

# SENATE BILL 684

D4  
SB 368/17 – JPR

8lr2454  
CF 8lr2112

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By: **Senator Lee**

Introduced and read first time: February 2, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Legal Decision Making and Parenting Time**

3 FOR the purpose of repealing references to the terms “child custody” and “visitation” in  
4 certain instances and substituting the terms “legal decision making” and “parenting  
5 time” in certain instances; requiring the court, in determining the appropriate  
6 allocation of legal decision making or parenting time between the parties, to consider  
7 certain factors; authorizing the court to consider certain factors; requiring the court  
8 to articulate certain findings of fact on the record; authorizing the court to award  
9 joint legal decision making to both parties under certain circumstances; prohibiting  
10 a party from unilaterally making certain decisions concerning a child without  
11 agreement of the other party or order of the court under certain circumstances;  
12 authorizing the court to modify a child custody or visitation order or a legal decision  
13 making or parenting time order under certain circumstances; specifying that a  
14 party’s proposal to relocate the residence of the party or the child in a certain manner  
15 constitutes a material change in circumstances for purposes of a modification of an  
16 order; specifying the purposes of this Act; repealing certain provisions relating to the  
17 relevancy of a disability of a party in a child custody or visitation proceeding; making  
18 certain clarifying and conforming changes; defining certain terms; and generally  
19 relating to child custody, visitation, legal decision making, and parenting time.

20 BY repealing

21 Article – Family Law  
22 Section 5–203(d) and 9–107  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2017 Supplement)

25 BY adding to

26 Article – Family Law  
27 Section 9–101 and 9–103 to be under the amended subtitle “Subtitle 1. Definitions;  
28 General Provisions” and the amended title “Title 9. Custodial Arrangements  
29 for Children”; and 9–201 through 9–204 to be under the new subtitle “Subtitle

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. Legal Decision Making and Parental Responsibility – Judicial  
2 Determinations”  
3 Annotated Code of Maryland  
4 (2012 Replacement Volume and 2017 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article – Family Law  
7 Section 9–101, 9–101.1, 9–101.2, 9–103, 9–104, 9–105, 9–106, and 9–108  
8 Annotated Code of Maryland  
9 (2012 Replacement Volume and 2017 Supplement)

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

12 **Article – Family Law**

13 5–203.

14 [(d) (1) If the parents live apart, a court may award custody of a minor child to  
15 either parent or joint custody to both parents.

16 (2) Neither parent is presumed to have any right to custody that is superior  
17 to the right of the other parent.]

18 Title 9. [Child Custody and Visitation] **CUSTODIAL ARRANGEMENTS FOR CHILDREN.**

19 Subtitle 1. [In General] **DEFINITIONS; GENERAL PROVISIONS.**

20 **9–101.**

21 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (B) “CHILD” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

24 (C) “DISABILITY” MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT  
25 SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF AN  
26 INDIVIDUAL, A RECORD OF THAT IMPAIRMENT, OR BEING REGARDED AS HAVING  
27 THAT IMPAIRMENT, CONSISTENT WITH THE FEDERAL AMERICANS WITH  
28 DISABILITIES ACT AMENDMENTS ACT OF 2008, 42 U.S.C. § 12102.

29 (D) (1) “LEGAL DECISION MAKING” MEANS THE RIGHT AND OBLIGATION  
30 TO MAKE DECISIONS INVOLVING HEALTH, EDUCATION, RELIGION AND CULTURE,  
31 MEDICAL CARE, AND OTHER MATTERS OF MAJOR SIGNIFICANCE CONCERNING THE  
32 CHILD’S LIFE AND WELFARE.

1           (2)    “LEGAL DECISION MAKING” IS ALSO KNOWN AS LEGAL CUSTODY.

2           (E)    (1)    “PARENTING TIME” MEANS:

3                   (I)    THE TIME THE CHILD IS IN A PARENT’S CARE ACCORDING TO  
4 AN AGREEMENT OR COURT-ORDERED SCHEDULE; AND

5                   (II) THE RIGHT AND OBLIGATION OF A PARENT TO PROVIDE A  
6 HOME FOR THE CHILD, ADDRESS THE CHILD’S NEEDS, AND MAKE THE DAY-TO-DAY  
7 DECISIONS REQUIRED DURING THE TIME THE CHILD IS WITH THAT PARENT.

8           (2)    “PARENTING TIME” IS ALSO KNOWN AS PHYSICAL CUSTODY,  
9 VISITATION, OR ACCESS.

10   **9-103.**

11           (A)    IF THE PARENTS LIVE APART, A COURT MAY AWARD LEGAL DECISION  
12 MAKING OR PARENTING TIME TO EITHER PARENT OR JOINTLY TO BOTH PARENTS.

13           (B)    NEITHER PARENT IS PRESUMED TO HAVE ANY RIGHT TO LEGAL  
14 DECISION MAKING OR PARENTING TIME THAT IS SUPERIOR TO THE RIGHT OF THE  
15 OTHER PARENT.

16   **[9-101.] 9-104.**

17           (a)    In any [custody or visitation] LEGAL DECISION MAKING OR PARENTING  
18 TIME proceeding, if the court has reasonable grounds to believe that a child has been  
19 abused or neglected by a party to the proceeding, the court shall determine whether abuse  
20 or neglect is likely to occur if [custody or visitation] LEGAL DECISION MAKING OR  
21 PARENTING TIME rights are granted to the party.

22           (b)    Unless the court specifically finds that there is no likelihood of further child  
23 abuse or neglect by the party, the court shall deny [custody or visitation] LEGAL DECISION  
24 MAKING OR PARENTING TIME rights to that party, except that the court may approve a  
25 supervised [visitation] PARENTING TIME arrangement that assures the safety and the  
26 physiological, psychological, and emotional well-being of the child.

27   **[9-101.1.] 9-105.**

28           (a)    In this section, “abuse” has the meaning stated in § 4-501 of this article.

29           (b)    In a [custody or visitation] LEGAL DECISION MAKING OR PARENTING TIME  
30 proceeding, the court shall consider[, when deciding custody or visitation issues,] evidence

1 of abuse by a party against:

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

3 (2) the party's spouse; or

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

6 (c) If the court finds that a party has committed abuse against the other parent  
7 of the party's child, the party's spouse, or any child residing within the party's household,  
8 the court shall make arrangements for [custody or visitation] **LEGAL DECISION MAKING**  
9 **OR PARENTING TIME** that best protect:

10 (1) the child who is the subject of the proceeding; and

11 (2) the victim of the abuse.

12 **[9-101.2.] 9-106.**

13 (a) Except as provided in subsection (b) of this section, unless good cause for the  
14 award of [custody or visitation] **LEGAL DECISION MAKING OR PARENTING TIME** is  
15 shown by clear and convincing evidence, a court may not award [custody of a child or  
16 visitation with a child] **LEGAL DECISION MAKING OR PARENTING TIME**:

17 (1) to a parent who has been found by a court of this State to be guilty of  
18 first degree or second degree murder of the other parent of the child, another child of the  
19 parent, or any family member residing in the household of either parent of the child; or

20 (2) to a parent who has been found by a court of any state or of the United  
21 States to be guilty of a crime that, if committed in this State, would be first degree murder  
22 or second degree murder of the other parent of the child, another child of the parent, or any  
23 family member residing in the household of either parent of the child.

24 (b) If it is in the best interest of the child, the court may approve a supervised  
25 [visitation] **PARENTING TIME** arrangement that assures the safety and the physiological,  
26 psychological, and emotional well-being of the child.

27 **[9-107.**

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) (i) "Disability" means:

30 1. a physical or mental impairment that substantially limits  
31 one or more of an individual's major life activities;

1                   2.     a record of having a physical or mental impairment that  
2 substantially limits one or more of an individual's major life activities; or

3                   3.     being regarded as having a physical or mental impairment  
4 that substantially limits one or more of an individual's major life activities.

5                   (ii)   “Disability” shall be construed in accordance with the ADA  
6 Amendments Act of 2008, P.L. 110–325.

7                   (3)   “Supportive parenting services” means services that may assist an  
8 individual with a disability in the effective use of techniques and methods to enable the  
9 individual to discharge the individual's responsibilities to a child as successfully as an  
10 individual who does not have a disability, including nonvisual techniques for individuals  
11 who are blind.

12                  (b)   (1)   In any custody or visitation proceeding, the disability of a party is  
13 relevant only to the extent that the court finds, based on evidence in the record, that the  
14 disability affects the best interest of the child.

15                  (2)   The party alleging that the disability of the other party affects the best  
16 interest of the child bears the burden of proving that the disability of the other party affects  
17 the best interest of the child.

18                  (3)   If the burden of proof is met, the party who has a disability shall have  
19 the opportunity to prove that supportive parenting services would prevent a finding that  
20 the disability affects the best interest of the child.

21                  (4)   If the court finds that the disability of a party affects the best interest  
22 of the child and denies or limits custody or visitation, the court shall specifically state in  
23 writing:

24                   (i)   the basis for the finding; and

25                   (ii)   the reason that the provision of supportive parenting services is  
26 not a reasonable accommodation to prevent the finding.]

27 **[9–103.] 9–107.**

28                  (a)   A child who is 16 years old or older and who is subject to a custody order or  
29 decree **OR A LEGAL DECISION MAKING OR PARENTING TIME ORDER OR DECREE** may  
30 file a petition to change custody **OR LEGAL DECISION MAKING OR PARENTING TIME.**

31                  (b)   A petitioner under this section may file the proceeding in the petitioner's own  
32 name and need not proceed by guardian or next friend.

33                  (c)   Notwithstanding any other provision of this article, if a petitioner under this

1 section petitions a court to amend a custody order or decree **OR A LEGAL DECISION**  
2 **MAKING OR PARENTING TIME ORDER OR DECREE**, the court:

3 (1) shall hold a hearing; and

4 (2) may amend the order or decree and [place the child in the custody of]  
5 **GRANT LEGAL DECISION MAKING OR PARENTING TIME TO** the parent designated by  
6 the child.

7 **[9-104.] 9-108.**

8 Unless otherwise ordered by a court, access to medical, dental, and educational  
9 records concerning the child may not be denied to a parent [because the parent does not  
10 have physical custody of the child].

11 **[9-105.] 9-109.**

12 [In any custody or visitation proceeding, if] **IF** the court determines that a party to  
13 a custody or visitation order **OR LEGAL DECISION MAKING OR PARENTING TIME ORDER**  
14 has unjustifiably denied or interfered with [visitation] **THE RIGHTS** granted by [a custody  
15 or visitation] **THE** order, the court may, in addition to any other remedy available to the  
16 court and in a manner consistent with the best interests of the child, take any or all of the  
17 following actions:

18 (1) order that the [visitation] **PARENTING TIME** be rescheduled;

19 (2) modify the custody or visitation **OR LEGAL DECISION MAKING OR**  
20 **PARENTING TIME** order to require additional terms or conditions designed to ensure future  
21 compliance with the order; or

22 (3) assess costs or counsel fees against the party who has unjustifiably  
23 denied or interfered with [visitation] **PARENTING TIME** rights.

24 **[9-106.] 9-110.**

25 (a) (1) Except as provided in subsection (b) of this section, in any [custody or  
26 visitation] **LEGAL DECISION MAKING OR PARENTING TIME** proceeding the court [may]  
27 **SHALL** include as a condition of a [custody or visitation] **LEGAL DECISION MAKING OR**  
28 **PARENTING TIME** order a requirement that either party provide advance written notice of  
29 at least 90 days to the court, the other party, or both, of the intent to relocate the permanent  
30 residence of the party or the child either within or outside the State.

31 (2) The court may prescribe the form and content of the notice requirement.

32 (3) If the court orders that notice be given to the other party, a mailing of

1 the notice by certified mail, return receipt requested, to the last known address of the other  
2 party shall be deemed sufficient to comply with the notice requirement.

3 (4) If either party files a petition regarding a proposed relocation within 20  
4 days of the written notice of the relocation required by paragraph (1) of this subsection, the  
5 court shall set a hearing on the petition on an expedited basis.

6 (b) On a showing that notice would expose the child or either party to abuse as  
7 defined in § 4–501 of this article or for any other good cause the court shall waive the notice  
8 required by this section.

9 (c) If either party is required to relocate in less than the 90–day period specified  
10 in the notice requirement, the court may consider as a defense to any action brought for a  
11 violation of the notice requirement that:

12 (1) relocation was necessary due to financial or other extenuating  
13 circumstances; and

14 (2) the required notice was given within a reasonable time after learning  
15 of the necessity to relocate.

16 (d) The court may consider any violation of the notice requirement as a factor in  
17 determining the merits of any subsequent proceeding involving [custody or visitation]  
18 **LEGAL DECISION MAKING OR PARENTING TIME.**

19 **[9–108.] 9–111.**

20 (a) In this section:

21 (1) “deployment” means compliance with military orders received by a  
22 member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National  
23 Guard, or any other Reserve component to report for combat operations or other active  
24 service for which the member is required to report unaccompanied by any family member  
25 or that is classified by the member’s branch as remote; and

26 (2) “deployment” does not include National Guard or Reserve annual  
27 training, inactive duty days, or drill weekends.

28 (b) Any order or modification of an existing child custody or visitation order **OR**  
29 **LEGAL DECISION MAKING OR PARENTING TIME ORDER** issued by a court during a term  
30 of a deployment of a parent shall specifically reference the deployment of the parent.

31 (c) (1) A parent who petitions the court for an order or modification of an  
32 existing child custody or visitation order **OR LEGAL DECISION MAKING OR PARENTING**  
33 **TIME ORDER** after returning from a deployment shall specifically reference the date of the  
34 end of the deployment in the petition.

1 (2) (i) If the petition under paragraph (1) of this subsection is filed  
2 within 30 days after the end of the deployment of the parent, the court shall set a hearing  
3 on the petition on an expedited basis.

4 (ii) If the court finds that extenuating circumstances prohibited the  
5 filing of the petition within 30 days after the end of the deployment of the parent, the court  
6 may set a hearing on the petition on an expedited basis whenever the petition is filed.

7 (d) Any [custody or visitation] **LEGAL DECISION MAKING OR PARENTING TIME**  
8 order issued based on the deployment of a parent shall require that:

9 (1) the other parent reasonably accommodate the leave schedule of the  
10 parent who is subject to the deployment;

11 (2) the other parent facilitate opportunities for telephone and electronic  
12 mail contact between the parent who is subject to the deployment and the child during the  
13 period of deployment; and

14 (3) the parent who is subject to the deployment provide timely information  
15 regarding the parent's leave schedule to the other parent.

16 **SUBTITLE 2. LEGAL DECISION MAKING AND PARENTAL RESPONSIBILITY –**  
17 **JUDICIAL DETERMINATIONS.**

18 **9–201.**

19 **THE PURPOSES OF THIS SUBTITLE ARE TO:**

20 **(1) PROMOTE STABILITY AND LONG-TERM HEALTH AND WELFARE**  
21 **FOR CHILDREN BY:**

22 **(I) ASSURING THAT CHILDREN HAVE FREQUENT, REGULAR,**  
23 **CONTINUING, AND EXTENDED CONTACT WITH PARENTS WHO HAVE THE ABILITY TO**  
24 **ACT IN THE BEST INTEREST OF THEIR CHILDREN;**

25 **(II) CREATING FAMILY AND CASE-SPECIFIC PARENTING TIME**  
26 **SCHEDULES FOR DAY-TO-DAY ACCESS, SHARED HOLIDAYS, VACATIONS, CULTURAL**  
27 **OR RELIGIOUS EVENTS, AND PARTICIPATION IN SPECIAL OCCASIONS WITH THE**  
28 **EXTENDED FAMILY OF EITHER PARENT;**

29 **(III) ENCOURAGING PARENTS TO SHARE IN THE RIGHTS AND**  
30 **RESPONSIBILITIES OF RAISING THEIR CHILDREN WHEN THE PARENTS DO NOT**  
31 **RESIDE TOGETHER; AND**



1 (IV) FOSTERING CHILDREN'S RELATIONSHIPS WITH SIBLINGS  
2 AND WITH SIGNIFICANT ADULTS IN THE CHILDREN'S LIVES;

3 (2) PROVIDE CHILDREN WITH PHYSICAL AND EMOTIONAL SECURITY  
4 AND PROTECTION FROM EXPOSURE TO CONFLICT AND VIOLENCE; AND

5 (3) PROVIDE FOR AN EXPEDITIOUS, THOUGHTFUL, AND CONSISTENT  
6 PROCESS FOR DECISION MAKING BY COURTS TO PROTECT THE BEST INTEREST OF  
7 CHILDREN.

8 9-202.

9 (A) SUBJECT TO THE PROVISIONS OF §§ 9-104, 9-105, AND 9-106 OF THIS  
10 TITLE, IN DECIDING THE APPROPRIATE ALLOCATION OF LEGAL DECISION MAKING  
11 OR PARENTING TIME BETWEEN THE PARTIES, THE COURT SHALL CONSIDER THE  
12 FOLLOWING FACTORS:

13 (1) THE ABILITY OF EACH OF THE PARTIES TO MEET THE CHILD'S  
14 DEVELOPMENTAL NEEDS, INCLUDING:

15 (I) ENSURING PHYSICAL SAFETY;

16 (II) SUPPORTING EMOTIONAL SECURITY AND POSITIVE  
17 SELF-IMAGE;

18 (III) PROMOTING INTERPERSONAL SKILLS; AND

19 (IV) PROMOTING INTELLECTUAL AND COGNITIVE GROWTH;

20 (2) THE RELATIONSHIP BETWEEN THE CHILD AND THE PARTIES, THE  
21 CHILD'S SIBLINGS, OTHER RELATIVES, AND ANY OTHER PERSON WHO HAS A  
22 SIGNIFICANT RELATIONSHIP WITH THE CHILD;

23 (3) THE ABILITY OF EACH PARTY TO MEET THE DAY-TO-DAY NEEDS  
24 OF THE CHILD, INCLUDING:

25 (I) EDUCATION;

26 (II) SOCIALIZATION;

27 (III) CULTURE AND RELIGION;

28 (IV) FOOD;

1 (V) SHELTER;

2 (VI) CLOTHING; AND

3 (VII) MENTAL AND PHYSICAL HEALTH;

4 (4) THE ABILITY OF EACH PARTY TO:

5 (I) CONSIDER AND ACT ON THE NEEDS OF THE CHILD, AS  
6 OPPOSED TO THE NEEDS OR DESIRES OF THE PARTY;

7 (II) PROTECT THE CHILD FROM THE ADVERSE EFFECTS OF ANY  
8 CONFLICT BETWEEN THE PARTIES; AND

9 (III) MAINTAIN, FOSTER, AND FACILITATE RELATIONSHIPS WITH  
10 THE OTHER PARTY, SIBLINGS, OTHER RELATIVES, OR OTHER INDIVIDUALS WHO  
11 HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD;

12 (5) THE HISTORY OF ANY EFFORTS BY A PARTY TO INTERFERE WITH  
13 THE CHILD'S RELATIONSHIP WITH THE OTHER PARTY;

14 (6) ANY EVIDENCE OF EXPOSURE OF THE CHILD TO DOMESTIC  
15 VIOLENCE, CHILD ABUSE, OR CHILD NEGLECT;

16 (7) THE AGE AND GENDER OF THE CHILD; AND

17 (8) MILITARY DEPLOYMENT OF A PARTY.

18 (B) SUBJECT TO THE PROVISIONS OF §§ 9-104, 9-105, AND 9-106 OF THIS  
19 TITLE, IN DECIDING THE APPROPRIATE ALLOCATION OF LEGAL DECISION MAKING  
20 OR PARENTING TIME BETWEEN THE PARTIES, THE COURT MAY CONSIDER THE  
21 FOLLOWING FACTORS:

22 (1) EVIDENCE OF ANY PRIOR COURT ORDERS OR AGREEMENTS  
23 BETWEEN THE PARTIES, INCLUDING PRIOR AGREEMENTS CONCERNING THE  
24 CHILD'S CUSTODIAL ARRANGEMENTS OR PARENTING RESPONSIBILITIES FOR THE  
25 CHILD;

26 (2) THE PARENTAL RESPONSIBILITIES AND THE PARTICULAR  
27 PARENTING TASKS CUSTOMARILY PERFORMED BY EACH PARTY, INCLUDING:

28 (I) TASKS AND RESPONSIBILITIES PERFORMED BEFORE THE

1 INITIATION OF LITIGATION;

2 (II) TASKS AND RESPONSIBILITIES PERFORMED DURING THE  
3 PENDING LITIGATION;

4 (III) TASKS AND RESPONSIBILITIES PERFORMED AFTER THE  
5 ISSUANCE OF ORDERS OF COURT; AND

6 (IV) THE EXTENT TO WHICH THE TASKS HAVE BEEN OR WILL BE  
7 UNDERTAKEN BY THIRD PARTIES;

8 (3) THE PROXIMITY OF THE PARTIES' HOMES AS IT RELATES TO THEIR  
9 ABILITY TO COORDINATE PARENTING TIME, SCHOOL, AND ACTIVITIES;

10 (4) THE RELATIONSHIP BETWEEN THE PARTIES, INCLUDING:

11 (I) THE ABILITY OF EACH PARTY TO EFFECTIVELY  
12 COMMUNICATE WITH THE OTHER PARTY; AND

13 (II) THE ABILITY OF EACH PARTY TO CO-PARENT THE CHILD  
14 WITHOUT DISRUPTION TO THE CHILD'S SOCIAL AND SCHOOL LIFE;

15 (5) THE EXTENT TO WHICH EITHER PARTY HAS INITIATED OR  
16 ENGAGED IN FRIVOLOUS OR VEXATIOUS LITIGATION, AS DEFINED IN THE  
17 MARYLAND RULES;

18 (6) THE CHILD'S PREFERENCE IF:

19 (I) THE CHILD IS OF SUFFICIENT AGE AND CAPACITY TO FORM  
20 A PREFERENCE; AND

21 (II) THE COURT CONSIDERS THE CHILD'S POSSIBLE  
22 SUSCEPTIBILITY TO MANIPULATION BY A PARTY OR BY OTHERS; AND

23 (7) ANY OTHER FACTOR THAT THE COURT CONSIDERS APPROPRIATE  
24 IN DETERMINING HOW TO BEST SERVE THE PHYSICAL, DEVELOPMENTAL, AND  
25 EMOTIONAL NEEDS OF THE CHILD.

26 (C) THE COURT SHALL ARTICULATE ITS FINDINGS OF FACT ON THE  
27 RECORD, INCLUDING:

28 (1) THE CONSIDERATION OF EACH FACTOR LISTED IN SUBSECTION  
29 (A) OF THIS SECTION;

1           **(2) THE CONSIDERATION OF ANY FACTOR LISTED IN SUBSECTION (B)**  
2 **OF THIS SECTION;**

3           **(3) THE CONSIDERATION OF ANY OTHER FACTOR THAT THE COURT**  
4 **CONSIDERED; AND**

5           **(4) THE WEIGHT THE COURT GAVE TO EACH FACTOR THAT THE COURT**  
6 **CONSIDERED.**

7 **9-203.**

8           **(A) IF THE COURT DETERMINES THAT THE PARTIES ARE ABLE TO**  
9 **COMMUNICATE AND REACH JOINT DECISIONS CONCERNING SOME OR ALL OF THE**  
10 **CHILD'S NEEDS DESCRIBED IN § 9-202(A) OF THIS SUBTITLE, THE COURT MAY**  
11 **AWARD:**

12           **(1) JOINT LEGAL DECISION MAKING TO BOTH PARTIES;**

13           **(2) JOINT LEGAL DECISION MAKING TO BOTH PARTIES, DESIGNATING**  
14 **ONE PARTY TO MAKE FINAL DECISIONS IF THE PARTIES ARE UNABLE TO AGREE**  
15 **AFTER A THOROUGH DISCUSSION OF THE ISSUES; OR**

16           **(3) JOINT LEGAL DECISION MAKING TO BOTH PARTIES, ALLOCATING**  
17 **RESPONSIBILITY FOR SPECIFIC ISSUES TO EACH PARTY, IF THE PARTIES ARE**  
18 **UNABLE TO AGREE AFTER A THOROUGH DISCUSSION OF THE ISSUES.**

19           **(B) IF THE COURT AWARDS JOINT LEGAL DECISION MAKING AUTHORITY**  
20 **UNDER SUBSECTION (A)(1) OF THIS SECTION, NEITHER PARTY, WITHOUT**  
21 **AGREEMENT OF THE OTHER PARTY OR ORDER OF THE COURT, MAY UNILATERALLY**  
22 **MAKE DECISIONS INVOLVING THE CHILD'S HEALTH, EDUCATION, RELIGION,**  
23 **CULTURE, OR MEDICAL CARE OR ANY OTHER MATTER OF MAJOR SIGNIFICANCE**  
24 **CONCERNING THE CHILD'S LIFE OR WELFARE.**

25 **9-204.**

26           **(A) THE COURT MAY MODIFY, IN ACCORDANCE WITH THE PROVISIONS OF**  
27 **THIS SUBTITLE, A CHILD CUSTODY OR VISITATION ORDER OR A LEGAL DECISION**  
28 **MAKING OR PARENTING TIME ORDER IF THE COURT DETERMINES THAT THERE HAS**  
29 **BEEN A MATERIAL CHANGE IN CIRCUMSTANCES SINCE THE ISSUANCE OF THE**  
30 **ORDER THAT RELATES TO THE NEEDS OF THE CHILD OR THE ABILITY OF THE**  
31 **PARTIES TO MEET THOSE NEEDS.**

1           **(B) A PARTY'S PROPOSAL TO RELOCATE THE RESIDENCE OF THE PARTY OR**  
2 **THE CHILD IN A WAY THAT WOULD CAUSE PARENTING TIME TO BE IMPRACTICABLE**  
3 **CONSTITUTES A MATERIAL CHANGE IN CIRCUMSTANCES.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2018.