

BILL NO: House Bill 1165
TITLE: Family Law – Child Custody and Visitation – Visitation Reevaluations and Remedies
COMMITTEE: Judiciary
HEARING DATE: February 20, 2025
POSITION: **OPPOSE**

House Bill 1165 would allow litigants in family law child access cases to run to court every time the other party does not comply exactly with a court ordered child access schedule. The Women's Law Center of Maryland opposes HB 1165 as it is seeking to address an issue that is already addressed in our laws and would muddy the waters for litigants while surely overwhelming the courts.

HB 1165 largely overlaps with an existing statute - Md. Code Ann., Fam. Law § 9-105, "Unjustifiable denial or interference with visitation granted by order." The statute permits a court to take certain actions against a parent upon a finding that the parent has "unjustifiably denied or interfered with visitation granted by a custody or visitation order," including (1) rescheduling the visitation; (2) modifying the order "to ensure future compliance with the order"; or (3) award fees and costs against the offending party. As structured, HB 1165 would create a new statute, FL § 9-109, while leaving FL § 9-105 in place. We are concerned that having two competing statutes with different approaches will completely confuse everyone.

The existing statute also allows the court to craft relief for what each case requires as family law practitioners will assert that nothing about child access cases is one size fits all. As drafted, HB 1165 would empower someone to file for an expedited hearing if the other party is 10 minutes late for the child exchange. If at any time a party does not comply exactly with any court ordered provision, and the other party can run to court and petition for an expedited hearing, the courts will be clogged beyond their ability to manage. The Women's Law Center has a handful of repeat clients who need our services approximately every year because their abusers – most of whom have vastly more economic resources and power than our clients – regularly attempt to bring them to court for no justifiable reason. This is not only another form of financial abuse and control; it also wastes court resources, WLC resources, and Maryland state tax dollars as we continue to accommodate those with the financial means to abuse the system. As stated, if this bill passes, family law courts will be immobilized by the constant filings and mandated expedited hearings.

There are other provisions of the bill that are incomprehensible. The bill adds in provisions for modification of the court order, when there is clear law in Maryland that in order to modify custody, the litigant must show a material change of circumstances. The last lines of the bill (pg 3, line 1 (C)) referencing contempt, also state the obvious – contempt is the normal and existing avenue to address noncompliance with a court order. Lastly punitive nature of the possible relief, especially performing community service, is inappropriate in a child access case.

Expedited hearings should be for emergency or safety situations. For these and other reasons, the Women's Law Center of Maryland urges an unfavorable report on HB 1165.

The Women's Law Center of Maryland is a private, non-profit, legal services 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, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.