

# HOUSE BILL 26

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(PRE-FILED)

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By: **Delegate Howard**

Requested: September 21, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Custody Orders**

3 FOR the purpose of requiring a court in a custody proceeding to consider existing or  
4 potential discipline problems of the child when making a custody determination;  
5 and generally relating to child custody orders.

6 BY adding to

7 Article – Family Law

8 Section 9–109

9 Annotated Code of Maryland

10 (2006 Replacement Volume and 2009 Supplement)

11 Preamble

12 WHEREAS, The Centers for Disease Control and Prevention reported the  
13 national divorce rate in 2008 as 3.5 per 1,000 population; and

14 WHEREAS, Divorced couples with children may share legal and physical  
15 custody of their children; and

16 WHEREAS, In 1995 the National Center for Health Statistics compiled data on  
17 child custody awards in 1989 and 1990 from 19 states, finding that only 15.7 percent of  
18 the custody awards for 1990 specified joint physical custody, although not necessarily  
19 in a fifty–fifty relationship; and

20 WHEREAS, Nationally, children that come from fatherless homes account for  
21 63 percent of youth suicides, 71 percent of pregnant teenagers, 90 percent of homeless  
22 and runaway children, 70 percent of juveniles in state–operated institutions, 85  
23 percent of children with behavior disorders, 80 percent of rapists motivated by

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 displaced anger, 71 percent of high school dropouts, 75 percent of adolescent patients  
2 in chemical abuse centers, and 85 percent of youths in prison; and

3 WHEREAS, The majority of joint custody orders in Maryland grant the parent  
4 who does not have primary physical custody of the child only limited physical custody  
5 of the child, usually consisting of two weekends per month and two weeks per summer;  
6 and

7 WHEREAS, Children who do not spend a meaningful amount of time with the  
8 secondary parent may face many of the same problems faced by children from  
9 fatherless homes; and

10 WHEREAS, Children with existing and foreseeable discipline problems are  
11 more likely to face increased challenges when one parent is significantly absent from  
12 the home; and

13 WHEREAS, The General Assembly has an interest in minimizing the social  
14 problems faced by children in the State; now, therefore,

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

17 **Article – Family Law**

18 **9–109.**

19 **IN A CUSTODY PROCEEDING, THE COURT SHALL CONSIDER EXISTING OR**  
20 **POTENTIAL DISCIPLINE PROBLEMS OF THE CHILD WHEN MAKING A CUSTODY**  
21 **DETERMINATION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2010.