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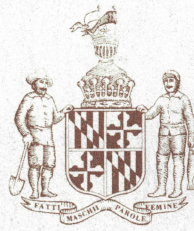
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The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 323
Annapolis, Maryland 21401
410-841-3272 · 301-858-3272
800-492-7122 Ext. 3272
Fax 410-841-3202 · 301-858-3202
Susan.McComas@house.state.md.us

District Office
P. O. Box 1204
9 West Courtland Street
Suite 100
Bel Air, Maryland 21014
410-836-9449 · 410-838-5187
Fax 410-838-5768

TESTIMONY IN SUPPORT OF HB 1168/SB849

CHILD CUSTODY – LEGAL DECISION-MAKING AND PARENTING TIME

HB1168 and the cross-filed SB849 have been presented by former Delegate Dumais, now a Circuit Court Judge in Montgomery County, worked hard on this proposed legislation. With the input of many legal practitioners and fellow legislatures, several amendments were implemented to produce the current version of the bill as proposed this year.

This bill codifies the common law factors a circuit court judge must consider in making a determination as to custody and parenting time in a child custody case in Maryland. By so doing, its passing puts in one place, the Maryland Annotated Code, much more of what a layman needs to know in a custody/access domestic case.

More importantly, this bill is proposed in conjunction with Maryland Rules 9-204.1 and 9-204.2 which were approved by the Court of Appeals in September 2019 and became effective on December 1, 2019. These new Rules require parties in a contested custody case to submit to the Court proposed Parenting Plans to the Court prior to the outset of any custody trial. The Rules provide improved procedural considerations and list the factors for the parties and the Court to consider in making a custodial determination in the best interest of the minor(s) involved.

Tracking closely to the newly implemented Rules, HB1168 proposes the use of neutral, positive terms such as “Decision-Making Authority” and “Parenting Time” in place of custody and visitation, thus putting the focus on the child(ren).

The fifteen (15) factors the Court are to consider in a “decision-making and parenting time” determination are listed within HB1168 and are those that are entwined in multiple Maryland common law determinations.

HB 1168 is a no brainer when it comes to family law and the best interest of the child.

PLEASE ENTER A FAVORABLE REPORT FOR HB 11168 as Cross-Filed: SB/849