

10 A RESOLUTION CONCERNING  
20 STRONGER REQUIREMENTS FOR THE BEST INTEREST OF THE CHILD  
30 DOCTRINE

40 WHEREAS: The divorce rate in the United States has been increasing yearly since 1980; and,

50 WHEREAS: Since 1980, the number of two-parent homes has dropped from 77 percent to 68  
60 percent in 1998; and,

70 WHEREAS: In most court cases, the mother is favored over the father due to the “Tender  
80 Years” doctrine of 1830, which states that custody should be granted to the  
90 mother if the child were of the “tender years” of birth to 13 years old because  
100 the mother is the nurturing parent; and,

110 WHEREAS: The “Tender Years” doctrine was abolished in 1970 because it went against the  
120 Fourteenth Amendment, which states that a State “shall not deny to any person  
130 within its jurisdiction the equal protection of the law;” and,

140 WHEREAS: The “Tender Years” doctrine was replaced with the “Best Interest” standard,  
150 however the attitudes and biases of the “Tender Years “ doctrine still remained.

160 THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the United States  
170 Congress to strengthen the current “Best Interest” standard so that it is not  
180 biased to either the mother or the father; and,

190 BE IT FURTHER RESOLVED: That the Maryland Student Legislature deems that first  
200 consideration in a custody case should be joint custody, meaning both parents  
210 will equally share the rights to parent the child(ren); and,

220 BE IT FURTHER RESOLVED: That the Maryland Student Legislature believes that in the case  
230 that both parents cannot jointly share custody, the courts should first consider  
240 the desire of the child if they are of a reasonable age; and,

250 BE IT FURTHER RESOLVED: That the Maryland Student Legislature affirms that the terms of  
260 divorce and infidelity should be considered in determining custody of the child;  
270 and,

280 BE IT FURTHER RESOLVED: That the Maryland Student Legislature affirms that the  
290 lifestyle of the parent should also be considered in a custody dispute; taking into  
300 consideration past and present actions; and,

310 BE IT FURTHER RESOLVED: That the Maryland Student Legislature affirms that the primary  
320 care taker should be taken into consideration; and,

330 BE IT FURTHER RESOLVED: That the Maryland Student Legislature affirms that the  
340 primary caretaker is the parent who provides medical care, disciplines, educates,  
350 arranges social interactions, financially provides, prepares meals, bathes and  
360 dresses, and puts the child to bed; this being in order of importance; and,

370 BE IT FURTHER RESOLVED: That the Maryland Student Legislature affirms that a psychiatric  
380 analysis of both parents should be taken into consideration to determine their  
390 ability to parent a child alone.

400 MANDATES: President George W. Bush

410 Vice President Dick Cheney  
420 Senate Majority Leader Bill Frist  
430 Senate Minority Leader Tom Daschle  
440 Speaker of the House Dennis Hastert  
450 House Majority Leader Tom Delay  
460 House Minority Leader Nancy Pelosi  
470 Governor Robert L. Ehrlich  
480 Sarah H. Ramsey, Chair of Family and Juvenile Law Section of the Association  
490 of American Law Schools

Sponsor:

Tiffany Marie Taylor  
401 Rosemont Ave.  
Frederick, MD 21701  
(301) 696-3131 x1713  
tmtaylor03@hotmail.com

Co-Sponsor:

Linda D. Cross  
401 Rosemont Ave.  
Frederick, MD 21701  
(301) 696-3131 x1709  
prettyviolet@ineva.com