

HOUSE BILL 400

Unofficial Copy
D4

2004 Regular Session
(4r1025)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Dumais and Feldman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Uniform Child Custody Jurisdiction and Enforcement Act**

3 FOR the purpose of repealing the Maryland Uniform Child Custody Jurisdiction Act;
4 adopting the Maryland Uniform Child Custody Jurisdiction and Enforcement
5 Act; establishing the general procedures for child custody proceedings under
6 this Act; specifying the basis for jurisdiction over child custody matters;
7 specifying the procedures for enforcing child custody determinations made
8 under this Act; defining certain terms; making provisions of this Act severable;
9 providing for the application of this Act; and generally relating to the Maryland
10 Uniform Child Custody Jurisdiction and Enforcement Act.

11 BY repealing

12 Article - Family Law

13 Section 9-201 through 9-224, inclusive, and the subtitle "Subtitle

14 2. Maryland Uniform Child Custody Jurisdiction Act"

15 Annotated Code of Maryland

16 (1999 Replacement Volume and 2003 Supplement)

1 BY adding to
2 Article - Family Law
3 Section 9.5-101 through 9.5-318, inclusive, to be under the new title "Title
4 9.5. Maryland Uniform Child Custody Jurisdiction and Enforcement Act"
5 Annotated Code of Maryland
6 (1999 Replacement Volume and 2003 Supplement)

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10 Law of the Annotated Code of Maryland be repealed.

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

13 **Article - Family Law**

14 **TITLE 9.5. MARYLAND UNIFORM CHILD CUSTODY JURISDICTION AND**
15 **ENFORCEMENT ACT.**

16 **SUBTITLE 1. GENERAL PROVISIONS.**

17 9.5-101.

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

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

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

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

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

27 (3) "CHILD CUSTODY DETERMINATION" DOES NOT INCLUDE AN ORDER
28 RELATING TO CHILD SUPPORT OR OTHER MONETARY OBLIGATION OF AN
29 INDIVIDUAL.

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

33 (2) "CHILD CUSTODY PROCEEDING" INCLUDES A PROCEEDING FOR
34 DIVORCE, SEPARATION, NEGLECT, ABUSE, DEPENDENCY, GUARDIANSHIP,

1 PATERNITY, TERMINATION OF PARENTAL RIGHTS, ~~ADOPTION~~, AND PROTECTION
2 FROM DOMESTIC VIOLENCE, IN WHICH THE ISSUE MAY APPEAR.

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

6 (F) "COMMENCEMENT" MEANS THE FILING OF THE FIRST PLEADING IN A
7 PROCEEDING.

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

10 (H) "HOME STATE" MEANS:

11 (1) THE STATE IN WHICH A CHILD LIVED WITH A PARENT OR A PERSON
12 ACTING AS A PARENT FOR AT LEAST 6 CONSECUTIVE MONTHS, INCLUDING ANY
13 TEMPORARY ABSENCE, IMMEDIATELY BEFORE THE COMMENCEMENT OF A CHILD
14 CUSTODY PROCEEDING; AND

15 (2) IN THE CASE OF A CHILD LESS THAN 6 MONTHS OF AGE, THE STATE
16 IN WHICH THE CHILD LIVED FROM BIRTH WITH ANY OF THE PERSONS MENTIONED,
17 INCLUDING ANY TEMPORARY ABSENCE.

18 (I) "INITIAL DETERMINATION" MEANS THE FIRST CHILD CUSTODY
19 DETERMINATION CONCERNING A PARTICULAR CHILD.

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

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

24 (L) "MODIFICATION" MEANS A CHILD CUSTODY DETERMINATION THAT
25 CHANGES, REPLACES, SUPERSEDES, OR IS OTHERWISE MADE AFTER A PREVIOUS
26 DETERMINATION CONCERNING THE SAME CHILD, WHETHER OR NOT IT IS MADE BY
27 THE COURT THAT MADE THE PREVIOUS DETERMINATION.

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

32 (N) "PERSON ACTING AS A PARENT" MEANS A PERSON, OTHER THAN A
33 PARENT, WHO:

34 (1) HAS PHYSICAL CUSTODY OF THE CHILD OR HAS HAD PHYSICAL
35 CUSTODY FOR A PERIOD OF 6 CONSECUTIVE MONTHS, INCLUDING ANY TEMPORARY
36 ABSENCE, WITHIN 1 YEAR IMMEDIATELY BEFORE THE COMMENCEMENT OF A CHILD
37 CUSTODY PROCEEDING; AND

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

3 (O) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVISION OF
4 A CHILD.

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

8 (Q) "TRIBE" MEANS AN INDIAN TRIBE OR BAND OR ALASKAN NATIVE VILLAGE
9 THAT IS RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWLEDGED BY A STATE.

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

12 9.5-102.

13 THIS TITLE DOES NOT GOVERN A PROCEEDING PERTAINING TO THE
14 AUTHORIZATION OF EMERGENCY MEDICAL CARE FOR A CHILD.

15 9.5-103.

16 (A) A CHILD CUSTODY PROCEEDING THAT PERTAINS TO AN INDIAN CHILD, AS
17 DEFINED IN THE INDIAN CHILD WELFARE ACT, 25 U.S.C. § 1901 ET SEQ., IS NOT
18 SUBJECT TO THIS TITLE TO THE EXTENT THAT IT IS GOVERNED BY THE INDIAN
19 CHILD WELFARE ACT.

20 (B) A COURT OF THIS STATE SHALL TREAT A TRIBE AS IF IT WERE A STATE OF
21 THE UNITED STATES FOR THE PURPOSE OF APPLYING SUBTITLES 1 AND 2 OF THIS
22 TITLE.

23 (C) A CHILD CUSTODY DETERMINATION MADE BY A TRIBE UNDER FACTUAL
24 CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDICTIONAL
25 STANDARDS OF THIS TITLE MUST BE RECOGNIZED AND ENFORCED UNDER SUBTITLE
26 3 OF THIS TITLE.

27 9.5-104.

28 (A) A COURT OF THIS STATE SHALL TREAT A FOREIGN COUNTRY AS IF IT
29 WERE A STATE OF THE UNITED STATES FOR THE PURPOSE OF APPLYING SUBTITLES
30 1 AND 2 OF THIS TITLE.

31 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
32 CHILD CUSTODY DETERMINATION MADE IN A FOREIGN COUNTRY UNDER FACTUAL
33 CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDICTIONAL
34 STANDARDS OF THIS TITLE MUST BE RECOGNIZED AND ENFORCED UNDER SUBTITLE
35 3 OF THIS TITLE.

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

4 9.5-105.

5 (A) A CHILD CUSTODY DETERMINATION MADE BY A COURT OF THIS STATE
6 THAT HAD JURISDICTION UNDER THIS TITLE BINDS ALL PERSONS WHO HAVE BEEN
7 SERVED IN ACCORDANCE WITH THE LAWS OF THIS STATE OR NOTIFIED IN
8 ACCORDANCE WITH § 9.5-107 OF THIS SUBTITLE OR WHO HAVE SUBMITTED TO THE
9 JURISDICTION OF THE COURT, AND WHO HAVE BEEN GIVEN AN OPPORTUNITY TO BE
10 HEARD.

11 (B) AS TO THOSE PERSONS, THE DETERMINATION IS CONCLUSIVE AS TO ALL
12 DECIDED ISSUES OF LAW AND FACT EXCEPT TO THE EXTENT THE DETERMINATION
13 IS MODIFIED.

14 9.5-106.

15 IF A QUESTION OF EXISTENCE OR EXERCISE OF JURISDICTION UNDER THIS
16 TITLE IS RAISED IN A CHILD CUSTODY PROCEEDING, THE QUESTION, ON REQUEST
17 OF A PARTY, SHALL BE GIVEN PRIORITY ON THE CALENDAR AND HANDLED
18 EXPEDITIOUSLY.

19 9.5-107.

20 (A) (1) NOTICE REQUIRED FOR THE EXERCISE OF JURISDICTION WHEN A
21 PERSON IS OUTSIDE THIS STATE MAY BE GIVEN IN A MANNER PRESCRIBED BY THE
22 LAW OF THIS STATE FOR SERVICE OF PROCESS OR BY THE LAW OF THE STATE IN
23 WHICH THE SERVICE IS MADE.

24 (2) NOTICE SHALL BE GIVEN IN A MANNER REASONABLY CALCULATED
25 TO GIVE ACTUAL NOTICE BUT MAY BE BY PUBLICATION IF OTHER MEANS ARE NOT
26 EFFECTIVE.

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

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

31 9.5-108.

32 (A) A PARTY TO A CHILD CUSTODY PROCEEDING, INCLUDING A
33 MODIFICATION PROCEEDING, OR A PETITIONER OR RESPONDENT IN A PROCEEDING
34 TO ENFORCE OR REGISTER A CHILD CUSTODY DETERMINATION, IS NOT SUBJECT TO
35 PERSONAL JURISDICTION IN THIS STATE FOR ANOTHER PROCEEDING OR PURPOSE
36 SOLELY BY REASON OF HAVING PARTICIPATED, OR OF HAVING BEEN PHYSICALLY
37 PRESENT FOR THE PURPOSE OF PARTICIPATING, IN THE PROCEEDING.

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

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

7 (C) THE IMMUNITY GRANTED BY SUBSECTION ~~(B)~~ (A) OF THIS SECTION DOES
8 NOT EXTEND TO CIVIL LITIGATION BASED ON ACTS UNRELATED TO THE
9 PARTICIPATION IN A PROCEEDING UNDER THIS TITLE COMMITTED BY AN
10 INDIVIDUAL WHILE PRESENT IN THIS STATE.

11 9.5-109.

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

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

17 (C) (1) THE COURT MAY ALLOW THE PARTIES TO PARTICIPATE IN THE
18 COMMUNICATION.

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

22 (D) (1) COMMUNICATION BETWEEN COURTS ON SCHEDULES, CALENDARS,
23 COURT RECORDS, AND SIMILAR MATTERS MAY OCCUR WITHOUT INFORMING THE
24 PARTIES.

25 (2) A RECORD NEED NOT BE MADE OF THE COMMUNICATION.

26 (E) (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS
27 SECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RECORD SHALL
28 BE MADE OF A COMMUNICATION UNDER THIS SECTION.

29 (2) THE PARTIES SHALL BE INFORMED PROMPTLY OF THE
30 COMMUNICATION AND GRANTED ACCESS TO THE RECORD.

31 9.5-110.

32 (A) (1) IN ADDITION TO OTHER PROCEDURES AVAILABLE TO A PARTY, A
33 PARTY TO A CHILD CUSTODY PROCEEDING MAY OFFER TESTIMONY OF WITNESSES
34 WHO ARE LOCATED IN ANOTHER STATE, INCLUDING TESTIMONY OF THE PARTIES
35 AND THE CHILD, BY DEPOSITION OR OTHER MEANS ALLOWABLE IN THIS STATE FOR
36 TESTIMONY TAKEN IN ANOTHER STATE.

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

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

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

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

15 9.5-111.

16 (A) A COURT OF THIS STATE MAY REQUEST THE APPROPRIATE COURT OF
17 ANOTHER STATE TO:

18 (1) HOLD AN EVIDENTIARY HEARING;

19 (2) ORDER A PERSON TO PRODUCE OR GIVE EVIDENCE ~~PURSUANT TO~~ IN
20 ACCORDANCE WITH PROCEDURES OF THAT STATE;

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

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

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

30 (B) ON REQUEST OF A COURT OF ANOTHER STATE, A COURT OF THIS STATE
31 MAY HOLD A HEARING OR ENTER AN ORDER DESCRIBED IN SUBSECTION (A) OF THIS
32 SECTION.

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

36 (D) (1) A COURT OF THIS STATE SHALL PRESERVE THE PLEADINGS, ORDERS,
37 DECREES, RECORDS OF HEARINGS, EVALUATIONS, AND OTHER PERTINENT RECORDS

1 WITH RESPECT TO A CHILD CUSTODY PROCEEDING UNTIL THE CHILD ATTAINS 18
2 YEARS OF AGE.

3 (2) ON APPROPRIATE REQUEST BY A COURT OR LAW ENFORCEMENT
4 OFFICIAL OF ANOTHER STATE, THE COURT SHALL FORWARD A CERTIFIED COPY OF
5 THOSE RECORDS.

6 SUBTITLE 2. JURISDICTION.

7 9.5-201.

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

11 (1) THIS STATE IS THE HOME STATE OF THE CHILD ON THE DATE OF THE
12 COMMENCEMENT OF THE PROCEEDING, OR WAS THE HOME STATE OF THE CHILD
13 WITHIN 6 MONTHS BEFORE THE COMMENCEMENT OF THE PROCEEDING AND THE
14 CHILD IS ABSENT FROM THIS STATE BUT A PARENT OR PERSON ACTING AS A PARENT
15 CONTINUES TO LIVE IN THIS STATE;

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

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

23 (II) SUBSTANTIAL EVIDENCE IS AVAILABLE IN THIS STATE
24 CONCERNING THE CHILD'S CARE, PROTECTION, TRAINING, AND PERSONAL
25 RELATIONSHIPS;

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

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

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

34 (C) PHYSICAL PRESENCE OF, OR PERSONAL JURISDICTION OVER, A PARTY OR
35 A CHILD IS NOT NECESSARY OR SUFFICIENT TO MAKE A CHILD CUSTODY
36 DETERMINATION.

1 9.5-202.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
3 COURT OF THIS STATE THAT HAS MADE A CHILD CUSTODY DETERMINATION
4 CONSISTENT WITH § 9.5-201 OR § 9.5-203 OF THIS SUBTITLE HAS EXCLUSIVE,
5 CONTINUING JURISDICTION OVER THE DETERMINATION UNTIL:

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

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

14 (B) A COURT OF THIS STATE THAT HAS MADE A CHILD CUSTODY
15 DETERMINATION AND DOES NOT HAVE EXCLUSIVE, CONTINUING JURISDICTION
16 UNDER THIS SECTION MAY MODIFY THAT DETERMINATION ONLY IF IT HAS
17 JURISDICTION TO MAKE AN INITIAL DETERMINATION UNDER § 9.5-201 OF THIS
18 SUBTITLE.

19 9.5-203.

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

25 (1) THE COURT OF THE OTHER STATE DETERMINES IT NO LONGER HAS
26 EXCLUSIVE, CONTINUING JURISDICTION UNDER § 9.5-202 OF THIS SUBTITLE OR
27 THAT A COURT OF THIS STATE WOULD BE A MORE CONVENIENT FORUM UNDER §
28 9.5-207 OF THIS SUBTITLE; OR

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

32 9.5-204.

33 (A) A COURT OF THIS STATE HAS TEMPORARY EMERGENCY JURISDICTION IF
34 THE CHILD IS PRESENT IN THIS STATE AND THE CHILD HAS BEEN ABANDONED OR IT
35 IS NECESSARY IN AN EMERGENCY TO PROTECT THE CHILD BECAUSE THE CHILD, OR
36 A SIBLING OR PARENT OF THE CHILD, IS SUBJECTED TO OR THREATENED WITH
37 MISTREATMENT OR ABUSE.

38 (B) (1) IF THERE IS NO PREVIOUS CHILD CUSTODY DETERMINATION THAT
39 IS ENTITLED TO BE ENFORCED UNDER THIS TITLE AND A CHILD CUSTODY

1 PROCEEDING HAS NOT BEEN COMMENCED IN A COURT OF A STATE HAVING
2 JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, A CHILD
3 CUSTODY DETERMINATION MADE UNDER THIS SECTION REMAINS IN EFFECT UNTIL
4 AN ORDER IS OBTAINED FROM A COURT OF A STATE HAVING JURISDICTION UNDER
5 §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBSECTION.

6 (2) IF A CHILD CUSTODY PROCEEDING HAS NOT BEEN OR IS NOT
7 COMMENCED IN A COURT OF A STATE HAVING JURISDICTION UNDER §§ 9.5-201
8 THROUGH 9.5-203 OF THIS SUBTITLE, A CHILD CUSTODY DETERMINATION MADE
9 UNDER THIS SECTION BECOMES A FINAL DETERMINATION IF THE DETERMINATION
10 SO PROVIDES AND THIS STATE BECOMES THE HOME STATE OF THE CHILD.

11 (C) (1) IF THERE IS A PREVIOUS CHILD CUSTODY DETERMINATION THAT IS
12 ENTITLED TO BE ENFORCED UNDER THIS TITLE, OR A CHILD CUSTODY PROCEEDING
13 HAS BEEN COMMENCED IN A COURT OF A STATE HAVING JURISDICTION UNDER §§
14 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, ANY ORDER ISSUED BY A COURT OF
15 THIS STATE UNDER THIS SECTION SHALL SPECIFY IN THE ORDER A PERIOD THAT
16 THE COURT CONSIDERS ADEQUATE TO ALLOW THE PERSON SEEKING AN ORDER TO
17 OBTAIN AN ORDER FROM THE STATE HAVING JURISDICTION UNDER §§ 9.5-201
18 THROUGH 9.5-203 OF THIS SUBTITLE.

19 (2) THE ORDER ISSUED IN THIS STATE REMAINS IN EFFECT UNTIL AN
20 ORDER IS OBTAINED FROM THE OTHER STATE WITHIN THE PERIOD SPECIFIED OR
21 THE PERIOD EXPIRES.

22 (D) (1) A COURT OF THIS STATE THAT HAS BEEN ASKED TO MAKE A CHILD
23 CUSTODY DETERMINATION UNDER THIS SECTION, ON BEING INFORMED THAT A
24 CHILD CUSTODY PROCEEDING HAS BEEN COMMENCED IN, OR A CHILD CUSTODY
25 DETERMINATION HAS BEEN MADE BY, A COURT OF A STATE HAVING JURISDICTION
26 UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, SHALL IMMEDIATELY
27 COMMUNICATE WITH THE OTHER COURT.

28 (2) A COURT OF THIS STATE THAT IS EXERCISING JURISDICTION IN
29 ACCORDANCE WITH §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE, ON BEING
30 INFORMED THAT A CHILD CUSTODY PROCEEDING HAS BEEN COMMENCED IN, OR A
31 CHILD CUSTODY DETERMINATION HAS BEEN MADE BY, A COURT OF ANOTHER STATE
32 UNDER A STATUTE SIMILAR TO THIS SECTION SHALL IMMEDIATELY COMMUNICATE
33 WITH THE COURT OF THAT STATE TO RESOLVE THE EMERGENCY, PROTECT THE
34 SAFETY OF THE PARTIES AND THE CHILD, AND DETERMINE A PERIOD FOR THE
35 DURATION OF THE TEMPORARY ORDER.

36 9.5-205.

37 (A) BEFORE A CHILD CUSTODY DETERMINATION IS MADE UNDER THIS TITLE,
38 NOTICE AND AN OPPORTUNITY TO BE HEARD IN ACCORDANCE WITH THE
39 STANDARDS OF § 9.5-107 OF THIS TITLE SHALL BE GIVEN TO ALL PERSONS ENTITLED
40 TO NOTICE UNDER THE LAW OF THIS STATE AS IN CHILD CUSTODY PROCEEDINGS
41 BETWEEN RESIDENTS OF THIS STATE, ANY PARENT WHOSE PARENTAL RIGHTS HAVE

1 NOT BEEN PREVIOUSLY TERMINATED, AND ANY PERSON HAVING PHYSICAL
2 CUSTODY OF THE CHILD.

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

6 (C) THE OBLIGATION TO JOIN A PARTY AND THE RIGHT TO INTERVENE AS A
7 PARTY IN A CHILD CUSTODY PROCEEDING UNDER THIS TITLE ARE GOVERNED BY
8 THE LAW OF THIS STATE AS IN CHILD CUSTODY PROCEEDINGS BETWEEN RESIDENTS
9 OF THIS STATE.

10 9.5-206.

11 (A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
12 COURT OF THIS STATE MAY NOT EXERCISE ITS JURISDICTION UNDER THIS SUBTITLE
13 IF, AT THE TIME OF THE COMMENCEMENT OF THE PROCEEDING, A PROCEEDING
14 CONCERNING THE CUSTODY OF THE CHILD HAS BEEN COMMENCED IN A COURT OF
15 ANOTHER STATE HAVING JURISDICTION SUBSTANTIALLY IN CONFORMITY WITH
16 THIS TITLE, UNLESS THE PROCEEDING HAS BEEN TERMINATED OR IS STAYED BY
17 THE COURT OF THE OTHER STATE BECAUSE A COURT OF THIS STATE IS A MORE
18 CONVENIENT FORUM UNDER § 9.5-207 OF THIS SUBTITLE.

19 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE, A
20 COURT OF THIS STATE, BEFORE HEARING A CHILD CUSTODY PROCEEDING, SHALL
21 EXAMINE THE COURT DOCUMENTS AND OTHER INFORMATION SUPPLIED BY THE
22 PARTIES UNDER § 9.5-209 OF THIS SUBTITLE.

23 (2) IF THE COURT DETERMINES THAT A CHILD CUSTODY PROCEEDING
24 HAS BEEN COMMENCED IN A COURT IN ANOTHER STATE HAVING JURISDICTION
25 SUBSTANTIALLY IN ACCORDANCE WITH THIS TITLE, THE COURT OF THIS STATE
26 SHALL STAY ITS PROCEEDING AND COMMUNICATE WITH THE COURT OF THE OTHER
27 STATE.

28 (3) IF THE COURT OF THE STATE HAVING JURISDICTION
29 SUBSTANTIALLY IN ACCORDANCE WITH THIS TITLE DOES NOT DETERMINE THAT
30 THE COURT OF THIS STATE IS A MORE APPROPRIATE FORUM, THE COURT OF THIS
31 STATE SHALL DISMISS THE PROCEEDING.

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

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

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

1 (II) ENJOIN THE PARTIES FROM CONTINUING WITH THE
2 PROCEEDING FOR ENFORCEMENT; OR

3 (III) PROCEED WITH THE MODIFICATION UNDER CONDITIONS IT
4 CONSIDERS APPROPRIATE.

5 9.5-207.

6 (A) (1) A COURT OF THIS STATE THAT HAS JURISDICTION UNDER THIS TITLE
7 TO MAKE A CHILD CUSTODY DETERMINATION MAY DECLINE TO EXERCISE ITS
8 JURISDICTION AT ANY TIME IF IT DETERMINES THAT IT IS AN INCONVENIENT
9 FORUM UNDER THE CIRCUMSTANCES AND THAT A COURT OF ANOTHER STATE IS A
10 MORE APPROPRIATE FORUM.

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

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

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

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

22 (II) THE LENGTH OF TIME THE CHILD HAS RESIDED OUTSIDE THIS
23 STATE;

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

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

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

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

31 (VII) THE ABILITY OF THE COURT OF EACH STATE TO DECIDE THE
32 ISSUE EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT THE
33 EVIDENCE; AND

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

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

6 (D) A COURT OF THIS STATE MAY DECLINE TO EXERCISE ITS JURISDICTION
7 UNDER THIS TITLE IF A CHILD CUSTODY DETERMINATION IS INCIDENTAL TO AN
8 ACTION FOR DIVORCE OR OTHER PROCEEDING WHILE STILL RETAINING
9 JURISDICTION OVER THE DIVORCE OR THE OTHER PROCEEDING.

10 9.5-208.

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

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

18 (2) A COURT OF THE STATE OTHERWISE HAVING JURISDICTION UNDER
19 §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE DETERMINES THAT THIS STATE IS A
20 MORE APPROPRIATE FORUM UNDER § 9.5-207 OF THIS SUBTITLE; OR

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

23 (B) IF A COURT OF THIS STATE DECLINES TO EXERCISE ITS JURISDICTION
24 UNDER SUBSECTION (A) OF THIS SECTION, IT MAY FASHION AN APPROPRIATE
25 REMEDY TO ENSURE THE SAFETY OF THE CHILD AND PREVENT A REPETITION OF
26 THE UNJUSTIFIABLE CONDUCT, INCLUDING STAYING THE PROCEEDING UNTIL A
27 CHILD CUSTODY PROCEEDING IS COMMENCED IN A COURT HAVING JURISDICTION
28 UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE.

29 (C) (1) IF A COURT DISMISSES A PETITION OR STAYS A PROCEEDING
30 BECAUSE IT DECLINES TO EXERCISE ITS JURISDICTION UNDER SUBSECTION (A) OF
31 THIS SECTION, THE COURT SHALL ASSESS AGAINST THE PARTY SEEKING TO INVOKE
32 THE COURT'S JURISDICTION NECESSARY AND REASONABLE EXPENSES, INCLUDING
33 COSTS, COMMUNICATION EXPENSES, ATTORNEY'S FEES, INVESTIGATIVE FEES,
34 EXPENSES FOR WITNESSES, TRAVEL EXPENSES, AND CHILD CARE DURING THE
35 COURSE OF THE PROCEEDINGS, UNLESS THE PARTY FROM WHOM FEES ARE SOUGHT
36 ESTABLISHES THAT THE ASSESSMENT WOULD BE CLEARLY INAPPROPRIATE.

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

1 9.5-209.

2 (A) (1) IN A CHILD CUSTODY PROCEEDING, EACH PARTY, IN ITS FIRST
3 PLEADING OR IN AN ATTACHED AFFIDAVIT, SHALL GIVE INFORMATION, IF
4 REASONABLY ASCERTAINABLE, UNDER OATH AS TO THE CHILD'S PRESENT ADDRESS
5 OR WHEREABOUTS, THE PLACES WHERE THE CHILD HAS LIVED DURING THE LAST 5
6 YEARS, AND THE NAMES AND PRESENT ADDRESSES OF THE PERSONS WITH WHOM
7 THE CHILD HAS LIVED DURING THAT PERIOD.

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

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

13 (II) KNOWS OF ANY PROCEEDING THAT COULD AFFECT THE
14 CURRENT PROCEEDING, INCLUDING PROCEEDINGS FOR ENFORCEMENT AND
15 PROCEEDINGS RELATING TO DOMESTIC VIOLENCE, PROTECTIVE ORDERS,
16 TERMINATION OF PARENTAL RIGHTS, AND ADOPTIONS AND, IF SO, IDENTIFY THE
17 COURT, THE CASE NUMBER, AND THE NATURE OF THE PROCEEDING; AND

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

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

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

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

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

35 (E) IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER OATH THAT
36 THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE JEOPARDIZED
37 BY DISCLOSURE OF IDENTIFYING INFORMATION, THE INFORMATION SHALL BE
38 SEALED AND MAY NOT BE DISCLOSED TO THE OTHER PARTY OR THE PUBLIC UNLESS
39 THE COURT ORDERS THE DISCLOSURE TO BE MADE AFTER A HEARING IN WHICH
40 THE COURT TAKES INTO CONSIDERATION THE HEALTH, SAFETY, OR LIBERTY OF THE

1 PARTY OR CHILD AND DETERMINES THAT THE DISCLOSURE IS IN THE INTEREST OF
2 JUSTICE.

3 9.5-210.

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

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

10 (B) IF A PARTY TO A CHILD CUSTODY PROCEEDING WHOSE PRESENCE IS
11 DESIRED BY THE COURT IS OUTSIDE THIS STATE, THE COURT MAY ORDER THAT A
12 NOTICE GIVEN IN ACCORDANCE WITH § 9.5-107 OF THIS TITLE INCLUDE A
13 STATEMENT DIRECTING THE PARTY TO APPEAR IN PERSON WITH OR WITHOUT THE
14 CHILD AND INFORMING THE PARTY THAT FAILURE TO APPEAR MAY RESULT IN A
15 DECISION ADVERSE TO THE PARTY.

16 (C) THE COURT MAY ENTER ANY ORDERS NECESSARY TO ENSURE THE
17 SAFETY OF THE CHILD AND OF ANY PERSON ORDERED TO APPEAR UNDER THIS
18 SECTION.

19 (D) IF A PARTY TO A CHILD CUSTODY PROCEEDING WHO IS OUTSIDE THIS
20 STATE IS DIRECTED TO APPEAR UNDER SUBSECTION (B) OF THIS SECTION OR
21 DESIRES TO APPEAR PERSONALLY BEFORE THE COURT WITH OR WITHOUT THE
22 CHILD, THE COURT MAY REQUIRE ANOTHER PARTY TO PAY REASONABLE AND
23 NECESSARY TRAVEL AND OTHER EXPENSES OF THE PARTY SO APPEARING AND OF
24 THE CHILD.

25 SUBTITLE 3. ENFORCEMENT.

26 9.5-301.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "PETITIONER" MEANS A PERSON WHO SEEKS ENFORCEMENT OF AN
30 ORDER FOR RETURN OF A CHILD UNDER THE HAGUE CONVENTION ON THE CIVIL
31 ASPECTS OF INTERNATIONAL CHILD ABDUCTION OR ENFORCEMENT OF A CHILD
32 CUSTODY DETERMINATION.

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

1 9.5-302.

2 UNDER THIS SUBTITLE A COURT OF THIS STATE MAY ENFORCE AN ORDER FOR
3 THE RETURN OF THE CHILD MADE UNDER THE HAGUE CONVENTION ON THE CIVIL
4 ASPECTS OF INTERNATIONAL CHILD ABDUCTION AS IF IT WERE A CHILD CUSTODY
5 DETERMINATION.

6 9.5-303.

7 (A) A COURT OF THIS STATE SHALL RECOGNIZE AND ENFORCE A CHILD
8 CUSTODY DETERMINATION OF A COURT OF ANOTHER STATE IF THE LATTER COURT
9 EXERCISED JURISDICTION IN SUBSTANTIAL CONFORMITY WITH THIS TITLE OR THE
10 DETERMINATION WAS MADE UNDER FACTUAL CIRCUMSTANCES MEETING THE
11 JURISDICTIONAL STANDARDS OF THIS TITLE AND THE DETERMINATION HAS NOT
12 BEEN MODIFIED IN ACCORDANCE WITH THIS TITLE.

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

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

19 9.5-304.

20 (A) A COURT OF THIS STATE THAT DOES NOT HAVE JURISDICTION TO MODIFY
21 A CHILD CUSTODY DETERMINATION MAY ISSUE A TEMPORARY ORDER ENFORCING:

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

23 (2) THE VISITATION PROVISIONS OF A CHILD CUSTODY
24 DETERMINATION OF ANOTHER STATE THAT DOES NOT PROVIDE FOR A SPECIFIC
25 VISITATION SCHEDULE.

26 (B) (1) IF A COURT OF THIS STATE MAKES AN ORDER UNDER SUBSECTION
27 (A)(2) OF THIS SECTION, IT SHALL SPECIFY IN THE ORDER A PERIOD THAT IT
28 CONSIDERS ADEQUATE TO ALLOW THE PETITIONER TO OBTAIN AN ORDER FROM A
29 COURT HAVING JURISDICTION UNDER THE CRITERIA SPECIFIED IN SUBTITLE 2 OF
30 THIS TITLE.

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

33 9.5-305.

34 (A) A CHILD CUSTODY DETERMINATION ISSUED BY A COURT OF ANOTHER
35 STATE MAY BE REGISTERED IN THIS STATE, WITH OR WITHOUT A SIMULTANEOUS
36 REQUEST FOR ENFORCEMENT, BY SENDING TO THE APPROPRIATE COURT IN THIS
37 STATE:

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

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

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

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

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

15 (2) SERVE NOTICE UPON THE PERSONS NAMED IN SUBSECTION (A)(3) OF
16 THIS SECTION AND PROVIDE THEM WITH AN OPPORTUNITY TO CONTEST THE
17 REGISTRATION IN ACCORDANCE WITH THIS SECTION.

18 (C) THE NOTICE REQUIRED BY SUBSECTION (B)(2) OF THIS SECTION SHALL
19 STATE THAT:

20 (1) A REGISTERED DETERMINATION IS ENFORCEABLE AS OF THE DATE
21 OF THE REGISTRATION IN THE SAME MANNER AS A DETERMINATION ISSUED BY A
22 COURT OF THIS STATE;

23 (2) ANY REQUEST FOR A HEARING TO CONTEST THE VALIDITY OF THE
24 REGISTERED DETERMINATION SHALL BE MADE WITHIN 20 DAYS AFTER SERVICE OF
25 NOTICE; AND

26 (3) FAILURE TO CONTEST THE REGISTRATION WILL RESULT IN
27 CONFIRMATION OF THE CHILD CUSTODY DETERMINATION AND PRECLUDE FURTHER
28 CONTEST OF THAT DETERMINATION WITH RESPECT TO ANY MATTER THAT COULD
29 HAVE BEEN ASSERTED.

30 (D) (1) A PERSON SEEKING TO CONTEST THE VALIDITY OF A REGISTERED
31 ORDER SHALL REQUEST A HEARING WITHIN 20 DAYS AFTER SERVICE OF THE
32 NOTICE.

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

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

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

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

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

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

16 9.5-306.

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

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

23 9.5-307.

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

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

33 9.5-308.

34 (A) (1) A PETITION UNDER THIS SUBTITLE SHALL BE VERIFIED.

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

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

3 (B) A PETITION FOR ENFORCEMENT OF A CHILD CUSTODY DETERMINATION
4 SHALL STATE:

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

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

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

17 (4) THE PRESENT PHYSICAL ADDRESS OF THE CHILD AND THE
18 RESPONDENT, IF KNOWN;

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

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

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

30 (2) (I) THE HEARING SHALL BE HELD ON THE NEXT JUDICIAL DAY
31 AFTER SERVICE OF THE ORDER UNLESS THAT DATE IS IMPOSSIBLE.

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

34 (III) THE COURT MAY EXTEND THE DATE OF HEARING AT THE
35 REQUEST OF THE PETITIONER.

36 (D) AN ORDER ISSUED UNDER SUBSECTION (C) OF THIS SECTION SHALL
37 STATE THE TIME AND PLACE OF THE HEARING AND ADVISE THE RESPONDENT THAT
38 AT THE HEARING THE COURT WILL ORDER THAT THE PETITIONER MAY TAKE

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

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

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

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

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

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

20 9.5-309.

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

25 9.5-310.

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

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

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

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

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

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

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

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

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

21 9.5-311.

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

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

31 (2) (I) THE PETITION SHALL BE HEARD ON THE NEXT JUDICIAL DAY
32 AFTER THE WARRANT IS EXECUTED UNLESS THAT DATE IS IMPOSSIBLE.

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

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

37 (C) A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD SHALL:

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

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

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

7 (D) THE RESPONDENT SHALL BE SERVED WITH THE PETITION, WARRANT,
8 AND ORDER IMMEDIATELY AFTER THE CHILD IS TAKEN INTO PHYSICAL CUSTODY.

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

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

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

18 (F) THE COURT MAY IMPOSE CONDITIONS ON PLACEMENT OF A CHILD TO
19 ENSURE THE APPEARANCE OF THE CHILD AND THE CHILD'S CUSTODIAN.

20 9.5-312.

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

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

30 9.5-313.

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

1 9.5-314.

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

5 (B) UNLESS THE COURT ENTERS A TEMPORARY EMERGENCY ORDER UNDER §
6 9.5-204 OF THIS TITLE, THE ENFORCING COURT MAY NOT STAY AN ORDER
7 ENFORCING A CHILD CUSTODY DETERMINATION PENDING APPEAL.

8 9.5-315.

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

15 (1) AN EXISTING CHILD CUSTODY DETERMINATION;

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

18 (3) A REASONABLE BELIEF THAT A CRIMINAL STATUTE HAS BEEN
19 VIOLATED; OR

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

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

25 9.5-316.

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

30 9.5-317.

31 IF THE RESPONDENT IS NOT THE PREVAILING PARTY, THE COURT MAY ASSESS
32 AGAINST THE RESPONDENT ALL DIRECT EXPENSES AND COSTS INCURRED BY THE
33 ATTORNEY GENERAL AND LAW ENFORCEMENT OFFICERS UNDER § 9.5-315 OR §
34 9.5-316 OF THIS SUBTITLE.

1 9.5-318.

2 THIS TITLE MAY BE CITED AS THE UNIFORM CHILD CUSTODY JURISDICTION
3 AND ENFORCEMENT ACT.

4 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this
5 Act or the application thereof to any person or circumstance is held invalid for any
6 reason in a court of competent jurisdiction, the invalidity does not affect other
7 provisions or any other application of this Act which can be given effect without the
8 invalid provision or application, and for this purpose the provisions of this Act are
9 declared severable.

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

13 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2004.