
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: March 5, 2020

Subject: **House Bill 1242 – Family Law – Fundamental Parental Rights**

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 1242 – Family Law – Fundamental Parental Rights.**

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. HB1242 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.

For the reasons stated above, the MSBA **opposes House Bill 1242 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.