



BILL NO: House Bill 1307
TITLE: Family Law – Child Custody and Visitation – Visitation Reevaluations and Remedies
COMMITTEE: Judiciary
HEARING DATE: February 29, 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 House Judiciary Committee to issue an unfavorable report on HB 1307.**

House Bill 1307 would allow litigants in family law child access cases to run to court every time the other party does not comply exactly with a court ordered child access schedule. HB 1307 largely overlaps with an existing statute - Md. Code Ann., Fam. Law § 9-105, “Unjustifiable denial or interference with visitation granted by order.” Section 9-105 addresses the exact same concerns as HB 1307. The statute permits a court to take certain actions against a parent upon a finding that the parent has “unjustifiably denied or interfered with visitation granted by a custody or visitation order,” including (1) rescheduling the visitation; (2) modifying the order “to ensure future compliance with the order”; or (3) award fees and costs against the offending party. As structured, HB 1307 would create a new statute, FL § 9-109, while leaving FL § 9-105 in place. We are concerned that having two competing statutes with different approaches will be confusing, especially for pro se litigants. The existing statute allows the court to craft relief for what each case requires, which MNADV believes is the appropriate approach since all family’s circumstances are unique.

As drafted, HB1307 is overly broad and lacks specificity as to what constitutes grounds for an expedited hearing. If any time a party does not comply exactly with any court ordered provision the other party can run to court and petition for an expedited hearing, the courts will be overwhelmed. HB 1307 also adds in provisions for modification of the court order, when there is clear law in Maryland that states that to modify custody the litigant must show a material change of circumstances.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 1307.**