



**BILL NO:** House Bill 947  
**TITLE:** Family Law - Joint Custody  
**COMMITTEE:** Judiciary  
**HEARING DATE:** February 24, 2022  
**POSITION:** **OPPOSE**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 947.**

In 2013, the General Assembly passed a law convening the Commission on Child Custody Decision Making to study all aspects of child custody decision-making and make recommendations to improve the process throughout the State. The Commission ultimately recommended against a presumption of joint custody. House Bill 947 refocuses the standard used in custody decisions from “best interest of the child” to a presumption of joint custody. The best interest of the child standard is imperative because it requires a court to look at the unique circumstances of each child and each family when deciding custody and decide what is best for that specific child and family.

It is often not appropriate for a court to award joint custody in families where there is domestic violence. Parents must be able to communicate and cooperate in situations of joint custody. This type of collaboration is difficult if not impossible to achieve with the power and control dynamics present with domestic violence. Many abusers will use joint custody to gain continued and ongoing access to their victim. Joint custody orders place victims in danger of further violence, burden the courts with post-judgment proceedings, and can cause mental harm to children who witness abuse.

While this bill does preclude cases where there is abuse, domestic violence is vastly underreported. Many victims suffer in silence due to embarrassment, fear of their abuser and many other reasons. In addition, many litigants in family law cases are unrepresented. An unrepresented domestic violence victim might not know how to ask for sole custody and this presumption can be harmful to their efforts. This could result in unrepresented domestic violence victims finding themselves with joint custody, putting the victim and perhaps the entire family at greater risk for ongoing violence.

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Courts already have the authority to grant joint custody. Maryland case law requires trial judges to consider whether parents are able to communicate and reach shared decisions regarding their child's welfare before granting joint custody. *Taylor v. Taylor*, 306 Md. 290 (1986). Judges should be required to evaluate the relationship of parents to each other before ordering joint custody.

HB 947 disregards the child support guidelines and require the parties to share equally in the support of the children. This does not require the court to contemplate each parties' financial means or ability to contribute to the child's support. Even in cases where the parents are awarded joint custody, this does not mean that they can equally financially support or contribute to a child's expenses. Courts should decide child support based on the child support guidelines, which account for the parties' respective incomes.

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges an **unfavorable report on HB 947**.