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Legislative District 10
Baltimore County
—
Judiciary Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of House Bill 1165 – Child Custody – Reevaluations and Remedies

February 20, 2025

Chair Clippinger, Vice-Chair Bartlett and Members of the Judiciary Committee,

For the record, N. Scott Phillips, representing the 10th Legislative District. I am here today requesting a favorable report for House Bill 1165

I come before you today to testify in support of HB 1165, a bill designed to ensure that non-custodial parents can exercise their court-ordered custody and visitation rights in a timely and enforceable manner.

At the heart of every custody and visitation case is the Best Interest of the Child—a standard that no one here disputes. This bill is not intended to disrupt breastfeeding, create unnecessary stress for a child, or otherwise undermine that standard. Instead, it seeks to address a critical procedural failure in the current judicial process that too often results in unnecessary and prolonged separation between a child and a fit, loving parent.

The Problem: Delays in Access to Children

You will hear today from witnesses in favor of this legislation who have struggled to secure relief through the existing judicial process. The reality is that when a custodial parent fails to comply with court-ordered visitation or joint custody arrangements, the non-custodial parent must seek enforcement through the courts. This process is:

- Onerous and time-consuming, often taking 45 to 90 days or longer before a petition is addressed.
- Expensive, requiring legal fees that many parents cannot afford.
- Harmful to children, as long gaps in parental access can disrupt parent-child bonds, cause emotional distress, and negatively impact a child's well-being.

A system that allows these delays to persist does not meet the Best Interest of the Child standard because it prioritizes bureaucratic process over a child's right to maintain meaningful relationships with both parents.

The Impact on Families

Too often, in our communities, a child's access to both parents is interrupted by the relationship between the parents, rather than by legitimate concerns about the child's welfare. Even when courts have clearly ordered visitation or joint custody, enforcement mechanisms are inadequate, allowing one parent to unilaterally deny access while the other waits for relief.

This disproportionately affects non-custodial parents, particularly fathers, and contributes to long-term negative consequences for children, including:

- Emotional distress and feelings of abandonment.
- Strained relationships with the absent parent.
- Academic and behavioral challenges stemming from instability in parental involvement.

The current system forces these parents to rely solely on the courts for relief, yet the courts' procedural inefficiencies exacerbate the problem.

HB 1165: A Balanced Approach

The goal of HB 1165 is not to overwhelm the court system with frivolous cases or create additional stress for custodial parents. Rather, it seeks to address an unintentional failure within the judicial process that has real, harmful consequences for children and families.

Some may argue that personal testimony on this issue is anecdotal. However, as a practicing attorney, I have heard far too many similar accounts from clients who have been frustrated by the existing system's failure to enforce their legally granted rights. This is not a series of isolated incidents—it is a systemic issue that requires a policy solution.

Open to Refinements, But Firm on the Principle

I welcome discussions on refining the language of HB 1165 to address concerns or perceived shortcomings, but the fundamental policy issue remains clear:

If a parent is adhering to their court-ordered visitation or joint custody responsibilities, they should not be denied access to their child due to the custodial parent's failure to comply.

If the system is delaying access due to procedural inefficiencies, it is failing to meet the Best Interest of the Child standard.

Conclusion

I urge this committee to provide a favorable report on HB 1165 as a necessary step toward ensuring that Maryland's legal system does not unintentionally harm children by allowing unjustified, prolonged separation from a parent who has been deemed fit by the court. Timely enforcement of custody and visitation rights is not just a parental concern—it is a child's right.

Thank you for your time and consideration. I am happy to answer any questions. your time and consideration.