

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

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1071  
Family Law – Grandparent Visitation  
**DATE:** February 14, 2024  
(2/22)  
**POSITION:** Oppose

---

The Maryland Judiciary opposes House Bill 1071. This bill alters the circumstances under which an equity court may grant visitation rights to a grandparent of a child.

The Judiciary recognizes the important role grandparents can play in a child’s life. These cases require the balancing of what is the best interests of a child and a parent’s constitutional rights. But the Judiciary believes this bill is unnecessary. Current law allows grandparents to ask a court for visitation or custody of their grandchildren. The process is easy if the child’s parents consent. Depending on the nature of their relationship with the child, grandparents may also be able to establish that they are a *de facto* parent who has standing to seek custody or visitation. *See E.N. v. T.R.*, 474 Md. 346 (2021); and *Conover v. Conover*, 450 Md. 51 (2016) (establishing a four-factor test to determine *de facto* parentage status<sup>1</sup>).

If a parent objects to a grandparent’s request for visitation with a child and *de facto* parentage cannot be established, the Supreme Court of the United States and the Supreme Court of Maryland have established a clearly defined test for grandparent visitation. The test requires that the court first find that the parents are unfit or that exceptional circumstances exist and if, and only if, the court makes such a finding, can the court consider whether grandparent visitation (or the lack of the same) is in the child’s best interests. *Troxel v. Granville*, 530 U.S. 57 (2000); and *Koshko v. Haining*, 398 Md. 404

---

<sup>1</sup> To establish *de facto* parent status, the party seeking such status must prove: 1) that the biological or adoptive parent(s) consented to and fostered, the formation and establishment of a parent-like relationship with the party and the child; 2) that the party and the child lived together in the same household; 3) that the party assumed obligations of parenthood by taking significant responsibility for the child’s care, education, and development, including contributing towards the child’s support without an expectation of financial compensation; and 4) that the party has been in a parental role for a length of time sufficient to have established a bonded, dependent relationship with the child.

(2007). This bill conflicts with this standard, could run afoul of a parent's constitutional rights to raise his/her/their child, and would introduce opportunities for confusion.

cc. Hon. Tiffany Alston  
Judicial Council  
Legislative Committee  
Kelley O'Connor