
To: Members of The Senate Judicial Proceedings Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Ilene Glickman, Esquire and Daniel Renart, Esquire

Date: February 18, 2020

Subject: **Senate Bill 594:**
Child Custody and Visitation – Abuse or Neglect of Child

Position: **SUPPORT WITH AMENDMENTS**

The Maryland State Bar Association (MSBA) FJLSC **supports with amendments Senate Bill 594 – Child Custody and Visitation – Abuse or Neglect of Child.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC 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 and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC 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 1,200 attorney members.

SB 594 B addresses whether or not visitation should be granted to a parent who has been found to have abused or neglected his or her child. Once abuse or neglect has been found, visitation shall be denied unless the court also finds that there is no likelihood of further abuse or neglect, except that supervised visitation may be ordered. The bill creates a new requirement for the court to state the reasons for a finding that there is no likelihood of further abuse or neglect, after such abuse or neglect is established. This new requirement is sound and reasonable because it promotes consistency in rulings, and creates a concise record upon which a visitation order can be analyzed on appeal. It prevents the abuser parent from alleging that the denial of unsupervised visitation is arbitrary or capricious.

However, the bill should be amended to remove the additional requirement that supervised visitation, if ordered, must be facilitated by “neutral and physically present supervision.” Many parties agree to utilize a supervisor who is a family member or friend. The requirement that the supervisor be “neutral” necessarily leads to supervision at visitation center (many of which are considered to be sterile environments that are not comfortable for children), or results in high fees paid to private supervisors. In many cases cost is a factor, and in others the parents seek to have supervised visits occur in places that would be comfortable for the children, including but not limited to homes, restaurants, movie theaters, etc. The selection of an appropriate supervisor is incredibly fact specific and often requires creativity on the part of litigants, attorneys and Judges/Magistrates. The proposed language contracts the pool of potential supervisors in every case. The current bill should be amended to remove the language that limits the number of people who can serve as supervisors.

For the reason(s) stated above, the MSBA **supports Senate Bill 594 and urges a favorable with amendments committee report.**

Should you have any questions, please contact Ilene Glickman by e-mail at ilene@lawhj.com or by telephone at (410) 821-8718.