

COMMISSION ON CHILD CUSTODY DECISION-MAKING

MINUTES

Commission Meeting

May 27, 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
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
Keith N. Schiszik, Esq.
Vernon Wallace, Jr.
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:

Carolina Schutz, Spanish
Sigourney Coulston, ASL

Public Attendance:

Christopher DiJulio, Children's Rights Fund
Suzanne Pelz, Maryland Judiciary
David W. Smith, Sr., Children's Rights Fund

Judge Cynthia Callahan opened the meeting at 6:17 p.m.

Review of Minutes

The Commission began by reviewing the minutes of the previous meeting. No revisions were proposed. The April Minutes were adopted.

Reports from the Committees

The Chair requested that the committee chairs update the Commission on their work so far.

1. Alternative Dispute Resolution (ADR) Committee

The Committee has recently received a copy of the Judiciary's major research report on ADR programs in Maryland. This report will be reviewed and discussed by the Committee. The Committee has met once. At their meeting, they discussed the current use of ADR in Maryland and how to expand it throughout the state. The Committee believes that more public information and education about available ADR programs would help litigants in the court system.

2. Statutory Considerations Committee

This Committee has split into three working groups: (1) Statutory Factors; (2) Parentage; and (3) Presumptions of Joint Legal Custody and Joint Physical Custody.

- a. The Statutory Factors group has identified four core mental health concepts that will form the basis of the child-centered statutory factors. Those concepts are the child's sense of safety and security, the child's self-image, the child's intellectual functioning, and the child's interpersonal relationships.
- b. The Parentage group has identified a number of issues, though addressing all of them may not be practical within the Commission's time constraints. Those issues are de facto parentage, the marital presumption of paternity, the impact of assisted reproductive technologies on parentage, and the possibility of adopting the Uniform Parentage Act in Maryland.
- c. The Presumptions group will be presenting suggested statutory language at the next meeting of the committee.

3. Literature Review Committee

The Committee developed a list of approximately fifteen topics at their most recent meeting. The Committee will be reviewing information shared from other committees and providing information to those committees as requested.

4. Court Process Committee

Judge Callahan presented the Committee's work in place of Master Sandy. The Committee has split into multiple subcommittees: (1) CINA/Custody; (2) Enforcement of Orders; (3) Emergency Standards; (4) Judicial Education; and (5) Access for Never-Married Parents. The Committee has run efficiently and has begun working on recommendations.

- a. CINA/Custody Subcommittee is examining how child custody and child welfare cases intersect. The Subcommittee has collected information from around the state about how the circuits are dealing with parents who seek to regain custody of their children after their children are found CINA.
- b. The Enforcement of Orders Subcommittee has collected differentiated case management (DCM) plans from courts around the state.
- c. The Emergency Standards Subcommittee has reviewed the processes used by courts throughout the state for determining whether an emergency exists in a custody case.
- d. The Judicial Education Subcommittee has discussed the need for improving judicial education, especially for diversity, non-traditional families, and families with multiple cases.
- e. The Access for Never-Married Parents Subcommittee has examined improving access to the custody process in circuit court for parents who initially come to court for domestic violence or child support issues. The subcommittee will be considering innovations in this regard in Texas and Michigan.

5. Identifying and Eliminating Bias Committee

The Committee's work thus far has focused on what areas of bias should be addressed. The initial issues to address are bias on the basis of gender, sexual orientation, race, ethnicity, and disability. The Committee will also look at neutral language to be used in statute to avoid bias. The Committee has also formed some subcommittees to address particular issues. Bias on the basis of socioeconomic status has been discussed in subcommittee and other

information from the state's Commission to Study Civil Right to Counsel will be provided to that subcommittee.

6. The Domestic Violence Committee

The Committee has split into three subcommittees named for their chairs: (1) Milko Subcommittee; (2) Avery Subcommittee; and (3) Eason Subcommittee.

- a. The Milko Subcommittee is addressing how to improve and expedite access to the Circuit Courts for custody issues where an initial allocation of custodial rights has been made through the protective order process.
- b. The Avery Subcommittee is examining the custody issues of litigants in domestic violence cases. For example, the Subcommittee is considering the best way to order custody when the respondent is ordered to stay away from the petitioner.
- c. The Eason Subcommittee is examining the domestic violence issues of litigants in custody cases. For example, the best way for judges to hear children's voices in a custody case involving domestic violence and improving judicial education and the trauma experienced by children witnessing domestic violence.

Other Business

None.

Next Meetings

The Commission's upcoming meetings will be held in Annapolis on:

- July 1, 2014 from 6:00 p.m. – 8:00 p.m.
- August 19, 2014 from 6:00 p.m. – 8:00 p.m.
- October 8, 2014 – Full day meeting from 9:00 a.m. – 5:00 p.m.
- November 12, 2014 – Full day meeting from 9:00 a.m. – 5:00 p.m.

Adjournment

Judge Callahan adjourned the meeting at 7:25 p.m.