

9.5-309.

EXCEPT AS OTHERWISE PROVIDED IN § 9.5-311 OF THIS SUBTITLE, THE PETITION AND ORDER MUST BE SERVED, BY ANY METHOD AUTHORIZED BY THE LAW OF THIS STATE, ON THE RESPONDENT AND ANY PERSON WHO HAS PHYSICAL CUSTODY OF THE CHILD.

9.5-310.

(A) UNLESS THE COURT ISSUES A TEMPORARY EMERGENCY ORDER IN ACCORDANCE WITH § 9.5-204 OF THIS TITLE, ON A FINDING THAT A PETITIONER IS ENTITLED TO IMMEDIATE PHYSICAL CUSTODY OF THE CHILD, THE COURT SHALL ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE PHYSICAL CUSTODY OF THE CHILD UNLESS THE RESPONDENT ESTABLISHES THAT:

(1) THE CHILD CUSTODY DETERMINATION HAS NOT BEEN REGISTERED AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE AND THAT:

(I) THE ISSUING COURT DID NOT HAVE JURISDICTION UNDER SUBTITLE 2 OF THIS TITLE;

(II) THE CHILD CUSTODY DETERMINATION FOR WHICH ENFORCEMENT IS SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE; OR

(III) THE RESPONDENT WAS ENTITLED TO NOTICE, BUT NOTICE WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF § 9.5-107 OF THIS TITLE, IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED THE ORDER FOR WHICH ENFORCEMENT IS SOUGHT; OR

(2) THE CHILD CUSTODY DETERMINATION FOR WHICH ENFORCEMENT IS SOUGHT WAS REGISTERED AND CONFIRMED UNDER § 9.5-305 OF THIS SUBTITLE BUT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING JURISDICTION TO DO SO UNDER SUBTITLE 2 OF THIS TITLE.

(B) THE COURT SHALL AWARD THE FEES, COSTS, AND EXPENSES AUTHORIZED UNDER § 9.5-312 OF THIS SUBTITLE AND MAY GRANT ADDITIONAL RELIEF, INCLUDING A REQUEST FOR THE ASSISTANCE OF LAW ENFORCEMENT OFFICIALS, AND SET A FURTHER HEARING TO DETERMINE WHETHER ADDITIONAL RELIEF IS APPROPRIATE.

(C) IF A PARTY CALLED TO TESTIFY REFUSES TO ANSWER ON THE GROUND THAT THE TESTIMONY MAY BE SELF-INCRIMINATING, THE COURT MAY DRAW AN ADVERSE INFERENCE FROM THE REFUSAL.

(D) A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SPOUSES AND A DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF HUSBAND AND WIFE OR PARENT AND CHILD MAY NOT BE INVOKED IN A PROCEEDING UNDER THIS SUBTITLE.