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**HB440: Child Custody-Relocation of Child-Expedited Hearing (Assurance of Child Safety Act)
Favorable Testimony**

Good Afternoon Chair Clippinger, Vice Chair Moon and esteemed Members of the Judiciary Committee, thank you for the opportunity to testify in favor of HB440, which calls for the courts to consider expedited hearings for child custody petitions. This Bill is intended to protect children and to keep the best interest of children at the forefront of every custodial solution.

The census bureau reports that Maryland had a 10% divorce rate in 2021. Divorce and separation create emotional turmoil for the entire family, but, is particularly difficult for children. Divorce and separation can be frightening, confusing, and frustrating for children. Re-locating a child during this destabilizing and uncertain time, and essentially removing them from their familiar environment before a permanent custodial arrangement has been determined, can be extraordinarily and unnecessarily detrimental to a child's physical, mental and emotional health.

Moving away from their home and community can further destabilize a child's life, which has already been compromised by their parents' divorce and/or separation. Too often overlooked is the added detrimental impact of separating a child from their relationships with friends, teachers, neighbors, caregivers, and coaches in the community where they have lived, and are now being forced to leave behind. Certainly, families relocate all the time and most children do adapt and can thrive over time. However, such transitions are particularly difficult for children when change has been forced upon them due to the disintegration of their family unit, and when relocation will result in interrupting their routine, compromising their external support structure and relationships, and potential regular access to a parent. Making new friends, joining new clubs or sports teams can be frightening and overwhelming for most children under normal circumstances, without them also needing to deal with the added pressure and sadness of their parents' separation.

Like other states, Maryland requires judges to make decisions about child custody and visitation based on the best interests of the child, and Maryland and its counties follow Common Law understanding of what constitutes the "Best interest of the Child". However, while important, the definitions of "best interest" are broad and are subject to interpretation.

Custody hearings cannot be prescribed. Rather, each hearing is fact-based for each child/family. Custody hearings are scheduled and decided on a case-by-case basis. Evidence suggests that judges and magistrates often too narrowly define the conditions for warranting an emergency hearing (imminent danger to the child) and anecdotally do not consider child relocation to constitute a danger. **Often, emergency hearings are not approved when based solely on child relocation and custody issues and petitions.**

Because the threshold is so high for emergency hearings to be granted in matters pertaining to child custody and relocation, this Bill seeks to amend the Annotated Code of Maryland (2019 Replacement Volume and 2022 Supplement/Section 9-106 Article “Family Law”) to require the court to schedule a hearing on a certain petition regarding the proposed relocation of child who is subject of a custody or visitation order on an **“expedited”** basis under certain circumstances that would constitute “good cause” for requesting an expedited hearing. There is already precedent for this in the State. Upon review of the Family and Case Management Differentiated Plans (FCMD) for every Maryland County, four counties already provide for expedited hearings and explicitly identify in their FDCM plans the relocation of a child (in or out of state) as “good cause” to request an expedited hearing. This amendment will move to satisfy the needs and concerns of all parties to a custody review request by the courts. And it is certainly in the best interest of the child that an expedited custody hearing be held before the child is removed from their current home and relocated.

Please join me in support of this Bill to help our courts to better protect and preserve the rights of Maryland children, parents and families. I move for a favorable report on HB440, thank you.