



BILL NO: Senate Bill 481
TITLE: Family Law - Denial or Interference with Visitation Rights
COMMITTEE: Judicial Proceedings
HEARING DATE: February 18, 2026
POSITION: UNFAVORABLE

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that works to lead diverse community partners toward the common purpose of reducing the occurrence and impact of intimate partner violence. **MNADV urges the Committee to issue an unfavorable report on Senate Bill 481.**

While Senate Bill 481 is framed as a way to ensure both parents have access to their children, its mandatory nature creates specific risks for survivors of abuse. By changing the court's discretionary power from a "may" to a "shall" this makeup time bill plays lip service to our long established "best interests of the child" focus, and *requires* double the amount of missed time, at a time the "wronged" party can select. Family law cases cannot be addressed in a cookie-cutter manner. This is particularly true when domestic violence is or has been present.

Senate Bill 481 requires that if a court finds a parent has "unjustifiably" denied visitation, the court must order makeup visitation that is double the duration of the time missed. However, survivors often withhold visitation due to safety concerns that may not be able to be "proven" to the court's satisfaction (e.g., a child reporting a scary incident that hasn't been investigated, and the court cannot allow hearsay evidence from the parent who withheld the child). Under HB 481, a mother or father trying to protect their child could be legally forced to hand that child over to the abuser for twice as long as a punishment for the delay.

Even more problematic is the bill specifies that the makeup visitation must occur at a time that the "denied" party chooses. The parent who missed their parenting time gets to dictate exactly when that make up time would occur. This is ripe for misuse and abuse. The bill grants an abuser a high degree of control over the survivor's schedule. In domestic violence situations, "coercive control" is a primary tactic. Allowing an abuser to unilaterally pick makeup dates can be used as a tool to harass the survivor, disrupt their employment, or interfere with their own time with the child. Hypothetically, if the party who withheld the child has an important event

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involving the child coming up - the “wronged” party can purposefully interfere with that time, demanding that very date to have the child, all as part of a power and control dynamic. The party who withheld the child may have a funeral of a close family member, a trip planned or any number of other things. This flies in the face of best interests of the child analysis.

Currently, Maryland judges can look at each case on a fact-based basis to decide if a parent had a good reason for interfering with visitation. HB 481 shifts the focus to a rigid formula. Even if a judge feels that doubling the visitation isn't in the child's best interest due to specific facts about that child, or a history of trauma or high-conflict behavior, the "shall" language in the bill limits their ability to choose a more nuanced or safer remedy.

The bill also makes it easier for the court to assess legal fees and costs against the parent who denied child access. Many survivors are already in a state of "coerced debt" or financial instability after leaving an abuser. The threat of mandatory attorney fees for a single missed weekend can be used as a "litigation abuse" tactic to drain the survivor's resources and force them into compliance with unsafe situations.

For these reasons, **MNADV urges an unfavorable report on Senate Bill 481.**