

March 12, 2014

Dear Chairman Frosh and members of the Maryland Senate Judicial Proceedings committee:

We are pleased to be able to provide this testimony today on SB1004, "Family Law - Children's Civil Rights - Equal Parenting Time".

First, we applaud the work of Senator Muse in this area.

We at the Maryland Affiliate of the National Parents Organization believe that the ultimate goal for family law reform when it comes to children of divorce is that what we call "equal shared parenting" becomes the norm. SB1004 goes some way toward attaining this goal. But we don't think it goes far enough.

What we would like to see is a bill comprised of the following:

1. The Court shall award custody based on what is in the best interest of the child.
2. There shall be a rebuttable presumption that joint legal custody is in the best interest of the child.
3. There shall be a rebuttable presumption that shared physical custody, with each parent sharing roughly equal time with the child, is in the best interest of the child.
4. In cases where it is determined that joint legal custody is not in the best interest of the child, the Court must specify the reason(s).
5. In cases where it is determined that shared physical custody is not in the best interest of the child, the Court must specify the reason(s).
6. In cases where significantly unequal physical custody is awarded, the Court must specify the reason(s). "Significantly unequal physical custody" shall be defined as a physical custody situation where there is a time differential between the parties equal to or greater than 10 percent of the child's time.
7. In cases where sole physical custody is awarded to one of the parents, a preference should be to make the award to the parent who is most cooperative and will most likely support the non-custodial parent's continuing relationship with the child.

SB1004 goes some way toward attaining these goals. A bill that addresses all of them would make equal shared parenting a reality in the state of Maryland, surely a good thing for the children of divorce.

Thank you for providing us the opportunity to submit this testimony.

Respectfully submitted,

Aaron Bates, Chair: Maryland Affiliate of the National Parents Organization,  
Columbia

Mark Cyzyk, Member: Maryland Affiliate of the National Parents Organization,  
Towson

Desmond D. Flagg, Member: Maryland Affiliate of the National Parents Organization,  
Baltimore

Johnathan James, Member: Maryland Affiliate of the National Parents Organization,  
Baltimore

David Washington, Member: Maryland Affiliate of the National Parents Organization,  
Laurel

Rita Feurst Adams, (Ex Officio) Executive Director of the National Parents  
Organization, Boston