



BILL NO: Senate Bill 663
TITLE: Family Law – Presumption of Joint Custody
COMMITTEE: Judicial Proceedings
HEARING DATE: February 16, 2024
POSITION: **OPPOSE**

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 Senate Judicial Proceedings Committee to issue an unfavorable report on SB 663.**

Senate Bill 663 creates a presumption of joint legal custody and physical custody for equal periods of time for each parent. MNADV supports both parents being active and involved in their child’s life. However, SB 663 does not acknowledge that there are circumstances, such as when there is domestic violence, that a presumption of joint legal custody and physical custody could in fact be harmful or even dangerous for the child or one of the parents. It also does not appreciate the power and control dynamics that exist in domestic violence often placing the victim in an inferior position who would, under Bill 663, need to rebut the presumption of joint custody.

A joint legal custody and equal physical custody arrangement requires an intense level of communication and contact between the parents. This degree of interaction could put the victim of domestic violence at significant risk. In families where violence occurs, the children are often used as a tool to control the victim. If joint custody is awarded, the capacity to use the children in this negative way is enhanced. It would also be extremely difficult for a victim of domestic violence to negotiate on equal footing regarding parenting decisions. Senate Bill 663 completely ignores the risks inherent in this situation.

Each case and familial situation is unique, and there are even cases with domestic violence that are appropriate for there to be joint custody, retaining the “best interest of the child” standard is the best way to make this very case specific analysis. MNADV supports the current standard of “best interest of the child” which is the most child centered, case specific, and appropriate standard for custody decision making. MNADV opposes the presumption for joint legal and equal physical custody created by SB 663. This year’s SB 327 is a much more child focused approach to child custody cases and a bill that MNADV supports.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 663.**

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