



## *Winning Strategies:*

### *Fatherhood, The Courts & Custody*

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Delegate Daniel Fox  
326 House Office Building  
6 Bladen Street  
Annapolis, MD 21401

Issue: Support for HB 1242

Dear Delegate Fox:

We have offered testimony to support House Bills that offer hope for fathers in obtaining equal parenting rights – HB 1114, HB 1266, HB 1328. We also support your proposed House Bill as well HB 1242. HB 1242 Family Law –Fundamental Parental rights is a key House Bill in showing how a judge or magistrate erred when fathers petitioned the court for equal access to their children. Because when a judge/magistrate gives sole physical custody to the mother without any documentation to support that action then the court just erred in their decision making and that's grounds to file an Appeal or Exception.

HB 1242 gives power back to the father when petitioning the court for joint custody because in the synopsis of HB 1242 it states,

“Establishing that a parent has the fundamental right to direct the upbringing, education, care, and welfare of the parent's child; prohibiting the State or a political subdivision from infringing on a parent's fundamental right to direct the upbringing, education, care, and welfare of the parent's child unless the State or political subdivision can demonstrate by clear and convincing evidence certain factors; and providing the Act may not be construed to authorize a parent to cause physical or emotional harm to the parent's child.”

Therefore, judges and magistrates can no longer grant sole physical custody to the mother if there has not been any reasonable doubt that the father would put the child/children in danger.

Lastly we use the 2011 report from the Department of Legislative Services wrote a review on child custody entitled, “Child Custody: Background and Policy Implications of a Joint Custody Presumption”. That paper found that it was not conclusive to say who should get sole physical custody but the mother is still given preferential treatment. In the State of Maryland there are guidelines according to the Department of Social Services when a child's custody is favored to one parent over the other, but in cases before the family court involvement by DSS is not a factor and the parents come before a judge/magistrate expecting due process and equal treatment, and that is not what happens. Fathers are put what can be classified as a paternity chokehold.

Winning Strategies: Fatherhood, The Courts & Custody support HB 1242 as another step in the right direction for allowing fathers to be an equal partner in the rearing of his child/children.

Sincerely,  
Eric D. Smith