

Approved April 9, 1974.

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CHAPTER 181

(House Bill 48)

AN ACT concerning

Custody of Children - No Preference to Either Spouse

FOR the purpose of providing that neither spouse shall be given preference because of sex in a court custody proceeding.

BY repealing and re-enacting, with amendments,

Article 72A - Parent and Child

Section 1

Annotated Code of Maryland

(1970 Replacement Volume and 1973 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 1 of Article 72A - Parent and Child, of the Annotated Code of Maryland (1970 Replacement Volume and 1973 Supplement) be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Article 72A - Parent and Child

1.

The father and mother are the joint natural guardians of their child under eighteen years of age and are jointly and severally charged with its support, care, nurture, welfare and education. They shall have equal powers and duties, and neither parent has any right superior to the right of the other concerning the child's custody. If either the father or mother dies, or abandons his or her family, or is incapable of acting, the guardianship devolves upon the other parent. Where the parents live apart, the court may award the guardianship of the child to either of them[.], BUT, IN ANY CUSTODY PROCEEDING, NEITHER PARENT SHALL BE GIVEN PREFERENCE SOLELY BECAUSE OF HIS OR HER SEX. Provided: The provisions of this article shall not be deemed to affect the existing law relative to the appointment of a third person as guardian of the person of the minor where