

BILL NO: Senate Bill 670
TITLE: Child Custody and Visitation – Best Interest of Child
COMMITTEE: Judicial Proceedings
HEARING DATE: February 20, 2024
POSITION: **OPPOSE**

Senate Bill 670 would provide a statutory framework of the factors that courts use in deciding custody cases in Maryland. The Women’s Law Center of Maryland (WLC) supports SB 327 over this bill, and urges an unfavorable report on SB 670. However, if it is the will of this Committee to pass SB 670 over SB 327, we fervently hope the Committee will work to combine the two bills into the best possible version for the best interests of the child.

Currently, there is no statute that sets out the factors a court must consider in making a custody determination. While cases decided over years in Maryland have established general guidelines for judges, including that the overarching guideline in determining child custody should be *the best interests of the child*, no current statute clearly articulates all factors to be considered.

By focusing always on the impact of custodial arrangements on the children involved in a case, SB 670 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. It can be damaging and dangerous in inappropriate situations, such as where there is domestic violence or child abuse.

We believe that is what some of the language in SB 670 is seeking to address (see e.g. page 2, lines 24-25, page 3, lines 12-14, 18-19), however we have grave concerns that these factors could be used against parents who have a good faith belief that their child is being abused or who are themselves victims of abuse. We prefer the framework and language of SB 327.

The advantage of SB 327 is that the drafters have updated language from decades of family law cases decided by appellate court in Maryland so that they reflect today’s societal standards and parenting. In addition, it provides that the Court “may” not “shall” consider the factors, and the Judiciary opposes the “shall” nature in SB 670.

For these reasons, the Women’s Law Center urges an unfavorable report on SB 670.

The Women’s Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.