

SENATE BILL 521

D4
SB 663/24 – JPR

5lr2800

By: **Senator Charles**

Introduced and read first time: January 23, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Rebuttable Presumption of Joint Custody**

3 FOR the purpose of establishing a rebuttable presumption in certain child custody
4 proceedings that certain custodial arrangements are in the best interests of a child
5 and establishing factors a court may consider when determining the best interests
6 of the child; authorizing the court to award sole custody under certain circumstances
7 based on a preponderance of the evidence after entering factors considered by the
8 court on the record; requiring the court to award visitation in a certain manner under
9 certain circumstances; and generally relating to child custody determinations.

10 BY adding to
11 Article – Family Law
12 Section 9–109
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2024 Supplement)

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

17 **Article – Family Law**

18 **9–109.**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(B) IN DETERMINING THE BEST INTERESTS OF THE CHILD, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

(1) THE PREFERENCES OF THE CHILD IF THE COURT DETERMINES THAT THE CHILD IS OF A SUFFICIENT EMOTIONAL MATURITY AND MENTAL CAPACITY REGARDLESS OF THE AGE OF THE CHILD;

(2) THE DISTANCE BETWEEN THE RESIDENCES OF THE PARENTS;

(3) THE DISTANCE BETWEEN EACH PARENT'S RESIDENCE AND THE CHILD'S SCHOOL;

(4) THE FLEXIBILITY OF EACH PARENT'S WORK SCHEDULE;

(5) EACH PARENT'S ABILITY TO ASSIST WITH AFTER SCHOOL CARE;
AND

(6) ANY OTHER FACTOR THE COURT FINDS RELEVANT.

(C) (1) IF THE COURT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT A JOINT CUSTODY ARRANGEMENT IS NOT IN THE BEST INTERESTS OF THE CHILD, THE COURT:

(I) MAY AWARD SOLE CUSTODY TO ONE PARENT; AND

(II) SHALL ENTER ON THE RECORD THE FACTORS CONSIDERED BY THE COURT IN REACHING ITS DECISION.

(2) WHEN THE COURT DETERMINES, IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THAT JOINT CUSTODY IS NOT IN THE BEST INTERESTS OF THE CHILD, THE COURT SHALL AWARD VISITATION IN A MANNER THAT ENSURES FREQUENT AND CONTINUING CONTACT BETWEEN THE CHILD AND THE NONCUSTODIAL PARENT.

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