

COMMISSION ON CHILD CUSTODY DECISION-MAKING

MINUTES

Commission Meeting

February 6, 2014 ◦ 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
Renee Bronfein Ades, Esq.
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. Schizik, Esq.
Vernon E. Wallace, Jr.
Lauren Young, Esq.

Department of Family Administration Staff:

Connie Kratovil-Lavelle, Esq.
Michael Dunston
Christine Feddersen
Gerald Loiacono, Esq.

Pam Luby, Esq.
Joseph Warren
Adam Wheeler, Esq.
Pen Whewell

Interpreters

Carrie Quigley, ASL
Carolina Schutz, Spanish

Public Attendance:

Dennis Borie
Elizabeth Britt, Children's Rights
Council
Darrell Carrington, Children's Rights
Fund
Christopher DiJulio
Roberta Eisen, practitioner
Sal Frasca, Children's Rights Council

Eileen Kiup, Child Justice, Inc.
Suzanne Pelz, MD Judiciary
David W. Smith, Sr., Children's Rights
Fund

Judge Cynthia Callahan opened the meeting at 6:00 p.m.

The meeting began with identifying issues raised at the five public hearings held throughout the State. Those issues were organized into categories listed below:

JUDICIAL ISSUES

1. Training of judges
2. Judicial attitudes on custody
3. Judicial rotations to the family law docket
4. Mental illness/substance abuse awareness for bench

STATUTORY ISSUES

1. Joint custody presumption and other statutory recommendations
2. Parentage determination:
 - a. Reinstating *de facto* parentage by statute
 - b. Presumption of parentage with respect to same sex couples
 - c. Parentage issues with gestational carriers
 - d. Reviewing presumption for married parents
3. Visitation: Third party and grandparent/relative
4. Time standards on emergency hearings and other hearings
5. Statutory non-discrimination for LGBT and others
6. Statutory “material change in circumstances” test
7. Domestic Violence Issues
 - a. Unfounded domestic violence claims influencing decisions
 - b. Claims of domestic violence being ignored
 - c. Balance of parental involvement and safety or domestic violence issues
8. DSS involvement and custody determinations
9. Balancing parental wants and child needs

COURT PROCESSES

1. Giving all parties the opportunity to be heard/ fairness to participants
2. Timeliness of hearings
3. Quick response to high-conflict cases before extensive litigation
 - a. Initial stabilization of families
 - b. Parenting plans with initial pleading?
4. Umbrella for services and process for never-married parents in family law cases (custody, access, child support, etc.)
5. High cost of litigation
6. Including the child's voice in the custody decision-making process
7. Improved court responsiveness on enforcement of access and/or custodial interference
8. Aligning determination of custody/visitation issues with child support determinations
9. Time standards for case completion
10. "One family one judge" model

REPRESENTATION ISSUES/ INDIVIDUAL PROCESSES

1. Litigant confusion about the law, the process, and/or the outcome of their case
2. Reduce complexity and increase transparency of custody determinations
3. Costs and due process considerations for self-represented litigants
4. Attorneys "taking over" case and/or litigants losing control
5. Increase litigant input in parenting time decisions

The Commission members then volunteered for positions on the subcommittees proposed by the Chair.

- 1) *ADR COMMITTEE*
 - a. Delegate McComas
 - b. Kathleen Nardella

2) *STATUTORY COMMITTEE*

- a. David Levy
- b. Keith Schiszik
- c. Renee Ades

3) *LITERATURE REVIEW*

- a. Dr. Carlton Munson
- b. Honorable Videtta Brown
- c. Wayne Beckles
- d. Paul Berman

4) *COURT PROCESSES*

- a. Laure Anne Ruth
- b. David Levy
- c. Master Richard Sandy
- d. Delegate Kathleen Dumais
- e. Honorable Videtta Brown
- f. Michele Harris

5) *BIAS / NEUTRAL LANGUAGE / PARENTS WITH DISABILITIES, ETC.*

- a. Vernon Wallace
- b. Lauren Young
- c. Dr. Carlton Munson

6) *DOMESTIC VIOLENCE*

- a. Dorothy Lennig
- b. Honorable Shannon Avery
- c. Senator Jennie Forehand

Delegate Dumais noted that she planned to propose legislation to extend the term of the Commission by another year. Brief discussion followed.

The meeting was adjourned at 8:15 p.m.