



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 57 with Amendments
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 57 with Amendments.

Senate Bill 57 – Custody Factors

This bill would codify the factors that courts must consider when making decisions about how to allocate custody and visitation. It would also add important mandates for the courts to explain their reasoning when dealing with custody and visitation after abuse has occurred. Currently, determinations regarding children are made based on factors set forth in several Maryland appellate cases. Unrepresented litigants often find it challenging to present the testimony and evidence a court needs to render a decision using these appellate cases. Codifying the factors in a single statute makes this information more accessible and understandable.

Several years ago, the legislature established the Commission on Child Custody Decision Making. The Commission studied many custody, visitation and access issues. The Commission ultimately drafted a proposed custody statute to both codify existing case law and suggest changes in how to handle these cases. The Commission's proposed language maintained the current §9-101 and §9-101.1 which require that judges consider prior abuse against a child or parent of a child, respectively.

Importantly, the Commission's language does not create a presumptions regarding custody, but maintains a best interests of the child standard as the touchstone for decision-making. Judges should have the discretion – and the duty – to consider all factors related to the best interests of a child. This child-centered focus should not be changed with a presumption.

SB57 contains factors that are similar in many respects to the Commission's suggested language and MCASA appreciates the work of the Task Force that produced it. However, MCASA respectfully suggests that the Custody Commission's work is stronger and that SB57 be amended to use the factors and language reflected in the Custody Commission's report.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to report favorably on Senate Bill 57 with Amendments**