



**BILL NO:** House Bill 748  
**TITLE:** Family Law – Child Custody and Visitation  
**COMMITTEE:** Judiciary  
**HEARING DATE:** February 18, 2021  
**POSITION:** **SUPPORT WITH AMENDMENTS**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue a favorable report with amendments on HB 748.**

House Bill 748 originates from the recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was statutorily created in 2019. The Workgroup heard from numerous professional experts and met over an eighteen-month period to develop their recommendations. HB 748 contains an important requirement that courts articulate their findings of fact on the record and explain their considerations of each custody factor. We believe that this language will be of great benefit to all parties in understanding how the court reached its decision on child custody and visitation, and the weight that was given to the various factors to consider including a child’s exposure to domestic violence.

Amendments have been drafted for HB 748 removing the custody factors, which greatly improves the bill. As amended, HB 748 creates what is essentially a required threshold finding by the court to address §9-101 and §9-101.1 issues prior to addressing the other factors considered in custody determinations.

MNADV remains concerned about the language concerning Section 9-105, which adds “ANY REASONABLE EFFORT TO PROTECT A CHILD OR A PARTY TO A CUSTODY OR VISITATION ORDER FROM THE OTHER PARTY MAY NOT BE CONSIDERED AN UNJUSTIFIABLE DENIAL OR INTERFERENCE WITH VISITATION GRANTED BY A CUSTODY OR VISITATION ORDER.” While we appreciate the effort to make clear that a “protective parent” should not be penalized, there may be a better way to do this. We are also concerned about potential for abuse of the very broad language in this section in high conflict cases.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable with amendments report on HB 748.**