

In the introductory language of this section, the word "knows" is substituted for the former words "is aware", for clarity.

In item (2) of this section, the phrase "having acquired lawful possession of the child" is new language added for clarity.

In item (3) of this section, the phrase "by another relative" is new language added for clarity.

Defined terms: "Lawful custodian" § 9-301
"Relative" § 9-301

9-306. CLEAR AND PRESENT DANGER TO CHILD.

(A) PETITION.

IF AN INDIVIDUAL VIOLATES THE PROVISIONS OF § 9-304 OR § 9-305 OF THIS SUBTITLE, THE INDIVIDUAL MAY FILE IN AN EQUITY COURT A PETITION THAT:

(1) STATES THAT, AT THE TIME THE ACT WAS DONE, A FAILURE TO DO THE ACT WOULD HAVE RESULTED IN A CLEAR AND PRESENT DANGER TO THE HEALTH, SAFETY, OR WELFARE OF THE CHILD; AND

(2) SEEKS TO REVISE, AMEND, OR CLARIFY THE CUSTODY ORDER.

(B) DEFENSE.

IF A PETITION IS FILED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION WITHIN 96 HOURS OF THE ACT, A FINDING BY THE COURT THAT, AT THE TIME THE ACT WAS DONE, A FAILURE TO DO THE ACT WOULD HAVE RESULTED IN A CLEAR AND PRESENT DANGER TO THE HEALTH, SAFETY, OR WELFARE OF THE CHILD IS A COMPLETE DEFENSE TO ANY ACTION BROUGHT FOR A VIOLATION OF § 9-304 OR § 9-305 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 27, § 2A(e).

9-307. PENALTIES.

(A) VIOLATION OF § 9-304.

A PERSON WHO VIOLATES ANY PROVISION OF § 9-304 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250 OR IMPRISONMENT NOT EXCEEDING 30 DAYS.

(B) VIOLATION OF § 9-305 -- NOT MORE THAN 30 DAYS.