

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 52

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Denial of” and substitute “Custody and”; and in the same line, strike “Sexual Offenses and”; in line 4, strike “prohibiting” and substitute “limiting”; in the same line, after “awarding” insert “custody or”; strike beginning with “who” in line 5 down through “Act” in line 6 and substitute “that the court finds has committed abuse against any child, unless the court specifically finds that there is no likelihood that the party will abuse the subject child; clarifying language”; in line 7, after “child” insert “custody and”; in line 8, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 10, strike “Section 9-101.2” and substitute “Section 9-101 and 9-101.1”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 16 through 24, inclusive, and substitute:

“9-101.

(a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child WHO IS THE SUBJECT OF THE PROCEEDING has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.

(b) Unless the court specifically finds that there is no likelihood of further [child] abuse or neglect OF THE SUBJECT CHILD by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the SUBJECT child.

9-101.1.

(Over)

(a) In this section, “abuse” has the meaning stated in § 4-501 of this article.

(b) In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a party against:

(1) the other parent of the party’s child;

(2) the party’s spouse; or

(3) any child [residing within the party’s household], including a child other than the child who is the subject of the custody or visitation proceeding.

(c) If the court finds that a party has committed abuse against the other parent of the party’s [child,] CHILD OR the party’s spouse, [or any child residing within the party’s household,] the court shall make arrangements for custody or visitation that best protect:

(1) the child who is the subject of the proceeding; and

(2) the victim of the abuse.

(D) IF A COURT FINDS THAT A PARTY HAS COMMITTED ABUSE AGAINST ANY CHILD, THE COURT:

(1) SHALL DETERMINE WHETHER ABUSE OF THE SUBJECT CHILD IS LIKELY TO OCCUR IF CUSTODY OR VISITATION RIGHTS ARE GRANTED TO THE PARTY; AND

(2) UNLESS THE COURT SPECIFICALLY FINDS THAT THERE IS NO LIKELIHOOD OF ABUSE, SHALL DENY CUSTODY OR VISITATION RIGHTS TO THAT PARTY, EXCEPT THAT THE COURT MAY APPROVE A SUPERVISED VISITATION ARRANGEMENT THAT ASSURES THE SAFETY AND PHYSIOLOGICAL, PSYCHOLOGICAL, AND EMOTIONAL WELL-BEING OF THE SUBJECT CHILD.”.

On page 2, in line 1, strike “3.” and substitute “2.”.