

HOUSE BILL 512

Unofficial Copy
D4
HB 310/98 - JUD

2000 Regular Session
0lr1319

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

Introduced and read first time: February 7, 2000

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 basis for jurisdiction over child custody matters;
7 specifying the procedures for enforcing child custody determinations made
8 under this Act; defining certain terms; making provisions of this Act severable;
9 providing for the application of this Act; and generally relating to the Maryland
10 Uniform Child Custody Jurisdiction and Enforcement Act.

11 BY repealing

12 Article - Family Law
13 Section 9-201 through 9-224, inclusive, and the subtitle "Subtitle
14 2. Maryland Uniform Child Custody Jurisdiction Act"
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 1999 Supplement)

17 BY adding to

18 Article - Family Law
19 Section 9.5-101 through 9.5-318, inclusive, to be under the new title "Title
20 9.5. Maryland Uniform Child Custody Jurisdiction and Enforcement Act"
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 1999 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That Section(s) 9-201 through 9-224, inclusive, and the subtitle
25 "Subtitle 2. Maryland Uniform Child Custody Jurisdiction Act" of Article - Family
26 Law of the Annotated Code of Maryland be repealed.

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

1 **Article - Family Law**

2 TITLE 9.5. MARYLAND UNIFORM CHILD CUSTODY JURISDICTION AND
3 ENFORCEMENT ACT.

4 SUBTITLE 1. GENERAL PROVISIONS.

5 9.5-101.

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

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

9 (C) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

10 (D) (1) "CHILD CUSTODY DETERMINATION" MEANS A JUDGMENT, DECREE,
11 OR OTHER ORDER OF A COURT PROVIDING FOR THE LEGAL CUSTODY, PHYSICAL
12 CUSTODY, OR VISITATION WITH RESPECT TO A CHILD.

13 (2) "CHILD CUSTODY DETERMINATION" INCLUDES A PERMANENT,
14 TEMPORARY, INITIAL, AND MODIFICATION ORDER.

15 (3) "CHILD CUSTODY DETERMINATION" DOES NOT INCLUDE AN ORDER
16 RELATING TO CHILD SUPPORT OR OTHER MONETARY OBLIGATION OF AN
17 INDIVIDUAL.

18 (E) (1) "CHILD CUSTODY PROCEEDING" MEANS A PROCEEDING IN WHICH
19 LEGAL CUSTODY, PHYSICAL CUSTODY, OR VISITATION WITH RESPECT TO A CHILD IS
20 AN ISSUE.

21 (2) "CHILD CUSTODY PROCEEDING" INCLUDES A PROCEEDING FOR
22 DIVORCE, SEPARATION, NEGLECT, ABUSE, DEPENDENCY, GUARDIANSHIP,
23 PATERNITY, TERMINATION OF PARENTAL RIGHTS, AND PROTECTION FROM
24 DOMESTIC VIOLENCE, IN WHICH THE ISSUE MAY APPEAR.

25 (3) "CHILD CUSTODY PROCEEDING" DOES NOT INCLUDE A PROCEEDING
26 INVOLVING JUVENILE DELINQUENCY, CONTRACTUAL EMANCIPATION, OR
27 ENFORCEMENT UNDER SUBTITLE 3 OF THIS TITLE.

28 (F) "COMMENCEMENT" MEANS THE FILING OF THE FIRST PLEADING IN A
29 PROCEEDING.

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

32 (H) "HOME STATE" MEANS THE STATE IN WHICH A CHILD LIVED WITH A
33 PARENT OR A PERSON ACTING AS A PARENT FOR AT LEAST 6 CONSECUTIVE MONTHS
34 IMMEDIATELY BEFORE THE COMMENCEMENT OF A CHILD CUSTODY PROCEEDING
35 AND, IN THE CASE OF A CHILD LESS THAN 6 MONTHS OF AGE, THE STATE IN WHICH

1 THE CHILD LIVED FROM BIRTH WITH ANY OF THE PERSONS MENTIONED. A PERIOD
2 OF TEMPORARY ABSENCE OF ANY OF THE MENTIONED PERSONS IS PART OF THE
3 PERIOD.

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

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

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

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

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

18 (N) "PERSON ACTING AS A PARENT" MEANS A PERSON, OTHER THAN A
19 PARENT, WHO:

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

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

26 (O) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVISION OF
27 A CHILD.

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

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

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

1 9.5-102.

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 9.5-103.

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 9.5-104.

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) OF THIS SECTION, A
21 CHILD CUSTODY DETERMINATION MADE IN A FOREIGN COUNTRY UNDER FACTUAL
22 CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDICTIONAL
23 STANDARDS OF THIS TITLE MUST BE RECOGNIZED AND ENFORCED UNDER SUBTITLE
24 3 OF THIS TITLE.

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

28 9.5-105.

29 A CHILD CUSTODY DETERMINATION MADE BY A COURT OF THIS STATE THAT
30 HAD JURISDICTION UNDER THIS TITLE BINDS ALL PERSONS WHO HAVE BEEN
31 SERVED IN ACCORDANCE WITH THE LAWS OF THIS STATE OR NOTIFIED IN
32 ACCORDANCE WITH § 9.5-107 OF THIS SUBTITLE OR WHO HAVE SUBMITTED TO THE
33 JURISDICTION OF THE COURT, AND WHO HAVE BEEN GIVEN AN OPPORTUNITY TO BE
34 HEARD. AS TO THOSE PERSONS, THE DETERMINATION IS CONCLUSIVE AS TO ALL
35 DECIDED ISSUES OF LAW AND FACT EXCEPT TO THE EXTENT THE DETERMINATION
36 IS MODIFIED.

1 9.5-106.

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

6 9.5-107.

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 9.5-108.

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 9.5-109.

34 (A) IN THIS SECTION, "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON
35 A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM
36 AND IS RETRIEVABLE IN PERCEIVABLE FORM.

37 (B) A COURT OF THIS STATE MAY COMMUNICATE WITH A COURT IN ANOTHER
38 STATE CONCERNING A PROCEEDING ARISING UNDER THIS TITLE.

1 (C) THE COURT MAY ALLOW THE PARTIES TO PARTICIPATE IN THE
2 COMMUNICATION. IF THE PARTIES ARE NOT ABLE TO PARTICIPATE IN THE
3 COMMUNICATION, THEY MUST BE GIVEN THE OPPORTUNITY TO PRESENT FACTS
4 AND LEGAL ARGUMENTS BEFORE A DECISION ON JURISDICTION IS MADE.

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

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

12 9.5-110.

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

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

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

31 9.5-111.

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

34 (1) HOLD AN EVIDENTIARY HEARING;

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

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

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

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

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

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

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

20 SUBTITLE 2. JURISDICTION.

21 9.5-201.

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

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

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

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

37 (II) SUBSTANTIAL EVIDENCE IS AVAILABLE IN THIS STATE
38 CONCERNING THE CHILD'S CARE, PROTECTION, TRAINING, AND PERSONAL
39 RELATIONSHIPS;

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

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

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

9 (C) PHYSICAL PRESENCE OF, OR PERSONAL JURISDICTION OVER, A PARTY OR
10 A CHILD IS NOT NECESSARY OR SUFFICIENT TO MAKE A CHILD CUSTODY
11 DETERMINATION.

12 9.5-202.

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

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

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

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

30 9.5-203.

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

36 (1) THE COURT OF THE OTHER STATE DETERMINES IT NO LONGER HAS
37 EXCLUSIVE, CONTINUING JURISDICTION UNDER § 9.5-202 OF THIS SUBTITLE OR
38 THAT A COURT OF THIS STATE WOULD BE A MORE CONVENIENT FORUM UNDER §
39 9.5-207 OF THIS SUBTITLE; OR

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

4 9.5-204.

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

10 (B) (1) IF THERE IS NO PREVIOUS CHILD CUSTODY DETERMINATION THAT
11 IS ENTITLED TO BE ENFORCED UNDER THIS TITLE AND A CHILD CUSTODY
12 PROCEEDING HAS NOT BEEN COMMENCED IN A COURT OF A STATE HAVING
13 JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, A CHILD
14 CUSTODY DETERMINATION MADE UNDER THIS SECTION REMAINS IN EFFECT UNTIL
15 AN ORDER IS OBTAINED FROM A COURT OF A STATE HAVING JURISDICTION UNDER
16 §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBSECTION.

17 (2) IF A CHILD CUSTODY PROCEEDING HAS NOT BEEN OR IS NOT
18 COMMENCED IN A COURT OF A STATE HAVING JURISDICTION UNDER §§ 9.5-201
19 THROUGH 9.5-203 OF THIS SUBTITLE, A CHILD CUSTODY DETERMINATION MADE
20 UNDER THIS SECTION BECOMES A FINAL DETERMINATION, IF IT SO PROVIDES AND
21 THIS STATE BECOMES THE HOME STATE OF THE CHILD.

22 (C) (1) IF THERE IS A PREVIOUS CHILD CUSTODY DETERMINATION THAT IS
23 ENTITLED TO BE ENFORCED UNDER THIS TITLE, OR A CHILD CUSTODY PROCEEDING
24 HAS BEEN COMMENCED IN A COURT OF A STATE HAVING JURISDICTION UNDER §§
25 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, ANY ORDER ISSUED BY A COURT OF
26 THIS STATE UNDER THIS SECTION MUST SPECIFY IN THE ORDER A PERIOD THAT THE
27 COURT CONSIDERS ADEQUATE TO ALLOW THE PERSON SEEKING AN ORDER TO
28 OBTAIN AN ORDER FROM THE STATE HAVING JURISDICTION UNDER §§ 9.5-201
29 THROUGH 9.5-203 OF THIS SUBTITLE.

30 (2) THE ORDER ISSUED IN THIS STATE REMAINS IN EFFECT UNTIL AN
31 ORDER IS OBTAINED FROM THE OTHER STATE WITHIN THE PERIOD SPECIFIED OR
32 THE PERIOD EXPIRES.

33 (D) (1) A COURT OF THIS STATE WHICH HAS BEEN ASKED TO MAKE A CHILD
34 CUSTODY DETERMINATION UNDER THIS SECTION, UPON BEING INFORMED THAT A
35 CHILD CUSTODY PROCEEDING HAS BEEN COMMENCED IN, OR A CHILD CUSTODY
36 DETERMINATION HAS BEEN MADE BY, A COURT OF A STATE HAVING JURISDICTION
37 UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, SHALL IMMEDIATELY
38 COMMUNICATE WITH THE OTHER COURT.

39 (2) A COURT OF THIS STATE WHICH IS EXERCISING JURISDICTION
40 PURSUANT TO §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, UPON BEING
41 INFORMED THAT A CHILD CUSTODY PROCEEDING HAS BEEN COMMENCED IN, OR A
42 CHILD CUSTODY DETERMINATION HAS BEEN MADE BY, A COURT OF ANOTHER STATE

1 UNDER A STATUTE SIMILAR TO THIS SECTION SHALL IMMEDIATELY COMMUNICATE
2 WITH THE COURT OF THAT STATE TO RESOLVE THE EMERGENCY, PROTECT THE
3 SAFETY OF THE PARTIES AND THE CHILD, AND DETERMINE A PERIOD FOR THE
4 DURATION OF THE TEMPORARY ORDER.

5 9.5-205.

6 (A) BEFORE A CHILD CUSTODY DETERMINATION IS MADE UNDER THIS TITLE,
7 NOTICE AND AN OPPORTUNITY TO BE HEARD IN ACCORDANCE WITH THE
8 STANDARDS OF § 9.5-107 OF THIS TITLE, MUST BE GIVEN TO ALL PERSONS ENTITLED
9 TO NOTICE UNDER THE LAW OF THIS STATE AS IN CHILD CUSTODY PROCEEDINGS
10 BETWEEN RESIDENTS OF THIS STATE, ANY PARENT WHOSE PARENTAL RIGHTS HAVE
11 NOT BEEN PREVIOUSLY TERMINATED, AND ANY PERSON HAVING PHYSICAL
12 CUSTODY OF THE CHILD.

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

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

20 9.5-206.

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

29 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
30 COURT OF THIS STATE, BEFORE HEARING A CHILD CUSTODY PROCEEDING, SHALL
31 EXAMINE THE COURT DOCUMENTS AND OTHER INFORMATION SUPPLIED BY THE
32 PARTIES PURSUANT TO § 9.5-209 OF THIS SUBTITLE.

33 (2) IF THE COURT DETERMINES THAT A CHILD CUSTODY PROCEEDING
34 HAS BEEN COMMENCED IN A COURT IN ANOTHER STATE HAVING JURISDICTION
35 SUBSTANTIALLY IN ACCORDANCE WITH THIS TITLE, THE COURT OF THIS STATE
36 SHALL STAY ITS PROCEEDING AND COMMUNICATE WITH THE COURT OF THE OTHER
37 STATE.

38 (3) IF THE COURT OF THE STATE HAVING JURISDICTION
39 SUBSTANTIALLY IN ACCORDANCE WITH THIS TITLE DOES NOT DETERMINE THAT
40 THE COURT OF THIS STATE IS A MORE APPROPRIATE FORUM, THE COURT OF THIS
41 STATE SHALL DISMISS THE PROCEEDING.

1 (C) IN A PROCEEDING TO MODIFY A CHILD CUSTODY DETERMINATION, A
2 COURT OF THIS STATE SHALL DETERMINE WHETHER A PROCEEDING TO ENFORCE
3 THE DETERMINATION HAS BEEN COMMENCED IN ANOTHER STATE. IF A
4 PROCEEDING TO ENFORCE A CHILD CUSTODY DETERMINATION HAS BEEN
5 COMMENCED IN ANOTHER STATE, THE COURT MAY:

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

9 (2) ENJOIN THE PARTIES FROM CONTINUING WITH THE PROCEEDING
10 FOR ENFORCEMENT; OR

11 (3) PROCEED WITH THE MODIFICATION UNDER CONDITIONS IT
12 CONSIDERS APPROPRIATE.

13 9.5-207.

14 (A) (1) A COURT OF THIS STATE WHICH HAS JURISDICTION UNDER THIS
15 TITLE TO MAKE A CHILD CUSTODY DETERMINATION MAY DECLINE TO EXERCISE ITS
16 JURISDICTION AT ANY TIME IF IT DETERMINES THAT IT IS AN INCONVENIENT
17 FORUM UNDER THE CIRCUMSTANCES AND THAT A COURT OF ANOTHER STATE IS A
18 MORE APPROPRIATE FORUM.

19 (2) THE ISSUE OF INCONVENIENT FORUM MAY BE RAISED UPON
20 MOTION OF A PARTY, THE COURT'S OWN MOTION, OR REQUEST OF ANOTHER COURT.

21 (B) (1) BEFORE DETERMINING WHETHER IT IS AN INCONVENIENT FORUM, A
22 COURT OF THIS STATE SHALL CONSIDER WHETHER IT IS APPROPRIATE FOR A COURT
23 OF ANOTHER STATE TO EXERCISE JURISDICTION.

24 (2) FOR THE PURPOSE UNDER PARAGRAPH (1) OF THIS SUBSECTION,
25 THE COURT SHALL ALLOW THE PARTIES TO SUBMIT INFORMATION AND SHALL
26 CONSIDER ALL RELEVANT FACTORS, INCLUDING:

27 (I) WHETHER DOMESTIC VIOLENCE HAS OCCURRED AND IS
28 LIKELY TO CONTINUE IN THE FUTURE AND WHICH STATE COULD BEST PROTECT THE
29 PARTIES AND THE CHILD;

30 (II) THE LENGTH OF TIME THE CHILD HAS RESIDED OUTSIDE THIS
31 STATE;

32 (III) THE DISTANCE BETWEEN THE COURT IN THIS STATE AND THE
33 COURT IN THE STATE THAT WOULD ASSUME JURISDICTION;

34 (IV) THE RELATIVE FINANCIAL CIRCUMSTANCES OF THE PARTIES;

35 (V) ANY AGREEMENT OF THE PARTIES AS TO WHICH STATE
36 SHOULD ASSUME JURISDICTION;

1 (VI) THE NATURE AND LOCATION OF THE EVIDENCE REQUIRED TO
2 RESOLVE THE PENDING LITIGATION, INCLUDING TESTIMONY OF THE CHILD;

3 (VII) THE ABILITY OF THE COURT OF EACH STATE TO DECIDE THE
4 ISSUE EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT THE
5 EVIDENCE; AND

6 (VIII) THE FAMILIARITY OF THE COURT OF EACH STATE WITH THE
7 FACTS AND ISSUES IN THE PENDING LITIGATION.

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

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

17 9.5-208.

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

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

25 (2) A COURT OF THE STATE OTHERWISE HAVING JURISDICTION UNDER
26 §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE DETERMINES THAT THIS STATE IS A
27 MORE APPROPRIATE FORUM UNDER § 9.5-207 OF THIS SUBTITLE; OR

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

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

36 (C) IF A COURT DISMISSES A PETITION OR STAYS A PROCEEDING BECAUSE IT
37 DECLINES TO EXERCISE ITS JURISDICTION PURSUANT TO SUBSECTION (A) OF THIS
38 SECTION, THE COURT SHALL ASSESS AGAINST THE PARTY SEEKING TO INVOKE ITS
39 JURISDICTION NECESSARY AND REASONABLE EXPENSES INCLUDING COSTS,

1 COMMUNICATION EXPENSES, ATTORNEY'S FEES, INVESTIGATIVE FEES, EXPENSES
2 FOR WITNESSES, TRAVEL EXPENSES, AND CHILD CARE DURING THE COURSE OF THE
3 PROCEEDINGS, UNLESS THE PARTY FROM WHOM FEES ARE SOUGHT ESTABLISHES
4 THAT THE ASSESSMENT WOULD BE CLEARLY INAPPROPRIATE. THE COURT MAY NOT
5 ASSESS FEES, COSTS, OR EXPENSES AGAINST THIS STATE UNLESS AUTHORIZED BY
6 LAW OTHER THAN THIS TITLE.

7 9.5-209.

8 (A) (1) SUBJECT TO ANY STATE OR LOCAL LAW PROVIDING FOR THE
9 CONFIDENTIALITY OF PROCEDURES, ADDRESSES, AND OTHER IDENTIFYING
10 INFORMATION, IN A CHILD CUSTODY PROCEEDING, EACH PARTY, IN ITS FIRST
11 PLEADING OR IN AN ATTACHED AFFIDAVIT, SHALL GIVE INFORMATION, IF
12 REASONABLY ASCERTAINABLE, UNDER OATH AS TO THE CHILD'S PRESENT ADDRESS
13 OR WHEREABOUTS, THE PLACES WHERE THE CHILD HAS LIVED DURING THE LAST 5
14 YEARS, AND THE NAMES AND PRESENT ADDRESSES OF THE PERSONS WITH WHOM
15 THE CHILD HAS LIVED DURING THAT PERIOD.

16 (2) THE PLEADING OR AFFIDAVIT MUST STATE WHETHER THE PARTY:

17 (I) HAS PARTICIPATED, AS A PARTY OR WITNESS OR IN ANY OTHER
18 CAPACITY, IN ANY OTHER PROCEEDING CONCERNING THE CUSTODY OF OR
19 VISITATION WITH THE CHILD AND, IF SO, IDENTIFY THE COURT, THE CASE NUMBER,
20 AND THE DATE OF THE CHILD CUSTODY DETERMINATION, IF ANY;

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

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

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

33 (C) (1) IF THE DECLARATION AS TO ANY OF THE ITEMS DESCRIBED IN
34 SUBSECTION (A)(2)(I) THROUGH (III) OF THIS SECTION IS IN THE AFFIRMATIVE, THE
35 DECLARANT SHALL GIVE ADDITIONAL INFORMATION UNDER OATH AS REQUIRED BY
36 THE COURT.

37 (2) THE COURT MAY EXAMINE THE PARTIES UNDER OATH AS TO
38 DETAILS OF THE INFORMATION FURNISHED AND OTHER MATTERS PERTINENT TO
39 THE COURT'S JURISDICTION AND THE DISPOSITION OF THE CASE.

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

4 (E) IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER OATH THAT
5 THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE JEOPARDIZED
6 BY DISCLOSURE OF IDENTIFYING INFORMATION, THE INFORMATION MUST BE
7 SEALED AND MAY NOT BE DISCLOSED TO THE OTHER PARTY OR THE PUBLIC UNLESS
8 THE COURT ORDERS THE DISCLOSURE TO BE MADE AFTER A HEARING IN WHICH
9 THE COURT TAKES INTO CONSIDERATION THE HEALTH, SAFETY, OR LIBERTY OF THE
10 PARTY OR CHILD AND DETERMINES THAT THE DISCLOSURE IS IN THE INTEREST OF
11 JUSTICE.

12 9.5-210.

13 (A) (1) IN A CHILD CUSTODY PROCEEDING IN THIS STATE, THE COURT MAY
14 ORDER A PARTY TO THE PROCEEDING WHO IS IN THIS STATE TO APPEAR BEFORE
15 THE COURT IN PERSON WITH OR WITHOUT THE CHILD.

16 (2) THE COURT MAY ORDER ANY PERSON WHO IS IN THIS STATE AND
17 WHO HAS PHYSICAL CUSTODY OR CONTROL OF THE CHILD TO APPEAR IN PERSON
18 WITH THE CHILD.

19 (B) IF A PARTY TO A CHILD CUSTODY PROCEEDING WHOSE PRESENCE IS
20 DESIRED BY THE COURT IS OUTSIDE THIS STATE, THE COURT MAY ORDER THAT A
21 NOTICE GIVEN PURSUANT TO § 9.5-107 OF THIS TITLE INCLUDE A STATEMENT
22 DIRECTING THE PARTY TO APPEAR IN PERSON WITH OR WITHOUT THE CHILD AND
23 INFORMING THE PARTY THAT FAILURE TO APPEAR MAY RESULT IN A DECISION
24 ADVERSE TO THE PARTY.

25 (C) THE COURT MAY ENTER ANY ORDERS NECESSARY TO ENSURE THE
26 SAFETY OF THE CHILD AND OF ANY PERSON ORDERED TO APPEAR UNDER THIS
27 SECTION.

28 (D) IF A PARTY TO A CHILD CUSTODY PROCEEDING WHO IS OUTSIDE THIS
29 STATE IS DIRECTED TO APPEAR UNDER SUBSECTION (B) OF THIS SECTION OR
30 DESIRES TO APPEAR PERSONALLY BEFORE THE COURT WITH OR WITHOUT THE
31 CHILD, THE COURT MAY REQUIRE ANOTHER PARTY TO PAY REASONABLE AND
32 NECESSARY TRAVEL AND OTHER EXPENSES OF THE PARTY SO APPEARING AND OF
33 THE CHILD.

34 SUBTITLE 3. ENFORCEMENT.

35 9.5-301.

36 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
37 INDICATED.

38 (B) "PETITIONER" MEANS A PERSON WHO SEEKS ENFORCEMENT OF AN
39 ORDER FOR RETURN OF A CHILD UNDER THE HAGUE CONVENTION ON THE CIVIL

1 ASPECTS OF INTERNATIONAL CHILD ABDUCTION OR ENFORCEMENT OF A CHILD
2 CUSTODY DETERMINATION.

3 (C) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PROCEEDING HAS
4 BEEN COMMENCED FOR ENFORCEMENT OF AN ORDER FOR RETURN OF A CHILD
5 UNDER THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD
6 ABDUCTION OR ENFORCEMENT OF A CHILD CUSTODY DETERMINATION.

7 9.5-302.

8 UNDER THIS SUBTITLE A COURT OF THIS STATE MAY ENFORCE AN ORDER FOR
9 THE RETURN OF THE CHILD MADE UNDER THE HAGUE CONVENTION ON THE CIVIL
10 ASPECTS OF INTERNATIONAL CHILD ABDUCTION AS IF IT WERE A CHILD CUSTODY
11 DETERMINATION.

12 9.5-303.

13 (A) A COURT OF THIS STATE SHALL RECOGNIZE AND ENFORCE A CHILD
14 CUSTODY DETERMINATION OF A COURT OF ANOTHER STATE IF THE LATTER COURT
15 EXERCISED JURISDICTION IN SUBSTANTIAL CONFORMITY WITH THIS TITLE OR THE
16 DETERMINATION WAS MADE UNDER FACTUAL CIRCUMSTANCES MEETING THE
17 JURISDICTIONAL STANDARDS OF THIS TITLE AND THE DETERMINATION HAS NOT
18 BEEN MODIFIED IN ACCORDANCE WITH THIS TITLE.

19 (B) A COURT OF THIS STATE MAY UTILIZE ANY REMEDY AVAILABLE UNDER
20 OTHER LAWS OF THIS STATE TO ENFORCE A CHILD CUSTODY DETERMINATION MADE
21 BY A COURT OF ANOTHER STATE. THE REMEDIES PROVIDED IN THIS SUBTITLE ARE
22 CUMULATIVE AND DO NOT AFFECT THE AVAILABILITY OF OTHER REMEDIES TO
23 ENFORCE A CHILD CUSTODY DETERMINATION.

24 9.5-304.

25 (A) A COURT OF THIS STATE WHICH DOES NOT HAVE JURISDICTION TO
26 MODIFY A CHILD CUSTODY DETERMINATION, MAY ISSUE A TEMPORARY ORDER
27 ENFORCING:

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

29 (2) THE VISITATION PROVISIONS OF A CHILD CUSTODY
30 DETERMINATION OF ANOTHER STATE THAT DOES NOT PROVIDE FOR A SPECIFIC
31 VISITATION SCHEDULE.

32 (B) IF A COURT OF THIS STATE MAKES AN ORDER UNDER SUBSECTION (A)(2)
33 OF THIS SECTION, IT SHALL SPECIFY IN THE ORDER A PERIOD THAT IT CONSIDERS
34 ADEQUATE TO ALLOW THE PETITIONER TO OBTAIN AN ORDER FROM A COURT
35 HAVING JURISDICTION UNDER THE CRITERIA SPECIFIED IN SUBTITLE 2 OF THIS
36 TITLE. THE ORDER REMAINS IN EFFECT UNTIL AN ORDER IS OBTAINED FROM THE
37 OTHER COURT OR THE PERIOD EXPIRES.

1 9.5-305.

2 (A) A CHILD CUSTODY DETERMINATION ISSUED BY A COURT OF ANOTHER
3 STATE MAY BE REGISTERED IN THIS STATE, WITH OR WITHOUT A SIMULTANEOUS
4 REQUEST FOR ENFORCEMENT, BY SENDING TO THE APPROPRIATE COURT IN THIS
5 STATE:

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

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

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

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

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

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

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

25 (1) A REGISTERED DETERMINATION IS ENFORCEABLE AS OF THE DATE
26 OF THE REGISTRATION IN THE SAME MANNER AS A DETERMINATION ISSUED BY A
27 COURT OF THIS STATE;

28 (2) A HEARING TO CONTEST THE VALIDITY OF THE REGISTERED
29 DETERMINATION MUST BE REQUESTED WITHIN 20 DAYS AFTER SERVICE OF NOTICE;
30 AND

31 (3) FAILURE TO CONTEST THE REGISTRATION WILL RESULT IN
32 CONFIRMATION OF THE CHILD CUSTODY DETERMINATION AND PRECLUDE FURTHER
33 CONTEST OF THAT DETERMINATION WITH RESPECT TO ANY MATTER THAT COULD
34 HAVE BEEN ASSERTED.

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

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

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

6 (3) THE PERSON CONTESTING REGISTRATION WAS ENTITLED TO
7 NOTICE, BUT NOTICE WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF §
8 9.5-107 OF THIS TITLE, IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED THE
9 ORDER FOR WHICH REGISTRATION IS SOUGHT.

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

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

18 9.5-306.

19 (A) A COURT OF THIS STATE MAY GRANT ANY RELIEF NORMALLY AVAILABLE
20 UNDER THE LAW OF THIS STATE TO ENFORCE A REGISTERED CHILD CUSTODY
21 DETERMINATION MADE BY A COURT OF ANOTHER STATE.

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

25 9.5-307.

26 (A) IF A PROCEEDING FOR ENFORCEMENT UNDER THIS SUBTITLE IS
27 COMMENCED IN A COURT OF THIS STATE AND THE COURT DETERMINES THAT A
28 PROCEEDING TO MODIFY THE DETERMINATION IS PENDING IN A COURT OF
29 ANOTHER STATE HAVING JURISDICTION TO MODIFY THE DETERMINATION UNDER
30 SUBTITLE 2 OF THIS TITLE, THE ENFORCING COURT SHALL IMMEDIATELY
31 COMMUNICATE WITH THE MODIFYING COURT.

32 (B) THE PROCEEDING FOR ENFORCEMENT CONTINUES UNLESS THE
33 ENFORCING COURT, AFTER CONSULTATION WITH THE MODIFYING COURT, STAYS OR
34 DISMISSES THE PROCEEDING.

35 9.5-308.

36 (A) (1) A PETITION UNDER THIS SUBTITLE MUST BE VERIFIED.

1 (2) CERTIFIED COPIES OF ALL ORDERS SOUGHT TO BE ENFORCED AND
2 OF ANY ORDER CONFIRMING REGISTRATION MUST BE ATTACHED TO THE PETITION.

3 (3) A COPY OF A CERTIFIED COPY OF AN ORDER MAY BE ATTACHED
4 INSTEAD OF THE ORIGINAL.

5 (B) A PETITION FOR ENFORCEMENT OF A CHILD CUSTODY DETERMINATION
6 MUST STATE:

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

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

14 (3) WHETHER ANY PROCEEDING HAS BEEN COMMENCED THAT COULD
15 AFFECT THE CURRENT PROCEEDING, INCLUDING PROCEEDINGS RELATING TO
16 DOMESTIC VIOLENCE, PROTECTIVE ORDERS, TERMINATION OF PARENTAL RIGHTS,
17 AND ADOPTIONS AND, IF SO, IDENTIFY THE COURT, THE CASE NUMBER, AND THE
18 NATURE OF THE PROCEEDING;

19 (4) THE PRESENT PHYSICAL ADDRESS OF THE CHILD AND THE
20 RESPONDENT, IF KNOWN;

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

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

28 (C) (1) UPON THE FILING OF A PETITION, THE COURT SHALL ISSUE AN
29 ORDER DIRECTING THE RESPONDENT TO APPEAR IN PERSON WITH OR WITHOUT THE
30 CHILD AT A HEARING AND MAY ENTER ANY ORDER NECESSARY TO ENSURE THE
31 SAFETY OF THE PARTIES AND THE CHILD.

32 (2) THE HEARING MUST BE HELD ON THE NEXT JUDICIAL DAY AFTER
33 SERVICE OF THE ORDER UNLESS THAT DATE IS IMPOSSIBLE. IN THAT EVENT, THE
34 COURT SHALL HOLD THE HEARING ON THE FIRST JUDICIAL DAY POSSIBLE. THE
35 COURT MAY EXTEND THE DATE OF HEARING AT THE REQUEST OF THE PETITIONER.

36 (D) AN ORDER ISSUED UNDER SUBSECTION (C) OF THIS SECTION MUST STATE
37 THE TIME AND PLACE OF THE HEARING AND ADVISE THE RESPONDENT THAT AT THE
38 HEARING THE COURT WILL ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE
39 PHYSICAL CUSTODY OF THE CHILD AND THE PAYMENT OF FEES, COSTS, AND

1 EXPENSES UNDER § 9.5-312 OF THIS SUBTITLE, AND MAY SCHEDULE A HEARING TO
2 DETERMINE WHETHER FURTHER RELIEF IS APPROPRIATE, UNLESS THE
3 RESPONDENT APPEARS AND ESTABLISHES THAT:

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

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

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

11 (III) THE RESPONDENT WAS ENTITLED TO NOTICE, BUT NOTICE
12 WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF § 9.5-107 OF THIS TITLE,
13 IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED THE ORDER FOR WHICH
14 ENFORCEMENT IS SOUGHT; OR

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

19 9.5-309.

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

24 9.5-310.

25 (A) UNLESS THE COURT ISSUES A TEMPORARY EMERGENCY ORDER
26 PURSUANT TO § 9.5-204 OF THIS TITLE, UPON A FINDING THAT A PETITIONER IS
27 ENTITLED TO IMMEDIATE PHYSICAL CUSTODY OF THE CHILD, THE COURT SHALL
28 ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE PHYSICAL CUSTODY OF THE
29 CHILD UNLESS THE RESPONDENT ESTABLISHES THAT:

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

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

34 (II) THE CHILD CUSTODY DETERMINATION FOR WHICH
35 ENFORCEMENT IS SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT
36 OF A STATE 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 § 9.5-107 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 § 9.5-305 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 (B) THE COURT SHALL AWARD THE FEES, COSTS, AND EXPENSES
10 AUTHORIZED UNDER § 9.5-312 OF THIS SUBTITLE AND MAY GRANT ADDITIONAL
11 RELIEF, INCLUDING A REQUEST FOR THE ASSISTANCE OF LAW ENFORCEMENT
12 OFFICIALS, AND SET A FURTHER HEARING TO DETERMINE WHETHER ADDITIONAL
13 RELIEF IS APPROPRIATE.

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

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

21 9.5-311.

22 (A) UPON THE FILING OF A PETITION SEEKING ENFORCEMENT OF A CHILD
23 CUSTODY DETERMINATION, THE PETITIONER MAY FILE A VERIFIED APPLICATION
24 FOR THE ISSUANCE OF A WARRANT TO TAKE PHYSICAL CUSTODY OF THE CHILD IF
25 THE CHILD IS IMMEDIATELY LIKELY TO SUFFER SERIOUS PHYSICAL HARM OR BE
26 REMOVED FROM THIS STATE.

27 (B) (1) IF THE COURT, UPON THE TESTIMONY OF THE PETITIONER OR
28 OTHER WITNESS, FINDS THAT THE CHILD IS IMMINENTLY LIKELY TO SUFFER
29 SERIOUS PHYSICAL HARM OR BE REMOVED FROM THIS STATE, IT MAY ISSUE A
30 WARRANT TO TAKE PHYSICAL CUSTODY OF THE CHILD.

31 (2) THE PETITION MUST BE HEARD ON THE NEXT JUDICIAL DAY AFTER
32 THE WARRANT IS EXECUTED UNLESS THAT DATE IS IMPOSSIBLE. IN THAT EVENT,
33 THE COURT SHALL HOLD THE HEARING ON THE FIRST JUDICIAL DAY POSSIBLE.

34 (3) THE APPLICATION FOR THE WARRANT MUST INCLUDE THE
35 STATEMENTS REQUIRED BY § 9.5-308(B) OF THIS SUBTITLE.

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

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

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

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

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

7 (E) (1) A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD IS
8 ENFORCEABLE THROUGHOUT THIS STATE.

9 (2) IF THE COURT FINDS ON THE BASIS OF THE TESTIMONY OF THE
10 PETITIONER OR OTHER WITNESS THAT A LESS INTRUSIVE REMEDY IS NOT
11 EFFECTIVE, THE COURT MAY AUTHORIZE LAW ENFORCEMENT OFFICERS TO ENTER
12 PRIVATE PROPERTY TO TAKE PHYSICAL CUSTODY OF THE CHILD.

13 (3) IF REQUIRED BY EXIGENT CIRCUMSTANCES OF THE CASE, THE
14 COURT MAY AUTHORIZE LAW ENFORCEMENT OFFICERS TO MAKE A FORCIBLE
15 ENTRY AT ANY HOUR.

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

18 9.5-312.

19 (A) THE COURT SHALL AWARD THE PREVAILING PARTY, INCLUDING A STATE,
20 NECESSARY AND REASONABLE EXPENSES INCURRED BY OR ON BEHALF OF THE
21 PARTY, INCLUDING COSTS, COMMUNICATION EXPENSES, ATTORNEY'S FEES,
22 INVESTIGATIVE FEES, EXPENSES FOR WITNESSES, TRAVEL EXPENSES, AND CHILD
23 CARE DURING THE COURSE OF THE PROCEEDINGS, UNLESS THE PARTY FROM WHOM
24 FEES OR EXPENSES ARE SOUGHT ESTABLISHES THAT THE AWARD WOULD BE
25 CLEARLY INAPPROPRIATE.

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

28 9.5-313.

29 A COURT OF THIS STATE SHALL ACCORD FULL FAITH AND CREDIT TO AN ORDER
30 ISSUED BY ANOTHER STATE AND CONSISTENT WITH THIS TITLE WHICH ENFORCES A
31 CHILD CUSTODY DETERMINATION BY A COURT OF ANOTHER STATE UNLESS THE
32 ORDER HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT HAVING
33 JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE.

34 9.5-314.

35 AN APPEAL MAY BE TAKEN FROM A FINAL ORDER IN A PROCEEDING UNDER
36 THIS SUBTITLE IN ACCORDANCE WITH EXPEDITED APPELLATE PROCEDURES IN
37 OTHER CIVIL CASES. UNLESS THE COURT ENTERS A TEMPORARY EMERGENCY

1 ORDER UNDER § 9.5-204 OF THIS TITLE, THE ENFORCING COURT MAY NOT STAY AN
2 ORDER ENFORCING A CHILD CUSTODY DETERMINATION PENDING APPEAL.

3 9.5-315.

4 (A) IN A CASE ARISING UNDER THIS TITLE OR INVOLVING THE HAGUE
5 CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, THE
6 ATTORNEY GENERAL MAY TAKE ANY LAWFUL ACTION, INCLUDING RESORT TO A
7 PROCEEDING UNDER THIS SUBTITLE OR ANY OTHER AVAILABLE CIVIL PROCEEDING
8 TO LOCATE A CHILD, OBTAIN THE RETURN OF A CHILD, OR ENFORCE A CHILD
9 CUSTODY DETERMINATION IF THERE IS:

10 (1) AN EXISTING CHILD CUSTODY DETERMINATION;

11 (2) A REQUEST TO DO SO FROM A COURT IN A PENDING CHILD CUSTODY
12 PROCEEDING;

13 (3) A REASONABLE BELIEF THAT A CRIMINAL STATUTE HAS BEEN
14 VIOLATED; OR

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

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

20 9.5-316.

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

25 9.5-317.

26 IF THE RESPONDENT IS NOT THE PREVAILING PARTY, THE COURT MAY ASSESS
27 AGAINST THE RESPONDENT ALL DIRECT EXPENSES AND COSTS INCURRED BY THE
28 ATTORNEY GENERAL AND LAW ENFORCEMENT OFFICERS UNDER § 9.5-315 OR §
29 9.5-316 OF THIS SUBTITLE.

30 9.5-318.

31 THIS TITLE MAY BE CITED AS THE UNIFORM CHILD CUSTODY JURISDICTION
32 AND ENFORCEMENT ACT.

33 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this
34 Act or the application thereof to any person or circumstance is held invalid for any
35 reason in a court of competent jurisdiction, the invalidity does not affect other
36 provisions or any other application of this Act which can be given effect without the

1 invalid provision or application, and for this purpose the provisions of this Act are
2 declared severable.

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

6 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2000.