

# HOUSE BILL 1327

D4  
HB 1217/04 – JUD

71r2964

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By: **Delegates McComas, Bartlett, Benson, Dwyer, McDonough, O'Donnell, Shank, Shewell, Smigiel, Stocksdale, and Weldon**

Introduced and read first time: February 28, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Children – Joint Legal Custody and Equal Parenting Time – Preference**

3 FOR the purpose of requiring a court in certain child custody proceedings to first  
4 consider an award of joint legal custody and physical custody for approximately  
5 equal periods of time for each parent; authorizing a court that does not find that  
6 award appropriate to order a disposition it finds appropriate for the  
7 circumstances; requiring a court to make a certain written finding or specific  
8 finding on the record if the court does not award joint legal custody and physical  
9 custody for approximately equal periods of time for each parent; providing that  
10 this Act does not preclude the court's consideration of other provisions of the  
11 law, including provisions providing protection from domestic violence; providing  
12 for the application of this Act; and generally relating to child custody.

13 BY adding to  
14 Article – Family Law  
15 Section 9–107  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume)

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

20 **Article – Family Law**

21 **9–107.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) (1) IN AN INITIAL CHILD CUSTODY PROCEEDING, WHETHER**  
2 **PENDENTE LITE OR PERMANENT, INVOLVING THE PARENTS OF A CHILD, THE**  
3 **COURT SHALL FIRST CONSIDER AN ORDER THAT AWARDS:**

4                           **(I) JOINT LEGAL CUSTODY OF THE CHILD TO THE PARENTS;**  
5 **AND**

6                           **(II) PHYSICAL CUSTODY OF THE CHILD FOR**  
7 **APPROXIMATELY EQUAL PERIODS OF TIME FOR EACH PARENT.**

8           **(2) IF THE COURT DOES NOT CONSIDER THE OPTION IN**  
9 **PARAGRAPH (1) OF THIS SUBSECTION APPROPRIATE, THE COURT SHALL ORDER**  
10 **A DISPOSITION IT FINDS APPROPRIATE FOR THE CIRCUMSTANCES.**

11           **(B) IF THE COURT DOES NOT AWARD JOINT LEGAL CUSTODY AND**  
12 **PHYSICAL CUSTODY OF THE CHILD FOR APPROXIMATELY EQUAL PERIODS OF**  
13 **TIME FOR EACH PARENT, THE COURT SHALL MAKE A WRITTEN FINDING WITHIN**  
14 **10 DAYS AFTER THE COURT'S ORDER OR MAKE A SPECIFIC FINDING ON THE**  
15 **RECORD ON:**

16                           **(1) THE REASONS THE COURT DID NOT AWARD JOINT LEGAL**  
17 **CUSTODY AND PHYSICAL CUSTODY OF THE CHILD FOR APPROXIMATELY EQUAL**  
18 **PERIODS OF TIME FOR EACH PARENT; AND**

19                           **(2) HOW THE FINDING SERVES THE BEST INTERESTS OF THE**  
20 **CHILD.**

21           **(C) NOTHING IN THIS SECTION PRECLUDES CONSIDERATION BY THE**  
22 **COURT OF OTHER PROVISIONS OF THE LAW, INCLUDING PROVISIONS**  
23 **PROVIDING PROTECTION FROM DOMESTIC VIOLENCE.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
25 construed to apply only prospectively and may not be applied or interpreted to have  
26 any effect on or application to any cases filed before the effective date of this Act.

27           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2007.