

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 88 (Senators Brochin and Grosfeld)  
Judicial Proceedings

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Family Law - Child Custody - Petition by Child to Change Custody

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This bill decreases the age at which a child may petition for a change in custody from 16 to 14.

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Fiscal Summary

**State Effect:** None. The bill's requirements could be handled with existing resources.

**Local Effect:** None. The bill's requirements could be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** A child who is subject to a custody order or decree and is age 16 or older may file a petition to change custody. The child petitioner may file the petition in his or her own name and does not need the sponsorship of a guardian or "next friend." A "next friend" is a relative or other person who appears in court on behalf of a minor, but is not a party to the action involving the minor.

If a child petitions a court for a change in custody, the court must hold a hearing and may change the custody order or decree and place the child with the parent designated by the child.

**Background:** In an action for modification of custody or visitation, the moving party must show that there has been a sufficient change in circumstances to warrant a change in custody or visitation and that the change is in the best interests of the minor child.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 20, 2006  
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