
By: **Delegates Montague, Dembrow, O'Donnell, Burns, Palumbo, K. Kelly,
Valderrama, Riley, and Dypski**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Custody - Best Interest of the Child**

3 FOR the purpose of authorizing a court to award certain child custody arrangements;
4 requiring a court to consider the best interest of the child in making a custody or
5 visitation determination; requiring a court to examine certain factors when
6 considering the best interest of the child; requiring a court to state on the record
7 the basis for an award of child custody or visitation; defining certain terms;
8 providing for the application of this Act; and generally relating to child custody
9 and visitation.

10 BY renumbering

11 Article - Family Law
12 Section 9-101 through 9-106, respectively
13 to be Section 9-102 through 9-108, respectively
14 Annotated Code of Maryland
15 (1999 Replacement Volume)

16 BY adding to

17 Article - Family Law
18 Section 9-101
19 Annotated Code of Maryland
20 (1999 Replacement Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That Section(s) 9-101 through 9-106, respectively, of Article - Family
23 Law of the Annotated Code of Maryland be renumbered to be Section(s) 9-102
24 through 9-108, respectively.

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

- 1 (II) THE CONTRIBUTIONS OF EACH PARENT TO THE SOCIAL
2 WELFARE AND DEVELOPMENT OF THE CHILD;
- 3 (III) THE PSYCHOLOGICAL FITNESS OF EACH PARENT;
- 4 (IV) THE CHARACTER AND REPUTATION OF EACH PARENT;
- 5 (V) THE WISHES OF THE PARENTS AND ANY AGREEMENT MADE
6 BETWEEN THEM;
- 7 (VI) THE POTENTIAL FOR MAINTAINING NATURAL FAMILY
8 RELATIONS;
- 9 (VII) THE ABILITY OF THE PARENTS TO REACH SHARED DECISIONS
10 AFFECTING THE CHILD'S WELFARE;
- 11 (VIII) THE SINCERITY AND MOTIVATION OF A PARENT IN
12 REQUESTING A CUSTODY ARRANGEMENT;
- 13 (IX) THE PREFERENCE OF THE CHILD, IF THE CHILD IS OF
14 SUFFICIENT AGE AND CAPACITY TO EXPRESS A PREFERENCE;
- 15 (X) THE AGE, HEALTH, AND SEX OF THE CHILD;
- 16 (XI) ANY SPECIAL NEEDS OF THE CHILD;
- 17 (XII) THE NUMBER OF CHILDREN IN THE FAMILY INVOLVED AND
18 THEIR RELATIONSHIPS WITH ONE ANOTHER;
- 19 (XIII) THE RESIDENCES OF THE PARENTS AND THE OPPORTUNITY
20 FOR VISITATION;
- 21 (XIV) THE POTENTIAL IMPACT OF JOINT PHYSICAL CUSTODY UPON
22 THE CHILD'S SOCIAL AND ACADEMIC LIFE;
- 23 (XV) THE GEOGRAPHIC PROXIMITY OF THE HOMES OF THE
24 PARENTS;
- 25 (XVI) THE DEMANDS OF PARENTAL EMPLOYMENT;
- 26 (XVII) THE FINANCIAL STATUS OF THE PARENTS;
- 27 (XVIII) ANY IMPACT ON STATE OR FEDERAL ASSISTANCE;
- 28 (XIX) THE LENGTH OF TIME THE CHILD HAS BEEN SEPARATED FROM
29 A PARENT WHO IS SEEKING CUSTODY;
- 30 (XX) THE EFFECT ON THE CHILD OF ANY PRIOR VOLUNTARY
31 ABANDONMENT OR SURRENDER OF CUSTODY OF THE CHILD; AND

1 (XXI) ANY OTHER FACTOR THAT IS RELEVANT TO A
2 CONSIDERATION OF THE BEST INTEREST OF THE CHILD.

3 (D) AFTER THE COURT MAKES A CHILD CUSTODY OR VISITATION AWARD
4 UNDER THIS SECTION, THE COURT SHALL STATE ON THE RECORD THE BASIS FOR
5 THE AWARD.

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

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1999.