

BILL NO: Senate Bill 594
TITLE: Child Custody and Visitation - Abuse or Neglect of Child
COMMITTEE: Judicial Proceedings
HEARING DATE: February 18, 2020
POSITION: **SUPPORT WITH AMENDMENTS**

Senate Bill 594 would alter Section 9-101 of the Maryland Family Law Article to require judges to articulate their findings under this Section. The Women's Law Center supports Senate Bill 594 as we find that courts often fail to address safety issues and possibility of re-abuse of a child as they are required to do. Requiring a court to articulate its reasons for its findings is simply making clear that this section of our code applies in every case where child abuse or neglect is alleged.

The Women's Law Center sits on a workgroup constituted under SB 567 by this body in 2019. We have met many times since the summer of 2019, and had numerous presentations on research about domestic violence and child abuse, personal stories, and the workings of our Courts when such is alleged. While SB 594 is not a product of that workgroup, it is largely informed by what we have learned during this past $\frac{3}{4}$ of a year.

Under current law, Section 9-101, if a court has reasonable grounds to believe that a child has been abused or neglected, the court must decide if abuse is likely to occur if custody or visitation is granted to the party. Theoretically unless the court finds that there is *no likelihood* of further abuse or neglect by the party, it *must* deny child access to that party, except it can order supervised visitation that assures the safety and well-being of the child.

Please note the fiscal note fails to address the proposed language that would comprise the bill. SB 594 merely adds to the current law that the court shall articulate its reasoning. In other words, if the court finds that there is no likelihood that abuse or neglect will occur, it must state the reasons for this finding. In our SB 567 Workgroup, it became clear that courts fails to follow 9-101, and it is our hope that this simple requirement will remind the court of its duty, and will help litigants to understand why a court orders what it does. In our extensive work with self-represented litigants, anything that helps them understand a court's reasoning encourages faith in the judicial system, which is vitally important.

The original version of the bill would have added that the supervision must be by a neutral supervisor who must be physically present. After discussion that this is simply sometimes impracticable in certain cases, or may not be necessary, the sponsor, we understand, is amending this part out. The reality is that even in jurisdictions where there are supervised visitation centers, it is often severely restricted by time and availability, which may not be in the best interests of the child if there are other alternatives, such as caring and responsible grandparents.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 594 with the friendly amendment.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.