

Chapter 96

(House Bill 315)

AN ACT concerning

Equity Court Jurisdiction – Immigrant Children – Custody or Guardianship ~~Petitions~~

FOR the purpose of altering the jurisdiction of an equity court to include ~~a certain petition to award~~ custody or guardianship of an immigrant child ~~that is filed with~~ pursuant to a certain motion; defining a certain term under certain circumstances; and generally relating to equity court jurisdiction over immigrant children.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 1–201
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Family Law

1–201.

(A) FOR THE PURPOSES OF SUBSECTION (B)(10) OF THIS SECTION, “CHILD” MEANS AN UNMARRIED INDIVIDUAL UNDER THE AGE OF 21 YEARS.

[(a)] (B) An equity court has jurisdiction over:

- (1) adoption of a child, except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;
- (2) alimony;
- (3) annulment of a marriage;
- (4) divorce;

(5) custody or guardianship of a child except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;

(6) visitation of a child;

(7) legitimation of a child;

(8) paternity; [and]

(9) support of a child; AND

(10) ~~A PETITION TO AWARD~~ CUSTODY OR GUARDIANSHIP OF AN IMMIGRANT CHILD ~~THAT IS FILED WITH~~ PURSUANT TO A MOTION FOR SPECIAL IMMIGRANT JUVENILE FACTUAL FINDINGS REQUESTING A DETERMINATION THAT THE CHILD WAS ABUSED, NEGLECTED, OR ABANDONED BEFORE THE AGE OF 18 YEARS FOR PURPOSES OF § 101(A)(27)(J) OF THE FEDERAL IMMIGRATION AND NATIONALITY ACT.

[(b)] (C) In exercising its jurisdiction over the custody, guardianship, visitation, or support of a child, an equity court may:

(1) direct who shall have the custody or guardianship of a child, pendente lite or permanently;

(2) determine who shall have visitation rights to a child;

(3) decide who shall be charged with the support of the child, pendente lite or permanently;

(4) from time to time, set aside or modify its decree or order concerning the child; or

(5) issue an injunction to protect a party to the action from physical harm or harassment.

[(c)] (D) This section does not take away or impair the jurisdiction of a juvenile court or a criminal court with respect to the custody, guardianship, visitation, and support of a child.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.