
BILL NO: Senate Bill 383
TITLE: Family Law - Custody and Visitation - Notice of Intent to Travel (Maryland Child Abduction Prevention Act)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 15, 2023
POSITION: **SUPPORT WITH AMENDMENTS**

Senate Bill 383 would assist families who are faced with the possibility of one parent taking a child out of the country without their knowledge or permission. The Women's Law Center (WLC) supports Senate Bill 383 as it would allow that concerned parent to seek relief through the court to obtain protective measures if removing the child is a credible possibility. The House Sponsor of the cross file of this bill is amendable to recommended amendments.

Under current law, unless notice would expose the child or either party to abuse, the court may include as a condition of a custody or visitation order a requirement that either party provide advance written notice of at least 90 days to the court and/or the other party of the intent to relocate the permanent residence of the party. Federal law prohibits a parent from removing a child from the United States or retaining a child in another country with intent to obstruct another parent's custodial rights.

Senate Bill 383 authorizes a court, in any custody or visitation proceeding, to require a party to provide advance written notice to the court and/or the other party of the intent to travel outside the United States with the child. The bill also authorizes a court to order abduction prevention measures in a child custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child and establishes procedures by which a party or another individual or entity, as specified, may file a petition seeking such measures. The bill applies retroactively and must be applied to and interpreted to affect parents desiring to travel internationally with their children and to require parents desiring to travel internationally to comply with its requirements.

Under SB 383, a party to a child custody determination may file a petition seeking abduction prevention measures to protect the child. They must allege the risk factors for abduction and include available information related to the likelihood of abduction or the difficulty of returning the child, and any other relevant information. Using a best interests of the child analysis, the court must consider both documentary and testimonial evidence and consider the difficulty of regaining custody of the child and the risk of abduction.

We understand that as drafted, if this bill becomes law, it will not offer the strength of protections, or guidance to the courts that are in the existing Uniform Law Commission's Uniform Child Abduction Prevention Act. We therefore suggest this bill be amended to enact that Act.

We have long heard from clients and callers to our statewide Family Law Hotline of situations where their child has been taken out of the country with the intent to deprive the remaining parent or custodian from ever seeing their child again. It is especially challenging if the country the child is

taken to is not in the Hague Convention. There is really almost no hope at all. Preventing this possibility in the right circumstances would be an improvement in our laws.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 383 with amendments.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.