

HOUSE BILL 1165

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By: **Delegates Dumais, McComas, Alston, Anderson, Arora, Carter, Clippinger, Cluster, Conaway, Hough, K. Kelly, Lee, McDermott, Mitchell, Simmons, Smigiel, Valderrama, Valentino-Smith, Vallario, and Waldstreicher**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

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 submit certain reports to
8 the Governor and the General Assembly on or before certain dates; providing for
9 the termination of this Act; and generally relating to the Commission on Child
10 Custody Decision Making.

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

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

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

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

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

19 (3) four circuit court judges and one District Court judge, each of
20 whom has experience hearing family law, domestic violence, or child custody cases,
21 appointed by the Chief Judge of the Court of Appeals;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) one family law master, appointed by the Chief Judge of the Court
2 of Appeals; and

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

5 (i) three representatives of the Maryland State Bar Association
6 Family Law Section from diverse geographical regions of the State;

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

8 (iii) two representatives of fathers' rights groups;

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

10 (v) one educator on family law; and

11 (vi) two licensed mental health workers who have experience
12 with family law or child custody cases, **AT LEAST ONE OF WHOM SHALL BE A**
13 **PSYCHOLOGIST.**

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

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

17 (e) A member of the Commission:

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

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

21 (f) The Commission shall:

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

24 (2) hold at least four hearings across the State by November 1, 2013,
25 to allow for public input and participation by interested persons on child custody
26 decision making in Maryland;

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

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

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

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

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

7 (8) study statutes from other states used for child custody
8 determinations and assess whether those statutes improve the quality of decisions in
9 child custody cases;

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

13 (10) study case management systems for family law cases in Maryland
14 and other states and study how to improve timely access to the court for temporary,
15 pendente lite custody disputes, initial custody determinations, and custody
16 modification proceedings;

17 (11) study the accountability of Maryland courts when using
18 interventions such as protective orders and whether the courts should adopt processes
19 to allow for compliance hearings;

20 (12) make recommendations regarding the most effective manner in
21 which to facilitate cooperative decision making by parents involved in child custody
22 proceedings as it relates to their children;

23 (13) study the training programs currently available to Maryland
24 judges regarding child custody decision making and assess how to improve the
25 training and how to make the training more available to all judges on a consistent,
26 ongoing basis;

27 (14) review the literature and research on decision-making
28 responsibility and physical custody determinations, including child development
29 literature and research on the impact of separation and divorce; and

30 (15) study standardization of the language used by courts in making
31 child custody determinations for clarity and to eliminate exclusionary or
32 discriminatory terms.

33 (g) The Commission shall:

34 (1) be appointed, organized, and begin its deliberations no later than
35 December 1, 2012;

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 1, 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 October 1, 2012. It shall remain effective for a period of 2 years and 3 months and, at
9 the end of December 31, 2014, with no further action required by the General
10 Assembly, this Act shall be abrogated and of no further force and effect.