

**Date:** March 2, 2023

**Bill number:** HB1020

**Committee:** House Judiciary Committee

**Bill title:** **Child Custody – Legal Decision Making and Parenting Time**

**DHS Position:** **LETTER OF INFORMATION**

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The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide written information for House Bill 1020 (HB 1020).

House Bill 1020 would alter numerous references to the terms “child custody” and “visitation” to “legal decision making” and “parenting time.” House Bill 1020 would establish that a court may award legal decision making or parenting time to one parent or jointly to the parents. No parent is presumed to have any right to legal decision making or parenting time that is superior to the right of another parent. The bill also specifies that a parent is a biological parent, an adoptive parent, or an individual a court has deemed to be a de facto parent.

The Social Services Administration (SSA) within DHS is concerned that, as drafted, House Bill 1020 is detrimental to adoptive, disabled, and same-sex parents and populations. Additionally, the legislation affects legal parents that are not biological or adoptive parents. The legislation would diminish protections for Maryland’s most vulnerable citizens, including abused and neglected children. The bill eliminates §9–107 which addresses the parental rights of disabled parental individuals. House Bill 1020 allows biological parents whose rights have been terminated the authority to access a child’s medical, dental, and mental records.

The Department recommends §9–104 is assessed for legal sufficiency. DHS does not believe a legal custodian or guardian could have custody or visitation when an individual has been substantiated for abuse or neglect of a child. The provisions in HB 1020 impact how a local department of social services (LDSS) within SSA could advocate on the behalf of or against a child having visits with or being placed in the custody of a legal custodian or guardian

The Department suggests that certain factors in the legislation be examined more closely:

- Parental rights of same-sex and disabled parents;
- The assurance of protections for legal parents;
- Eliminating the right of the “de facto” parents whose rights have been terminated;
- Eliminating rights of those that have previously been terminated; and
- Statutory protection of children from individuals who have abused or neglected children, including custodians or guardians – not just “parents.”

The Department appreciates the opportunity to provide the aforementioned information to the Committee for consideration during your deliberations. DHS welcomes continued collaboration with the Committee on House Bill 1020.

