

# SENATE BILL 650

D4

5lr1489  
CF 5lr1484

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By: **Senators Muse and Waugh**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Rebuttable Presumption of Joint Custody**

3 FOR the purpose of creating a rebuttable presumption in certain court proceedings that  
4 certain custodial arrangements are in the best interests of a child; authorizing the  
5 court to grant sole custody under certain circumstances; and generally relating to  
6 child custody determinations.

7 BY adding to

8 Article – Family Law

9 Section 9–109

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2014 Supplement)

12 Preamble

13 WHEREAS, Joint custody assures frequent and continuing contact of a child with  
14 both parents; and

15 WHEREAS, A policy promoting joint custody encourages parents to settle custody  
16 disputes outside of the litigation process; and

17 WHEREAS, The love and support of both parents is unquestionably beneficial to  
18 children; now, therefore,

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

21 **Article – Family Law**

22 **9–109.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) IN AN INITIAL CHILD CUSTODY PROCEEDING, WHETHER PENDENTE LITE**  
2 **OR PERMANENT, INVOLVING THE PARENTS OF A CHILD, REGARDLESS OF A PARENT'S**  
3 **MARITAL STATUS OR GENDER, THERE IS A REBUTTABLE PRESUMPTION THAT:**

4                   **(1) JOINT LEGAL CUSTODY IS IN THE BEST INTERESTS OF THE CHILD;**  
5 **AND**

6                   **(2) JOINT PHYSICAL CUSTODY FOR APPROXIMATELY EQUAL PERIODS**  
7 **OF TIME IS IN THE BEST INTERESTS OF THE CHILD.**

8           **(B) IF THE COURT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE**  
9 **THAT A CO-PARENTING CUSTODY ARRANGEMENT IS NOT IN THE BEST INTERESTS OF**  
10 **THE CHILD, THE COURT MAY AWARD SOLE CUSTODY TO ONE PARENT.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2015.