



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 748 with Sponsor Amendments
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault, including for survivors of child sexual abuse. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 748 with Sponsor Amendments.

House Bill 748 with Amendments -- Child Custody & Visitation in Cases involving Child Sexual Abuse

This bill enhances Maryland's law regarding custody and visitation in cases involving child sexual abuse and other forms of child abuse and neglect. Family Law §9-101 and §9-101.1 currently require that judges consider prior abuse against a child or parent of a child, respectively. Unfortunately, current law is not consistently followed or given appropriate weight. HB748 would improve the court's response to the needs of sexually abused children.

Current Law

In cases involving custody or visitation, the law provides that if a court has reasonable grounds to believe that a child has been abused [including sexually abused] or neglected, the court must determine whether the abuse or neglect is likely to occur again. Unless the court specifically finds that there is no likelihood of further abuse or neglect, then the court is required to deny custody or visitation rights except for a supervised visitation arrangements that assure the safety and physiological, psychological, and emotional well-being of the child. Family Law §9-101.

House Bill 748

While the language of the current law is seemingly clear in expressing the policy that abuse is an important factor in custody and visitation proceedings, the application of §9-101 has been inconsistent and the reasoning of the courts, unfortunately, is often opaque. HB748, with sponsor amendments, would impose additional requirements on courts to specifically state their reasoning, including when supervised visitation is ordered. Importantly, courts would be required to take into account the type of child abuse, including whether the abuse was sexual. This clear focus on the needs of survivors of child sexual abuse and other forms of child abuse and neglect is an important enhancement to Maryland's efforts end child maltreatment and prevent abuse.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to report favorably on
House Bill 748 with Sponsor Amendments**