



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 28
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 28.

Senate Bill 28 – Child Custody – Legal Decision Making and Parenting Time

This bill codifies and updates Maryland's law regarding custody. It continues to include important protections for survivors of child sexual and physical abuse, child neglect, and domestic violence.

SB28 maintains and recodifies the current §9-101 and §9-101.1 which require that judges consider prior abuse against a child or parent of a child, respectively. Under the new §9-104 (formerly §9-101), if a court has reasonable grounds to believe that a child has been abused or neglected, the court must determine whether the abuse or neglect is likely to occur again. Unless the court specifically finds that there is no likelihood of further abuse or neglect, then the court is required to deny legal decision making or parenting time except for a supervised parenting time arrangement that assures the safety and physiological, psychological, and emotional well-being of the child.

The new §9-105 (formerly §9-101.1) imposes similar requirements when one party has abused the other parent of the party's child, the party's spouse, or a child residing within the household. Under this provision, courts are also required to make legal decision making or parenting time arrangements that best protect the child who is the subject of the proceeding and the victim of abuse.

Importantly, SB28 does not create a presumption for sole or joint custody, but maintains a best interests of the child standard as the touchstone for decision-making. Judges should have the discretion – and the duty – to consider all factors related to the best interests of a child. This child-centered focus should not be changed with a presumption.

We also note that SB41 would enact additional clarification to 9-101 and provide clear focus on the needs of survivors of child sexual abuse, intimate partner rape, and other family violence. MCASA appreciates and supports these policy goals and views the bills as complimentary.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to report favorably on Senate Bill 28**