

HOUSE BILL 10

D4

(PRE-FILED)

3lr0714
CF SB 52

By: **Delegate Haddaway-Riccio**

Requested: November 7, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Denial of Custody or Visitation – Sexual Abuse of a Minor**

3 FOR the purpose of prohibiting a court, except under certain circumstances, from
4 awarding custody of a child or visitation with a child to a parent who has been
5 found by a court to be guilty of a certain offense of sexual abuse of a minor;
6 providing for the application of this Act; and generally relating to child custody
7 and visitation.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 9–101.2
11 Annotated Code of Maryland
12 (2012 Replacement Volume)

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

15 **Article – Family Law**

16 9–101.2.

17 (a) **(1)** Except as provided in subsection (b) of this section, unless good
18 cause for the award of custody or visitation is shown by clear and convincing evidence,
19 a court may not award custody of a child or visitation with a child:

20 **[(1)] (I)** to a parent who has been found by a court of this State to be
21 guilty of first degree or second degree murder of the other parent of the child, another
22 child of the parent, or any family member residing in the household of either parent of
23 the child; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(2)] (II)** to a parent who has been found by a court of any state or of
2 the United States to be guilty of a crime that, if committed in this State, would be first
3 degree murder or second degree murder of the other parent of the child, another child
4 of the parent, or any family member residing in the household of either parent of the
5 child.

6 **(2) NOTWITHSTANDING § 9-101 OR § 9-101.1 OF THIS SUBTITLE**
7 **AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, UNLESS GOOD**
8 **CAUSE FOR THE AWARD OF CUSTODY OR VISITATION IS SHOWN BY CLEAR AND**
9 **CONVINCING EVIDENCE, A COURT MAY NOT AWARD CUSTODY OF A CHILD OR**
10 **VISITATION WITH A CHILD:**

11 **(I) TO A PARENT WHO HAS BEEN FOUND BY A COURT OF**
12 **THIS STATE TO BE GUILTY OF SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF**
13 **THE CRIMINAL LAW ARTICLE; OR**

14 **(II) TO A PARENT WHO HAS BEEN FOUND BY A COURT OF**
15 **ANY STATE OR OF THE UNITED STATES TO BE GUILTY OF A CRIME THAT, IF**
16 **COMMITTED IN THIS STATE, WOULD BE SEXUAL ABUSE OF A MINOR UNDER §**
17 **3-602 OF THE CRIMINAL LAW ARTICLE.**

18 (b) If it is in the best interest of the child, the court may approve a
19 supervised visitation arrangement that assures the safety and the physiological,
20 psychological, and emotional well-being of the child.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
22 to offenses committed on or after the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2013.