

COMMISSION ON CHILD CUSTODY DECISION-MAKING

MINUTES

Commission Meeting

July 1, 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.
Honorable Shannon E. Avery
Paul C. Berman
Honorable Videtta A. Brown
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.
Vernon Wallace, Jr.

Department of Family Administration Staff:

Connie Kratovil-Lavelle, Esq.
Christine Feddersen
Meredith Kushner
Gerald Loiacono, Esq.
Joseph Warren
Adam Wheeler, Esq.

Interpreters:

Carolina Schutz, Spanish
Carrie Quigley, ASL

Public Attendance:

Mary Atwater, PsyD, Collaborative Mediation Services
Eileen King, Child Justice
Christian Paasch, National Parents Organization
Suzanne Pelz, Maryland Judiciary
David W. Smith, Sr., Children's Rights Fund

Judge Cynthia Callahan opened the meeting at 6:08 PM.

Review of Minutes

The minutes of the May 27, 2014 Commission meeting were adopted without amendment.

Drafting the Report

Each committee of the CCCDM will submit their findings to the Commission. There will be no standard format for committee submissions. Each committee will attach the information it feels is relevant for the Commission's consideration.

The final report will be authored by the Commissioners, committee members, and CCCDM staff.

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 held their second meeting on June 2nd. The Committee discussed:

- Developing a parenting plan form that may be either recommended or required in initial pleadings.
- Minimizing the adverse effects of custody litigation on children.

The Committee has formed workgroups.

- The Education workgroup is focusing on ways to educate the public about alternative methods to litigation for custody dispute resolution.
- The Family Court workgroup is talking about unifying the family court services that are currently provided into a more holistic and streamlined package.
- The Parenting Plan workgroup is working on drafting a model parenting plan.

2. Statutory Considerations Committee

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

- The Statutory Factors group has been working through a list of factors from other states and selecting factors for inclusion in Maryland's best interests test. The group wants to distinguish factors focused on the

needs of the child from factors focused on the abilities of the parents. New factors for modification are also being discussed.

- The Parentage group has been working on identifying states where third party visitation statutes are in use within the bounds of the Supreme Court's ruling in *Troxel*. The group has been meeting frequently and will likely have recommendations by the committee's next meeting.
- The Presumptions group has been reviewing custody presumptions in other states. This group will continue working on research about which states have a presumptions of joint custody, what kind of custody is presumed, and why some states rescinded their presumption of joint custody.

3. Literature Review Committee

The Committee has been reviewing literature broadly and developing reports on individual topics. The Committee is working to present the information in a format that is accessible to the General Assembly, judges, lawyers, and other interested parties. The Committee will also provide the Commission with a small number of articles that the Committee feels provide good background on the relevant issues in various areas.

4. Court Process Committee

- CINA/Custody Subcommittee is in the final stages of its work and should have its recommendation to the Commission completed after the next Committee meeting.
- The Enforcement of Orders Subcommittee has been discussing improving access to expedited hearings for cases where there is serious but not direct harm to the child. The Subcommittee will work on a specific rule for expedited hearings.
- The Emergency Standards Subcommittee is working on a specific for emergency hearings.
- The Judicial Education Subcommittee has discussed the education available to judges and where emphasis should be placed in training. The Subcommittee is critical of the mechanism to track a judge's or magistrate's attendance. The Subcommittee may also recommend a court-watching program involving volunteers observing and reporting on judges or masters.

5. Identifying and Eliminating Bias Committee

The Committee last met on June 12th, when it decided on assignments to subcommittees. The subcommittees have been working on gender bias, economic disparity, and neutral language in statutes.

One area of interest was the definition of disability in the Maryland Code to be more specific than what is currently found at Human Relations Article 20-601(B), and its need for updating.

6. The Domestic Violence Committee

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

- The Milko Subcommittee is working to develop a process for deciding custody in cases where temporary custody was ordered as part of a protective order.
- The Avery Subcommittee is focusing on educating judges on the impact of domestic violence on children, the dynamics of domestic violence, lethality factors and the effect of substance abuse by parents on their children. The Subcommittee has also discussed the general reluctance of judges to make custody decisions in protective order cases.
- The Eason Subcommittee is examining how the court can better identify and respond to domestic violence issues in custody cases. They will be recommending training for judges, masters and other court staff to identify domestic violence issues not necessarily stated in court filings.

Other Business

None.

Next Meetings

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

- August 19, 2014 from 6:00 p.m. – 8:00 p.m. Note: This has since been changed to September 8, 2014.
- 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 8:05 PM.