

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 383  
Family Law – Maryland Child Abduction Prevention Act  
**DATE:** March 22, 2023  
(3/28)  
**POSITION:** Oppose

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The Maryland Judiciary continues to oppose Senate Bill 383 as amended.

While the Judiciary finds the goals of this bill to be laudable, its opposition is based on the definitions of “abduction,” “wrongful removal,” and “wrongful retention.” The definitions are broad, circular, and could be used to punish inadvertent, accidental, or justifiable conduct. Without any requirement that the conduct be intentional, willful, or unjustified, any disagreement over a custody order or unforeseen delays in dropping off a child to another parent could be characterized as an abduction, wrongful removal, or wrongful detention. Child abduction is already defined in the Family Law Article in §§9-301 to 9-307. Specifically, the definition of abduction should provide:

“if a child is under the age of 16 years, a relative (which includes a parent) who knows that another person is a lawful custodian of the custody of the child may not, with the intent to deprive the lawful custodian of the custody of the child (1) abduct, take, or carry away the child from the lawful custodian to a place within this State or in another state” etc. The definition could include another country.

Additionally, section 9.7-109(b)(1) requires the court to hold a hearing on a petition on the next business day unless it would be “impossible” to do so, which may be impossible in many courts. Paired with the overly broad definitions, this statute can be used as an escalation tool to jump the scheduling queue in cases that do not involve the serious conduct this bill is intended to curtail.

cc. Hon. Mike McKay  
Judicial Council  
Legislative Committee  
Kelley O’Connor