



MARYLAND GENERAL ASSEMBLY

COMMISSION ON CHILD CUSTODY
DECISION-MAKING

INTERIM REPORT
DECEMBER 31, 2013

HONORABLE CYNTHIA CALLAHAN, CHAIR



MARYLAND GENERAL ASSEMBLY

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Commission on Child Custody Decision-Making

Honorable Cynthia Callahan, Chair
Circuit Court for Montgomery County

Appointed by the Governor:

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Dorothy J. Lennig, Esq.
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Attorney

Keith N. Schiszik, Esq.
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Center for Urban Families

Paul C. Berman, Ph.D.
Psychologist, Berman & Killeen, P.A.

Kathleen A. Nardella, Esq.,
LCSW-C
Licensed Clinical Social Worker and
Attorney

Lauren Young, Esq.
Maryland Disability Law Center

Appointed by the Chief Judge of the Court of Appeals:

Hon. Shannon E. Avery
District Court for Baltimore City

Hon. Videtta A. Brown
Circuit Court for Baltimore City

Master Richard J. Sandy
Circuit Court for Frederick County

Appointed by the Speaker of the House:

Delegate Kathleen M. Dumais
Ethridge, Quinn, Kemp, McAuliffe,
Rowan and Hartinger, P.A

Delegate Susan K. McComas
Republican, District 35B, Harford County

Appointed by the President of the Senate:

Senator Jennie M. Forehand
Democrat, District 17, Montgomery
County

Senator Joseph M. Getty
Republican, District 5 - Baltimore
County and Carroll Coun

This report is submitted to the General Assembly pursuant to 2013 House Bill 687.

In accordance with State Government Article §2-1246, a copy has been furnished to the Speaker of the House of Delegates and to the President of the Senate. Five copies were submitted to the Department of Legislative Services.

Introduction

The Commission on Child Custody Decision-Making (hereafter “Commission”) was created by the enactment of Chapter 633 (House Bill 687) in the 2013 session of the Maryland General Assembly. The Commission was formed to study a wide variety of topics relating to the child custody decision-making process, and to report findings and recommendations to the Maryland General Assembly. The legislation directs the Department of Family Administration of the Administrative Office of the Courts to provide staff for the Commission. No budget was established for the Commission.

Consistent with the directives of Chapter 633, individuals who have expertise or particular interest in child custody decision-making were appointed to serve on the Commission. The Commission members represent a variety of perspectives and constituencies.

The Commission held its first meeting on September 12, 2013 at the Judicial Education and Training Center in Annapolis, Maryland. The meeting was open to the public in compliance with the Maryland Open Meetings Act (MD. Code Ann., St. Gov. Art., Section 10-501 et. seq.). Approved minutes of that meeting are included.

Two tasks were prioritized for Fall 2013, consistent with the dictates of Chapter 633, sections f(2) (hearings in five specified Maryland jurisdictions) and g(2) (preparing this interim report, due December 31, 2013).

In addition to the prioritized tasks, Commission staff conducted background research about legislation and processes affecting custody decision-making in Maryland and other states. This information will be very important as we move into the next phase of the Commission’s work.

In 2014, the Commission will begin to synthesize the information gathered from the public hearings with its study of the custody decision-making process in Maryland. The Commission will submit a final report of findings and recommendations on or before December 1, 2014.

Duties of the Commission

House Bill 687 enumerates the duties of the Commission. Below is a discussion of each Commission task and the progress made regarding each.

(1) Study the practice, principles, and process for child custody decision-making in Maryland.

Commission staff has gathered background information on the custody process in Maryland. In-depth discussions and work to develop a landscape of the current practices in Maryland will commence at the January 2014 meeting. Please see sections (19) and (20), below.

(2) By December 31, 2013, hold one hearing each in Baltimore City, Harford County, Prince George’s County, Western Maryland, and the Eastern Shore to allow for public input and participation by interested persons on child custody decision-making in Maryland.

The Commission held all public hearings as required.

A total of 166 members of the public attended the hearings with 73 providing testimony. Individuals were permitted to speak for approximately five minutes each. Hearings were scheduled from 6:00 p.m. - 8:00 p.m. in each location, but ran over time in several jurisdictions. Individuals were also permitted to submit written testimony via email.

Hearing Location Requirement	Location	Date	Number of Attendees	Number who Provided Testimony
Western Maryland	Allegany College of Maryland, Cumberland	October 10, 2013	5	4
Harford County	Harford Community College	November 7, 2013	20	14
Baltimore City	Baltimore City Community College	November 14, 2013	57	24
Eastern Shore	Chesapeake College, Wye Mills Campus	November 21, 2013	16	5
Prince George’s County	Bowie Library	December 11, 2013	68	26

(3) Study how to make the establishment and modification of child custody orders more uniform, fair, and equitable.

This was the subject of much of the testimony we heard. It is the main focus of the Commission’s work. It is the heart of what we will undertake in 2014.

(4) Study how to reduce litigation in child custody proceedings.

Based on the comments provided at public hearings, alternative dispute resolution options may be helpful to child custody litigants. The Commission will explore options in 2014.

Meaningful quantitative study will be a challenge given the budgetary and time constraints of the Commission.

(5) Study and consider the adverse effects of child custody litigation and ways the court system can minimize those effects.

Many speakers at public hearings framed their arguments in support or opposition of particular issues in the context of the adverse effects of child custody litigation on families. In the past 15 years, the court system has undertaken many initiatives to address these adverse effects. Assessment of these arguments and initiatives will be a focus of the Commission in 2014.

(6) Study how to promote and ensure that children have ongoing relationships with each parent.

Most speakers at the hearings expressed support for children having ongoing safe relationships with both parents in the context of the best interests of the child. Many states have statutes which address these conflicting interests.

(7) Study how to maximize the involvement of both parents in each child's life.

Please see (6), above.

(8) Study the advantages and disadvantages of joint physical custody and the impact of joint physical custody on the health and well-being of children.

Literature and testimony provided to the Commission articulated advantages and disadvantages of joint physical custody, and positive and negative impacts on the health and well-being of children. The Commission will evaluate the testimony and research at future meetings.

(9) Study whether or not there is any gender discrimination in custody decisions in Maryland and, if so, how to address such discrimination.

Testimony was provided at public hearings that claimed both a bias and a lack of bias.

Quantitative analysis will be difficult given the variables in custody cases, as well as the lack of budget and the time constraints of the Commission.

(10) Study statutes from other states used for child custody determinations and assess whether those statutes improve the quality of decisions in child custody cases.

Commission staff has compiled the custody statutes of our sister states and the District of Columbia. The Commission members will be reviewing and evaluating these statutes in 2014.

(11) Study whether the Annotated Code of Maryland should contain a statute regarding child custody decision-making that would include definitions and factors for consideration in such decisions.

Many speakers testified in support of a statute containing definitions and factors for consideration in child custody decisions. There was testimony that the case law is outdated and does not provide guidance for the court in modern family structures, that statutory guidance would result in more predictable outcomes, and that statutory factors would allow litigants and their attorneys to present better cases in court.

The Commission will discuss the advantages and disadvantages of statutory definitions and factors at future meetings.

(12) Study case management systems for family law cases in Maryland and other states, and study how to improve timely access to the court for temporary, pendente lite custody disputes, initial custody determinations, and custody modification proceedings, and emergency proceedings, and how to expedite denial of visitation proceedings.

Timely access to the courts was raised by multiple speakers on topics including those enumerated above and numerous others. It is a consistent complaint especially in some jurisdictions. The Commission will seek further details about the way these proceedings are managed, and how the problems might be alleviated.

(13) Study the accountability of Maryland courts when using interventions such as protective orders, whether the courts should adopt processes to allow for compliance hearings, and the impact of domestic violence proceedings on temporary and final custody determinations.

Speakers testified that the existence of a protective order did not ensure their safety or the safety of their children and that further abuse occurred after the issuance of a protective order. Others testified that their spouse, or their child's other parent, used the court process to gain unfair advantage after falsely alleging domestic violence. Some alleged false allegations of abuse or neglect.

(14) Make recommendations regarding the most effective manner in which to facilitate cooperative decision-making by parents involved in child custody proceedings as it relates to their children.

Many testified that the court process did not facilitate cooperative decision-making by parents.

(15) Study the training programs currently available to Maryland judges regarding child custody decision-making and assess how to improve the training, including making it more culturally sensitive and diverse, and how to make the training more available to all judges on a consistent, ongoing basis.

The Commission will review family law programs currently available to Maryland judges.

(16) Review the literature and research on decision-making responsibility and physical custody determinations, including child development literature and research on the effect of separation and divorce, and the literature and research on decision-making responsibility and physical custody determinations when the parents in the case were never married and may not have lived together.

The Commission is currently compiling literature on these topics and will consider the literature in future meetings.

(17) Study standardization of the language used by courts in making child custody determinations for clarity and to eliminate exclusionary or discriminatory terms.

The Commission will examine language and make recommendations, possibly including recommendations to neutralize language such as the term “visitation” when referring to the time spent by a parent with his or her children.

(18) Study how to ensure that child custody determinations involving parents with mental health issues or sensory or physical disabilities are handled in a fair and even manner based on actual evidence and not presumed limitations.

Testimony at hearings often included reference to mental health of parents and children. The Commission will study this issue and discuss at future Commission meetings.

(19) Gather quantitative and qualitative data on the total number of contested custody cases per jurisdiction, including whether the court awarded joint physical custody to the parties or primary physical custody to the mother or the father over a two-year period.

Court database systems do not currently collect or maintain this data and are not programmed to capture this data. The Commission is aware of two studies relating to family law cases in Maryland, managed by the Women’s Law Center of Maryland (WLC), conducted in 1999 (reported issued 2003) and 2003 (report issued 2006). The first sampled 1867 cases statewide; the second sampled 3366 cases statewide. The cost of the first study was \$125,000; the second approached \$200,000. This included a part time project manager and an out-sourced professional data analysis.

The WLC samples represent a only a small percentage of the 85,000 non-Juvenile family cases filed each year in Maryland. The information on to whom custody was awarded, and under what circumstances, requires an analysis of each case individually. Given the cost of the sampling done in the WLC studies, it is safe to say that the Study mandated by HB 687 would have a significant cost. Currently, the Commission has no budget.

(20) Gather quantitative data on whether pro bono legal resources are equally available for petitioners and respondents in domestic violence protective order proceedings in Maryland.

Quantitative analysis of legal service provisions will be difficult given the budgetary and time constraints on the Commission.

Additional issues:

In addition to the tasks assigned by the General Assembly in Chapter 633, other child custody decision-making topics were raised at the hearings, including:

- Parenthood and third party access rights, including de facto parenting and other concerns of same-sex parents.
- Interference with parenting time.
- Enforcement of rights to parenting time, including safe exchange locations.
- Identifying and preventing or ameliorating interference with parental rights.
- The danger of statutory presumptions historically.
- Discrimination in custody determinations based on sexual orientation or disability.
- Child support enforcement and protective order proceedings are often the first interaction between a family and the courts.
- Disparity of remedies and services available to married versus unmarried litigants.
- Absence of a holistic approach to related family law legal issues.
- Immigration status challenges.

Conclusion

While the Commission's work has just begun, a number of preliminary observations can be made following the testimony presented at the public hearings.

Many who testified expressed dissatisfaction with the court process, in particular the length of time to get relief from the court and the expense of litigation. Not surprisingly, the Commission heard the negative experiences of those testifying. The Commission will have to gather data (to the extent available) on how cases are processed, both in terms of timing and services, in order to understand the issues. In 2014, enhanced alternative dispute resolution and expedited hearings will be among the topics explored.

As part of its work in 2014, the Commission will be examining not only how custody decisions are made within Maryland, but also how other states address custody decision-making. It is the objective of the Commission that such examination will reveal ways to enhance our current decision-making process and lead to better outcomes for Maryland families.

Honorable Cynthia Callahan, Chair

Commission Staff:

Connie Kratovil-Lavelle, Executive Director

Michael Dunston, Deputy Director

Christine Feddersen, Executive Administrative Assistant

Sarah Kaplan, Juvenile Law Manager

Gerald Loiacono, Staff Attorney

Pam Luby, Staff Attorney

Joseph Warren, Database Specialist

Adam Wheeler, Staff Attorney

Pen Whewell, Administrative Assistant

COMMISSION ON CHILD CUSTODY DECISION-MAKING

MINUTES

Commission Meeting

September 12, 2013 ° 6:00 p.m. – 8:00 p.m.

Location: The Judiciary Education and Conference Center
2011 C/D Commerce Park Drive, Annapolis, Maryland 21401

Commissioners in Attendance:

Honorable Cynthia Callahan, Chair
Honorable Shannon E. Avery
Wayne Beckles
Paul C. Berman
Delegate Kathleen M. Dumais
Senator Jennie M. Forehand
Michele R. Harris, Esq.
Dorothy J. Lennig, Esq.

David L. Levy, Esq.
Delegate Susan K. McComas
Carlton Munson, Ph.D., LCSW-C
Kathleen A. Nardella, Esq., LCSW-C
Laure Anne Ruth
Master Richard J. Sandy
Keith N. Schiszik, Esq.
Vernon E. Wallace, Jr.

Department of Family Administration Staff:

Connie Kratovil-Lavelle, Esq.
Christine Feddersen
Gerald Loiacono, Esq.
Adam Wheeler, Esq.

Public Attendance:

Philip Cronin, Maryland Psychiatric Society
LaSandra Diggs, Department of Juvenile Services
Sandie Horne, CASA
Eileen King, Child Justice, Inc.
Kelley O'Connor, Maryland Judiciary
Suzanne Pelz, Maryland Judiciary

Judge Cynthia Callahan opened the meeting at 6:08 p.m. She asked that each Commission member introduce him or herself. She gave opening remarks including a brief description of the Commission's purpose and tasks as set out in HB 687.

Commission Tasks

The Commission discussed that some tasks established in the authorizing legislation, HB 687 CH 633, Acts of 2013, cannot be accomplished without a substantial budget. The Committee addressed particularly Section (f)(19) which requires the Commission to:

gather quantitative and qualitative data on the total number of contested custody cases per jurisdiction, including whether the court awarded joint physical custody to the parties or primary physical custody to the mother or the father over a 2-year period[.]

Judge Callahan indicated that committees would be formed to address specific tasks enumerated within the statute. Committees will be comprised of Commission and non-Commission members. The tasks may include, but won't be limited to:

- Parenting issues.
- Court process.
- Neutralizing and standardizing language.
- Resolving Disputes outside the Court System.
- Judicial education.
- 3rd-Party Parenting issues.
- Statutes and case law on custody in Maryland.

It was noted that the Commission should always consider the impact of various proposals on self-represented litigants.

Other issues considered included:

- Caretakers and changing rules.
- Changing families.
- Gestational parents.
- Judicial education.
- Third Party Rights and Parenting Issues.
- Supervised visitation.

Public Hearings

The Committee discussed the scheduling and location of the public hearings required by HB 687. Judge Callahan noted that the Interim Report will likely be derived in part from information gained from public hearings. Public hearings are required to be held in:

- Baltimore City
- Harford County
- Prince George's County
- Western Maryland
- Eastern Shore

The Commission discussed potential issues with the public hearings including:

- Security
- Neutrality of space
- Physical Capacity, ADA compliance issues
- Adequacy of notice

Specific venues were discussed including:

- Baltimore City
 1. School of Social Work
 2. Baltimore City Community College, North Morse St. in Baltimore City
 3. District Court
- Prince George's Community Center suggested by Delegate Kathleen Dumais.
- Western Maryland, possibly in Hagerstown.

It was suggested that the public hearings be recorded. As the Commission is unfunded, it may not have the resources for a professional recording of each meeting.

It was decided that notice to public will be provided through posting on the General Assembly webpage and Judiciary's Department of Family Administration website, notice to the State Bar and local Bar Associations, and Commissioners were encourage to spread the word.

Staff will arrange for public hearings in designated areas. The schedule will be distributed to the Commissioners and others via email and website.

Future Meetings

The next meeting was not scheduled, as the Public Hearings must be completed in the Fall 2013, which takes priority at the moment.

The Chair closed the meeting at 8:05 p.m.

COMMISSION ON CHILD CUSTODY DECISION-MAKING

SUMMARY

Western Maryland - PUBLIC HEARING #1

October 10, 2013, 6:00 p.m. – 8:00 p.m.

Location: Allegany College of Maryland, Cumberland Campus
12401 Willowbrook Road, Cumberland, Maryland 21502

Commissioners in Attendance:

Honorable Cynthia Callahan, Chair
Renee Bronfein Ades, Esq.
Honorable Shannon E. Avery
Delegate Kathleen M. Dumais
Dr. Carlton E. Munson
Kathleen A. Nardella, Esq., LCSW-C
Keith N. Schiszik, Esq.

Department of Family Administration Staff:

Gerald Loiacono
Joseph Warren
Adam Wheeler

Interpreters:

Lawrence Haller, Spanish Interpreter
Mandy Hawk, ASL Interpreter

Public Attendance:

<u>Testify</u>	<u>Name</u>	<u>Organization</u>
yes	Gannon, Chris	n/a
yes	Schaaf, Greg	presented
yes	Smith, Sr., David W.	The Children's Rights Fund of Maryland
yes	Washington, David	Fair-4-Justice

Chair commenced the hearing at 6:15 p.m.

Testimony commenced at 6:20 p.m.

Witnesses in alphabetical order:

Chris Gannon - Father/Concerned Citizen

- States that he was wrongfully accused of substance abuse during custody case.
- Believes that custody cases can be damaging to families both emotionally and financially.
- Provided materials for the Commission.

Greg Schaaf – Family Law Attorney, Allegany County

- Believes that courts should have a mechanism for scheduling emergency cases.
- States that Maryland custody law should be updated to reflect modern families.

David Smith - “Fathers for Access” Group, Prince George’s County

- Told commission that he will expand at later meetings.

David Washington – Fair-4-Justice, Prince George’s County

- Believes that there should be expanded rights for shared parenting.
- Promised to speak at later commission meetings.
- Submitted a journal for commission to review.

Hearing concluded at 7:45 p.m.

COMMISSION ON CHILD CUSTODY DECISION-MAKING

SUMMARY

Harford County - PUBLIC HEARING #2

November 7, 2013 ◦ 6:00 p.m. – 8:00 p.m.

Location: Harford Community College
Edgewood Hall - Room E132, James LaCalle Lecture Hall
401 Thomas Run Road, Bel Air, Maryland 21015-1698

Commissioners in Attendance:

Honorable Cynthia Callahan, Chair
Wayne Beckles
Dorothy J. Lennig, Esq.
David L. Levy, Esq.
Delegate Susan K. McComas
Dr. Carlton E. Munson
Kathleen A. Nardella, Esq., LCSW-C
Laure Anne Ruth
Keith N. Schiszik, Esq.
Vernon E. Wallace, Jr.
Lauren Young, Esq.

Department of Family Administration Staff:

Connie Kratovil-Lavelle, Esq.
Gerald Loiacono
Adam Wheeler

Interpreters:

Susan Roza, ASL Interpreter
Caroline Schutz, Spanish Interpreter

Public Attendance:

<u>Testify</u>	<u>Name</u>	<u>Organization</u>
yes	Boback, Brandon	Father
yes	Chick, John	N/A
yes	Czyzyk, Mark	Father/NPO
yes	Gannon, Chris	Father
yes	Hausner, Deena	House of Ruth
no	Hurff, Matt	Self

yes	Iannacone, Sharon	Family Court Services
no	Koda, Paul	Self
yes	Lang, Jennifer	Self
yes	Little, Craig	Attorney
no	Mosier, Lauren	Self
yes	Nicholson, Chris	Attorney
no	Pelz, Suzanne	Maryland Judiciary
no	Roza, Susan	
no	Rueed, A.	GFLS
no	Schaffer, Eric	Father
no	Tate, Gwendolyn	SARC
no	Wagner, Kim	OPD/panel
no	Wasanow, David	Fair-4-Justice
yes	Weir, Christopher	Father
no	Williams, Joe	Family Court Services

Chair commenced the hearing at 6:20 p.m.

Testimony commenced at 6:25 p.m.

John Chick - Damascus, Maryland

- Believes Maryland should have a joint custody presumption.
- Claims 37 states have a presumption for joint custody, or language allowing for legal or physical joint custody.
- States that domestic violence research is outdated and should be updated. Says conflict is reduced under functioning shared parenting.

Sharon Iannacone - Harford County Circuit Court Family Services

- Notes that Court seeks a safe relationship with both parents.
- States that uniformity sometimes comes at the cost of clear and instructive orders for litigants.
- Believes that designation of judicial officers/parent coordinators can reduce conflict.
- Submitted written testimony.

Mike Cyzyk - Father/NPO

- States that fathers have an important role in the lives of children.
- Believes that shared parenting works.

Denna Hausner - House of Ruth

- States that presumption of joint custody increases likelihood of violence.
- Notes that decisions should be made by courts on an individual basis without presumption of outcome.
- Says that exceptions in presumption statutes aren't enough to prevent violence.

Brandon Boback - Father

- Believes that men are often wrongly accused of domestic violence or sexual abuse.
- Says there is too much weight given to the opinions in expert reports and evaluations.

Christopher Weir - Father

- Believes there should be a presumption towards joint custody.
- Says that men are often wrongly accused of seeking joint custody as a cost saving measure.

Eric Schaffer - Father

- Believes that psychologists involved in custody disputes operate with a dishonest agenda.
- States that men are wrongly accused of sexual abuse with no evidence.

Chris Nicholson - Family Law Attorney

- Makes Three Recommendations:
 1. There should be no presumption in custody cases, children should be put first.
 2. There should be statutory factors to create predictable decisions.
 3. There should be an administrative structure that allows cases to be heard within 90 days within filing.

Jennifer Lang - Self

- States that punishment for violations of protective order should be more severe and enforced.
- Believes there should be classes for children going through divorce.
- Says Orders and statutes should have a glossary of terms to make them easier to understand.
- Notes that there should be provisions to prevent judge shopping - one family, one judge.

Craig Little - Family Law Attorney

- Notes that joint custody is not always the best option.

- States there should be no presumption of any other custody arrangement Says parents and the court should develop individualized solutions for children.
- Gives the example of his son, who had 50-50 custody and revealed at age 20 that he hated it.

-

Chris Gannon - Father

- Believes mediation needs to be expanded and supported by the courts.
- Says there should be a way to challenge false allegations made by one parent against another.
- States that parental alienation syndrome should be acknowledged by the Maryland courts.
- Provides additional materials.

Hearing concluded at 7:50 p.m.

COMMISSION ON CHILD CUSTODY DECISION-MAKING

SUMMARY

Baltimore City - PUBLIC HEARING #3

November 14, 2013 ◦ 6:00 p.m. – 8:00 p.m.

Location: Baltimore City Community College, Mini Conference Center, Fine Arts Wing
2901 Liberty Heights Avenue, Baltimore, Maryland 21215-7807

Commissioners in Attendance:

Honorable Cynthia Callahan, Chair
Renee Bronfein Ades, Esq.
Honorable Shannon E. Avery
Wayne Beckles
Delegate Kathleen M. Dumais
David L. Levy, Esq.
Dr. Carlton E. Munson
Kathleen A. Nardella, Esq., LCSW-C
Laure Anne Ruth
Master Richard J. Sandy
Keith N. Schizik, Esq.
Vernon E. Wallace, Jr.
Lauren Young, Esq.

Department of Family Administration Staff:

Michael Dunston
Sarah R. Kaplan, Esq.
Pen Whewell

Interpreters:

Sheryl Cooper, ASL Interpreter
Jaime Ochoa, Spanish Interpreter

Public Attendance:

<u>Testify</u>	<u>Name</u>	<u>Organization</u>
yes	Aneli, Roald	Self
yes	Bates, Aaron	Father
no	Bates, Bruce	Children's Rights Fund
yes	Bates, Madelene	Children's Rights
yes	Beck, Laura	Self, Mom

yes	Boback, Brandon	Father
no	Burton, Joyce	
yes	Carter, Jill P.	Self
no	Caster, Troy	None
no	Cheu, Citwill	House of Ruth
yes	Chick, John	N/A
no	Conlon, Amelia	House of Ruth
no	Czyzyk, Mark	
no	DiJulio, Christopher	
yes	Dulring, Danielle	
no	Elgin, Susan	Attorney
no	Fields, Lou	BAAAYC
no	Fink, Lisa	Baltimore City Visitation Center
yes	Flagg, Desmond R.	Self
no	Fuerst Adams, Rita	National Parents Org.
yes	Harlow, Britt	House of Ruth
no	Holcombe, Olivia	Joan Wilbon & Assoc.
no	Holland, Scott	
yes	Holmes, Naeesah	Child
no	Inis Givolito, Mario	SAO Baltimore City SVU
yes	Jackson, Larry	
no	James, Johnathan	NPO - National Parents Org.
no	Kasimu, Sekou	None
no	Kearney, Japonica	Self
no	Kernes, Troy	Self
yes	King, Eileen	Child Justice, Inc.
no	Koda, Paul	National Parents Org.
no	Little, Craig	Attorney
yes	MacArthur, A.	
no	MacFarlane, C.	Self
yes	Matthews, Mark	Clean State America
yes	McLeod, Hera	
no	Merces, Jennifer	Student, UMB School of Law
yes	Mugman, Ellen	
yes	Nielsen, Eric	Self
yes	Nitsch, Lisa	House of Ruth
no	Pelz,, Suzanne	Maryland Judiciary
yes	Pezzulla, Mary	House of Ruth
yes	Phelps, Godfrey	
no	Picbto, Bianca	Tahirih Justice Center
no	Ray, Robert	Self
yes	Sarkar, Shaoli	House of Ruth Legal Clinic
no	Schaffer, Eric	Self
yes	Shalsazz, Ori	N/A
yes	Smith, Sr., David W.	Children's Rights Fund
no	Tapp, Kenneth	Self

no	Taylor, Bonnie	Children's Rights
no	Taylor, Yanita	Office Public Defender
no	Traini, Cecilia	House of Ruth
no	Washington, David	Fair-4-Justice
no	White, Gary	
no	Write, Brittany	

Chair commenced the hearing at 6:10 p.m.

Testimony commenced at 6:20 p.m.

Witnesses in alphabetical order:

Aneli, Roald – Self, Baltimore City

- States he did not get heard by the judge, who was only concerned about the money.

Bates, Aaron – Father, Howard County

- Addressed his personally difficult custody situation.
- States that he did not do anything wrong towards his child, but he was advised by counsel not to challenge custody.
- Says he did not understand the effect of the order on his situation.

Bates, Madelene - Children's Rights, Highland, Howard County

- States that after her son and his girlfriend split up, there was a 8 month custody fight. Son was pressed to agree to joint custody.
- Says her son has to pay support even though he has the child almost 50% of the time.
- Believes there would have been less money spent and less fighting with presumed 50/50 custody.

Beck, Laura - Self, Mom, New Market

- States her husband exploited the current law, leaving her as working poor, with no hope of recovery.
- Believes the child's preference was used to turn the child against her.
- Stresses the importance of finances – her husband knew she could not afford to fight.

Boback, Brandon – Father, Gaithersburg, Montgomery County

- States he has a case in Carroll County, involving false abuse allegations.
- Says he lost joint custody based on inability of the parties to communicate after 8 years of joint custody.

Carter, Jill P. - Delegate, 41st District

- States she pushed for laws that resulted in Commission being established.
- Stresses that too often, the father is relegated to monetary considerations alone. Often he first hears of the case when he is called to give DNA for child support.
- Notes the issue in the case should be how to co-parent, how to be a parent.
- Says that abuse and domestic violence rebut the presumption of joint custody.
- Suggests that we start at the middle with the child having joint access.

Chick, John - N/A, Damascus

- States that presumption is in child's best interests, with exemption for violence and abuse.
- Reminds that at last week's hearing he submitted information on studies supporting joint custody.
- Says that parties trade time for money in custody cases.
- Alleges that people who spoke for joint custody are everyday people; people who spoke against it were speaking to their own selfish interests.

Duerling, Danielle - Baltimore City

- Speaks as a mother and step-mother to her partner's child, effect on her partner of not having joint custody.

Flagg, Desmond R. - Self

- Says he is in favor of presumed joint custody.
- States that children do better with both parents involved.
- Alleges he lost joint custody after 1½ years because he did not have a lawyer.

Harlow, Britt - House of Ruth

- Urges that presumption of joint custody should not be the law.
- States that victims of domestic violence in protective order cases are generally unrepresented and will not know or understand the effect of the presumption.

Holmes, Naeesah – Child, Baltimore City

- Believes she was subjected to a false report of abuse in a child welfare case, fighting to get her child back for 8 months.

King, Eileen - Child Justice, Inc., Silver Springs, Montgomery County

- States that "child rights" should have been used in the law.
- Says that most custody cases settle, and those that do not settle are the least appropriate for a joint custody presumption.
- Believes that "Parental alienation" is used to apply against women, to flip the case the be against the protective parent.
- Would like to see a systematic look at all the parties.
- Urges the Commission to be aware of what is happening on the federal level and of research on best practices.

Matthews, Mark - Clean State America, Baltimore City

- States that he has been the single parent of his now 17-year old son since the child was 3 months old.
- Notes the importance of both parents protect the child.
- Says there is a negative effect of a child of being raised in a single parent household.

McLeod, Hera - Gaithersburg, Montgomery County

- Her son was murdered by his father on a unsupervised visit that she had strenuously opposed.
- Says that the judge who heard the custody case began the hearing by stating how much he hated these cases.
- Urges the end of the rotation of judges in custody cases – the judges who hear custody should want to hear custody cases.
- States that If there is evidence of a psychiatric problem, the person alleged to have the psychiatric problem should not be permitted to select his/her own psychiatrist to do testing.
- Notes that the issue should be the child's rights, not the parent's.
- Asks that cases like hers be reviewed to learn what to do differently.

Mugman, Ellen - Elkridge

- Concerned that child's best interest is not in law as the paramount issue – that is how the law should be changed.
- Concerned that there is not children's rights advocate on the Commission
- Asks that the Commission consider research in its work.
- Says that "Parental alienation" was deemed junk science by the National Council of Juvenile & Family Court Judges. See research by Toby Kleinman; A Mother's Nightmare by John Myers.

Nielsen, Eric - Self, Bethesda

- States that Parental Alienation Syndrome (PAS) - should be included in DSM V.
- Says that absence of PAS from DSM V is a reason courts do not consider it in custody cases.
- Notes he is a frequent Amazon reviewer who comments frequently on PAS.

Nitsch, Lisa - House of Ruth (Baltimore City)

- House of Ruth Clinical Director.
- Cited to several studies, including a 2005 study from a presumption state which found a doubling of motions for modification after joint custody was awarded.
- Says that exposure to parental conflict – not the presence of a parent – is what affects a child's well development.
- States that if parents cannot talk, hard to negotiate joint custody.
- Notes that she is an advocate for fatherhood.
- Believes a Presumption will push judges to order joint custody.

Pezzulla, Mary - House of Ruth

- Managing attorney at House of Ruth.
- States that the presumption of joint custody would be harmful to victims of domestic violence.
- Notes custody cases require individual consideration of the child's best interest.
- Believes an exemption for cases in which domestic violence has occurred would not be sufficient.
- Says having joint custody as the default would support lack of consideration for each child's individual circumstances.

Phelps, Godfrey - Anne Arundel County

- Believes there is no consideration of the rights of men in paternity cases.

Sarkar, Shaoli - House of Ruth Legal Clinic

- Believes the presumption may take away the ability to present testimony.
- Does not want to give judges a quick way to resolve a case without considering the child.
- Says there will be a negative effect on a petitioner in a protective order case if extensive contact with the abusing parent is required.

Shalsazz, Ori - N/A, Baltimore City

- Spoke from father's point of view.
- Says child support continued to be assessed against him even though he is the custodian.
- Needs to be a way to deal with large support arrearages when a father does not have a way to pay it.

Smith, Sr., David W. - Children's Rights Fund, Prince George's County

- He has spoken before and will speak again at the Prince George's meeting.
- Says he has faced these issues as a father.
- Believes there is currently a female bias.
- States that equal presumption is best for children.
- Mentioned "Women for Joint Parenting," an organization in Massachusetts.

Hearing concluded at 8:12 p.m.

COMMISSION ON CHILD CUSTODY DECISION-MAKING

SUMMARY

Eastern Shore - PUBLIC HEARING #4

November 21, 2013 ◦ 6:00 p.m. – 8:00 p.m.

Location: Chesapeake College - Wye Mills Campus, Room HEC110
1000 College Drive, Wye Mills, Maryland 21679

Commissioners in Attendance:

Honorable Cynthia Callahan, Chair
Renee Bronfein Ades, Esq.
Honorable Shannon E. Avery
Kathleen M. Dumais
Dorothy J. Lennig, Esq.
David L. Levy, Esq.
Carlton E. Munson, Ph.D., LCSW-C
Kathleen A. Nardella, JD, LCSW-C
Laure Anne Ruth
Keith N. Schiszik, Esq.
Vernon E. Wallace, Jr.
Lauren Young, Esq.

Department of Family Administration Staff:

Christine Feddersen
Connie Kratovil-Lavelle, Esq.
Gerald Loiacono
Adam Wheeler

Interpreters:

Jaime Ochoa - Interpreter, Spanish
Carrie Quigley - Interpreter, ASL

Public Attendance:

<u>Testify</u>	<u>Name</u>	<u>Organization</u>
Yes	ACP #13035,"Mich"	Self
No	Barton, Linda	
Yes	Bates, Aaron	Self, father
No	Baumann, Jen	Circuit Court
Yes	Brown, Dana	
Yes	Chick, John	Self
No	Cullen, Kate	Mediation Services of Frederick
Yes	DiJulio, Christopher	Dad
No	Jurrius, Cynthia	Mid-Shore Mediation
No	Koda, Paul	National Parents Organization
No	Kranitz, Martin	Mediation Services of Annapolis
No	Land, Susan	Attorney
No	Meta, Jean D.	Judiciary
No	Pittsinger, Katie	Mid-Shore Council on Family Violence
No	Sharp, Bryon	NPO - National Parents Org.
No	Wolpert, Rachel	Maryland Legal Aid

Chair commenced the hearing at 6:08 p.m.

Chair, Cynthia Callahan, made opening remarks on the nature of the Commission and its responsibilities. She discussed the rules for speaking before the Commission.

Testimony commenced at 6:10 p.m.

Dana Brown - Charles County

- States he believes there is a major bias against fathers in custody decisions
- Cites a recent study by the Women’s Law Center
- Alleges that the House of Ruth is wrong to oppose “shared” (50/50) parenting.
- Wants rebuttable presumption of joint (50/50) custody.

Christopher DiJulio – Father, Anne Arundel County

- Suggests domestic violence allegations made during the course of a custody dispute be heard in Circuit Court by the judge assigned to the custody case.
- Gives examples of multiple filings of protective order proceedings in his case.
- Wants police or Department of Social Services to investigate allegations of parental drug abuse within 14 days.

“Mich” [Alias], - Self, St. Mary’s County

- States several judges had to recuse because ex-husband retained their old firm.
- Alleges she had clear evidence of lying in custody proceedings by ex-husband.
- Moved to Maryland, lost full custody to father and received no visitation.
- Wants retired judges required to have continuing education and be tested for mental acuity.

John Chick – Litigant, Damascus, Maryland

- Cites 2010 article in Journal of Pediatrics and Child Health for evidence that children do better when raised by both parents.
- Alleges presumption of joint custody has an exception for domestic violence.
- Outlines three ways to avoid domestic violence:
 - Supervised exchange centers paid for by those who use the service;
 - Mandatory co-parenting classes;
 - Removing causes of parental conflict like bias against fathers;
 - Adopting shared custody which leads to lower parental conflict.
- Claims 37 other states have some type of shared parenting language.
- Notes California’s statutory language that it is the public policy of the state to ensure frequent and continuing contact between a child and both parents.

Aaron Bates – Self, father, Highland, Maryland

- Claims that rights and laws are ignored by courts and lawyers.
- Complains that no evaluation of the mother’s mental state or living situation was done after she disappeared with the child.
- Says ultimately he was awarded seven nights short of 50-50 parenting time.
- Alleges mother uses child support to pay for her own desires.
- Claims child support is 40% of his gross income which makes his business unprofitable.

6:41 p.m. - Honorable Cynthia Callahan, Chair, announced that the Commission would recess as there were no more speakers waiting. If no new speakers arrived before 7:30 p.m., the hearing would be adjourned.

7:30 p.m. - Hearing adjourned.

COMMISSION ON CHILD CUSTODY DECISION-MAKING

SUMMARY

Prince George's County - PUBLIC HEARING #5

December 11, 2013 ◦ 6:00 p.m. – 8:00 p.m.

Location: *Bowie Library, Meeting Room
15210 Annapolis Road, Bowie, Maryland 20715*

Commissioners in Attendance:

Honorable Cynthia Callahan, Chair
Renee Bronfein Ades, Esq.
Honorable Shannon E. Avery
Paul C. Berman, Ph. D.
Delegate Kathleen M. Dumais
Michele R. Harris, Esq.
Dorothy J. Lennig, Esq.
David L. Levy, Esq.
Carlton E. Munson, Ph.D., LCSW-C
Kathleen A. Nardella, JD, LCSW-C
Keith N. Schiszik, Esq.
Lauren Young, Esq.

Department of Family Administration Staff:

Connie Kratovil-Lavelle, Esq.
Michael Dunston
Christine Feddersen
Gerald Loiacono
Pam Luby
Adam Wheeler

Interpreters:

Carolina Schutz - Interpreter, Spanish
Carrie Quigley - Interpreter, ASL

Public Attendance:

Testify	Name	Organization
Yes	Amster, Jayson	N/A
No	Barberman, Jr., John L.	Attorney, The Bowen Law Firm, Trustee Children's Rights Council
No	Barbour, Lawrence D.	

Testify	Name	Organization
No	Barues, D.	
No	Bates, Aaron R.	Father
No	Bates, Bruce	
No	Bishop, David A.	
No	Blgay, Walakewon	
No	Boback, Brandon	Father
No	Borie, Dennis	
No	Bouquet, Ed	Brodsky, Reneharetal
Yes	Bovma, Laura	Mom's Fighting Howard County Court Corruption
Yes	Browne, Ronald	Self, father
No	Burnett, Sr., Arthur L.	Retired Judge, DC Superior Court
Yes	Carrington, Darrell	Carrington Assoc.
Yes	Clements, David	House of David
No	Dalichow, Karin	Community Legal Services
Yes	Debra	HCMFCC
No	DiJulio, Christopher	Self
No	Dill, Jennifer	Ferrente & Dill, LLC
Yes	Donahue, Diane	So. Md. Center for Family Advocacy
No	Erdmann, Lindsey	McNammee Hosea
Yes	Fisher, Cliff	Self
Yes	Fountain, Cheryl	Self
Yes	Gilhooly, Susan	OPD
No	Gindles Belgel, Patricia	Prince George's Co. Circuit Court
Yes	Gordon, Elizabeth	House of Ruth, Maryland
No	Gunter, Francine	Self
Yes	Haywood, Cassandra	MMCH
No	Hein, Leo	Fathers' Rights
No	Henry, Ron	The Boys Initiative
No	Jackson, Larry	
No	James, Johnathan	NPO - National Parents Organization
No	Judy, Patricia	
Yes	Kahlor, Margaret	Self
No	Kukuk, Brad	Maryland Domestic Law Report
No	Lawrence, Anthony	N/A
No	Levy, Esq., Ellen	
No	Lewis, II, Vincent	
Yes	Malone, Frank	The 100 Fathers, Inc.
No	Markoski, Peter	MSBA Family Law Committee
Yes	Maypin, Margaret	Legal Aid Bureau
Yes	McAvoy, Vince	
No	McClaron, Maisha	
No	Moore, Earnest	Men Aiming Higher
No	Mustaf, Jerrod	Take Charge Program
No	Nielsen, Eric	Self

Testify	Name	Organization
No	Pelz, Suzanne	Maryland Judiciary
Yes	Polikoff, Nancy	American University, Washington College of Law
No	Porter, Tom	Fairwindz.org
No	Ralls, Davon	
Yes	Ramsey, Teresa L.	Self
No	Ramsey, Will	Self
No	Rupert, Maya	National Center for Lesbian Rights
No	Sapp, T Chaka	100 Fathers Inc.
No	Sharp, Bryan	NPO - National Parents Org.
Yes	Silber, Susan	Silbe, Perlmaj
Yes	Simpson, Nancy R.	Simpson Family
No	Smith, Sr., David W.	Children's Rights Fund
Yes	Sundermen, Heather	Law Office of Maibel Lafontaine
No	Turner, Stephen	
Yes	Venzen-Peck, Renee	Mom's Fighting Howard County Court Corruption
Yes	Walter, Jen	Free State Legal
Yes	White, Darren	Self, Visitation father
Yes	Wills, Vincent	Self
Yes	Wolfer, Judith	House of Ruth, Maryland
No	Woodall, Judy	Section Counsel Family Law

Chair commenced the hearing at 6:15 p.m.

Testimony commenced at 6:16 p.m.

Nancy Polikoff - Professor, American University Washington College of Law

- Argues there is a need for a statutory definition of de facto parentage.
- States that de facto parentage assures that people without a genetic link to a child for whom they act as a parent are recognized as parents by the law.
- Points out that many states recognize de facto parentage including the District of Columbia and Delaware.

Cliff Fisher - Laurel, MD (Prince George's County)

- States that children do better with both parents.
- Wants law mandating joint physical custody.
- Proposes exceptions to joint:
 - history of domestic violence;
 - history of mental illness; or
 - other danger to the child.

Diana Donahue - Southern Maryland Center for Family Advocacy, Hollywood, MD

- States she represents clients in domestic violence (DV) and other family law cases.
- Notes serious concerns about presumption of joint physical custody:
 - Abusers use manipulation and control which can involve the child;
 - Presumption presents another obstacle to escaping a violent relationship.
- Asks that Commission to focus on protecting an ongoing POSITIVE relationship with parents rather than simply “ongoing relationship” (HB687, f(6)).

Cheryl Fountain - Mt. Rainier, MD (Prince George’s County)

- States her partner conceived child through artificial insemination; she and partner co-parented, then separated when child was one year old.
- Notes she received some visitation through recognition of de facto parentage.
- Has regular visitation with her child, positive relationship with former partner.

Debra - Moms Fighting Howard County Court Corruption (Howard County)

- Say husbands, mental health experts, and judges want to destroy fit mothers who are seeking custody.
- Claims there is a conspiracy to remove mothers from children’s lives.
- Alleges mothers are consistently losing their children in Howard County courts.
- Says children were brainwashed to hate her and wants recognition of maternal alienation.

Judith Wolfer - House of Ruth (Prince George’s County, Montgomery County)

- States that the impact of children witnessing DV is minimized by judges who focus on whether children were directly abused.
- Argues that Judges, Masters and the Bar should be trained on the impact of witnessing DV between parents.
- Says an accelerated access and custody hearing is needed to preserve the parenting division of labor prior to the separation.
- Wants the custody factors recommended by the Commission to go beyond those in *Montgomery Co. v. Sanders* and *Taylor v. Taylor* and consider today’s family.

Ronald Browne - Prince George’s County

- States that four ex parte DV cases and four child abuse cases against him were thrown out.
- Alleges wife caused parental alienation.
- Wants a presumption of shared physical custody.
- Argues that parental alienation is child abuse, and custodial interference should be criminalized (cites Missouri law).
- States those who file false DV claims should be punished.

Margaret Kahlor - Elkridge, MD (Howard County)

- Margaret K. of the *Janice M. v. Margaret K.* case
- States that Margaret adopted child to be raised by her and Janice, but after separation, over time, Janice became more restrictive on visitation.
- Court of Appeals eliminated de facto parenthood in her case, and despite Court finding of alienation witness had no recourse.

Renee Venzen-Peck - Ellicott City, MD (Howard County)(Moms Fighting Howard County Court Corruption)

- Lost custody of her son in 2010 after trial in Howard County Circuit Court. At end of trial, judge did not retire for deliberations.
- Judge was biased and had predetermined the outcome of the case.

Franklin Malone - 100 Fathers, Inc.

- Provides fatherhood mentoring services.
- Promotes the Family Bill of Rights.
- Claims that 85% of Maryland custody cases are found in favor of the mother.
- Noted that incarceration, truancy and delinquency may be related to father absence.

Theresa Ramsey - Takoma Park, MD (Prince George's County)

- States she has practiced family law in many states.
- Cites Washington State law requiring parenting plans to be filed with petition for custody disputes, which causes parents to focus on children at the outset.
- Wants the Commission to recommend shared parenting.

Darren White - Glendale, MD (Prince George's County)

- Accused of child abuse despite no corroborating evidence which lead to indictment, trial, and the jury returned a not guilty verdict.
- Claims that judge appointed a former co-worker as the best interest attorney in the custody case.
- Urges more specific custody and visitation orders to avoid costly re-litigation.
- Show cause hearings must be set promptly (5 months too long)
- States too many custody cases heard and tried solely by women.

Vince Wills - Montgomery County

- Family law practitioner for over twenty years and a child of divorce
- Argues that if a presumption of shared custody is imposed, the court cannot reach the best interests of the child until the presumption is overcome.
- States from personal experience he does not favor presumption of 50/50.
- Believes that division of labor should be imposed in custody arrangements (one parent with primary job, one with child rearing responsibilities).

Susan Gilhooly - Prince George's County

- CINA division supervisor for the Office of the Public Defender in multiple counties in Southern Maryland.
- Wants post-closure CINA cases to use the best interest standard instead of the unfitness or extraordinary circumstances (3rd party custody cases) standard.
- Argues for fair treatment for all gender, ethnic, cultural, religious, and socioeconomic statuses.

Heather Sunderman - Gaithersburg, MD (Montgomery County)

- Family law practitioner in Rockville, MD and child of divorce.

- Wants impact on children in custody cases minimized through:
 - avoiding litigation;
 - increasing parenting education on encouraging avoiding conflict.
- Notes need for uniformity in custody evaluations and judicial determinations about children testifying custody disputes.

Jayson Amster

- Lawyer for 44 years; family law practitioner for past 20 years.
- Argues that the adversarial system does not work for or protect children.
- States that the vast majority of custody disputes settle.
- Argues that judges should be trained child development, family dynamics, and other aspects of family cases.
- Opposes a presumption of joint physical custody.

Laura Bouma - Queen Anne's County

- Claims that abusive and alcoholic ex-husband was awarded custody with no visitation for her.
- States that she was not allowed to present any evidence or testimony at trial.
- Custody evaluator's recommendation in the case was for custody to the father.
- Custody evaluations cost \$43,000 which mother cannot afford.

Margaret Maupin

- Maryland Legal Aid's Southern Maryland office. 25-year family law and DV practice.
- States she has not seen a judge make a decision based on gender.
- Notes that there is already a presumption that both parents have equal parenting rights.
- Against a presumption of joint custody.
- Believes joint custody can and does work but not in the majority of cases that reach trial, where deep conflict hinders the success of joint custody.
- Wants judges to be more educated on the effects of DV.

Susan Silber - Takoma Park, MD

- Family law practitioner in Maryland for over 30 years.
- Wants a strong non-discrimination principle for application of the custody factors.
- Argues for the adoption of the Uniform Parentage Act.
- Seeks expedited treatment of custody and access issues to minimize the harm of custodial interference and disruption.
- Says de facto parenthood should be reinstated in Maryland law.

Elizabeth Gordon - Montgomery County

- House of Ruth counselor and child therapist.
- Opposes presumption of joint custody, which assumes that parents who cannot overcome conflict on their own will do so if there is a presumption.
- Wants more guidance for judges on what is in the best interests of the child.
- Notes that children need more stability and predictability in their environment.

Darrell Carrington - Bowie, MD (Prince George's County)

- Represents the Children's Rights Fund of Maryland.
- Wants a presumption of joint custody.

Vince McAvoy - Baltimore, MD

- Claims that the tender years doctrine is being perpetuated in Maryland's courts.
- Alleges that court processes and personnel eliminate fathers from children's lives.
- Wants 50/50 rebuttable presumption of joint custody.
- Argues that faith-based groups should be included to teach ethical behavior.
- States that custodial interference should be treated like failing to pay child support.

Cassandra Haywood - Howard Co. (Moms Fighting Howard County Court Corruption)

- Has two upcoming court cases. Has not seen daughter in eight months.
- Claims she sought child support in 2011, husband responded by seeking sole custody, and he won.
- States that the children are displaying physical and mental issues in father's custody.
- Notes she has filed grievances against her own attorney, expert witnesses, and others.
- Wants consideration of immigration status in custody determinations.

Nancy Simpson - Bowie, MD

- Grandmother of two boys.
- States that father has sole custody but is not providing proper medical care.
- Wants greater emphasis on the medical needs of the child in custody decisions.

David Clements

- Founded father's advocacy group, House of David.
- States he has 50/50 joint custody arrangement with his children, which he sought and won at trial.
- Complains that Office of Child Support Enforcement insists on referring to wife as the custodial parent.
- Wants a presumption of joint physical custody.

Hearing concluded at 8:32 p.m.

Chapter 633

(House Bill 687)

AN ACT concerning

Commission on Child Custody Decision Making

FOR the purpose of establishing the Commission on Child Custody Decision Making; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to perform certain duties; requiring the Commission to be appointed, organized, and meet by a certain date; requiring the Commission to submit certain reports to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Commission on Child Custody Decision Making.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Commission on Child Custody Decision Making.

(b) The Commission consists of the following members:

(1) two members of the Senate Judicial Proceedings Committee, appointed by the President of the Senate;

(2) two members of the House Judiciary Committee, appointed by the Speaker of the House;

(3) two circuit court judges and one District Court judge from diverse geographical regions of the State, each of whom has experience hearing family law, domestic violence, or child custody cases, appointed by the Chief Judge of the Court of Appeals;

(4) one experienced family law master, appointed by the Chief Judge of the Court of Appeals; and

(5) the following members, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House:

(i) two representatives of the Maryland State Bar Association Family Law Section from diverse geographical regions of the State, at least one of

whom shall be from Baltimore City and have experience representing fathers in contested custody matters;

- (ii) one representative of a domestic violence advocacy group;
- (iii) one representative of a fathers' rights group;
- (iv) one representative of the Women's Law Center;
- (v) one educator on family law;
- (vi) three licensed mental health workers who have experience with family law or child custody cases, at least one of whom shall be a psychologist and one of whom shall have expertise in the area of the study of the African American family;
- (vii) one representative ~~from~~ of the Children's Rights Fund of Maryland; ~~and~~
- (viii) one representative of the Maryland Commission on Disabilities; and
- ~~(viii)~~ (ix) one sociologist from the University of Maryland School of Social Work, recommended by the President of the University of Maryland, Baltimore.

(c) The Governor shall designate the chair of the Commission.

(d) The Department of Family Administration in the Administrative Office of the Courts shall provide staff for the Commission.

(e) A member of the Commission:

- (1) may not receive compensation as a member of the Commission; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall:

- (1) study the practice, principles, and process for child custody decision making in Maryland;
- (2) by December 31, 2013, hold one hearing each in Baltimore City, Harford County, Prince George's County, Western Maryland, and the Eastern Shore to

allow for public input and participation by interested persons on child custody decision making in Maryland;

(3) study how to make the establishment and modification of child custody orders more uniform, fair, and equitable;

(4) study how to reduce litigation in child custody proceedings;

(5) study and consider the adverse effects of child custody litigation and ways the court system can minimize those effects;

(6) study how to promote and ensure that children have ongoing relationships with each parent;

(7) study how to maximize the involvement of both parents in each child's life;

(8) study the advantages and disadvantages of joint physical custody and the impact of joint physical custody on the health and well-being of children;

(9) study whether or not there is any gender discrimination in custody decisions in Maryland and, if so, how to address such discrimination;

(10) study statutes from other states used for child custody determinations and assess whether those statutes improve the quality of decisions in child custody cases;

(11) study whether the Annotated Code of Maryland should contain a statute regarding child custody decision making that would include definitions and factors for consideration in such decisions;

(12) study case management systems for family law cases in Maryland and other states and study how to improve timely access to the court for temporary, pendente lite custody disputes, initial custody determinations, ~~and~~ custody modification proceedings, and emergency proceedings, and how to expedite denial of visitation proceedings;

(13) study the accountability of Maryland courts when using interventions such as protective orders, whether the courts should adopt processes to allow for compliance hearings, and the impact of domestic violence proceedings on temporary and final custody determinations;

(14) make recommendations regarding the most effective manner in which to facilitate cooperative decision making by parents involved in child custody proceedings as it relates to their children;

(15) study the training programs currently available to Maryland judges regarding child custody decision making and assess how to improve the training, including making it more culturally sensitive and diverse, and how to make the training more available to all judges on a consistent, ongoing basis;

(16) review the literature and research on decision-making responsibility and physical custody determinations, including child development literature and research on the effect of separation and divorce, and the literature and research on decision-making responsibility and physical custody determinations when the parents in the case were never married and may not have lived together;

(17) study standardization of the language used by courts in making child custody determinations for clarity and to eliminate exclusionary or discriminatory terms;

(18) study how to ensure that child custody determinations involving parents with mental health issues or sensory or physical disabilities are handled in a fair and even manner based on actual evidence and not presumed limitations;

~~(18)~~ (19) gather quantitative and qualitative data on the total number of contested custody cases per jurisdiction, including whether the court awarded joint physical custody to the parties or primary physical custody to the mother or the father over a 2-year period; and

~~(19)~~ (20) gather quantitative data on whether pro bono legal resources are equally available for petitioners and respondents in domestic violence protective order proceedings in Maryland.

(g) The Commission shall:

(1) be appointed, organized, and begin its deliberations no later than September 1, 2013;

(2) submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on or before December 31, 2013; and

(3) submit a final report of its findings and any recommendations for legislation to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on or before December 1, 2014.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013. It shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2013.