

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Joint Resolution 29 (Delegate C. Davis)

Commerce and Government Matters

James Joseph Hammond

This joint resolution strongly urges the State Department and the United States Congress to support the return of James Joseph Hammond to his mother in the United States.

Fiscal Summary

State Effect: Compliance with this joint resolution would not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Background: The parents of James Joseph Hammond, Michelle Renee Hammond and James Hammond, went through bitter divorce and child custody proceedings. The divorce became final on May 1, 1996. During the divorce proceedings, the parents gave permission for their minor son, James Joseph Hammond, to stay with family friends Hannelor and Wolfgang Michler in Wurzburg, Germany until March 18, 1996. At first, the Hammonds had joint custody of James Joseph. The mother developed financial problems, which led to the parents' agreement to send the child to Germany for care until the mother could improve her financial situation. In July 1996, the mother initiated discussions with her ex-husband to return James Joseph back from Germany. The father refused assistance. In the meantime, the Michlers refused to return James Joseph to the United States.

The mother was able to improve her financial situation. According to Family and Child Services of Central Maryland (FCS), the mother was not able to afford continuing legal fees, but she wrote to numerous government officials to gain some assistance for the return of her son. She asked the State Department to file an application to have her son returned under the Hague Convention on the Civil Aspects of International Child Abduction. Because the child had been voluntarily placed with the Michlers, however, the application was denied. She filed a petition with the Baltimore County circuit court for sole custody in 1996. Her petition was heard in December 1996. Sole custody of James Joseph was granted to the mother in February 1997.

After the award of sole custody by the Baltimore County circuit court, the mother appeared before a judge in Germany to request the return of her son. The German court requested that the mother have a home study completed. FCS completed a comprehensive home study in 1998. FCS found that the mother is fit and has met all the requirements for an adoptive home. FCS made a formal recommendation on January 7, 1999, that James Joseph be returned to the United States and to her custody. According to FCS, the German court has not made any formal response to the home study. As a result, James Joseph Hammond is still in the care of the Michlers in Wurzburg, Germany.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Family and Child Services of Central Maryland, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2002
lsc/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510