

BILL NO: House Bill 1242
TITLE: Family Law – Fundamental Parental Rights
COMMITTEE: Judiciary
HEARING DATE: March 5, 2020
POSITION: **OPPOSE**

House Bill 1242 would create a fundamental right in parents to make all decisions about their children absent a clear and convincing evidentiary showing of an important government interest. The Women's Law Center (WLC) opposes HB 1242 to the extent it would make a parent's rights more important or superior to a child's best interests. Furthermore, we are not sure what problem this bill is seeking to address, and we think it is clear that parents already possess important rights about issues concerning their children.

The WLC supports custody decisions that are determined in the best interests of the child. This is the current lens through which courts in Maryland make custody decisions. Should HB 1242 pass, we fear that courts would no longer be able to make these decisions in the best interest of the children unless clear and convincing evidence is found that the state has an important interest in changing custodial arrangements. We are not sure where it would leave courts. Not to mention, we are not sure how this would affect other family law cases where children and care of children are involved, such as CINA or guardianship cases. How would decisions about inoculation be made, or medical treatment? Is public health important enough that Maryland can require vaccines for children attending schools? We fear HB 1242 will lead to unnecessary litigation of all these issues while the clear and convincing standard is applied to a sweeping array of cases. The majority of family law matters are determined under the appropriate preponderance of the evidence standard.

Therefore, the Women's Law Center of Maryland, Inc. urges an unfavorable report on House Bill 1242.

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 hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.