

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 973
Family Law – Grandparent Visitation
DATE: February 10, 2021
(3/4)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 973. This bill alters the circumstances under which an equity court may grant visitation rights to a grandparent of a child.

This bill is unnecessary. Maryland law currently allows grandparents to ask the court for visitation or custody of their grandchildren. In addition, this bill imposes certain presumptions and requirements that would give grandparents equal status as parents in a divorce, annulment, custody, or paternity case without a threshold finding of parental unfitness or exceptional circumstances. As such, this bill would not withstand constitutional scrutiny. The drafting of the bill is also confusing and unclear. For example, it is not clear if section (c)(1) of the bill requires the child to reside with the grandparent for at least 12 consecutive months or if the time the grandparent lives with the child and parents count toward the 12 months.

cc. Hon. Chanel Branch
Judicial Council
Legislative Committee
Kelley O'Connor