

SUSAN K. McCOMAS
Legislative District 34B
Harford County

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Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 411
Annapolis, Maryland 21401
410-841-3272 · 301-858-3272
800-492-7122 Ext. 3272
Fax 410-841-3202 · 301-858-3202
Susan.McComas@house.state.md.us

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

HONORABLE CHAIRMAN CLIPPINGER, VICE CHAIR MOON, AND
COMMITTEE MEMBERS:

HB 1020 CHILD CUSTODY – LEGAL DECISION MAKING AND PARENTING TIME IS THE PRODUCT OF A COMMISSION OF JUDGES, ATTORNEYS, ADVOCATES, AND MENTAL HEALTH PROFESSIONS. THE COMMISSION TOOK PUBLIC TESTIMONY AROUND THE STATE WHERE INDIVIDUALS EXPRESSED THEIR THOUGHTS AND CONCERNS REGARDING CHILD CUSTODY DECISIONS BY THE JUDICIARY.

THE GOAL OF HB1020 IS TO CODIFY THE NUMEROUS LANDMARK CASE LAW CUSTODY DECISIONS SO THAT THERE IS ONE REFERENCE FOR THE PUBLIC TO UNDERSTAND THE FACTS, ISSUES, AND LEGAL FRAMEWORK A JUDGE ANALYSES TO DETERMINE CUSTODY. CODIFICATION OF THE CASE LAW TAKES AWAY THE MYSTERY OF HOW AND WHY A JUDGE MAKES A PARTICULAR DECISION.

THE NORTH STAR IS ALWAYS WHAT IS IN THE BEST INTEREST OF THE CHILD. THROUGHOUT THE YEARS CUSTODY CASE LAW HAS

DETERMINED WHAT IS IN THE BEST INTEREST OF THE CHILD. IT SERVES THE PUBLIC, THE ATTORNEYS ADVISING CLIENTS, THE SOCIAL WORKERS WHO ASSIST THOSE GOING THROUGH CUSTODY LITIGATION, AND OTHERS TOUCHED BY CUSTODY LITIGATION TO UNDERSTAND THE VARIOUS FACTORS THE JUDGE CONSIDERS WHEN DETERMINING WHAT IS IN THE BEST INTEREST OF THE CHILD IN CUSTODY CASES.

THANKFULLY, MOST CUSTODY CASES ARE RESOLVED BY PARENTS DECIDING THROUGH JOINT CONSENSUS, MEDICATION, THERAPY, OR NEGOTIATION WHAT IS THE BEST CUSTODY ARRANGEMENTS FOR THEIR CHILD OR CHILDREN. IF PARTIES WHERE THIS IS NOT THE CASE. IN THOSE CASES, CODIFICATION OF THE CASE LAW IS A WAY FOR THE ATTORNEY COUNSELING THE CLIENT TO SAY HERE IS THE CASE LAW THAT IS IN ONE BOOK, THE FAMILY LAW ARTICLE OF THE MARYLAND ANNOTATED CODE. EACH SECTION OF THE STATUTE CAN BE FURTHER RESEARCHED EASILY BY THE JUDGE, ATTORNEY, AND PRO SE LITIGANT.

ACCORDING TO THE FISCAL NOTE IT HAS BEEN INTRODUCED THE LAST THREE YEARS AS HOUSE AND SENATE CROSS FILES. ALTHOUGH THE CURRENT FISCAL NOTE INDICATES THERE IS NOT A CROSS FILE, SENATOR WEST, AND I WOULD BEG TO DIFFER. SENATOR WEST HAS ACCEPTED AN AMENDMENT FROM THE DISABILITY COMMUNITY WHICH MAINTAINS THE GAINS THEY HAVE MADE OVER THE YEARS REGARDING THEIR STATUS EQUAL STATUS CUSTODY CASES. AS SPONSOR OF THE HOUSE VERSION, I SUPPORT THIS AMENDMENT TO THIS HB1020.

REGARDING THE ISSUE OF THE JOINT CUSTODY PRESUMPTION, I OFFER THE SUGGESTION THAT THIS BILL IS NOT ABOUT CREATING A PRESUMPTION, BUT ONLY THE CODIFICATION OF THE CASE LAW FOR THE BENEFIT OF THE PRO SE LITIGANT REPRESENTING HIM OR HER SELF, THE ATTORNEYS ADVISING CLIENTS ON THE CASE LAW WITHOUT THE NEED TO PRINT OUT VOLUMES OF CASE LAW DECISIONS, AND A REFERENCE THAT IS ANNOTATED WITH THE CASES THAT HAVE SHAPED CUSTODY DECISIONS IN MARYLAND.

THIS IS A COMMONSENSE BILL THAT MAKES THE CUSTODY LAW UNDERSTANDABLE FOR PARENTS TO UNDERSTAND THEIR RIGHTS AND OBLIGATIONS ABOUT THEIR CHILD OR CHILDREN... PASSING THIS BILL IS THE RIGHT THING TO DO.

PLEASE ENTER A FAVORABLE REPORT FOR HB1020.