

HOUSE BILL 687

D4
HB 1165/12 – JUD

3lr1974

By: ~~Delegates Dumais, Carter~~ Carter, Dumais, Anderson, Clippinger, Conaway, McComas, Mitchell, B. Robinson, Smigiel, Valderrama, Valentino-Smith, and Waldstreicher

Introduced and read first time: February 4, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2013

CHAPTER _____

1 AN ACT concerning

2 **Commission on Child Custody Decision Making**

3 FOR the purpose of establishing the Commission on Child Custody Decision Making;
4 providing for the composition, chair, and staffing of the Commission; prohibiting
5 a member of the Commission from receiving certain compensation, but
6 authorizing the reimbursement of certain expenses; requiring the Commission
7 to perform certain duties; requiring the Commission to be appointed, organized,
8 and meet by a certain date; requiring the Commission to submit certain reports
9 to the Governor and the General Assembly on or before certain dates; providing
10 for the termination of this Act; and generally relating to the Commission on
11 Child Custody Decision Making.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That:

14 (a) There is a Commission on Child Custody Decision Making.

15 (b) The Commission consists of the following members:

16 (1) two members of the Senate Judicial Proceedings Committee,
17 appointed by the President of the Senate;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) two members of the House Judiciary Committee, appointed by the
2 Speaker of the House;

3 (3) two circuit court judges and one District Court judge from diverse
4 geographical regions of the State, each of whom has experience hearing family law,
5 domestic violence, or child custody cases, appointed by the Chief Judge of the Court of
6 Appeals;

7 (4) one experienced family law master, appointed by the Chief Judge
8 of the Court of Appeals; and

9 (5) the following members, appointed by the Governor in consultation
10 with the President of the Senate and the Speaker of the House:

11 (i) two representatives of the Maryland State Bar Association
12 Family Law Section from diverse geographical regions of the State, at least one of
13 whom shall be from Baltimore City and have experience representing fathers in
14 contested custody matters;

15 (ii) one representative of a domestic violence advocacy group;

16 (iii) one representative of a fathers' rights group;

17 (iv) one representative of the Women's Law Center;

18 (v) one educator on family law;

19 (vi) three licensed mental health workers who have experience
20 with family law or child custody cases, at least one of whom shall be a psychologist
21 and one of whom shall have expertise in the area of the study of the African American
22 family;

23 (vii) one representative ~~from~~ of the Children's Rights Fund of
24 Maryland; ~~and~~

25 (viii) one representative of the Maryland Commission on
26 Disabilities; and

27 ~~(viii)~~ (ix) one sociologist from the University of Maryland
28 School of Social Work, recommended by the President of the University of Maryland,
29 Baltimore.

30 (c) The Governor shall designate the chair of the Commission.

31 (d) The Department of Family Administration in the Administrative Office of
32 the Courts shall provide staff for the Commission.

1 (e) A member of the Commission:

2 (1) may not receive compensation as a member of the Commission; but

3 (2) is entitled to reimbursement for expenses under the Standard
4 State Travel Regulations, as provided in the State budget.

5 (f) The Commission shall:

6 (1) study the practice, principles, and process for child custody
7 decision making in Maryland;

8 (2) by December 31, 2013, hold one hearing each in Baltimore City,
9 Harford County, Prince George's County, Western Maryland, and the Eastern Shore to
10 allow for public input and participation by interested persons on child custody decision
11 making in Maryland;

12 (3) study how to make the establishment and modification of child
13 custody orders more uniform, fair, and equitable;

14 (4) study how to reduce litigation in child custody proceedings;

15 (5) study and consider the adverse effects of child custody litigation
16 and ways the court system can minimize those effects;

17 (6) study how to promote and ensure that children have ongoing
18 relationships with each parent;

19 (7) study how to maximize the involvement of both parents in each
20 child's life;

21 (8) study the advantages and disadvantages of joint physical custody
22 and the impact of joint physical custody on the health and well-being of children;

23 (9) study whether or not there is any gender discrimination in custody
24 decisions in Maryland and, if so, how to address such discrimination;

25 (10) study statutes from other states used for child custody
26 determinations and assess whether those statutes improve the quality of decisions in
27 child custody cases;

28 (11) study whether the Annotated Code of Maryland should contain a
29 statute regarding child custody decision making that would include definitions and
30 factors for consideration in such decisions;

31 (12) study case management systems for family law cases in Maryland
32 and other states and study how to improve timely access to the court for temporary,

1 pendente lite custody disputes, initial custody determinations, ~~and~~ custody
2 modification proceedings, and emergency proceedings, and how to expedite denial of
3 visitation proceedings;

4 (13) study the accountability of Maryland courts when using
5 interventions such as protective orders, whether the courts should adopt processes to
6 allow for compliance hearings, and the impact of domestic violence proceedings on
7 temporary and final custody determinations;

8 (14) make recommendations regarding the most effective manner in
9 which to facilitate cooperative decision making by parents involved in child custody
10 proceedings as it relates to their children;

11 (15) study the training programs currently available to Maryland
12 judges regarding child custody decision making and assess how to improve the
13 training, including making it more culturally sensitive and diverse, and how to make
14 the training more available to all judges on a consistent, ongoing basis;

15 (16) review the literature and research on decision-making
16 responsibility and physical custody determinations, including child development
17 literature and research on the effect of separation and divorce, and the literature and
18 research on decision-making responsibility and physical custody determinations when
19 the parents in the case were never married and may not have lived together;

20 (17) study standardization of the language used by courts in making
21 child custody determinations for clarity and to eliminate exclusionary or
22 discriminatory terms;

23 (18) study how to ensure that child custody determinations involving
24 parents with mental health issues or sensory or physical disabilities are handled in a
25 fair and even manner based on actual evidence and not presumed limitations;

26 ~~(18)~~ (19) gather quantitative and qualitative data on the total
27 number of contested custody cases per jurisdiction, including whether the court
28 awarded joint physical custody to the parties or primary physical custody to the
29 mother or the father over a 2-year period; and

30 ~~(19)~~ (20) gather quantitative data on whether pro bono legal
31 resources are equally available for petitioners and respondents in domestic violence
32 protective order proceedings in Maryland.

33 (g) The Commission shall:

34 (1) be appointed, organized, and begin its deliberations no later than
35 September 1, 2013;

1 (2) submit an interim report of its findings and recommendations to
2 the Governor and, in accordance with § 2–1246 of the State Government Article, the
3 General Assembly, on or before December 31, 2013; and

4 (3) submit a final report of its findings and any recommendations for
5 legislation to the Governor and, in accordance with § 2–1246 of the State Government
6 Article, the General Assembly, on or before December 1, 2014.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2013. It shall remain effective for a period of 1 year and 6 months and, at the
9 end of December 31, 2014, with no further action required by the General Assembly,
10 this Act shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.