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TESTIMONY IN OPPOSITION TO SENATE BILL 775

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The House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. Senate Bill 775 requires a court to impose certain conditions on a custody arrangement if the court establishes a custody or visitation arrangement in a case where the court has determined that the parent has abused the other parent or their spouse; creates a rebuttable presumption that it is not in the child's best interest for the court to grant sole or joint legal or physical custody to a party who has committed abuse against the other party; and requires the court to make a certain analysis if it finds both parties have committed abuse. **We urge the Senate Judicial Proceedings Committee to issue an unfavorable report on Senate Bill 775.**

The House of Ruth strongly believes it is important to protect children who have witnessed one of their parents abuse the other parent. However, while the House of Ruth supports the intent of this bill, it opposes portions of the bill and is concerned about several other provisions within the bill.

First, on page 2, starting on line 11, the proposed bill states, "*An arrangement of custody or visitation approved by the court under paragraph (1) of the subsection shall impose one or more of the following conditions, as appropriate.*" It is unclear if the court would be required to impose one of the listed conditions even if it were to find none of the conditions appropriate. It would seem that the court already has the ability to impose limitations on custody and access as it deems appropriate under current law, making this portion of the statute unnecessary and potentially problematic.

Second, SB 775 creates a rebuttable presumption that it is not in the child's best interest for a court to grant sole or joint legal or physical custody to a party who has committed abuse against the other party. Over the course of many years, House of Ruth has argued against presumptions in custody cases. We believe that each child, each family, each situation needs to be judged on its own merits and decided based on its own needs and resources. One size does not fit all when it comes to custody decisions. House of Ruth does not want the court to short cut the process in making custody decisions and, therefore, cannot support a presumption. Rather than a rebuttable presumption, House of Ruth suggests adding language such as, "In any custody or visitation proceeding, in determining

the best interest of the child, the court shall articulate its findings of fact and any factor that it considered on the record.”

Third, SB 775 describes a process for the court to follow if the court finds that both parties have committed abuse. Rather than creating new thinking here and potentially disparate approaches, we believe it makes sense for the language to mirror that which is already in Family Law Article §4-506 regarding mutual abuse, where the court must determine if either party acted as the primary aggressor and whether either party acted in self-defense.

Additionally, it is unclear why on page 3, beginning on line 24 why “the likelihood that a party may commit future abuse” has any bearing on whether or not the person was the primary aggressor. Finally, on page 3, line 29, *coercive control* is not defined in the statute.

The House of Ruth urges the Senate Judicial Proceedings Committee to issue an unfavorable report on Senate Bill 775.