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The Honorable Luke Clippinger House Judiciary Committee  
Room 101  
House Office Building  
Annapolis, Maryland 21401  
February 20, 2023

**Testimony of FreeState Justice in Opposition to  
HB0666: Family Law – Fundamental Parental Rights**

To the Honorable Luke Clippinger, Vice Chair David Moon, and the esteemed committee: FreeState Justice is Maryland's civil rights advocacy organization for lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) Marylanders. We also provide pro bono legal services each year to hundreds of LGBTQIA+ Marylanders who could not otherwise afford an attorney and we advocate more broadly on behalf of the LGBTQIA+ community.

We write today in staunch opposition to House Bill 0666. House Bill 0666 is vaguely worded, overbroad, and would establish that a parent has the fundamental right to direct the upbringing, education, care, and welfare of their child(ren). It additionally prohibits the State or a political subdivision from infringing on that right, with the caveat that it does not authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect the minor child. We do not believe that everything aside from abuse, neglect, or criminal activity should be at the total discretion of each parent for their specific child(ren), with no input from the state. Under current Maryland law, parents already have much discretion and responsibility for their children's upbringing in all areas of the child's life. All parents have choices such as educational options, team sports involvement, activities participation, medical decisions, religion and the practice thereof, community involvement, access to technology and social media, friends and relationships, entertainment choices, and travel to name a few. So, with all those opportunities for a parent to direct their child's development and growth, we must ask what specifically can a parent not do that this bill will allow them to? We cannot tell from the vague and overbroad language of this bill.

Maryland State Department of Education and local county school boards all ensure the collaboration and involvement of families and communities in the public education system. This is in concert with the department's ability to exercise their professional judgment in school

*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)  
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

administration without undue burden from each parent wanting a specific curriculum, attendance requirements, discipline, grading and reporting requirements specifically for their child(ren).

This bill could also interfere in the orders from various family courts around the state. Guardianship, custody, visitation, child support and protection orders are all made to safeguard the child(ren) at the heart of the order and having some superseding parental rights bill could impact the validity of those orders and in a child abuse or neglect case impact the safety of the child(ren). The courts follow a best interest of the child standard, and this bill may effectively change that standard to the best interests of the parent, which can be in direct opposition to their children's interests. The courts are there to protect children, when they are at their most vulnerable and a bill hindering that protection is sadly misguided and even dangerous.

Studies of LGBTQIA+ parents in the United States have indicated the importance of supportive laws and policies. For instance, legal marriage recognition has been shown to be associated with greater social support among same-gender couples.<sup>1</sup> Thus, it appears that LGBTQIA+ parents who live in less favorable social conditions with increasing negative legislation are generally disadvantaged, whereas those in more supportive conditions derive many benefits. The current slate of legislation in statehouses across the country unfortunately includes measures that would restrict LGBTQIA+ issues in school curriculums, permit religious exemptions to discriminate against LGBTQIA+ people and limit trans people's ability to play sports, use bathrooms that correspond with their gender identity and receive gender-affirming health care. As an LGBTQIA+ advocacy organization we would be remiss if we did not realize much of the arguments over parental rights centers on certain parents wanting to exclude the mention of our community in school curriculums and health education or allowing their own children the freedom to be who they are—including being a member of the LGBTQIA+ community. Examples of Maryland Bills brought forth this year include the Save Women's Sports Act, which sought to specifically exclude transgender people from playing on the athletic team that matches their gender identity. When a bill comes before the General Assembly that is this broad, we must wonder about the impact on our community and our children, and if they will suffer at the hands of legislators who have sworn to protect them. Proponents of these bills say they are about protecting children, parental rights, religious freedom or a combination of these. We contend that they are potentially discriminatory and are more about currying favor with conservative voters than protecting all constituents.

The vague limited rights given to parents from this bill are overwhelmingly outweighed by the potential unintended and harmful consequences of this bill to our various systems and the futures of all our children. The criteria in this bill are overbroad and vague and will conflict with settled Supreme Court precedent, Maryland case law and Maryland Statutes. The result of these conflicts would be extremely costly litigation and the imposition of uncertainty in our Maryland institutions and communities.

For these reasons, FreeState Justice opposes House Bill 0666 and urges an unfavorable report.

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<sup>1</sup> Riggle, E. D. B., Wickham, R. E., Rostosky, S. S., Rothblum, E. D., & Balsam, K. F. (2017). Impact of civil marriage recognition for long-term same-sex couples. *Sexuality Research & Social Policy*, 14(2), 223–232.