

Section 29  
Annotated Code of Maryland  
(1973 Replacement Volume and 1975 Supplement)

BY adding to

Article 72A - Parent and Child  
Section 1A  
Annotated Code of Maryland  
(1970 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 29 be and it is hereby added to Article 16 - Chancery, of the Annotated Code of Maryland (1973 Replacement Volume and 1975 Supplement) to read as follows:

Article 16 - Chancery

29.

[[ (A) ]] THE DOMICILE OF ONE SPOUSE DOES NOT FIX BY OPERATION OF LAW THE DOMICILE OF THE OTHER SPOUSE, WHICH SHALL BE DETERMINED BY REFERENCE TO THE SAME FACTORS AS IN THE CASE OF ANY OTHER INDIVIDUAL CAPABLE OF HAVING AN INDEPENDENT DOMICILE.

[[ (B) NEITHER SPOUSE HAS A RIGHT SUPERIOR TO THE OTHER SPOUSE IN THE CHOICE AND ESTABLISHMENT OF A MARITAL DOMICILE. THE REFUSAL OF A SPOUSE TO FOLLOW THE OTHER SPOUSE WHO HAS CHOSEN OR ESTABLISHED A NEW DOMICILE DOES NOT OF ITSELF CONSTITUTE DESERTION OR ABANDONMENT AS A GROUND, BAR, OR DEFENSE IN ANY DIVORCE ACTION. ]]

SECTION 2. AND BE IT FURTHER ENACTED, That new Section 1A be and it is hereby added to Article 72A - Parent and Child, of the Annotated Code of Maryland (1970 Replacement Volume and 1975 Supplement) to read as follows:

Article 72A - Parent and Child

1A.

THE DOMICILE OF A CHILD IS THE SAME AS THE DOMICILE OF BOTH OR ONE OF ITS PARENTS. IF THE PARENTS LIVE APART, THE CHILD'S DOMICILE IS THAT OF (1) THE PARENT TO WHOM LEGAL CUSTODY IS AWARDED; (2) IF LEGAL CUSTODY IS NOT DETERMINED, THE PARENT WITH WHOM THE CHILD RESIDES; OR (3) IF THE CHILD DOES NOT LIVE WITH EITHER PARENT, THE PERSON WHO ACTS IN THE CAPACITY OF PARENT OR GUARDIAN.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.