
To: Members of The House Judiciary Committee

From: MARYLAND STATE BAR FAMILY AND JUVENILE LAW SECTION COUNCIL – Ilene Glickman, Legislative Committee Chair and Daniel Renart, Legislative Committee Chair

Date: February 27, 2020

Subject: **House Bill 1114 – Child Custody and Visitation – Best Interest of the Child - Factors**

Position: **OPPOSE**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile 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 FJLSC 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. The Maryland State Bar Association (MSBA) Family and Juvenile Law Section **opposes House Bill 1114 – Child Custody and Visitation – Best Interest of the Child - Factors.**

The MSBA believes it is important to codify the factors a court must consider when making decisions that affect the custody and access that parents have with their children. We support the concept and intent behind HB 1114, but prefer the language proposed in HB 1328 because: (1) it uses the terms “decision making” and “parenting time,” which provides an important update to the way people describe and think of the outdated concepts of “custody” and “visitation;” (2) HB 1328 echoes the language now in use in the recently-created parenting plan (Maryland Rule 9-204.1 and 9-204.2); and, (3) utilizes factors that were developed after thousands of hours of thinking and analysis by leading experts who served on the Commission on Child Custody Decision Making.

For the reasons stated above, the MSBA **opposes House Bill 1114 and urges an unfavorable committee report.**

Should you have any questions, please contact Daniel Renart by e-mail at drenart@rghlawyers.com or by telephone at 301-383-1525.