

SB0481_Brian_Fitzgerald_Senate_Testimony.pdf

Uploaded by: Brian Fitzgerald

Position: FAV

SB0481

Position: FAV

Brian Fitzgerald

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Written Testimony in Support of Time Taken, Time Back

Good afternoon, Chair, Vice Chair, and members of the committee. Thank you for your service and for the opportunity to speak today.

My name is Brian Fitzgerald. I am a father, and like everyone here, I am also someone's child.

There is one truth that crosses every party and every belief: **every child understands love as time.**

Not legal language. Not explanations. Just time.

When a court issues a visitation order, adults see a schedule. But to a child, it feels like a promise:

"You matter, and your time with both parents is protected."

The problem this bill solves is simple. When that court-ordered time is taken from a child, and nothing restores it, the system teaches that child that promises made to them can disappear.

While adults wait for hearings and motions, children don't understand procedure. They ask themselves:

"Did I do something wrong?"

"Am I the reason they're gone?"

Time Taken, Time Back is built on a simple, child-focused principle: when time is taken from a child, that time belongs to the child, and it should be restored.

This bill makes court orders meaningful, provides a practical remedy for judges, and

protects children from the emotional cost of lost time.

I respectfully urge your favorable consideration of Time Taken, Time Back — for every child in Maryland whose time deserves protection.

Thank you.

Reillo, Christina_Legislative Reform Plea_TTTB_MD

Uploaded by: Christina Reillo

Position: FAV

My name is Christina Reillo. I am a Maryland resident and single mother of 4 children, with joint legal and physical custody.

I am coming to you today humbly asking for your support, as a voice for the socioeconomically disadvantaged, myself included, seeking much needed and long overdue legislative reform.

When my ex-husband violated our court order for over a year, withholding my children during my rightful scheduled parenting time and excluding me from important decisions involving my children's healthcare and education, I had no effective means for enforcing the court's order.

To protect my parental rights, I was forced to take out a home equity loan, and spend nearly two years in family court. Most families do not have this option.

The proposed MD Senate Bill 481- Family Law- Denial or Interference with Visitation Rights, presents a solution which would reduce incentives for parents to violate court orders and increase accountability by mandating equivalent consequences while simultaneously restoring essential quality time for children with fit, willing and able parents.

Thank you for your time and consideration in support of this bill.

Respectfully,

Christina Reillo

SB 481 Written Testimony - JPR.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



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Senate Bill 481 – Family Law - Denial or Interference with Visitation Rights

February 18, 2026

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

Senate Bill 481 strengthens Maryland’s custody and visitation laws by ensuring meaningful remedies when a court finds that visitation has been unjustifiably denied or interfered with. Current law merely authorizes courts to reschedule missed visitation, which can result in inconsistent outcomes and insufficient relief for the aggrieved parent and child. By requiring courts to order compensatory visitation—of the same type and double the duration, while remaining subject to the best interests of the child—this bill promotes accountability and reinforces the integrity of court-ordered visitation arrangements.

Importantly, SB 481 does not diminish judicial discretion or the paramount consideration of a child’s best interests. Instead, it establishes a clear, predictable baseline remedy while preserving the court’s authority to impose additional conditions, modify custody or visitation orders, or assess costs and counsel fees when appropriate. This balanced approach deters willful noncompliance, reduces repeated litigation over denied visitation, and provides children with greater stability and continuity in their relationships with both parents. For these reasons, Senate Bill 481 represents a fair and necessary improvement to Maryland family law and deserves a favorable report.

I thank you for your time and I urge a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike McKay'.

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

Testimony in support of SB0481 - Family Law - Deni

Uploaded by: Richard KAP Kaplowitz

Position: FAV

02/18/2025

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0481- POSITION: FAVORABLE

Family Law - Denial or Interference With Visitation Rights

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0481, Family Law - Denial or Interference With Visitation Rights

This bill is personal for me as it affects a good friend who identifies as a member of the LGBTQ community. She is constantly battling her ex-husband who uses their minor son as a weapon against her through denial of his visitation rights. He will punish the child by keeping him from spending time with his mother and punish her by changing, without court sanction, terms of her visitation with that child.

This intolerable situation can be corrected by passing this bill which will require, rather than authorizing, a court to order visitation to be rescheduled, in a manner consistent with the best interests of the child, when the court finds that a party to a custody or visitation order has unjustifiably denied or interfered with visitation granted by the custody or visitation order.

Maryland should protect non-custodial parents being denied rights by former partners for reasons of revenge against the ex-partner or homophobic perceptions of the denied parent.

I respectfully urge this committee to return a favorable report on SB#/0481.

SB0481_Maryland_Written_Testimony_Robert_Garza.pdf

Uploaded by: ROBERT GARZA

Position: FAV

Written Testimony in Support of SB0481

Family Law – Denial or Interference With Visitation Rights
Sponsor: Senator McKay
Submitted by: Robert Garza

Chair, Vice Chair, and Members of the Committee,

Interference with child custody has been and always will be illegal. Violating a court order has been and always will be illegal. Accountability is coming, and change is here to stay.

Despite laws already recognizing denial or interference with visitation as unlawful, enforcement remains inconsistent and ineffective. Across the country, law enforcement officers regularly respond to custody and visitation disputes but often lack clear statutory tools to take immediate action. Without structured consequences and a documented record of repeat violations, prosecutors are hesitant to pursue charges. As a result, court orders are ignored and children suffer.

SB0481 addresses this enforcement gap.

This legislation establishes a clear, escalating accountability structure for repeated denial or interference with visitation rights. By creating measurable consequences for repeat violations, the bill provides law enforcement with authority to act and gives prosecutors a documented record when interference becomes habitual.

Equally important, this bill reinforces the integrity of court orders. When visitation schedules are ignored without consequence, it sends a dangerous message that court rulings are optional. That undermines both public confidence in the judiciary and, more importantly, the stability children depend on.

This legislation does not criminalize routine parenting disagreements. It targets repeated, willful violations that deprive children of meaningful time with a parent and erode their emotional security.

Children deserve consistency. They deserve stability. They deserve to know that when a court says they have a right to time with both parents, that right will be protected.

SB0481 strengthens enforcement, restores accountability, and protects the best interests of children by ensuring court-ordered visitation is respected.

I respectfully urge a favorable report on SB0481.

Thank you for your consideration.

Robert Garza

SB481.pdf

Uploaded by: Yaakov aichenbaum

Position: FWA



SB481/ HB481
Family Law - Denial or Interference With
Visitation Rights
FAVORABLE WITH AMENDMENTS

To the Honorable Senators of the JPR and House Judiciary Committees:

SB481/HB481 is a simple and straightforward path to ensure that children enjoy visitation with their parents that have already been ordered by the court. It fosters cooperation with court ordered visitation, discourages false allegations, and provides a mechanism for lost visitation to be compensated for. It is for good reason that this bill has been passed in other states and is being considered in many other states.

Some reservations have been expressed that this law could interfere with the best interest of the child standard. However, we do not see this as an issue. The bill specifically addresses this by stating that:

In any custody or visitation proceeding, if the court determines that a party to a custody or visitation order has unjustifiably denied or interfered with visitation granted by a custody or visitation order, the court, **IN A MANNER CONSISTENT WITH THE BEST INTERESTS OF THE CHILD:**

If visitation was withheld due to the genuine best interest of the child, the bill's provisions would not be applicable.

There are two amendments that we feel would strengthen this bill. First, the time back is required to be paid back within two years. Two years is a very long time. Such a long period diminishes the deterrent effect of the bill and it also potentially makes the child wait a long time to get back the visitation. While we understand that it could take two years to pay back a certain holiday, this timeframe could also be manipulated to push off the time back for ordinary days. We would like to see a much shorter time period stipulated for the payback of general visitation, with an allowance of up to two years for holidays.

Second, MD family courts have one of the longest wait periods for a hearing in the country. Once a motion is made to act upon this law, it could take a long time until the court rules upon the visitation payback. This again diminishes the deterrent effect. The bill would be much more powerful if it required the courts to quickly rule on the issue within a short period of time after the motion is filed.

We do support this bill as is, but we also encourage that our amendments be taken into consideration to further strengthen it and to expedite the process. We urge a favorable vote on this bill and request that our amendments also be added to the bill.

Yours,

Yaakov Aichenbaum

Professional Alliance for Child Centered Safety (PACCS), Founding Member of the Board of Directors

<https://www.paccs.global/about-paccs>

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Baltimore, MD 21215

SB 481 - MNADV - UNF.pdf

Uploaded by: Laure Ruth

Position: UNF



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.**

2026 02 16, SB 481_FLSC_UNFAV.pdf

Uploaded by: Michelle Smith

Position: UNF

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.

sb481.pdf

Uploaded by: Will Vormelker

Position: UNF

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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 481
Family Law – Denial or Interference with Visitation Rights
DATE: January 28, 2026
(2/18)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 481.

This bill's use of the word "shall" would limit a court's ability to tailor a remedy based on a family's or a child's unique facts and circumstances. For example, a parenting time (physical custody) schedule may be based in part on a child's access to school, extracurricular activities, treatment providers, and friends or loved ones. This bill would mandate make-up time that could interfere with that access.

Most importantly, this bill would effectively establish a mandatory minimum amount of make-up time and prioritize the interests of a parent over those of their child. Under current law, courts may (and do) award make-up time when one party interferes with another's parenting time (physical custody) in a way that serves the best interests of a child which should always be the primary consideration in these matters.

cc. Hon. Mike McKay
Judicial Council
Legislative Committee
Kelley O'Connor