
BILL NO: Senate Bill 383
TITLE: Family Law - Custody and Visitation - Notice of Intent to Travel (Maryland Child Abduction Prevention Act)
COMMITTEE: Judiciary
HEARING DATE: March 28, 2023
POSITION: **SUPPORT AS AMENDED**

Senate Bill 383 would assist families who are faced with the possibility of one parent taking a child without their knowledge or permission. The Women's Law Center (WLC) supports Senate Bill 383 as amended. It adopts the Uniform Child Abduction Prevention Act. It would allow the concerned parent to seek relief through the court to obtain protective measures if removing the child is a credible possibility.

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.

Under SB 383, Maryland would join other jurisdictions in adopting the Uniform Child Abduction Prevention Act, offering the Maryland courts a comprehensive avenue to address these difficult cases. It would authorize 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.

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 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.

We commend the body to the Family and Juvenile Law Section Council's testimony regarding a technical issue regarding the definition of "abduction" in various parts of the Code, and we agree with the Section Council that the concerns are unfounded.

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

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.