

# COMMISSION ON CHILD CUSTODY DECISION-MAKING

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## SUMMARY

### **Prince George's County - PUBLIC HEARING #5**

December 11, 2013 ◦ 6:00 p.m. – 8:00 p.m.

**Location:** *Bowie Library, Meeting Room  
15210 Annapolis Road, Bowie, Maryland 20715*

#### **Commissioners in Attendance:**

Honorable Cynthia Callahan, Chair  
Renee Bronfein Ades, Esq.  
Honorable Shannon E. Avery  
Paul C. Berman, Ph. D.  
Delegate Kathleen M. Dumais  
Michele R. Harris, Esq.  
Dorothy J. Lennig, Esq.  
David L. Levy, Esq.  
Carlton E. Munson, Ph.D., LCSW-C  
Kathleen A. Nardella, JD, LCSW-C  
Keith N. Schiszik, Esq.  
Lauren Young, Esq.

#### **Department of Family Administration Staff:**

Connie Kratovil-Lavelle, Esq.  
Michael Dunston  
Christine Feddersen  
Gerald Loiacono  
Pam Luby  
Adam Wheeler

#### **Interpreters:**

Carolina Schutz - Interpreter, Spanish  
Carrie Quigley - Interpreter, ASL

#### **Public Attendance:**

<b>Testify</b>	<b>Name</b>	<b>Organization</b>
Yes	Amster, Jayson	N/A
No	Barberman, Jr., John L.	Attorney, The Bowen Law Firm, Trustee Children's Rights Council
No	Barbour, Lawrence D.	

<b>Testify</b>	<b>Name</b>	<b>Organization</b>
No	Barues, D.	
No	Bates, Aaron R.	Father
No	Bates, Bruce	
No	Bishop, David A.	
No	Blgay, Walakewon	
No	Boback, Brandon	Father
No	Borie, Dennis	
No	Bouquet, Ed	Brodsky, Reneharetal
Yes	Bovma, Laura	Mom's Fighting Howard County Court Corruption
Yes	Browne, Ronald	Self, father
No	Burnett, Sr., Arthur L.	Retired Judge, DC Superior Court
Yes	Carrington, Darrell	Carrington Assoc.
Yes	Clements, David	House of David
No	Dalichow, Karin	Community Legal Services
Yes	Debra	HCMFCC
No	DiJulio, Christopher	Self
No	Dill, Jennifer	Ferrente & Dill, LLC
Yes	Donahue, Diane	So. Md. Center for Family Advocacy
No	Erdmann, Lindsey	McNammee Hosea
Yes	Fisher, Cliff	Self
Yes	Fountain, Cheryl	Self
Yes	Gilhooly, Susan	OPD
No	Gindles Belgel, Patricia	Prince George's Co. Circuit Court
Yes	Gordon, Elizabeth	House of Ruth, Maryland
No	Gunter, Francine	Self
Yes	Haywood, Cassandra	MMCH
No	Hein, Leo	Fathers' Rights
No	Henry, Ron	The Boys Initiative
No	Jackson, Larry	
No	James, Johnathan	NPO - National Parents Organization
No	Judy, Patricia	
Yes	Kahlor, Margaret	Self
No	Kukuk, Brad	Maryland Domestic Law Report
No	Lawrence, Anthony	N/A
No	Levy, Esq., Ellen	
No	Lewis, II, Vincent	
Yes	Malone, Frank	The 100 Fathers, Inc.
No	Markoski, Peter	MSBA Family Law Committee
Yes	Maypin, Margaret	Legal Aid Bureau
Yes	McAvoy, Vince	
No	McClaron, Maisha	
No	Moore, Earnest	Men Aiming Higher
No	Mustaf, Jerrod	Take Charge Program
No	Nielsen, Eric	Self

<b>Testify</b>	<b>Name</b>	<b>Organization</b>
No	Pelz, Suzanne	Maryland Judiciary
Yes	Polikoff, Nancy	American University, Washington College of Law
No	Porter, Tom	Fairwindz.org
No	Ralls, Davon	
Yes	Ramsey, Teresa L.	Self
No	Ramsey, Will	Self
No	Rupert, Maya	National Center for Lesbian Rights
No	Sapp, T Chaka	100 Fathers Inc.
No	Sharp, Bryan	NPO - National Parents Org.
Yes	Silber, Susan	Silbe, Perlmaj
Yes	Simpson, Nancy R.	Simpson Family
No	Smith, Sr., David W.	Children's Rights Fund
Yes	Sundermen, Heather	Law Office of Maibel Lafontaine
No	Turner, Stephen	
Yes	Venzen-Peck, Renee	Mom's Fighting Howard County Court Corruption
Yes	Walter, Jen	Free State Legal
Yes	White, Darren	Self, Visitation father
Yes	Wills, Vincent	Self
Yes	Wolfer, Judith	House of Ruth, Maryland
No	Woodall, Judy	Section Counsel Family Law

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Chair commenced the hearing at 6:15 p.m.

Testimony commenced at 6:16 p.m.

Nancy Polikoff - Professor, American University Washington College of Law

- Argues there is a need for a statutory definition of de facto parentage.
- States that de facto parentage assures that people without a genetic link to a child for whom they act as a parent are recognized as parents by the law.
- Points out that many states recognize de facto parentage including the District of Columbia and Delaware.

Cliff Fisher - Laurel, MD (Prince George's County)

- States that children do better with both parents.
- Wants law mandating joint physical custody.
- Proposes exceptions to joint:
  - history of domestic violence;
  - history of mental illness; or
  - other danger to the child.

Diana Donahue - Southern Maryland Center for Family Advocacy, Hollywood, MD

- States she represents clients in domestic violence (DV) and other family law cases.
- Notes serious concerns about presumption of joint physical custody:
  - Abusers use manipulation and control which can involve the child;
  - Presumption presents another obstacle to escaping a violent relationship.
- Asks that Commission to focus on protecting an ongoing POSITIVE relationship with parents rather than simply “ongoing relationship” (HB687, f(6)).

Cheryl Fountain - Mt. Rainier, MD (Prince George’s County)

- States her partner conceived child through artificial insemination; she and partner co-parented, then separated when child was one year old.
- Notes she received some visitation through recognition of de facto parentage.
- Has regular visitation with her child, positive relationship with former partner.

Debra - Moms Fighting Howard County Court Corruption (Howard County)

- Say husbands, mental health experts, and judges want to destroy fit mothers who are seeking custody.
- Claims there is a conspiracy to remove mothers from children’s lives.
- Alleges mothers are consistently losing their children in Howard County courts.
- Says children were brainwashed to hate her and wants recognition of maternal alienation.

Judith Wolfer - House of Ruth (Prince George’s County, Montgomery County)

- States that the impact of children witnessing DV is minimized by judges who focus on whether children were directly abused.
- Argues that Judges, Masters and the Bar should be trained on the impact of witnessing DV between parents.
- Says an accelerated access and custody hearing is needed to preserve the parenting division of labor prior to the separation.
- Wants the custody factors recommended by the Commission to go beyond those in *Montgomery Co. v. Sanders* and *Taylor v. Taylor* and consider today’s family.

Ronald Browne - Prince George’s County

- States that four ex parte DV cases and four child abuse cases against him were thrown out.
- Alleges wife caused parental alienation.
- Wants a presumption of shared physical custody.
- Argues that parental alienation is child abuse, and custodial interference should be criminalized (cites Missouri law).
- States those who file false DV claims should be punished.

Margaret Kahlor - Elkridge, MD (Howard County)

- Margaret K. of the *Janice M. v. Margaret K.* case
- States that Margaret adopted child to be raised by her and Janice, but after separation, over time, Janice became more restrictive on visitation.
- Court of Appeals eliminated de facto parenthood in her case, and despite Court finding of alienation witness had no recourse.

Renee Venzen-Peck - Ellicott City, MD (Howard County)(Moms Fighting Howard County Court Corruption)

- Lost custody of her son in 2010 after trial in Howard County Circuit Court. At end of trial, judge did not retire for deliberations.
- Judge was biased and had predetermined the outcome of the case.

Franklin Malone - 100 Fathers, Inc.

- Provides fatherhood mentoring services.
- Promotes the Family Bill of Rights.
- Claims that 85% of Maryland custody cases are found in favor of the mother.
- Noted that incarceration, truancy and delinquency may be related to father absence.

Theresa Ramsey - Takoma Park, MD (Prince George's County)

- States she has practiced family law in many states.
- Cites Washington State law requiring parenting plans to be filed with petition for custody disputes, which causes parents to focus on children at the outset.
- Wants the Commission to recommend shared parenting.

Darren White - Glendale, MD (Prince George's County)

- Accused of child abuse despite no corroborating evidence which lead to indictment, trial, and the jury returned a not guilty verdict.
- Claims that judge appointed a former co-worker as the best interest attorney in the custody case.
- Urges more specific custody and visitation orders to avoid costly re-litigation.
- Show cause hearings must be set promptly (5 months too long)
- States too many custody cases heard and tried solely by women.

Vince Wills - Montgomery County

- Family law practitioner for over twenty years and a child of divorce
- Argues that if a presumption of shared custody is imposed, the court cannot reach the best interests of the child until the presumption is overcome.
- States from personal experience he does not favor presumption of 50/50.
- Believes that division of labor should be imposed in custody arrangements (one parent with primary job, one with child rearing responsibilities).

Susan Gilhooly - Prince George's County

- CINA division supervisor for the Office of the Public Defender in multiple counties in Southern Maryland.
- Wants post-closure CINA cases to use the best interest standard instead of the unfitness or extraordinary circumstances (3rd party custody cases) standard.
- Argues for fair treatment for all gender, ethnic, cultural, religious, and socioeconomic statuses.

Heather Sunderman - Gaithersburg, MD (Montgomery County)

- Family law practitioner in Rockville, MD and child of divorce.

- Wants impact on children in custody cases minimized through:
  - avoiding litigation;
  - increasing parenting education on encouraging avoiding conflict.
- Notes need for uniformity in custody evaluations and judicial determinations about children testifying custody disputes.

#### Jayson Amster

- Lawyer for 44 years; family law practitioner for past 20 years.
- Argues that the adversarial system does not work for or protect children.
- States that the vast majority of custody disputes settle.
- Argues that judges should be trained child development, family dynamics, and other aspects of family cases.
- Opposes a presumption of joint physical custody.

#### Laura Bouma - Queen Anne's County

- Claims that abusive and alcoholic ex-husband was awarded custody with no visitation for her.
- States that she was not allowed to present any evidence or testimony at trial.
- Custody evaluator's recommendation in the case was for custody to the father.
- Custody evaluations cost \$43,000 which mother cannot afford.

#### Margaret Maupin

- Maryland Legal Aid's Southern Maryland office. 25-year family law and DV practice.
- States she has not seen a judge make a decision based on gender.
- Notes that there is already a presumption that both parents have equal parenting rights.
- Against a presumption of joint custody.
- Believes joint custody can and does work but not in the majority of cases that reach trial, where deep conflict hinders the success of joint custody.
- Wants judges to be more educated on the effects of DV.

#### Susan Silber - Takoma Park, MD

- Family law practitioner in Maryland for over 30 years.
- Wants a strong non-discrimination principle for application of the custody factors.
- Argues for the adoption of the Uniform Parentage Act.
- Seeks expedited treatment of custody and access issues to minimize the harm of custodial interference and disruption.
- Says de facto parenthood should be reinstated in Maryland law.

#### Elizabeth Gordon - Montgomery County

- House of Ruth counselor and child therapist.
- Opposes presumption of joint custody, which assumes that parents who cannot overcome conflict on their own will do so if there is a presumption.
- Wants more guidance for judges on what is in the best interests of the child.
- Notes that children need more stability and predictability in their environment.

Darrell Carrington - Bowie, MD (Prince George's County)

- Represents the Children's Rights Fund of Maryland.
- Wants a presumption of joint custody.

Vince McAvoy - Baltimore, MD

- Claims that the tender years doctrine is being perpetuated in Maryland's courts.
- Alleges that court processes and personnel eliminate fathers from children's lives.
- Wants 50/50 rebuttable presumption of joint custody.
- Argues that faith-based groups should be included to teach ethical behavior.
- States that custodial interference should be treated like failing to pay child support.

Cassandra Haywood - Howard Co. (Moms Fighting Howard County Court Corruption)

- Has two upcoming court cases. Has not seen daughter in eight months.
- Claims she sought child support in 2011, husband responded by seeking sole custody, and he won.
- States that the children are displaying physical and mental issues in father's custody.
- Notes she has filed grievances against her own attorney, expert witnesses, and others.
- Wants consideration of immigration status in custody determinations.

Nancy Simpson - Bowie, MD

- Grandmother of two boys.
- States that father has sole custody but is not providing proper medical care.
- Wants greater emphasis on the medical needs of the child in custody decisions.

David Clements

- Founded father's advocacy group, House of David.
- States he has 50/50 joint custody arrangement with his children, which he sought and won at trial.
- Complains that Office of Child Support Enforcement insists on referring to wife as the custodial parent.
- Wants a presumption of joint physical custody.

Hearing concluded at 8:32 p.m.