



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB42 with Amendments- Child Custody - Relocation of
Child - Expedited Hearing (Assurance of Child's Safety Act)
Before the Judicial Proceedings Committee
on January 31, 2023**

Mr. Chairman, Vice Chair, and Members of the Committee:

Senate Bill 42, the Assurance of Child's Safety Act, corrects injustices in family law and protects children of divorced families from sudden upheaval. As amended, the law would require the court to consider a child's proposed relocation when deciding whether to grant an emergency hearing on a motion for Modification of Custody.

Initially sponsored by Delegate Nick Charles in 2022, the bill has undergone the following revisions in collaboration with the Maryland Bar Association and the Judiciary:

- 1. Amends the bill from only considering relocations over an arbitrary 40-mile mark to covering any move that would "significantly interfere with the predetermined parenting time schedule."**
- 2. Mandates that the court consider a relocation when deciding whether to grant an emergency hearing while allowing the judiciary to exercise its best judgment in determining whether a hearing is necessary.**

- 3. Removes the prohibition on courts considering the child's time spent with a relocated party advantages to that party. While we urge the court to grant a hearing *before* the move, all factors should be considered when deciding the child's best interest.**

Parenthood is a sacred responsibility that should be protected by law. Unfortunately, this body has long ignored the crucial role *both* parents play in their child's development. While this bill is nowhere near an end-all in preventing parental abduction, it will move us closer to repelling the belief that an individual's involvement shouldn't exceed their issuance of a monthly check.

Both parents should have the opportunity, and duty, to play a meaningful role in their child's life. By allowing one party to relocate the child in a way that prohibits the engagement of the other, we're promoting the separation of families. Break-ups between adults happen, but the split between a child and their parents should not.

The goal when deciding custody should be a mutual agreement between parties that establishes healthy co-parenting. However, when that does not happen or is violated, legal safeguards should be in place-- hence the rationale of this bill. Our goal is to require a court to consider these situations, not mandate their decision in favor of either parent.

Courts have often moved slowly in responding to a child's relocation, in some situations not hearing the case until 5 or 6 months later. Moreover, with very few laws protecting unmarried parents, upset

parties have little reason to participate in co-parenting and accept the role of the other.

Senate Bill 42 is about putting the courts in the best position to determine the best interest of the child. Most importantly, however, this bill is about protecting a child's safety by encouraging stability in location and a consistent parenting schedule. The faster the courts respond to these petitions, the better the needs of these families can be met and resolved.

I implore the committee to give a favorable report to SB42 with amendments, moving us one step closer to recognizing the role of both parents.

Respectfully,



Senator Jill P. Carter, Esq.