

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1114  
Child Custody and Visitation – Best Interest of the Child - Factors  
**DATE:** February 19, 2020  
(2/27)  
**POSITION:** Oppose as drafted

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The Maryland Judiciary opposes House Bill 1114 as drafted. This bill would add Section 9-109 to the Family Law Article, establishing factors for the court to consider when determining which allocation of custody or visitation would be in the best interest of a child.

The Judiciary has concerns with § 9-109(c), which would require the court to articulate each factor it considered, and the **weight** given to each factor on the record. While it is prudent for trial judges to articulate consideration of relevant factors, this provision micro-manages decision making and gives a basis for appeal on form, as opposed to substance of rulings. Finally, this section also requires the court to articulate its findings of fact on the record. In certain cases, it is more suitable for a court to issue a written opinion detailing its findings of fact rather than articulating such facts on the record.

cc. Hon. Nick Charles  
Judicial Council  
Legislative Committee  
Kelley O'Connor