

BILL NO: House Bill 1307
TITLE: Family Law – Child Custody and Visitation – Visitation Reevaluations and Remedies
COMMITTEE: Judiciary
HEARING DATE: February 29, 2024
POSITION: **OPPOSE**

House Bill 1307 would allow litigants in family law child access cases to run to court every time the other party does not comply exactly with a court ordered child access schedule. The Women's Law Center of Maryland (WLC) opposes HB 1307 as it is seeking to address an issue that is already addressed in our laws and would muddy the waters for courts and litigants and potentially overwhelm the courts.

HB 1307 largely overlaps with an existing statute - Md. Code Ann., Fam. Law § 9-105, "Unjustifiable denial or interference with visitation granted by order." Section 9-105 addresses the exact same concerns as HB 1307. The statute permits a court to take certain actions against a parent upon a finding that the parent has "unjustifiably denied or interfered with visitation granted by a custody or visitation order," including (1) rescheduling the visitation; (2) modifying the order "to ensure future compliance with the order"; or (3) award fees and costs against the offending party. As structured, HB 1307 would create a new statute, FL § 9-109, while leaving FL § 9-105 in place. We are concerned that having two competing statutes with different approaches will completely confuse everyone. The existing statute also allow the court to craft relief for what each cases requires. Nothing about child access cases is one size fits all.

In addition, as drafted, HB1307 arguably includes a very broad swath of cases. It appears someone could file for an expedited hearing if the other party is 10 minutes late for the child exchange. 20 minutes? 30 minutes? If any time a party does not comply exactly with any court ordered provision the other party can run to court and petition for an expedited hearing, the court will be clogged beyond their ability to manage.

There are other provisions of the bill that are incomprehensible. The bill adds in provisions for modification of the court order, when there is clear law in Maryland that in order to modify custody, the litigant must show a material change of circumstances. And the last lines of the bill, page 3, lines 2-3 referencing contempt, state the obvious – contempt is the normal and existing avenue to address noncompliance with a court order. Expedited hearings should be for emergent or safety situations.

Finally, the punitive nature of the possible relief, especially community services, is inappropriate in a child access case.

For these and other reasons, the Women's Law Center of Maryland urges an unfavorable report on HB 1307.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.