## **HOUSE BILL 1328**

D4 0lr2340

 $HB\ 1032/18 - JUD$ 

By: Delegates Dumais and Atterbeary

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

## A BILL ENTITLED

1 AN ACT concerning

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## Child Custody - Legal Decision Making and Parenting Time

3 FOR the purpose of repealing references to the terms "child custody" and "visitation" in certain instances and substituting the terms "legal decision making" and "parenting 4 5 time" in certain instances; authorizing the court, in determining certain legal 6 decision making authority and parenting time in certain child custody proceedings, 7 to consider certain factors; requiring the court to articulate certain findings of fact 8 on the record; authorizing the court to award joint legal decision making to both 9 parties under certain circumstances; prohibiting a party from unilaterally making certain decisions concerning a child without agreement of the other party or order of 10 the court under certain circumstances; authorizing the court to modify a child 11 12 custody or visitation order or a legal decision making or parenting time order under 13 certain circumstances; specifying that a party's proposal to relocate the residence of the party or the child in a certain manner constitutes a material change in 14 circumstances for purposes of a modification of an order; specifying the purposes of 15 16 this Act; repealing certain provisions relating to the relevancy of a disability of a party in a child custody or visitation proceeding; making certain clarifying and 17 conforming changes; defining certain terms; and generally relating to child custody, 18 19 visitation, legal decision making, and parenting time.

20 BY repealing

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Article – Family Law

Section 5–203(d) and 9–107

23 Annotated Code of Maryland

24 (2019 Replacement Volume)

25 BY adding to

Article – Family Law

Section 9–101 and 9–103 to be under the amended subtitle "Subtitle 1. Definitions; General Provisions" and the amended title "Title 9. Custodial Arrangements

for Children"; and 9–201 through 9–204 to be under the new subtitle "Subtitle

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2 3 4	2. Legal Decision Making and Parental Responsibility – Judicial Determinations" Annotated Code of Maryland (2019 Replacement Volume)
5 6 7 8 9	BY repealing and reenacting, with amendments, Article – Family Law Section 9–101, 9–101.1, 9–101.2, 9–103, 9–104, 9–105, 9–106, and 9–108 Annotated Code of Maryland (2019 Replacement Volume)
10 11	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
12	Article - Family Law
13	5–203.
14 15	[(d) (1) If the parents live apart, a court may award custody of a minor child to either parent or joint custody to both parents.
16 17	(2) Neither parent is presumed to have any right to custody that is superior to the right of the other parent.]
18	Title 9. [Child Custody and Visitation] CUSTODIAL ARRANGEMENTS FOR CHILDREN.
19	Subtitle 1. [In General] <b>DEFINITIONS</b> ; <b>GENERAL PROVISIONS</b> .
20	9–101.
21 22	(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
23	(B) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.
<ul><li>24</li><li>25</li><li>26</li><li>27</li><li>28</li></ul>	(C) (1) "LEGAL DECISION MAKING" MEANS THE RIGHT AND OBLIGATION TO MAKE MAJOR LONG-TERM DECISIONS INVOLVING MEDICAL CARE, MENTAL HEALTH, EDUCATION, RELIGIOUS TRAINING, EXTRACURRICULAR ACTIVITIES, AND OTHER MATTERS OF MAJOR SIGNIFICANCE CONCERNING THE CHILD'S LIFE AND WELFARE.
29	(2) "LEGAL DECISION MAKING" IS ALSO KNOWN AS LEGAL CUSTODY.
30	(D) (1) "PARENTING TIME" MEANS: