

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	BAAYC
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.