

03_SB 426 Testimony - Sydnor - JPR.pdf

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Position: FAV

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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee
Executive Nominations Committee
Legislative Policy Committee

Joint Committees

Administrative, Executive, and
Legislative Review
Children, Youth, and Families
Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 426
Public Information Act – Divorce Records
Before the Judicial Proceedings Committee
February 10, 2026**

Good afternoon Chair Smith and members of the committee.

Right now, anyone can walk into a courthouse and access someone else's divorce records. Financial disclosures and sensitive information have been disclosed. A stalker can learn their victim's phone number, email address, home address, and other identifying information. The only exception is that social security numbers must be redacted, but with the sheer number of documents filed for every case, plenty of SSNs slip through the cracks and end up in the public record.

This lack of privacy protections poses a significant financial, emotional, and personal risk to the public. Divorces create uniquely comprehensive records of at least two people's lives: their finances, their routines, their relationships with their families and friends. The public expectation of transparency should not extend to all the vulnerable details available under the current law.

When Delegate Simpson approached me to cross-file this legislation, she told a shocking story of a constituent who fell victim to this legal vulnerability. With one Public Information Act request granted, her privacy was gone. An upset individual received documents of this constituent's divorce – with nothing redacted. This individual then uploaded sensitive information, including social security numbers of the family, the phone number of the constituent, and several other identifiers that led to this constituent being subjected to harassment and death threats by her ex-partner and members of the public.

As a remedy, Senate Bill 426 ("SB 426") does three things:

- The bill requires strict confidentiality of all divorce records. Divorce applications, financial records related to a divorce application, divorce settlement records, and custody orders will be kept private.¹

¹ See proposed § 4-305.1(b).

- It excludes final divorce decrees from that privacy.²
- It restricts access to sensitive information to the parties to the divorce, the lawyers representing the parties to the divorce, and anyone authorized by a court order.³

These common-sense practices will protect the privacy and safety of divorcees and their children during a legally and emotionally vulnerable time. It will help prevent identity theft and shield sensitive business and personal financial details. It will protect the locations of victims of domestic violence.

For these reasons, I ask for a favorable report on SB 426.

² See proposed § 4-305.1(a).

³ See proposed § 4-305.1(c).

2026 02 06 SB 426_FLSC_UNFAV.pdf

Uploaded by: Brendan Madden

Position: UNF

To: Members of The Senate Judicial Proceedings Committee

From: Family Law Section Council (FLSC)

Date: February 6, 2026

Subject: Senate Bill 426:
Public Information Act – Divorce Records

Position: **UNFAVORABLE**

The Maryland State Bar Association (MSBA) FLSC **opposes Senate Bill 426.**

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 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 Family Law Section Council is aware that this legislation is being proposed in responses to an instance in which a non-party individual was provided documents from the court clerk for a divorce case which contained personal identifying and financial information, which the individual then “posted”, leading to harassment of the party to the divorce case. While this is an unfortunate circumstance, the Family Law Section Council does not believe this wide-sweeping legislation is necessary or appropriate. It is very likely that this particular bad outcome was an isolated circumstance which could have been avoided by adherence to the Rules and laws that are already in place.

The Maryland Rules already include strict requirements for the identification of this type of “Restricted Information” in the pleadings and other documents submitted with the Courts in divorce and custody cases. Md. Rule 20-201.1 If such restricted information, including, but not limited to, personal financial information, social security numbers, or ages of children are included in submissions, they submission must be clearly marked as Restricted and will not be subject to public inspection. If the submission is filed without adhering to this Rule, the Clerk should reject



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it and require the deficiency to be corrected before the submission will be accepted. Md. Rule 20-203. Moreover, there is already a process in place for individuals to request that their entire case file or individual submissions be sealed to protect their privacy rights. In that process, the individual must prove a legal basis justifying the sealing. This justification is required because the Court must balance the individual's desire for privacy against the public's right to obtain information from the court system. See also Md. Rule 16-934.

There are many good reasons to permit the public and press to obtain court records of divorce and custody matters. It is a hallmark of our democratic society that such records will be open to inspection through the Public Information Act process. The process is essential for fostering a transparent and accountable government and court system. In addition, the process allows for individuals to obtain information which will inform their own decisions in personal matters, some of which invoke safety concerns. Family Law attorneys often obtain documents in their cases related to divorce and custody matters of third parties in order to shed light on the facts and circumstances related to a variety of issues, including, but not limited to: new partners, family members, or household members of the parties in their cases.

For the reason(s) stated above, the MSBA FLSC **opposes Senate Bill 426 and urges an UNFAVORABLE committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com, or Brendan Madden at 301-383-1525 or bmadden@rghlawyers.com.

MDDC Unfavorable SB426.pdf

Uploaded by: Rebecca Snyder

Position: UNF



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To: Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: February 6, 2026

Re: MDDC UNFAVORABLE SB 426

The Maryland-Delaware-DC Press Association (MDDC) represents a diverse membership of news media organizations. Our membership includes large metro dailies such as *The Washington Post* and *The Baltimore Sun*, hometown newspapers such as *The Star Democrat* and *Dorchester Star*, specialty publications such as *The Daily Record* and *Baltimore Jewish Times*, and leading online news organizations such as *Baltimore Banner*, *Maryland Matters*, and *Baltimore Brew*. Our membership spans both for-profit and nonprofit models and reflects the full ecosystem of local journalism that Marylanders depend on every day. Our members rely on public records to inform Marylanders about how government power is exercised.

The Press Association opposes SB 426, which would restrict access to divorce applications, financial records, records of divorce settlements and custody orders to a person in interest or their attorney.

We believe it is important to maintain public access to divorce filings and related court records under the Maryland Public Information Act. This is not an argument against privacy. It is an argument for preserving the long-standing principle that courts operate in public, with narrowly tailored protections where harm is demonstrable and justified.

Judicial transparency and public confidence

Maryland courts have long recognized that justice must be open to public scrutiny. Divorce proceedings, like all civil cases, involve the exercise of state authority. Judges issue binding orders affecting property, finances, parental rights, and personal liberty. Public access to filings and rulings allows Marylanders to see how the law is applied, promotes consistency across cases, and reinforces confidence that outcomes are not arbitrary, biased, or improper.

A categorical exemption for divorce records would remove a significant portion of judicial decision-making from public oversight.

Accountability in decisions affecting children

Family court decisions often determine custody, visitation, and child support—areas where the state acts directly in the lives of children. Public access helps ensure that custody determinations follow statutory “best interest of the child” standards and that judges, evaluators, and court-appointed professionals act appropriately and consistently.



We believe a strong news media is central to a strong and open society.

Without transparency, systemic issues—including inequities, bias, or failures to protect children—are far more difficult to identify and address.

Protection against abuse of the legal system

Open records help deter and expose misuse of divorce proceedings, including false allegations, concealment of assets, or repeated litigation used to harass a former spouse. Transparency makes it harder to weaponize the court system without accountability and provides a check against patterns of abuse that can otherwise remain hidden.

Equal treatment and fairness

Public access supports the principle that similarly situated litigants should be treated similarly. Attorneys, researchers, journalists, and self-represented parties rely on court records to understand how statutes are applied in real cases and to identify disparities based on wealth, gender, or access to representation.

If divorce records are effectively sealed by default, meaningful comparison—and meaningful evaluation of fairness—becomes impossible.

Existing protections already balance privacy

Maryland law already provides targeted safeguards that address legitimate privacy and safety concerns. Courts may seal records in cases involving domestic violence or credible threats of harm. Sensitive personal identifiers are routinely redacted. Judges retain discretion to limit access when specific harms outweigh the public interest. These tools allow for case-by-case protection without eliminating transparency altogether.

Consistency with broader civil court practice

Divorce is a civil proceeding. Exempting these records would be inconsistent with how Maryland treats other civil matters that also involve deeply personal information, including bankruptcy, probate disputes, and civil litigation alleging harm or misconduct. Creating a broad exemption risks setting a precedent that could further erode the open-courts doctrine.

Importance to journalists and public oversight

Historically, access to divorce records has enabled reporting on conflicts of interest involving public officials, financial disclosures relevant to ethics and corruption investigations, and broader patterns in family court practices. Without access, the public loses an important window into how power operates behind closed doors. Maintaining public access does not mean encouraging voyeurism. The legal standard has never been whether records are comfortable to read, but whether access serves a legitimate public purpose. Courts have consistently recognized that discomfort alone is not sufficient justification for secrecy.

Divorce proceedings involve the allocation of rights and responsibilities, the exercise of government authority, and decisions with lasting legal consequences. For that reason, transparency—not secrecy—must remain the default.

Privacy concerns can and should be addressed through narrow, tailored protections, which currently exist. This bill could undermine public confidence in the courts and weaken Maryland's long-standing commitment to open government.

We urge the committee to preserve public access to these records under existing law with an unfavorable report.

sb426.pdf

Uploaded by: Will Vormelker

Position: INFO

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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 426
Public Information Act – Divorce Records
DATE: January 28, 2026
(2/10)
INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

The Judiciary, however, has concerns with the placement of the language covering case records in the General Provisions Article. Currently, there are comprehensive court access rules which govern access to case records. While there are some sections of the Annotated Code that address case record confidentiality, they are typically within the Code section related to the record type. For example, Child in Need of Assistance records are deemed confidential in the Courts and Judicial Proceedings Article, and parts of adoption records are deemed confidential in the Family Law article. Using the Public Information Act in the General Provisions Article to address case records in this fashion would raise a troubling precedent and may conflict with other provisions. If the intent is to make divorce records confidential, this would be better accomplished by Rule or in Title 7 the Family Law Article.

cc. Hon. Charles Sydnor, III
Judicial Council

Legislative Committee
Kelley O'Connor