

SENATE BILL 905

D4

7lr2646

SB 962/16 – JPR

By: Senator Muse

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Legal Decision Making and Parenting Time – Shared Parenting Time for Family**
3 **Equality Act**

4 FOR the purpose of creating a rebuttable presumption in certain legal decision making and
5 parenting time proceedings that certain co-parenting arrangements are in the best
6 interests of a child; authorizing a court to consider certain factors when determining
7 the best interests of a child; authorizing the court to award primary legal decision
8 making and parenting time under certain circumstances; requiring a court to enter
9 certain information on the record under certain circumstances; requiring the court
10 to award shared parenting time in a certain manner under certain circumstances;
11 establishing a certain State policy; defining certain terms; and generally relating to
12 child custody determinations.

13 BY adding to

14 Article – Family Law

15 Section 9–109

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2016 Supplement)

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

20 Article – Family Law

21 **9–109.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



5 (II) "LEGAL DECISION MAKING" IS ALSO KNOWN AS LEGAL
6 CUSTODY.

7 (3) (I) "PARENTING TIME" MEANS:

14 (II) "PARENTING TIME" IS ALSO KNOWN AS PHYSICAL CUSTODY,
15 VISITATION, OR ACCESS.

16 (B) IT IS THE POLICY OF THE STATE THAT THE LOVE, SUPPORT, AND
17 INVOLVEMENT OF BOTH PARENTS IS UNQUESTIONABLY IN THE BEST INTERESTS OF
18 A CHILD AND THAT PROMOTING JOINT LEGAL DECISION MAKING AND SHARED
19 PARENTING TIME ALSO ENCOURAGES PARENTS TO SETTLE PARENTAL DISPUTES
20 OUTSIDE THE LITIGATION PROCESS.

21 (C) IN AN INITIAL LEGAL DECISION MAKING OR PARENTING TIME
22 PROCEEDING, WHETHER PENDENTE LITE OR PERMANENT, INVOLVING THE
23 PARENTS OF A CHILD REGARDLESS OF A PARENT'S MARITAL STATUS OR GENDER,
24 THERE IS A REBUTTABLE PRESUMPTION THAT:

25 (1) JOINT LEGAL DECISION MAKING IS IN THE BEST INTERESTS OF
26 THE CHILD; AND

29 (D) IN DETERMINING THE BEST INTERESTS OF THE CHILD, THE COURT MAY
30 CONSIDER THE FOLLOWING FACTORS:

(2) THE DISTANCE BETWEEN THE RESIDENCES OF THE PARENTS;

5 (3) THE DISTANCE BETWEEN EACH PARENT'S RESIDENCE AND THE
6 CHILD'S SCHOOL;

7 (4) THE FLEXIBILITY OF EACH PARENT'S WORK SCHEDULE;

(6) ANY OTHER FACTOR THE COURT FINDS RELEVANT.

11 (E) (1) IF THE COURT DETERMINES BY A PREPONDERANCE OF THE
12 EVIDENCE THAT A JOINT LEGAL DECISION MAKING AND EQUAL SHARED PARENTING
13 TIME ARRANGEMENT IS NOT IN THE BEST INTERESTS OF THE CHILD, THE COURT:

16 (II) SHALL ENTER ON THE RECORD THE FACTORS CONSIDERED
17 BY THE COURT IN REACHING ITS DECISION.

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