

SENATE BILL 368

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By: **Senator Lee**

Introduced and read first time: January 26, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Legal Decision Making and Parenting Time**

3 FOR the purpose of repealing references to the terms “child custody” and “visitation” in
4 certain instances and substituting the terms “legal decision making” and “parenting
5 time” in certain instances; requiring the court, in determining the appropriate
6 allocation of legal decision making or parenting time between the parties, to consider
7 certain factors; authorizing the court to consider certain factors; specifying that
8 certain factors are not relevant, except under certain circumstances; requiring the
9 court to articulate certain findings of fact on the record; authorizing the court to
10 award joint legal decision making to both parties under certain circumstances;
11 prohibiting a party from changing certain circumstances of a child without
12 agreement of the other party or order of the court under certain circumstances;
13 authorizing the court to modify a child custody or visitation order or a legal decision
14 making or parenting time order under certain circumstances; specifying that a
15 party’s proposal to relocate the residence of the party or the child in a certain manner
16 constitutes a material change in circumstances for purposes of a modification of an
17 order; specifying the purposes of this Act; repealing certain provisions relating to the
18 relevancy of a disability of a party in a child custody or visitation proceeding; making
19 certain clarifying and conforming changes; defining certain terms; and generally
20 relating to child custody, visitation, legal decision making, and parenting time.

21 BY repealing

22 Article – Family Law

23 Section 5–203(d) and 9–107

24 Annotated Code of Maryland

25 (2012 Replacement Volume and 2016 Supplement)

26 BY adding to

27 Article – Family Law

28 Section 9–101 and 9–103 to be under the amended title “Title 9. Custodial
29 Arrangements for Children” and the amended subtitle “Subtitle 1. Definitions;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 General Provisions”; and 9–201 through 9–204 to be under the new subtitle
2 “Subtitle 2. Legal Decision Making and Parental Responsibility – Judicial
3 Determinations”
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2016 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 9–101, 9–101.1, 9–101.2, 9–103, 9–104, 9–105, 9–106, and 9–108
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2016 Supplement)

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

13 **Article – Family Law**

14 5–203.

15 [(d) (1) If the parents live apart, a court may award custody of a minor child to
16 either parent or joint custody to both parents.

17 (2) Neither parent is presumed to have any right to custody that is superior
18 to the right of the other parent.]

19 Title 9. [Child Custody and Visitation] **CUSTODIAL ARRANGEMENTS FOR CHILDREN.**

20 Subtitle 1. [In General] **DEFINITIONS; GENERAL PROVISIONS.**

21 **9–101.**

22 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (B) “CHILD” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

25 (C) “DISABILITY” MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT
26 SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF AN
27 INDIVIDUAL, A RECORD OF THAT IMPAIRMENT, OR BEING REGARDED AS HAVING
28 THAT IMPAIRMENT, CONSISTENT WITH THE FEDERAL AMERICANS WITH
29 DISABILITIES ACT AMENDMENTS ACT OF 2008, 42 U.S.C. § 12102.

30 (D) (1) “LEGAL DECISION MAKING” MEANS THE RIGHT AND OBLIGATION
31 TO MAKE DECISIONS INVOLVING HEALTH, EDUCATION, RELIGION AND CULTURE,

1 MEDICAL CARE, AND OTHER MATTERS OF MAJOR SIGNIFICANCE CONCERNING THE
2 CHILD'S LIFE AND WELFARE.

3 (2) "LEGAL DECISION MAKING" IS ALSO KNOWN AS LEGAL CUSTODY.

4 (E) (1) "PARENTING TIME" MEANS:

5 (I) THE TIME THE CHILD IS IN A PARENT'S CARE ACCORDING TO
6 AN AGREEMENT OR COURT-ORDERED SCHEDULE; AND

7 (II) THE RIGHT AND OBLIGATION OF A PARENT TO PROVIDE A
8 HOME FOR THE CHILD, ADDRESS THE CHILD'S NEEDS, AND MAKE THE DAY-TO-DAY
9 DECISIONS REQUIRED DURING THE TIME THE CHILD IS WITH THAT PARENT.

10 (2) "PARENTING TIME" IS ALSO KNOWN AS PHYSICAL CUSTODY,
11 VISITATION, OR ACCESS.

12 9-103.

13 (A) IF THE PARENTS LIVE APART, A COURT MAY AWARD LEGAL DECISION
14 MAKING OR PARENTING TIME TO EITHER PARENT OR JOINTLY TO BOTH PARENTS.

15 (B) NEITHER PARENT IS PRESUMED TO HAVE ANY RIGHT TO LEGAL
16 DECISION MAKING OR PARENTING TIME THAT IS SUPERIOR TO THE RIGHT OF THE
17 OTHER PARENT.

18 [9-101.] 9-104.

19 (a) In any [custody or visitation] LEGAL DECISION MAKING OR PARENTING
20 TIME proceeding, if the court has reasonable grounds to believe that a child has been
21 abused or neglected by a party to the proceeding, the court shall determine whether abuse
22 or neglect is likely to occur if [custody or visitation] LEGAL DECISION MAKING OR
23 PARENTING TIME rights are granted to the party.

24 (b) Unless the court specifically finds that there is no likelihood of further child
25 abuse or neglect by the party, the court shall deny [custody or visitation] LEGAL DECISION
26 MAKING OR PARENTING TIME rights to that party, except that the court may approve a
27 supervised [visitation] PARENTING TIME arrangement that assures the safety and the
28 physiological, psychological, and emotional well-being of the child.

29 [9-101.1.] 9-105.

30 (a) In this section, "abuse" has the meaning stated in § 4-501 of this article.

1 (b) In a [custody or visitation] **LEGAL DECISION MAKING OR PARENTING TIME**
2 proceeding, the court shall consider[, when deciding custody or visitation issues,] evidence
3 of abuse by a party against:

4 (1) the other parent of the party's child;

5 (2) the party's spouse; or

6 (3) any child residing within the party's household, including a child other
7 than the child who is the subject of the [custody or visitation] proceeding.

8 (c) If the court finds that a party has committed abuse against the other parent
9 of the party's child, the party's spouse, or any child residing within the party's household,
10 the court shall make arrangements for [custody or visitation] **LEGAL DECISION MAKING**
11 **OR PARENTING TIME** that best protect:

12 (1) the child who is the subject of the proceeding; and

13 (2) the victim of the abuse.

14 **[9-101.2.] 9-106.**

15 (a) Except as provided in subsection (b) of this section, unless good cause for the
16 award of [custody or visitation] **LEGAL DECISION MAKING OR PARENTING TIME** is
17 shown by clear and convincing evidence, a court may not award [custody of a child or
18 visitation with a child] **LEGAL DECISION MAKING OR PARENTING TIME**:

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

22 (2) to a parent who has been found by a court of any state or of the United
23 States to be guilty of a crime that, if committed in this State, would be first degree murder
24 or second degree murder of the other parent of the child, another child of the parent, or any
25 family member residing in the household of either parent of the child.

26 (b) If it is in the best interest of the child, the court may approve a supervised
27 [visitation] **PARENTING TIME** arrangement that assures the safety and the physiological,
28 psychological, and emotional well-being of the child.

29 **[9-107.]**

30 (a) (1) In this section the following words have the meanings indicated.

31 (2) (i) "Disability" means:

1 1. a physical or mental impairment that substantially limits
2 one or more of an individual's major life activities;

3 2. a record of having a physical or mental impairment that
4 substantially limits one or more of an individual's major life activities; or

5 3. being regarded as having a physical or mental impairment
6 that substantially limits one or more of an individual's major life activities.

7 (ii) "Disability" shall be construed in accordance with the ADA
8 Amendments Act of 2008, P.L. 110-325.

9 (3) "Supportive parenting services" means services that may assist an
10 individual with a disability in the effective use of techniques and methods to enable the
11 individual to discharge the individual's responsibilities to a child as successfully as an
12 individual who does not have a disability, including nonvisual techniques for individuals
13 who are blind.

14 (b) (1) In any custody or visitation proceeding, the disability of a party is
15 relevant only to the extent that the court finds, based on evidence in the record, that the
16 disability affects the best interest of the child.

17 (2) The party alleging that the disability of the other party affects the best
18 interest of the child bears the burden of proving that the disability of the other party affects
19 the best interest of the child.

20 (3) If the burden of proof is met, the party who has a disability shall have
21 the opportunity to prove that supportive parenting services would prevent a finding that
22 the disability affects the best interest of the child.

23 (4) If the court finds that the disability of a party affects the best interest
24 of the child and denies or limits custody or visitation, the court shall specifically state in
25 writing:

26 (i) the basis for the finding; and

27 (ii) the reason that the provision of supportive parenting services is
28 not a reasonable accommodation to prevent the finding.]

29 **[9-103.] 9-107.**

30 (a) A child who is 16 years old or older and who is subject to a custody order or
31 decree **OR A LEGAL DECISION MAKING OR PARENTING TIME ORDER OR DECREE** may
32 file a petition to change custody **OR LEGAL DECISION MAKING OR PARENTING TIME.**

33 (b) A petitioner under this section may file the proceeding in the petitioner's own
34 name and need not proceed by guardian or next friend.

1 (c) Notwithstanding any other provision of this article, if a petitioner under this
2 section petitions a court to amend a custody order or decree **OR A LEGAL DECISION**
3 **MAKING OR PARENTING TIME ORDER OR DECREE**, the court:

4 (1) shall hold a hearing; and

5 (2) may amend the order or decree and [place the child in the custody of]
6 **GRANT LEGAL DECISION MAKING OR PARENTING TIME TO** the parent designated by
7 the child.

8 **[9-104.] 9-108.**

9 Unless otherwise ordered by a court, access to medical, dental, and educational
10 records concerning the child may not be denied to a parent [because the parent does not
11 have physical custody of the child].

12 **[9-105.] 9-109.**

13 [In any custody or visitation proceeding, if] **IF** the court determines that a party to
14 a custody or visitation order **OR LEGAL DECISION MAKING OR PARENTING TIME ORDER**
15 has unjustifiably denied or interfered with [visitation] **THE RIGHTS** granted by [a custody
16 or visitation] **THE** order, the court may, in addition to any other remedy available to the
17 court and in a manner consistent with the best interests of the child, take any or all of the
18 following actions:

19 (1) order that the [visitation] **PARENTING TIME** be rescheduled;

20 (2) modify the custody or visitation **OR LEGAL DECISION MAKING OR**
21 **PARENTING TIME** order to require additional terms or conditions designed to ensure future
22 compliance with the order; or

23 (3) assess costs or counsel fees against the party who has unjustifiably
24 denied or interfered with [visitation] **PARENTING TIME** rights.

25 **[9-106.] 9-110.**

26 (a) (1) Except as provided in subsection (b) of this section, in any [custody or
27 visitation] **LEGAL DECISION MAKING OR PARENTING TIME** proceeding the court [may]
28 **SHALL** include as a condition of a [custody or visitation] **LEGAL DECISION MAKING OR**
29 **PARENTING TIME** order a requirement that either party provide advance written notice of
30 at least 90 days to the court, the other party, or both, of the intent to relocate the permanent
31 residence of the party or the child either within or outside the State.

32 (2) The court may prescribe the form and content of the notice requirement.

1 (3) If the court orders that notice be given to the other party, a mailing of
2 the notice by certified mail, return receipt requested, to the last known address of the other
3 party shall be deemed sufficient to comply with the notice requirement.

4 (4) If either party files a petition regarding a proposed relocation within 20
5 days of the written notice of the relocation required by paragraph (1) of this subsection, the
6 court shall set a hearing on the petition on an expedited basis.

7 (b) On a showing that notice would expose the child or either party to abuse as
8 defined in § 4–501 of this article or for any other good cause the court shall waive the notice
9 required by this section.

10 (c) If either party is required to relocate in less than the 90–day period specified
11 in the notice requirement, the court may consider as a defense to any action brought for a
12 violation of the notice requirement that:

13 (1) relocation was necessary due to financial or other extenuating
14 circumstances; and

15 (2) the required notice was given within a reasonable time after learning
16 of the necessity to relocate.

17 (d) The court may consider any violation of the notice requirement as a factor in
18 determining the merits of any subsequent proceeding involving [custody or visitation]
19 **LEGAL DECISION MAKING OR PARENTING TIME.**

20 **[9–108.] 9–111.**

21 (a) In this section:

22 (1) “deployment” means compliance with military orders received by a
23 member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National
24 Guard, or any other Reserve component to report for combat operations or other active
25 service for which the member is required to report unaccompanied by any family member
26 or that is classified by the member’s branch as remote; and

27 (2) “deployment” does not include National Guard or Reserve annual
28 training, inactive duty days, or drill weekends.

29 (b) Any order or modification of an existing child custody or visitation order **OR**
30 **LEGAL DECISION MAKING OR PARENTING TIME ORDER** issued by a court during a term
31 of a deployment of a parent shall specifically reference the deployment of the parent.

32 (c) (1) A parent who petitions the court for an order or modification of an
33 existing child custody or visitation order **OR LEGAL DECISION MAKING OR PARENTING**

1 **TIME ORDER** after returning from a deployment shall specifically reference the date of the
2 end of the deployment in the petition.

3 (2) (i) If the petition under paragraph (1) of this subsection is filed
4 within 30 days after the end of the deployment of the parent, the court shall set a hearing
5 on the petition on an expedited basis.

6 (ii) If the court finds that extenuating circumstances prohibited the
7 filing of the petition within 30 days after the end of the deployment of the parent, the court
8 may set a hearing on the petition on an expedited basis whenever the petition is filed.

9 (d) Any [custody or visitation] **LEGAL DECISION MAKING OR PARENTING TIME**
10 order issued based on the deployment of a parent shall require that:

11 (1) the other parent reasonably accommodate the leave schedule of the
12 parent who is subject to the deployment;

13 (2) the other parent facilitate opportunities for telephone and electronic
14 mail contact between the parent who is subject to the deployment and the child during the
15 period of deployment; and

16 (3) the parent who is subject to the deployment provide timely information
17 regarding the parent's leave schedule to the other parent.

18 **SUBTITLE 2. LEGAL DECISION MAKING AND PARENTAL RESPONSIBILITY –**
19 **JUDICIAL DETERMINATIONS.**

20 **9–201.**

21 **THE PURPOSES OF THIS SUBTITLE ARE TO:**

22 **(1) PROMOTE STABILITY AND LONG-TERM HEALTH AND WELFARE**
23 **FOR CHILDREN BY:**

24 **(I) ASSURING THAT CHILDREN HAVE FREQUENT, REGULAR,**
25 **CONTINUING, AND EXTENDED CONTACT WITH PARENTS WHO HAVE THE ABILITY TO**
26 **ACT IN THE BEST INTEREST OF THEIR CHILDREN;**

27 **(II) CREATING FAMILY AND CASE-SPECIFIC PARENTING TIME**
28 **SCHEDULES FOR DAY-TO-DAY ACCESS, SHARED HOLIDAYS, VACATIONS, CULTURAL**
29 **OR RELIGIOUS EVENTS, AND PARTICIPATION IN SPECIAL OCCASIONS WITH THE**
30 **EXTENDED FAMILY OF EITHER PARENT;**

1 (III) ENCOURAGING PARENTS TO SHARE IN THE RIGHTS AND
2 RESPONSIBILITIES OF RAISING THEIR CHILDREN WHEN THE PARENTS DO NOT
3 RESIDE TOGETHER; AND

4 (IV) FOSTERING CHILDREN'S RELATIONSHIPS WITH SIBLINGS
5 AND WITH SIGNIFICANT ADULTS IN THE CHILDREN'S LIVES;

6 (2) PROVIDE CHILDREN WITH PHYSICAL AND EMOTIONAL SECURITY
7 AND PROTECTION FROM EXPOSURE TO CONFLICT AND VIOLENCE; AND

8 (3) PROVIDE FOR AN EXPEDITIOUS, THOUGHTFUL, AND CONSISTENT
9 PROCESS FOR DECISION MAKING BY COURTS TO PROTECT THE BEST INTEREST OF
10 CHILDREN.

11 **9-202.**

12 (A) SUBJECT TO THE PROVISIONS OF §§ 9-104, 9-105, AND 9-106 OF THIS
13 TITLE, IN DECIDING THE APPROPRIATE ALLOCATION OF LEGAL DECISION MAKING
14 OR PARENTING TIME BETWEEN THE PARTIES, THE COURT SHALL CONSIDER THE
15 FOLLOWING FACTORS:

16 (1) THE ABILITY OF EACH OF THE PARTIES TO MEET THE CHILD'S
17 DEVELOPMENTAL NEEDS, INCLUDING:

18 (I) ENSURING PHYSICAL SAFETY;

19 (II) SUPPORTING EMOTIONAL SECURITY AND POSITIVE
20 SELF-IMAGE;

21 (III) PROMOTING INTERPERSONAL SKILLS; AND

22 (IV) PROMOTING INTELLECTUAL AND COGNITIVE GROWTH;

23 (2) THE RELATIONSHIP BETWEEN THE CHILD AND THE PARTIES, THE
24 CHILD'S SIBLINGS, OTHER RELATIVES, AND ANY OTHER PERSON WHO HAS A
25 SIGNIFICANT RELATIONSHIP WITH THE CHILD;

26 (3) THE ABILITY OF EACH PARTY TO MEET THE DAY-TO-DAY NEEDS
27 OF THE CHILD, INCLUDING:

28 (I) EDUCATION;

29 (II) SOCIALIZATION;

1 (III) CULTURE AND RELIGION;

2 (IV) FOOD;

3 (V) SHELTER;

4 (VI) CLOTHING; AND

5 (VII) MENTAL AND PHYSICAL HEALTH;

6 (4) THE ABILITY OF EACH PARTY TO:

7 (I) CONSIDER AND ACT ON THE NEEDS OF THE CHILD, AS
8 OPPOSED TO THE NEEDS OR DESIRES OF THE PARTY;

9 (II) PROTECT THE CHILD FROM THE ADVERSE EFFECTS OF ANY
10 CONFLICT BETWEEN THE PARTIES; AND

11 (III) MAINTAIN, FOSTER, AND FACILITATE RELATIONSHIPS WITH
12 THE OTHER PARTY, SIBLINGS, OTHER RELATIVES, OR OTHER INDIVIDUALS WHO
13 HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD;

14 (5) THE HISTORY OF ANY EFFORTS BY A PARTY TO INTERFERE WITH
15 THE CHILD'S RELATIONSHIP WITH THE OTHER PARTY;

16 (6) ANY EVIDENCE OF EXPOSURE OF THE CHILD TO DOMESTIC
17 VIOLENCE, CHILD ABUSE, OR CHILD NEGLECT;

18 (7) THE AGE AND GENDER OF THE CHILD; AND

19 (8) MILITARY DEPLOYMENT OF A PARTY.

20 (B) SUBJECT TO THE PROVISIONS OF §§ 9-104, 9-105, AND 9-106 OF THIS
21 TITLE, IN DECIDING THE APPROPRIATE ALLOCATION OF LEGAL DECISION MAKING
22 OR PARENTING TIME BETWEEN THE PARTIES, THE COURT MAY CONSIDER THE
23 FOLLOWING FACTORS:

24 (1) EVIDENCE OF ANY PRIOR COURT ORDERS OR AGREEMENTS
25 BETWEEN THE PARTIES, INCLUDING PRIOR AGREEMENTS CONCERNING THE
26 CHILD'S CUSTODIAL ARRANGEMENTS OR PARENTING RESPONSIBILITIES FOR THE
27 CHILD;

1 **(2) THE PARENTAL RESPONSIBILITIES AND THE PARTICULAR**
2 **PARENTING TASKS CUSTOMARILY PERFORMED BY EACH PARTY, INCLUDING:**

3 **(I) TASKS AND RESPONSIBILITIES PERFORMED BEFORE THE**
4 **INITIATION OF LITIGATION;**

5 **(II) TASKS AND RESPONSIBILITIES PERFORMED DURING THE**
6 **PENDING LITIGATION;**

7 **(III) TASKS AND RESPONSIBILITIES PERFORMED AFTER THE**
8 **ISSUANCE OF ORDERS OF COURT; AND**

9 **(IV) THE EXTENT TO WHICH THE TASKS HAVE BEEN OR WILL BE**
10 **UNDERTAKEN BY THIRD PARTIES;**

11 **(3) THE PROXIMITY OF THE PARTIES' HOMES AS IT RELATES TO THEIR**
12 **ABILITY TO COORDINATE PARENTING TIME, SCHOOL, AND ACTIVITIES;**

13 **(4) THE RELATIONSHIP BETWEEN THE PARTIES, INCLUDING:**

14 **(I) THE ABILITY OF EACH PARTY TO EFFECTIVELY**
15 **COMMUNICATE WITH THE OTHER PARTY; AND**

16 **(II) THE ABILITY OF EACH PARTY TO CO-PARENT THE CHILD**
17 **WITHOUT DISRUPTION TO THE CHILD'S SOCIAL AND SCHOOL LIFE;**

18 **(5) THE EXTENT TO WHICH EITHER PARTY HAS INITIATED OR**
19 **ENGAGED IN FRIVOLOUS OR VEXATIOUS LITIGATION, AS DEFINED IN THE**
20 **MARYLAND RULES;**

21 **(6) THE CHILD'S PREFERENCE IF:**

22 **(I) THE CHILD IS OF SUFFICIENT AGE AND CAPACITY TO FORM**
23 **A PREFERENCE; AND**

24 **(II) THE COURT CONSIDERS THE CHILD'S POSSIBLE**
25 **SUSCEPTIBILITY TO MANIPULATION BY A PARTY OR BY OTHERS; AND**

26 **(7) ANY OTHER FACTOR THAT THE COURT CONSIDERS APPROPRIATE**
27 **IN DETERMINING HOW TO BEST SERVE THE PHYSICAL, DEVELOPMENTAL, AND**
28 **EMOTIONAL NEEDS OF THE CHILD.**

1 **(C) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, IN DECIDING THE APPROPRIATE ALLOCATION OF LEGAL DECISION**
3 **MAKING OR PARENTING TIME BETWEEN THE PARTIES, THE FOLLOWING ARE ONLY**
4 **RELEVANT IF THE COURT FINDS A RISK OF HARM TO THE CHILD:**

5 **(I) THE SEX, SEXUAL ORIENTATION, OR GENDER IDENTITY OF A**
6 **PARTY;**

7 **(II) THE AGE OF A PARTY;**

8 **(III) THE RACE, COLOR, OR NATIONAL ORIGIN OF A PARTY;**

9 **(IV) THE RELIGIOUS AFFILIATION, BELIEF, CREED, OR OPINION**
10 **OF A PARTY;**

11 **(V) THE MARITAL STATUS OF A PARTY;**

12 **(VI) THE MENTAL OR PHYSICAL DISABILITY OF A PARTY;**

13 **(VII) THE PARTIES' RELATIVE ECONOMIC CIRCUMSTANCES; OR**

14 **(VIII) THE EXTRAMARITAL SEXUAL CONDUCT OF A PARTY.**

15 **(2) THE PARTIES' RELATIVE ECONOMIC CIRCUMSTANCES ARE**
16 **RELEVANT IF:**

17 **(I) THE COMBINED FINANCIAL RESOURCES OF THE PARTIES**
18 **SET PRACTICAL LIMITS ON THE CUSTODIAL ARRANGEMENTS;**

19 **(II) A PARTY IS VOLUNTARILY IMPOVERISHED; OR**

20 **(III) A PARTY IS NOT IN COMPLIANCE WITH A COURT ORDER FOR**
21 **ECONOMIC SUPPORT AND THE NONCOMPLIANCE AFFECTS THE WELFARE OF THE**
22 **CHILD.**

23 **(D) THE COURT SHALL ARTICULATE ITS FINDINGS OF FACT ON THE**
24 **RECORD, INCLUDING:**

25 **(1) THE CONSIDERATION OF EACH FACTOR LISTED IN SUBSECTION**
26 **(A) OF THIS SECTION;**

27 **(2) THE CONSIDERATION OF ANY FACTOR LISTED IN SUBSECTION (B)**
28 **OF THIS SECTION;**

1 **(3) THE CONSIDERATION OF ANY OTHER FACTOR THAT THE COURT**
2 **CONSIDERED; AND**

3 **(4) THE WEIGHT THE COURT GAVE TO EACH FACTOR THAT THE COURT**
4 **CONSIDERED.**

5 **9-203.**

6 **(A) IF THE COURT DETERMINES THAT THE PARTIES ARE ABLE TO**
7 **COMMUNICATE AND REACH JOINT DECISIONS CONCERNING SOME OR ALL OF THE**
8 **CHILD'S NEEDS DESCRIBED IN § 9-202(A) OF THIS SUBTITLE, THE COURT MAY**
9 **AWARD:**

10 **(1) JOINT LEGAL DECISION MAKING TO BOTH PARTIES;**

11 **(2) JOINT LEGAL DECISION MAKING TO BOTH PARTIES, DESIGNATING**
12 **ONE PARTY TO MAKE FINAL DECISIONS IF THE PARTIES ARE UNABLE TO AGREE**
13 **AFTER A THOROUGH DISCUSSION OF THE ISSUES; OR**

14 **(3) JOINT LEGAL DECISION MAKING TO BOTH PARTIES, ALLOCATING**
15 **RESPONSIBILITY FOR SPECIFIC ISSUES TO EACH PARTY, IF THE PARTIES ARE**
16 **UNABLE TO AGREE AFTER A THOROUGH DISCUSSION OF THE ISSUES.**

17 **(B) IF THE COURT AWARDS JOINT LEGAL DECISION MAKING AUTHORITY**
18 **UNDER SUBSECTION (A)(1) OF THIS SECTION, NEITHER PARTY, WITHOUT**
19 **AGREEMENT OF THE OTHER PARTY OR ORDER OF THE COURT, MAY UNILATERALLY**
20 **CHANGE THE CHILD'S:**

21 **(1) EDUCATIONAL ARRANGEMENTS;**

22 **(2) RELIGION;**

23 **(3) HEALTH CARE OR HEALTH CARE PROFESSIONALS; OR**

24 **(4) DAY CARE PROVIDER.**

25 **9-204.**

26 **(A) THE COURT MAY MODIFY, IN ACCORDANCE WITH THE PROVISIONS OF**
27 **THIS SUBTITLE, A CHILD CUSTODY OR VISITATION ORDER OR A LEGAL DECISION**
28 **MAKING OR PARENTING TIME ORDER IF THE COURT DETERMINES THAT THERE HAS**
29 **BEEN A MATERIAL CHANGE IN CIRCUMSTANCES SINCE THE ISSUANCE OF THE**

1 ORDER THAT RELATES TO THE NEEDS OF THE CHILD OR THE ABILITY OF THE
2 PARTIES TO MEET THOSE NEEDS.

3 (B) A PARTY'S PROPOSAL TO RELOCATE THE RESIDENCE OF THE PARTY OR
4 THE CHILD IN A WAY THAT WOULD CAUSE PARENTING TIME TO BE IMPRACTICABLE
5 CONSTITUTES A MATERIAL CHANGE IN CIRCUMSTANCES.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2017.