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By: **Delegates Montague, Doory, Cole, and Getty**  
Introduced and read first time: February 9, 2001  
Assigned to: Judiciary

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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 general procedures for child custody proceedings under this  
6 Act; specifying grounds for the exercise of jurisdiction by a court of this State  
7 over child custody cases; specifying procedures for the interstate enforcement of  
8 child custody determinations; defining certain terms; declaring the intent of the  
9 General Assembly; making provisions of this Act severable; providing for the  
10 application of this Act; and generally relating to the Maryland Uniform Child  
11 Custody Jurisdiction and Enforcement Act.

12 BY repealing  
13 Article - Family Law  
14 Section 9-201 through 9-224, inclusive, and the subtitle "Subtitle  
15 2. Maryland Uniform Child Custody Jurisdiction Act"  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2000 Supplement)

18 BY adding to  
19 Article - Family Law  
20 Section 9.5-101 through 9.5-318, inclusive, to be under the new title "Title  
21 9.5. Maryland Uniform Child Custody Jurisdiction and Enforcement Act"  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume and 2000 Supplement)

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27 Law of the Annotated Code of Maryland be repealed.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
29 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, ADOPTION, AND PROTECTION  
24 FROM 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:

33 (1) THE STATE IN WHICH A CHILD LIVED WITH A PARENT OR A PERSON  
34 ACTING AS A PARENT FOR AT LEAST 6 CONSECUTIVE MONTHS, INCLUDING ANY

1 TEMPORARY ABSENCE, IMMEDIATELY BEFORE THE COMMENCEMENT OF A CHILD  
2 CUSTODY PROCEEDING; AND

3 (2) IN THE CASE OF A CHILD LESS THAN 6 MONTHS OF AGE, THE STATE  
4 IN WHICH THE CHILD LIVED WITH A PARENT OR A PERSON ACTING AS A PARENT  
5 FROM BIRTH, INCLUDING ANY TEMPORARY ABSENCE.

6 (I) "INITIAL DETERMINATION" MEANS THE FIRST CHILD CUSTODY  
7 DETERMINATION CONCERNING A PARTICULAR CHILD.

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

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

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

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

20 (N) "PERSON ACTING AS A PARENT" MEANS A PERSON, OTHER THAN A  
21 PARENT, WHO:

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

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

28 (O) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVISION OF  
29 A CHILD.

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

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

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

1 9.5-102.

2 THIS TITLE DOES NOT GOVERN A PROCEEDING PERTAINING TO THE  
3 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) A CHILD CUSTODY DETERMINATION MADE BY A COURT OF THIS STATE  
30 THAT 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.

35 (B) AS TO THOSE PERSONS, THE DETERMINATION IS CONCLUSIVE AS TO ALL  
36 DECIDED ISSUES OF LAW AND FACT EXCEPT TO THE EXTENT THE DETERMINATION  
37 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) (1) NOTICE REQUIRED FOR THE EXERCISE OF JURISDICTION WHEN A  
8 PERSON IS OUTSIDE THIS STATE MAY BE GIVEN IN A MANNER PRESCRIBED BY THE  
9 LAW OF THIS STATE FOR SERVICE OF PROCESS OR BY THE LAW OF THE STATE IN  
10 WHICH THE SERVICE IS MADE.

11 (2) NOTICE MUST BE GIVEN IN A MANNER REASONABLY CALCULATED  
12 TO GIVE ACTUAL NOTICE BUT MAY BE BY PUBLICATION IF OTHER MEANS ARE NOT  
13 EFFECTIVE.

14 (B) PROOF OF SERVICE MAY BE MADE IN THE MANNER PRESCRIBED BY THE  
15 LAW OF THIS STATE OR BY THE LAW OF THE STATE IN WHICH THE SERVICE IS MADE.

16 (C) NOTICE IS NOT REQUIRED FOR THE EXERCISE OF JURISDICTION WITH  
17 RESPECT TO A PERSON WHO SUBMITS TO THE JURISDICTION OF THE COURT.

18 9.5-108.

19 (A) A PARTY TO A CHILD CUSTODY PROCEEDING, INCLUDING A  
20 MODIFICATION PROCEEDING, OR A PETITIONER OR RESPONDENT IN A PROCEEDING  
21 TO ENFORCE OR REGISTER A CHILD CUSTODY DETERMINATION, IS NOT SUBJECT TO  
22 PERSONAL JURISDICTION IN THIS STATE FOR ANOTHER PROCEEDING OR PURPOSE  
23 SOLELY BY REASON OF HAVING PARTICIPATED, OR OF HAVING BEEN PHYSICALLY  
24 PRESENT FOR THE PURPOSE OF PARTICIPATING, IN THE PROCEEDING.

25 (B) (1) A PERSON WHO IS SUBJECT TO PERSONAL JURISDICTION IN THIS  
26 STATE ON A BASIS OTHER THAN PHYSICAL PRESENCE IS NOT IMMUNE FROM  
27 SERVICE OF PROCESS IN THIS STATE.

28 (2) A PARTY PRESENT IN THIS STATE WHO IS SUBJECT TO THE  
29 JURISDICTION OF ANOTHER STATE IS NOT IMMUNE FROM SERVICE OF PROCESS  
30 ALLOWABLE UNDER THE LAWS OF THAT STATE.

31 (C) THE IMMUNITY GRANTED BY SUBSECTION (A) OF THIS SECTION DOES NOT  
32 EXTEND TO CIVIL LITIGATION BASED ON ACTS UNRELATED TO THE PARTICIPATION  
33 IN A PROCEEDING UNDER THIS TITLE COMMITTED BY AN INDIVIDUAL WHILE  
34 PRESENT IN THIS STATE.

1 9.5-109.

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

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

7 (C) (1) THE COURT MAY ALLOW THE PARTIES TO PARTICIPATE IN THE  
8 COMMUNICATION.

9 (2) IF THE PARTIES ARE NOT ABLE TO PARTICIPATE IN THE  
10 COMMUNICATION, THEY MUST BE GIVEN THE OPPORTUNITY TO PRESENT FACTS  
11 AND LEGAL ARGUMENTS BEFORE A DECISION ON JURISDICTION IS MADE.

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

15 (E) (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS  
16 SECTION, A RECORD MUST BE MADE OF A COMMUNICATION UNDER THIS SECTION.

17 (2) THE PARTIES MUST BE INFORMED PROMPTLY OF THE  
18 COMMUNICATION AND GRANTED ACCESS TO THE RECORD.

19 9.5-110.

20 (A) (1) IN ADDITION TO OTHER PROCEDURES AVAILABLE TO A PARTY, A  
21 PARTY TO A CHILD CUSTODY PROCEEDING MAY OFFER TESTIMONY OF WITNESSES  
22 WHO ARE LOCATED IN ANOTHER STATE, INCLUDING TESTIMONY OF THE PARTIES  
23 AND THE CHILD, BY DEPOSITION OR OTHER MEANS ALLOWABLE IN THIS STATE FOR  
24 TESTIMONY TAKEN IN ANOTHER STATE.

25 (2) THE COURT ON ITS OWN MOTION MAY ORDER THAT THE TESTIMONY  
26 OF A PERSON BE TAKEN IN ANOTHER STATE AND MAY PRESCRIBE THE MANNER IN  
27 WHICH AND THE TERMS UPON WHICH THE TESTIMONY IS TAKEN.

28 (B) (1) A COURT OF THIS STATE MAY PERMIT AN INDIVIDUAL RESIDING IN  
29 ANOTHER STATE TO BE DEPOSED OR TO TESTIFY BY TELEPHONE, AUDIOVISUAL  
30 MEANS, OR OTHER ELECTRONIC MEANS BEFORE A DESIGNATED COURT OR AT  
31 ANOTHER LOCATION IN THAT STATE.

32 (2) A COURT OF THIS STATE SHALL COOPERATE WITH COURTS OF  
33 OTHER STATES IN DESIGNATING AN APPROPRIATE LOCATION FOR THE DEPOSITION  
34 OR TESTIMONY.

35 (C) DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A  
36 COURT OF THIS STATE BY TECHNOLOGICAL MEANS THAT DO NOT PRODUCE AN

1 ORIGINAL WRITING MAY NOT BE EXCLUDED FROM EVIDENCE ON AN OBJECTION  
2 BASED ON THE MEANS OF TRANSMISSION.

3 9.5-111.

4 (A) A COURT OF THIS STATE MAY REQUEST THE APPROPRIATE COURT OF  
5 ANOTHER STATE TO:

6 (1) HOLD AN EVIDENTIARY HEARING;

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

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

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

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

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

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

24 (D) (1) A COURT OF THIS STATE SHALL PRESERVE THE PLEADINGS, ORDERS,  
25 DECREES, RECORDS OF HEARINGS, EVALUATIONS, AND OTHER PERTINENT RECORDS  
26 WITH RESPECT TO A CHILD CUSTODY PROCEEDING UNTIL THE CHILD ATTAINS 18  
27 YEARS OF AGE.

28 (2) UPON APPROPRIATE REQUEST BY A COURT OR LAW ENFORCEMENT  
29 OFFICIAL OF ANOTHER STATE, THE COURT SHALL FORWARD A CERTIFIED COPY OF  
30 THOSE RECORDS.

31 SUBTITLE 2. JURISDICTION.

32 9.5-201.

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

1           (1)       THIS STATE IS THE HOME STATE OF THE CHILD ON THE DATE OF THE  
2 COMMENCEMENT OF THE PROCEEDING, OR WAS THE HOME STATE OF THE CHILD  
3 WITHIN 6 MONTHS BEFORE THE COMMENCEMENT OF THE PROCEEDING AND THE  
4 CHILD IS ABSENT FROM THIS STATE BUT A PARENT OR PERSON ACTING AS A PARENT  
5 CONTINUES TO LIVE IN THIS STATE;

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

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

13           (II)       SUBSTANTIAL EVIDENCE IS AVAILABLE IN THIS STATE  
14 CONCERNING THE CHILD'S CARE, PROTECTION, TRAINING, AND PERSONAL  
15 RELATIONSHIPS;

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

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

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

24       (C)       PHYSICAL PRESENCE OF, OR PERSONAL JURISDICTION OVER, A PARTY OR  
25 A CHILD IS NOT NECESSARY OR SUFFICIENT TO MAKE A CHILD CUSTODY  
26 DETERMINATION.

27 9.5-202.

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

32           (1)       A COURT OF THIS STATE DETERMINES THAT NEITHER THE CHILD,  
33 NOR THE CHILD AND ONE PARENT, NOR THE CHILD AND A PERSON ACTING AS A  
34 PARENT HAVE A SIGNIFICANT CONNECTION WITH THIS STATE AND THAT  
35 SUBSTANTIAL EVIDENCE IS NO LONGER AVAILABLE IN THIS STATE CONCERNING  
36 THE CHILD'S CARE, PROTECTION, TRAINING, AND PERSONAL RELATIONSHIPS; OR

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

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

6 9.5-203.

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

12 (1) THE COURT OF THE OTHER STATE DETERMINES IT NO LONGER HAS  
13 EXCLUSIVE, CONTINUING JURISDICTION UNDER § 9.5-202 OF THIS SUBTITLE OR  
14 THAT A COURT OF THIS STATE WOULD BE A MORE CONVENIENT FORUM UNDER §  
15 9.5-207 OF THIS SUBTITLE; OR

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

19 9.5-204.

20 (A) A COURT OF THIS STATE HAS TEMPORARY EMERGENCY JURISDICTION IF  
21 THE CHILD IS PRESENT IN THIS STATE AND THE CHILD HAS BEEN ABANDONED OR IT  
22 IS NECESSARY IN AN EMERGENCY TO PROTECT THE CHILD BECAUSE THE CHILD, OR  
23 A SIBLING OR PARENT OF THE CHILD, IS SUBJECTED TO OR THREATENED WITH  
24 MISTREATMENT OR ABUSE.

25 (B) (1) IF THERE IS NO PREVIOUS CHILD CUSTODY DETERMINATION THAT  
26 IS ENTITLED TO BE ENFORCED UNDER THIS TITLE AND A CHILD CUSTODY  
27 PROCEEDING HAS NOT BEEN COMMENCED IN A COURT OF A STATE HAVING  
28 JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, A CHILD  
29 CUSTODY DETERMINATION MADE UNDER THIS SECTION REMAINS IN EFFECT UNTIL  
30 AN ORDER IS OBTAINED FROM A COURT OF A STATE HAVING JURISDICTION UNDER  
31 §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBSECTION.

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

37 (C) (1) IF THERE IS A PREVIOUS CHILD CUSTODY DETERMINATION THAT IS  
38 ENTITLED TO BE ENFORCED UNDER THIS TITLE, OR A CHILD CUSTODY PROCEEDING  
39 HAS BEEN COMMENCED IN A COURT OF A STATE HAVING JURISDICTION UNDER §§  
40 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, ANY ORDER ISSUED BY A COURT OF  
41 THIS STATE UNDER THIS SECTION MUST SPECIFY IN THE ORDER A PERIOD THAT THE

1 COURT CONSIDERS ADEQUATE TO ALLOW THE PERSON SEEKING AN ORDER TO  
2 OBTAIN AN ORDER FROM THE STATE HAVING JURISDICTION UNDER §§ 9.5-201  
3 THROUGH 9.5-203 OF THIS SUBTITLE.

4 (2) THE ORDER ISSUED IN THIS STATE REMAINS IN EFFECT UNTIL AN  
5 ORDER IS OBTAINED FROM THE OTHER STATE WITHIN THE PERIOD SPECIFIED OR  
6 THE PERIOD EXPIRES.

7 (D) (1) A COURT OF THIS STATE WHICH HAS BEEN ASKED TO MAKE A CHILD  
8 CUSTODY DETERMINATION UNDER THIS SECTION, UPON BEING INFORMED THAT A  
9 CHILD CUSTODY PROCEEDING HAS BEEN COMMENCED IN, OR A CHILD CUSTODY  
10 DETERMINATION HAS BEEN MADE BY, A COURT OF A STATE HAVING JURISDICTION  
11 UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, SHALL IMMEDIATELY  
12 COMMUNICATE WITH THE OTHER COURT.

13 (2) A COURT OF THIS STATE WHICH IS EXERCISING JURISDICTION  
14 PURSUANT TO §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, UPON BEING  
15 INFORMED THAT A CHILD CUSTODY PROCEEDING HAS BEEN COMMENCED IN, OR A  
16 CHILD CUSTODY DETERMINATION HAS BEEN MADE BY, A COURT OF ANOTHER STATE  
17 UNDER A STATUTE SIMILAR TO THIS SECTION SHALL IMMEDIATELY COMMUNICATE  
18 WITH THE COURT OF THAT STATE TO RESOLVE THE EMERGENCY, PROTECT THE  
19 SAFETY OF THE PARTIES AND THE CHILD, AND DETERMINE A PERIOD FOR THE  
20 DURATION OF THE TEMPORARY ORDER.

21 9.5-205.

22 (A) BEFORE A CHILD CUSTODY DETERMINATION IS MADE UNDER THIS TITLE,  
23 NOTICE AND AN OPPORTUNITY TO BE HEARD IN ACCORDANCE WITH THE  
24 STANDARDS OF § 9.5-107 OF THIS TITLE MUST BE GIVEN TO ALL PERSONS ENTITLED  
25 TO NOTICE UNDER THE LAW OF THIS STATE AS IN CHILD CUSTODY PROCEEDINGS  
26 BETWEEN RESIDENTS OF THIS STATE, ANY PARENT WHOSE PARENTAL RIGHTS HAVE  
27 NOT BEEN PREVIOUSLY TERMINATED, AND ANY PERSON HAVING PHYSICAL  
28 CUSTODY OF THE CHILD.

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

32 (C) THE OBLIGATION TO JOIN A PARTY AND THE RIGHT TO INTERVENE AS A  
33 PARTY IN A CHILD CUSTODY PROCEEDING UNDER THIS TITLE ARE GOVERNED BY  
34 THE LAW OF THIS STATE AS IN CHILD CUSTODY PROCEEDINGS BETWEEN RESIDENTS  
35 OF THIS STATE.

36 9.5-206.

37 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A  
38 COURT OF THIS STATE MAY NOT EXERCISE ITS JURISDICTION UNDER THIS SUBTITLE  
39 IF, AT THE TIME OF THE COMMENCEMENT OF THE PROCEEDING, A PROCEEDING  
40 CONCERNING THE CUSTODY OF THE CHILD HAS BEEN COMMENCED IN A COURT OF  
41 ANOTHER STATE HAVING JURISDICTION SUBSTANTIALLY IN CONFORMITY WITH

1 THIS TITLE, UNLESS THE PROCEEDING HAS BEEN TERMINATED OR IS STAYED BY  
2 THE COURT OF THE OTHER STATE BECAUSE A COURT OF THIS STATE IS A MORE  
3 CONVENIENT FORUM UNDER § 9.5-207 OF THIS SUBTITLE.

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

8 (2) IF THE COURT DETERMINES THAT A CHILD CUSTODY PROCEEDING  
9 HAS BEEN COMMENCED IN A COURT IN ANOTHER STATE HAVING JURISDICTION  
10 SUBSTANTIALLY IN ACCORDANCE WITH THIS TITLE, THE COURT OF THIS STATE  
11 SHALL STAY ITS PROCEEDING AND COMMUNICATE WITH THE COURT OF THE OTHER  
12 STATE.

13 (3) IF THE COURT OF THE STATE HAVING JURISDICTION  
14 SUBSTANTIALLY IN ACCORDANCE WITH THIS TITLE DOES NOT DETERMINE THAT  
15 THE COURT OF THIS STATE IS A MORE APPROPRIATE FORUM, THE COURT OF THIS  
16 STATE SHALL DISMISS THE PROCEEDING.

17 (C) (1) IN A PROCEEDING TO MODIFY A CHILD CUSTODY DETERMINATION, A  
18 COURT OF THIS STATE SHALL DETERMINE WHETHER A PROCEEDING TO ENFORCE  
19 THE DETERMINATION HAS BEEN COMMENCED IN ANOTHER STATE.

20 (2) IF A PROCEEDING TO ENFORCE A CHILD CUSTODY DETERMINATION  
21 HAS BEEN COMMENCED IN ANOTHER STATE, THE COURT MAY:

22 (I) STAY THE PROCEEDING FOR MODIFICATION PENDING THE  
23 ENTRY OF AN ORDER OF A COURT OF THE OTHER STATE ENFORCING, STAYING,  
24 DENYING, OR DISMISSING THE PROCEEDING FOR ENFORCEMENT;

25 (II) ENJOIN THE PARTIES FROM CONTINUING WITH THE  
26 PROCEEDING FOR ENFORCEMENT; OR

27 (III) PROCEED WITH THE MODIFICATION UNDER CONDITIONS IT  
28 CONSIDERS APPROPRIATE.

29 9.5-207.

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

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

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

4 (2) FOR THE PURPOSE OF MAKING A DETERMINATION UNDER  
5 PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL ALLOW THE PARTIES TO  
6 SUBMIT INFORMATION AND SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING:

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

10 (II) THE LENGTH OF TIME THE CHILD HAS RESIDED OUTSIDE THIS  
11 STATE;

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

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

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

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

19 (VII) THE ABILITY OF THE COURT OF EACH STATE TO DECIDE THE  
20 ISSUE EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT THE  
21 EVIDENCE; AND

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

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

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

33 9.5-208.

34 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE OR BY  
35 OTHER LAW OF THIS STATE, IF A COURT OF THIS STATE HAS JURISDICTION UNDER  
36 THIS TITLE BECAUSE A PERSON SEEKING TO INVOKE ITS JURISDICTION HAS

1 ENGAGED IN UNJUSTIFIABLE CONDUCT, THE COURT SHALL DECLINE TO EXERCISE  
2 ITS JURISDICTION UNLESS:

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

5 (2) A COURT OF THE STATE OTHERWISE HAVING JURISDICTION UNDER  
6 §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE DETERMINES THAT THIS STATE IS A  
7 MORE APPROPRIATE FORUM UNDER § 9.5-207 OF THIS SUBTITLE; OR

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

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

16 (C) (1) IF A COURT DISMISSES A PETITION OR STAYS A PROCEEDING  
17 BECAUSE IT DECLINES TO EXERCISE ITS JURISDICTION PURSUANT TO SUBSECTION  
18 (A) OF THIS SECTION, THE COURT SHALL ASSESS AGAINST THE PARTY SEEKING TO  
19 INVOKE ITS JURISDICTION NECESSARY AND REASONABLE EXPENSES INCLUDING  
20 COSTS, COMMUNICATION EXPENSES, ATTORNEY'S FEES, INVESTIGATIVE FEES,  
21 EXPENSES FOR WITNESSES, TRAVEL EXPENSES, AND CHILD CARE DURING THE  
22 COURSE OF THE PROCEEDINGS, UNLESS THE PARTY FROM WHOM FEES ARE SOUGHT  
23 ESTABLISHES THAT THE ASSESSMENT WOULD BE CLEARLY INAPPROPRIATE.

24 (2) THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES AGAINST  
25 THIS STATE UNLESS AUTHORIZED BY LAW OTHER THAN THIS TITLE.

26 9.5-209.

27 (A) (1) SUBJECT TO SUBSECTION (E) OF THIS SECTION, IN A CHILD CUSTODY  
28 PROCEEDING, EACH PARTY, IN ITS FIRST PLEADING OR IN AN ATTACHED AFFIDAVIT,  
29 SHALL GIVE INFORMATION, IF REASONABLY ASCERTAINABLE, UNDER OATH AS TO  
30 THE CHILD'S PRESENT ADDRESS OR WHEREABOUTS, THE PLACES WHERE THE CHILD  
31 HAS LIVED DURING THE LAST 5 YEARS, AND THE NAMES AND PRESENT ADDRESSES  
32 OF THE PERSONS WITH WHOM THE CHILD HAS LIVED DURING THAT PERIOD.

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

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

38 (II) KNOWS OF ANY PROCEEDING THAT COULD AFFECT THE  
39 CURRENT PROCEEDING, INCLUDING PROCEEDINGS FOR ENFORCEMENT AND

1 PROCEEDINGS RELATING TO DOMESTIC VIOLENCE, PROTECTIVE ORDERS,  
2 TERMINATION OF PARENTAL RIGHTS, AND ADOPTIONS AND, IF SO, IDENTIFY THE  
3 COURT, THE CASE NUMBER, AND THE NATURE OF THE PROCEEDING; AND

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

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

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

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

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

21 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION  
22 REGARDING PROCEEDINGS FOR RELIEF FROM ABUSE UNDER TITLE 4, SUBTITLE 5 OF  
23 THIS ARTICLE, IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER OATH  
24 THAT THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE  
25 JEOPARDIZED BY DISCLOSURE OF IDENTIFYING INFORMATION, THE INFORMATION  
26 SHALL BE SEALED AND MAY NOT BE DISCLOSED TO THE OTHER PARTY.

27 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A  
28 CHILD CUSTODY DETERMINATION IS SOUGHT IN A PROCEEDING FOR RELIEF FROM  
29 ABUSE UNDER TITLE 4, SUBTITLE 5 OF THIS ARTICLE, THE PLEADING  
30 REQUIREMENTS OF SUBSECTIONS (A) THROUGH (D) OF THIS SECTION SHALL APPLY.

31 (II) IF A PETITION FILED UNDER TITLE 4, SUBTITLE 5 OF THIS  
32 ARTICLE STATES THAT DISCLOSURE OF IDENTIFYING INFORMATION WOULD RISK  
33 FURTHER ABUSE OF A PERSON ELIGIBLE FOR RELIEF, AS DEFINED IN § 4-501 OF THIS  
34 ARTICLE, OR REVEAL THE CONFIDENTIAL ADDRESS OF A SHELTER FOR DOMESTIC  
35 VIOLENCE VICTIMS, THE INFORMATION SHALL BE DISCLOSED ORALLY AND IN  
36 CAMERA AND MAY NOT BE DISCLOSED TO THE RESPONDENT.

37 9.5-210.

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

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

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

10 (C) THE COURT MAY ENTER ANY ORDERS NECESSARY TO ENSURE THE  
11 SAFETY OF THE CHILD AND OF ANY PERSON ORDERED TO APPEAR UNDER THIS  
12 SECTION.

13 (D) IF A PARTY TO A CHILD CUSTODY PROCEEDING WHO IS OUTSIDE THIS  
14 STATE IS DIRECTED TO APPEAR UNDER SUBSECTION (B) OF THIS SECTION OR  
15 DESIRES TO APPEAR PERSONALLY BEFORE THE COURT WITH OR WITHOUT THE  
16 CHILD, THE COURT MAY REQUIRE ANOTHER PARTY TO PAY REASONABLE AND  
17 NECESSARY TRAVEL AND OTHER EXPENSES OF THE PARTY SO APPEARING AND OF  
18 THE CHILD.

19 SUBTITLE 3. ENFORCEMENT.

20 9.5-301.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (B) "PETITIONER" MEANS A PERSON WHO SEEKS ENFORCEMENT OF AN  
24 ORDER FOR RETURN OF A CHILD UNDER THE HAGUE CONVENTION ON THE CIVIL  
25 ASPECTS OF INTERNATIONAL CHILD ABDUCTION OR ENFORCEMENT OF A CHILD  
26 CUSTODY DETERMINATION.

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

31 9.5-302.

32 UNDER THIS SUBTITLE, A COURT OF THIS STATE MAY ENFORCE AN ORDER FOR  
33 THE RETURN OF THE CHILD MADE UNDER THE HAGUE CONVENTION ON THE CIVIL  
34 ASPECTS OF INTERNATIONAL CHILD ABDUCTION AS IF IT WERE A CHILD CUSTODY  
35 DETERMINATION.

36 9.5-303.

37 (A) A COURT OF THIS STATE SHALL RECOGNIZE AND ENFORCE A CHILD  
38 CUSTODY DETERMINATION OF A COURT OF ANOTHER STATE IF THE LATTER COURT

1 EXERCISED JURISDICTION IN SUBSTANTIAL CONFORMITY WITH THIS TITLE OR THE  
2 DETERMINATION WAS MADE UNDER FACTUAL CIRCUMSTANCES MEETING THE  
3 JURISDICTIONAL STANDARDS OF THIS TITLE AND THE DETERMINATION HAS NOT  
4 BEEN MODIFIED IN ACCORDANCE WITH THIS TITLE.

5 (B) (1) A COURT OF THIS STATE MAY UTILIZE ANY REMEDY AVAILABLE  
6 UNDER OTHER LAWS OF THIS STATE TO ENFORCE A CHILD CUSTODY  
7 DETERMINATION MADE BY A COURT OF ANOTHER STATE.

8 (2) THE REMEDIES PROVIDED IN THIS SUBTITLE ARE CUMULATIVE AND  
9 DO NOT AFFECT THE AVAILABILITY OF OTHER REMEDIES TO ENFORCE A CHILD  
10 CUSTODY DETERMINATION.

11 9.5-304.

12 (A) A COURT OF THIS STATE WHICH DOES NOT HAVE JURISDICTION TO  
13 MODIFY A CHILD CUSTODY DETERMINATION MAY ISSUE A TEMPORARY ORDER  
14 ENFORCING:

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

16 (2) THE VISITATION PROVISIONS OF A CHILD CUSTODY  
17 DETERMINATION OF ANOTHER STATE THAT DOES NOT PROVIDE FOR A SPECIFIC  
18 VISITATION SCHEDULE.

19 (B) (1) IF A COURT OF THIS STATE MAKES AN ORDER UNDER SUBSECTION  
20 (A)(2) OF THIS SECTION, IT SHALL SPECIFY IN THE ORDER A PERIOD THAT IT  
21 CONSIDERS ADEQUATE TO ALLOW THE PETITIONER TO OBTAIN AN ORDER FROM A  
22 COURT HAVING JURISDICTION UNDER THE CRITERIA SPECIFIED IN SUBTITLE 2 OF  
23 THIS TITLE.

24 (2) THE ORDER REMAINS IN EFFECT UNTIL AN ORDER IS OBTAINED  
25 FROM THE OTHER COURT OR THE PERIOD EXPIRES.

26 9.5-305.

27 (A) A CHILD CUSTODY DETERMINATION ISSUED BY A COURT OF ANOTHER  
28 STATE MAY BE REGISTERED IN THIS STATE, WITH OR WITHOUT A SIMULTANEOUS  
29 REQUEST FOR ENFORCEMENT, BY SENDING TO THE APPROPRIATE COURT IN THIS  
30 STATE:

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

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

36 (3) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-209 OF THIS TITLE, THE  
37 NAME AND ADDRESS OF THE PERSON SEEKING REGISTRATION AND ANY PARENT OR

1 PERSON ACTING AS A PARENT WHO HAS BEEN AWARDED CUSTODY OR VISITATION IN  
2 THE CHILD CUSTODY DETERMINATION SOUGHT TO BE REGISTERED.

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

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

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

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

13 (1) A REGISTERED DETERMINATION IS ENFORCEABLE AS OF THE DATE  
14 OF THE REGISTRATION IN THE SAME MANNER AS A DETERMINATION ISSUED BY A  
15 COURT OF THIS STATE;

16 (2) A HEARING TO CONTEST THE VALIDITY OF THE REGISTERED  
17 DETERMINATION MUST BE REQUESTED WITHIN 20 DAYS AFTER SERVICE OF NOTICE;  
18 AND

19 (3) FAILURE TO CONTEST THE REGISTRATION WILL RESULT IN  
20 CONFIRMATION OF THE CHILD CUSTODY DETERMINATION AND PRECLUDE FURTHER  
21 CONTEST OF THAT DETERMINATION WITH RESPECT TO ANY MATTER THAT COULD  
22 HAVE BEEN ASSERTED.

23 (D) (1) A PERSON SEEKING TO CONTEST THE VALIDITY OF A REGISTERED  
24 ORDER MUST REQUEST A HEARING WITHIN 20 DAYS AFTER SERVICE OF THE NOTICE.

25 (2) AT THAT HEARING, THE COURT SHALL CONFIRM THE REGISTERED  
26 ORDER UNLESS THE PERSON CONTESTING REGISTRATION ESTABLISHES THAT:

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

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

32 (III) THE PERSON CONTESTING REGISTRATION WAS ENTITLED TO  
33 NOTICE, BUT NOTICE WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF §  
34 9.5-107 OF THIS TITLE, IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED THE  
35 ORDER FOR WHICH REGISTRATION IS SOUGHT.

36 (E) IF A TIMELY REQUEST FOR A HEARING TO CONTEST THE VALIDITY OF THE  
37 REGISTRATION IS NOT MADE, THE REGISTRATION IS CONFIRMED AS A MATTER OF

1 LAW AND THE PERSON REQUESTING REGISTRATION AND ALL PERSONS SERVED  
2 MUST BE NOTIFIED OF THE CONFIRMATION.

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

7 9.5-306.

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

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

14 9.5-307.

15 (A) IF A PROCEEDING FOR ENFORCEMENT UNDER THIS SUBTITLE IS  
16 COMMENCED IN A COURT OF THIS STATE AND THE COURT DETERMINES THAT A  
17 PROCEEDING TO MODIFY THE DETERMINATION IS PENDING IN A COURT OF  
18 ANOTHER STATE HAVING JURISDICTION TO MODIFY THE DETERMINATION UNDER  
19 SUBTITLE 2 OF THIS TITLE, THE ENFORCING COURT SHALL IMMEDIATELY  
20 COMMUNICATE WITH THE MODIFYING COURT.

21 (B) THE PROCEEDING FOR ENFORCEMENT CONTINUES UNLESS THE  
22 ENFORCING COURT, AFTER CONSULTATION WITH THE MODIFYING COURT, STAYS OR  
23 DISMISSES THE PROCEEDING.

24 9.5-308.

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

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

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

30 (B) A PETITION FOR ENFORCEMENT OF A CHILD CUSTODY DETERMINATION  
31 MUST STATE:

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

35 (2) WHETHER THE DETERMINATION FOR WHICH ENFORCEMENT IS  
36 SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT WHOSE DECISION

1 MUST BE ENFORCED UNDER THIS TITLE AND, IF SO, IDENTIFY THE COURT, THE CASE  
2 NUMBER, AND THE NATURE OF THE PROCEEDING;

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

8 (4) THE PRESENT PHYSICAL ADDRESS OF THE CHILD AND THE  
9 RESPONDENT, IF KNOWN;

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

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

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

21 (2) (I) THE HEARING MUST BE HELD ON THE NEXT JUDICIAL DAY  
22 AFTER SERVICE OF THE ORDER UNLESS THAT DATE IS IMPOSSIBLE.

23 (II) IN THAT EVENT, THE COURT SHALL HOLD THE HEARING ON  
24 THE FIRST JUDICIAL DAY POSSIBLE.

25 (III) THE COURT MAY EXTEND THE DATE OF HEARING AT THE  
26 REQUEST OF THE PETITIONER.

27 (D) AN ORDER ISSUED UNDER SUBSECTION (C) OF THIS SECTION MUST STATE  
28 THE TIME AND PLACE OF THE HEARING AND ADVISE THE RESPONDENT THAT AT THE  
29 HEARING THE COURT WILL ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE  
30 PHYSICAL CUSTODY OF THE CHILD AND THE PAYMENT OF FEES, COSTS, AND  
31 EXPENSES UNDER § 9.5-312 OF THIS SUBTITLE, AND MAY SCHEDULE A HEARING TO  
32 DETERMINE WHETHER FURTHER RELIEF IS APPROPRIATE, UNLESS THE  
33 RESPONDENT APPEARS AND ESTABLISHES THAT:

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

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

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

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

8 (2) THE CHILD CUSTODY DETERMINATION FOR WHICH ENFORCEMENT  
9 IS SOUGHT WAS REGISTERED AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE,  
10 BUT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING  
11 JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE.

12 9.5-309.

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

17 9.5-310.

18 (A) UNLESS THE COURT ISSUES A TEMPORARY EMERGENCY ORDER  
19 PURSUANT TO § 9.5-204 OF THIS TITLE, UPON A FINDING THAT A PETITIONER IS  
20 ENTITLED TO IMMEDIATE PHYSICAL CUSTODY OF THE CHILD, THE COURT SHALL  
21 ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE PHYSICAL CUSTODY OF THE  
22 CHILD UNLESS THE RESPONDENT ESTABLISHES THAT:

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

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

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

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

34 (2) THE CHILD CUSTODY DETERMINATION FOR WHICH ENFORCEMENT  
35 IS SOUGHT WAS REGISTERED AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE  
36 BUT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING  
37 JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE.

1 (B) THE COURT SHALL AWARD THE FEES, COSTS, AND EXPENSES  
2 AUTHORIZED UNDER § 9.5-312 OF THIS SUBTITLE AND MAY GRANT ADDITIONAL  
3 RELIEF, INCLUDING A REQUEST FOR THE ASSISTANCE OF LAW ENFORCEMENT  
4 OFFICIALS, AND SET A FURTHER HEARING TO DETERMINE WHETHER ADDITIONAL  
5 RELIEF IS APPROPRIATE.

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

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

13 9.5-311.

14 (A) UPON THE FILING OF A PETITION SEEKING ENFORCEMENT OF A CHILD  
15 CUSTODY DETERMINATION, THE PETITIONER MAY FILE A VERIFIED APPLICATION  
16 FOR THE ISSUANCE OF A WARRANT TO TAKE PHYSICAL CUSTODY OF THE CHILD IF  
17 THE CHILD IS IMMEDIATELY LIKELY TO SUFFER SERIOUS PHYSICAL HARM OR BE  
18 REMOVED FROM THIS STATE.

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

23 (2) (I) THE PETITION MUST BE HEARD ON THE NEXT JUDICIAL DAY  
24 AFTER THE WARRANT IS EXECUTED UNLESS THAT DATE IS IMPOSSIBLE.

25 (II) IN THAT EVENT, THE COURT SHALL HOLD THE HEARING ON  
26 THE FIRST JUDICIAL DAY POSSIBLE.

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

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

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

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

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

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

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

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

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

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

12 9.5-312.

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

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

22 9.5-313.

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

28 9.5-314.

29 (A) AN APPEAL MAY BE TAKEN FROM A FINAL ORDER IN A PROCEEDING  
30 UNDER THIS SUBTITLE IN ACCORDANCE WITH EXPEDITED APPELLATE PROCEDURES  
31 IN OTHER CIVIL CASES.

32 (B) UNLESS THE COURT ENTERS A TEMPORARY EMERGENCY ORDER UNDER §  
33 9.5-204 OF THIS TITLE, THE ENFORCING COURT MAY NOT STAY AN ORDER  
34 ENFORCING A CHILD CUSTODY DETERMINATION PENDING APPEAL.

35 9.5-315.

36 (A) IN A CASE ARISING UNDER THIS TITLE OR INVOLVING THE HAGUE  
37 CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, THE

1 STATE'S ATTORNEY MAY TAKE ANY LAWFUL ACTION, INCLUDING RESORTING TO A  
2 PROCEEDING UNDER THIS SUBTITLE OR ANY OTHER AVAILABLE CIVIL PROCEEDING  
3 TO LOCATE A CHILD, OBTAIN THE RETURN OF A CHILD, OR ENFORCE A CHILD  
4 CUSTODY DETERMINATION IF THERE IS:

5 (1) AN EXISTING CHILD CUSTODY DETERMINATION;

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

8 (3) A REASONABLE BELIEF THAT A CRIMINAL STATUTE HAS BEEN  
9 VIOLATED; OR

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

13 (B) THE STATE'S ATTORNEY ACTING UNDER THIS SECTION ON BEHALF OF  
14 THE COURT MAY NOT REPRESENT ANY PARTY.

15 9.5-316.

16 AT THE REQUEST OF THE STATE'S ATTORNEY ACTING UNDER § 9.5-315 OF THIS  
17 SUBTITLE, A LAW ENFORCEMENT OFFICER MAY TAKE ANY LAWFUL ACTION  
18 REASONABLY NECESSARY TO LOCATE A CHILD OR A PARTY AND ASSIST THE STATE'S  
19 ATTORNEY WITH RESPONSIBILITIES UNDER § 9.5-315 OF THIS SUBTITLE.

20 9.5-317.

21 IF THE RESPONDENT IS NOT THE PREVAILING PARTY, THE COURT MAY ASSESS  
22 AGAINST THE RESPONDENT ALL DIRECT EXPENSES AND COSTS INCURRED BY THE  
23 STATE'S ATTORNEY AND LAW ENFORCEMENT OFFICERS UNDER § 9.5-315 OR § 9.5-316  
24 OF THIS SUBTITLE.

25 9.5-318.

26 THIS TITLE MAY BE CITED AS THE MARYLAND UNIFORM CHILD CUSTODY  
27 JURISDICTION AND ENFORCEMENT ACT.

28 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the  
29 General Assembly that, in applying and construing this Uniform Act, consideration  
30 shall be given to the need to promote uniformity of the law with respect to its subject  
31 matter among states that enact it.

32 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this  
33 Act or the application thereof to any person or circumstance is held invalid for any  
34 reason in a court of competent jurisdiction, the invalidity does not affect other  
35 provisions or any other application of this Act which can be given effect without the  
36 invalid provision or application, and for this purpose the provisions of this Act are  
37 declared severable.

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

5 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take  
6 effect October 1, 2001.