

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1328
Child Custody – Legal Decision Making and Parenting Time
DATE: February 19, 2020
(2/27)
POSITION: Oppose as drafted

The Maryland Judiciary opposes House Bill 1328 as drafted. This legislation would amend Title 9 of the Family Law Article (Child Custody and Visitation).

The Judiciary, in particular, has concerns with the provisions in Family Law Article §9-202(b). This section requires the court to specifically articulate consideration of each factor and the **weight** given to each. While it is prudent for trial judges to articulate consideration of relevant factors, this provision micro-manages decision making and gives a basis for appeal on form, as opposed to substance of rulings.

Further, this section also requires the court to articulate its findings of fact on the record. In certain cases, it is more suitable for a court to issue a written opinion detailing its findings of fact rather than articulating such facts on the record.

cc. Hon. Kathleen Dumais
Judicial Council
Legislative Committee
Kelley O'Connor