

# **SB327 - Maryland Legal Aid - Favorable.pdf**

Uploaded by: Brett Smoot

Position: FAV



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**Senate Bill 0327**

**Family Law – Child Custody - Determinations**

In the Judicial Proceedings Committee

Hearing on February 13, 2024

**Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits its written and oral testimony on SB 0327 at the request of bill sponsor Senator Chris West.*

MLA asks that the Committee report **favorably** on Senate Bill 0327, which would codify the factors considered by a family court when determining what legal and physical custody arrangement is in the best interests of a child or children. MLA is Maryland’s largest private, civil non-profit law firm, providing free legal services to indigent Maryland residents. MLA assists low-income individuals and families in every Maryland county with a wide array of civil legal issues, including child custody cases that are high conflict and have an imbalance of power. Even when MLA is unable to provide full representation in these cases, our organization provides legal advice to parties who intend to proceed without an attorney.

Child custody decisions are driven by the “best interest of the child” legal standard. In Maryland, and in other states around the country, courts determine what custody arrangement is in a child’s best interest by considering a list of factors, each shedding light on whether a parent is equipped to have custody. In Maryland, however, this list of best interest factors is nowhere to be found in the Family Law Article of the Maryland Code. Instead, these factors are buried in decades-old case law. For low-income litigants who cannot afford an attorney, case law on custody is inaccessible and difficult to understand. SB 0327 seeks to change that by codifying the factors that have already been established by case law, thus ensuring that low-income Marylanders can access them. Having a clear and definite list of statutory best interest factors will empower both represented and unrepresented litigants to navigate the legal process. SB 0327 will clarify the best interest standard for litigants, attorneys, and the courts. This codification of existing case law makes the law more accessible for MLA’s clients.

Furthermore, codifying the best interest factors will provide uniformity in how custody decisions are made. Currently, the best interest factors are established across several court cases. Judges across the state do not refer to the same set of factors or cite the same cases when making best interest determinations, leading to varied case outcomes across the state. Thus, SB 0327 will provide consistency and clarity for the court in custody decisions.

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Because this bill will ensure the public's access to justice by codifying child custody factors, **Maryland Legal Aid urges the Committee to issue a FAVORABLE report on SB 0327.** If you have any questions, please contact Brett Smoot, (410) 951-7812, [bsmoot@mdlalab.org](mailto:bsmoot@mdlalab.org).

# **SB 327 Fav.pdf**

Uploaded by: Christopher West

Position: FAV

CHRIS WEST  
Legislative District 42  
Baltimore and Carroll Counties

Judicial Proceedings Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 13<sup>th</sup>, 2024

The Maryland State Senate Judicial Proceedings Committee

The Honorable William C. Smith, Jr.

2 East Miller Senate Building

Annapolis, Maryland 21401

**Re: Senate Bill 327: Family Law – Child Custody - Determinations**

Dear Chairman Smith and Members of the Committee,

Over a decade ago, the General Assembly established a Commission on Child Custody Decision Making. The Commission met over 90 times and spent literally thousands of hours analyzing and discussing the testimony of leading experts in a variety of disciplines related to children. The Commission’s final report set forth ten guiding principles that should govern child custody decisions, the first of which was as follows: “The need for a Maryland Custody Decision-Making Statute providing a clear consistent, predictable, gender-neutral process guiding custody determinations for litigants, lawyers and judges.”

Under current Maryland law, judges make their child custody decisions based upon factors set forth in numerous appellate court decisions handed down over a period of many decades. Some of these rulings are not necessarily reflective of modern demands of parenting. In addition, some judges rely on different cases than other judges, so child custody decisions are not always consistent from one jurisdiction to another.

Furthermore, while most family law lawyers and all judges deciding child custody cases are familiar with the relevant caselaw, in some jurisdictions in Maryland as many as 80% of custody cases have one or both parties appearing in court on a *pro se* basis. In those cases, low-income litigants who cannot afford an attorney are at sea as the cases on child custody are inaccessible and difficult for a layperson to understand.

Senate Bill 327 is the response to the Commission’s final report that was issued nearly ten years ago. For the first time, it pulls together and codifies in statute the 16 relevant factors that a court must consider when deciding child custody issues. Once this bill is enacted, this information will finally be easily accessible to judges, attorneys and litigants, no matter their personal financial circumstances and whether or not they are represented by counsel. The bill is written in plain English, so the relevant factors can be easily understood by lawyers and laymen alike.

Factors for the child’s well-being the court may consider include the child’s foreseeable health, the frequent, regular and continuing contact between the child and parents who can act in the

child's best interest, whether and how parents who do not live together will share the rights and responsibilities of raising the child, the child's relationship with each parent and any siblings, their physical and emotional security, and the child's developmental and day-to-day needs. The final factor is "any other factor that the court considers appropriate in determining how to best serve the physical, developmental and emotional needs of the child.

Unlike last year's version of this bill, Senate Bill 327 primarily consists of the list of factors. It does not put its finger on the scales by weighting one or more factors more heavily than others. Everything is left to the court's discretion, but the bill requires the decision of the court to be set forth in writing or on the record. The only other component of the bill is a provision stating that the court may modify its child custody or visitation order if the court determines that there has been a material change of circumstances that results in a situation in which a such a modification would be in the best interests of the child. Such a provision is only prudent.

This is a reasonable and responsible bill that simply implements the recommendation of the Commission.

I appreciate the Committee's consideration of Senate Bill 327 and will be happy to answer any questions the Committee may have.

# **SB 327 - FAV - House of Ruth.pdf**

Uploaded by: Deena Hausner

Position: FAV



## House of Ruth Maryland

### Domestic Violence Legal Clinic

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Bill No.: Senate Bill 327  
Bill Title: Family Law – Child Custody - Determinations  
Committee: Judicial Proceedings  
Hearing Date: February 13, 2024  
Position: **FAV**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. Senate Bill 327 requires the court, when determining legal and physical custody, to consider certain factors. **We urge the Senate Judicial Proceedings Committee to favorably report on Senate Bill 327.**

Senate Bill 327 codifies the factors that courts must consider when making decisions about legal and physical custody of children. Currently, determinations regarding children are made based on factors set forth in several Maryland appellate cases. While attorneys are able to read these appellate decisions and determine how the factors apply to the facts of a particular case, most unrepresented litigants would have difficulty finding the right cases and analyzing them appropriately. Thus, unrepresented litigants are disadvantaged in their ability to present testimony and evidence a court needs to render a decision. Codifying the factors in a single statute makes this information accessible to everyone. With passage of this bill, Maryland would join the majority of states that statutorily clarify how courts are to make determinations regarding children.

SB 327 emphasizes that judges are to focus on the needs of an individual child and the parents’ respective abilities to meet those needs. SB 327 ensures that child custody cases are not determine in cookie-cutter fashion, but rather than each child and family’s situation is judged on its own merits based on the needs of the children and the resources of the family.

**The House of Ruth urges the Senate Judicial Proceedings Committee to report favorably on Senate Bill 327.**

**MPA\_Comm\_SB327\_LetterofSupport\_20240212.pdf**

Uploaded by: Katherine Killeen, Ph.D.

Position: FAV



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Senator William C. Smith, Jr., Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

#### **RE: SB 327 – Family Law – Child Custody Evaluators – Determinations**

##### **Position: Support**

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, asks the Senate Judicial Proceedings Committee to **report favorably on SB 327**.

Maryland trial courts make determinations regarding child custody based on the “best interests” of the child standard. However, as you well know, there is currently no statute which specifies the factors and criteria the Courts “may” or “shall” consider when making these critical decisions. As a result, the courts look to a list of factors enumerated in case law including *Montgomery County v. Sanders*, 38 Md. App. 406, 420, 381 A.2d 1154 (1977) and *Taylor v. Taylor*, 60 Md. App. 268 (1984).

The Maryland legislature authorized the Commission on Child Custody Decision Making in 2013. One of the considerations of the Commission was whether Maryland could benefit from, or “needs a statute specific to child custody decisions.” The Commission issued its Final Report in December 2014 and recommended that Maryland develop a statute to identify “best interests of a child factors.” The Commission also noted that Maryland is one of the handful of states which do not have statutory factors.

SB 327 identifies the best interest of the child factors the court may consider when making determinations regarding legal and physical custody. The factors identified in SB 327 are the result of years of work by parents, interested parties, various stakeholders, the legal community, and the mental health community. The factors include needs of the child factors, abilities of the parents’ factors, and include research-based considerations such as “how to...protect the child from the negative effects of any conflict between the parents...” which has been shown to be a significant predictor of a child’s adjustment following divorce. The MPA strongly supports the factor which provides for “frequent, regular, and continuing contact with parents *who can act in the child’s best interest*” [italics added]. The MPA, in contrast, strongly opposes presumptions which provide significant time with parents without considering their parenting skills, their ability to recognize and act in the child’s best interest, and the child’s relationship with that parent.

SB 327 provides clear factors to the Judiciary, and to the increasing numbers of parents who are self-represented and do not have a “guidebook” (i.e. statute) to help them know what issues they want to present to the court and what “case” they want to provide to the court during their own divorce hearings.

**The MPA strongly encourages the Committee to report favorably on SB 327.** If we can be of any further assistance as the Senate Judicial Proceedings Committee considers this bill, please do not hesitate to contact MPA’s Legislative Chair, Dr. Stephanie Wolf, JD, Ph.D. at [mpalegislativcommittee@gmail.com](mailto:mpalegislativcommittee@gmail.com).

Respectfully submitted,

*Brian Corrado, Psy.D.*

Brian Corrado, Psy.D.

President

*Stephanie Wolf, JD, Ph.D.*

Stephanie Wolf, JD, Ph.D.

Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association  
Barbara Brocato & Dan Shattuck, MPA Government Affairs

**SB 327 - WLCMD - FAV.pdf**

Uploaded by: Laure Ruth

Position: FAV

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BILL NO.: Senate Bill 327  
TITLE: Family Law –Child Custody Determinations  
COMMITTEE: Judicial Proceedings  
DATE: February 13, 2024  
POSITION: **SUPPORT**

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Senate Bill 327 would codify the factors that courts use in determining what is in the best interests of the child in custody cases. The Women’s Law Center supports Senate Bill 327 as this would distill in one place all of the case law that has developed over decades in a multitude of cases, which would benefit the public and large number of self-represented litigants who go to court for custody determinations<sup>1</sup>. SB 327 does not just import language from each of these cases. Instead, it combines and modernizes the case law to make it appropriate to today’s parenting styles and needs of families.

Currently, there is no statute that sets out the factors a court must consider in making a custody determination. Codifying case law, especially for self-represented litigants, would be of great benefit to our litigants and courts. No current statute clearly articulates all factors a Court may consider. Judges, lawyers, and litigants must interpret case law and do not have the benefit of a legislative description of the factors to be considered. This is particularly problematic for self-represented litigants who are hampered in their ability to appropriately present their case for custody and/or visitation without clear and accessible law. In some jurisdictions, as many as 80% of custody cases have one or both parties unrepresented by an attorney.

SB 327 requires the fact-finder in custody determinations to articulate its findings of fact on the record or in a written opinion, specifying each of the factors that were considered. This requirement will significantly assist litigants and lawyers to understand how a court reached its decision, and it would offer increased clarity and transparency in the legal process.

Senate Bill 327 would not preclude a court from ordering joint legal and/or shared physical “custody.” Instead, by focusing always on the impact of child access arrangements on the children involved in a case, SB 327 recognizes, as does current case law, that custody decisions should be child focused, and that each case is unique and requires an individualized evaluation of what is in the best interests of the child. The Women’s Law Center recognizes and deeply respects the benefits of having both parents actively involved in a child’s life. However, it is appropriate only when the parents are able to work together in the best interests of the child. Joint or shared custody can be damaging and dangerous in inappropriate situations, such as where there is domestic violence.

For these reasons, the Women’s Law Center urges a favorable report on Senate Bill 327.

*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.*

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<sup>1</sup> SB 327 is a change from prior years efforts to also update language; it is a simpler bite at the apple as the legislature did not have the appetite for the larger proposed changes that arose from the Custody Commission recommendations some ten years or so ago.

**sb327.pdf**

Uploaded by: Linda Miller

Position: FAV

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 327  
Family Law – Child Custody - Determinations  
**DATE:** January 17, 2024  
(2/13)  
**POSITION:** Support

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The Maryland Judiciary supports Senate Bill 327. The bill would establish factors for the court to consider when determining legal and physical custody arrangements are in the best interest of a child, require an articulation of certain factors by the court, and authorize certain modifications.

“The light that guides the trial court in its [custody] determination...is the ‘best interest of the child standard,’ which ‘is always determinative in child custody disputes.’” *Santo v. Santo*, 448 Md. 620, 626 (2016) (quoting *Ross v. Hoffman*, 280 Md. 172, 178 (1977)).

For decades, this standard has been based on a series of ‘best interest of the child factors’ set forth in caselaw. One case was decided in 1978 and the other in 1986. *Montgomery County v. Sanders*, 38 Md. App. 406 (1978); *Taylor v. Taylor*, 306 Md. 290 (1986). Families have evolved since then as has our understanding of child development and how custody determinations can affect a child’s physical and emotional well-being, security, and sense of self.

The factors delineated in this bill are nearly identical to factors contain in Maryland Rule 9-204.1 (Parenting Plans), which was adopted by the Supreme Court of Maryland in 2019 (eff. January 1, 2020) and are based on recommendations from the Child Commission on Child-Custody Decision Making.<sup>1</sup> That Commission identified the need for factors that are, unlike those from the aforementioned cases, child-focused and based on social

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<sup>1</sup> The commission was comprised of over 125 stakeholders including mental health providers, advocates for survivors of intimate partner violence, disability rights advocates, judges, attorneys, and members of the General Assembly. It’s Final Report, including a recommendation for statutory best interest of the child factors, is available at <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/020000/020737/unrestricted/20150076e.pdf>.

science and literature on child development and the effects custody decisions have on parent-child relationships.

If enacted, this legislation would modernize how custody determinations are made and give everyone – courts, attorneys, and litigants – one set of factors to focus on in custody cases. Their codification would also increase transparency of custody determinations and be especially meaningful for the overwhelming number of litigants who are unable to afford an attorney. Finally, Maryland would no longer be among the minority of states that do not have statutory best interest of the child factors.

cc. Hon. Chris West  
Judicial Council  
Legislative Committee  
Kelley O'Connor

**Custody - testimony - senate - 2024 - SB327 FAV.pd**

Uploaded by: Lisae C Jordan

Position: FAV



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**Working to end sexual violence in Maryland**

P.O. Box 8782  
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For more information contact:  
Lisae C. Jordan, Esquire  
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**Testimony Supporting Senate Bill 327**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 13, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 327.

**Senate Bill 327 – Child Custody Determinations**

This bill codifies and updates Maryland's law regarding custody. It continues to include important protections for survivors of child sexual and physical abuse, child neglect, and domestic violence.

SB327 maintains the current §9-101 and §9-101.1 which require that judges consider prior abuse against a child or parent of a child, respectively. It is important for sexual assault and sexual abuse survivors that these provision remain in place. Under §9-101, if a court has reasonable grounds to believe that a child has been abused or neglected, the court must determine whether the abuse or neglect is likely to occur again. Unless the court specifically finds that there is no likelihood of further abuse or neglect, then the court is required to deny legal decision making or parenting time except for a supervised parenting time arrangement that assures the safety and physiological, psychological, and emotional well-being of the child.

Section 9-101.1 imposes similar requirements when one party has abused the other parent of the party's child, the party's spouse, or a child residing within the household. Under this provision, courts are also required to make custody or visitation arrangements that best protect the child who is the subject of the proceeding and the victim of abuse.

Importantly, SB327 does not create a presumption for sole or joint custody, but maintains a best interests of the child standard as the touchstone for decision-making. Judges should have the discretion – and the duty – to consider all factors related to the best interests of a child. This child-centered focus should not be changed with a presumption for any person other than the child.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 327**

**SB 327\_MNADV\_FAV.pdf**

Uploaded by: Melanie Shapiro

Position: FAV



**BILL NO:** Senate Bill 327  
**TITLE:** Child Custody - Legal Decision Making and Parenting Time  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 13, 2024  
**POSITION:** **SUPPORT**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 327.**

Senate Bill 327 codifies existing Maryland case law regarding custody determinations using the best interests of the child standard. There is no current statute that encompasses or delineates the factors a court must consider for custody determinations. Codifying factors will be especially beneficial to pro se litigants who would have the benefit of clear statutory language outlining the factors a court will and will not consider since they may not have access to or understanding of appellate case law.

Senate Bill 327 recognizes, as does current case law, that custody decisions should be child focused. There is no custody presumption in SB 327. Neither parent is presumed to have any right to legal decision making or parenting time that is superior to the right of the other parent. MNADV supports the premise that the court should be focused on each family and child's unique circumstances and needs when making custody determinations. Custody decisions should be made absent any presumptions and by carefully weighing all the factors. In families where there is domestic violence it may or may not be in a child's best interest to have both parents actively involved in a child's life, a court can only reach that decision after careful evaluation of the factors in SB 327.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 327.**

**2024 02 12, SB 327\_FLSC\_FAV.pdf**

Uploaded by: Michelle Smith

Position: FAV

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**To:** Members of the Senate Judicial Proceedings Committee

**From:** Family Law Section Council (FLSC)

**Date:** February 12, 2023

**Subject: Senate Bill 327:**  
Family Law - Child Custody – Determinations

**Position: FAVORABLE**

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The Maryland State Bar Association (MSBA) FJLSC **supports Senate Bill 327 – Family Law - Child Custody – Determinations**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

In 2013 the General Assembly convened the Commission on Child Custody Decision Making. The Commission was charged with studying child custody decision-making and offering recommendations to improve and bring statewide uniformity to the process of custody determinations by courts. Dozens of experts met over 90 occasions to examine current procedures, psychological research, process in other jurisdictions and best practices. SB 327 is an outcome of the efforts of the Commission and reflects a blended list of the factors recommended in that thorough study on Child Custody Decision Making.

In the Final Report issued December 1, 2014, the Commission set forth ten “guiding principles” that were approved by the Commission. The first of these principals was:

The need for a Maryland Custody Decision-Making Statute providing a clear, consistent, predictable, gender-neutral process guiding custody determinations for litigants, lawyers, and judges, focusing on factors that affect a child’s long-term adjustment, including significant regular contact with each parent, parenting quality, a child’s developmental

needs, the quality (conflict or not) of the relationship between the parents or parent figures, the parents' psychological adjustment, and a child's need to maintain significant relationships. (Commission on Child Custody Decision Making, Final Report, p.8)

Currently, judicial determinations regarding child custody are made based on factors set forth in several Maryland appellate cases. In order to know what testimony and evidence to present to a court in support of a claim for custody, a litigant has to identify the correct appellate decisions and be able to distill the legal holdings of each case and correctly apply those holdings to the facts of their own case. While this may be fairly straightforward for experienced family law attorneys, most unrepresented non-lawyer parents would find this to be a herculean task. Further, the seminal appellate decisions are decades old and not necessarily reflective of today's families and the modern demands of parenting. SB 327, which would codify the factors that a court should consider when deciding parenting time and legal decision-making issues, would finally make the factors recommended by the Commission available and accessible to all litigants and would encourage the consistent use of the best practices regarding such custody decisions.

In addition, SB 327 provides appropriate guardrails to the Judge in such custody determinations in setting out the comprehensive list of factors the court may consider, including any other appropriate factor, while also mandating that the Judge shall articulate his/her findings of fact on the record or in a written opinion, specifying each of the factors that were considered. Thus, the passage of SB 327 would lead to more uniformity, clarity and transparency in the legal process and understanding of the outcomes and possible appellate issues for both litigants and counsel involved in these highly emotionally charged and significant family law cases.

SB 327 reflects the well-settled law in Family Law §5-203 that the parents are the joint natural guardians of their minor child with neither presumed to have a superior right of custody over the other parent; and, thus, that courts are permitted to award custody to either parent or jointly to the parents. HB 848 sets forth a uniform method for courts to analyze the circumstances of each individual child and family and make decisions that are in the best interest of those individual children. This is the approach that will best protect the health, safety and welfare of Maryland children.

SB 327 represents thousands of hours of analysis by leading experts in a variety of disciplines related to children and the legal processes used to determine custody issues. SB 327 is an important evolution in the way Maryland courts make decisions regarding children.

For the reason(s) stated above, the MSBA FLSC **supports Senate Bill 327 and urges a favorable committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or [msmith@lawannapolis.com](mailto:msmith@lawannapolis.com).

**MPA\_Comm\_SB327\_LetterofSupport\_20240212.pdf**

Uploaded by: stephanie wolf

Position: FAV



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Senator William C. Smith, Jr., Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

#### **RE: SB 327 – Family Law – Child Custody Evaluators – Determinations**

##### **Position: Support**

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, asks the Senate Judicial Proceedings Committee to **report favorably on SB 327**.

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SB 327 identifies the best interest of the child factors the court may consider when making determinations regarding legal and physical custody. The factors identified in SB 327 are the result of years of work by parents, interested parties, various stakeholders, the legal community, and the mental health community. The factors include needs of the child factors, abilities of the parents’ factors, and include research-based considerations such as “how to...protect the child from the negative effects of any conflict between the parents...” which has been shown to be a significant predictor of a child’s adjustment following divorce. The MPA strongly supports the factor which provides for “frequent, regular, and continuing contact with parents *who can act in the child’s best interest*” [italics added]. The MPA, in contrast, strongly opposes presumptions which provide significant time with parents without considering their parenting skills, their ability to recognize and act in the child’s best interest, and the child’s relationship with that parent.

SB 327 provides clear factors to the Judiciary, and to the increasing numbers of parents who are self-represented and do not have a “guidebook” (i.e. statute) to help them know what issues they want to present to the court and what “case” they want to provide to the court during their own divorce hearings.

**The MPA strongly encourages the Committee to report favorably on SB 327.** If we can be of any further assistance as the Senate Judicial Proceedings Committee considers this bill, please do not hesitate to contact MPA’s Legislative Chair, Dr. Stephanie Wolf, JD, Ph.D. at [mpalegislativcommittee@gmail.com](mailto:mpalegislativcommittee@gmail.com).

Respectfully submitted,

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