
To: Members of The Senate Judicial Proceedings Committee

From: Family Law Section Council (FLSC)

Date: February 16, 2026

Subject: Senate Bill 481:
Denial or Interference with Visitation Rights

Position: **UNFAVORABLE**

The Maryland State Bar Association (MSBA) FLSC **opposes Senate Bill 481.**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,100 attorney members.

The FLSC acknowledges and appreciates the extent to which this body is seeking to ensure that Court Orders concerning custody and visitation are followed, however, Senate Bill 481 runs afoul of various existing guardrails for the enforcement of Court Orders, and the legal standards regarding custody determination. The existing law under Family Law §9-105 already provides for Judicial remedies for matters in which the Judge has found that one party has unjustifiably denied or interfered with visitation granted by a custody order. The current statute references the applicable standard: “in a manner consistent with the best interest of the child.” The statute permits a court to take certain actions against the offending party 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. More importantly, the existing statute leaves more discretion in the hands of the judiciary to craft appropriate sanctions and remedies for violations of a custody schedule. Child custody is not an area of the law that lends itself to simple, one-size-fits-all solutions that HB 481 would impose on Maryland courts.

Custody matters are highly fact specific and involve peculiarities of different family schedules and dynamics effecting young children which require that the Court carefully weigh the evidence presented, apply the applicable standards to determine the remedy that is in the best interests of the child or children in that family. In contrast, Senate Bill 481 REQUIRES each Judge in each case in which unjustifiable denial or interference with visitation is found, to order additional visitation in “Double the Duration”. Furthermore, the Judge must order the additional visitation (presumably to the aggrieved party) “of the same type” and “at a time that the other party chooses” and “within 2 years”. All of these “one-size-fits-all required results are completely contrary to decades of Maryland law which requires Judges to make considered determinations that are in the best interests of the child or children in the matter before them. In *Alexander v. Alexander*, 252 Md. App. 1 (2021), the Maryland Court of Special Appeals upheld a Judge’s ruling that included commentary that explained why no “make-up time” was granted to the Father who was denied his court ordered parenting time because “it’s not about making you whole. It is about [S.’s] daily life.” *Id. at 15*. In the cases litigated under §9-105, it is not a foregone conclusion that the harm of missing parenting time can or will be erased by double make-up time in every case. In fact, there are situations in which it is not possible to “make-up” the lost time – such as the child missing a special event or holiday with the parent. Furthermore, there are situations in which the requirement that the Judge order double the make-up time on dates chosen by the aggrieved party may end up being contrary to the child’s best interest.

For the reasons stated above, the FLSC respectfully urges the House Judiciary Committee to issue an unfavorable report on Senate Bill 481.

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com.