

# COMMISSION ON CHILD CUSTODY DECISION-MAKING

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## MINUTES

### **Commission Meeting**

September 8, 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, Ph.D.  
Honorable Videtta A. Brown  
Delegate Kathleen M. Dumais  
Dorothy J. Lennig, Esq.  
David L. Levy, Esq.  
Delegate Susan K. McComas  
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.  
Sarah R. Kaplan, Esq.  
Maria Nick  
Joseph Warren  
Pen Whewell

**Interpreters:**

Carolina Schutz, Spanish  
Carrie Quigley, ASL

**Public Attendance:**

Christopher C. DiJulio, Children's Rights Fund  
Christine Donovan  
Eileen King, Child Justice  
Martin Kranitz  
Meredith Kushner  
Gerald Loiacono, Esq.  
David W. Smith, Sr., Children's Rights Fund

Judge Cynthia Callahan opened the meeting.

### **Review of Minutes**

The minutes of the July 1, 2014 Commission meeting were adopted without amendment.

### **Reports from Committees**

Committees provided written summaries of their activities and reported orally on their work.

#### **1. Court Process Committee**

Master Richard Sandy addressed the work of the Committee's six subcommittees: Unmarried Couples, Judicial Training, CINA/Custody Overlap, Emergency Process, Enforcement of Orders and *Sumpter* Issues and reviewed the subcommittees' recommendations. Two recommendations receiving particular attention were:

- Court-Based Co-Parenting Pilot Project. The Unmarried Couples Subcommittee recommended that the court create a pilot project aimed at encouraging co-parenting and reaching sustainable agreements between the parties, including addressing child support enforcement issues.
- Standard for Emergency Relief. The Enforcement of Orders and Emergency Process Subcommittee recognized the need for uniform procedures for emergency relief and suggested that the procedure be contained in a rule.

#### **2. Alternative Dispute Resolution (ADR) Committee**

Kathleen Nardella, Esq. addressed the work of the Committee's four workgroups: Education/Public Awareness, Family Court/Court Process, Parenting Plans and Domestic Violence. In particular, the discussion addressed:

- Parties should receive substantially more information concerning the various ADR options, including collaborative law, and this information should be provided at the various stages of the process.
- If a case is stayed to permit a collaborative process, there should be status conferences at least every six months.
- A family law court would be an optimal method of responding to these cases.
- The timing of mediation after a settlement conference at which a custody evaluator presents recommendations. There was not agreement as to whether mediation should follow immediately (because it was more efficient and the parties are already present) or on a later date (because it would allow parties the opportunity to consider fully the recommendations).

### **3. Identifying and Eliminating Bias Committee**

Lauren Young, Esq. addressed the work of the Committee's two subcommittees: Gender/Economic Disparity and Disability.

Recommendations receiving particular attention included:

- The sexes of the child and parent are irrelevant in a custody determination.
- Judges and other family court professionals need additional relevant training, including training regarding persons with disabilities and their children, and training related to both explicit and implicit bias.
- The definition of "disability" in Family Law Article §9-107 should be amended to be more consistent with ADA language.
- For disability to be considered by the court, there should be a nexus between that disability and the child's best interests.
- Counsel should be provided to an unrepresented individual who is a qualified person with a disability under certain circumstances.

### **4. Domestic Violence Committee**

Dorothy Lennig reported on the work of the Committee's three subcommittees. Issues related to:

- Custody in Protective Order Cases.
- Problems Domestic Violence Litigants Face in Circuit Court Custody Cases.
- Creation of an Expedited Custody Procedure in Matters Arising from Protective Order Proceedings.

In particular, there was discussion concerning the recommendation that a process be established for an expedited hearing at the circuit court within 30 days, available to either party by filing the request within 10 days.

### **5. Literature Review Committee**

Dr. Paul Berman reported on the Committee's work. The dual purposes of the literature review (providing information and serving as a reference to readers) were discussed. The full report will be preliminarily ready by September 22, 2014.

### **6. Statutory Considerations Committee**

Keith Schiszik, Esq. addressed the Committee's work. Issues the Committee is considering include:

- What if any factors should be included, including development factors.
- Whether and how to address presumptions of joint legal or joint physical custody.

### **Next Meetings**

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

- 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.