

HOUSE BILL 687

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HB 1165/12 – JUD

3lr1974

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

Introduced and read first time: February 4, 2013
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 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;

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) one experienced family law master, appointed by the Chief Judge
2 of the Court 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) two representatives of the Maryland State Bar Association
6 Family Law Section from diverse geographical regions of the State, at least one of
7 whom shall be from Baltimore City and have experience representing fathers in
8 contested custody matters;

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

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

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

12 (v) one educator on family law;

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

17 (vii) one representative from the Children's Rights Fund of
18 Maryland; and

19 (viii) one sociologist from the University of Maryland School of
20 Social Work, recommended by the President of the University of Maryland, Baltimore.

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

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

24 (e) A member of the Commission:

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

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

28 (f) The Commission shall:

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

1 (2) by December 31, 2013, hold one hearing each in Baltimore City,
2 Prince George’s County, Western Maryland, and the Eastern Shore to allow for public
3 input and participation by interested persons on child custody decision making in
4 Maryland;

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

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

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

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

12 (7) study how to maximize the involvement of both parents in each
13 child’s life;

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

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

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

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

24 (12) study case management systems for family law cases in Maryland
25 and other states and study how to improve timely access to the court for temporary,
26 pendente lite custody disputes, initial custody determinations, and custody
27 modification proceedings;

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

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

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

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

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

13 (18) gather quantitative and qualitative data on the total number of
14 contested custody cases per jurisdiction, including whether the court awarded joint
15 physical custody to the parties or primary physical custody to the mother or the father
16 over a 2-year period; and

17 (19) gather quantitative data on whether pro bono legal resources are
18 equally available for petitioners and respondents in domestic violence protective order
19 proceedings in Maryland.

20 (g) The Commission shall:

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

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

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

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