

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 942
Criminal Law - Interference of Custody Orders - Penalties
DATE: February 11, 2026
(2/26)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 942. This bill prohibits a person, under Criminal Law §3-504, from knowingly and willfully interfering with a custody order, by enticing or persuading a minor away or withholding a minor from the minor's lawful custodian, a court appointed guardian, or a person lawfully standing in loco parentis. The Judiciary understands and appreciates the need to deter interference with custody orders, particularly given the important rights attendant thereto, but is concerned with the bill's mechanism for enforcement.

By criminalizing interference with a custody order, the bill requires responding law enforcement officers to interpret custody orders, which is not an appropriate function for law enforcement. In addition, the penalties are such that the cases would be heard in the District Court, which does not have jurisdiction over family law custody matters. This may result in the District Court hearing quasi-custody trials and/or conflicting orders entered in various courts.

Most importantly, this bill does not include consideration of the best interests of the child, which is the penultimate custody consideration. The bill's current drafting would provide that a non-custodial parent could be fined and/or incarcerated for a violation of a custody order. Arresting and incarcerating a non-custodial parent may not be in the child's best interest and the bill does not provide for such consideration. Moreover, that arrest and incarceration may constitute a material change in circumstance necessitating a custody modification hearing in the circuit court to relitigate custody, thereby upending the previous custody order the bill seeks to enforce.

cc. Hon. Steve Johnson
Judicial Council
Legislative Committee
Kelley O'Connor