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By: **Delegates Amedori, Dewberry, Kittleman, Malone, D. Murphy, and  
Stocksdale**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Custody Criteria**

3 FOR the purpose of requiring a court to consider certain factors in determining the  
4 custody of a child; providing for the purpose and construction of this Act;  
5 providing for the application of this Act; and generally relating to child custody  
6 proceedings.

7 BY adding to

8 Article - Family Law

9 Section 9-501 and 9-502 to be under the new subtitle "Subtitle 5. Custody

10 Criteria"

11 Annotated Code of Maryland

12 (1999 Replacement Volume)

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

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Family Law**

16 **SUBTITLE 5. CUSTODY CRITERIA.**

17 9-501.

18 (A) THE GENERAL PURPOSES OF THIS SUBTITLE ARE TO:

19 (1) ESTABLISH UNIFORM CUSTODY CRITERIA THAT AVOID THE  
20 COMPETITION AND CONFLICT BETWEEN PARENTS THAT HAVE IN THE PAST  
21 RESULTED IN THE FRACTIONALIZATION OF IMPORTANT RELATIONSHIPS BETWEEN  
22 CHILDREN AND THEIR PARENTS AND BETWEEN CHILDREN AND EXTENDED FAMILY  
23 MEMBERS;

24 (2) PROMOTE CONSIDERATIONS OF THE WELL-BEING OF EACH CHILD  
25 BY DIRECTING THE ATTENTION OF THE PARENTS AND THE COURT TO SPECIFIC  
26 FACTORS INVOLVING THE CURRENT AND EVOLVING NEEDS OF THE CHILD AND

1 EACH PARENT'S ABILITY, COMMITMENT, AND EXPERIENCE IN RESPONDING TO  
2 THOSE NEEDS;

3 (3) DISCOURAGE LITIGATION THAT FOCUSES ON THE DESTRUCTION OF  
4 A PARENT'S REPUTATION, SELF-ESTEEM, FINANCIAL SECURITY, OR DESIRE TO  
5 MAINTAIN MEANINGFUL INVOLVEMENT IN THE LIFE OF A CHILD; AND

6 (4) ASSURE CONSISTENCY IN THE APPLICATION OF CHILD-FOCUSED  
7 CUSTODY CRITERIA IN THE INTEREST OF GREATER STABILITY OF THE HOME  
8 ENVIRONMENT AND SAFE AND SECURE FAMILY RELATIONSHIPS FOR THE CHILD.

9 (B) THIS SUBTITLE SHALL BE CONSTRUED TO PROMOTE THE GENERAL  
10 PURPOSES SET FORTH IN THIS SECTION.

11 9-502.

12 IN DETERMINING CUSTODY OF A CHILD, THE COURT SHALL CONSIDER THE  
13 FOLLOWING FACTORS:

14 (1) THE PRESENT AND FUTURE NEEDS OF THE CHILD, INCLUDING  
15 EDUCATIONAL, MEDICAL, SOCIAL, EMOTIONAL, AND SAFETY NEEDS;

16 (2) EACH PARENT'S PROPOSED PLAN TO RESPOND TO THE CHILD'S  
17 NEEDS, INCLUDING THE PHYSICAL LIVING ARRANGEMENTS;

18 (3) EACH PARENT'S PRIOR AND CURRENT RELATIONSHIP WITH THE  
19 CHILD;

20 (4) THE ABILITY OF EACH PARENT TO DETERMINE, ASSESS, AND  
21 IMPLEMENT DECISIONS THAT PRIORITIZE THE NEEDS OF THE CHILD;

22 (5) THE FITNESS AND CHARACTER OF EACH PARENT, INCLUDING EACH  
23 PARENT'S PRIOR AGREEMENTS, STABILITY, SENSE OF RESPONSIBILITY, AND  
24 GENERAL WELL-BEING;

25 (6) THE ABILITY AND WILLINGNESS OF EACH PARENT TO FACILITATE  
26 AND SUPPORT A RELATIONSHIP BETWEEN THE CHILD AND THE OTHER PARENT AND  
27 EXTENDED FAMILY MEMBERS;

28 (7) THE AGE AND DEVELOPMENTAL STATUS OF THE CHILD;

29 (8) ANY HISTORY OF CHILD ABUSE OR NEGLECT, OR DOMESTIC  
30 VIOLENCE BY A PARENT;

31 (9) THE PREFERENCE OF THE CHILD WITHIN THE CONTEXT OF THE  
32 CHILD'S DEVELOPMENTAL CAPACITY;

33 (10) AN ARRANGEMENT THAT WILL BE THE LEAST DISRUPTIVE TO  
34 MAINTAINING ESTABLISHED SIBLING RELATIONSHIPS; AND

1           (11)    ANY OTHER FACTOR RELEVANT TO A DETERMINATION OF THE BEST  
2 INTEREST OF THE CHILD.

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only  
4 to cases filed on or after the effective date of this Act.

5       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1999.