
To: Members of Senate Judicial Proceedings Committee

From: Family Law Section Council

Date: February 15, 2024

**Subject: Senate Bill 438:
Family Law-Fundamental Parental Rights**

Position: OPPOSE/UNFAVORABLE

The Maryland State Bar Association (MSBA) Family Law Section Council (FLSC) **opposes Senate Bill 438: Family Law- Fundamental Parental Rights.**

This testimony is submitted on behalf of the MSBA's FLSC. The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

For decades the General Assembly and the courts of this State and country have thoroughly and carefully developed a substantial body of intertwined, complex and constantly evolving law governing the extent to which and the manner in which the State can regulate a parent's right to direct the upbringing, education, care and welfare of the parent's child. SB438 would require each such law to be scrutinized to determine if it meets the criteria set forth in the bill; these criteria are not only vague and overbroad but can potentially clash with settled law including U.S. Supreme Court precedent (e.g. *Troxel v. Granville*, 530 U.S. 57 (2000)), Maryland statutes (e.g. Md Code, Family Law 9-102) and Maryland case law (e.g. *Conover v. Conover*, 450 Md. 51 (2016)). Consequently this bill, if passed, would prompt costly litigation and create unnecessary uncertainty for all of Maryland's families.

Additionally, SB438 violates Const., Art. III, §29, one-subject limitation. SB438 is an omnibus bill forbidden under Maryland law.

The FLSC urges an unfavorable report.

Should you have any questions, please contact:



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