

**MARYLAND STATE BAR ASSOCIATION
FAMILY AND JUVENILE LAW SECTION COUNCIL
MINUTES
Wednesday, April 1, 2009**

The meeting was called to order at 6:55 p.m.

1. The minutes of the February, 2009 were amended and approved. The March FJLSC meeting was a reception for the legislators, so there were no minutes.
2. Committees and Reports
 - a. MICPEL – Erin Gable reported that Brent Burry was leaving MICPEL at the end of the month. In addition, she reported that Leah Barron had already left MICPEL. Our program coordinator is now Andrea Terry.

Erin Gable also reported that the MICPEL program for Unmarried Couples would be held on May 14. The brochure went out last week.

- b. Newsletter – Walter Herbert reported that he is working on the next issue and hopes to have it out before the Annual Meeting in June. This issue will feature practice and procedures in Montgomery County.
 - c. Annual Meeting – Mary Sanders reported that the survey went out in the newsletter and that she has already received many responses.

Mary Sanders also reported that Judge Weatherly was working on the outline for the program for the Annual Meeting and that everyone on the FJLSC would have a part.

Cindy Callahan reported that the ADR Committee asked the FJLSC to participate in their Annual Meeting program. Deb Webb agreed to be our representative to their program.

Please note dates for Annual Meeting: June 10 – 13, 2009

- d. Legislation - See below
 - e. BAG award – Justin Sasser reported that he had only received three nominations so far. If anyone is planning to make a nomination, please do so immediately. We will vote at the May meeting.
 - f. Juvenile law – No report
 - g. Ad Hoc Committee on Pro Se – See “Annual Meeting” above.

3. Legislation – Dodie Fait made the following report.

HB 98/SB 601 – Domestic Violence – Temporary Protective Orders –

Extension – This bill would extend the amount a time a judge is authorized to extend a temporary protective order from 30 days to 6 months to effectuate service. **Passed House and Senate.**

HB 213 – Domestic Violence – Attorney’s Fees – Pro Bono Attorneys –

This bill would allow a judge to order a respondent in a protective order hearing to pay the attorney’s fees incurred by the petitioner. This bill specifically allows for payment to an organization or attorney who is representing a petitioner on a pro bono basis.

The Council voted to support amending this bill to include the award of attorney’s fees also to include the respondent. **Unfavorable report House Judiciary Committee.**

HB 296/SB 267 – Family Law- Protective Orders – Surrender of

Firearms – This is the Governor’s bill. It would require the judge to order the respondent in a protective order to surrender any firearms in his/her possession for the duration of the protective order. It would also order a respondent to refrain from possessing any firearms for the duration of the protective order. **Passed House and Senate.**

HB 302/SB 268 – Family Law – Temporary Protective Orders –

Surrender of Firearms – This is the Governor’s bill. It would allow a judge to order the removal of firearms at the temporary protective order hearing. Under current law, firearms may only be removed at the final protective order hearing. **Passed House and Senate.**

HB 1181/SB 467 - Domestic Violence - Expungement of Records – This

bill would authorize courts to order the expungement of certain civil domestic violence records. The FJLSC opposed this bill because victims of domestic violence are frequently coerced by their abusers into taking legal action to the abuser’s benefit and the victim’s detriment. **Favorable with amendments by the House Judiciary Committee. Defeated on the floor of the House. Move to reconsider passed. Recommitted to House Judiciary Committee. No action in the Senate.**

HB 1055/SB 565 Religious Freedom and Civil Marriage Protection Act –

This bill would establish that a marriage between two individuals who are not otherwise prohibited from marrying is valid in the State, including same sex couples. **No action in House or Senate.**

HB 717/SB 740 - Family Law - Child Custody Determinations - This bill would codify existing custody law. **No action in House or Senate**

HB 1401 – Child Support Guidelines – Revision – This bill would be the first revision of the child support guidelines since their inception. **No action in the House.**

HB 422 – Family Law - Child Custody and Visitation - Military Duty
This bill would require that, in a child custody or visitation proceeding involving a parent who is on specified active military duty, any order or modification of an existing child custody or visitation order issued by the court during the active military duty of the parent specifically reference specified information. The Council voted to support it with concerns.
Amended and passed in the House and the Senate

HB 464 - Domestic Violence - Interim and Temporary Protective Orders - Custody of Minor Child – This bill would authorize a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of an interim or temporary protective order. Last year, the legislature gave the court the authority to order this in final protective orders. This would extend to authority to interim and temporary protective orders. **Amended and passed in the House and the Senate.**

HB912/SB 677 – Criminal Procedure - Warrantless Arrests – Violation of Protective Order – This bill would clarify when a law enforcement officer can make a warrantless arrest for a violation of a protective order. **No action in the House or the Senate.**

HB 898/SB 299 - Child Custody and Visitation - Relocation of Child - Consent and Court Approval – Originally, this bill would have authorized a court to include as a condition of custody or visitation order a requirement that either party obtain the consent of the other party or the approval of the court before relocating the child outside the State. Kris Howanski worked with Senator Simonaire to amend it so that it no longer requires the consent of the other party for relocation, but it gives a longer notice period, 120 days, and an expedited hearing if litigation is brought **Amended and passed in the Senate and the House.**

4. Old Business
Listserve – reminder list attached.
5. New Business

- a. Best Section Project Award nomination – Cindy Callahan announced that she was going to nominate the FJLSC for an award for its work on family law legislation.
6. Adjournment – The meeting adjourned at 8:05 p.m.

Next Meeting **May 13, 2009** – Location to be announced

ATTENDEES

Cindy Callahan, Chair
Mary Sanders, Vice Chair
Dorothy Lennig, Secretary
Walter Herbert, Treasurer
Marc Noren, past chair
Renee Ades
Ron Bergman
Alisa Cummins
Dorothy Fait
Erin Gable
Craig Little
Justin Sasser
Chris van Roden
Deb Webb
Vince Wills

LISTSERVE REMAINING WEEKS

Cindy Callahan	week of 4/5
Alisa Cummins	week of 4/12
Mary Anne Day	week of 4/19
Dorothy Lennig	week of 4/26
Erin Gable	week of 5/3
Walter A. Herbert Jr.	week of 5/10
Kristine Howanski	week of 5/17
Dodie Fait	week of 5/24
Craig Little	week of 5/31
Marc Noren	week of 6/7
Chris Van Roden	week of 6/14
Mary Sanders	week of 6/21
Justin Sasser	week of 6/28
Leah Seaton	week of 7/5