

UNfavorable for HB0505

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This is perhaps the 6th time this bill has been presented. It has been & likely will be stated that this was the product of 5 TownHalls in 2013.



This bill is NOT what parents asked for.

Witnesses at the 2013 HB687 Child Custody Townhalls (again, either me or my team was at each of the meetings) detailed the bias against fathers when they attempted to father their children amid the wrongful interference of parentally-alienating single mothers.

This bill has garnered an UNfavorable from JPR.

I paste the transcript/link from my earlier testimony in 2017.

This delay in TRULY delivering what the HB687 Commission on Child Custody was designed to review – acting upon the testimony of implicit and entrenched bias against fathers – harms children and harms family and fathers.

Title	Child Custody - Legal Decision Making and Parenting Time		
Sponsored by	Senator Lee		
Status	In the Senate - Unfavorable Report by Judicial Proceedings		
Analysis	Fiscal and Policy Note		
Synopsis	Repealing references to the terms "child custody" and "visitation" and substituting the terms "legal decision making" and "parenting court, in determining the appropriate allocation of legal decision making or parenting time between the parties, to consider certain joint legal decision making to both parties under certain circumstances; etc.		
Committees	Original: Judicial Proceedings 		
Details	Cross-filed with: HB1032 Introduced in a prior session as: SB0368 Session: 2017 Regular Session Bill File Type: Regular Effective Date(s): October 1, 2018		
History			
Chamber	Calendar Date	Legislative Date	Action
Senate	2/02/2018	2/02/2018	First Reading Judicial Proceedings Text - First - Child Custody - Legal Decision Making and Parenting Time
Senate	2/07/2018	2/07/2018	Hearing 2/21 at 1:00 p.m. Vote - Senate - Committee - Judicial Proceedings
Senate	3/05/2018	3/05/2018	Unfavorable Report by Judicial Proceedings

Title

Child Custody - Legal Decision Making and Parenting Time

Sponsored by

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Cross-filed with: [HB1032](#)

Each parent asked for equal parenting time. This is incontrovertible as seen when paging through parents' (interestingly mothers, too, requested equal parenting time in Howard County) testimony during the HB687 hearings.

**** This bill is not about codification for any valued or intrinsic purpose ****

This does not change what reading the factors for determining child custody outcomes. But if a one-stop-shop would benefit child custody parenting, why don't the advocates of this measure do what I did while at Child Support and simply make a list for presentation by judges when making rules updates or prepare a hand-out for posting at the courthouse.

<p><u>In the Circuit Court for Baltimore City</u></p> <p>Circuit Ct. Case # _____</p> <p>BCOCSE # _____</p> <p>NOTIFICATION OF RIGHTS</p> <p>The Baltimore City Office of Child Support Enforcement strives to reduce the anxiety that the non-custodial parent faces when dealing with child support, courthouse and domestic issues. BCOCE acknowledges that fit parents have legal rights and must be allowed to exercise those parental rights. BCOCE strives to reduce financial burdens that deter the highest level of parenting time which is feasible for a given family. Please consider developing a parenting plan as you work through the necessary steps regarding your parental rights. (forms are available)</p> <p>ACKNOWLEDGING PATERNITY</p> <p>You are advised that by ACKNOWLEDGING that you are the father of the child in this case, you have stopped the court process; that pursuant to Md. F.L. §5-1028, you have 60 days to rescind an executed affidavit of parentage. The legal responsibilities arising by signing the affidavit (including child support obligations) may not be suspended.</p> <p>IMPORTANT: Acknowledging paternity has a bearing on your financial responsibility. Be advised that you have a duty to support (or to receive support for) your child until that child reaches eighteen (18) years of age, or otherwise emancipates.</p> <p>NOT ACKNOWLEDGING PATERNITY</p> <p>If you are not sure you are the father of the child or if you denied you are the father of the child, be advised that, pursuant to Md. F.L. §5-303, the court process would have continued.</p> <p>YOUR RIGHTS</p> <p>Whether or not the court process continues, you would have the following rights:</p> <p>RIGHT TO COUNSEL INVOLVING SOME SPECIFIC ASPECTS OF PATERNITY</p> <p>The right to a lawyer and, if you cannot afford a lawyer, to be referred to possible legal representation.</p> <p>NOTE: There is currently no legal right to representation for child custody in Maryland.</p>	<p>RIGHT TO UNBIASED COOPERATION FROM THE CHILD SUPPORT SYSTEM WHETHER YOU ARE MALE OR FEMALE</p> <p>Pursuant to Maryland's Declaration of Rights, Art. 46, "equality of rights under the law shall not be abridged or denied because of sex". (as ratified Nov. 7, 1978)</p> <p>RIGHT TO HAVE YOUR CHILD SUPPORT OBLIGATION CALCULATION BASED ON THE AMOUNT OF TIME YOU ARE AWARDED CUSTODY</p> <p>Pursuant to §12-201, §12-202 you have the right to expect your child support obligation calculation based on the amount of time you are awarded custody of your child.</p> <p>RIGHT TO A CULTURE PROMOTING FIT PARENTAL ENGAGEMENT IN THE 21ST CENTURY, REGARDLESS OF THE HISTORY OF PARENTING LAW/CUSTOM</p> <p>The right to a culture encouraging and acknowledging the value of FIT PARENTAL ENGAGEMENT, which is one of the most basic and intrinsic human rights, essential to societal well-being & prosperity. Though Maryland courts did not always see as such, BCOCE provides this historical narrative for reference as well as a means to promote long-range thinking on the behalf of your children.</p> <p>..Moreover, elevation of women's legal status during the nineteenth and twentieth centuries also contributed to the movement from "paternal" to "maternal" preference.⁹</p> <p>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</p> <p>Since 1974, however, the maternal preference doctrine has been abolished in Maryland¹¹ because it permitted the award of custody to the mother solely upon the basis of her sex.¹² Today, when determining custody between biological parents, each stands, at least initially, on equal footing before the court.</p> <p>Parents may, of course, reach custody and visitation agreements outside of court. These private agreements may be advantageous because they allow parents to determine which arrangements will best serve the needs of the child, satisfy parental desires, and maintain family values while preserving the family's economic resources.¹³ Unfortunately, oftentimes parents create these agreements without knowledge of options available to them. Moreover, parents do not demonstrate much foresight in planning for long-term eventualities.¹⁴</p> <p>http://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1798&context=lf</p>
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The answer is obvious:: it would affect attorneys bottom line if easily discerned factors such as housing, collaborative parenting, shared holidays were posted.

**** Best Interest (aka ‘ a joke’) ****

So why the proponents' fervor with locking in the "amorphous" "best interest" (i.e. - best guess)?

All states use a “best interest of the child” standard in disputed custody cases. This is a rather amorphous standard, and one that lends itself to judges’ subjective beliefs about what’s best for children. There are some factors, though, that you can expect a judge to consider.

Age of the children.

Although the “tender years” doctrine has long been officially out of fashion, some judges still believe that younger children should live with their mothers,

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<https://www.divorcenet.com/resources/divorce/divorce-and-children/the-best-interests-child-factors-a->

Because parents have rights. It is bizarre & disturbing that an entire field manual was set up to protect parents' rights when it comes to **CINA cases – where abuse is likely or proven**. Yet family law courthouse attorneys aim to place the amorphous best guess over both parents rights – parental rights given by God, the federal & state constitutions and over children's rights (which are subordinate to parental rights but still worth more than a “best-guess”).

So why so intent? Why not just declare & iterate the ideals, with cultural delineations, and evidence-based details coupled with proposed weights for each factor?

Because it contravenes existing legal rights (you just heard this with respect to Troxell). This "best guess" isn't written anywhere. I don't know of it codified outside America, even in homogeneous societies. Parental rights are natural rights and supersede children's rights (unless a *parens patriae* concern arises). It is a malignant fact that the family-destruction-industry constantly seeks ways to make “concerns” arise.

**** Quite Re-Hashing Failed Bills petri-dished from Flawed ‘TaskForces’ ****

Please vote UNfavorable and ask the bill not return to waste House Judiciary time. Dumais has done this with a number of bills that are aimed at increasing profits for her & her friends making \$300 an hour, billable in family law matters in Montgomery County. Take for instance this bill which she fails to explain to (now A/G) Brian Frosh in JPR for multi-family outcomes. Aren't JPR's days long enough??

FROM THE SENATORS & DELEGATES IN ANNAPOLIS HEARING ROOMS

Politically Correct Testimony

Queued to my testimony (after the German man who spoke) back when I was politically correct....
<http://mgahouse.maryland.gov/mga/play/88e6074a4f7b464f9c195bf77007f739/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=2460000>

Tender-Year Doctrine

Maryland's longstanding "tender-year doctrine", favoring mothers in child custody outcomes, was not just subjective bias by court/family law personnel. Tender-year doctrine has been an established practice in Maryland.

“ ..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>

** Sydnor regarding commission on child custody **

(Then) Delegate **Carter** spoke to (then) Delegate **Sydnor** saying, "neither I nor anyone in favor of joint custody was made a member of the Child Custody Commission.. The Commission was heavily weighted toward Montgomery County... I believe there was an effort from the outset not to fully address...not fairly consider rebuttable joint custody... [**Dumais'** bill has made] some wording changes, it's symbolic but it's not [substantive]..."

Sydnor:: "And does best interest of the child usually end up in sole custody for the mothers...?"

Carter:: "That's evidenced by the way that the cases result.. the bias is inherent in the system which creates mothers being primarily the sole custodians of the children.."

Also **Carter::** "Domestic Violence advocates [crows] allegations .. [are] a preposterous argument ..."

<http://mgahouse.maryland.gov/mga/play/226d3312c175412a846be297da4f8d89/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=3903538>

Fathers enter family law court with everyone but the fathers themselves 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/mgaweb/Legislation/Details/sb1004/?ys=2014rs>

Our children suffer when fit and good-enough biological fathers are not involved with their children

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>

Our policies, systems and family law attack Maryland fathers

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 !

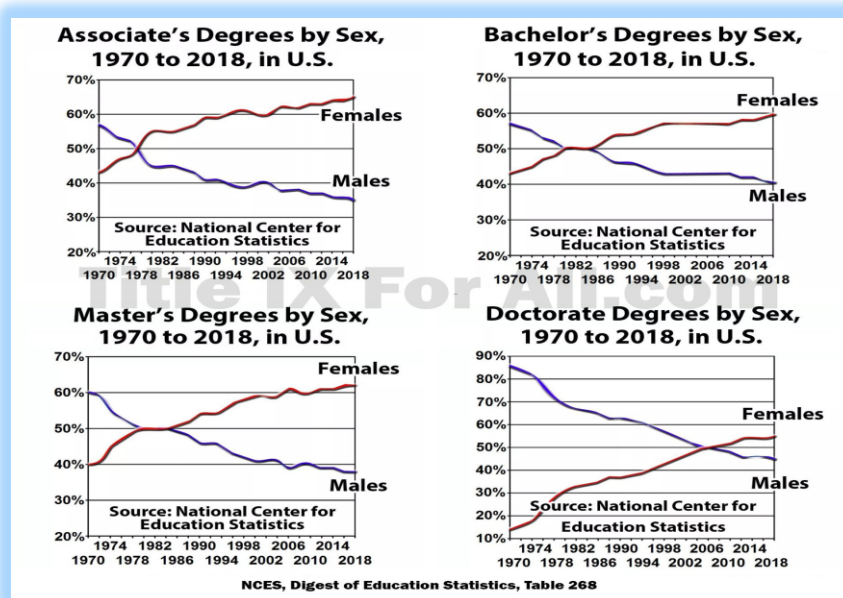
...To say that, I [take offense...what you said] is NOT true...

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 State of Men & Fathers



and family functioning: fatherhood is an important aspect of child development (Lamb, 2010; Lamb & Lewis, 2013; Pleck, 2010). Cohort studies have revealed the overall protective and positive effect of father involvement on offspring social, educational, behavioral, and psychological outcomes – throughout infancy, childhood, adolescence and adulthood. Short- and long-term positive outcomes include those pertaining to psychological health, externalizing and internalizing behavioral problems, **substance misuse, criminality or delinquency**, economic disadvantage, capacity for empathy, peer relationships, nontraditional attitudes to earning and child care, satisfaction with adult sexual partnerships, and self-esteem and life-satisfaction (Fatherhood Institute, 2013b; Feldman, Bamberger, & Kanat-Maymon, 2013; Flouri, 2005; Flouri & Buchanan, 2004; Kim, Mayes, Feldman, Leckman, & Swain, 2013; Martin, Ryan, & Brooks-Gunn, 2007; Pattnaik & Sriram, 2010; Pleck & Masciadrelli, 2004; Sarkadi, Kristiansson, Oberklaid, & Bremberg, 2008).

Disengaged and remote father-child interactions, as early as the third month of life, have been found to predict externalizing problems in children longitudinally (Ramchandani et al., 2013). Fathers' sensitiv-

The State of Men & Fathers (continued)

“In 2013, 71 percent of black children in America were born to an unwed mother, as were 53 percent of Hispanic children and 36 percent of white children.... At [some point before they turn 18](#), a majority of all American children will likely live with a single mom and no dad.”

“The health of society is primarily determined by the habits and virtues of its citizens. In many parts of America there are no minimally agreed upon standards for what it means to be a father. There are no basic codes and rules woven into daily life, which people can absorb unconsciously and follow automatically.”

According to Sara McLanahan of Princeton and Christopher Jencks of Harvard, a father’s absence increases antisocial behavior, such as aggression, rule-breaking, delinquency and illegal drug use – especially among boys. Having only one parent [reduces the chance that a child will graduate from high school by 40 percent](#).

So why is this happening? One reason is the welfare state. In the 1960s and early 1970s the federal government funded

[Research shows that fathers’ involvement is important](#). A 2006 study from the U.S. Department of Health and Human Services found that [involved fathers increased academic and social achievement at all stages of childhood](#), and that adolescents in particular with highly involved dads had better verbal skills and higher overall achievement.

Mark Brentley Sr., school board member who founded and chairs the annual [Take a Father to School Day](#), said that due to “the growing population of children who don’t have access to their fathers,”

<https://www.forbes.com/sites/johngoodman/2015/03/16/are-liberals-at-fault-for-the-breakup-of-the-family/?sh=13c4a56227ec>

As I have done before, I will add as an addendum – on this same .pdf – my transcribed testimony from in-person testimonial AGAINST this bill.

Please see my testimony against the dumais/Lee bill (2017 Term / HB508).

This link is queued up to my testimony.

<http://mgahouse.maryland.gov/mga/play/babfe5c1-a7f1-4e6b-a0f6-b3a74c225c0a/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=13800000>

Previous testimony pasted is the transcript from HB505 which is essentially the same bill as HB1032, HB508, etc.

Good morning chairman, I was here last year, my name is vince, former head of national parents organization, Maryland affiliate, speaking for an unfavorable on this bill just like we have in previous years.

We have some new folks, and that's why I pointed out this seating chart..excellent..we have some new faces.

If you were here last year or if you happened to listen to the testimony,
You would have heard Delegate Carter & Delegate Rey absolutely dismantle this bill.
You would have heard Delegate Moon, Delegate Kittleman make very incisive punctures in this bill.
And even though there are some changes this is mostly window-dressing.

The number 1 reason for these bills if you look at the statistics, the outcomes for
Of where parenting is in Maryland, and in fact, in the country
We have an absence of fathers, what are referred to as court-forced fatherlessness.

This bill has a lot of ways to cherry-pick, ways to distance these outcomes and to validate them.

To answer to your statement, Chairman: "what about the old days?" "what about the best interests of the child?"
What you heard a lot of in the testimony was "we think", "I feel";
But what statistics show is that two parents engaged in raising their children is the absolute BEST - it is the gold standard!

There IS no other. This is even for...all the way up to high-conflict domestic violence cases.

It is the best outcome

For the child

And for the family.

The statistics in every measure that you can imagine...

- Societal
- Economic
- Emotional
- Spiritual

...show this to be the case

<http://www.pewsocialtrends.org/2015/12/17/1-the-american-family-today/>

What is important about the references that the folks here who were at the commission mentioned -
I was actually at this commission ..

The dads advocate, quote-end quote "dads advocate" made 3 of the meetings...

Me or my people made ALL of the meetings --

While you have on the front of it a list of financial stakeholders, attorneys, social scientists,

When you dig into the meat of it, what you see are a whole bunch of folks talking about what they really want::

John Chick, Damascus, Maryland believes Maryland should have a joint-custody presumption

Now Delegate Ray last year or the year before stated that the rebuttable presumption that Delegate Carter had
brought year after year after year - and Senator Muse cross-filed in the Senate --
Could not co-exist with this bill.

And that stands today.

Delegate Queen, you brought [up] the complication [of 2017's HB508 / 2018's HB1032].

It's extremely complicated but when you compare it to this 2-pager

From Delegate Carter & Senator Muse, this is a lot simpler. Even a child can understand this.

And what children want is..their parents. They want their parents.

We are looking at changes - that's been referenced - in culture.
However, the underlying part of this is stating what it is to be a parent.

All of 9-201 is all new, all Delegate Dumais, or the sponsors of the bill.
But if we can decide on what good parenting is why can't we have a standalone?
Something that has nothing to do with... the intricacies of family law (i.e. - "This is what a good parent is...")
And the reason is - to answer to your question, chairman - is because we can't.
Because even though Delegate McComas' chicken cacciatore has green peppers, maybe mine doesn't.

Maybe there's somebody who does a certain thing with his family because he's a carpenter or a painter
But a lawyer doesn't have to do that.
You can't iterate these differences

And so that's why - again - we've taken this (Equal Parenting Time) bill
<http://mgaleg.maryland.gov/webmg/frmmain.aspx?Id=hb1386&stab=01&pid=billpage&tab=subject3&ys=2016rs>

...it didn't get taken this year [There has been no rebuttable presumption of joint custody bill since Delegate Carter left the House]
And I asked a number of delegates [both in judiciary and outside] to do something [for] dads. And nothing got picked up.

Now if you look at the Baltimore County Bar site you're going to see a reference to de facto parenting...
Now that's a handful -- just a miniscule--amount of the cases we have here [in Maryland family law courts].

But if you look at the latest statistics [developed from establishment cases in BCOCS , first half of 2016] from Baltimore city... 83% custodial parents were mother.
We're not even CLOSE to 50/50!
So whatever cultural changes we're talking about have not permeated down to where it matters to the child.

There are parts [of HB687] that talk about culture & parental alienation. Those kind of same issues were brought up...the reasons why we did this [the HB687 Child Custody Determination Commission]...we found determination that Dads were complaining . They were coming year after year after year for these [equal parenting time] bills saying that we're not getting anywhere close to what we're asking for...we're getting cookie-cutter designs..."14-percenters", they call them
And you all KNOW this.
If you deal with social workers at courts, you know this.
"Every other weekend, dinner Wednesdays".
This is not happenstance, this is how they still do things.

Chris Gannon, father : "...parental alienation syndrome should be acknowledged by Maryland's courts.."

Danielle Duerling: "Speaks as a mother and step-mother to her partner's child, effect on her partner of not having joint custody."

Desmond Flagg says " in favor of presumed joint custody"
<http://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/020000/020737/unrestricted/20150076c.pdf>
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When you look at what the parents are asking for, they're all asking for this.

Does that mean we're somehow going to flip this so that children's rights are put way, way, way below parents' rights?

No.

No.

It's a *rebuttable* presumption that was brought to you year after year after year.

You rebut it by saying, "Look- this parent is not fit to parent all the time; other considerations have to be made."

"This parent doesn't have the time in the week to develop this child to maturity as is accustomed to...his family lineage, his culture/her culture..."

That's what the rebuttable presumption is...what's simple is you walk in with equality.

This bill talks about equality, but it says no one has an upper hand.

If they're equal, state they're equal: "Parents are equal in the state of Maryland".

If we have standards for parenting, state:

"These are the standards for a parent.

If you're a painter, this is what you should do. If you're a lawyer, this is what you should do. If you're disabled, this is what you should do."

We can't do it though. And that's why we leave it to the parents.

That's why the Founders had incredible insight giving us these rights:

- Constitutional rights
- Natural rights
- [allowing for] God-given rights

That's another problem with this bill – it takes authority for [issues that are NOT *parens patriae*].

It's not [the legislature's] right to do... all of the pieces that are in 2017's HB508 / 2018's HB1032.

I also want to reference something seen in the 2012 Maryland lawyers magazine.

It basically said that if we went with rebuttable presumption, that it was gonna undo a whole bunch of Family code....LexisNexis, folks might have to re-study law, we might hafta have new laws.

We MUST NOT as a state, be suborning the children's best interests –

2 engaged parents to the level that they can reasonably do this –

To what the lawyers want... the lawyers' income..

We also brought up the very high expense of [child custody proceedings] and folks going at this *pro se*.

To try & say they're gonna take [2017's HB508 / 2018's HB1032]

And have this list, and work thru it, and NOT be cut on this cherry-picked item or

That cherry-picked item...I don't think that's credulous.

Talking about a rebuttable presumption of equal unless you're found unequal is what the law, constitutionally/biologically,

Starts with ...and it's what this body should start with. I brought all these matters to the court before.

One thing bothered me [as I was researching this] is that to get Judge Callahan [on HB687 Commission] they actually had to go & do a Maryland Judicial Ethics Committee to even get her on the board...it's a 5-pager from 2013.

One of the things Delegate Carter mentioned way back in the day was getting the right people on this [Commission]..

I'm not seeing any parents..

Just strictly parents...

Just strict advocates for parents...

OK. I'm sorry [Chairman]. I'll stick to the point of the bill.

The reason I bring it up, Chairman, is because, of course, is was built *from* this...it was built from the inception of HB687.

Last year and I apologize but you weren't in the room at that time, Chairman,

But I brought evidence of judicial indiscretion and I listed where a judge had been reprimanded... it was actually my case.

And the point that I want to make is that parents are having to go thru this and they're finding

That if the outcome is going to be thus - and all I'm going to do is lose money - paying (as was mentioned earlier) the very expensive process Delegate Dumais had brought up - of lawyers, of social workers, of officials -- you're finding that they're opting out.

Because if they're gonna get the same result, why go to court, make the expense when the court already knows how it's going to rule?

The reference sheets that you all are given with respect to child custody outcomes, is [from]1999 or 2003.

This year I circulated among certain delegates and senators a request to actually publicize those statistics.

When this Commission came up, there was no mention of statistics...they said they couldn't get the numbers.

I'm calling on this [legislative] body that if you really wanna look at this bill, 2017's HB508 / 2018's HB1032 to at least know the outcomes of the numbers

Because if all this is going to do is operate around the margins, without helping the children,

without dictating what Maryland says is a good parent

without reducing the cost to the courts [which is] getting monumental... over 50-60% in some jurisdictions... the larger ones, Baltimore County, PG, Montgomery County ...

It's time for something simpler.

Go with 50 / 50 Rebuttable Presumption