
By: **Delegate McKee**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Court-Ordered Visitation - Preference of an Older Child**

3 FOR the purpose of authorizing a court, in a custody or visitation proceeding, to
4 consider making or modifying a certain visitation order to accommodate a
5 certain preference of a child of at least a certain age; authorizing the court to
6 consider making or modifying a certain visitation order to accommodate a
7 certain preference of a child under a certain age under certain conditions;
8 authorizing a court to consider certain activities of the child in making or
9 modifying a certain visitation order; providing for the prospective application of
10 this Act; and generally relating to the preference of an older child regarding
11 court-ordered visitation.

12 BY adding to

13 Article - Family Law

14 Section 9-105.1

15 Annotated Code of Maryland

16 (2004 Replacement Volume and 2005 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Family Law**

20 9-105.1.

21 (A) IN ANY CUSTODY OR VISITATION PROCEEDING, THE COURT MAY, WHEN
22 DECIDING VISITATION ISSUES, CONSIDER MAKING OR MODIFYING A VISITATION
23 ORDER TO ACCOMMODATE:

24 (1) THE FIRM AND REASONABLE PREFERENCES OF A CHILD WHO IS AT
25 LEAST 14 YEARS OLD; OR

26 (2) THE FIRM AND REASONABLE PREFERENCES OF A CHILD WHO IS
27 UNDER THE AGE OF 14 YEARS, IF THE CHILD IS SUFFICIENTLY MATURE AND ABLE TO

1 INTELLIGENTLY EXPRESS A VOLUNTARY PREFERENCE FOR A VISITATION
2 SCHEDULE.

3 (B) IN MAKING OR MODIFYING A VISITATION ORDER UNDER SUBSECTION (A)
4 OF THIS SECTION, THE COURT MAY CONSIDER THE SCHOOL AND EXTRACURRICULAR
5 ACTIVITIES OF THE CHILD.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to any action or proceeding involving the allocation of
9 visitation responsibilities for a minor child or any action for modification of any
10 provision of an order, agreement, or settlement with respect to visitation
11 responsibilities for a minor child filed before the effective date of this Act.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2006.