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**POSITION ON PROPOSED LEGISLATION**

**BILL: House Bill 0481 Family Law - Denial or Interference With Visitation Rights**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 2/12/26**

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The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a **favorable report** on House Bill 0481, Denial or Interference with Visitation Rights. House Bill 0481 strengthens protections for parents and children by ensuring that court-ordered visitation is meaningfully restored when it is unjustifiably denied or interfered with.

This testimony is provided by OPD’s Parental Defense Division (PDD) which represents parents from all 24 counties in Maryland who are involved in the various stages of Child In Need of Assistance (CINA)<sup>1</sup> and Termination of Parental Rights (TPR) cases. Our multidisciplinary legal team, including dedicated attorneys, licensed social workers, and parent advocates with lived-experience in the DSS system, ensures that families receive high quality legal representation.

HB 0481 updates Section 9-105 of the Family Law Article, which governs what happens when court-ordered visitation is unjustifiably denied or interfered with. This problem arises in many family law cases, but it is especially common in Child in Need of Assistance (CINA) matters. When a child is removed from a parent’s care by the Department of Social Services (DSS), the parent still has a right to visit their child unless the court finds visitation would be unsafe. Yet in practice, visits are sometimes canceled or denied by DSS or a caregiver even absent good reason. When that happens, current law does not offer meaningful guidance. Courts have broad discretion about whether to order a make-up visit, and the statute does not explain what a “rescheduled” visit should look like. As a result, many children lose precious time with their parents, siblings, and other family members.

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<sup>1</sup> A CINA proceeding is initiated when the DSS determines that it wants to remove a child from his or her parent or is seeking court oversight over the family. The court supervises placement, services, and visitation while pursuing a permanent outcome for the child, most often reunification.

**HB 0481 closes that gap in the law by giving courts clear direction: When visitation is unjustifiably denied, the court must order meaningful make-up visitation.** In most CINA cases, the goal is reunification between parent and child, and it is crucial that visitation takes place between the parents and their child during the period of separation. Regular visits preserve the parent-child bond, reassure children that their parent remains a constant presence in their lives, allow parents to practice skills they are often required to learn, and help the court evaluate progress. Courts commonly require parents to move through graduated stages of visitation before reunification can occur, and when visits are missed, that forward progress slows or stops.

Even for newborns, visitation is often limited to as little as once a week for an hour. Missing even a single visit can undermine a parent's path to reunification. Too often, visits are canceled for reasons that have nothing to do with the parent, such as transportation problems, availability of the DSS worker to facilitate the visit, caregiver scheduling conflicts, vacations of the caregiver or DSS worker, or simple breakdowns in coordination. When make-up visits are offered, they may be shortened, moved to inconvenient times, converted to virtual rather than in-person, or structured in ways the parent cannot realistically attend. In other cases, no make-up is offered at all, forcing parents to return to court for relief. That process is slow, uncertain, and frequently ineffective, particularly when the Department cites a lack of resources.

It is beyond dispute that visitation between parents and their children is important and must be provided. The challenge is making sure it remains meaningful when families have already been separated by court action. When even minimal visitation is withheld, it meaningfully undermines the prospects for reunification. HB 0481 addresses that harm by ensuring missed visits are made up promptly, accessibly, and in a way that truly supports the parent-child relationship.

**For these reasons the Maryland Office of the Public Defender urges this committee to issue a favorable report on House Bill 0481.**

**Submitted by:** Maryland Office of the Public Defender

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