

HOUSE BILL 1114

D4

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By: **Delegates Charles, Acevero, Bridges, Crutchfield, Henson, Lehman, Mosby, Pena–Melnik, Smith, R. Watson, and P. Young**

Introduced and read first time: February 6, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody and Visitation – Best Interest of the Child – Factors**

3 FOR the purpose of requiring the court, in determining the appropriate allocation of
4 custody or visitation between the parties that is in the best interest of the child, to
5 consider certain factors; authorizing the court to consider certain factors; requiring
6 the court to articulate certain findings of fact on the record; and generally relating
7 to child custody and visitation.

8 BY adding to

9 Article – Family Law

10 Section 9–109

11 Annotated Code of Maryland

12 (2019 Replacement Volume)

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

15 **Article – Family Law**

16 **9–109.**

17 **(A) SUBJECT TO THE PROVISIONS OF §§ 9–101, 9–101.1, AND 9–101.2 OF**
18 **THIS SUBTITLE, IN DECIDING THE APPROPRIATE ALLOCATION OF CUSTODY OR**
19 **VISITATION BETWEEN THE PARTIES THAT IS IN THE BEST INTEREST OF THE CHILD,**
20 **THE COURT SHALL CONSIDER:**

21 **(1) THE ABILITY OF EACH OF THE PARTIES TO MEET THE CHILD’S**
22 **DEVELOPMENTAL NEEDS, INCLUDING:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(I) ENSURING PHYSICAL SAFETY;

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

(III) PROMOTING INTERPERSONAL SKILLS; AND

(IV) PROMOTING INTELLECTUAL AND COGNITIVE GROWTH;

(2) THE RELATIONSHIP BETWEEN THE CHILD AND THE PARTIES, THE
CHILD'S SIBLINGS, AND OTHER RELATIVES;

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

(I) EDUCATION;

(II) SOCIALIZATION;

(III) CULTURE AND RELIGION;

(IV) FOOD;

(V) SHELTER;

(VI) CLOTHING; AND

(VII) MENTAL AND PHYSICAL HEALTH;

(4) THE ABILITY OF EACH PARTY TO:

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

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

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

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

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

(7) ANY MILITARY DEPLOYMENT OF A PARTY.

(B) SUBJECT TO THE PROVISIONS OF §§ 9–101, 9–101.1, AND 9–101.2 OF THIS SUBTITLE, IN DECIDING THE APPROPRIATE ALLOCATION OF CUSTODY OR VISITATION BETWEEN THE PARTIES THAT IS IN THE BEST INTEREST OF THE CHILD, THE COURT MAY CONSIDER:

(1) THE WILLINGNESS AND ABILITY OF THE PARTIES TO PARTICIPATE IN THE RAISING OF THE CHILD;

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

(3) THE EXTENT TO WHICH EITHER PARTY HAS INITIATED OR ENGAGED IN FRIVOLOUS OR VEXATIOUS LITIGATION, AS DEFINED IN THE MARYLAND RULES;

(4) THE CHILD'S PREFERENCE IF:

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

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

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

(C) THE COURT SHALL ARTICULATE ITS FINDINGS OF FACT ON THE RECORD, INCLUDING:

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

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

(3) THE CONSIDERATION OF ANY OTHER FACTOR THAT THE COURT

1 **CONSIDERED; AND**

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.