

**SB0744\_Brian\_Fitzgerald\_Senate\_Testimony.pdf**

Uploaded by: Brian Fitzgerald

Position: FAV

## **SB0744**

**Position: FAV**

**Brian Fitzgerald**

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### **Written Testimony in Support of SB 0744 (Three Strikes Custody Interference)**

Good afternoon, Chair, Vice Chair, and members of the Committee. Thank you for your time and consideration.

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

SB 0744 addresses a narrow and defined issue: repeated, knowing, and willful interference with a valid custody order issued by a Maryland court with proper jurisdiction.

This legislation does not apply to emergency protective actions. It does not override judicial discretion. It does not criminalize isolated mistakes or scheduling misunderstandings.

It applies only after a court has exercised jurisdiction, evaluated the circumstances, and issued a lawful custody determination.

The bill establishes a graduated enforcement framework.

A documented written warning for a first violation.

Modest civil fines for subsequent violations.

And only after multiple, willful violations does the conduct rise to misdemeanor consequences.

That progression is intentional. It ensures proportionality and preserves due process.

The purpose is not punishment. The purpose is consistency.

When repeated violations occur without structured enforcement, the authority of the court is diminished and instability for the child increases.

This legislation creates documentation so repeat violations are recognized as repeat violations. It provides clarity so expectations are predictable. It reinforces that custody determinations issued by Maryland courts must carry meaningful weight.

SB 0744 is limited in scope, proportional in response, and focused solely on repeated, intentional noncompliance.

I respectfully request your favorable consideration to ensure that custody orders remain enforceable, consistent, and protective of children.

Thank you.

# **Reillo, Christina\_Support of SB 0744\_Interference**

Uploaded by: Christina Reillo

Position: FAV

## Written Testimony in Support of SB 0744

Criminal Law- Interference of Custody Orders- Penalties

Sponsor: Senator Michael McKay

Submitted by: Christina Reillo

Chair, Vice Chair and Members of the Committee,

My name is Christina Reillo. I am a Baltimore County resident and state of Maryland employee with joint legal and physical custody of my four children.

I come before you today humbly requesting your support as a voice for the socioeconomically disadvantaged, myself included, who are seeking much-needed and long-overdue legislative reform.

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

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. While still maintain joint legal and physical custody of my four children, I am now working three jobs out of financial necessity to cover the legal fees I incurred because there was no other means to hold my ex-husband accountable and compel compliance with the court's orders as outlined in our parenting plan.

I believe most anyone would agree that the process as it currently exists, falls short of the definition of "justice"- defined as the moral principle of ensuring fair, impartial and proper treatment of individuals, typically administered through a legal system that upholds rights and assigns deserved consequences.

In co-parenting dynamics where there is a significant power imbalance, the socioeconomically disadvantaged party is truly left without recourse. In situations such as these, those of us who lack the financial means, resources and/or education are unjustly placed at a significant disadvantage to defend and protect our established court determined parental rights.

HB 942 would close enforcement gaps, discourage parental alienation and ensure access to justice so children can maintain relationships with fit parents.

I respectfully ask for your support of HB 942, and hope that my testimony has raised awareness to the disparity experienced by fit, willing and able parents who simply lack the financial means to hold their coparents accountable for violating the court's orders. Thank you for your time today.

# **SB 744 - 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 744 – Criminal Law - Interference of Custody Orders - Penalties

March 3, 2026

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

I am writing to express strong support for Senate Bill 744, *Criminal Law – Interference of Custody Orders – Penalties*. This legislation addresses a critical gap in Maryland law by establishing clear consequences for individuals who knowingly and willfully interfere with court-ordered custody arrangements. By prohibiting actions such as enticing or withholding a minor from their lawful custodian, court-appointed guardian, or a person standing in loco parentis, SB 744 reinforces the authority of custody orders and prioritizes the stability and safety of children. The bill’s graduated penalty structure—beginning with a written warning and escalating to civil fines and misdemeanor charges for repeat offenses—strikes an appropriate balance between deterrence and fairness.

This measure is essential to protecting families and upholding the integrity of judicial decisions. Interference with custody orders can cause significant emotional harm to children and undermine the rule of law. SB 744 provides law enforcement with a clear framework for addressing violations while ensuring due process for those involved. By enacting this legislation, Maryland will strengthen its commitment to safeguarding children and supporting custodial arrangements that serve their best interests

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

Sincerely,

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

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

**Robert\_Garza\_SB744\_Testimony\_2min.pdf**

Uploaded by: ROBERT GARZA

Position: FAV

My name is Robert Garza. I am here today with lived experience. I have personally faced interference with child custody multiple times. At one point, I saved up 15 to 20 violations before filing because I could not afford \$3,000 to \$5,000 for an attorney retainer every time I lost a weekend with my children.

When I finally filed the first enforcement, the court found my ex in violation and awarded attorney's fees and make-up time. But the second time, it took six months just to get into court and another six months for a ruling. Attorney's fees were not awarded, and even the missed days were calculated incorrectly.

This bill fixes a real-world problem. It gives parents a practical way to enforce existing court orders without spending thousands of dollars every time the order is ignored. It also creates accountability through a clearer enforcement path.

Protective domestic violence groups should support this bill because it allows multiple opportunities for a protective parent to seek a protective order that overrides custody when safety is an issue. At the same time, it protects children from repeated interference when there is no safety concern.

Most parents have already spent tens of thousands, sometimes hundreds of thousands, to obtain a custody order. That order should mean something.

When court orders are not enforced, conflict increases and children suffer.

Accountability protects children.

Consistency protects children.

Clarity protects children.

Strong families require enforceable orders. I respectfully urge a favorable report on SB744.

# **SB 0744 Criminal Law - Interference of Custody Ord**

Uploaded by: Catherine OMalley

Position: UNF

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BILL NO:	Senate Bill 0744
TITLE:	Criminal Procedure – Interference of Custody Orders - Penalties
COMMITTEE:	Judicial Proceedings
HEARING DATE:	March 03, 2026
POSITION:	<b>OPPOSE</b>

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The Women's Law Center of Maryland is a nonprofit legal organization dedicated to protecting the physical safety, economic security, and civil rights of women and their families across Maryland. Through direct legal services, policy advocacy, and education, we work to remove systemic barriers that prevent survivors and vulnerable families from accessing justice and stability.

The Women's Law Center of Maryland respectfully opposes SB744.

SB744 would create criminal penalties for custodial interference, effectively criminalizing complex family disputes that are more appropriately addressed in family court. Custody matters are rarely straightforward. They often involve nuanced family dynamics, safety concerns, and evolving circumstances that require careful judicial evaluation—not law enforcement intervention.

This bill sets a troubling precedent by expanding criminal liability into private family matters that are better resolved through court-ordered mediation and judicial oversight. Family court judges are uniquely positioned to assess the best interests of the child, evaluate credibility, and consider the full context of each family's situation. Introducing criminal penalties risks escalating conflict and may ultimately harm children rather than protect them.

There are many legitimate reasons why a parent may not comply with a custody order in a particular instance. Safety concerns may arise unexpectedly. A parent may reasonably believe a child is at risk of abuse or neglect. Medical emergencies, weather-related issues, or other unforeseen circumstances may prevent compliance. SB744 does not adequately account for these realities.

Additionally, allegations of custodial interference can be misused. In high-conflict custody disputes, one parent may falsely accuse the other for vindictive or strategic purposes. Criminalizing these disputes risks weaponizing the legal system and placing survivors—particularly those fleeing abuse—at further risk.

For these reasons, the Women's Law Center of Maryland respectfully urges the Committee to issue an unfavorable report on SB744.

**SB 744 - MNADV - UNF.pdf**

Uploaded by: Laure Ruth

Position: UNF



**BILL NO:** Senate Bill 744  
**TITLE:** Criminal Law - Interference of Custody Orders - Penalties  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** March 3, 2026  
**POSITION:** UNFAVORABLE

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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 an unfavorable report on SB 744.**

While Senate Bill 744 purports to prevent "parental kidnapping," the real but perhaps unintended negative consequence is that it would potentially criminalize survivors who are fleeing for their safety and often their lives. This bill, like another bill brought by the same advocates, is a bill that punishes a person, usually the other parent of a child, rather than focusing on the child and addressing the issue through already existing civil means. Increasing the conflict between parents, in this case in the criminal arena, is not child focused. Research and child welfare data suggest that criminalizing custody interference—while intended to prevent "parental kidnapping"—can create a secondary set of serious risks for children. The issues generally fall into two categories: the trauma of the legal process itself and the long-term developmental impact of parental incarceration.<sup>1</sup>

Senate Bill 744 would prohibit a person from "knowingly and willfully interfering with a custody order" by withholding a minor from a lawful custodian. However, survivors often flee across state lines or to undisclosed locations to escape an abuser. Under this bill, if a survivor leaves with their child to find safety before a court can modify a custody order, they could face criminal penalties for "interfering" with the abuser's custody rights. In addition, there are no "Safe Harbor", or explicit protective order carve outs. Thus, if a survivor flees an abuser who

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<sup>1</sup> <https://emergingminds.com.au/resources/the-impact-of-parental-incarceration-on-child-behaviour-and-development/#:~:text=For%20children%2C%20parental%20incarceration%20is,%5BLCLSIC%5D%2C%202022>). Last viewed, February 23, 2026 (" For children, parental incarceration is considered an adverse childhood experience (ACE) due to its traumatic nature and impact on their wellbeing and development") (citation omitted). See also <https://www.irp.wisc.edu/resource/how-witnessing-a-parents-arrest-can-get-under-the-skin-of-a-child/#:~:text=The%20mechanisms%20regulating%20stress%20hormones,their%20father%20arrested%E2%80%94happens%20consistently>.



has partial custody, the abuser can call the police and claim the survivor is "kidnapping" the child.

By increasing penalties and formalizing the "interference" as a specific criminal offense, the bill gives abusers a new tool to use the legal system to harass or re-traumatize the survivor ("litigation abuse").

Domestic violence is often about power and control. If a survivor believes that leaving an abusive household with their child will lead to a criminal record or jail time, they are significantly more likely to stay in a dangerous environment. SB 744 creates a legal deterrent that may force survivors to choose between their physical safety and their freedom from incarceration.

Further, Maryland family law strongly prioritizes the "best interest of the child." Senate Bill 744 shifts the focus from the child's safety to the technical adherence to a custody schedule. If a child is in danger at the abuser's home, a survivor who keeps the child past their scheduled time (for protection) could be charged with a crime before they even have the chance to present evidence of the abuse in a civil family court.

Senate Bill 744 also does not provide any of the following defenses to withholding a child contrary to a court order:

- A clear and present danger to the child or parent;
- Fleeing domestic violence or stalking.
- Protective orders that might conflict with the custody order.

Under current Maryland law (specifically Criminal Law § 3-503), there is a general "Child Abduction" statute that does allow a defense if the person was "fleeing from domestic violence." The danger of SB 744 is that it creates a new, separate section (§ 3-504) that does not explicitly reference those existing protections. Prosecutors could theoretically choose to charge a survivor under this new, stricter section to avoid the domestic violence defense available in the older statute.

Instead, SB 744, focuses purely on the act of "knowingly and willfully" interfering with the order. In legal terms, if you know a court order says the child should be with custodial person A, and you keep the child, you have technically met the criteria for a violation under this bill, regardless of why you did it.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ [lruth@mnadv.org](mailto:lruth@mnadv.org)

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For all of the above reasons, **MNADV urges an unfavorable report in SB 744.**

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**2026 02 27, SB 744\_FLSC\_UNFAV.pdf**

Uploaded by: Michelle Smith

Position: UNF

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**To: Members of The Senate Judicial Proceedings Committee**

**From:** Family Law Section Council (FLSC)

**Date:** February 27, 2026

**Subject:** Senate Bill 744:  
Criminal Law- Interference of Custody Orders

**Position:** **UNFAVORABLE**

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The Maryland State Bar Association (MSBA) FLSC **opposes Senate Bill 744.**

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, SB 744 runs afoul of various existing guardrails for the enforcement of Court Orders, and the legal standards regarding custody determinations. 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. Under Maryland Rule §15-206, which governs civil constructive contempt, a litigant may request jail time for the other parent who is found in contempt for violating a custody order. Litigation under FL §9-105 and Rule §15-206 occurs in the Circuit Court of Maryland and often in conjunction with Motions for Modification of Custody or Motions to Enforce the Court Order. The existing statute and rule leaves appropriate 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 SB 744 would impose on Maryland courts.

Custody matters are highly fact specific and involve peculiarities of different family schedules and dynamics affecting 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 the cases litigated under §9-105 or Rule §15-206, it is not a foregone conclusion that the harm of missing parenting time can or will be erased or remedied by incarcerating the parent who interfered with the ordered parenting time.

What is clear; however, is that the Judges in the Circuit Courts of Maryland are the best trained and best suited to make the determinations regarding the outcomes that are in the best interests of the minor children in these cases. It appears that under the statutory scheme of SB 744, criminal charges for interfering with the ordered parenting time would be initially adjudicated by the policing authorities, second by the Judges of the District Court, and finally by the Judges of the Circuit Court or by a Jury. However, it would also seem that the charges could be placed against a parent by the other parent at the commissioner's office on a civilian complaint. This provides the opportunity for false allegations, harassing and intimidating behavior to be more rampant and wide-spread among custody litigants, which is not in the best interest of Maryland families or children.

In light of the current responsibilities of police authorities, it is inconceivable that they would have the training, education, experience or time to make considered and appropriate determinations as to whether there is probable cause to issue a written warning, a civil fine, or to issue a statement of charges for a person who violates the provisions of SB 744. These cases are complex and involve multiple factors, often requiring interpretation of legal language and hours of testimony in court. How will a road office or Sheriff, called to the scene of a home at 1:00 am by a parent alleging that the other parent has "knowingly and willfully interfered with a custody order, by enticing or persuading a minor away or withholding a minor from" the other parent, make an accurate determination that the standard has been met? Furthermore, how will the officer or a Judge determine if the person charged has committed that crime by withholding the child from "a person lawfully standing in loco parentis?" That term is a concept which is reflected in case law regarding third party custody rights; however, it is not a codified or defined term in the statutes related to family law custody matters. Even if the officers are able to make the right decisions when handing out warnings and civil fines for these alleged acts, the ensuing criminal cases will, undoubtably, cause a serious drain on the time and resources of the District Court. The Judges will have to be trained in the law of custody and they will have to schedule hearings for such cases that often last for multiple hours and may overlap with a Divorce, Custody, Child Support, Modification of Custody, Motion for Enforcement, or Contempt case that is already proceeding in the Circuit Court, leading to protracted litigation and possible inconsistent results.

There are already sufficient remedies for family law litigants who allege interference with Custody Orders. SB 744 is not going to solve a problem existing in Maryland; however, it certainly will create further problems for Maryland families and children.



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For the reasons stated above, the FLSC respectfully urges the Senate Judicial Proceedings Committee to issue an unfavorable report on SB 744.

Should you have any questions, please contact Michelle Smith at 410-280-1700 or [msmith@lawannapolis.com](mailto:msmith@lawannapolis.com).

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