

HOUSE BILL 53

Unofficial Copy  
D4

1999 Regular Session  
9r0278

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By: **Delegate Owings (By Request)**  
Introduced and read first time: January 18, 1999  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Custody - Natural Parents - Confinement in a Correctional Facility**

3 FOR the purpose of authorizing a court to consider the preference of a child at least 6  
4 years of age to continue in the physical custody of the person who had custody of  
5 the child during the incarceration of a natural parent of the child; and generally  
6 relating to child custody.

7 BY adding to  
8 Article - Family Law  
9 Section 9-103.1  
10 Annotated Code of Maryland  
11 (1991 Replacement Volume and 1998 Supplement)

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

14 **Article - Family Law**

15 9-103.1.

16 IN A CHILD CUSTODY PROCEEDING INITIATED BY A NATURAL PARENT WHO  
17 WAS PREVIOUSLY CONFINED IN A CORRECTIONAL FACILITY FOR A PERIOD OF 5  
18 YEARS OR MORE AND WHO, BEFORE INCARCERATION, WAS THE PHYSICAL  
19 CUSTODIAN OF THE CHILD, THE COURT MAY CONSIDER, AS A FACTOR BEARING ON  
20 THE WELFARE AND BEST INTEREST OF THE CHILD, EVIDENCE OF THE PREFERENCE  
21 OF THE CHILD, IF THE CHILD IS AT LEAST 6 YEARS OF AGE, TO CONTINUE IN THE  
22 PHYSICAL CUSTODY OF THE PERSON WHO HAD CUSTODY OF THE CHILD DURING THE  
23 INCARCERATION OF THE NATURAL PARENT.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1999.