
By: **Delegates Montague, O'Donnell, Amedori, and Dobson**

Introduced and read first time: February 28, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Best Interests for Children Act of 2000**

3 FOR the purpose of establishing general procedures for allocation of custodial and
4 decision making responsibilities for a minor child when the parents do not live
5 together; requiring circuit courts, with the approval of the Court of Appeals, to
6 designate a person for the creation of certain programs designed for education of
7 parents; requiring the circuit court to issue an order requiring parties to certain
8 actions to attend certain parent education classes; authorizing the circuit court
9 to charge a fee for certain parent education classes to be paid to the clerk of the
10 court; creating a special Parent Education Fund and requiring the clerk of the
11 court to transmit certain fees to the State Comptroller by a certain date each
12 month to be credited to the Fund; limiting the appropriation of funds contained
13 in the special Parent Education Fund; requiring the court to order certain
14 parenting plans that are agreed to by the parents except under certain
15 circumstances; requiring the court to inform parents or require parents to be
16 informed about how to prepare a parenting plan and certain other issues;
17 authorizing the court to require mediation; requiring the Court of Appeals to
18 adopt regulations regarding premediation screening to make certain
19 determinations; specifying certain requirements for mediators and the cost and
20 payment for mediation services; establishing the process, requirements, and
21 criteria for the filing of and amendment to a temporary parenting plan;
22 establishing the process, requirements, and criteria for the filing of a permanent
23 parenting plan and for allocation by the court of residential responsibility and
24 significant decision making responsibility; establishing certain requirements for
25 a parenting plan regarding dispute resolution; providing limitations on
26 allocation of responsibility under a parenting plan upon the court's
27 determination that certain circumstances exist; creating an exception to a
28 certain prohibition and altering the burden of proof for parents found to have
29 engaged in certain behavior; authorizing the court to order certain
30 investigations and reports; authorizing the use of a certain investigator's report
31 as evidence in a hearing and specifying certain procedures to be followed by the
32 investigator, limiting the ordering of certain services and tests unless there is no
33 cost or a reasonable cost to the parties; authorizing the court appointment of a
34 guardian ad litem or a lawyer to represent a child under certain circumstances;
35 requiring certain persons to provide information to the court; authorizing a

1 court to conduct a certain interview of a child; establishing the procedures,
2 requirements, and criteria for modification of a parenting plan upon a showing
3 of changed circumstances or without a showing of changed circumstances;
4 providing procedures and criteria for determination of whether the relocation of
5 a parent qualifies as changed circumstances for modification of a parenting
6 plan; establishing procedures for enforcement of parenting plans; providing that
7 each parent has full and equal access to certain records concerning a child;
8 stating the intent of the General Assembly and the objectives of this Act;
9 renumbering certain laws; requiring the Administrative Office of the Courts to
10 make a certain report; specifying that the publisher of the Annotated Code of
11 Maryland, in consultation with the Department of Legislative Services, shall
12 correct cross-references that are rendered incorrect by this Act; providing for
13 the construction and application of this Act; providing for the delayed effective
14 date of this Act; and generally relating to the allocation of custodial
15 responsibility and decision making responsibility in the best interests of a minor
16 child when the parents do not live together.

17 BY renumbering

18 Article - Family Law

19 Section 9-101, 9-101.1, and 9-102 through 9-106 and the subtitle "Subtitle 1.

20 In General"; 9-201 through 9-224, and the subtitle "Subtitle 2. Maryland

21 Uniform Child Custody Jurisdiction Act"; 9-301 through 9-307 and the

22 subtitle "Subtitle 3. Removal of Child From State; Child Abduction"; 9-401

23 through 9-403 and the subtitle "Subtitle 4. Missing Children", respectively

24 to be Section 9-201 through 9-207 and the subtitle "Subtitle 2. In General";

25 9-301 through 9-324 and the subtitle "Subtitle 3. Maryland Uniform Child

26 Custody Jurisdiction Act"; 9-401 through 9-407 and the subtitle "Subtitle

27 4. Removal of Child From State; Child Abduction"; 9-501 through 9-503

28 and the subtitle "Subtitle 5. Missing Children", respectively

29 Annotated Code of Maryland

30 (1999 Replacement Volume and 1999 Supplement)

31 BY adding to

32 Article - Family Law

33 Section 9-101 through 9-121, inclusive, to be under the new subtitle "Subtitle 1.

34 Allocation of Residential and Decision Making Responsibility for Children"

35 Annotated Code of Maryland

36 (1999 Replacement Volume and 1999 Supplement)

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

38 MARYLAND, That Section(s) 9-101, 9-101.1, and 9-102 through 9-106 and the

39 subtitle "Subtitle 1. In General"; 9-201 through 9-224 and the subtitle "Subtitle 2.

40 Maryland Uniform Child Custody Jurisdiction Act"; 9-301 through 9-307 and the

41 subtitle "Subtitle 3. Removal of Child From State; Child Abduction"; 9-401 through

42 9-403 and the subtitle "Subtitle 4. Missing Children", respectively, of Article - Family

43 Law of the Annotated Code of Maryland be renumbered to be Section(s) 9-201

44 through 9-207 and the subtitle "Subtitle 2. In General"; 9-301 through 9-324 and the

1 subtitle "Subtitle 3. Maryland Uniform Child Custody Jurisdiction Act"; 9-401
2 through 9-407 and the subtitle "Subtitle 4. Removal of Child From State; Child
3 Abduction"; 9-501 through 9-503 and the subtitle "Subtitle 5. Missing Children",
4 respectively.

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

7 **Article - Family Law**

8 SUBTITLE 1. ALLOCATION OF RESIDENTIAL AND DECISION MAKING
9 RESPONSIBILITY FOR CHILDREN.

10 PART I. OBJECTIVES AND PARTIES.

11 9-101. SCOPE OF ARTICLE; LEGISLATIVE FINDINGS AND DECLARATIONS.

12 (A) THIS SUBTITLE SETS FORTH PRINCIPLES GOVERNING THE ALLOCATION
13 OF RESIDENTIAL AND DECISION MAKING RESPONSIBILITY FOR A MINOR CHILD
14 WHEN THE PARENTS DO NOT LIVE TOGETHER.

15 (B) (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS IN THE
16 PUBLIC INTEREST OF THIS STATE TO ENSURE THAT THE BEST INTEREST OF
17 CHILDREN IS THE COURT'S PRIMARY CONCERN IN ALLOCATING CUSTODIAL AND
18 DECISION MAKING RESPONSIBILITIES BETWEEN PARENTS WHO DO NOT LIVE
19 TOGETHER.

20 (2) IN FURTHERANCE OF THIS PUBLIC INTEREST, THE GENERAL
21 ASSEMBLY DECLARES THAT A CHILD'S BEST INTEREST WILL BE SERVED BY:

22 (I) ASSURING THAT MINOR CHILDREN HAVE FREQUENT AND
23 CONTINUING CONTACT WITH PARENTS WHO HAVE SHOWN THE ABILITY TO ACT IN
24 THE BEST INTEREST OF THEIR CHILDREN;

25 (II) EDUCATING PARENTS ON THEIR RIGHTS AND
26 RESPONSIBILITIES AND THE EFFECT THEIR SEPARATION MAY HAVE ON CHILDREN;

27 (III) ENCOURAGING MEDIATION OF DISPUTES; AND

28 (IV) ENCOURAGING PARENTS TO SHARE IN THE RIGHTS AND
29 RESPONSIBILITIES OF REARING CHILDREN AFTER THE PARENTS HAVE SEPARATED
30 OR DIVORCED.

31 9-102. OBJECTIVES.

32 (A) THE GENERAL ASSEMBLY INTENDS THAT THE PRIMARY OBJECTIVE OF
33 THIS SUBTITLE BE TO SERVE THE CHILD'S BEST INTERESTS, BY FACILITATING:

34 (1) STABILITY OF THE CHILD;

1 (2) PARENTAL PLANNING AND AGREEMENT ABOUT THE CHILD'S
2 RESIDENTIAL ARRANGEMENTS AND UPBRINGING;

3 (3) CONTINUITY OF EXISTING PARENT-CHILD ATTACHMENTS;

4 (4) MEANINGFUL CONTACT BETWEEN THE CHILD AND EACH PARENT;

5 (5) CARETAKING RELATIONSHIPS BY ADULTS WHO LOVE THE CHILD,
6 KNOW HOW TO PROVIDE FOR THE CHILD'S NEEDS, AND WHO PLACE A HIGH PRIORITY
7 ON DOING SO;

8 (6) SECURITY FROM THE CHILD'S EXPOSURE TO PHYSICAL OR
9 EMOTIONAL HARM; AND

10 (7) EXPEDITIOUS, PREDICTABLE DECISION MAKING AND AVOIDANCE OF
11 PROLONGED UNCERTAINTY WITH RESPECT TO ARRANGEMENTS FOR THE CHILD'S
12 CARE AND CONTROL.

13 (B) THE GENERAL ASSEMBLY INTENDS THAT A FURTHER OBJECTIVE OF THIS
14 SUBTITLE IS TO ACHIEVE FAIRNESS BETWEEN THE PARENTS.

15 9-103. PARTIES TO AN ACTION UNDER THIS SUBTITLE.

16 (A) PERSONS WHO HAVE A RIGHT TO BE NOTIFIED OF AND PARTICIPATE AS A
17 PARTY IN AN ACTION FILED BY ANOTHER ARE:

18 (1) AN INDIVIDUAL ESTABLISHED AS THE LEGAL PARENT OF A CHILD,
19 BY LAW, ON THE BASIS OF BIOLOGICAL RELATIONSHIP, PRESUMED BIOLOGICAL
20 RELATIONSHIP, LEGAL ADOPTION, OR OTHER RECOGNIZED GROUNDS;

21 (2) AN ADULT ALLOCATED RESIDENTIAL RESPONSIBILITY OR DECISION
22 MAKING RESPONSIBILITY UNDER A PARENTING PLAN REGARDING THE CHILD THAT
23 IS THEN IN EFFECT; AND

24 (3) PERSONS WHO WERE PARTIES TO A PRIOR ORDER ESTABLISHING
25 CUSTODY AND VISITATION, OR WHO, UNDER A PARENTING PLAN, WERE ALLOCATED
26 CUSTODIAL RESPONSIBILITY OR DECISION MAKING RESPONSIBILITY.

27 (B) (1) THE COURT MAY, IN EXCEPTIONAL CIRCUMSTANCES, GRANT
28 PERMISSION TO INTERVENE TO OTHER PERSONS OR PUBLIC AGENCIES WHOSE
29 PARTICIPATION IN THE PROCEEDINGS UNDER THIS TITLE THE COURT DETERMINES
30 IS LIKELY TO SERVE THE CHILD'S BEST INTERESTS.

31 (2) THE COURT MAY PLACE LIMITATIONS ON PARTICIPATION BY THE
32 INTERVENING PARTY AS THE COURT DETERMINES TO BE APPROPRIATE.

33 (3) AN INTERVENING PERSON OR PUBLIC AGENCY DOES NOT HAVE
34 STANDING TO INITIATE AN ACTION UNDER THIS SUBTITLE.

1 9-104. PARENT EDUCATION CLASSES.

2 (A) BY ADMINISTRATIVE RULE OR ORDER, AND WITH THE APPROVAL OF THE
3 COURT OF APPEALS, THE CIRCUIT COURT IN EACH COUNTY SHALL DESIGNATE AN
4 ORGANIZATION OR AGENCY TO ESTABLISH AND OPERATE EDUCATION PROGRAMS
5 DESIGNED FOR PARENTS WHO HAVE FILED AN ACTION FOR DIVORCE, PATERNITY,
6 SUPPORT, SEPARATE MAINTENANCE, OR OTHER CUSTODY PROCEEDING AND WHO
7 HAVE MINOR CHILDREN.

8 (B) THE EDUCATION PROGRAMS REQUIRED IN THIS SECTION SHALL BE
9 DESIGNED TO INSTRUCT AND EDUCATE PARENTS ABOUT THE EFFECTS OF DIVORCE
10 AND CUSTODY DISPUTES ON THEIR CHILDREN AND TO TEACH PARENTS WAYS TO
11 HELP THEIR CHILDREN AND MINIMIZE THEIR TRAUMA.

12 (C) (1) THE CIRCUIT COURT SHALL ISSUE AN ORDER REQUIRING PARTIES
13 TO AN ACTION FOR DIVORCE INVOLVING A MINOR CHILD OR CHILDREN TO ATTEND
14 PARENT EDUCATION CLASSES ESTABLISHED UNDER SUBSECTION (A) OF THIS
15 SECTION UNLESS THE COURT DETERMINES THAT ATTENDANCE IS NOT
16 APPROPRIATE OR NECESSARY BASED ON THE CONDUCT OR CIRCUMSTANCES OF THE
17 PARTIES.

18 (2) THE COURT BY ORDER, MAY ESTABLISH SANCTIONS FOR FAILURE TO
19 ATTEND.

20 (3) THE COURT MAY ALSO ORDER PARTIES TO AN ACTION INVOLVING
21 PATERNITY, SEPARATE MAINTENANCE, OR MODIFICATION OF A DIVORCE DECREE TO
22 ATTEND SUCH CLASSES.

23 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
24 CIRCUIT COURT MAY REQUIRE THAT EACH PERSON ATTENDING A PARENT
25 EDUCATION CLASS PAY A FEE, NOT TO EXCEED \$25, TO THE CLERK OF SUCH COURT
26 TO DEFRAY THE COST OF MATERIALS AND OF HIRING TEACHERS.

27 (2) THE COURT SHALL WAIVE THE PAYMENT OF A FEE FOR A PARTY
28 UPON A DETERMINATION THAT THE PARTY IS INDIGENT AND UNABLE TO PAY FOR
29 SUCH CLASSES.

30 (E) (1) THERE IS A SPECIAL FUND KNOWN AS THE PARENT EDUCATION
31 FUND.

32 (2) ON OR BEFORE THE 10TH DAY OF EACH MONTH, ANY FEES
33 COLLECTED BY THE CLERK OF THE COURT IN CONJUNCTION WITH SUBSECTION (D)
34 OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE COMPTROLLER AND
35 CREDITED TO THE PARENT EDUCATION FUND.

36 (3) FUNDS IN THE PARENT EDUCATION FUND MAY BE APPROPRIATED
37 ONLY FOR USE BY THE ADMINISTRATIVE OFFICE OF THE COURTS FOR REIMBURSING
38 THE PROVIDER OF PARENT EDUCATION CLASSES FOR THE COSTS OF MATERIALS
39 AND OF PROVIDING SUCH CLASSES.

1 (4) FUNDS APPROPRIATED IN THE BUDGET FOR THE ADMINISTRATIVE
2 OFFICE OF THE COURTS UNDER THIS SUBSECTION:

3 (I) SHALL REMAIN AVAILABLE UNTIL EXPENDED; AND

4 (II) MAY NOT BE REVERTED UNDER ANY OTHER PROVISION OF
5 LAW.

6 PART II. PARENTING PLANS.

7 9-105. PARENTING AGREEMENTS.

8 (A) IF THE PARENTS AGREE TO ONE OR MORE PROVISIONS OF A PARENTING
9 PLAN, THE COURT SHALL SO ORDER, UNLESS IT MAKES SPECIFIC FINDINGS THAT:

10 (1) THE AGREEMENT IS NOT KNOWING OR VOLUNTARY; OR

11 (2) THE PLAN WOULD BE HARMFUL TO THE CHILD.

12 (B) THE COURT, AT ITS DISCRETION AND ON ANY BASIS IT DEEMS
13 SUFFICIENT, MAY CONDUCT AN EVIDENTIARY HEARING TO DETERMINE WHETHER
14 THERE IS A FACTUAL BASIS FOR A FINDING UNDER SUBSECTION (A) (1) OR (2) OF THIS
15 SECTION.

16 (C) WHEN THERE IS CREDIBLE INFORMATION THAT CHILD ABUSE AS
17 DEFINED IN § 4-501(B) OF THIS ARTICLE HAS OCCURRED:

18 (1) A HEARING IS MANDATORY; AND

19 (2) IF THE COURT DETERMINES THAT ABUSE HAS OCCURRED,
20 APPROPRIATE PROTECTIVE MEASURES SHALL BE ORDERED.

21 (D) IF AN AGREEMENT, IN WHOLE OR IN PART, IS NOT ACCEPTED BY THE
22 COURT UNDER THE STANDARDS SET FORTH IN SUBSECTION (A) OF THIS SECTION,
23 THE COURT SHALL ALLOW THE PARENTS THE OPPORTUNITY TO NEGOTIATE
24 ANOTHER AGREEMENT.

25 9-106. COURT-ORDERED SERVICES.

26 (A) (1) THE COURT SHALL INFORM THE PARENTS, OR REQUIRE THEM TO BE
27 INFORMED THROUGH PARENTAL EDUCATION OR OTHER APPROPRIATE MEANS,
28 ABOUT:

29 (I) HOW TO PREPARE A PARENTING PLAN;

30 (II) THE IMPACT OF FAMILY DISSOLUTION ON CHILDREN AND HOW
31 THE NEEDS OF CHILDREN FACING FAMILY DISSOLUTION CAN BEST BE ADDRESSED;

32 (III) THE IMPACT OF DOMESTIC ABUSE ON CHILDREN AND
33 RESOURCES FOR ADDRESSING DOMESTIC ABUSE; AND

1 (IV) MEDIATION OR OTHER NONJUDICIAL PROCEDURES DESIGNED
2 TO HELP THEM ACHIEVE AN AGREEMENT.

3 (2) THE COURT SHALL REQUIRE THE PARENTS TO ATTEND PARENT
4 EDUCATION CLASSES.

5 (3) IF PARENTS ARE UNABLE TO RESOLVE ISSUES AND AGREE TO A
6 PARENTING PLAN, THE COURT SHALL REQUIRE MEDIATION, UNLESS APPLICATION
7 OF THE PROCEDURAL RULES ADOPTED UNDER THE PROVISIONS OF SUBSECTION (B)
8 OF THIS SECTION INDICATES THAT MEDIATION IS INAPPROPRIATE IN THE
9 PARTICULAR CASE.

10 (B) (1) THE COURT OF APPEALS SHALL ESTABLISH AND ADOPT
11 PROCEDURAL RULES THAT PROVIDE FOR PREMEDIATION SCREENING PROCEDURES
12 TO DETERMINE WHETHER DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, ACTS
13 OR THREATS OF DURESS OR COERCION, SUBSTANCE ABUSE, MENTAL ILLNESS, OR
14 OTHER CIRCUMSTANCES WOULD ADVERSELY AFFECT:

15 (I) THE SAFETY OF A PARTY;

16 (II) THE ABILITY OF A PARTY TO MEANINGFULLY PARTICIPATE IN
17 THE MEDIATION; OR

18 (III) THE CAPACITY OF A PARTY TO FREELY AND VOLUNTARILY
19 CONSENT TO A PROPOSED AGREEMENT REACHED AS A RESULT OF THE MEDIATION.

20 (2) THE PROCEDURAL RULES ADOPTED UNDER PARAGRAPH (1) OF THIS
21 SUBSECTION SHALL AUTHORIZE A FAMILY LAW MASTER OR JUDGE TO CONSIDER
22 ALTERNATIVES TO MEDIATION WHICH MAY AID THE PARTIES IN ESTABLISHING A
23 PARENTING PLAN AND MAY NOT ESTABLISH A PER SE BAR TO MEDIATION IF
24 DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, ACTS OR THREATS OF DURESS OR
25 COERCION, SUBSTANCE ABUSE, MENTAL ILLNESS, OR OTHER CIRCUMSTANCES
26 EXIST, BUT MAY BE THE BASIS FOR THE COURT, IN ITS DISCRETION:

27 (I) NOT TO ORDER SERVICES UNDER SUBSECTION (A) OF THIS
28 SECTION; OR

29 (II) NOT TO REQUIRE A PARENT TO HAVE FACE-TO-FACE
30 MEETINGS WITH THE OTHER PARENT.

31 (C) A MEDIATOR MAY NOT:

32 (1) MAKE A RECOMMENDATION TO THE COURT; OR

33 (2) REVEAL INFORMATION THAT EITHER PARENT HAS DISCLOSED
34 DURING MEDIATION UNDER A REASONABLE EXPECTATION OF CONFIDENTIALITY,
35 EXCEPT THAT A MEDIATOR MAY REVEAL TO THE COURT CREDIBLE INFORMATION
36 THAT THE MEDIATOR HAS RECEIVED CONCERNING DOMESTIC VIOLENCE OR CHILD
37 ABUSE.

1 (D) (1) MEDIATION SERVICES AUTHORIZED UNDER SUBSECTION (A) OF THIS
2 SECTION SHALL BE ORDERED AT AN HOURLY COST THAT IS REASONABLE IN LIGHT
3 OF THE FINANCIAL CIRCUMSTANCES OF EACH PARENT, ASSESSED ON A UNIFORM
4 SLIDING SCALE.

5 (2) IF ONE PARENT'S ABILITY TO PAY FOR MEDIATION SERVICES IS
6 SIGNIFICANTLY GREATER THAN THE OTHER, THE COURT MAY ORDER THAT PARENT
7 TO PAY SOME OR ALL OF THE EXPENSES OF THE OTHER.

8 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND
9 SUBSECTION (E) OF THIS SECTION, STATE REVENUES MAY NOT BE USED TO DEFRAY
10 THE COSTS FOR THE SERVICES OF A MEDIATOR.

11 (4) THE COURT OF APPEALS MAY USE A PORTION OF ITS BUDGET TO PAY
12 ADMINISTRATIVE COSTS ASSOCIATED WITH ESTABLISHING AND OPERATING
13 MEDIATION PROGRAMS.

14 (E) (1) THERE IS A SPECIAL FUND KNOWN AS THE MEDIATION PROGRAM
15 FUND.

16 (2) GRANTS OR GIFTS TO THE STATE FOR THE MEDIATION PROGRAM
17 FUND SHALL BE TRANSMITTED TO THE STATE COMPTROLLER AND CREDITED TO
18 THE MEDIATION PROGRAM FUND.

19 (3) FUNDS IN THE MEDIATION PROGRAM FUND MAY BE APPROPRIATED
20 ONLY FOR USE BY THE COURT OF APPEALS FOR MEDIATION PROGRAMS.

21 (4) FUNDS APPROPRIATED IN THE BUDGET FOR THE COURT OF APPEALS
22 UNDER THIS SUBSECTION:

23 (I) SHALL REMAIN AVAILABLE UNTIL EXPENDED; AND

24 (II) MAY NOT BE REVERTED UNDER ANY OTHER PROVISION OF
25 LAW.

26 (F) THE COURT OF APPEALS SHALL ESTABLISH STANDARDS FOR THE
27 QUALIFICATION AND TRAINING OF MEDIATORS.

28 9-107. PROPOSED TEMPORARY PARENTING PLAN; TEMPORARY ORDER; AMENDMENT;
29 VACATION OF ORDER.

30 (A) (1) A PARENT SEEKING A TEMPORARY ORDER RELATING TO PARENTING
31 SHALL FILE AND SERVE A PROPOSED TEMPORARY PARENTING PLAN BY MOTION.

32 (2) THE OTHER PARENT, IF CONTESTING THE PROPOSED TEMPORARY
33 PARENTING PLAN, SHALL FILE AND SERVE A RESPONSIVE PROPOSED PARENTING
34 PLAN.

35 (3) EITHER PARENT MAY MOVE TO HAVE A PROPOSED TEMPORARY
36 PARENTING PLAN ENTERED AS PART OF A TEMPORARY ORDER.

1 (4) THE PARENTS MAY ENTER AN AGREED TEMPORARY PARENTING
2 PLAN AT ANY TIME AS PART OF A TEMPORARY ORDER.

3 (5) THE PROPOSED TEMPORARY PARENTING PLAN MAY BE SUPPORTED
4 BY RELEVANT EVIDENCE AND SHALL BE VERIFIED AND INCLUDE THE FOLLOWING:

5 (I) THE NAME, ADDRESS, AND LENGTH OF RESIDENCE WITH THE
6 PERSON OR PERSONS WITH WHOM THE CHILD HAS LIVED FOR THE PRECEDING 12
7 MONTHS;

8 (II) THE PERFORMANCE BY EACH PARENT DURING THE LAST 12
9 MONTHS OF THE PARENTING FUNCTIONS RELATING TO THE DAILY NEEDS OF THE
10 CHILD;

11 (III) THE PARENTS' WORK AND CHILD CARE SCHEDULES FOR THE
12 PRECEDING 12 MONTHS;

13 (IV) THE PARENTS' CURRENT WORK AND CHILD CARE SCHEDULES;
14 AND

15 (V) ANY OF THE CIRCUMSTANCES SET FORTH IN § 9-113 OF THIS
16 SUBTITLE THAT ARE LIKELY TO POSE A SERIOUS RISK TO THE CHILD AND THAT
17 WARRANT LIMITATION ON THE AWARD TO A PARENT OF TEMPORARY RESIDENCE OR
18 PARENTAL TIME WITH THE CHILD PENDING ENTRY OF A PERMANENT PARENTING
19 PLAN.

20 (B) AT THE HEARING, THE COURT SHALL ENTER A TEMPORARY PARENTING
21 ORDER INCORPORATING A TEMPORARY PARENTING PLAN THAT INCLUDES:

22 (1) A SCHEDULE FOR THE CHILD'S TIME WITH EACH PARENT WHEN
23 APPROPRIATE;

24 (2) DESIGNATION OF A TEMPORARY RESIDENCE FOR THE CHILD;

25 (3) ALLOCATION OF DECISION MAKING AUTHORITY, IF ANY;

26 (4) PROVISIONS FOR TEMPORARY SUPPORT FOR THE CHILD; AND

27 (5) RESTRAINING ORDERS, IF APPLICABLE.

28 (C) ABSENT ALLOCATION OF DECISION MAKING AUTHORITY UNDER
29 SUBSECTION (B) OF THIS SECTION, CONSISTENT WITH § 9-111 OF THIS SUBTITLE,
30 NEITHER PARTY MAY MAKE ANY DECISION FOR THE CHILD OTHER THAN DECISIONS
31 RELATING TO DAY-TO-DAY OR EMERGENCY CARE OF THE CHILD, THAT SHALL BE
32 MADE BY THE PARTY WHO IS PRESENT WITH THE CHILD.

33 (D) A PARENT MAY MAKE A MOTION FOR AN ORDER TO SHOW CAUSE AND THE
34 COURT MAY ENTER A TEMPORARY ORDER, INCLUDING A TEMPORARY PARENTING
35 PLAN, UPON A SHOWING OF NECESSITY.

1 (E) A PARENT MAY MOVE FOR AMENDMENT OF A TEMPORARY PARENTING
2 PLAN, AND THE COURT MAY ORDER AMENDMENT TO THE TEMPORARY PARENTING
3 PLAN, IF THE AMENDMENT CONFORMS TO THE LIMITATIONS OF § 9-113 OF THIS
4 SUBTITLE AND IS IN THE BEST INTEREST OF THE CHILD.

5 9-108. CRITERIA FOR TEMPORARY PARENTING PLAN.

6 (A) AFTER CONSIDERING THE PROPOSED TEMPORARY PARENTING PLAN
7 FILED UNDER § 9-107 OF THIS SUBTITLE AND OTHER RELEVANT EVIDENCE
8 PRESENTED, THE COURT SHALL MAKE A TEMPORARY PARENTING PLAN THAT IS IN
9 THE BEST INTEREST OF THE CHILD.

10 (B) IN MAKING THE DETERMINATION REQUIRED UNDER SUBSECTION (A) OF
11 THIS SECTION, THE COURT SHALL GIVE PARTICULAR CONSIDERATION TO:

12 (1) WHICH PARENT HAS TAKEN GREATER RESPONSIBILITY DURING THE
13 LAST 12 MONTHS FOR PERFORMING CARETAKING FUNCTIONS RELATING TO THE
14 DAILY NEEDS OF THE CHILD; AND

15 (2) WHICH PARENTING ARRANGEMENTS WILL CAUSE THE LEAST
16 DISRUPTION TO THE CHILD'S EMOTIONAL STABILITY WHILE THE ACTION IS
17 PENDING.

18 (C) THE COURT SHALL ALSO CONSIDER THE FACTORS USED TO DETERMINE
19 RESIDENTIAL PROVISIONS IN THE PERMANENT PARENTING PLAN.

20 (D) UPON CREDIBLE EVIDENCE OF ONE OR MORE OF THE CIRCUMSTANCES
21 SET FORTH IN § 9-113 (A) OF THIS SUBTITLE, THE COURT SHALL ISSUE A TEMPORARY
22 ORDER LIMITING OR DENYING ACCESS TO THE CHILD AS REQUIRED BY THAT
23 SECTION, IN ORDER TO PROTECT THE CHILD OR THE OTHER PARTY, PENDING
24 ADJUDICATION OF THE UNDERLYING FACTS.

25 (E) EXPEDITED PROCEDURES SHALL BE INSTITUTED TO FACILITATE THE
26 PROMPT ISSUANCE OF A PARENTING PLAN.

27 9-109. PERMANENT PARENTING PLAN.

28 (A) A PARTY OR PARTIES FILING JOINTLY, SEEKING A JUDICIAL ALLOCATION
29 OF CUSTODIAL RESPONSIBILITY OR DECISION MAKING RESPONSIBILITY UNDER THIS
30 ARTICLE SHALL FILE A PROPOSED PARENTING PLAN WITH THE COURT THAT:

31 (1) SHALL BE VERIFIED; AND

32 (2) SHALL STATE, TO THE EXTENT KNOWN OR REASONABLY
33 DISCOVERABLE BY THE FILING PARTY OR PARTIES:

34 (I) THE NAME, ADDRESS, AND LENGTH OF RESIDENCE OF EACH
35 ADULT THAT THE CHILD HAS LIVED WITH FOR 1 YEAR OR MORE, OR IN THE CASE OF
36 A CHILD LESS THAN 1 YEAR OLD, EACH ADULT THAT THE CHILD HAS LIVED WITH
37 SINCE THE CHILD'S BIRTH;

1 (II) THE NAME AND ADDRESS OF THE CHILD'S PARENTS AND EACH
2 INDIVIDUAL WITH STANDING TO PARTICIPATE IN THE ACTION UNDER § 9-103 OF
3 THIS SUBTITLE;

4 (III) A DESCRIPTION OF THE ALLOCATION OF CARETAKING AND
5 OTHER PARENTING RESPONSIBILITIES PERFORMED BY EACH PERSON NAMED IN
6 ITEMS (1) AND (2) OF THIS SUBSECTION DURING THE 36 MONTHS PRECEDING THE
7 FILING OF AN ACTION GOVERNED BY THIS SUBTITLE;

8 (IV) A DESCRIPTION OF THE WORK AND CHILD CARE SCHEDULES
9 OF A PERSON SEEKING AN ALLOCATION OF CUSTODIAL RESPONSIBILITY, AND ANY
10 EXPECTED CHANGES TO THESE SCHEDULES IN THE NEAR FUTURE;

11 (V) A DESCRIPTION OF THE CHILD'S SCHOOL AND
12 EXTRACURRICULAR ACTIVITIES;

13 (VI) A DESCRIPTION OF ANY OF THE LIMITING FACTORS AS
14 DESCRIBED IN § 9-113 OF THIS SUBTITLE THAT ARE PRESENT, INCLUDING ANY
15 RESTRAINING OR OTHER ORDERS AGAINST EITHER PARENT TO PREVENT DOMESTIC
16 OR FAMILY VIOLENCE, BY CASE NUMBER AND JURISDICTION;

17 (VII) REQUIRED FINANCIAL INFORMATION; AND

18 (VIII) A DESCRIPTION OF THE KNOWN AREAS OF AGREEMENT AND
19 DISAGREEMENT WITH ANY OTHER PARENTING PLAN SUBMITTED IN THE CASE.

20 (B) THE COURT SHALL MAINTAIN THE CONFIDENTIALITY OF ANY
21 INFORMATION REQUIRED TO BE FILED UNDER SUBSECTION (A) OF THIS SECTION IF
22 THE PERSON GIVING THAT INFORMATION HAS A REASONABLE FEAR OF DOMESTIC
23 ABUSE AND DISCLOSURE OF THE INFORMATION WOULD INCREASE THAT FEAR.

24 (C) (1) THE COURT SHALL DEVELOP A PROCESS TO IDENTIFY CASES IN
25 WHICH THERE IS CREDIBLE INFORMATION THAT ABUSE OR NEGLECT OF A CHILD, AS
26 DEFINED IN § 5-701 OF THIS ARTICLE, OR DOMESTIC VIOLENCE OR ABUSE, AS
27 DEFINED IN TITLE 4, SUBTITLE 5 OF THIS ARTICLE, HAS OCCURRED.

28 (2) THE PROCESS SHALL INCLUDE:

29 (I) ASSISTANCE FOR POSSIBLE VICTIMS OF DOMESTIC ABUSE AND
30 REFERRAL TO APPROPRIATE RESOURCES FOR SAFE SHELTER, COUNSELING, AND
31 SAFETY PLANNING;

32 (II) PROVISION OF INFORMATION REGARDING THE POTENTIAL
33 IMPACT OF DOMESTIC ABUSE ON CHILDREN;

34 (III) PROVISION OF INFORMATION REGARDING CIVIL AND CRIMINAL
35 REMEDIES FOR DOMESTIC ABUSE; AND

36 (IV) A SYSTEM FOR ENSURING THAT JOINTLY SUBMITTED
37 PARENTING PLANS THAT ARE FILED IN CASES IN WHICH THERE IS CREDIBLE

1 INFORMATION THAT CHILD ABUSE OR DOMESTIC ABUSE HAS OCCURRED RECEIVE
2 THE COURT REVIEW MANDATED BY § 9-105 OF THIS SUBTITLE.

3 (D) UPON MOTION OF A PARTY, AFTER CONSIDERATION OF THE EVIDENCE,
4 THE COURT SHALL ORDER A PARENTING PLAN CONSISTENT WITH §§ 9-110 THROUGH
5 9-113 OF THIS SUBTITLE, CONTAINING:

6 (1) A PROVISION FOR THE CHILD'S LIVING ARRANGEMENTS AND EACH
7 PARTY'S PARENTAL RESPONSIBILITY, THAT SHALL INCLUDE EITHER:

8 (I) A PARENTING SCHEDULE THAT DESIGNATES THE PARENT'S
9 HOME THAT EACH MINOR CHILD WILL RESIDE IN ON GIVEN DAYS OF THE YEAR; OR

10 (II) A FORMULA OR METHOD FOR DETERMINING A PARENTING
11 SCHEDULE WITH SUFFICIENT DETAIL THAT, IF NECESSARY, THE SCHEDULE CAN BE
12 ENFORCED IN SUBSEQUENT PROCEEDINGS BY THE COURT;

13 (2) AN ALLOCATION OF PARENTAL DECISION MAKING RESPONSIBILITY
14 AS TO SIGNIFICANT MATTERS REASONABLY LIKELY TO ARISE WITH RESPECT TO THE
15 CHILD; AND

16 (3) A PROVISION CONSISTENT WITH § 9-106 OF THIS SUBTITLE, FOR
17 RESOLUTION OF DISPUTES THAT ARISE UNDER THE PLAN AND REMEDIES FOR
18 VIOLATIONS OF THE PLAN.

19 (E) A PARENTING PLAN MAY CONTAIN PROVISIONS THAT ADDRESS MATTERS
20 EXPECTED TO ARISE IN THE EVENT OF A PARTY'S RELOCATION, OR PROVIDE FOR
21 FUTURE MODIFICATIONS IN THE PARENTING PLAN IN THE EVENT SPECIFIED
22 CONTINGENCIES OCCUR.

23 9-110. ALLOCATION OF RESIDENTIAL RESPONSIBILITY.

24 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COURT
25 SHALL ALLOCATE RESIDENTIAL RESPONSIBILITY SO THAT:

26 (1) THE PROPORTION OF RESIDENTIAL TIME THE CHILD SPENDS WITH
27 EACH PARENT APPROXIMATES THE PROPORTION OF TIME THE PARENT SPENT
28 PERFORMING CARETAKING FUNCTIONS FOR THE CHILD PRIOR TO THE PARENTS'
29 SEPARATION; OR

30 (2) IF THE PARENTS NEVER LIVED TOGETHER BEFORE THE FILING OF
31 THE ACTION, THE PROPORTION OF RESIDENTIAL TIME THE CHILD SPENDS WITH
32 EACH PARENT APPROXIMATES THE PROPORTION OF TIME EACH PARENT SPENT
33 PERFORMING CARETAKING FUNCTIONS FOR THE CHILD PRIOR TO THE FILING OF
34 THE ACTION.

35 (B) THE COURT SHALL ALLOCATE RESIDENTIAL RESPONSIBILITY AS SET
36 FORTH IN SUBSECTION (A) OF THIS SECTION:

1 (1) UNLESS OTHERWISE RESOLVED BY AGREEMENT OF THE PARENTS
2 UNDER § 9-105 OF THIS SUBTITLE;

3 (2) UNLESS MANIFESTLY HARMFUL TO THE CHILD;

4 (3) TO THE EXTENT REQUIRED UNDER § 9-113 OF THIS SUBTITLE; AND

5 (4) EXCEPT AS NECESSARY TO ACHIEVE ANY OF THE FOLLOWING
6 OBJECTIVES:

7 (I) TO PERMIT THE CHILD TO HAVE A RELATIONSHIP WITH EACH
8 PARENT WHO HAS PERFORMED A REASONABLE SHARE OF PARENTING FUNCTIONS;

9 (II) TO ACCOMMODATE THE FIRM AND REASONABLE
10 PREFERENCES OF A CHILD WHO IS AT LEAST 14 YEARS OLD;

11 (III) TO ACCOMMODATE THE FIRM AND REASONABLE
12 PREFERENCES OF A CHILD UNDER THE AGE OF 14 YEARS, IF THE CHILD IS
13 SUFFICIENTLY MATURE AND ABLE TO INTELLIGENTLY EXPRESS A VOLUNTARY
14 PREFERENCE FOR ONE PARENT, GIVING THE PREFERENCE SUCH WEIGHT AS THE
15 CIRCUMSTANCES WARRANT;

16 (IV) TO KEEP SIBLINGS TOGETHER WHEN THE COURT FINDS THAT
17 IT IS NECESSARY TO THEIR WELFARE;

18 (V) TO PROTECT THE CHILD'S WELFARE WHEN, UNDER AN
19 OTHERWISE APPROPRIATE ALLOCATION, THE CHILD WOULD BE HARMED BECAUSE
20 OF A GROSS DISPARITY IN THE QUALITY OF THE EMOTIONAL ATTACHMENTS
21 BETWEEN EACH PARENT AND THE CHILD OR IN EACH PARENT'S DEMONSTRATED
22 ABILITY OR AVAILABILITY TO MEET A CHILD'S NEEDS;

23 (VI) TO TAKE INTO ACCOUNT ANY PRIOR AGREEMENT OF THE
24 PARENTS THAT, UNDER THE CIRCUMSTANCES AS A WHOLE, INCLUDING THE
25 REASONABLE EXPECTATIONS OF THE PARENTS IN THE INTEREST OF THE CHILD,
26 WOULD BE APPROPRIATE TO CONSIDER;

27 (VII) TO AVOID AN ALLOCATION OF RESIDENTIAL RESPONSIBILITY
28 THAT WOULD BE EXTREMELY IMPRACTICAL OR THAT WOULD INTERFERE
29 SUBSTANTIALLY WITH THE CHILD'S NEED FOR STABILITY IN LIGHT OF ECONOMIC,
30 PHYSICAL OR OTHER CIRCUMSTANCES, INCLUDING THE DISTANCE BETWEEN THE
31 PARENTS' RESIDENCES, THE COST AND DIFFICULTY OF TRANSPORTING THE CHILD,
32 THE PARENTS' AND CHILD'S DAILY SCHEDULES, AND THE ABILITY OF THE PARENTS
33 TO COOPERATE IN THE ARRANGEMENT;

34 (VIII) TO APPLY THE PRINCIPLES SET FORTH IN § 9-119 OF THIS
35 SUBTITLE IF ONE PARENT RELOCATES OR PROPOSES TO RELOCATE AT A DISTANCE
36 THAT WILL IMPAIR THE ABILITY OF A PARENT TO EXERCISE THE AMOUNT OF
37 CUSTODIAL RESPONSIBILITY THAT WOULD OTHERWISE BE ORDERED UNDER THIS
38 SECTION; AND

1 (IX) TO CONSIDER THE STAGE OF A CHILD'S DEVELOPMENT.

2 (C) (1) IN DETERMINING THE PROPORTION OF CARETAKING FUNCTIONS
3 EACH PARENT PREVIOUSLY PERFORMED FOR THE CHILD UNDER SUBSECTION (A) OF
4 THIS SECTION, THE COURT MAY NOT CONSIDER THE DIVISIONS OF FUNCTIONS
5 ARISING FROM TEMPORARY ARRANGEMENTS AFTER SEPARATION, WHETHER THE
6 ARRANGEMENTS ARE CONSENSUAL OR BY COURT ORDER.

7 (2) THE COURT MAY TAKE INTO ACCOUNT INFORMATION RELATING TO
8 THE TEMPORARY ARRANGEMENTS IN DETERMINING OTHER ISSUES UNDER THIS
9 SECTION.

10 (D) (1) THE COURT SHALL ALLOCATE RESIDENTIAL RESPONSIBILITY BASED
11 ON THE CHILD'S BEST INTEREST, TAKING INTO ACCOUNT THE FACTORS AND
12 CONSIDERATIONS SET FORTH IN THIS SECTION AND IN §§ 9-113 AND 9-119(D) OF THIS
13 SUBTITLE IF UNABLE TO ALLOCATE CUSTODIAL RESPONSIBILITY UNDER
14 SUBSECTIONS (A) AND (B) OF THIS SECTION BECAUSE:

15 (I) THE ALLOCATION WOULD BE MANIFESTLY HARMFUL TO THE
16 CHILD;

17 (II) THERE IS NO HISTORY OF PAST PERFORMANCE OF
18 CARETAKING FUNCTIONS, AS IN THE CASE OF A NEWBORN; OR

19 (III) THE HISTORY DOES NOT ESTABLISH A PATTERN OF
20 CARETAKING SUFFICIENTLY DISPOSITIVE OF THE ISSUES OF THE CASE.

21 (2) THE ALLOCATION OF RESIDENTIAL RESPONSIBILITY UNDER THIS
22 SUBSECTION SHALL TO THE EXTENT POSSIBLE, PRESERVE THE PRIORITY SET FORTH
23 IN SUBSECTION (A) OF THIS SECTION AS TO THE SHARE OF PAST CARETAKING
24 FUNCTIONS EACH PARENT PERFORMED.

25 (E) IN DETERMINING HOW TO SCHEDULE THE RESIDENTIAL TIME
26 ALLOCATED TO EACH PARENT, THE COURT SHALL TAKE INTO ACCOUNT THE
27 ECONOMIC, PHYSICAL, AND OTHER PRACTICAL CIRCUMSTANCES SUCH AS THOSE
28 LISTED IN SUBSECTION (B)(4)(VII) OF THIS SECTION.

29 9-111. ALLOCATION OF SIGNIFICANT DECISION MAKING RESPONSIBILITY.

30 (A) UNLESS OTHERWISE RESOLVED BY AGREEMENT OF THE PARENTS UNDER
31 § 9-105 OF THIS SUBTITLE, THE COURT SHALL ALLOCATE RESPONSIBILITY FOR
32 MAKING SIGNIFICANT LIFE DECISIONS ON BEHALF OF THE CHILD, INCLUDING THE
33 CHILD'S EDUCATION AND HEALTH CARE, TO ONE PARENT OR TO TWO PARENTS
34 JOINTLY, IN ACCORDANCE WITH THE CHILD'S BEST INTEREST, IN LIGHT OF:

35 (1) THE ALLOCATION OF RESIDENTIAL RESPONSIBILITY UNDER § 9-110
36 OF THIS SUBTITLE;

37 (2) THE EXTENT OF EACH PARENT'S PARTICIPATION IN PAST DECISION
38 MAKING ON BEHALF OF THE CHILD;

1 (3) THE WISHES OF THE PARENTS;

2 (4) THE LEVEL OF ABILITY AND COOPERATION THE PARENTS HAVE
3 DEMONSTRATED IN DECISION MAKING ON BEHALF OF THE CHILD;

4 (5) PRIOR AGREEMENTS OF THE PARTIES; AND

5 (6) THE EXISTENCE OF ANY LIMITING FACTORS UNDER § 9-113 OF THIS
6 SUBTITLE.

7 (B) (1) IF EACH OF THE CHILD'S LEGAL PARENTS HAS BEEN EXERCISING A
8 REASONABLE AND SUBSTANTIAL SHARE OF PARENTING FUNCTIONS FOR THE CHILD,
9 THE COURT SHALL CONSIDER THAT AN ALLOCATION OF DECISION MAKING
10 RESPONSIBILITY TO BOTH PARENTS JOINTLY IS IN THE CHILD'S BEST INTERESTS.

11 (2) THE PRESUMPTION IS OVERCOME IF THERE IS A HISTORY OF
12 DOMESTIC ABUSE, OR BY A SHOWING THAT JOINT ALLOCATION OF DECISION
13 MAKING RESPONSIBILITY IS NOT IN THE CHILD'S BEST INTEREST.

14 (C) UNLESS OTHERWISE PROVIDED OR AGREED BY THE PARENTS, EACH
15 PARENT WHO IS EXERCISING RESIDENTIAL RESPONSIBILITY SHALL BE GIVEN SOLE
16 RESPONSIBILITY FOR DAY-TO-DAY DECISIONS FOR THE CHILD, WHILE THE CHILD IS
17 IN THAT PARENT'S CARE AND CONTROL, INCLUDING EMERGENCY DECISIONS
18 AFFECTING THE HEALTH AND SAFETY OF THE CHILD.

19 9-112. CRITERIA FOR PARENTING PLAN; DISPUTE RESOLUTION.

20 (A) IF PROVISIONS FOR RESOLVING PARENTAL DISPUTES ARE NOT ORDERED
21 BY THE COURT PURSUANT TO A PARENTING AGREEMENT UNDER § 9-105 OF THIS
22 SUBTITLE, THE COURT SHALL ORDER A METHOD OF RESOLVING DISPUTES THAT
23 SERVES THE CHILD'S BEST INTEREST IN LIGHT OF:

24 (1) THE PARENTS' WISHES AND THE STABILITY OF THE CHILD;

25 (2) CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, FINANCIAL
26 CIRCUMSTANCES, THAT MAY AFFECT THE PARENTS' ABILITY TO PARTICIPATE IN A
27 PRESCRIBED DISPUTE RESOLUTION PROCESS; AND

28 (3) THE EXISTENCE OF ANY LIMITING FACTOR UNDER § 9-113 OF THIS
29 SUBTITLE.

30 (B) (1) THE COURT MAY ORDER A NONJUDICIAL PROCESS OF DISPUTE
31 RESOLUTION BY DESIGNATING WITH PARTICULARITY THE PERSON OR AGENCY TO
32 CONDUCT THE PROCESS OR THE METHOD FOR SELECTING SUCH A PERSON OR
33 AGENCY.

34 (2) THE DISPOSITION OF A DISPUTE THROUGH A NONJUDICIAL METHOD
35 OF DISPUTE RESOLUTION THAT HAS BEEN ORDERED BY THE COURT WITHOUT PRIOR
36 PARENTAL AGREEMENT IS SUBJECT TO DE NOVO JUDICIAL REVIEW.

1 (3) IF THE PARENTS HAVE AGREED IN A PARENTING PLAN OR LATER
2 AGREEMENT TO A BINDING RESOLUTION OF THEIR DISPUTE BY NONJUDICIAL
3 MEANS, A DECISION BY THOSE MEANS IS BINDING UPON THE PARENTS AND SHALL
4 BE ENFORCED BY THE COURT, UNLESS IT IS SHOWN TO BE:

5 (I) CONTRARY TO THE BEST INTERESTS OF THE CHILD;

6 (II) BEYOND THE SCOPE OF THE PARENTS' AGREEMENT; OR

7 (III) THE RESULT OF FRAUD, MISCONDUCT, CORRUPTION, OR
8 OTHER SERIOUS IRREGULARITY.

9 (C) THIS SECTION IS SUBJECT TO THE LIMITATIONS IMPOSED BY § 9-106 OF
10 THIS SUBTITLE.

11 9-113. PARENTING PLAN; LIMITING FACTORS.

12 (A) IF EITHER OF THE PARENTS MAKES A REQUEST OR UPON RECEIPT OF
13 CREDIBLE INFORMATION, THE COURT SHALL DETERMINE WHETHER A PARENT WHO
14 WOULD OTHERWISE BE ALLOCATED RESPONSIBILITY UNDER A PARENTING PLAN:

15 (1) HAS ABUSED, NEGLECTED, OR ABANDONED A CHILD, AS DEFINED
16 UNDER TITLE 5, SUBTITLE 7 OF THIS ARTICLE;

17 (2) HAS SEXUALLY ABUSED A CHILD OR COMMITTED A SEXUAL
18 OFFENSE AGAINST A CHILD UNDER ARTICLE 27 OF THE CODE;

19 (3) HAS COMMITTED DOMESTIC VIOLENCE, AS DEFINED IN TITLE 4,
20 SUBTITLE 5 OF THIS ARTICLE;

21 (4) HAS INTERFERED PERSISTENTLY AND UNREASONABLY WITH THE
22 OTHER PARENT'S LAWFUL ACCESS TO THE CHILD; OR

23 (5) HAS REPEATEDLY MADE FRAUDULENT REPORTS OF DOMESTIC
24 VIOLENCE OR CHILD ABUSE.

25 (B) (1) IF A PARENT IS FOUND TO HAVE ENGAGED IN ANY ACTIVITY
26 SPECIFIED BY SUBSECTION (A) OF THIS SECTION, THE COURT SHALL IMPOSE LIMITS
27 THAT ARE REASONABLY CALCULATED TO PROTECT THE CHILD OR CHILD'S PARENT
28 FROM HARM.

29 (2) THE LIMITATIONS THAT THE COURT SHALL CONSIDER INCLUDE,
30 BUT ARE NOT LIMITED TO:

31 (I) AN ADJUSTMENT OF THE CUSTODIAL RESPONSIBILITY OF THE
32 PARENTS, INCLUDING THE ALLOCATION OF EXCLUSIVE CUSTODIAL RESPONSIBILITY
33 TO ONE OF THEM;

34 (II) SUPERVISION OF THE CUSTODIAL TIME BETWEEN A PARENT
35 AND THE CHILD;

1 (III) EXCHANGE OF THE CHILD BETWEEN PARENTS THROUGH AN
2 INTERMEDIARY, OR IN A PROTECTED SETTING;

3 (IV) RESTRAINTS ON THE PARENT FROM COMMUNICATION WITH OR
4 PROXIMITY TO THE OTHER PARENT OR THE CHILD;

5 (V) A REQUIREMENT THAT THE PARENT ABSTAIN FROM
6 POSSESSION OR CONSUMPTION OF ALCOHOL OR NONPRESCRIBED DRUGS WHILE
7 EXERCISING CUSTODIAL RESPONSIBILITY AND IN THE 24-HOUR PERIOD
8 IMMEDIATELY PRECEDING THE CUSTODIAL RESPONSIBILITY;

9 (VI) DENIAL OF OVERNIGHT CUSTODIAL RESPONSIBILITY;

10 (VII) RESTRICTIONS ON THE PRESENCE OF SPECIFIC PERSONS
11 WHILE THE PARENT IS WITH THE CHILD;

12 (VIII) A REQUIREMENT THAT THE PARENT POST A BOND TO SECURE
13 RETURN OF THE CHILD FOLLOWING A PERIOD IN WHICH THE PARENT IS EXERCISING
14 CUSTODIAL RESPONSIBILITY OR TO SECURE OTHER PERFORMANCE REQUIRED BY
15 THE COURT;

16 (IX) A REQUIREMENT THAT THE PARENT COMPLETE A PROGRAM OF
17 INTERVENTION FOR PERPETRATORS OF DOMESTIC VIOLENCE OR FOR DRUG OR
18 ALCOHOL ABUSE OR A PROGRAM DESIGNED TO CORRECT OTHER HARMFUL
19 BEHAVIORS; OR

20 (X) ANY OTHER CONSTRAINTS OR CONDITIONS THAT THE COURT
21 DEEMS NECESSARY TO PROVIDE FOR THE SAFETY OF THE CHILD, A CHILD'S PARENT,
22 OR ANY PERSON WHOSE SAFETY IMMEDIATELY AFFECTS THE CHILD'S WELFARE.

23 (C) (1) IF A PARENT IS FOUND TO HAVE ENGAGED IN ANY ACTIVITY
24 SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE COURT MAY NOT ALLOCATE
25 CUSTODIAL RESPONSIBILITY OR DECISION MAKING RESPONSIBILITY TO THAT
26 PARENT WITHOUT MAKING SPECIAL WRITTEN FINDINGS THAT THE CHILD AND
27 OTHER PARENT CAN BE ADEQUATELY PROTECTED FROM HARM BY THE LIMITS THE
28 COURT MAY IMPOSE UNDER SUBSECTION (B)(2) OF THIS SECTION.

29 (2) THE PARENT FOUND TO HAVE ENGAGED IN THE BEHAVIOR
30 SPECIFIED IN SUBSECTION (A) OF THIS SECTION HAS THE BURDEN OF PROVING
31 THAT AN ALLOCATION OF CUSTODIAL RESPONSIBILITY OR DECISION MAKING
32 RESPONSIBILITY TO THAT PARENT WILL NOT ENDANGER THE CHILD OR THE OTHER
33 PARENT.

34 PART III. FACT FINDING.

35 9-114. COURT ORDERED INVESTIGATION.

36 (A) (1) IN ITS DISCRETION, THE COURT MAY ORDER AN INVESTIGATION AND
37 WRITTEN REPORT TO ASSIST IN DETERMINING ANY ISSUE RELEVANT TO
38 PROCEEDINGS UNDER THIS ARTICLE.

1 (2) THE INVESTIGATION AND REPORT MAY BE MADE BY THE GUARDIAN
2 AD LITEM, THE STAFF OF THE COURT, OR OTHER PROFESSIONAL SOCIAL SERVICE
3 ORGANIZATION EXPERIENCED IN COUNSELING CHILDREN AND FAMILIES.

4 (3) THE COURT SHALL SPECIFY THE SCOPE OF THE INVESTIGATION OR
5 EVALUATION AND THE AUTHORITY OF THE INVESTIGATOR.

6 (B) (1) THE INVESTIGATOR MAY CONSULT ANY PERSON WHO MAY HAVE
7 INFORMATION ABOUT THE CHILD AND THE POTENTIAL PARENTING OR RESIDENTIAL
8 ARRANGEMENTS.

9 (2) UPON ORDER OF THE COURT, THE INVESTIGATOR MAY REFER THE
10 CHILD TO PROFESSIONAL PERSONNEL FOR DIAGNOSIS.

11 (3) THE INVESTIGATOR MAY CONSULT WITH AND OBTAIN INFORMATION
12 FROM MEDICAL, PSYCHIATRIC, OR OTHER EXPERT PERSONS WHO HAVE SERVED THE
13 CHILD IN THE PAST WITHOUT OBTAINING THE CONSENT OF THE PARENT OR THE
14 CHILD'S CUSTODIAN, PROVIDED THAT THE CHILD'S CONSENT SHALL BE OBTAINED IF
15 THE CHILD HAS REACHED 12 YEARS OF AGE, UNLESS THE COURT FINDS THAT THE
16 CHILD LACKS MENTAL CAPACITY TO CONSENT.

17 (4) IF THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION ARE
18 FULFILLED, THE INVESTIGATOR'S REPORT MAY BE RECEIVED IN EVIDENCE AT THE
19 HEARING.

20 (C) (1) THE INVESTIGATOR SHALL DELIVER THE INVESTIGATOR'S REPORT
21 TO COUNSEL AND TO ANY PARTY NOT REPRESENTED BY COUNSEL AT LEAST 10 DAYS
22 PRIOR TO THE HEARING UNLESS A SHORTER TIME IS ORDERED BY THE COURT FOR
23 GOOD CAUSE SHOWN.

24 (2) THE INVESTIGATOR SHALL MAKE AVAILABLE TO COUNSEL AND TO
25 ANY PARTY NOT REPRESENTED BY COUNSEL THE INVESTIGATOR'S FILE OF
26 UNDERLYING DATA AND REPORTS, COMPLETE TEXTS OF DIAGNOSTIC REPORTS
27 MADE TO THE INVESTIGATOR UNDER THE PROVISIONS OF SUBSECTION (B) OF THIS
28 SECTION, AND THE NAMES AND ADDRESSES OF ALL PERSONS WHOM THE
29 INVESTIGATOR HAS CONSULTED.

30 (3) A PARTY TO THE PROCEEDING MAY CALL THE INVESTIGATOR AND
31 ANY PERSON WHOM THE INVESTIGATOR HAS CONSULTED FOR
32 CROSS-EXAMINATION.

33 (4) A PARTY MAY NOT WAIVE THE RIGHT OF CROSS-EXAMINATION
34 PRIOR TO THE HEARING.

35 (D) SERVICES AND TESTS ORDERED UNDER THIS SECTION SHALL BE
36 ORDERED ONLY IF THERE IS NO COST TO THE INDIVIDUALS INVOLVED, OR THE COST
37 IS REASONABLE IN LIGHT OF THE AVAILABLE FINANCIAL RESOURCES.

1 9-115. APPOINTMENT OF GUARDIAN.

2 (A) (1) THE COURT MAY APPOINT A GUARDIAN AD LITEM TO REPRESENT
3 THE CHILD'S BEST INTERESTS.

4 (2) THE COURT SHALL SPECIFY THE TERMS OF THE APPOINTMENT,
5 INCLUDING THE GUARDIAN'S ROLE, DUTIES, AND SCOPE OF AUTHORITY.

6 (B) (1) THE COURT MAY APPOINT A LAWYER TO REPRESENT THE CHILD, IF
7 THE CHILD IS COMPETENT TO DIRECT THE TERMS OF THE REPRESENTATION AND
8 THE COURT HAS A REASONABLE BASIS FOR FINDING THAT THE APPOINTMENT
9 WOULD BE HELPFUL IN RESOLVING THE ISSUES OF THE CASE.

10 (2) THE COURT SHALL SPECIFY THE TERMS OF THE APPOINTMENT,
11 INCLUDING THE LAWYER'S ROLE, DUTIES, AND SCOPE OF AUTHORITY.

12 (C) WHEN SUBSTANTIVE ALLEGATIONS OF DOMESTIC ABUSE HAVE BEEN
13 MADE, THE COURT SHALL ORDER AN INVESTIGATION UNDER § 9-114 OF THIS
14 SUBTITLE OR MAKE AN APPOINTMENT UNDER SUBSECTION (A) OR (B) OF THIS
15 SECTION, UNLESS THE COURT IS SATISFIED THAT THE INFORMATION NECESSARY TO
16 EVALUATE THE ALLEGATIONS WILL BE ADEQUATELY PRESENTED TO THE COURT
17 WITHOUT AN ORDER OR APPOINTMENT.

18 (D) SUBJECT TO RESTRICTIONS IMPOSED AT THE DISCRETION OF THE COURT,
19 BY THE ATTORNEY-CLIENT PRIVILEGE, OR BY § 9-106(D) OF THIS SUBTITLE, THE
20 COURT MAY REQUIRE THAT:

21 (1) THE CHILD OR PARENT PROVIDE INFORMATION TO AN INDIVIDUAL
22 OR AGENCY APPOINTED BY THE COURT UNDER EITHER § 9-114 OF THIS SUBTITLE OR
23 SUBSECTION (A) OR (B) OF THIS SECTION; AND

24 (2) A PERSON HAVING INFORMATION ABOUT THE CHILD OR PARENT
25 PROVIDE THE INFORMATION, EVEN IN THE ABSENCE OF CONSENT BY A PARENT OR
26 BY THE CHILD, UNLESS THE INFORMATION IS OTHERWISE PROTECTED BY LAW.

27 (E) (1) THE INVESTIGATOR WHO SUBMITS A REQUESTED REPORT OR
28 EVIDENCE TO THE COURT UNDER § 9-114 OF THIS SUBTITLE AND A GUARDIAN AD
29 LITEM APPOINTED UNDER SUBSECTION (A) OF THIS SECTION WHO SUBMITS
30 INFORMATION OR RECOMMENDATIONS TO THE COURT ARE SUBJECT TO
31 CROSS-EXAMINATION BY THE PARTIES.

32 (2) A LAWYER APPOINTED UNDER SUBSECTION (B) OF THIS SECTION
33 MAY NOT BE A WITNESS IN THE PROCEEDINGS, EXCEPT AS ALLOWED UNDER
34 STANDARDS APPLICABLE IN OTHER CIVIL PROCEEDINGS.

35 (F) SERVICES AND TESTS ORDERED UNDER THIS SECTION MAY BE ORDERED
36 ONLY IF THERE IS NO COST TO THE INDIVIDUALS INVOLVED, OR THE COST IS
37 REASONABLE IN LIGHT OF THE AVAILABLE FINANCIAL RESOURCES.

1 9-116. INTERVIEW OF CHILD BY THE COURT.

2 (A) THE COURT MAY INTERVIEW THE CHILD IN CHAMBERS OR DIRECT
3 ANOTHER PERSON TO INTERVIEW THE CHILD, IN ORDER TO OBTAIN INFORMATION
4 RELATING TO THE ISSUES OF THE CASE.

5 (B) THE INTERVIEW SHALL BE CONDUCTED IN ACCORDANCE WITH THE
6 MARYLAND RULES.

7 PART IV. MODIFICATION OF A PARENTING PLAN.

8 9-117. MODIFICATION UPON SHOWING OF CHANGED CIRCUMSTANCES OR HARM.

9 (A) EXCEPT AS PROVIDED IN § 9-118 OR § 9-119 OF THIS SUBTITLE, A COURT
10 SHALL MODIFY A PARENTING PLAN ORDER IF IT FINDS THAT:

11 (1) A SUBSTANTIAL CHANGE HAS OCCURRED IN THE CIRCUMSTANCES
12 OF THE CHILD OR OF ONE OR BOTH PARENTS;

13 (2) A MODIFICATION IS NECESSARY TO SERVE THE BEST INTERESTS OF
14 THE CHILD; AND

15 (3) THE CHANGE OCCURRED OR MODIFICATION IS NECESSARY ON THE
16 BASIS OF FACTS THAT WERE NOT KNOWN OR HAVE ARISEN SINCE THE ENTRY OF
17 THE PRIOR ORDER AND WERE NOT ANTICIPATED IN THE PRIOR ORDER.

18 (B) A COURT MAY MODIFY A PARENTING PLAN UPON THE EXISTENCE OF
19 EXCEPTIONAL CIRCUMSTANCES, IF IT FINDS THAT THE PLAN IS NOT WORKING AS
20 CONTEMPLATED OR INTENDED AND IN A SPECIFIC WAY IS MANIFESTLY HARMFUL
21 TO THE CHILD, EVEN IF A SUBSTANTIAL CHANGE OF CIRCUMSTANCES HAS NOT
22 OCCURRED.

23 (C) UNLESS THE PARENTS HAVE AGREED OTHERWISE, THE FOLLOWING
24 CIRCUMSTANCES DO NOT JUSTIFY A MODIFICATION OF A PARENTING PLAN EXCEPT
25 WHERE SPECIFIC HARM TO THE CHILD IS SHOWN:

26 (1) CIRCUMSTANCES RESULTING IN AN INVOLUNTARY LOSS OF
27 INCOME, BY LOSS OF EMPLOYMENT OR OTHERWISE, AFFECTING THE PARENT'S
28 ECONOMIC STATUS;

29 (2) A PARENT'S REMARRIAGE OR COHABITATION; OR

30 (3) CHOICE OF REASONABLE CARETAKING ARRANGEMENTS FOR THE
31 CHILD BY A LEGAL PARENT, INCLUDING THE CHILD'S PLACEMENT IN DAY CARE.

32 (D) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, THE OCCURRENCE
33 OR WORSENING OF A LIMITING FACTOR, AS DEFINED IN § 9-113(A) OF THIS SUBTITLE,
34 AFTER A PARENTING PLAN HAS BEEN ORDERED BY THE COURT, CONSTITUTES A
35 SUBSTANTIAL CHANGE OF CIRCUMSTANCES AND MEASURES SHALL BE ORDERED

1 PURSUANT TO § 9-113 OF THIS SUBTITLE TO PROTECT THE CHILD OR THE CHILD'S
2 PARENT.

3 9-118. MODIFICATION WITHOUT SHOWING OF CHANGED CIRCUMSTANCES.

4 (A) THE COURT SHALL MODIFY A PARENTING PLAN IN ACCORDANCE WITH A
5 PARENTING AGREEMENT, UNLESS IT FINDS THAT THE AGREEMENT IS NOT
6 KNOWING AND VOLUNTARY OR THAT IT WOULD BE HARMFUL TO THE CHILD.

7 (B) THE COURT MAY MODIFY ANY PROVISIONS OF THE PARENTING PLAN
8 WITHOUT THE SHOWING OF CHANGED CIRCUMSTANCES REQUIRED BY § 9-117(A) OF
9 THIS SUBTITLE, IF THE MODIFICATION IS IN THE CHILD'S BEST INTERESTS, AND THE
10 MODIFICATION:

11 (1) REFLECTS THE DE FACTO ARRANGEMENTS UNDER WHICH THE
12 CHILD HAS BEEN RECEIVING CARE FROM THE PETITIONER IN SUBSTANTIAL
13 DEVIATION FROM THE PARENTING PLAN, WITHOUT OBJECTION, AND FOR AT LEAST 6
14 MONTHS PRECEDING THE FILING OF THE PETITION FOR MODIFICATION, IF THE
15 ARRANGEMENT IS NOT THE RESULT OF A PARENT'S ACQUIESCENCE RESULTING
16 FROM THE OTHER PARENT'S DOMESTIC ABUSE; AND

17 (2) CONSTITUTES A MINOR MODIFICATION IN THE PLAN; OR

18 (3) IS NECESSARY TO ACCOMMODATE THE REASONABLE AND FIRM
19 PREFERENCES OF A CHILD WHO HAS ATTAINED THE AGE OF 14 YEARS.

20 (C) (1) EVIDENCE OF REPEATED FILINGS OF FRAUDULENT REPORTS OF
21 DOMESTIC VIOLENCE OR CHILD ABUSE IS ADMISSIBLE IN A DOMESTIC RELATIONS
22 ACTION BETWEEN THE INVOLVED PARTIES WHEN THE ALLOCATION OF
23 RESIDENTIAL RESPONSIBILITIES IS IN ISSUE.

24 (2) EVIDENCE OF SUCH FRAUDULENT ACCUSATIONS MAY BE A FACTOR
25 CONSIDERED BY THE COURT IN MAKING THE ALLOCATION OF RESIDENTIAL
26 RESPONSIBILITIES.

27 9-119. RELOCATION OF A PARENT.

28 (A) THE RELOCATION OF A CHILD'S PARENT CONSTITUTES A SUBSTANTIAL
29 CHANGE IN THE CIRCUMSTANCES UNDER § 9-117(A) OF THIS SUBTITLE ONLY WHEN
30 IT SIGNIFICANTLY IMPAIRS EITHER PARENT'S ABILITY TO EXERCISE
31 RESPONSIBILITIES THAT THE PARENT HAS BEEN EXERCISING.

32 (B) THE PROVISIONS OF § 9-206 OF THIS TITLE APPLY TO THE RELOCATION OF
33 THE CHILD OR EITHER PARTY WITHIN THE STATE OR TO A LOCATION OUTSIDE OF
34 THE STATE.

35 (C) (1) WHEN CHANGED CIRCUMSTANCES ARE SHOWN UNDER SUBSECTION
36 (A) OF THIS SECTION, THE COURT SHALL REVISE, IF PRACTICAL, THE PARENTING
37 PLAN TO ACCOMMODATE THE RELOCATION AND TO MAINTAIN THE SAME
38 PROPORTION OF RESIDENTIAL RESPONSIBILITY BEING EXERCISED BY THE PARENTS.

1 (2) IN MAKING SUCH REVISION, THE COURT MAY CONSIDER THE
2 ADDITIONAL COSTS THAT A RELOCATION IMPOSES UPON THE RESPECTIVE PARTIES
3 FOR TRANSPORTATION AND COMMUNICATION, AND MAY EQUITABLY ALLOCATE THE
4 COSTS BETWEEN THE PARTIES.

5 (D) WHEN THE RELOCATION CONSTITUTING CHANGED CIRCUMSTANCES
6 UNDER SUBSECTION (A) OF THIS SECTION RENDERS IT IMPRACTICAL TO MAINTAIN
7 THE SAME PROPORTION OF RESIDENTIAL RESPONSIBILITY AS THAT BEING
8 EXERCISED BY EACH PARENT, THE COURT SHALL MODIFY THE PARENTING PLAN IN
9 ACCORDANCE WITH THE CHILD'S BEST INTERESTS AND IN ACCORDANCE WITH THE
10 FOLLOWING PRINCIPLES:

11 (1) A PARENT WHO HAS BEEN EXERCISING A SIGNIFICANT MAJORITY OF
12 THE RESIDENTIAL RESPONSIBILITY FOR THE CHILD SHOULD BE PERMITTED TO
13 RELOCATE WITH THE CHILD IF THAT PARENT SHOWS THAT THE RELOCATION IS IN
14 GOOD FAITH, FOR A LEGITIMATE PURPOSE, AND TO A LOCATION THAT IS
15 REASONABLE IN LIGHT OF THE PURPOSE;

16 (2) THE PERCENTAGE OF RESIDENTIAL RESPONSIBILITY THAT
17 CONSTITUTES A SIGNIFICANT MAJORITY OF RESIDENTIAL RESPONSIBILITY IS 70%
18 OR MORE;

19 (3) A RELOCATION IS FOR A LEGITIMATE PURPOSE IF IT IS:

20 (I) TO BE CLOSE TO SIGNIFICANT FAMILY OR OTHER SUPPORT
21 NETWORKS;

22 (II) FOR SIGNIFICANT HEALTH REASONS;

23 (III) TO PROTECT THE SAFETY OF THE CHILD OR ANOTHER MEMBER
24 OF THE CHILD'S HOUSEHOLD FROM SIGNIFICANT RISK OF HARM;

25 (IV) TO PURSUE A SIGNIFICANT EMPLOYMENT OR EDUCATIONAL
26 OPPORTUNITY; OR

27 (V) TO BE WITH ONE'S SPOUSE WHO IS ESTABLISHED, OR WHO IS
28 PURSUING A SIGNIFICANT EMPLOYMENT OR EDUCATIONAL OPPORTUNITY, IN
29 ANOTHER LOCATION;

30 (4) THE RELOCATING PARENT HAS THE BURDEN OF PROVING THE
31 LEGITIMACY OF ANY OTHER PURPOSE; AND

32 (5) A MOVE WITH A LEGITIMATE PURPOSE IS REASONABLE UNLESS ITS
33 PURPOSE IS SHOWN TO BE SUBSTANTIALLY ACHIEVABLE WITHOUT MOVING, OR BY
34 MOVING TO A LOCATION THAT IS SUBSTANTIALLY LESS DISRUPTIVE OF THE OTHER
35 PARENT'S RELATIONSHIP TO THE CHILD.

36 (E) (1) IF A RELOCATION OF THE PARENT IS IN GOOD FAITH FOR
37 LEGITIMATE PURPOSE AND TO A LOCATION THAT IS REASONABLE IN LIGHT OF THE
38 PURPOSE, AND IF NEITHER HAS BEEN EXERCISING A SIGNIFICANT MAJORITY OF

1 RESIDENTIAL RESPONSIBILITY FOR THE CHILD, THE COURT SHALL REALLOCATE
2 RESIDENTIAL RESPONSIBILITY BASED ON THE BEST INTEREST OF THE CHILD,
3 TAKING INTO ACCOUNT ALL RELEVANT FACTORS INCLUDING THE EFFECTS OF THE
4 RELOCATION ON THE CHILD.

5 (2) IF A PARENT DOES NOT ESTABLISH THAT THE PURPOSE FOR THAT
6 PARENT'S RELOCATION IS IN GOOD FAITH FOR A LEGITIMATE PURPOSE INTO A
7 LOCATION THAT IS REASONABLE IN LIGHT OF THE PURPOSE, THE COURT MAY
8 MODIFY THE PARENTING PLAN IN ACCORDANCE WITH THE CHILD'S BEST INTERESTS
9 AND THE EFFECTS OF THE RELOCATION ON THE CHILD.

10 (3) THE COURT MAY CONSIDER A REALLOCATION OF PRIMARY
11 RESIDENTIAL RESPONSIBILITY PROVIDED THAT THE REALLOCATION:

12 (I) IS NOT EFFECTIVE UNTIL THE RELOCATION OCCURS; AND

13 (II) IS NOT ORDERED IF THE RELOCATING PARENT DEMONSTRATES
14 THAT THE CHILD'S BEST INTERESTS WOULD BE SERVED BY THE RELOCATION.

15 (F) THE COURT SHALL ATTEMPT TO MINIMIZE IMPAIRMENT TO A
16 PARENT-CHILD RELATIONSHIP CAUSED BY A PARENT'S RELOCATION THROUGH
17 ALTERNATIVE ARRANGEMENTS FOR THE EXERCISE OF RESIDENTIAL
18 RESPONSIBILITY APPROPRIATE TO THE PARENTS' RESOURCES AND CIRCUMSTANCES
19 AND THE DEVELOPMENTAL LEVEL OF THE CHILD.

20 (G) IN DETERMINING THE PROPORTION OF CARETAKING AND DECISION
21 MAKING FUNCTIONS EACH PARENT PREVIOUSLY PERFORMED FOR THE CHILD
22 UNDER THE PARENTING PLAN BEFORE RELOCATION, THE COURT MAY NOT
23 CONSIDER A DIVISION OF FUNCTIONS ARISING FROM ANY ARRANGEMENTS MADE
24 AFTER A RELOCATION BUT BEFORE A MODIFICATION HEARING ON THE ISSUES
25 RELATED TO RELOCATION.

26 (H) IN DETERMINING THE EFFECT OF THE RELOCATION OR PROPOSED
27 RELOCATION ON A CHILD, ANY INTERVIEWING OR QUESTIONING OF THE CHILD
28 SHALL BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES.

29 PART V. ENFORCEMENT OF PARENTING PLANS.

30 9-120. ENFORCEMENT OF PARENTING PLANS.

31 (A) UPON A PARENTAL COMPLAINT, IF THE COURT FINDS A PARENT
32 INTENTIONALLY AND WITHOUT GOOD CAUSE VIOLATED A PROVISION OF THE COURT
33 ORDERED PARENTING PLAN, IT SHALL ENFORCE THE REMEDY SPECIFIED IN THE
34 PLAN OR, IF NO REMEDIES ARE SPECIFIED OR SPECIFIED REMEDIES ARE CLEARLY
35 INADEQUATE, THE COURT SHALL FIND THE PLAN HAS BEEN VIOLATED AND ORDER
36 AN APPROPRIATE REMEDY, THAT MAY INCLUDE:

37 (1) IN THE CASE OF INTERFERENCE WITH THE EXERCISE OF
38 RESIDENTIAL RESPONSIBILITY FOR A CHILD BY THE OTHER PARENT, SUBSTITUTE
39 TIME FOR THAT PARENT TO MAKE UP FOR TIME MISSED WITH THE CHILD;

1 (2) IN THE CASE OF MISSED TIME BY A PARENT, COSTS IN RECOGNITION
2 OF LOST OPPORTUNITIES BY THE OTHER PARENT, CHILD CARE COSTS, AND OTHER
3 REASONABLE EXPENSES IN CONNECTION WITH THE MISSED TIME;

4 (3) A MODIFICATION OF THE PLAN, IF THE REQUIREMENTS FOR A
5 MODIFICATION ARE MET UNDER § 9-113, § 9-117, § 9-118, OR § 9-119 OF THIS SUBTITLE,
6 INCLUDING AN ADJUSTMENT OF THE RESIDENTIAL RESPONSIBILITY OF THE
7 PARENTS OR AN ALLOCATION OF EXCLUSIVE RESIDENTIAL RESPONSIBILITY TO ONE
8 OF THEM;

9 (4) AN ORDER THAT THE PARENT WHO VIOLATED THE PLAN OBTAIN
10 APPROPRIATE COUNSELING;

11 (5) A CIVIL PENALTY, IN AN AMOUNT OF NOT MORE THAN \$100 FOR A
12 FIRST OFFENSE, NOT MORE THAN \$500 FOR A SECOND OFFENSE, AND NOT MORE
13 THAN \$1,000 FOR A THIRD OR SUBSEQUENT OFFENSE, TO BE PAID TO THE CLERK OF
14 THE CIRCUIT COURT FOR TRANSMITTAL TO THE PARENT EDUCATION FUND UNDER §
15 9-106(E) OF THIS SUBTITLE;

16 (6) COURT COSTS, REASONABLE ATTORNEY'S FEES, AND ANY OTHER
17 REASONABLE EXPENSES IN ENFORCING THE PLAN; AND

18 (7) ANY OTHER APPROPRIATE REMEDY DETERMINED BY THE COURT.

19 (B) EXCEPT AS PROVIDED IN A JOINTLY SUBMITTED PLAN THAT HAS BEEN
20 ORDERED BY THE COURT, OBLIGATIONS ESTABLISHED IN A PARENTING PLAN ARE
21 INDEPENDENT OBLIGATIONS, AND IT IS NOT A DEFENSE TO AN ACTION UNDER THIS
22 SECTION BY ONE PARENT THAT THE OTHER PARENT FAILED TO MEET OBLIGATIONS
23 UNDER A PARENTING PLAN OR CHILD SUPPORT ORDER.

24 (C) AN AGREEMENT BETWEEN THE PARENTS TO DEPART FROM THE
25 PARENTING PLAN CAN BE A DEFENSE TO A CLAIM THAT THE PLAN HAS BEEN
26 VIOLATED, EVEN THOUGH THE AGREEMENT WAS NOT MADE PART OF A COURT
27 ORDER, BUT ONLY AS TO ACTS OR OMISSIONS CONSISTENT WITH THE AGREEMENT
28 THAT OCCUR BEFORE THE AGREEMENT IS DISAFFIRMED BY EITHER PARENT.

29 PART VI. MISCELLANEOUS PROVISIONS.

30 9-121. ACCESS TO A CHILD'S RECORDS.

31 (A) (1) EACH PARENT HAS FULL AND EQUAL ACCESS TO A CHILD'S
32 EDUCATIONAL RECORDS ABSENT A COURT ORDER TO THE CONTRARY.

33 (2) NEITHER PARENT MAY VETO THE ACCESS REQUESTED BY THE
34 OTHER PARENT.

35 (B) EDUCATIONAL RECORDS UNDER SUBSECTION (A) OF THIS SECTION
36 INCLUDE:

1 (1) ACADEMIC, ATTENDANCE, AND DISCIPLINARY RECORDS OF PUBLIC
2 AND PRIVATE INSTITUTIONS OF SECONDARY EDUCATION AND ANY FORM OF
3 ALTERNATIVE SCHOOL; AND

4 (2) ALL SCHOOL RECORDS CONCERNING THE CHILD THAT WOULD
5 OTHERWISE BE PROPERLY RELEASED TO THE PRIMARY CUSTODIAL PARENT,
6 INCLUDING, BUT NOT LIMITED TO:

7 (I) REPORT CARDS AND PROGRESS REPORTS;

8 (II) ATTENDANCE RECORDS;

9 (III) DISCIPLINARY REPORTS;

10 (IV) RESULTS OF THE CHILD'S PERFORMANCE ON STANDARDIZED
11 TESTS AND STATEWIDE TESTS AND INFORMATION ON THE PERFORMANCE OF THE
12 CHILD'S SCHOOL ON STANDARDIZED STATEWIDE TESTS;

13 (V) CURRICULUM MATERIALS OF THE CLASS OR CLASSES IN
14 WHICH THE CHILD IS ENROLLED;

15 (VI) NAMES OF THE APPROPRIATE SCHOOL PERSONNEL TO
16 CONTACT IF PROBLEMS ARISE WITH THE CHILD;

17 (VII) INFORMATION CONCERNING THE ACADEMIC PERFORMANCE
18 STANDARDS, PROFICIENCIES, OR SKILLS THE CHILD IS EXPECTED TO ACCOMPLISH;

19 (VIII) SCHOOL RULES, ATTENDANCE POLICIES, DRESS CODES, AND
20 PROCEDURES FOR VISITING THE SCHOOL; AND

21 (IX) INFORMATION ABOUT ANY PSYCHOLOGICAL TESTING THE
22 SCHOOL DOES INVOLVING THE CHILD.

23 (C) (1) IN ADDITION TO THE RIGHT TO RECEIVE EDUCATIONAL RECORDS,
24 THE NONRESIDENTIAL PARENT HAS THE RIGHT TO PARTICIPATE AS A MEMBER OF A
25 PARENT ADVISORY COMMITTEE OR ANY OTHER ORGANIZATION COMPRISED OF
26 PARENTS OF CHILDREN AT THE SCHOOL THAT THE CHILD ATTENDS.

27 (2) THE NONRESIDENTIAL PARENT HAS THE RIGHT TO QUESTION
28 ANYTHING IN THE CHILD'S EDUCATIONAL RECORD THAT THE PARENT FEELS IS
29 INACCURATE OR MISLEADING OR IS AN INVASION OF PRIVACY AND TO RECEIVE A
30 RESPONSE FROM THE SCHOOL.

31 (D) (1) EACH PARENT HAS A RIGHT TO ARRANGE APPOINTMENTS FOR
32 PARENT-TEACHER CONFERENCES ABSENT A COURT ORDER TO THE CONTRARY.

33 (2) NEITHER PARENT CAN BE COMPELLED AGAINST THEIR WILL TO
34 EXERCISE THIS RIGHT BY ATTENDING CONFERENCES JOINTLY WITH THE OTHER
35 PARENT.

1 (E) (1) EACH PARENT HAS FULL AND EQUAL ACCESS TO A CHILD'S MEDICAL
2 RECORDS ABSENT A COURT ORDER TO THE CONTRARY.

3 (2) NEITHER PARENT MAY VETO THE ACCESS REQUESTED BY THE
4 OTHER PARENT.

5 (3) IF NECESSARY, EITHER PARENT IS REQUIRED TO AUTHORIZE
6 MEDICAL PROVIDERS TO RELEASE TO THE OTHER PARENT COPIES OF ANY AND ALL
7 INFORMATION CONCERNING MEDICAL CARE PROVIDED TO THE CHILD WHICH
8 WOULD OTHERWISE BE PROPERLY RELEASED TO EITHER PARENT.

9 (F) IF THE CHILD IS IN THE ACTUAL PHYSICAL CUSTODY OF ONE PARENT,
10 THAT PARENT IS REQUIRED TO PROMPTLY INFORM THE OTHER PARENT OF ANY
11 ILLNESS OF THE CHILD WHICH REQUIRES MEDICAL ATTENTION.

12 (G) (1) EACH PARENT IS REQUIRED TO CONSULT WITH THE OTHER PARENT
13 PRIOR TO ANY ELECTIVE SURGERY BEING PERFORMED ON THE CHILD, AND IN THE
14 EVENT EMERGENCY MEDICAL PROCEDURES ARE UNDERTAKEN FOR THE CHILD
15 WHICH REQUIRE THE PARENTAL CONSENT OF EITHER PARENT, IF TIME PERMITS,
16 THE OTHER PARENT SHALL BE CONSULTED, OR IF TIME DOES NOT PERMIT SUCH
17 CONSULTATION, THE OTHER PARENT SHALL BE PROMPTLY INFORMED OF THE
18 EMERGENCY MEDICAL PROCEDURES.

19 (2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO ALTER OR
20 AMEND THE LAW OF THIS STATE AS IT OTHERWISE PERTAINS TO PHYSICIANS OR
21 HEALTH CARE FACILITIES OBTAINING PARENTAL CONSENT PRIOR TO PROVIDING
22 MEDICAL CARE OR PERFORMING MEDICAL PROCEDURES.

23 (H) (1) EACH PARENT HAS FULL AND EQUAL ACCESS TO A CHILD'S
24 JUVENILE COURT RECORDS, PROCESS AND PLEADINGS, ABSENT A COURT ORDER TO
25 THE CONTRARY.

26 (2) NEITHER PARENT MAY VETO ANY ACCESS REQUESTED BY THE
27 OTHER PARENT.

28 (3) JUVENILE COURT RECORDS ARE LIMITED TO THOSE RECORDS
29 WHICH ARE NORMALLY AVAILABLE TO A PARENT OF A CHILD WHO IS A SUBJECT OF
30 THE JUVENILE JUSTICE SYSTEM.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the Administrative Office
32 of the Courts shall prepare a report to be given to the General Assembly, on or before
33 January 1, 2004, in accordance with § 2-1246 of the State Government Article,
34 summarizing the effectiveness of any program of parent education established with
35 resources from the Parent Education Fund established under this Act.

36 SECTION 4. AND BE IT FURTHER ENACTED, That the catchlines contained
37 in this Act are not law and may not be considered to have been enacted as a part of
38 this Act.

1 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the approval of
2 the Department of Legislative Services, the publishers of the Annotated Code of
3 Maryland shall correct any cross-references that are rendered incorrect by this Act.

4 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed only prospectively and may not be applied or interpreted to have any effect
6 on or application to any action for divorce, paternity, support, separate maintenance,
7 judicial allocation of residential responsibility, judicial allocation of decision making
8 responsibility, or other custody proceeding by parents of a minor child, or action for a
9 modification of any provision of an order, agreement, or settlement with respect to the
10 care, custodial responsibility, decision making responsibility, education, or support of
11 a minor child, filed before the effective date of this Act.

12 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 January 1, 2002.