

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 571 (Senator Hafer)

Judicial Proceedings

Family Law - Child Custody - Rebuttable Presumption of Joint Legal Custody

This bill provides that in an initial child custody proceeding there is a rebuttable presumption that “joint legal custody” is in the best interests of a child. This presumption may be rebutted by specified evidence. If the court does not award joint legal custody, the court must award sole custody to one of the parents in accordance with the best interests of the child. Whether the court orders joint legal custody or sole custody to one of the parents, the court must make residential arrangements for the child.

The bill applies only to initial custody cases filed on or after October 1, 1998.

Fiscal Summary

State Effect: None. The changes would not directly affect the Judiciary’s finances.

Local Effect: Potential minimal efficiency savings for the Judiciary (circuit courts), to the extent that the bill’s requirements ease judges’ custody decision-making processes.

Small Business Effect: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 13, 1998

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