

(1991 Replacement Volume and 1994 Supplement)

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

Article – Family Law

9-101.1.

(a) ~~(1) In this section [,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) [“abuse”] “ABUSE” has the meaning stated in § 4-501 of this article.~~

~~(3) “JOINT CUSTODY” MEANS:~~

~~(I) JOINT LEGAL CUSTODY;~~

~~(II) JOINT PHYSICAL CUSTODY; OR~~

~~(III) JOINT LEGAL AND PHYSICAL CUSTODY.~~

~~(4) “JOINT LEGAL CUSTODY” MEANS AN ARRANGEMENT BY WHICH THE PARENTS OF A CHILD SHARE THE DECISION MAKING AUTHORITY, RIGHTS, AND RESPONSIBILITIES RELATING TO THE HEALTH, EDUCATION, AND WELFARE OF THE CHILD.~~

~~(5) “JOINT PHYSICAL CUSTODY” MEANS AN ARRANGEMENT BY WHICH EACH PARENT OF A CHILD KEEPS THE CHILD OVERNIGHT FOR MORE THAN 35% OF THE YEAR.~~

(b) In a custody or visitation proceeding, the court [may] SHALL consider, ~~as a factor bearing on the welfare and best interests of the child~~ when deciding custody or visitation issues, evidence of abuse by a party against:

(1) the other parent of the party's child;

(2) the party's spouse; or

(3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.

(c) IF THE COURT FINDS THAT A PARTY HAS COMMITTED ABUSE AGAINST THE OTHER PARENT OF THE PARTY'S CHILD, THE PARTY'S SPOUSE, OR ANY CHILD RESIDING WITHIN THE PARTY'S HOUSEHOLD, THE COURT SHALL MAKE ARRANGEMENTS FOR CUSTODY OR VISITATION THAT BEST PROTECT:

(1) THE CHILD WHO IS THE SUBJECT OF THE PROCEEDING AND; AND

(2) THE VICTIM OF THE ABUSE.

~~(d) IF THE COURT FINDS THAT A PARTY HAS COMMITTED ABUSE AGAINST THE OTHER PARENT OF THE PARTY'S CHILD, THE PARTY'S SPOUSE, OR ANY CHILD RESIDING WITHIN THE PARTY'S HOUSEHOLD, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT JOINT CUSTODY IS NOT IN THE BEST INTERESTS OF THE CHILD.~~