

UNfavorable for HB0775

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I begin by pointing out that this bill is likely unlawful; is aimed at denying fathers child custody; was created with a bias toward eliminating fatherhood agency within the family law courts; was contrived & operated as an agendized taskforce; the data used in conjunction with these series of bill drafts is flawed in approach, developed from small subsets and from multiple states but **not** Maryland; the domestic violence industry in Maryland - with its heavy presence on this taskforce- begins their arguments with a presumption that both parents belong to the State (which is not just un-constitutional but overtly communist in nature); and passing this bill will bring disproportionate child custody/child rearing outcomes for black children in Maryland who – by far – experience the highest & most profound levels of violencethere's not even a close second, yet (oddly) that wasn't a concern for this taskforce.

What follows is introduction for our latest members; support for my assertions; highlights of where the proponents of this bill (and by extension other bills you will see) contradicted themselves, gave faulty information or plain LIED.

Whether or not the time with which each of you can devote to review of this bill testimony allows review of the information/arguments, **please take time to review the queued videos of House Judiciary for related bills presented below** (each URL begins with <http://mgahouse.maryland.gov/mga/play/>) **Doing so will save your Chair**, antagonists of fatherhood and **you time in resolving countless arguments discussed on Judiciary**, because you'll see where such points have already been covered. You'll hear with your own ears the penchant of those in the domestic violence industry to tell lies, half-lies and abominable lies.

Parentectomy:: Maryland Legislatures Unending Efforts to Cut Parents Out

I am hopeful Annapolis honors the matter of fatherhood soon because the aim for decades has been to remove great, fit as well as good-enough fathers from Maryland families.

I formerly incepted & chaired the Maryland affiliate of the National Parents Organization. Once I saw that their efforts were largely theatrical, I honed my efforts as a solitary effort. I worked directly for the Sr. Operations Manager at the largest child-support agency in the state. I reported to the Division Chief/appellate attorney of the state's CINA unit, housed within Baltimore City Dept. of Juvenile Services.

I am not an attorney; I am a father. If my child had needed a baseball icon or an oil

rigger for me to stay in my child's life, I would have wielded a baseball bat or a 2-foot pipe wrench... it just so happened my child needed someone who could “engage” the legal system . So I have learned what I could along the journey.

Politically Correct Testimony

Queued to my testimony (after the German man) back when I was politically correct....

<http://mgahouse.maryland.gov/mga/play/88e6074a4f7b464f9c195bf77007f739/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=2460000>

Tender-Year Doctrine

So why do fathers need an attorney? Due to Maryland's longstanding "tender-year doctrine", favoring mothers in child custody outcomes. Because it was not just subjective bias by court/family law personnel; tender-year doctrine has been an established practice

“ ..Moreover, elevation of women's legal status during the nineteenth and twentieth centuries also contributed to the movement from 'paternal' to 'maternal' preference.⁸

Maryland adopted the maternal preference presumption, considering mothers to be the natural custodians of young children,⁹ and courts generally granted custody to mothers unless they were found to be unfit.¹⁰ ”

<http://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1798&context=lf>

Fathers enter family law court with everyone but them knowing the pre-arranged outcome.

Delegate M. Smigiel, House Judiciary on Del. Carter's HB1440 (2014) to Domestic Violence crow

"... I sat in the court, in Cecil County, and heard the judge say, 'The child goes with the mother, because the calf always follows the heifer.' "

<http://mgahouse.maryland.gov/mga/play/88e6074a4f7b464f9c195bf77007f739/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=5070000>

Senator A. Muse, Senate Judiciary on SB1004 (previously SB1047)

"...a simple bill....equal value to each parent in his or her role in rearing a child... for decades a de facto presumption in FAVOR of the mother has existed in Maryland courts...

SB1047.. acknowledging that both parents should equally share in the responsibility of raising a child.... "

<https://mgahouse.maryland.gov/mga/play/a99d59956c754404a29ac652173973af/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=1432964>

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb1004/?ys=2014rs>

The SB567(2019) child abuse taskforce made it clear that the father was the aim of both this taskforce and this bill. Yet your former colleagues in the House & Senate made it plain in hearings that the bias against fathers was palpable & overwhelming. This bill-HB748 - has been fashioned in alignment with the rhetoric seen in the Zoom hearings by the taskforce attendees as they spoke with aims to remove fathers from families. This bill must be voted unfavorable, if it gets a vote at all.

The problems with the bill are known & your committee have already discussed in the hearing and afterwards amongst yourselves. What your takeaway should be is not whether the bill is flawed but acknowledging that those who brought you the bill have exhibited flawed bias and hatred in their ongoing bill drafts. As I insisted upon the Senate bill SB567 hearing in JPR this taskforce would spur agendized bill drafting.

<http://mgahouse.maryland.gov/mga/play/c9f0c69c-af92-4fb0-9986-ddc376c224a2/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=4450000>

Once the bill passed, I did what I could to ameliorate that concern by contacting JPR immediately upon finding that an amendment passed to include a fathers rights advocate,

2Re: (2019 Term) SB567 with Amendment // Other • Child Custody Proceedings Involving Child Abuse or Domestic Violence Allegations, Workgroup...

From: Vince McAvoy (vince.mcavoy@yahoo.com)

To: bobby.zirkin@senate.state.md.us; jill.carter@senate.state.md.us; Bob.Cassilly@senate.state.md.us; michael.hough@senate.state.md.us; justin.ready@senate.state.md.us; chris.west@senate.state.md.us; mary.washington@senate.state.md.us; susan.lee@senate.state.md.us

Date: Saturday, July 6, 2019, 12:41 PM EDT

Hello Senators,

I understand that **SB567** will begin meetings this Tuesday. I am hopeful that I have the support of all of you in being a representative of a fathers' rights group as per 1(b)(5)(xi), namely "one representative of a fathers' rights group".

http://mgaleg.maryland.gov/2019RS/Chapters_noin/CH_52_sb0567t.pdf

I have also reached out to the Governor's appointing committee.

If there are any further steps to take regarding this appointment, I would appreciate one of you reaching out to me;

I've applied for several but never served on an Annapolis taskforce.

In case the bill is not fresh in your minds, I was the only fatherhood expert testifying on this bill.

Thank you for your consideration.

humbly

~vince

On Friday, March 22, 2019, 12:27:56 PM EDT, Vince McAvoy <vince.mcavoy@yahoo.com> wrote:

Dear Senators~

As SB567 was just passed with Amendment to include at least one advocate from a "Fathers' Rights" group, I would appreciate your consideration of appointing me to the group to study/alleviate Child Abuse.

Thank you for your consideration,

Vince

I told dads who I know could succeed in the role, I contacted various senators, the Secretary of State and the appointments director for the taskforce appointments.

I offered to volunteer for the role, since I knew so few fathers who know law and will advocate for fatherhood rather than profiteer their knowledge base. Yet no one was chosen – the taskforce proceeded without a fathers rights advocate. And the agendized bills are those you are now reviewing.

Visible & Prevalent Child Abuse:: CINA

On page 2, lines 4 & 5, the bill excludes CINA cases.

(A) THIS SECTION DOES NOT APPLY TO A CHILD IN NEED OF ASSISTANCE CASE.

So the sponsors prefer to not allow CINA cases to be reviewed with the same fine-tooth comb that private lawyer represented children enjoy, this section aims to give moderate to high income, potentially well-represented children a different standard than it would to poorer children in Baltimore City, Prince Georges, Dorchester counties? For the taskforce to review child abuse that is proven and criminally charged would about the factual child abuse charges with child abuse allegations specific to gaining the upper hand in child custody determination in family law court.

This is not a bill addressing child abuse. If the proponents wanted to do that, they would address CINA issues & the root cause concerns causing bad parenting arrangements.

To Delegate Davis' questioning, I am certain Marylanders don't feel that poverty means one child gets pumped through the CINA system while another child – whose father can be shaken down for child support – gets these assurances of physiological, psychological and emotional well-being.

(2) ASSURES THE SAFETY AND THE PHYSIOLOGICAL, PSYCHOLOGICAL, AND EMOTIONAL WELL-BEING OF THE CHILD.

Psychological factors are entirely subjective as are the other factors such as conflict or "possible susceptibility to manipulation" - which could include demanding to have dinner at a dining room table versus a child eating alone in his/her bedroom.

I take this time to remind the Judiciary that many of those involved with this taskforce and this bill make their livings from divorce-court dollars.

Flawed Data & Misrepresentations

Outside the flawed effort to turn every child custody case into a child abuse issue, doing so mathematically pointless. Maryland has approximately 13,000 filing of DV each year involving less than 0.3% of Maryland's population.

While the sponsor and others were wowed by the “statistics”, note that the professor

(someone avowedly against fathers having custody) corrected Sen. Hettleman who misinterpreted the statistics during the Judiciary/JPR bicameral presentation. And note that those statistics were not derived – IN ANY WAY – from detailed case analysis. Nor were those statistics culled from Maryland's body of appellate cases. For a professor to work in a state adjoined to Maryland, it is clear that the assertions would not have held firm, had her interns/ T.A's reviewed Maryland the appellate data available. I routinely review the appellate files. I don't find it difficult to create my own spreadsheet.

	A	B	C	D	E	G
1	FILED	10/19/2020				
2	FILED	10/19/2020				
3	FILED	10/23/2020	JUDGE	PARTIE S		
4	FILED	10/23/2020	State	State		
5	FILED	10/23/2020	State	State		
6	FILED	10/23/2020	State	State		
7	FILED	10/23/2020	State	State		
8	FILED	10/23/2020	State	State		
9	FILED	10/23/2020	State	State		
10	FILED	10/23/2020	State	State		
11	FILED	10/23/2020	State	State		
12	FILED	10/23/2020	State	State		
13	FILED	10/23/2020	State	State		
14	FILED	10/23/2020	State	State		
15	FILED	10/23/2020	State	State		
16	FILED	10/23/2020	State	State		
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34	FILED	10/23/2020	State	State		
35	FILED	10/23/2020	State	State		
36	FILED	10/23/2020	State	State		
37	FILED	10/23/2020	State	State		
38	FILED	10/23/2020	State	State		

But further, the sample sets presented were suspect. In one sampling, the professor said that 2% referred to 1 case. That's an n = 50. The House & Senate Judiciaries shouldn't even be considering or reviewing ridiculously small sample sets. I pointed out via Maryland's own legislator/lawyers' testimony why those “presenting data” don't use Maryland data. The child custody outcomes are almost entirely allow sole physical/legal custody decisions (perhaps 6 out of 7) going to the single-mother.

The bill aims to remove this piece within the brackets ::

[(a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.]

As you were informed by counsel, this is imprudent.

The animus of the wording in the sponsor's bill-draft is wrongful, not neutral, and places an unreasonable burden to each case, which would not hold up to scrutiny. The

nebulous, UNprovable “emotional” abuse standard would further support that finding.

**(1) SPECIFICALLY FINDS THAT THERE IS NO LIKELIHOOD OF FURTHER CHILD ABUSE OR NEGLECT BY THE PARTY; AND
(2) STATES WITH SPECIFICITY THE REASONS FOR THE FINDING THAT THERE IS NO LIKELIHOOD OF FURTHER CHILD ABUSE OR NEGLECT BY THE PARTY.**

(C) A COURT MAY APPROVE A SUPERVISED VISITATION ARRANGEMENT IF THE ARRANGEMENT:

(1) SPECIFICALLY TAKES INTO ACCOUNT THE TYPE OF CHILD ABUSE OR NEGLECT, INCLUDING WHETHER, IN THE CASE OF CHILD ABUSE, THE ABUSE WAS²⁵ EMOTIONAL, PHYSICAL, OR SEXUAL; AND

I highlight this piece and circle-back to the different levels of safety and comfort being “assured” in the bill-draft. If applied to CINA children, their single-parents would never regain custody or time with their children. (Yet, due to court-provided parental counsel, CINA parents receive appellate-level lawyers to work for them at taxpayer expense, with no scrutiny of the parents' ability-to-pay.)

Senator (former Delegate) Jill P. Carter, House Judiciary on HB1440 to Domestic Violence crow

"...had we passed it when it made its way to the floor, a child would be ten years old... many people are pro se litigants...they CERTAINLY cannot afford appeals... when that ruling is made & that parent is essentially ejected at the Circuit Court level from that child's life , [that's] a permanent decision....

It affects the entire rearing of that child...generations and generations of children that we often struggle

to keep parents in the lives of children because we have so many, so many bad consequences resultant from fatherless children...children that are not having enough involvement, attention from fathers.”

<http://mgahouse.maryland.gov/mga/play/88e6074a4f7b464f9c195bf77007f739/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=5220000>

A child custody arrangement based on bias means that yet more children will lose their father to wrongful determinations. Maryland, as do all states, incentivizes domestic violence allegations and makes seeking remedy nearly impossible.

Delegate D. Swain, House Judiciary on Senator Carter's HB1440 to Domestic Violence crow

"...my concern as a single-dad, I totally DIS-agree that there isn't a bias...
because I experienced that...

FROM THE BENCH ! ...

BY THE JUDGE !

who specifically said that those things you said AREN'T said -- FROM THE BENCH !

...To say that, I [take offense...what you said] is NOT true...

and when I hear people come in and make these assumptions that that shouldn't be the case, it really disturbs me...

the assumption should be that to the extent possible we should have both parents fully engaged and involved in a child's life...."

<http://mgahouse.maryland.gov/mga/play/88e6074a4f7b464f9c195bf77007f739/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=4175000>

The former Chair of Senate Judicial Proceedings expressed alarm and such concern that he declared from the hearing room the bill would fail due to such entrenched & flawed goals; he clearly saw that the aim of bills such as this one is to remove good fathers from the lives of their children. <https://mgahouse.maryland.gov/mga/play/1660db59-a981-4efd-a325-e5eb5a7c8507/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=14750000>

Unlawful & Contemptuous Child Custody Denial

In this era of COVID, fathers are being erased from their children's lives. While the court administrator has made it clear that custody arrangements are to continue as court-ordered pre-COVID, Cordell & Cordell are seeing difficulties.

Marylanders live in an upside down world where false allegations of abuse can be made without any physical evidence, history of violence yet getting court time to prosecute wrongful denial of child custody (pre-COVID) takes months.

This bill would make it so every time a single-mother found that she had wrongfully denied visitation, she would claim abuse as a way to avoid a contempt charge for denying visitation according to a lawful court order.

(B) ANY REASONABLE EFFORT TO PROTECT A CHILD OR A PARTY TO A CUSTODY OR VISITATION ORDER FROM THE OTHER PARTY MAY NOT BE CONSIDERED AN UNJUSTIFIABLE DENIAL OR INTERFERENCE WITH VISITATION GRANTED BY A CUSTODY OR VISITATION ORDER.

The intention here is to stymie long-standing constitutional rights, rights in precedent & fathers' rights. Denial of parental rights is inexcusable. Maryland family law courts share systemic attributes aimed at abusing fit fathers in court, such as these::

* **Hearsay is routinely allowed**

http://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=jud&ys=2020RS&clip=JUD_1_30_2020_meeting_1&url=http%3A%2F%2Fmgahouse.maryland.gov%2Fmga%2Fplay%2Fdeb0b45f-9cc3-4475-97c6-1769c4eea852%2F%3Fcatalog%2F03e481c7-8a42-4438-a7da-93ff74bdaa4c%26playfrom%3D5700000

* **Perjury is not prosecuted**

Delegate Mike Malone:

Who's the last person you knew who got a year in jail for perjury?

Senator Wayne Norman:

I don't know that I know anybody that's gone to jail for perjury.

Delegate Mike Malone:

That's my problem – it never happens...

<http://mgahouse.maryland.gov/mga/play/afb620fc-af56-42e2-a4a1-2dbf7060656a/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=1680000>

* **Lack of veracity of a huge portion of abuse allegations (Del. Luiz Simmons)**

Luiz Simmons schooled the House Judiciary & Domestic Violence groups on domestic violence in Maryland.

<http://mgahouse.maryland.gov/mga/play/17e83e8cf7194b7eb497d28e9f0fddd8/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=6224919>

* **Domestic Violence is Wrongfully Incentivized**

An incentivized industry biased against fathers actually receives funding from the State of Maryland. Similar funding has happened for House of Ruth.

MNADV Receives Unprecedented Funding to Prevent Domestic Violence Homicides Throughout the U.S.

MNADV and Partners Awarded Federal Funding to Implement and Evaluate Innovative Homicide Prevention Models

The Maryland Network Against Domestic Violence (MNADV), in partnership with the Jeanne Geiger Crisis Center (JGCC) of Massachusetts, and Dr. Jacquelyn Campbell of The Johns Hopkins University School of Nursing has received a Domestic Violence Homicide Prevention Demonstration Initiative (DVHP Initiative) award from the Department of Justice's Office on Violence Against Women (OVW). The partnership was honored to attend an event on March 13, 2013 in Montgomery County, Maryland in which Vice President Joe Biden and Attorney General Eric Holder announced

* **Presumption of 35% Shared Parenting Should Be the Standard**

The concept of best interests of the child are nowhere codified in Maryland or any other

state for that matter. And bills which fail to give strict weight and scrutiny simply allow judges and family law attorneys to cherry-pick reasons to deny *pendente lite* / permanent custody arrangements.

(B) THERE IS NO PRESUMPTION THAT JOINT CUSTODY IS IN THE BEST 1 INTEREST OF THE CHILD.

While 110 shared custody experts provided documentation that shared parenting of AT LEAST 35% was best interest, this standard is routinely ignored.

https://www.washingtonpost.com/opinions/weighing-whats-best-for-children-and-parents-in-custody-policy/2018/01/09/b8d9f690-f4b2-11e7-9af7-a50bc3300042_story.html

Biological fit fathers are unquestionably in each child's best interest. It is the child's "indefeasible right" (See Flynn, 157 Md. App. at 410).

That the sponsor wrote these words shows the explicit bias by her and others of the Child Abuse panel.

Year after year, lawyers, domestic violence crows and others who make money destroying families in family law court bring those words because **equity realized by fathers** puts them out of a paycheck.

Equal Parenting Time with a rebuttable presumption is kryptonite to family law profiteers. [Again, by reviewing the testimony of fatherhood bills brought by (then Delegate) Jill Carter, you will see/hear how those who make money by destroying the families of Maryland's children use word salads & various unprovable straw men as they refuse to answer why women are considered "more equal" in Maryland's family law courts.]

Coupled with the amplification of child abuse as the entrance to the child custody article of law shows the agenda of the taskforce – namely to classify all child custody hearings as having a domestic violence facet. This is patently wrong. Fearmongering based on false allegations absent physical corroboration, based on implicit bias against fathers is routinely used to distance fathers from families and denigrate fatherhood in general in Maryland. This was expressly documented by (now) Senator Jill Carter as well as LW4SP (Leading Women for Shared Parenting). <http://lw4sp.org/>