY JURISDICTION AND
5 ENFORCEMENT ACT.

6 SUBTITLE 1. GENERAL PROVISIONS.

7 9.5-101.

8 THIS TITLE MAY BE CITED AS THE UNIFORM CHILD-CUSTODY JURISDICTION
9 AND ENFORCEMENT ACT.

10 9.5-102.

11 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

12 (B) "ABANDONED" MEANS LEFT WITHOUT PROVISION FOR REASONABLE AND
13 NECESSARY CARE OR SUPERVISION.

14 (C) "CHILD" MEANS AN INDIVIDUAL WHO HAS NOT ATTAINED 18 YEARS OF
15 AGE.

16 (D) "CHILD-CUSTODY DETERMINATION" MEANS A JUDGMENT, DECREE, OR
17 OTHER ORDER OF A COURT PROVIDING FOR THE LEGAL CUSTODY, PHYSICAL
18 CUSTODY, OR VISITATION WITH RESPECT TO A CHILD. THE TERM INCLUDES A
19 PERMANENT, TEMPORARY, INITIAL, AND MODIFICATION ORDER. THE TERM DOES
20 NOT INCLUDE AN ORDER RELATING TO CHILD SUPPORT OR OTHER MONETARY
21 OBLIGATION OF AN INDIVIDUAL.

22 (E) "CHILD-CUSTODY PROCEEDING" MEANS A PROCEEDING IN WHICH LEGAL
23 CUSTODY, PHYSICAL CUSTODY, OR VISITATION WITH RESPECT TO A CHILD IS AN
24 ISSUE. THE TERM INCLUDES A PROCEEDING FOR DIVORCE, SEPARATION, NEGLECT,
25 ABUSE, DEPENDENCY, GUARDIANSHIP, PATERNITY, TERMINATION OF PARENTAL
26 RIGHTS, AND PROTECTION FROM DOMESTIC VIOLENCE, IN WHICH THE ISSUE MAY
27 APPEAR. THE TERM DOES NOT INCLUDE A PROCEEDING INVOLVING JUVENILE
28 DELINQUENCY, CONTRACTUAL EMANCIPATION, OR ENFORCEMENT UNDER
29 SUBTITLE 3 OF THIS TITLE.

30 (F) "COMMENCEMENT" MEANS THE FILING OF THE FIRST PLEADING IN A
31 PROCEEDING.

32 (G) "COURT" MEANS AN ENTITY AUTHORIZED UNDER THE LAW OF A STATE TO
33 ESTABLISH, ENFORCE, OR MODIFY A CHILD-CUSTODY DETERMINATION.

34 (H) "HOME STATE" MEANS THE STATE IN WHICH A CHILD LIVED WITH A
35 PARENT OR A PERSON ACTING AS A PARENT FOR AT LEAST 6 CONSECUTIVE MONTHS
36 IMMEDIATELY BEFORE THE COMMENCEMENT OF A CHILD-CUSTODY PROCEEDING.

1 IN THE CASE OF A CHILD LESS THAN 6 MONTHS OF AGE, THE TERM MEANS THE
2 STATE IN WHICH THE CHILD LIVED FROM BIRTH WITH ANY OF THE PERSONS
3 MENTIONED. A PERIOD OF TEMPORARY ABSENCE OF ANY OF THE MENTIONED
4 PERSONS IS PART OF THE PERIOD.

5 (I) "INITIAL DETERMINATION" MEANS THE FIRST CHILD-CUSTODY
6 DETERMINATION CONCERNING A PARTICULAR CHILD.

7 (J) "ISSUING COURT" MEANS THE COURT THAT MAKES A CHILD-CUSTODY
8 DETERMINATION FOR WHICH ENFORCEMENT IS SOUGHT UNDER THIS TITLE.

9 (K) "ISSUING STATE" MEANS THE STATE IN WHICH A CHILD-CUSTODY
10 DETERMINATION IS MADE.

11 (L) "MODIFICATION" MEANS A CHILD-CUSTODY DETERMINATION THAT
12 CHANGES, REPLACES, SUPERSEDES, OR IS OTHERWISE MADE AFTER A PREVIOUS
13 DETERMINATION CONCERNING THE SAME CHILD, WHETHER OR NOT IT IS MADE BY
14 THE COURT THAT MADE THE PREVIOUS DETERMINATION.

15 (M) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,
16 ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT
17 VENTURE, GOVERNMENT; GOVERNMENTAL SUBDIVISION, AGENCY, OR
18 INSTRUMENTALITY; PUBLIC CORPORATION; OR ANY OTHER LEGAL OR COMMERCIAL
19 ENTITY.

20 (N) "PERSON ACTING AS A PARENT" MEANS A PERSON, OTHER THAN A
21 PARENT, WHO:

22 (1) HAS PHYSICAL CUSTODY OF THE CHILD OR HAS HAD PHYSICAL
23 CUSTODY FOR A PERIOD OF 6 CONSECUTIVE MONTHS, INCLUDING ANY TEMPORARY
24 ABSENCE, WITHIN 1 YEAR IMMEDIATELY BEFORE THE COMMENCEMENT OF A
25 CHILD-CUSTODY PROCEEDING; AND

26 (2) HAS BEEN AWARDED LEGAL CUSTODY BY A COURT OR CLAIMS A
27 RIGHT TO LEGAL CUSTODY UNDER THE LAW OF THIS STATE.

28 (O) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVISION OF
29 A CHILD.

30 (P) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
31 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY
32 OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

33 (Q) "TRIBE" MEANS AN INDIAN TRIBE OR BAND, OR ALASKAN NATIVE VILLAGE,
34 WHICH IS RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWLEDGED BY A
35 STATE.

36 (R) "WARRANT" MEANS AN ORDER ISSUED BY A COURT AUTHORIZING LAW
37 ENFORCEMENT OFFICERS TO TAKE PHYSICAL CUSTODY OF A CHILD.

1 9.5-103.

2 THIS TITLE DOES NOT GOVERN AN ADOPTION PROCEEDING OR A PROCEEDING
3 PERTAINING TO THE AUTHORIZATION OF EMERGENCY MEDICAL CARE FOR A CHILD.

4 9.5-104.

5 (A) A CHILD-CUSTODY PROCEEDING THAT PERTAINS TO AN INDIAN CHILD AS
6 DEFINED IN THE INDIAN CHILD WELFARE ACT, 25 U.S.C. § 1901 ET SEQ., IS NOT
7 SUBJECT TO THIS TITLE TO THE EXTENT THAT IT IS GOVERNED BY THE INDIAN
8 CHILD WELFARE ACT.

9 (B) A COURT OF THIS STATE SHALL TREAT A TRIBE AS IF IT WERE A STATE OF
10 THE UNITED STATES FOR THE PURPOSE OF APPLYING SUBTITLES 1 AND 2 OF THIS
11 TITLE.

12 (C) A CHILD-CUSTODY DETERMINATION MADE BY A TRIBE UNDER FACTUAL
13 CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDICTIONAL
14 STANDARDS OF THIS TITLE MUST BE RECOGNIZED AND ENFORCED UNDER SUBTITLE
15 3 OF THIS TITLE.

16 9.5-105.

17 (A) A COURT OF THIS STATE SHALL TREAT A FOREIGN COUNTRY AS IF IT
18 WERE A STATE OF THE UNITED STATES FOR THE PURPOSE OF APPLYING SUBTITLES
19 1 AND 2 OF THIS TITLE.

20 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C), A CHILD-CUSTODY
21 DETERMINATION MADE IN A FOREIGN COUNTRY UNDER FACTUAL CIRCUMSTANCES
22 IN SUBSTANTIAL CONFORMITY WITH THE JURISDICTIONAL STANDARDS OF THIS
23 TITLE MUST BE RECOGNIZED AND ENFORCED UNDER SUBTITLE 3 OF THIS TITLE.

24 (C) A COURT OF THIS STATE NEED NOT APPLY THIS TITLE IF THE CHILD
25 CUSTODY LAW OF A FOREIGN COUNTRY VIOLATES FUNDAMENTAL PRINCIPLES OF
26 HUMAN RIGHTS.

27 9.5-106.

28 A CHILD-CUSTODY DETERMINATION MADE BY A COURT OF THIS STATE THAT
29 HAD JURISDICTION UNDER THIS TITLE BINDS ALL PERSONS WHO HAVE BEEN
30 SERVED IN ACCORDANCE WITH THE LAWS OF THIS STATE OR NOTIFIED IN
31 ACCORDANCE WITH § 9.5-108 OF THIS SUBTITLE OR WHO HAVE SUBMITTED TO THE
32 JURISDICTION OF THE COURT, AND WHO HAVE BEEN GIVEN AN OPPORTUNITY TO BE
33 HEARD. AS TO THOSE PERSONS, THE DETERMINATION IS CONCLUSIVE AS TO ALL
34 DECIDED ISSUES OF LAW AND FACT EXCEPT TO THE EXTENT THE DETERMINATION
35 IS MODIFIED.

1 9.5-107.

2 IF A QUESTION OF EXISTENCE OR EXERCISE OF JURISDICTION UNDER THIS
3 TITLE IS RAISED IN A CHILD-CUSTODY PROCEEDING, THE QUESTION, UPON
4 REQUEST OF A PARTY, MUST BE GIVEN PRIORITY ON THE CALENDAR AND HANDLED
5 EXPEDITIOUSLY.

6 9.5-108.

7 (A) NOTICE REQUIRED FOR THE EXERCISE OF JURISDICTION WHEN A PERSON
8 IS OUTSIDE THIS STATE MAY BE GIVEN IN A MANNER PRESCRIBED BY THE LAW OF
9 THIS STATE FOR SERVICE OF PROCESS OR BY THE LAW OF THE STATE IN WHICH THE
10 SERVICE IS MADE. NOTICE MUST BE GIVEN IN A MANNER REASONABLY CALCULATED
11 TO GIVE ACTUAL NOTICE BUT MAY BE BY PUBLICATION IF OTHER MEANS ARE NOT
12 EFFECTIVE.

13 (B) PROOF OF SERVICE MAY BE MADE IN THE MANNER PRESCRIBED BY THE
14 LAW OF THIS STATE OR BY THE LAW OF THE STATE IN WHICH THE SERVICE IS MADE.

15 (C) NOTICE IS NOT REQUIRED FOR THE EXERCISE OF JURISDICTION WITH
16 RESPECT TO A PERSON WHO SUBMITS TO THE JURISDICTION OF THE COURT.

17 9.5-109.

18 (A) A PARTY TO A CHILD-CUSTODY PROCEEDING, INCLUDING A
19 MODIFICATION PROCEEDING, OR A PETITIONER OR RESPONDENT IN A PROCEEDING
20 TO ENFORCE OR REGISTER A CHILD-CUSTODY DETERMINATION, IS NOT SUBJECT TO
21 PERSONAL JURISDICTION IN THIS STATE FOR ANOTHER PROCEEDING OR PURPOSE
22 SOLELY BY REASON OF HAVING PARTICIPATED, OR OF HAVING BEEN PHYSICALLY
23 PRESENT FOR THE PURPOSE OF PARTICIPATING, IN THE PROCEEDING.

24 (B) A PERSON WHO IS SUBJECT TO PERSONAL JURISDICTION IN THIS STATE
25 ON A BASIS OTHER THAN PHYSICAL PRESENCE IS NOT IMMUNE FROM SERVICE OF
26 PROCESS IN THIS STATE. A PARTY PRESENT IN THIS STATE WHO IS SUBJECT TO THE
27 JURISDICTION OF ANOTHER STATE IS NOT IMMUNE FROM SERVICE OF PROCESS
28 ALLOWABLE UNDER THE LAWS OF THAT STATE.

29 (C) THE IMMUNITY GRANTED BY SUBSECTION (A) OF THIS SECTION DOES NOT
30 EXTEND TO CIVIL LITIGATION BASED ON ACTS UNRELATED TO THE PARTICIPATION
31 IN A PROCEEDING UNDER THIS TITLE COMMITTED BY AN INDIVIDUAL WHILE
32 PRESENT IN THIS STATE.

33 9.5-110.

34 (A) A COURT OF THIS STATE MAY COMMUNICATE WITH A COURT IN ANOTHER
35 STATE CONCERNING A PROCEEDING ARISING UNDER THIS TITLE.

36 (B) THE COURT MAY ALLOW THE PARTIES TO PARTICIPATE IN THE
37 COMMUNICATION. IF THE PARTIES ARE NOT ABLE TO PARTICIPATE IN THE

1 COMMUNICATION, THEY MUST BE GIVEN THE OPPORTUNITY TO PRESENT FACTS
2 AND LEGAL ARGUMENTS BEFORE A DECISION ON JURISDICTION IS MADE.

3 (C) COMMUNICATION BETWEEN COURTS ON SCHEDULES, CALENDARS,
4 COURT RECORDS, AND SIMILAR MATTERS MAY OCCUR WITHOUT INFORMING THE
5 PARTIES. A RECORD NEED NOT BE MADE OF THE COMMUNICATION.

6 (D) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
7 RECORD MUST BE MADE OF A COMMUNICATION UNDER THIS SECTION. THE PARTIES
8 MUST BE INFORMED PROMPTLY OF THE COMMUNICATION AND GRANTED ACCESS TO
9 THE RECORD.

10 (E) FOR THE PURPOSES OF THIS SECTION, "RECORD" MEANS INFORMATION
11 THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC
12 OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

13 9.5-111.

14 (A) IN ADDITION TO OTHER PROCEDURES AVAILABLE TO A PARTY, A PARTY TO
15 A CHILD-CUSTODY PROCEEDING MAY OFFER TESTIMONY OF WITNESSES WHO ARE
16 LOCATED IN ANOTHER STATE, INCLUDING TESTIMONY OF THE PARTIES AND THE
17 CHILD, BY DEPOSITION OR OTHER MEANS ALLOWABLE IN THIS STATE FOR
18 TESTIMONY TAKEN IN ANOTHER STATE. THE COURT ON ITS OWN MOTION MAY
19 ORDER THAT THE TESTIMONY OF A PERSON BE TAKEN IN ANOTHER STATE AND MAY
20 PRESCRIBE THE MANNER IN WHICH AND THE TERMS UPON WHICH THE TESTIMONY
21 IS TAKEN.

22 (B) A COURT OF THIS STATE MAY PERMIT AN INDIVIDUAL RESIDING IN
23 ANOTHER STATE TO BE DEPOSED OR TO TESTIFY BY TELEPHONE, AUDIOVISUAL
24 MEANS, OR OTHER ELECTRONIC MEANS BEFORE A DESIGNATED COURT OR AT
25 ANOTHER LOCATION IN THAT STATE. A COURT OF THIS STATE SHALL COOPERATE
26 WITH COURTS OF OTHER STATES IN DESIGNATING AN APPROPRIATE LOCATION FOR
27 THE DEPOSITION OR TESTIMONY.

28 (C) DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A
29 COURT OF THIS STATE BY TECHNOLOGICAL MEANS THAT DO NOT PRODUCE AN
30 ORIGINAL WRITING MAY NOT BE EXCLUDED FROM EVIDENCE ON AN OBJECTION
31 BASED ON THE MEANS OF TRANSMISSION.

32 9.5-112.

33 (A) A COURT OF THIS STATE MAY REQUEST THE APPROPRIATE COURT OF
34 ANOTHER STATE TO:

35 (1) HOLD AN EVIDENTIARY HEARING;

36 (2) ORDER A PERSON TO PRODUCE OR GIVE EVIDENCE PURSUANT TO
37 PROCEDURES OF THAT STATE;

1 (3) ORDER THAT AN EVALUATION BE MADE WITH RESPECT TO THE
2 CUSTODY OF A CHILD INVOLVED IN A PENDING PROCEEDING;

3 (4) FORWARD TO THE COURT OF THIS STATE A CERTIFIED COPY OF THE
4 TRANSCRIPT OF THE RECORD OF THE HEARING, THE EVIDENCE OTHERWISE
5 PRESENTED, AND ANY EVALUATION PREPARED IN COMPLIANCE WITH THE REQUEST;
6 AND

7 (5) ORDER A PARTY TO A CHILD-CUSTODY PROCEEDING OR ANY
8 PERSON HAVING PHYSICAL CUSTODY OF THE CHILD TO APPEAR IN THE PROCEEDING
9 WITH OR WITHOUT THE CHILD.

10 (B) UPON REQUEST OF A COURT OF ANOTHER STATE, A COURT OF THIS STATE
11 MAY HOLD A HEARING OR ENTER AN ORDER DESCRIBED IN SUBSECTION (A) OF THIS
12 SECTION.

13 (C) TRAVEL AND OTHER NECESSARY AND REASONABLE EXPENSES INCURRED
14 UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION MAY BE ASSESSED AGAINST THE
15 PARTIES ACCORDING TO THE LAW OF THIS STATE.

16 (D) A COURT OF THIS STATE SHALL PRESERVE THE PLEADINGS, ORDERS,
17 DECREES, RECORDS OF HEARINGS, EVALUATIONS, AND OTHER PERTINENT RECORDS
18 WITH RESPECT TO A CHILD-CUSTODY PROCEEDING UNTIL THE CHILD ATTAINS 18
19 YEARS OF AGE. UPON APPROPRIATE REQUEST BY A COURT OR LAW ENFORCEMENT
20 OFFICIAL OF ANOTHER STATE, THE COURT SHALL FORWARD A CERTIFIED COPY OF
21 THOSE RECORDS.

22 SUBTITLE 2. JURISDICTION.

23 9.5-201.

24 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
25 COURT OF THIS STATE HAS JURISDICTION TO MAKE AN INITIAL CHILD-CUSTODY
26 DETERMINATION ONLY IF:

27 (1) THIS STATE IS THE HOME STATE OF THE CHILD ON THE DATE OF THE
28 COMMENCEMENT OF THE PROCEEDING, OR WAS THE HOME STATE OF THE CHILD
29 WITHIN 6 MONTHS BEFORE THE COMMENCEMENT OF THE PROCEEDING AND THE
30 CHILD IS ABSENT FROM THIS STATE BUT A PARENT OR PERSON ACTING AS A PARENT
31 CONTINUES TO LIVE IN THIS STATE;

32 (2) A COURT OF ANOTHER STATE DOES NOT HAVE JURISDICTION UNDER
33 ITEM (1) OF THIS SUBSECTION, OR A COURT OF THE HOME STATE OF THE CHILD HAS
34 DECLINED TO EXERCISE JURISDICTION ON THE GROUND THAT THIS STATE IS THE
35 MORE APPROPRIATE FORUM UNDER § 9.5-207 OR § 9.5-208 OF THIS SUBTITLE, AND:

36 (I) THE CHILD AND THE CHILD'S PARENTS, OR THE CHILD AND AT
37 LEAST ONE PARENT OR A PERSON ACTING AS A PARENT, HAVE A SIGNIFICANT
38 CONNECTION WITH THIS STATE OTHER THAN MERE PHYSICAL PRESENCE; AND

1 (II) SUBSTANTIAL EVIDENCE IS AVAILABLE IN THIS STATE
2 CONCERNING THE CHILD'S CARE, PROTECTION, TRAINING, AND PERSONAL
3 RELATIONSHIPS;

4 (3) ALL COURTS HAVING JURISDICTION UNDER ITEM (1) OR (2) OF THIS
5 SUBSECTION HAVE DECLINED TO EXERCISE JURISDICTION ON THE GROUND THAT A
6 COURT OF THIS STATE IS THE MORE APPROPRIATE FORUM TO DETERMINE THE
7 CUSTODY OF THE CHILD UNDER § 9.5-207 OR § 9.5-208 OF THIS SUBTITLE; OR

8 (4) NO COURT OF ANY OTHER STATE WOULD HAVE JURISDICTION
9 UNDER THE CRITERIA SPECIFIED IN ITEM (1), (2), OR (3) OF THIS SUBSECTION.

10 (B) SUBSECTION (A) OF THIS SECTION IS THE EXCLUSIVE JURISDICTIONAL
11 BASIS FOR MAKING A CHILD-CUSTODY DETERMINATION BY A COURT OF THIS STATE.

12 (C) PHYSICAL PRESENCE OF, OR PERSONAL JURISDICTION OVER, A PARTY OR
13 A CHILD IS NOT NECESSARY OR SUFFICIENT TO MAKE A CHILD-CUSTODY
14 DETERMINATION.

15 9.5-202.

16 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
17 COURT OF THIS STATE WHICH HAS MADE A CHILD-CUSTODY DETERMINATION
18 CONSISTENT WITH § 9.5-201 OR § 9.5-203 OF THIS SUBTITLE HAS EXCLUSIVE,
19 CONTINUING JURISDICTION OVER THE DETERMINATION UNTIL:

20 (1) THE COURT OF THIS STATE DETERMINES THAT NEITHER THE CHILD,
21 THE CHILD'S PARENTS, AND ANY PERSON ACTING AS A PARENT DO NOT HAVE A
22 SIGNIFICANT CONNECTION WITH THIS STATE AND THAT SUBSTANTIAL EVIDENCE IS
23 NO LONGER AVAILABLE IN THIS STATE CONCERNING THE CHILD'S CARE,
24 PROTECTION, TRAINING, AND PERSONAL RELATIONSHIPS; OR

25 (2) A COURT OF THIS STATE OR A COURT OF ANOTHER STATE
26 DETERMINES THAT THE CHILD, THE CHILD'S PARENTS, AND ANY PERSON ACTING AS
27 A PARENT DO NOT PRESENTLY RESIDE IN THIS STATE.

28 (B) A COURT OF THIS STATE WHICH HAS MADE A CHILD-CUSTODY
29 DETERMINATION AND DOES NOT HAVE EXCLUSIVE, CONTINUING JURISDICTION
30 UNDER THIS SECTION MAY MODIFY THAT DETERMINATION ONLY IF IT HAS
31 JURISDICTION TO MAKE AN INITIAL DETERMINATION UNDER § 9.5-201 OF THIS
32 SUBTITLE.

33 9.5-203.

34 EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A COURT OF
35 THIS STATE MAY NOT MODIFY A CHILD-CUSTODY DETERMINATION MADE BY A
36 COURT OF ANOTHER STATE UNLESS A COURT OF THIS STATE HAS JURISDICTION TO
37 MAKE AN INITIAL DETERMINATION UNDER § 9.5-201(A)(1) OR (2) OF THIS SUBTITLE
38 AND:

1 (1) THE COURT OF THE OTHER STATE DETERMINES IT NO LONGER HAS
2 EXCLUSIVE, CONTINUING JURISDICTION UNDER § 9.5-202 OF THIS SUBTITLE OR
3 THAT A COURT OF THIS STATE WOULD BE A MORE CONVENIENT FORUM UNDER §
4 9.5-207 OF THIS SUBTITLE; OR

5 (2) A COURT OF THIS STATE OR A COURT OF THE OTHER STATE
6 DETERMINES THAT THE CHILD, THE CHILD'S PARENTS, AND ANY PERSON ACTING AS
7 A PARENT DO NOT PRESENTLY RESIDE IN THE OTHER STATE.

8 9.5-204.

9 (A) A COURT OF THIS STATE HAS TEMPORARY EMERGENCY JURISDICTION IF
10 THE CHILD IS PRESENT IN THIS STATE AND THE CHILD HAS BEEN ABANDONED OR IT
11 IS NECESSARY IN AN EMERGENCY TO PROTECT THE CHILD BECAUSE THE CHILD, OR
12 A SIBLING OR PARENT OF THE CHILD, IS SUBJECTED TO OR THREATENED WITH
13 MISTREATMENT OR ABUSE.

14 (B) IF THERE IS NO PREVIOUS CHILD-CUSTODY DETERMINATION THAT IS
15 ENTITLED TO BE ENFORCED UNDER THIS TITLE AND A CHILD-CUSTODY
16 PROCEEDING HAS NOT BEEN COMMENCED IN A COURT OF A STATE HAVING
17 JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, A
18 CHILD-CUSTODY DETERMINATION MADE UNDER THIS SECTION REMAINS IN EFFECT
19 UNTIL AN ORDER IS OBTAINED FROM A COURT OF A STATE HAVING JURISDICTION
20 UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBSECTION. IF A CHILD-CUSTODY
21 PROCEEDING HAS NOT BEEN OR IS NOT COMMENCED IN A COURT OF A STATE
22 HAVING JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, A
23 CHILD-CUSTODY DETERMINATION MADE UNDER THIS SECTION BECOMES A FINAL
24 DETERMINATION, IF IT SO PROVIDES AND THIS STATE BECOMES THE HOME STATE
25 OF THE CHILD.

26 (C) IF THERE IS A PREVIOUS CHILD-CUSTODY DETERMINATION THAT IS
27 ENTITLED TO BE ENFORCED UNDER THIS TITLE, OR A CHILD-CUSTODY PROCEEDING
28 HAS BEEN COMMENCED IN A COURT OF A STATE HAVING JURISDICTION UNDER §§
29 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, ANY ORDER ISSUED BY A COURT OF
30 THIS STATE UNDER THIS SECTION MUST SPECIFY IN THE ORDER A PERIOD THAT THE
31 COURT CONSIDERS ADEQUATE TO ALLOW THE PERSON SEEKING AN ORDER TO
32 OBTAIN AN ORDER FROM THE STATE HAVING JURISDICTION UNDER §§ 9.5-201
33 THROUGH 9.5-203 OF THIS SUBTITLE. THE ORDER ISSUED IN THIS STATE REMAINS IN
34 EFFECT UNTIL AN ORDER IS OBTAINED FROM THE OTHER STATE WITHIN THE
35 PERIOD SPECIFIED OR THE PERIOD EXPIRES.

36 (D) A COURT OF THIS STATE WHICH HAS BEEN ASKED TO MAKE A
37 CHILD-CUSTODY DETERMINATION UNDER THIS SECTION, UPON BEING INFORMED
38 THAT A CHILD-CUSTODY PROCEEDING HAS BEEN COMMENCED IN, OR A
39 CHILD-CUSTODY DETERMINATION HAS BEEN MADE BY, A COURT OF A STATE
40 HAVING JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, SHALL
41 IMMEDIATELY COMMUNICATE WITH THE OTHER COURT. A COURT OF THIS STATE
42 WHICH IS EXERCISING JURISDICTION PURSUANT TO §§ 9.5-201 THROUGH 9.5-203 OF
43 THIS SUBTITLE, UPON BEING INFORMED THAT A CHILD-CUSTODY PROCEEDING HAS

1 BEEN COMMENCED IN, OR A CHILD-CUSTODY DETERMINATION HAS BEEN MADE BY,
2 A COURT OF ANOTHER STATE UNDER A STATUTE SIMILAR TO THIS SECTION SHALL
3 IMMEDIATELY COMMUNICATE WITH THE COURT OF THAT STATE TO RESOLVE THE
4 EMERGENCY, PROTECT THE SAFETY OF THE PARTIES AND THE CHILD, AND
5 DETERMINE A PERIOD FOR THE DURATION OF THE TEMPORARY ORDER.

6 9.5-205.

7 (A) BEFORE A CHILD-CUSTODY DETERMINATION IS MADE UNDER THIS TITLE,
8 NOTICE AND AN OPPORTUNITY TO BE HEARD IN ACCORDANCE WITH THE
9 STANDARDS OF § 9.5-108 OF THIS TITLE, MUST BE GIVEN TO ALL PERSONS ENTITLED
10 TO NOTICE UNDER THE LAW OF THIS STATE AS IN CHILD-CUSTODY PROCEEDINGS
11 BETWEEN RESIDENTS OF THIS STATE, ANY PARENT WHOSE PARENTAL RIGHTS HAVE
12 NOT BEEN PREVIOUSLY TERMINATED, AND ANY PERSON HAVING PHYSICAL
13 CUSTODY OF THE CHILD.

14 (B) THIS TITLE DOES NOT GOVERN THE ENFORCEABILITY OF A
15 CHILD-CUSTODY DETERMINATION MADE WITHOUT NOTICE OR AN OPPORTUNITY TO
16 BE HEARD.

17 (C) THE OBLIGATION TO JOIN A PARTY AND THE RIGHT TO INTERVENE AS A
18 PARTY IN A CHILD-CUSTODY PROCEEDING UNDER THIS TITLE ARE GOVERNED BY
19 THE LAW OF THIS STATE AS IN CHILD-CUSTODY PROCEEDINGS BETWEEN
20 RESIDENTS OF THIS STATE.

21 9.5-206.

22 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
23 COURT OF THIS STATE MAY NOT EXERCISE ITS JURISDICTION UNDER THIS SUBTITLE
24 IF, AT THE TIME OF THE COMMENCEMENT OF THE PROCEEDING, A PROCEEDING
25 CONCERNING THE CUSTODY OF THE CHILD HAS BEEN COMMENCED IN A COURT OF
26 ANOTHER STATE HAVING JURISDICTION SUBSTANTIALLY IN CONFORMITY WITH
27 THIS TITLE, UNLESS THE PROCEEDING HAS BEEN TERMINATED OR IS STAYED BY
28 THE COURT OF THE OTHER STATE BECAUSE A COURT OF THIS STATE IS A MORE
29 CONVENIENT FORUM UNDER § 9.5-207 OF THIS SUBTITLE.

30 (B) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
31 COURT OF THIS STATE, BEFORE HEARING A CHILD-CUSTODY PROCEEDING, SHALL
32 EXAMINE THE COURT DOCUMENTS AND OTHER INFORMATION SUPPLIED BY THE
33 PARTIES PURSUANT TO § 9.5-209 OF THIS SUBTITLE. IF THE COURT DETERMINES
34 THAT A CHILD-CUSTODY PROCEEDING HAS BEEN COMMENCED IN A COURT IN
35 ANOTHER STATE HAVING JURISDICTION SUBSTANTIALLY IN ACCORDANCE WITH
36 THIS TITLE, THE COURT OF THIS STATE SHALL STAY ITS PROCEEDING AND
37 COMMUNICATE WITH THE COURT OF THE OTHER STATE. IF THE COURT OF THE
38 STATE HAVING JURISDICTION SUBSTANTIALLY IN ACCORDANCE WITH THIS TITLE
39 DOES NOT DETERMINE THAT THE COURT OF THIS STATE IS A MORE APPROPRIATE
40 FORUM, THE COURT OF THIS STATE SHALL DISMISS THE PROCEEDING.

41 (C) IN A PROCEEDING TO MODIFY A CHILD-CUSTODY DETERMINATION, A
42 COURT OF THIS STATE SHALL DETERMINE WHETHER A PROCEEDING TO ENFORCE

1 THE DETERMINATION HAS BEEN COMMENCED IN ANOTHER STATE. IF A
2 PROCEEDING TO ENFORCE A CHILD-CUSTODY DETERMINATION HAS BEEN
3 COMMENCED IN ANOTHER STATE, THE COURT MAY:

4 (1) STAY THE PROCEEDING FOR MODIFICATION PENDING THE ENTRY
5 OF AN ORDER OF A COURT OF THE OTHER STATE ENFORCING, STAYING, DENYING, OR
6 DISMISSING THE PROCEEDING FOR ENFORCEMENT;

7 (2) ENJOIN THE PARTIES FROM CONTINUING WITH THE PROCEEDING
8 FOR ENFORCEMENT; OR

9 (3) PROCEED WITH THE MODIFICATION UNDER CONDITIONS IT
10 CONSIDERS APPROPRIATE.

11 9.5-207.

12 (A) A COURT OF THIS STATE WHICH HAS JURISDICTION UNDER THIS TITLE TO
13 MAKE A CHILD-CUSTODY DETERMINATION MAY DECLINE TO EXERCISE ITS
14 JURISDICTION AT ANY TIME IF IT DETERMINES THAT IT IS AN INCONVENIENT
15 FORUM UNDER THE CIRCUMSTANCES AND THAT A COURT OF ANOTHER STATE IS A
16 MORE APPROPRIATE FORUM. THE ISSUE OF INCONVENIENT FORUM MAY BE RAISED
17 UPON MOTION OF A PARTY, THE COURT'S OWN MOTION, OR REQUEST OF ANOTHER
18 COURT.

19 (B) BEFORE DETERMINING WHETHER IT IS AN INCONVENIENT FORUM, A
20 COURT OF THIS STATE SHALL CONSIDER WHETHER IT IS APPROPRIATE FOR A COURT
21 OF ANOTHER STATE TO EXERCISE JURISDICTION. FOR THIS PURPOSE, THE COURT
22 SHALL ALLOW THE PARTIES TO SUBMIT INFORMATION AND SHALL CONSIDER ALL
23 RELEVANT FACTORS, INCLUDING:

24 (1) WHETHER DOMESTIC VIOLENCE HAS OCCURRED AND IS LIKELY TO
25 CONTINUE IN THE FUTURE AND WHICH STATE COULD BEST PROTECT THE PARTIES
26 AND THE CHILD;

27 (2) THE LENGTH OF TIME THE CHILD HAS RESIDED OUTSIDE THIS
28 STATE;

29 (3) THE DISTANCE BETWEEN THE COURT IN THIS STATE AND THE
30 COURT IN THE STATE THAT WOULD ASSUME JURISDICTION;

31 (4) THE RELATIVE FINANCIAL CIRCUMSTANCES OF THE PARTIES;

32 (5) ANY AGREEMENT OF THE PARTIES AS TO WHICH STATE SHOULD
33 ASSUME JURISDICTION;

34 (6) THE NATURE AND LOCATION OF THE EVIDENCE REQUIRED TO
35 RESOLVE THE PENDING LITIGATION, INCLUDING TESTIMONY OF THE CHILD;

1 (7) THE ABILITY OF THE COURT OF EACH STATE TO DECIDE THE ISSUE
2 EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT THE EVIDENCE;
3 AND

4 (8) THE FAMILIARITY OF THE COURT OF EACH STATE WITH THE FACTS
5 AND ISSUES IN THE PENDING LITIGATION.

6 (C) IF A COURT OF THIS STATE DETERMINES THAT IT IS AN INCONVENIENT
7 FORUM AND THAT A COURT OF ANOTHER STATE IS A MORE APPROPRIATE FORUM, IT
8 SHALL STAY THE PROCEEDINGS UPON CONDITION THAT A CHILD-CUSTODY
9 PROCEEDING BE PROMPTLY COMMENCED IN ANOTHER DESIGNATED STATE AND
10 MAY IMPOSE ANY OTHER CONDITION THE COURT CONSIDERS JUST AND PROPER.

11 (D) A COURT OF THIS STATE MAY DECLINE TO EXERCISE ITS JURISDICTION
12 UNDER THIS TITLE IF A CHILD-CUSTODY DETERMINATION IS INCIDENTAL TO AN
13 ACTION FOR DIVORCE OR ANOTHER PROCEEDING WHILE STILL RETAINING
14 JURISDICTION OVER THE DIVORCE OR OTHER PROCEEDING.

15 9.5-208.

16 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE OR BY
17 OTHER LAW OF THIS STATE, IF A COURT OF THIS STATE HAS JURISDICTION UNDER
18 THIS TITLE BECAUSE A PERSON SEEKING TO INVOKE ITS JURISDICTION HAS
19 ENGAGED IN UNJUSTIFIABLE CONDUCT, THE COURT SHALL DECLINE TO EXERCISE
20 ITS JURISDICTION UNLESS:

21 (1) THE PARENTS AND ALL PERSONS ACTING AS PARENTS HAVE
22 ACQUIESCED IN THE EXERCISE OF JURISDICTION;

23 (2) A COURT OF THE STATE OTHERWISE HAVING JURISDICTION UNDER
24 §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE DETERMINES THAT THIS STATE IS A
25 MORE APPROPRIATE FORUM UNDER § 9.5-207 OF THIS SUBTITLE; OR

26 (3) NO COURT OF ANY OTHER STATE WOULD HAVE JURISDICTION
27 UNDER THE CRITERIA SPECIFIED IN §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE.

28 (B) IF A COURT OF THIS STATE DECLINES TO EXERCISE ITS JURISDICTION
29 PURSUANT TO SUBSECTION (A) OF THIS SECTION, IT MAY FASHION AN APPROPRIATE
30 REMEDY TO ENSURE THE SAFETY OF THE CHILD AND PREVENT A REPETITION OF
31 THE UNJUSTIFIABLE CONDUCT, INCLUDING STAYING THE PROCEEDING UNTIL A
32 CHILD-CUSTODY PROCEEDING IS COMMENCED IN A COURT HAVING JURISDICTION
33 UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE.

34 (C) IF A COURT DISMISSES A PETITION OR STAYS A PROCEEDING BECAUSE IT
35 DECLINES TO EXERCISE ITS JURISDICTION PURSUANT TO SUBSECTION (A) OF THIS
36 SECTION, IT SHALL ASSESS AGAINST THE PARTY SEEKING TO INVOKE ITS
37 JURISDICTION NECESSARY AND REASONABLE EXPENSES INCLUDING COSTS,
38 COMMUNICATION EXPENSES, ATTORNEY'S FEES, INVESTIGATIVE FEES, EXPENSES
39 FOR WITNESSES, TRAVEL EXPENSES, AND CHILD CARE DURING THE COURSE OF THE
40 PROCEEDINGS, UNLESS THE PARTY FROM WHOM FEES ARE SOUGHT ESTABLISHES

1 THAT THE ASSESSMENT WOULD BE CLEARLY INAPPROPRIATE. THE COURT MAY NOT
2 ASSESS FEES, COSTS, OR EXPENSES AGAINST THIS STATE UNLESS AUTHORIZED BY
3 LAW OTHER THAN THIS TITLE.

4 9.5-209.

5 (A) SUBJECT TO ANY STATE OR LOCAL LAW PROVIDING FOR THE
6 CONFIDENTIALITY OF PROCEDURES, ADDRESSES, AND OTHER IDENTIFYING
7 INFORMATION, IN A CHILD-CUSTODY PROCEEDING, EACH PARTY, IN ITS FIRST
8 PLEADING OR IN AN ATTACHED AFFIDAVIT, SHALL GIVE INFORMATION, IF
9 REASONABLY ASCERTAINABLE, UNDER OATH AS TO THE CHILD'S PRESENT ADDRESS
10 OR WHEREABOUTS, THE PLACES WHERE THE CHILD HAS LIVED DURING THE LAST 5
11 YEARS, AND THE NAMES AND PRESENT ADDRESSES OF THE PERSONS WITH WHOM
12 THE CHILD HAS LIVED DURING THAT PERIOD. THE PLEADING OR AFFIDAVIT MUST
13 STATE WHETHER THE PARTY:

14 (1) HAS PARTICIPATED, AS A PARTY OR WITNESS OR IN ANY OTHER
15 CAPACITY, IN ANY OTHER PROCEEDING CONCERNING THE CUSTODY OF OR
16 VISITATION WITH THE CHILD AND, IF SO, IDENTIFY THE COURT, THE CASE NUMBER,
17 AND THE DATE OF THE CHILD-CUSTODY DETERMINATION, IF ANY;

18 (2) KNOWS OF ANY PROCEEDING THAT COULD AFFECT THE CURRENT
19 PROCEEDING, INCLUDING PROCEEDINGS FOR ENFORCEMENT AND PROCEEDINGS
20 RELATING TO DOMESTIC VIOLENCE, PROTECTIVE ORDERS, TERMINATION OF
21 PARENTAL RIGHTS, AND ADOPTIONS AND, IF SO, IDENTIFY THE COURT, THE CASE
22 NUMBER, AND THE NATURE OF THE PROCEEDING; AND

23 (3) KNOWS THE NAMES AND ADDRESSES OF ANY PERSON NOT A PARTY
24 TO THE PROCEEDING WHO HAS PHYSICAL CUSTODY OF THE CHILD OR CLAIMS
25 RIGHTS OF LEGAL CUSTODY OR PHYSICAL CUSTODY OF, OR VISITATION WITH, THE
26 CHILD AND, IF SO, THE NAMES AND ADDRESSES OF THOSE PERSONS.

27 (B) IF THE INFORMATION REQUIRED BY SUBSECTION (A) OF THIS SECTION IS
28 NOT FURNISHED, THE COURT, UPON MOTION OF A PARTY OR ITS OWN MOTION, MAY
29 STAY THE PROCEEDING UNTIL THE INFORMATION IS FURNISHED.

30 (C) IF THE DECLARATION AS TO ANY OF THE ITEMS DESCRIBED IN
31 SUBSECTION (A)(1) THROUGH (3) OF THIS SECTION IS IN THE AFFIRMATIVE, THE
32 DECLARANT SHALL GIVE ADDITIONAL INFORMATION UNDER OATH AS REQUIRED BY
33 THE COURT. THE COURT MAY EXAMINE THE PARTIES UNDER OATH AS TO DETAILS
34 OF THE INFORMATION FURNISHED AND OTHER MATTERS PERTINENT TO THE
35 COURT'S JURISDICTION AND THE DISPOSITION OF THE CASE.

36 (D) EACH PARTY HAS A CONTINUING DUTY TO INFORM THE COURT OF ANY
37 PROCEEDING IN THIS OR ANY OTHER STATE THAT COULD AFFECT THE CURRENT
38 PROCEEDING.

39 (E) IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER OATH THAT
40 THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE JEOPARDIZED
41 BY DISCLOSURE OF IDENTIFYING INFORMATION, THE INFORMATION MUST BE

1 SEALED AND MAY NOT BE DISCLOSED TO THE OTHER PARTY OR THE PUBLIC UNLESS
2 THE COURT ORDERS THE DISCLOSURE TO BE MADE AFTER A HEARING IN WHICH
3 THE COURT TAKES INTO CONSIDERATION THE HEALTH, SAFETY, OR LIBERTY OF THE
4 PARTY OR CHILD AND DETERMINES THAT THE DISCLOSURE IS IN THE INTEREST OF
5 JUSTICE.

6 9.5-210.

7 (A) IN A CHILD-CUSTODY PROCEEDING IN THIS STATE, THE COURT MAY
8 ORDER A PARTY TO THE PROCEEDING WHO IS IN THIS STATE TO APPEAR BEFORE
9 THE COURT IN PERSON WITH OR WITHOUT THE CHILD. THE COURT MAY ORDER ANY
10 PERSON WHO IS IN THIS STATE AND WHO HAS PHYSICAL CUSTODY OR CONTROL OF
11 THE CHILD TO APPEAR IN PERSON WITH THE CHILD.

12 (B) IF A PARTY TO A CHILD-CUSTODY PROCEEDING WHOSE PRESENCE IS
13 DESIRED BY THE COURT IS OUTSIDE THIS STATE, THE COURT MAY ORDER THAT A
14 NOTICE GIVEN PURSUANT TO § 9.5-108 OF THIS TITLE INCLUDE A STATEMENT
15 DIRECTING THE PARTY TO APPEAR IN PERSON WITH OR WITHOUT THE CHILD AND
16 INFORMING THE PARTY THAT FAILURE TO APPEAR MAY RESULT IN A DECISION
17 ADVERSE TO THE PARTY.

18 (C) THE COURT MAY ENTER ANY ORDERS NECESSARY TO ENSURE THE
19 SAFETY OF THE CHILD AND OF ANY PERSON ORDERED TO APPEAR UNDER THIS
20 SECTION.

21 (D) IF A PARTY TO A CHILD-CUSTODY PROCEEDING WHO IS OUTSIDE THIS
22 STATE IS DIRECTED TO APPEAR UNDER SUBSECTION (B) OF THIS SECTION OR
23 DESIRES TO APPEAR PERSONALLY BEFORE THE COURT WITH OR WITHOUT THE
24 CHILD, THE COURT MAY REQUIRE ANOTHER PARTY TO PAY REASONABLE AND
25 NECESSARY TRAVEL AND OTHER EXPENSES OF THE PARTY SO APPEARING AND OF
26 THE CHILD.

27 SUBTITLE 3. ENFORCEMENT.

28 9.5-301.

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

31 (B) "PETITIONER" MEANS A PERSON WHO SEEKS ENFORCEMENT OF AN
32 ORDER FOR RETURN OF A CHILD UNDER THE HAGUE CONVENTION ON THE CIVIL
33 ASPECTS OF INTERNATIONAL CHILD ABDUCTION OR ENFORCEMENT OF A
34 CHILD-CUSTODY DETERMINATION.

35 (C) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PROCEEDING HAS
36 BEEN COMMENCED FOR ENFORCEMENT OF AN ORDER FOR RETURN OF A CHILD
37 UNDER THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD
38 ABDUCTION OR ENFORCEMENT OF A CHILD-CUSTODY DETERMINATION.

1 9.5-302.

2 UNDER THIS SUBTITLE A COURT OF THIS STATE MAY ENFORCE AN ORDER FOR
3 THE RETURN OF THE CHILD MADE UNDER THE HAGUE CONVENTION ON THE CIVIL
4 ASPECTS OF INTERNATIONAL CHILD ABDUCTION AS IF IT WERE A CHILD-CUSTODY
5 DETERMINATION.

6 9.5-303.

7 (A) A COURT OF THIS STATE SHALL RECOGNIZE AND ENFORCE A
8 CHILD-CUSTODY DETERMINATION OF A COURT OF ANOTHER STATE IF THE LATTER
9 COURT EXERCISED JURISDICTION IN SUBSTANTIAL CONFORMITY WITH THIS TITLE
10 OR THE DETERMINATION WAS MADE UNDER FACTUAL CIRCUMSTANCES MEETING
11 THE JURISDICTIONAL STANDARDS OF THIS TITLE AND THE DETERMINATION HAS
12 NOT BEEN MODIFIED IN ACCORDANCE WITH THIS TITLE.

13 (B) A COURT OF THIS STATE MAY UTILIZE ANY REMEDY AVAILABLE UNDER
14 OTHER LAW OF THIS STATE TO ENFORCE A CHILD-CUSTODY DETERMINATION MADE
15 BY A COURT OF ANOTHER STATE. THE REMEDIES PROVIDED IN THIS SUBTITLE ARE
16 CUMULATIVE AND DO NOT AFFECT THE AVAILABILITY OF OTHER REMEDIES TO
17 ENFORCE A CHILD-CUSTODY DETERMINATION.

18 9.5-304.

19 (A) A COURT OF THIS STATE WHICH DOES NOT HAVE JURISDICTION TO
20 MODIFY A CHILD-CUSTODY DETERMINATION, MAY ISSUE A TEMPORARY ORDER
21 ENFORCING:

22 (1) A VISITATION SCHEDULE MADE BY A COURT OF ANOTHER STATE; OR

23 (2) THE VISITATION PROVISIONS OF A CHILD-CUSTODY
24 DETERMINATION OF ANOTHER STATE THAT DOES NOT PROVIDE FOR A SPECIFIC
25 VISITATION SCHEDULE.

26 (B) IF A COURT OF THIS STATE MAKES AN ORDER UNDER SUBSECTION (A)(2)
27 OF THIS SECTION, IT SHALL SPECIFY IN THE ORDER A PERIOD THAT IT CONSIDERS
28 ADEQUATE TO ALLOW THE PETITIONER TO OBTAIN AN ORDER FROM A COURT
29 HAVING JURISDICTION UNDER THE CRITERIA SPECIFIED IN SUBTITLE 2 OF THIS
30 TITLE. THE ORDER REMAINS IN EFFECT UNTIL AN ORDER IS OBTAINED FROM THE
31 OTHER COURT OR THE PERIOD EXPIRES.

32 9.5-305.

33 (A) A CHILD-CUSTODY DETERMINATION ISSUED BY A COURT OF ANOTHER
34 STATE MAY BE REGISTERED IN THIS STATE, WITH OR WITHOUT A SIMULTANEOUS
35 REQUEST FOR ENFORCEMENT, BY SENDING TO THE APPROPRIATE COURT IN THIS
36 STATE:

37 (1) A LETTER OR OTHER DOCUMENT REQUESTING REGISTRATION;

1 (2) TWO COPIES, INCLUDING ONE CERTIFIED COPY, OF THE
2 DETERMINATION SOUGHT TO BE REGISTERED, AND A STATEMENT UNDER PENALTY
3 OF PERJURY THAT TO THE BEST OF THE KNOWLEDGE AND BELIEF OF THE PERSON
4 SEEKING REGISTRATION THE ORDER HAS NOT BEEN MODIFIED; AND

5 (3) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-209 OF THIS TITLE, THE
6 NAME AND ADDRESS OF THE PERSON SEEKING REGISTRATION AND ANY PARENT OR
7 PERSON ACTING AS A PARENT WHO HAS BEEN AWARDED CUSTODY OR VISITATION IN
8 THE CHILD-CUSTODY DETERMINATION SOUGHT TO BE REGISTERED.

9 (B) ON RECEIPT OF THE DOCUMENTS REQUIRED BY SUBSECTION (A) OF THIS
10 SECTION, THE REGISTERING COURT SHALL:

11 (1) CAUSE THE DETERMINATION TO BE FILED AS A FOREIGN
12 JUDGMENT, TOGETHER WITH ONE COPY OF ANY ACCOMPANYING DOCUMENTS AND
13 INFORMATION, REGARDLESS OF THEIR FORM; AND

14 (2) SERVE NOTICE UPON THE PERSONS NAMED PURSUANT TO
15 SUBSECTION (A)(3) OF THIS SECTION AND PROVIDE THEM WITH AN OPPORTUNITY TO
16 CONTEST THE REGISTRATION IN ACCORDANCE WITH THIS SECTION.

17 (C) THE NOTICE REQUIRED BY SUBSECTION (B)(2) OF THIS SECTION MUST
18 STATE THAT:

19 (1) A REGISTERED DETERMINATION IS ENFORCEABLE AS OF THE DATE
20 OF THE REGISTRATION IN THE SAME MANNER AS A DETERMINATION ISSUED BY A
21 COURT OF THIS STATE;

22 (2) A HEARING TO CONTEST THE VALIDITY OF THE REGISTERED
23 DETERMINATION MUST BE REQUESTED WITHIN 20 DAYS AFTER SERVICE OF NOTICE;
24 AND

25 (3) FAILURE TO CONTEST THE REGISTRATION WILL RESULT IN
26 CONFIRMATION OF THE CHILD-CUSTODY DETERMINATION AND PRECLUDE
27 FURTHER CONTEST OF THAT DETERMINATION WITH RESPECT TO ANY MATTER THAT
28 COULD HAVE BEEN ASSERTED.

29 (D) A PERSON SEEKING TO CONTEST THE VALIDITY OF A REGISTERED ORDER
30 MUST REQUEST A HEARING WITHIN 20 DAYS AFTER SERVICE OF THE NOTICE. AT
31 THAT HEARING, THE COURT SHALL CONFIRM THE REGISTERED ORDER UNLESS THE
32 PERSON CONTESTING REGISTRATION ESTABLISHES THAT:

33 (1) THE ISSUING COURT DID NOT HAVE JURISDICTION UNDER SUBTITLE
34 2 OF THIS TITLE;

35 (2) THE CHILD-CUSTODY DETERMINATION SOUGHT TO BE REGISTERED
36 HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT HAVING JURISDICTION TO
37 DO SO UNDER SUBTITLE 2 OF THIS TITLE; OR

1 (3) THE PERSON CONTESTING REGISTRATION WAS ENTITLED TO
2 NOTICE, BUT NOTICE WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF §
3 9.5-108 OF THIS TITLE, IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED THE
4 ORDER FOR WHICH REGISTRATION IS SOUGHT.

5 (E) IF A TIMELY REQUEST FOR A HEARING TO CONTEST THE VALIDITY OF THE
6 REGISTRATION IS NOT MADE, THE REGISTRATION IS CONFIRMED AS A MATTER OF
7 LAW AND THE PERSON REQUESTING REGISTRATION AND ALL PERSONS SERVED
8 MUST BE NOTIFIED OF THE CONFIRMATION.

9 (F) CONFIRMATION OF A REGISTERED ORDER, WHETHER BY OPERATION OF
10 LAW OR AFTER NOTICE AND HEARING, PRECLUDES FURTHER CONTEST OF THE
11 ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED AT THE
12 TIME OF REGISTRATION.

13 9.5-306.

14 (A) A COURT OF THIS STATE MAY GRANT ANY RELIEF NORMALLY AVAILABLE
15 UNDER THE LAW OF THIS STATE TO ENFORCE A REGISTERED CHILD-CUSTODY
16 DETERMINATION MADE BY A COURT OF ANOTHER STATE.

17 (B) A COURT OF THIS STATE SHALL RECOGNIZE AND ENFORCE, BUT MAY NOT
18 MODIFY, EXCEPT IN ACCORDANCE WITH SUBTITLE 2 OF THIS TITLE, A REGISTERED
19 CHILD-CUSTODY DETERMINATION OF A COURT OF ANOTHER STATE.

20 9.5-307.

21 IF A PROCEEDING FOR ENFORCEMENT UNDER THIS SUBTITLE IS COMMENCED
22 IN A COURT OF THIS STATE AND THE COURT DETERMINES THAT A PROCEEDING TO
23 MODIFY THE DETERMINATION IS PENDING IN A COURT OF ANOTHER STATE HAVING
24 JURISDICTION TO MODIFY THE DETERMINATION UNDER SUBTITLE 2 OF THIS TITLE,
25 THE ENFORCING COURT SHALL IMMEDIATELY COMMUNICATE WITH THE
26 MODIFYING COURT. THE PROCEEDING FOR ENFORCEMENT CONTINUES UNLESS THE
27 ENFORCING COURT, AFTER CONSULTATION WITH THE MODIFYING COURT, STAYS OR
28 DISMISSES THE PROCEEDING.

29 9.5-308.

30 (A) A PETITION UNDER THIS SUBTITLE MUST BE VERIFIED. CERTIFIED
31 COPIES OF ALL ORDERS SOUGHT TO BE ENFORCED AND OF ANY ORDER CONFIRMING
32 REGISTRATION MUST BE ATTACHED TO THE PETITION. A COPY OF A CERTIFIED COPY
33 OF AN ORDER MAY BE ATTACHED INSTEAD OF THE ORIGINAL.

34 (B) A PETITION FOR ENFORCEMENT OF A CHILD-CUSTODY DETERMINATION
35 MUST STATE:

36 (1) WHETHER THE COURT THAT ISSUED THE DETERMINATION
37 IDENTIFIED THE JURISDICTIONAL BASIS IT RELIED UPON IN EXERCISING
38 JURISDICTION AND, IF SO, WHAT THE BASIS WAS;

1 (2) WHETHER THE DETERMINATION FOR WHICH ENFORCEMENT IS
2 SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT WHOSE DECISION
3 MUST BE ENFORCED UNDER THIS TITLE AND, IF SO, IDENTIFY THE COURT, THE CASE
4 NUMBER, AND THE NATURE OF THE PROCEEDING;

5 (3) WHETHER ANY PROCEEDING HAS BEEN COMMENCED THAT COULD
6 AFFECT THE CURRENT PROCEEDING, INCLUDING PROCEEDINGS RELATING TO
7 DOMESTIC VIOLENCE, PROTECTIVE ORDERS, TERMINATION OF PARENTAL RIGHTS,
8 AND ADOPTIONS AND, IF SO, IDENTIFY THE COURT, THE CASE NUMBER, AND THE
9 NATURE OF THE PROCEEDING;

10 (4) THE PRESENT PHYSICAL ADDRESS OF THE CHILD AND THE
11 RESPONDENT, IF KNOWN;

12 (5) WHETHER RELIEF IN ADDITION TO THE IMMEDIATE PHYSICAL
13 CUSTODY OF THE CHILD AND ATTORNEY'S FEES IS SOUGHT, INCLUDING A REQUEST
14 FOR ASSISTANCE FROM LAW ENFORCEMENT OFFICIALS AND, IF SO, THE RELIEF
15 SOUGHT; AND

16 (6) IF THE CHILD-CUSTODY DETERMINATION HAS BEEN REGISTERED
17 AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE, THE DATE AND PLACE OF
18 REGISTRATION.

19 (C) UPON THE FILING OF A PETITION, THE COURT SHALL ISSUE AN ORDER
20 DIRECTING THE RESPONDENT TO APPEAR IN PERSON WITH OR WITHOUT THE CHILD
21 AT A HEARING AND MAY ENTER ANY ORDER NECESSARY TO ENSURE THE SAFETY OF
22 THE PARTIES AND THE CHILD. THE HEARING MUST BE HELD ON THE NEXT JUDICIAL
23 DAY AFTER SERVICE OF THE ORDER UNLESS THAT DATE IS IMPOSSIBLE. IN THAT
24 EVENT, THE COURT SHALL HOLD THE HEARING ON THE FIRST JUDICIAL DAY
25 POSSIBLE. THE COURT MAY EXTEND THE DATE OF HEARING AT THE REQUEST OF
26 THE PETITIONER.

27 (D) AN ORDER ISSUED UNDER SUBSECTION (C) OF THIS SECTION MUST STATE
28 THE TIME AND PLACE OF THE HEARING AND ADVISE THE RESPONDENT THAT AT THE
29 HEARING THE COURT WILL ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE
30 PHYSICAL CUSTODY OF THE CHILD AND THE PAYMENT OF FEES, COSTS, AND
31 EXPENSES UNDER § 9.5-312 OF THIS SUBTITLE, AND MAY SCHEDULE A HEARING TO
32 DETERMINE WHETHER FURTHER RELIEF IS APPROPRIATE, UNLESS THE
33 RESPONDENT APPEARS AND ESTABLISHES THAT:

34 (1) THE CHILD-CUSTODY DETERMINATION HAS NOT BEEN REGISTERED
35 AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE AND THAT:

36 (I) THE ISSUING COURT DID NOT HAVE JURISDICTION UNDER
37 SUBTITLE 2 OF THIS TITLE;

38 (II) THE CHILD-CUSTODY DETERMINATION FOR WHICH
39 ENFORCEMENT IS SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT
40 HAVING JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE; OR

1 (III) THE RESPONDENT WAS ENTITLED TO NOTICE, BUT NOTICE
2 WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF § 9.5-108 OF THIS TITLE,
3 IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED THE ORDER FOR WHICH
4 ENFORCEMENT IS SOUGHT; OR

5 (2) THE CHILD-CUSTODY DETERMINATION FOR WHICH ENFORCEMENT
6 IS SOUGHT WAS REGISTERED AND CONFIRMED UNDER § 9.5-304 OF THIS SUBTITLE,
7 BUT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING
8 JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE.

9 9.5-309.

10 EXCEPT AS OTHERWISE PROVIDED IN § 9.5-311 OF THIS SUBTITLE, THE
11 PETITION AND ORDER MUST BE SERVED, BY ANY METHOD AUTHORIZED BY THE LAW
12 OF THIS STATE, UPON RESPONDENT AND ANY PERSON WHO HAS PHYSICAL CUSTODY
13 OF THE CHILD.

14 9.5-310.

15 (A) UNLESS THE COURT ISSUES A TEMPORARY EMERGENCY ORDER
16 PURSUANT TO § 9.5-204 OF THIS TITLE, UPON A FINDING THAT A PETITIONER IS
17 ENTITLED TO IMMEDIATE PHYSICAL CUSTODY OF THE CHILD, THE COURT SHALL
18 ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE PHYSICAL CUSTODY OF THE
19 CHILD UNLESS THE RESPONDENT ESTABLISHES THAT:

20 (1) THE CHILD-CUSTODY DETERMINATION HAS NOT BEEN REGISTERED
21 AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE AND THAT:

22 (I) THE ISSUING COURT DID NOT HAVE JURISDICTION UNDER
23 SUBTITLE 2 OF THIS TITLE;

24 (II) THE CHILD-CUSTODY DETERMINATION FOR WHICH
25 ENFORCEMENT IS SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT
26 OF A STATE HAVING JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE; OR

27 (III) THE RESPONDENT WAS ENTITLED TO NOTICE, BUT NOTICE
28 WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF § 9.5-108 OF THIS TITLE,
29 IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED THE ORDER FOR WHICH
30 ENFORCEMENT IS SOUGHT; OR

31 (2) THE CHILD-CUSTODY DETERMINATION FOR WHICH ENFORCEMENT
32 IS SOUGHT WAS REGISTERED AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE
33 BUT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING
34 JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE.

35 (B) THE COURT SHALL AWARD THE FEES, COSTS, AND EXPENSES
36 AUTHORIZED UNDER § 9.5-312 OF THIS SUBTITLE AND MAY GRANT ADDITIONAL
37 RELIEF, INCLUDING A REQUEST FOR THE ASSISTANCE OF LAW ENFORCEMENT
38 OFFICIALS, AND SET A FURTHER HEARING TO DETERMINE WHETHER ADDITIONAL
39 RELIEF IS APPROPRIATE.

1 (C) IF A PARTY CALLED TO TESTIFY REFUSES TO ANSWER ON THE GROUND
2 THAT THE TESTIMONY MAY BE SELF-INCRIMINATING, THE COURT MAY DRAW AN
3 ADVERSE INFERENCE FROM THE REFUSAL.

4 (D) A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN
5 SPOUSES AND A DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF HUSBAND
6 AND WIFE OR PARENT AND CHILD MAY NOT BE INVOKED IN A PROCEEDING UNDER
7 THIS SUBTITLE.

8 9.5-311.

9 (A) UPON THE FILING OF A PETITION SEEKING ENFORCEMENT OF A
10 CHILD-CUSTODY DETERMINATION, THE PETITIONER MAY FILE A VERIFIED
11 APPLICATION FOR THE ISSUANCE OF A WARRANT TO TAKE PHYSICAL CUSTODY OF
12 THE CHILD IF THE CHILD IS IMMEDIATELY LIKELY TO SUFFER SERIOUS PHYSICAL
13 HARM OR BE REMOVED FROM THIS STATE.

14 (B) IF THE COURT, UPON THE TESTIMONY OF THE PETITIONER OR OTHER
15 WITNESS, FINDS THAT THE CHILD IS IMMINENTLY LIKELY TO SUFFER SERIOUS
16 PHYSICAL HARM OR BE REMOVED FROM THIS STATE, IT MAY ISSUE A WARRANT TO
17 TAKE PHYSICAL CUSTODY OF THE CHILD. THE PETITION MUST BE HEARD ON THE
18 NEXT JUDICIAL DAY AFTER THE WARRANT IS EXECUTED UNLESS THAT DATE IS
19 IMPOSSIBLE. IN THAT EVENT, THE COURT SHALL HOLD THE HEARING ON THE FIRST
20 JUDICIAL DAY POSSIBLE. THE APPLICATION FOR THE WARRANT MUST INCLUDE THE
21 STATEMENTS REQUIRED BY § 9.5-308(B) OF THIS SUBTITLE.

22 (C) A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD MUST:

23 (1) RECITE THE FACTS UPON WHICH A CONCLUSION OF IMMINENT
24 SERIOUS PHYSICAL HARM OR REMOVAL FROM THE JURISDICTION IS BASED;

25 (2) DIRECT LAW ENFORCEMENT OFFICERS TO TAKE PHYSICAL
26 CUSTODY OF THE CHILD IMMEDIATELY; AND

27 (3) PROVIDE FOR THE PLACEMENT OF THE CHILD PENDING FINAL
28 RELIEF.

29 (D) THE RESPONDENT MUST BE SERVED WITH THE PETITION, WARRANT, AND
30 ORDER IMMEDIATELY AFTER THE CHILD IS TAKEN INTO PHYSICAL CUSTODY.

31 (E) A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD IS ENFORCEABLE
32 THROUGHOUT THIS STATE. IF THE COURT FINDS ON THE BASIS OF THE TESTIMONY
33 OF THE PETITIONER OR OTHER WITNESS THAT A LESS INTRUSIVE REMEDY IS NOT
34 EFFECTIVE, IT MAY AUTHORIZE LAW ENFORCEMENT OFFICERS TO ENTER PRIVATE
35 PROPERTY TO TAKE PHYSICAL CUSTODY OF THE CHILD. IF REQUIRED BY EXIGENT
36 CIRCUMSTANCES OF THE CASE, THE COURT MAY AUTHORIZE LAW ENFORCEMENT
37 OFFICERS TO MAKE A FORCIBLE ENTRY AT ANY HOUR.

38 (F) THE COURT MAY IMPOSE CONDITIONS UPON PLACEMENT OF A CHILD TO
39 ENSURE THE APPEARANCE OF THE CHILD AND THE CHILD'S CUSTODIAN.

1 9.5-312.

2 (A) THE COURT SHALL AWARD THE PREVAILING PARTY, INCLUDING A STATE,
3 NECESSARY AND REASONABLE EXPENSES INCURRED BY OR ON BEHALF OF THE
4 PARTY, INCLUDING COSTS, COMMUNICATION EXPENSES, ATTORNEY'S FEES,
5 INVESTIGATIVE FEES, EXPENSES FOR WITNESSES, TRAVEL EXPENSES, AND CHILD
6 CARE DURING THE COURSE OF THE PROCEEDINGS, UNLESS THE PARTY FROM WHOM
7 FEES OR EXPENSES ARE SOUGHT ESTABLISHES THAT THE AWARD WOULD BE
8 CLEARLY INAPPROPRIATE.

9 (B) THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES AGAINST A
10 STATE UNLESS AUTHORIZED BY LAW OTHER THAN THIS TITLE.

11 9.5-313.

12 A COURT OF THIS STATE SHALL ACCORD FULL FAITH AND CREDIT TO AN ORDER
13 ISSUED BY ANOTHER STATE AND CONSISTENT WITH THIS TITLE WHICH ENFORCES A
14 CHILD-CUSTODY DETERMINATION BY A COURT OF ANOTHER STATE UNLESS THE
15 ORDER HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT HAVING
16 JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE.

17 9.5-314.

18 AN APPEAL MAY BE TAKEN FROM A FINAL ORDER IN A PROCEEDING UNDER
19 THIS SUBTITLE IN ACCORDANCE WITH EXPEDITED APPELLATE PROCEDURES IN
20 OTHER CIVIL CASES. UNLESS THE COURT ENTERS A TEMPORARY EMERGENCY
21 ORDER UNDER § 9.5-204 OF THIS TITLE, THE ENFORCING COURT MAY NOT STAY AN
22 ORDER ENFORCING A CHILD-CUSTODY DETERMINATION PENDING APPEAL.

23 9.5-315.

24 (A) IN A CASE ARISING UNDER THIS TITLE OR INVOLVING THE HAGUE
25 CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, THE
26 ATTORNEY GENERAL MAY TAKE ANY LAWFUL ACTION, INCLUDING RESORT TO A
27 PROCEEDING UNDER THIS SUBTITLE OR ANY OTHER AVAILABLE CIVIL PROCEEDING
28 TO LOCATE A CHILD, OBTAIN THE RETURN OF A CHILD, OR ENFORCE A
29 CHILD-CUSTODY DETERMINATION IF THERE IS:

30 (1) AN EXISTING CHILD-CUSTODY DETERMINATION;

31 (2) A REQUEST TO DO SO FROM A COURT IN A PENDING CHILD-CUSTODY
32 PROCEEDING;

33 (3) A REASONABLE BELIEF THAT A CRIMINAL STATUTE HAS BEEN
34 VIOLATED; OR

35 (4) A REASONABLE BELIEF THAT THE CHILD HAS BEEN WRONGFULLY
36 REMOVED OR RETAINED IN VIOLATION OF THE HAGUE CONVENTION ON THE CIVIL
37 ASPECTS OF INTERNATIONAL CHILD ABDUCTION.

1 (B) THE ATTORNEY GENERAL ACTING UNDER THIS SECTION ON BEHALF OF
2 THE COURT, MAY NOT REPRESENT ANY PARTY.

3 9.5-316.

4 AT THE REQUEST OF THE ATTORNEY GENERAL ACTING UNDER § 9.5-315 OF THIS
5 SUBTITLE, A LAW ENFORCEMENT OFFICER MAY TAKE ANY LAWFUL ACTION
6 REASONABLY NECESSARY TO LOCATE A CHILD OR A PARTY AND ASSIST THE
7 ATTORNEY GENERAL WITH RESPONSIBILITIES UNDER § 9.5-315 OF THIS SUBTITLE.

8 9.5-317.

9 IF THE RESPONDENT IS NOT THE PREVAILING PARTY, THE COURT MAY ASSESS
10 AGAINST THE RESPONDENT ALL DIRECT EXPENSES AND COSTS INCURRED BY THE
11 ATTORNEY GENERAL AND LAW ENFORCEMENT OFFICERS UNDER § 9.5-315 OR §
12 9.5-316 OF THIS SUBTITLE.

13 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this
14 Act or the application thereof to any person or circumstance is held invalid for any
15 reason in a court of competent jurisdiction, the invalidity does not affect other
16 provisions or any other application of this Act which can be given effect without the
17 invalid provision or application, and for this purpose the provisions of this Act are
18 severable.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act applies only to
20 cases filed to establish or modify child custody or motions or other requests for relief
21 filed in child custody cases on or after the effective date of this Act.

22 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 1998.