

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
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 947
Family Law – Joint Custody
DATE: February 16, 2022
(2/24)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 947. This bill establishes a rebuttable presumption in certain child custody proceedings that certain custodial arrangements are in the best interest of the child.

This bill would direct the court to award custody in approximately equal periods of time to each parent in every case unless a presumption for joint custody is rebutted. This would limit the court's ability to consider the unique facts and circumstance of each family and shift the focus away from what is in the best interest of a child toward the presumed rights of parents.

Further, this bill would exacerbate power imbalances at play in custody cases. For example, a parent who is unrepresented or who has limited financial resources, will have a difficult time presenting evidence to rebut the presumption against a represented or economically dominant parent. Further, the requirement that the parties share the costs of the child's care equally would not only be a deviation from current law but would also place an outsized burden on a parent who earns less than the other.

cc. Hon. Haven Shoemaker
Judicial Council
Legislative Committee
Kelley O'Connor