

COMMISSION ON CHILD CUSTODY DECISION-MAKING

MINUTES

Commission Meeting

April 9, 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.
Paul C. Berman
Delegate Kathleen M. Dumais
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.
Lauren Young, Esq.

Department of Family Administration Staff:

Connie Kratovil-Lavelle, Esq.
Christine Feddersen
Sarah R. Kaplan, Esq.
Gerald Loiacono, Esq.

Joseph Warren
Adam Wheeler, Esq.
Pen Whewell

Interpreters

Sara Smith, ASL
Carolina Schutz, Spanish

Public Attendance:

Christopher DiJulio
Mark DeDeritt, Master Sandy Intern
Sal Frasca, Children's Rights Council
David W. Smith, Sr., Children's Rights
Fund
David Washington, Fair 4 Justice

Judge Cynthia Callahan opened the meeting at 6:10 p.m.

Review of Minutes

The Commission began by reviewing the minutes of the previous meeting. Three revisions were proposed. First, the minutes did not reflect that Mr. David Levy had indicated that the Commission would need more funding if extended by legislation. Second, the minutes did not reflect that Judge Videtta Brown had been in attendance. Third, the minutes did not reflect that Judge Shannon Avery had requested that the Commission add another judge from the District Court.

The proposed changes were adopted by the Commission.

Reports from the Committees

The Chair requested that the committee chairs update the Commission on the initial committee meetings.

The Alternative Dispute Resolution (ADR) Committee presented first. The ADR committee wants to look at what other states are doing with their ADR programs and what programs are already available in Maryland. The Committee would also like to consider, for example, whether mediation is appropriate for domestic violence cases. The Committee is comprised of twenty-four members including many mental health professionals and ADR experts.

The Statutory Considerations Committee presented second. This Committee had a large number of legal professionals but had worked to include non-legal perspectives for inclusion. The Committee wants to build a new foundation for a Maryland custody statute by considering the broad issues like parentage and other states' factors for custody decision-making. The Committee would like to meet about every three weeks.

The Literature Review Committee presented third. This Committee discussed methods for gathering literature and identified some experts who had already done some work in the field. The Committee will also rely on other committees to request information and research. The Committee will also be asked to determine whether literature is reliable based on their professional expertise.

The Court Process Committee presented fourth. This Committee is composed of clerks, masters, judges, and other experts. The Committee has split its members into subcommittees to address specific issues. Those issues are: (a) unmarried couples; (b) emergency hearings; (c) child in need of assistance cases; (d) treatment of custody evaluations post-*Sumpter*; (e) judicial education; and (f) enforcement of orders. The Committee also reported that it had begun reviewing survey results on the treatment of emergency and *pendente lite* requests in the various jurisdictions.

The Identifying and Eliminating Bias Committee presented fifth. This Committee discussed the various perspectives of its members. The Committee had set a schedule for future meetings and begun doing some “homework.” The Committee plans to examine the language and word choices used in statutes.

The Domestic Violence Committee presented sixth. This Committee began with high-level discussions of the interplay between custody cases and domestic violence. The Committee plans to approach the issue from two directions: (1) custody aspects of protective orders cases and (2) domestic violence issues in custody cases. The Committee also discussed the perceived use of domestic violence claims for leverage in custody cases and the need to get dangerous domestic violence cases into court quickly.

Other Business

Legislation extending the deadline for the Commission failed in the General Assembly’s most recent session. As a result, the Commission’s final work product must be completed by December 1, 2014. As a result, the Chair set deadlines for the various committees work product over the coming months. By the end of September, all committees need to have completed their work and have their final work product ready for presentation to the Commission. Two all-day meetings will be scheduled for October and November.

The substance of the Commission’s final report should be like the Groner Commission’s report from the 1970’s. While it would be more helpful to have one report than two, the General Assembly is not averse to receiving a dissent or minority report. The General Assembly will receive the final report and possibly develop legislation based on the recommendations contained within. Changes to court process or judicial education could potentially be made within the Judiciary by the Rules Committee or the Administrative Office of the Courts.

The venue for future meetings will be either at the Judicial Education and Conference Center (JECC) in Annapolis or by phone.

Next Meeting

The next Commission meeting was scheduled for Tuesday, May 27th from 6 p.m. - 8 p.m. A meeting of committee chairs would take place immediately before that from 4-6 p.m.

The Commission also planned to meet July 1st from 6-8 PM and August 19th from 6-8 PM. Dates for the September and October meetings would be determined later.

The meeting was adjourned at 7:40 p.m. by Judge Cynthia Callahan.