



Family Law News

A newsletter published by the Section Council of the Section of Family & Juvenile Law

Maryland State Bar Association, Inc.

February 2004

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Editor: Walter A. Herbert, Jr.



A Message from the Editor

We proudly present our Valentine's Day issue! Once again your colleagues in the practice of family law bring you useful news, how-to and be-very-scared articles, case notes and sports updates.

In December we lost Beverly Groner, Esquire, one of the towering figures in Maryland family law. I did not know Ms. Groner personally, but the remembrance penned by Judge Ann Sundt and Cheryl Hepfer makes me wish I had.

You ever take a case in a distant jurisdiction and as conferences, hearings and trial, not to mention that rare Emergency Hearing, approach you suddenly realize that the Upper Marlboro rules, for example, don't apply in the Baltimore courthouse? We feel your pain. We present a new series, *The Skinny on Practice In.*, with this issue. In the coming months we hope to write down the unwritten rules for each courthouse in the state.

This being the month of love, we felt that a few public expressions of same were in order (yes, I know, that was a lawyerly turn of phrase, but I'm only on Step 3). We are grateful to the spouses and loved ones who took up the challenge to articulate that special quality which makes their loved ones special. See our section *a Special Valentine's Day Message* for their handiwork.

Our December issue generated a number of e-mails. For example, in our Birthdays section, it was stated: "W. Mozart and E. Van Halen, perhaps the first time that those names have been linked in the same sentence". Who knew that it was not the first time that these names have been linked... Eddie Van Halen named his son Wolfgang! Well, Greg Hilton of Annapolis knew, that's who... thanks for the e-mail, Greg, I really didn't know...

David Goldberg of Germantown and I had an interesting and enjoyable thread on the Louis Nizer's Legal Quotation of the Month. I'm trying to get David to write an article for the May issue on the topic, so if you see him, gently urge him to do so, but don't let on that it was my idea...

Many thanks to all who wrote and complimented us on the issue, especially Chris Nicholson.

Please contact me with thoughts, comments, article ideas, etc:

HERBERTLAW@WORLDNET.ATT.NET

301.952.0707

NEXT ISSUE: MAY 2004

IN MEMORIAM: Beverly Anne Groner

We mourn the passing of Beverly Anne Groner who died last month after a long illness. Beverly's legacy to family law in the State of Maryland is immeasurable. Not only did Beverly hold almost every position in local, state and national bar associations regarding family law – Chair of the Family and Juvenile Law Section of the Maryland State Bar Association, Chair of the Family Law Section of the American Bar Association, President of the Maryland Chapter of the American Academy of Matrimonial Lawyers to name a few - she also served as Advisor to the ABA's National Conference of Commissioners on Uniform State Laws' Drafting Committee on the Uniform Marital Property Act, Chair of the Maryland Governor's Commission on Domestic Relations Law, President of the Board of Trustees of the Montgomery-Prince George's Institute for Continuing Legal Education of the Maryland State Bar Association, Chair of a fee arbitration panel of the Bar Association of Montgomery County, and a member of the Ethics Committee, first of the Bar Association of Montgomery County, and then of the Maryland State Bar Association.

Beverly also served as a consulting editor to the Bureau of National Affairs' Family Law Reporter, and served on the board of Editors of the Maryland Family Law Monthly, Fairshare, the Matrimonial Strategist, and the American Journal of Family Law.

Beverly was a presence to be reckoned with during her life, and her presence will continue to be felt for generations to come. Although honored time and time again for her many achievements and her contributions to family law, Beverly should best be remembered as a wonderful wife to her husband of over forty years, Samuel Groner, her children and grandchild, of whom she was so very proud, and the many lawyers who sought her out for guidance over the years. Beverly gave freely of her time, lecturing, writing articles, and returning the phone calls of the lawyers and judges who called her often.

Cheryl Hepfer, Esquire, is a former member of the MSBA Family & Juvenile Law Section Council and practices family law in Rockville, Maryland. *The Honorable Ann Sundt* is an Associate Judge on the Circuit Court for Montgomery County, Maryland.

Chair's Message

In our December, 2003 newsletter, I mentioned that members of the Family & Juvenile Law Section Council were participating in the Administrative Office of the Courts Custody Subcommittee, and studying the recently approved ABA Standards of Practice for Lawyers Representing Children in Custody Cases. The ABA has attempted to set a "standard of good practice and consistency" in the appointment of attorneys for children in custody cases, and the AOC Custody Subcommittee hopes, through appropriate rules changes, to implement state-wide guidelines for lawyers representing children which accomplish the same end.

As many of us who handle custody matters well know, there is an astounding lack of consistency in the various counties in the manner of appointment of attorneys as guardian ad litem (GAL) or attorney advocate, as well as the specification of how each role is to be borne out. All too often we see judges appointing their former law clerks as GALs – attorneys with little practical experience and even less training, who are expected to serve in one of the most difficult, important and potentially crucial roles in a custody dispute. Many judges and masters demand that a GAL, attorney advocate, or attorney/investigator file a written report with recommendations prior to trial, without considering the impact of such a requirement, including exposing the attorney to being called as a witness at trial and thus compromising his/her ability to represent the child effectively. It is the hope of the AOC Custody Subcommittee (as it was of the ABA Family Law Section) to create guidelines which bring consistency to the process and ultimately best protect the welfare of the children who are so often victims of that process.

Recently, a survey prepared by the AOC Custody Subcommittee was disseminated to many members of this Section, as well as to judges, masters and court personnel, seeking input as to current practices in representation of children across the state. The survey results, while in many ways surprising, confirmed the belief of many that there is much confusion and variation around the state in the roles of attorneys for children, as well as the training and experience expected. Many jurisdictions have no formal structure governing the method of appointment or the training required of attorneys. While some counties have established training mechanisms, other counties have no formal prerequisites for appointment at all. There is significant confusion as to what each role entails, as well as to what roles are even normally used. And many jurisdictions reported that attorneys for children regularly testify at trial.

Clearly, there is a need for state-wide rules governing the method of appointment of attorneys for children, and plainly and intelligently defining the roles those attorneys should play. Present and former members of the Family & Juvenile Law Section Council are hard at work as a part of the AOC Custody Subcommittee to bring those guidelines to fruition. But we need the help and the support of all the members of the Family & Juvenile Law Section to make it happen. Pass the word around – initiate dialogue with judges, masters, legislators, other attorneys and even your own clients – and make it known that changes are needed to protect the children of Maryland.

Paul J. Reinstein, Esquire

The Skinny on Practice In:

Although our rule-makers insist that local rules have been abolished in Maryland, actual practitioners know better. Every courthouse in the state has a secret handshake, a hidden key. To help you past those "butterflies and jitters" the next time you find yourself litigating far from home we present The Skinny On Practice In:

Montgomery County: Practice and Procedure

In Montgomery County, the filing fee for divorce is Ninety Dollars (\$90.00). After filing your Proof of Service, the Court will set in a Scheduling Conference. Generally, the Scheduling Conference is scheduled for approximately one (1) or two (2) weeks after the Defendant's Answer is due, based on the Proof of Service. If you are not available on the date set in by the Court for the Scheduling Conference, you should contact the Family Law Assignment Office to obtain new potential dates (typically, you must reschedule the Conference within a two (2) week period of the original date provided), contact opposing counsel to clear one (1) of the new dates, file a Joint Line to

Reschedule the Scheduling Conference to the new date cleared by Counsel with the Assignment Office, and provide a courtesy copy to the Assignment Office.

The Scheduling Conferences are conducted by Family Division Masters. At the Scheduling Conference, you will be scheduling future court dates and events. If visitation, alimony, child support, use and possession, attorney fees, and/or court costs are issues, a *Pendente Lite* Hearing can be requested. If, at the

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A Special Valentines Day Message: Leslie Gail Billman

When Walter Herbert waltzed into my office and gave me the “opportunity” to write something interesting about my wife of more than fifteen years, quite naturally, I began thinking about ways I could avoid this task. Particularly so, when I realized that Walter intended to have my thoughts published in a Valentines Day edition of this newsletter. Finding no acceptable excuses, I quickly realized that virtually all who read this know Leslie as an accomplished and polished legal professional who is relentless about organizing and preparing her cases for trial. Although I knew that most of us would agree that Leslie has proven herself to be a great attorney, I also realized that being a top notch attorney is but a small part of what Leslie’s life is about.

I wondered how many of you know about Leslie’s other endearing qualities, talents, and passions. So, I thought I would tell you.

On many weekdays Leslie is out of the house shortly after 6:00 a.m. for tennis lessons — to prepare for her evening and weekend competitive tennis matches. Her interest in tennis is not limited to just playing. She is an avid spectator, attending as many professional matches as possible, using certain family connections to get passes so that she can rub shoulders with her professional idols in the players tent.

She is passionate about pets, and that is an understatement. We have always had a houseful of animals living with us. Currently part of our household are two thirteen year-old Himalayan cats (Tulip and Violet) and two Bichon Frise dogs (Webster and Lily) who have accompanied Leslie to the office every working day of their six years with us.

In her spare time Leslie has written a yet unpublished novel, which she has never let me read and she doesn’t like to talk about.

What she does like to talk about is her photography. Just ask her about her equipment or her tennis photography if you want to spend an hour or so just listening. She is now studying through the New York Institute of Photography and is truly an accomplished photographer. If you are in Annapolis, you can see some of Leslie’s work displayed at Chesapeake Photo Gallery on State Circle at Maryland Avenue. If not, just go to www.billmanphotography.com for a taste of her work.

In the more than fifteen years that Leslie and I have been married, her eclectic interests and energy have enriched my life. Ask her about some of these things. It is really much more interesting than talking about family law.

Harry Trainor, Esquire, is the devoted husband of Leslie Billman; Mr. Trainor practices criminal law in Upper Marlboro, Maryland.

Sports Update:

Our Gunston Venom coverage continues: the Venom, a division 2 NCSL U-11 Boys soccer team, have completed Session 1 of their indoor soccer season and stand in 3rd place (Daniel Herbert has one goal...so far). In the process 2 players have left the team, including the keeper. Travel soccer has been an eye opener; it seems that I spend more time in team-related volunteer activities than I do practicing law. Of course, the fact that it’s a lot more fun to work for the soccer team than coordinate pick-up and drop-off times on Christmas Eve is beside the point. My current task is trolling for a new keeper, for which I have created a blurb:



“Gunston Venom are looking to add smart, versatile players, goalkeeping and field, to our side. The Venom are a U-11 Boys Team America Premier squad and we compete in Division 2 of NCSL. We are trained/coached by Jawed Sanie, a loud, enthusiastic proponent of TAP possession soccer: give and go passing, overlapping runs and moving without the ball to create space are the hallmarks of a Team America Premier side. We play pre-and post-season tournaments, indoor soccer and attend summer camp. If you were born after July 31, 1992, and wish to play exciting soccer at the highest level please contact our Team Manager, Carla de la Pava at 202.390.2373.”

Dear me, I seem to have accidentally advertised for a keeper in *FAMILY LAW NEWS*...oops! Of course, if you happen to know any..., oh, nevermind...

Montgomery County: Practice and Procedure . . .

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Scheduling Conference, you do not request that an issue be heard at the *Pendente Lite* Hearing, you will not be permitted to present that issue at the *Pendente Lite* Hearing. In Montgomery County, you need to request both attorney fees and court costs as they are distinguished. You can request anywhere from one (1) to five (5) hours for the *Pendente Lite* Hearing, but less time will usually get you a quicker hearing date, and if you need four (4) or five (5) hours, you should be prepared to explain why you believe you need that amount of time. The *Pendente Lite* Hearing will be heard by a Master. Legal custody will not be addressed at a *Pendente Lite* Hearing.

If residential custody of the children is in issue, the case will be bifurcated into Custody Merits, and Remaining Issues Merits. If legal custody is in issue, but residential custody is not, then all issues will be heard together.

If there are custody and/or visitation issues, your client will be scheduled to attend Co-Parenting Skills Enhancement Classes, which consist of two (2), three (3) hour classes. The parties will also participate in Parenting Mediation with a Court-Appointed Mediator. The Parenting Mediation consists of two (2), two (2) hour sessions. The purpose of the Parenting Mediation is to see if the parents can resolve custody and visitation by way of a Parenting Plan, rather than litigating the issues. The Co-Parenting Skills Enhancement Classes and the Parenting Mediation are free of charge to the parties. On the day of the Scheduling Conference, prior to leaving the courthouse, your client must complete a Confidential Mediation Questionnaire and drop it off at Family Division Services, Room 220. You can obtain a copy of this questionnaire by contacting Family Division Coordinator, Suzanne Schneider.

You can request court services such as a court assessment or court evaluation. The difference between the assessment and evaluation is that the evaluation will include a home study as well as the contacting of collateral witnesses, whereas the assessment will not include these items. Please note that a home study will not be performed if the home is located outside of Montgomery County. There is no psychological testing done by the courthouse evaluators. If you want psychological testing, or prefer a private evaluation, you must to file a Motion requesting such an evaluation.

The results of your court assessment or court evaluation will be presented orally by the evaluator at the Custody Pretrial Conference. If the issues do not resolve at the Pretrial Conference, then a written report will be prepared and provided by the custody evaluator approximately one (1) week before the Custody Trial. A custody Pretrial Conference, and Custody Merits dates, will be set at in the Scheduling Conference. These dates

will proceed if there is no resolution of the issues prior to the Pretrial Conference date and/or the Custody Merits dates.

For property issues, alimony, and the divorce, a Merits Pretrial Conference date will be scheduled. It is at the Merits Pretrial Conference that you will receive your Merits Trial dates. If these Merits issues will take more than half of a day, the parties and Counsel will be scheduled to attend Alternative Dispute Resolution (ADR). ADR is conducted by court approved family law attorneys who have satisfied training or experience requirements. You are required to participate in three (3) hours of ADR, and the cost to each party is Seventy-five Dollars (\$75.00) per hour. If everyone agrees, ADR can be extended beyond the three (3) hours, but the cost increases to the attorney's hourly fee.

If you have an emergency and need to appear before the court on an issue prior to the Scheduling Conference or *Pendente Lite* Hearing, you will need to file a Motion for Emergency Hearing. You should have the Family Law Clerk set up the Court file so that you can walk the file through to the Family Law Duty Judge. You must have contacted opposing counsel or the opposing party, and notified counsel or the opposing party, that you will be going to the duty judge on an emergency and work out a date and time to appear before the duty judge. Generally, the duty judge will not hear the matter unless notice has been given to opposing counsel or to the opposing party and the judge considers the issue to be a true emergency. A true emergency might be a complete denial of visitation. If your client is getting visitation, but the visitation is limited or is not on a regular and consistent schedule, that issue will not be an emergency. An example of an emergency is one parent completely denying visitation of a newborn or infant child to the other party. Another example is one parent trying to remove the child or children from the country. Failure to pay the mortgage or potential foreclosure on the marital home has not been considered an emergency. If the case is not considered an emergency and is not heard by the duty judge, the duty judge may give you an Order for an expedited Scheduling Conference.

The Family Law Duty Judge changes every week. You can find out who the Family Law Duty Judge is by checking the schedule printed in the Montgomery County Bar Association Bar Journal or by calling the Court Clerk or Assignment Office.

IMPORTANT TELEPHONE NUMBERS:

Court Evaluators - Supervisor - Michelle Sarris - (240) 777-9065

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A Special Valentines Day Message: Paul Reinstein

I must admit that I approached writing about Paul for a Valentine's Day column with some trepidation since whenever he has asked me for suggestions on subjects for his monthly column as Section Chair, my ideas have been vetoed by him as being too "touchy feely." So Paul, blame this on Walter – it was all his idea!

I remember feeling somewhat anxious the first day of law school, having seen the movie "Paper Chase" and wondering if a similar situation awaited me. During orientation all of the first-year law students were sitting in a large auditorium, feeling somewhat daunted, when the instructor asked if anyone had any questions. Most of the students surrounding me looked around nervously, not daring to raise our hands, not yet willing to draw attention to ourselves. Suddenly a man's voice spoke out, and while I can't remember what he said, I do remember being impressed that this student had the nerve to speak out – we all craned our necks to see who was this courageous person – and that was my first glimpse of Paul Reinstein!

Paul is a man of courage and strong convictions – he has always been an advocate for equal justice under the law. While most of you know him as an accomplished and diligent family law practitioner, he began his career doing criminal defense work. Right after we graduated from law school I remember that he represented a defendant who had committed a truly violent crime. When a friend asked him how he could stomach representing someone "like that," he responded that he had taken an oath the day he became an attorney to ensure that everyone has equal access to the justice system. That commitment to justice is something that has never wavered in over twenty-three years of practice. Probably the best testament to his skill as a lawyer is the fact that attorneys and litigants on the opposite side often later refer their friends and family members to him!

As law students we didn't have much money for fine wine and food (just Kentucky fried chicken and cheap beer), but as time has passed Paul has developed into a wine connoisseur and a lover of fine meals. We have friends who tease us about how passionate we can get about good food. One of Paul's favorite pastimes (besides watching sports or playing golf) is trying out new restaurants.

Paul usually appears very calm and even tempered, but you might not feel that after sitting with him through a Notre Dame football game or a Philadelphia sports team match. The whole house reverberates with his colorful commentary, and you can just feel the energy emanating from him! He sometimes bemoans the fact that he lives with "temperamental" women. While his daughters would be the first to admit that they might at times be difficult (testing his patience over and over and over and over. . .), they also would tell you how lucky they feel to have Paul as their father. They know that they can always count on him for anything, ranging from help with their math homework to advice on how to deal with a boyfriend (even though he doesn't always want to hear about his daughters' love lives!!!!). It frustrates him when the women in his life don't necessarily follow his advice, but such behavior certainly has helped Paul learn the meaning of patience. He is also very creative. Even though he could never make it as a singer, his daughters were serenaded to sleep by Beach Boys tunes, especially "Barbara Anne." His bedtime stories were comprised of the further adventures of Nick Danger and Rocky Roccoco, which he developed from the original tales of the Firesign Theater. I keep telling him he should write a "Nick Danger/Rocky Roccoco" children's book or a novel based on some of the cases he has handled. I think either would rival any of the best sellers we read today, and then we could retire and live on a beach and spend all our days reading and watching movies (which would make him very happy). Paul loves a good mystery novel and is also a huge fan of the Patrick O'Brian series of historical novels – the Aubrey-Maturin epics.

It has been almost twenty-seven years since that first day of law school, and Paul remains my best friend!

The Honorable Marielsa Bernard is an Associate Judge on the Montgomery County Circuit Court and the very loving and perceptive wife of our Chair, Paul Reinstein.

Montgomery County: Practice and Procedure . . .

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Assignment Office - (240) 777-9000

Ms. Nadia Jones
Ms. Lisa Tickler

Family Division - (240) 777-9040

Family Division Masters and Secretaries:

Master Joan Ryon (240) 777-9051
Julie Vocci
Master John Weaver (240) 777-9045
Unfilled
Master Steven G. Salant (240) 777-9042
Cindy Smith
Master Charles M. Cockerill (240) 777-9048
Amanda Barrett
Master Susan Polis (240) 777-9054
Simone Morrison

Family Division Case Managers - (240) 777-9075

Mr. Rick Dabbs
Ms. Crystal Marshall
Ms. April Nicholson
Ms. Kim Rhodes

Family Law Information - (240) 777-9402

ADR Coordinator - Susan Kahlil - (240) 777-9108

Family Law Division Coordinator -

Suzanne Schneider - (240) 777-9061

Family Law Judges:

Chief Judge DeLawrence Beard (240) 777-9296
Anita Beisel

Judge Joseph A. Dugan, Jr. (240) 777-9268

Debbie Fitzpatrick
(will be rotating out of Family)

Judge Nelson W. Rupp, Jr. (240) 777-9282

Joyce Thrift

Judge James L. Ryan (240) 777-9289

Ann Mazzullo

Judge Ann N. Sundt (240) 777-9275

Marge Dean

Judge Dennis M. McHugh (240) 777-9360

Trish May

(will be rotating into Family around March, 2004)

And see: www.montgomerycountymd.gov/mc/judicial
www.montbar.org

Geraldine Welikson Hess, Esquire is a partner at the Law Office of Cheryl Lynn Hepfer, a firm that practices family law in Montgomery, Prince Georges, Calvert, Charles, Anne Arundel and Howard counties.

Harford County: Practice and Procedure

The process for dealing with the issues of custody, visitation and/or child support is designed to resolve these issues as quickly as possible and by a judge only as to the issues of custody and visitation.

- a) Upon the filing of a case dealing with any of these 3 issues, the Plaintiff should file a letter stating which of these issues are in dispute and requesting that the matter be referred to Family Court Services (custody/visitation), requesting an immediate conference with Judge Whitfill (to temporarily establish custody and specific visitation) and/or requesting a referral to a Master for a hearing on issues of child support/alimony/attorney fees, use & possession/etc. This letter will be addressed to Karen Tracy or Karyn Merrifield. Family Court Services could be referred as private clients (see below) or as regular clients at a sliding scale. If the combined income of the parties is between:
\$40,000 - \$50,000 Fee for Evaluation = \$700.00 per case
\$50,000 - \$75,000 Fee for Evaluation = \$850.00 per case
Over \$75,000 Fee for Evaluation = \$1,000.00 per case

The Defendant should also file a letter stating which of these issues are in dispute and requesting the case be referred as stated above for the Plaintiff.

If there is a conference with Judge Whitfill to establish temporary custody and specific visitation, and if the parties desire to have a short hearing on these issues prior to any Court Order being issued, the Judge will schedule within 2 weeks a date in which both sides can present evidence and which both parties will be able to speak without questions by attorney for a total of 15 minutes each.

At the end of each conference (with or without a short hearing), an Order will be issued awarding temporary custody and specific visitation, and the matter may be referred to Family Court Services (with their report due within 10 weeks of assignment). In addition, the parties may be referred for a psychological evaluation at that time or subsequent to Family Court Services' report should the Court be made aware of either party accused of abuse (child/spouse), neglect, substance abuse, or the existence of a prior mental disorder or disease. Dr. Gombatz's report will be sent to Judge

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February Birthdays:

Elihu Root: Trial lawyer who rose to win the 1912 Nobel Peace Prize... "About half the practice of a decent lawyer consists in telling would-be clients that they are damned fools and should stop."

Yoko Ono and George Harrison: How weird is that? Think Paul and Ringo ever threw a joint surprise birthday party for them? Personally, I was born a "John" man and I'll die a "John" man.

Farrah Fawcett and Jennifer Anniston and Morgan Fairchild: No, really. What is it about February?

John Steinbeck: Does anyone read Steinbeck for pleasure anymore? He was a *popular* novelist when first published, but like so many writers over the years he has been mortared into the literary canon and is only read now for high school English projects. Sad, really; my brother-in-law knew Steinbeck in Salinas, said he was one of the most interesting people he ever met...

March Birthdays:

William Shatner: "Dammit Bones!" And who could forget "Lucy...in the Sky...with Diamonds."

Shemp Howard: Personally, Curly leaves me in stitches, but Shemp certainly justified his existence, too.

Steve McQueen: The essence of cool... "You.Me.Dinner."

Sandra Day O'Connor: First woman appointed to the U.S. Supreme Court. It's funny how being the "first" anything comes to define one. Her years on the bench, and her autobiography, reveal Justice O'Connor to be a thoughtful, interesting observer of the human condition.

Harriet Tubman: Established the Underground Railway, talk about courage...

Tina Louise: Ginger turns 70! A wake-up call for all baby-boomers...

April Birthdays:

Clarence Darrow: Attorney for the Damned... "I may hate the sin but never the sinner."

Jack Nicholson: "Forget it, Jake, it's Chinatown..."

Thomas Jefferson: Attorney at Law, had a general practice in Williamsburg, Virginia, also happened to be 3rd President of the United States, principal author of the Declaration of Independence...

Eudora Welty: Southern writer, Pulitzer Prize winner for "The Optimist's Daughter", also wrote the software for the popular e-mail program "Eudora" *** (see below).

Barbara Hale: Della Street, enough said...

***Just kidding, but it was named after her.

Harford County: Practice and Procedure . . .

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Whitfill and the attorneys of the parties within 6 months of referral. The cost is \$600.00 per person. Furthermore, if requested by either party, an attorney will be appointed for the children as guardian ad litem and a retainer fee of \$500.00 per party will be required. A home study can be requested at a cost of \$150.00.

The oral report from the Family Court Services coordinator is recorded and clarification questions (not cross examination) are permitted. The cost of the transcript of the report is approximately \$150.00. After the oral report is received by Judge Whitfill, the attorneys and parties will be given an opportunity to provide a resolution, decline to respond at the time, or to request a hearing on these issues. If a hearing is requested, a Pre-Trial Order will be drafted and signed. Moreover, if necessary, a temporary order will be issued. The trial date will be approximately 3 to 4 months from the date of assignment.

The contested hearing before a Master on financial support and use & possession issues, should take place within 2 to 3 weeks of referral. Upon notice to which Master the matter is referred, the attorneys will get an agreed upon date and time in a conference call with the Master's office, and a confirmation letter with a fee of \$35.00 will be forwarded by the requesting party.

After being provided the Referral to a Master by Karen Tracy/Karyn Merrifield; set up a Master's Hearing on all Pendente Lite issues dealing with alimony, child support, use & possession, etc., by calling the Master directly:

Master Frederick Hatem – 410-838-3231,
45C N. Main St., Bel Air, MD 21014

Master Cornelius Helfrich – 410-838-8338,
31 E. Lee St., Bel Air, MD 21014

a. Send a confirmation letter and fees to the Master of the hearing date and time with a copy to the other party stated on confirmation letter.

The four Trial Judges in the Circuit Court for Harford County are very reluctant to meet with children in custody/visitation cases and will only do so under exceptional circumstances.

Requests for postponement should be addressed to Judge Baldwin and should contain the reason for the request and what other counsel or parties' positions with regard to the request for postponement are.

CALL KAREN TRACY AT 410-638-3038 OR KARYN MERRIFIELD AT 410-638-3464 FOR ANY ADDITIONAL INFORMATION

COSTS

Unless Otherwise Waived by Court:

- b) Filing Fee = \$90.00
- c) Service Fee = \$30.00 - \$35.00
- d) Family Court Services on Custody Evaluation – sliding scale fee. Set fee if parties' combined income is over \$40,000.00. If the combined income of the parties is between:
 - \$40,000 - \$50,000 Fee for Evaluation = \$700.00 per case
 - \$50,000 - \$75,000 Fee for Evaluation = \$850.00 per case
 - Over \$75,000 Fee for Evaluation = \$1,000.00 per case
- e) Psychological Evaluation = \$600.00 per person
- f) Home Study = \$150.00
- g) Retainer fee for Attorney for children = \$500.00 from each parent
- h) Master Hearing on Child Support, Alimony, etc. = \$35.00
- i) Transcript of Testimony for Report of Social Worker = approximately \$150.00
- j) Master for Uncontested divorce = \$100.00

APPROXIMATE LAPSE OF TIME OF PROCEDURES

AFTER FILING INITIAL COMPLAINT

- a) Answer due 30 days after service if service is in this State or unless otherwise ordered by Court (60 days after service if service is out of State of Maryland but in USA).
- b) File Request for Hearing Form for a Master's Hearing or File Request for referral to Family Court Services after Answer filed or time for Answer has expired as well as file a request for a Default.
- c) Family Court Services Recommendation 10 weeks from assignment until conference date.
- d) 6 months for Psychological Evaluation.
- e) Master Hearing – 2 to 3 weeks.
- f) Maser Uncontested Divorce Hearing – 2 to 3 weeks.
- g) Exceptions to be filed within 5 working days of Master Report.
- h) Transcript of Testimony – 3 to 4 weeks.
- i) Pre-trial Conference Date – within 3-4 months of Request.
- j) Trial Date – within 3-4 months of Pre-Trial Conference Date.
- k) If custody/visitation issues-can request Pre-Trial Conference Date by conference call with Assignment Office at 410-879-0012.
- l) If no custody/visitation issues-can get complete Scheduling Order with discovery deadlines, Pre-Trial Conference Dates and Trial Date by conference call with Assignment Office at 410-879-0012.

Christopher Van Roden, Esquire, is a member of the MSBA Family & Juvenile Law Section Council and practices family Law in Bel Air, Maryland.

MARK YOUR CALENDARS:

*The Family Law Committee of the **Prince Georges County Bar Association** meets on the third Wednesday of each month at 4:45 p.m. in the Circuit Court Law Library. Each meeting includes a Guest Speaker...all are welcome. Upcoming topics include:

February 18-The Child Support Courtroom and Job Search Programs for the Unemployed Obligor;

March 17-Co-Parenting Models in Child Custody Cases.

Michele Ferris Hansen, Esquire and Walter A. Herbert, Jr., Co-Chairs

*Please join the **Bar Association of Montgomery County** for the next three Family Law Section meetings! The first will be held on February 19, 2004 at 5:30 p.m. in the CLE classroom of the Bar Association Building in Montgomery County (27 W. Jefferson Street, Rockville, Maryland). The program in February will be "What to do with the Guardian Ad Litem in the Courtroom?" Our speakers will be Judge Ann N. Sundt, Stephanie Fink and Vince Wills. This should be a practical and informative program for GALs and the attorneys who litigate custody cases where GALs are involved.

The second meeting will be held on March 18, 2004 at 5:30 p.m. in the CLE classroom of the Bar Association Building in Montgomery County. The program in March focuses on family law after Bozman and our speakers will include the attorneys who litigated Bozman.

The third meeting will be held on April 15, 2004 at 5:30 p.m. in the CLE classroom of the Bar Association Building in Montgomery County. The program in April features Stephen Moss, a member of the AAML, who will educate us about the "Strategic Uses of Appeal Process."

There are also four helpful CLEs coming up in March and April as well:

March 9, 2004 - "Criminal Law Meets Family Law." This program will explore how criminal law intersects with family law when clients are charged with forgery, theft, kidnaping, etc. by their spouse. In addition, the panel will discuss email and internet violations and their admissibility.

-Presenters: Anne Albright, Cassie Hicks and two members of the Criminal Law Section.

March 23, 2004 - "Pension And Retirement Benefits in Divorce: What You Have to Know and What You Should Know." This program will guide domestic relations practitioners through the ins and outs of dealing with pension and retirement benefits in divorce cases.

-Presenters: Linda Ravdin, Jeffery Silverstein, and Cindy Wofford.

April 14 and 21, 2004 - "Rita Rosenkrantz Basic Family Law Training"

*This two part seminar is \$250.00 but can be free to any participant who agrees to take a Pro Bono case.

April 27, 2004 - "Family Law Update
-Presenter: Jeffrey Greenblatt

Heather Q. Hostetter, Esquire, Co-Chair

*April 2004: O's defeat Bosox in home opener, 14-0, atop the East for first time in 6 years; Ponson fans 28. Nice to have Sir Sidney back, and Raffi, and B.J.

*MSBA annual meeting, June 16-19, 2004, Ocean City, Maryland. Don't forget that your Family & Juvenile Law Section Council, proud creators of this newsletter, will present our annual 2 hour CLE on Friday, June 18, 2004. We hope to see and meet all of you there; we'll be the ones sporting that irresistible combination of Speedo's, Florsheim's and briefcases!

Website of the Month:

www.divorceabc.com

The National Family Resiliency Center, formerly Children of Separation and Divorce, is now on-line!

Check out the Library of Articles.

Legal Quotation of the Month

"Courage in the courtroom is more important than brains. If I were hiring a lawyer and had to choose between one that was all brains and one that was all guts, I would take the guts."

Percy Foreman, Esquire
Mr. Foreman was a colorful Houston, Texas, attorney.

Basic Survivorship Issues in Retirement/Pension Plans

by Thomas J. Rogers, Jr., Esquire

"Oh, I realize that it's a penny here and a penny there, but look at me! I've worked myself up from nothing to a state of extreme poverty..." - Groucho Marx, "Monkey Business" (1931).

Dealing with pension division and survivor's benefits is often one of the biggest head-aches for the family law practitioner. There is something about apportioning retirement/pension funds that brings out the worst in folks, as nearly everyone thinks that such benefits are unique to them, that such benefits were "earned" by them and them alone, regardless of their spouse's support, and that they are all in the position described aptly by Mr. Marx above. Fortunately, the law in Maryland is fairly clear on this subject, so wrangling over the right to receive a share of a retirement plan (never mind how much) is commonly avoided. However, the need for survivor's benefits, the kinds of survivor's annuity benefits available, and how to obtain same is not so clearly understood.

Types of Retirement Plans

In general, retirement plans can be broadly divided into two groups or types: *Defined Benefit Plans*, and *Defined Contribution Plans*. There is a world of difference between the two types of plans, and the practitioner is well advised to read further on the subject. However, for the purposes of this article, the salient differences between the two types of plans are that *Contribution* plans (such as 401(k) plans) usually have a determinable, interest/earnings bearing account balance, and are maintained in separate accounts for the benefit of the participants, while *Defined* plans (such as CSRS, FERS, and many private industry pension plans) have no such accounts, are governed by ERISA, and are based on the idea of paying the participant a monthly benefit for the rest of their lifetime based on a formula usually involving time-in-service credit.

When dividing a *Contribution* type of plan, the parties' shares are normally segregated into separate accounts which each party then owns absolutely, subject to the rules of the plan, independent of the life or death of the other party. In many cases, but not all (see below), this obviates the need for any survivor's benefit considerations as your client owns their share of the benefit independently of the participant.

With *Defined Benefit Plans*, where there is a contractual type promise from the employer or plan to pay the participant employee a lifetime pension based on some kind of formula (i.e. years or service multiplied by some factor, like the Bangs formula), the matter is entirely different. Many attorneys and clients are not aware that such a pension is payable only for the life of an individual (whether that life span is that of the participant or that of the former spouse), and that upon death ALL pension benefits stop. Because all payments under such a plan stop when the recipient dies, former spouses may find themselves without any ongoing benefits from the retirement plan if they out-live the pensioner. Therefore, the

method of division of a *Defined* plan and the negotiation of post-retirement survivor's annuity benefits are crucial considerations.

Defined Benefit Plans and Post-Retirement Survivor Annuities - Shared Interest Approach vs. Separate Interest Approach

There are two basic approaches to dividing interests in a *Defined Benefit Plan*; the first is called the "shared interest" approach, and the other is commonly referred to as the "separate interest" approach.

The Shared Interest or payment approach is based upon the life term of the Plan participant, and the idea is that the former spouse will share a portion of the Plan participant's benefit as it is paid to the participant. So long as the participant is alive, the payments continue; upon the participant's death, the pension payments stop. Attorney's often use the term "if, as, and when" to describe this approach, implying that the former spouse will receive his/her share of the participant's benefit *if* the participant lives long enough to retire, *as* any such benefit is paid, and *when* it is paid to the participant. The key is that the participant must live long enough to begin receiving retirement funds.

The former spouse cannot, under the shared approach, obtain their share of the retirement benefits before the participant does, and their continued receipt of their share of the retirement benefit is entirely conditioned upon the participant's continued existence. Once the participant dies, the only way of ensuring that the former spouse will continue to receive a benefit of some kind is to require the participant to take their retirement in the form of a reduced joint and survivor annuity at the time of retirement AND to elect the former spouse as the beneficiary of said post-retirement survivor's annuity. There are costs associated with providing the post-retirement annuity, and these can be apportioned between the parties or paid entirely by either party.

In contrast, the Separate Interest approach is based not on the life of the participant as in the shared approach, but on the life term of the *former spouse*. In this scenario, a former spouse's share of the pension benefit would be actuarially adjusted to take into account the former-spouse's lifespan. Pension plans are set up and geared towards providing benefits to the participant over his/her lifetime - they are not set up to so care for a former spouse in the same manner. The former spouse, in effect, often trades a "higher" pension benefit for a "lower" one, but in return said benefit is not linked to the life or death of the participant but instead is tied to the life of the former spouse, and will be paid to the former spouse for the duration of their life.

With a Separate Interest approach, it is usually not necessary for an attorney for the former spouse to include provisions for a post-

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Basic Survivorship Issues . . .

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retirement survivor's benefit because the former spouse, by definition, is guaranteed a stream of payments over the course of their lifetime regardless of whether the participant lives or dies. Further, such an approach has a benefit for the participant - as the former spouse is protected, and as there is no need for a post retirement survivor annuity, the participant saves the potential cost of providing a post-retirement survivor's annuity benefit for the former spouse, and can elect ANY form of retirement with his/her remaining share, including electing a joint and survivor's benefit for a new spouse.

Pre-Retirement Survivor Annuities

All of the above deals with straightforward post-retirement survivorship issues. It has been assumed that both parties have survived long enough for the participant to retire, or that the former spouse makes successful application for their separate share of the benefits before the participant dies.

However, under either the shared or separate interest approaches, there is still a real possibility that the former spouse could be denied benefits: if the participant dies before retirement (in a shared approach to a *Defined* plan) or before the former spouse's benefits commence (in the separate approach to a *Defined* plan), or before the former spouse obtains an order to segregate their share of a *Contribution* plan, then the former spouse may indeed lose any and all claims to a pension benefit regardless of the method of division chosen, the type of plan involved, and the existence of a post-retirement survivor annuity. Therefore, the practitioner is well advised to bargain for a pre-retirement survivor annuity in each and every instance; that is, regardless of whether one is dealing

with a *Defined Contribution Plan*, or with either a separate interest or a shared interest approach to a *Defined Benefit Plan*.

The good news is that pre-retirement survivor benefits, when they are available, are often provided at no cost to either party by the pension plan. The parties are free to negotiate the level, extent, and coverage of such a pre-retirement survivor's benefit (i.e. does the former spouse get 100%? 50%? Only what they would have gotten under the pension division had the participant lived long enough to retire?), but in every situation obtaining such protection for one's client is vital.

Conclusion

This is obviously only the briefest overview of a very complex area of practice. Not every scenario has been mentioned, and there are any number of combinations possible. Anyone who deals with retirement matters is strongly urged to familiarize themselves with the specifics and requirements of ERISA as it relates to *Defined Benefit Plans*.

It cannot be stressed too highly the need for any attorney who deals with pension matters to read as much information as they can on the subject, and to try to keep up with the ever changing rules and regulations applicable to the various types of retirement plans. As Mr. Marx himself noted wisely, "Outside of a dog, a book is Man's best friend. Inside of a dog, it's too dark to read."

Thomas Rogers, Esquire, is an attorney in private practice in Calverton, Maryland, specializing in family law matters. If you have any questions related to this article, he can be reached at (301) 572-1590.

Case Notes

Child Support for "Destitute Adult Child"

by Justin J. Sasser, Esq.

The two recent Maryland appellate cases briefed below highlight the application of the Maryland Child Support Guidelines in cases involving "Destitute Adult Children" pursuant to *FL Sec. 13-101(b)*.

Goshorn v. Goshorn, CSA No. 01424, Sept. Term 2002, 2003 Md. App. Lexis 171

ISSUES:

- (1) Whether a non-custodial parent has a duty to support a handicapped adult child who is not self-supporting.
- (2) Whether the Maryland Child Support Guidelines, pursuant to *FL Sec. 12-204*, apply to the calculation of the support of a "Destitute Adult Child".
- (3) Whether the receipt of Social Security Income ("SSI") benefits effects the calculation of child support for a "Destitute Adult Child".

Facts: The Petitioner, John A. Goshorn (hereinafter "the Petitioner" and/or "Mr. Goshorn") was granted an absolute divorce from the Respondent, Edna D. Goshorn (hereinafter "the Respondent" and/or "Mrs. Goshorn") in August of 2001 from the Circuit Court for Calvert County. At the end of a two-day hearing held on Jan. 23 and April 18, 2002, among other issues, the circuit court awarded legal and physical custody of the parties' two minor children to Mr. Goshorn, and ordered Mrs. Goshorn to pay approximately \$700 per month in child support for her two minor sons. The parties' adult daughter, Sarah, then age eighteen (18), resided with Mr. Goshorn by agreement of the parties.

In this case, the parties agreed, and the court determined, that Sarah was a "destitute adult child" under *FL Sec. 13-101(b)*. Yet, because Sarah temporarily received SSI benefits, the circuit court concluded that although she was a "destitute adult child," she

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Case Notes . . .

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was “self-supportive,” and was not therefore included in the order for the purpose of calculating child support. Mr. Goshorn appealed, contending that the circuit court erroneously calculated Mrs. Goshorn’s child support obligation for two reasons, one of which was that it failed to include support for the parties’ “destitute adult child,” because it found her self-supporting.

Held: The Court of Special Appeals reversed and remanded the judgment of the circuit court. In vacating the lower court’s judgment that Sarah was both a “destitute adult child” and “self-supporting,” the Court stated that the circuit court erred. To designate someone as both is a contradiction in terms, or an “oxymoron,” as by definition, an adult child “who has no means of subsistence” is not self-supporting. If this lack of ability to subsist is due to a mental or physical infirmity, then the person is a “destitute adult child” under *FL Sec. 13-101(b)*. In the case at bar, the parties’ agreed that Sarah was incapable of supporting herself due to her mental infirmities, and was therefore a “destitute adult child.”

Once a determination was made that Sarah was a “destitute adult child,” the Court held that the next step should have been to apply the child support guidelines in *FL Sec. 12-204* to determine the Goshorns’ support obligation for Sarah. The Court had previously held that a duty of support arises when a child has insufficient resources and, because of mental or physical infirmity, insufficient income capacity to enable him to meet his *reasonable* living expenses, *Presley v. Presley*, 65 Md. App. 265, 277-78, 500 A.2d 322 (1985), and that the legislature intended “to place failure to support an incapacitated child on equal footing with failure to support a minor child,” therefore, it follows that the procedure and remedies for the enforcement of that right must also be ‘on equal footing’. *Smith v. Smith*, 227 Md. 355, 360, 176 A.2d 862 (1962). Therefore, the child support guidelines are applicable to destitute adult children as they are to minor children.

The next question is whether Sarah’s SSI benefits should then have any effect on the Goshorns’ obligation under the child support guidelines. The Court held that the circuit court may consider SSI benefits as grounds for departing from the guidelines, but only if it finds applying the guidelines would be “unjust or inappropriate” and makes the findings that a departure would be in the “destitute adult child’s” best interest. However, it is important to note that the child support guidelines do not provide for the automatic application of the SSI benefits directly against the obligor’s support obligation

Corby v. McCarthy, CSA No. 00037, Sept. Term 2003, 2003 Md. App. LEXIS 191

ISSUES: (1) Do the Maryland Child Support Guidelines, pursuant to *FL Sec. 12-204*, apply when a court is calculating a parent’s support obligation of a destitute adult child?

(2) Whether a destitute adult child’s ability to earn an income may be used in the calculation of a parent’s support obligation for that destitute adult child.

Facts: The parties were married on May 1978, and divorced in August of 1982, at which time sole legal and physical custody of their only child, Kelly (born January 28, 1980), was awarded to the Petitioner, Bonnie L. Corby (hereinafter “the Petitioner” and/or “Mrs. Corby”). The Respondent, Daniel P. McCarthy (hereinafter “the Respondent” and/or “Mr. McCarthy”), was entitled to visitation, but had no relationship with Kelly since she was five years old. Kelly, currently 23 years old, is mildly mentally retarded and presently functions at a fourth or fifth grade level, though she is able to earn over \$22,000 annually at the Department of Veterans’ Affairs. She lives in a two bedroom subsidized apartment in the same building with Mrs. Corby.

Mr. McCarthy has worked almost thirty years for the federal government and earns almost \$75,000 annually. In 1998, the Social Security Administration determined that Mrs. Corby was disabled, thus she does not work, and receives Social Security disability benefits of \$540 per month.

The procedural history of this case is of course tortured, but the issues decided by the Court of Special Appeals arose from the Circuit Court for Montgomery County’s judgment denying Mrs. Corby’s motion for modification of child support, requesting an increase in the amount of monthly child support from Mr. McCarthy, and granting in part Mr. McCarthy’s counter-motion to eliminate or in the alternative reduce the amount of his monthly child support obligation by reducing his monthly child support obligation from \$702 per month to \$150 per month. Mrs. Corby appealed on five separate issues that are presented as above issue #2. Mr. McCarthy cross-appealed and raised three separate issues presented as above issue #1.

Held: The Court determined that Kelly’s income was not sufficient to cover her reasonable living expenses, and that she was in fact still a destitute adult child. In *Goshorn v. Goshorn*, which was decided just eleven (11) days prior, the Court squarely decided that the Maryland Child Support Guidelines are to be used in the calculation of a parent’s support obligation towards their “destitute adult child.” The *Corby* Court relying on the rationale in *Goshorn*, was persuaded that the Child Support Guidelines were applicable to a “destitute adult child” as they are to a minor child, stating that “Any other interpretation would be inconsistent with the well established requirement that ‘the procedure and remedies for the enforcement of an incapacitated adult child’s right to parental support must . . . be ‘on equal footing’ with a minor child’s right to parental support.”

In considering whether Kelly’s ability to earn income, and the amount that she was capable of earning, should have any impact on the calculation of child support for Kelly, the Court stated “it was required to consider Kelly’s ‘financial circumstances’” citing *FL Sec. 13-107(b)* which states: “In determining the amount of support for a destitute adult child or destitute parent, the court shall consider the financial circumstances of the indi-

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A Special Valentines Day Message: Keith Schiszik

Keith rolls out of bed every morning in great spirits, starting the day with the sense of humor you would expect from a fellow who looks for any opportunity to wear one of his twelve pairs of bright red socks, or his Valentine's Day, St. Patrick's Day, Flag Day, July 4th, Halloween or Christmas socks (including the pair that plays music). This is a man who takes pride in his ability to make others laugh, most of all at himself.

Just after we were married, we made a pact that whoever got hungry first would make dinner. Unbeknownst to Keith, I can go a very long time without eating. So he became an excellent cook, though not without some missteps along the way. Ultimately, his culinary adventures led to the development of his own personal mantra, "Shiny side out, second rack from the top". This would be the reminders for the use of tin foil, and where to put the casserole in the oven. His slight color blindness required the addition of a third phrase to the mantra: "**two** brown shoes." Perhaps this explains his preference for red socks.

While light-hearted about many aspects of life, Keith takes his work very seriously. His philosophy is straight-forward. Negotiate; mediate; try to avoid going to court, because then things get said that cannot be unsaid and everyone loses. Children come first; the best interests of the child are paramount. Lawyers, mental health professionals and social workers make a great team in working with troubled families. At home this results in the ever present brief case opened on his desk.

In the last decade or so, he has developed a substantial number of very short clients. That would be the kids for whom he serves as guardian ad litem, a role for which he is uniquely gifted. He keeps a number of – well, let's just say unusual – hats in his office especially for meeting with kids. He developed his ability to communicate with children through experimenting with our own daughter. For example, she was incredibly secret about her life at school when she was young, so he pretended to be a plant (garden variety) in the front seat as he drove her there, and encouraged her to talk to the plant. It helps that he looks great in Groucho Marx glasses that he always keeps handy.

Keith spends a fair amount of time throughout the year traveling to teach family law to lawyers, judges, social workers or just about anyone who will listen. In this endeavor his family has made a significant contribution. It is our responsibility to listen to his jokes, and eliminate the worst of the lot. I am sure there is a reality television show in here somewhere, as we have voted a lot of jokes off the show. So if you have groaned at Keith's jokes in class you can just thank his family for having killed the ones that were even worse.

Keith has had a significant loss this year but is holding up well. After fourteen years of a lingering disintegration under a tarp in our driveway, Keith had his beloved blue Karmann Ghia convertible towed off to that Big Highway in the Sky. Keith, like many people, had a hard time accepting the inevitable. The rest of the family was fairly sure the life of this car was over when the bumper fell to the ground and the back wheels seized up. It took Keith another five years before he was ready to let go. Our family has marked the spot in the driveway where the car sat for all these years with a memorial of prayer candles and plush toys. So no matter what car you may see Keith driving, be assured in his mind he is behind the wheels of the Blue Menace.

Pat Heinaman is the Special Projects Coordinator for the National Housing Trust in Washington, D.C. and, not coincidentally, the loving wife of Keith Schiszik.

Case Notes . . .

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vidual.” Therefore, in applying the Maryland Child Support Guidelines, in addition to the factors to be considered pursuant the *FL Sec. 12-202*, the Court held that the circuit court must consider whether the receipt of income by a destitute adult child may be a relevant factor in determining whether the application of the guidelines would be unjust or inappropriate under *FL Sec. 12-202(a)(2)(ii)*, and thus justify a deviation from the guidelines bases upon those facts.

Practice Consideration: If a handicapped child is involved in the determination of child support, either by agreement or through litigation, then care must be exercised to determine: 1) the likeli-

hood that the child shall be considered a “Destitute Adult Child” pursuant to *FL Sec. 13-101(b)*; 2) whether that child shall be entitled to SSI benefits or other public assistance; 3) if that child is or shall be entitled to SSI benefits or other public assistance, how long those benefits shall reasonably be made available to the disabled child; and 4) if that child is capable of earning an income, the reasonable expenses necessary for the child to live, including but not limited to housing and health insurance expenses.

Justin J. Sasser is an associate with the law firm of Pitrof & Starkey, P.C. located in Upper Marlboro, Maryland, focusing his practice in the area of Family Law.

Legislative Committee Update

by E. Todd Bennett

The 418th session of the Maryland General Assembly convened on January 14, 2004 and adjourns April 12, 2004. As always, the House of Delegates and the Senate will consider numerous family and juvenile law related bills during the present 90 day legislative session. Generally, the bills are considered by either the Senate Judicial Proceedings Committee or the House Judiciary Committee prior to their presentation to the full House or Senate for a vote.

The Family & Juvenile Law Section Legislative Committee (hereinafter referred to as the “Committee”) typically monitors the numerous family and juvenile law bills presented to the Legislature for consideration and possible enactment. On occasion, members of the Section testify in support of, or in opposition to, pending legislation. The members of the Committee include E. Todd Bennett, Ronald B. Bergman, and Dorothy Lennig. Additionally, new Section Council member and University of Baltimore Law School Professor Leigh Goodmark has offered the Committee the assistance of her law school students in the research and review of legislative issues important to the Section.

This year, the Committee is also promoting legislation in two areas of family and juvenile law- legislation dealing with use and possession and ownership of family use personal property and legislation dealing with the expansion of judicial powers in addressing marital debt. In this endeavor, the Committee has received the support and invaluable assistance of both Senator Sharon Grosfeld and Delegate Kathleen Dumais. As in past years, both Senator Grosfeld and Delegate Dumais plan to propose and sponsor family and juvenile related legislation during the present legislative session.

At this time, there are several interesting bills which have been filed and are pending before the committees. House Bill 16 (“HB 16”), which is perhaps the most controversial pending bill, seeks

to add a new section to the Maryland Constitution to establish that only a marriage between a man and a woman is valid in this State, subject to voter referendum in November 2004. House Bill 25 (“HB 25”) would require employers to provide specified leave to an employee who attends school conferences or school-related activities regarding the employee’s child. House Bill 63 (“HB 63”) would require that an individual be convicted of a criminal charge arising from an allegation of child abuse or neglect *before* a central registry of child abuse and neglect cases may post information from the local Social Services department regarding the allegations. Finally, House Bill 122 (“HB 122”) would require certain health insurance plans to provide coverage for children of the insured up until the age of 30 under specified conditions.

In the Senate, Senate Bill 38 (“SB 38”) would repeal certain certified mailing requirements for the Child Support Enforcement Administration, and would permit a parent or support agency to forward an order to provide health insurance coverage to a parent’s employer by first-class mail. Senate Bill 120 (“SB 120”) attempts to clarify the criminal penalties for a household or family member who causes the abuse to a minor that results in severe injury or death to the minor, and would subject the household or family member to penalties for child abuse in the first degree.

As in past years, the Committee plans to monitor the present Legislative Session, keep the Section Members informed of pending and important legislation in a timely fashion, and continue advocating or where appropriate, opposing changes in the law which would impact upon the practice of Family and Juvenile Law in the State of Maryland.

E. Todd Bennett, Esquire, is a member of the MSBA Family & Juvenile Law Section Council and a partner at Brennan, Trainor, Billman and Bennett in Annapolis, Maryland.

The Beverly Groner Family Law Award

The Family Law Section Council of the Maryland State Bar Association announces the opening of nominations for the annual Beverly Groner Family Law Award. The Award will be presented at the MSBA Annual Convention in Ocean City, Maryland in June, 2004.

The Award recognizes a person who has served the Maryland legal community through his or her dedication to the practice of family law, exemplifying the highest professional standards during a distinguished career.

Judge John F. Fader II received the Award in 2003.

The Beverly Groner Family Law Award was created to provide a vehicle for highlighting the importance of family law to our community, and to celebrate those who improve family law practice in our state. It is named in honor of the late Beverly Ann Groner, the Maryland family law practitioner whose long, distinguished career featured chairing the state commission which researched and drafted the present Marital Property Act and Alimony law.

The Family Law Section Council is soliciting nominations for the Award from individual attorneys, local bar associations and the judiciary. Nominations should be of a single individual, in writing, signed by the nominator(s), and include details of the nominee's qualifications for the Award.

Please send your nomination to:

Beverly Groner Family Law Award Committee
c/o Cynthia Callahan
110 N. Washington St.
Suite 300
Rockville, MD 20850
ccallahan@draggacallahan.com

The deadline for nominations is April 16, 2004.

FAMILY & JUVENILE LAW SECTION
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