

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 522 (Delegate Montague)

Judiciary

Family Law - Joint Legal Custody

This bill requires a court to consider an award of joint legal custody in an initial child custody proceeding, whether pendente lite or permanent. If the court does not award joint legal custody, the court must make a written finding or specific finding on the record stating the reasons why the court did not award joint legal custody and how the finding serves the best interest of the child.

The bill applies only to cases filed on or after the bill's October 1, 2000 effective date.

Fiscal Summary

State Effect: None.

Local Effect: Although the bill would result in a minimal amount of extra work for judges, it is not expected to significantly affect circuit court operations or finances.

Small Business Effect: None.

Analysis

Background: Legal custody carries with it the right and obligation to make long-range decisions involving education, religious training, discipline, medical care, and other matters of major significance concerning the child's life and welfare. Joint legal custody means that both parents have an equal voice in making those decisions. *Taylor v. Taylor*, 306 Md. 290 (1986).

Current Law: A court is not required to make a specific finding regarding the failure to award joint legal custody.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2000
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