

HOUSE BILL 1195

D4
HB 973/21 – JUD

2lr0930

By: **Delegates C. Branch, T. Branch, Foley, Guyton, Henson, Hill, Howell, Jackson, R. Jones, Patterson, Prettyman, Sample–Hughes, and Wells**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grandparent Visitation**

3 FOR the purpose of altering the circumstances under which an equity court is authorized
4 to grant visitation rights to a grandparent of a child; specifying the circumstances
5 under which an equity court is required to grant visitation rights to a grandparent
6 of a child; and generally relating to grandparent visitation.

7 BY repealing and reenacting, with amendments,

8 Article – Family Law

9 Section 9–102

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2021 Supplement)

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

14 **Article – Family Law**

15 9–102.

16 (A) [An] IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, AN
17 equity court may[:

18 (1)] consider a petition for reasonable visitation of a grandchild by a
19 grandparent[; and

20 (2) if the court finds it to be in the best interests of the child, grant
21 visitation rights to the grandparent].

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS**
2 **SUBSECTION AND SUBSECTION (D) OF THIS SECTION, AN EQUITY COURT MAY GRANT**
3 **VISITATION RIGHTS TO A GRANDPARENT IF:**

4 **(I) 1. THE CHILD’S PARENT, WHO IS THE CHILD OF THE**
5 **GRANDPARENT, IS DECEASED; OR**

6 **2. THE PETITION FOR VISITATION RIGHTS WAS FILED**
7 **AFTER AN ACTION FOR DIVORCE, ANNULMENT, CUSTODY, OR PATERNITY WAS FILED**
8 **BY A PARENT OF THE CHILD; AND**

9 **(II) THE COURT FINDS THAT GRANTING VISITATION RIGHTS TO**
10 **THE GRANDPARENT:**

11 **1. IS IN THE BEST INTERESTS OF THE CHILD; AND**

12 **2. WOULD NOT INTERFERE WITH THE PARENT–CHILD**
13 **RELATIONSHIP.**

14 **(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1)(II)1 OF**
15 **THIS SUBSECTION, THE COURT SHALL CONSIDER THE AMOUNT OF PERSONAL**
16 **CONTACT THAT OCCURRED BETWEEN THE GRANDPARENT AND THE CHILD BEFORE**
17 **THE FILING OF THE PETITION.**

18 **(C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, AN**
19 **EQUITY COURT SHALL GRANT VISITATION RIGHTS TO A GRANDPARENT UNDER THIS**
20 **SECTION IF:**

21 **(1) THE CHILD RESIDED WITH THE GRANDPARENT FOR A PERIOD OF**
22 **AT LEAST 12 MONTHS; AND**

23 **(2) THE COURT FINDS THAT GRANTING VISITATION RIGHTS TO THE**
24 **GRANDPARENT:**

25 **(I) IS IN THE BEST INTERESTS OF THE CHILD; AND**

26 **(II) WOULD NOT INTERFERE WITH THE PARENT–CHILD**
27 **RELATIONSHIP.**

28 **(D) IN MAKING A DETERMINATION UNDER THIS SECTION, THE COURT MAY**
29 **NOT DENY VISITATION RIGHTS BASED ON ALLEGATIONS THAT GRANTING**
30 **VISITATION RIGHTS TO THE GRANDPARENT WOULD INTERFERE WITH THE**
31 **PARENT–CHILD RELATIONSHIP UNLESS, AFTER A HEARING, THE COURT**

1 DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT INTERFERENCE
2 WOULD OCCUR.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2022.