

SENATE BILL 1004

D4

5lr3565
CF HB 721

By: **Senator Benson**

Introduced and read first time: February 1, 2025

Assigned to: Rules

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 2024 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].

22 (B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SUBSECTION AND SUBSECTION (D) OF THIS SECTION, AN EQUITY COURT MAY GRANT
2 VISITATION RIGHTS TO A GRANDPARENT IF:

3 (I) THE PETITION FOR VISITATION RIGHTS WAS FILED AFTER
4 AN ACTION FOR DIVORCE, ANNULMENT, CUSTODY, OR PATERNITY WAS FILED BY A
5 PARENT OF THE CHILD; AND

6 (II) THE COURT FINDS THAT GRANTING VISITATION RIGHTS TO
7 THE GRANDPARENT:

8 1. IS IN THE BEST INTERESTS OF THE CHILD; AND

9 2. WOULD NOT INTERFERE WITH THE PARENT-CHILD
10 RELATIONSHIP.

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

15 (C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, AN
16 EQUITY COURT SHALL GRANT VISITATION RIGHTS TO A GRANDPARENT UNDER THIS
17 SECTION IF:

18 (1) (I) THE CHILD RESIDED WITH THE GRANDPARENT FOR A
19 PERIOD OF AT LEAST 12 MONTHS; OR

20 (II) THE CHILD'S PARENT WHO IS THE CHILD OF THE
21 GRANDPARENT IS DECEASED; AND

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

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

25 (II) WOULD NOT INTERFERE WITH THE PARENT-CHILD
26 RELATIONSHIP.

27 (D) IN MAKING A DETERMINATION UNDER THIS SECTION, THE COURT MAY
28 NOT DENY VISITATION RIGHTS BASED ON ALLEGATIONS THAT GRANTING
29 VISITATION RIGHTS TO THE GRANDPARENT WOULD INTERFERE WITH THE
30 PARENT-CHILD RELATIONSHIP UNLESS, AFTER A HEARING, THE COURT
31 DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT INTERFERENCE

1 **WOULD OCCUR.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2025.