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Baltimore City's Child-Focused Court

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Baltimore City's Child-Focused Court



by Barbara A. Babb and Judith D. Moran

IN JANUARY, 1998, the Maryland Court of Appeals adopted Maryland Rule 16-204, mandating the establishment of Family Divisions in Maryland's five largest jurisdictions (Anne Arundel County, Prince George's County, Montgomery County, Baltimore County and Baltimore City). During that same year, the Maryland General Assembly made substantial funds available to structure the Family Divisions according to the outline articulated in rule. The Family Division of the Circuit Court for Baltimore City came into existence in July, 1996, pursuant to a legislative funding grant to establish a pilot Family Division project. See S.B. 160, ch. 13, 410 Leg. (Md. 1996). Accordingly, the Family Division of the Circuit Court for Baltimore City was a vanguard for the family court initiative in Maryland.

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In November 1996, the Family Division of the Circuit Court for Baltimore City also became a pilot site for the American Bar Association Standing Committee on Substance Abuse's model unified family court project, "Communities, Families and the Justice System." The project was funded by the Robert Wood Johnson Foundation to lend technical assistance to six pilot jurisdictions in various stages of establishing unified family courts. See A.B.A. Summit on Unified Family Courts: Exploring Solutions for Families, Women, and Children in Crisis XXII (May, 1998).

The unified family court model incorporates, among other features, active and coordinated case processing, creative judicial intervention, and family support services aimed at providing a comprehensive resolution to the family's legal and psycho-social problems. See Barbara A. Babb, Fashioning and Interdisciplinary Framework for Court Reform in Family Law: A Blueprint to Construct a Unified Family Court, 71 S. Cal. L. Rev. 469, 484 (1998). The model envisions a specialized court system to address the totality of a family's problems in a manner that administers therapeutic ju-

risprudence, or legal decisionmaking specifically aimed at helping families and responding to children's needs. See *id.* at 507-513. See also David B. Wexler, Putting Mental Health Into Mental Health Law: Therapeutic Jurisprudence, in Essays in Therapeutic Jurisprudence 3, 8 (David B. Wexler & Bruce Winick eds., 1991). The Family Division of the Circuit Court for Baltimore City derives its structure and function from this blueprint.

Early in the development of the Family Division of the Circuit Court for Baltimore City, the importance of making a substantial commitment to children became apparent to those in a position to develop policies, procedures, and services for the Family Division. The need for a child-focused court manifested itself in data demonstrating that in 1997, 78 percent of the contested divorce, custody, visitation, and guardianship cases filed with the court involved children. See Judith D. Moran, Circuit Court for Baltimore City, Annual Report of the Family Division 32 (1999).

The preponderance of cases involving children has informed the Family Division's guiding principles: (1) The court shall protect adults and children from harm. (2) The court shall protect adults and children from the adverse impact of family law litigation. (3) The court shall increase access to the judicial system for unrepresented litigants. (4) The court shall aggressively manage family law cases in order to facilitate early settlement and to identify referrals to appropriate services. (5) The court shall identify family members who exhibit signs and symptoms of substance abuse and addiction and make appropriate referrals for treatment. The concern for children is imbued in each principle. For example, aggressive case management promotes early resolution of contested issues, thereby sparing children the adverse impact of protracted litigation. A commitment to substance abuse service protects children from the abuse and neglect that is often the result of parental drug and alcohol use.

The Family Division's core principles have become the foundation for establishing needed support services for families and children. All of the Family Division's support services benefit children in some way. What follows is a description of those programs. Court personnel provide some of the services, while others operate pursuant to contracts with community agencies.

Parenting Seminars

The Parenting Seminars were the first services the Family Division provided for families experiencing separation or divorce. Begun in 1994, they formed the basis for the services offered in the Family Division today.

All parents who have children in common are required, by administrative order, to attend the seminars. See Md. Rule 9-204.1. The seminars provide parents with substantive information and skills relating to parenting children during and after a divorce or separation. In addition, the seminars attempt to refocus the adults' attention on their children and on the effects that divorce can have on a child. Sheppard Pratt Community Education Programs provide this service to the court via a contractual agreement. See Moran, *supra* at app. vi. Although the Parenting Seminars do not directly involve children, the children obviously benefit from their parents' exposure to the program.

Children's Group

The Family Division launched its newest service for children in December 1998. See *id.* at 32. The goal of the Children's Group is to reduce the impact of separation and divorce on children between six and 11 years of age. The service is another of those provided to the court by Sheppard Pratt Community Education Programs. The Children's Group is a companion to the Parenting Seminar and runs concurrently with that program. While parents experience strategies to minimize the effects of separation and divorce on children, the children learn coping mechanisms to reduce their anxiety about the changes occurring in their families. In addition to didactic and interactive learning, the children join their parents at the end of the session to communicate their concerns about the family break-up.

Family Mediation Service

The Family Mediation Service has operated since March 1997. The service is comprised of attorneys and mental health professionals who are specially trained to facilitate the resolution of child custody and visitation disputes. The service operates pursuant to a contractual agreement with Sheppard Pratt Hospital's Community Education Programs. Moran, *supra* at 6. Sheppard Pratt Hospital personnel provide training for and

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supervision of the mediators, as well as coordinate overall administration of the service. All contested family law cases are set for mediation by the Family Division Coordinator. See *id.* at app. vii.

The Family Mediation Service is a critical service within the Family Division. Mediation facilitates the resolution of disputes outside the courtroom, thus sparing families and children from the acrimony often spawned by litigation. See Barbara A. Babb, *An Interdisciplinary Approach to Family Law Jurisprudence: Application of an Ecological and Therapeutic Perspective*, 72 Ind. L.J. 775, 803 (1997). In addition, since mediation requires parents to participate in decisionmaking regarding their children, mediation frequently fosters a spirit of cooperation between parents that continues to permeate their future interactions. See *id.*

Benefits of mediation also accrue to the court. First, the burden on the court's docket is diminished because fewer cases proceed to trial. See Moran, *supra* at vii. Second, judges are spared from having to make decisions better left to the parties to formulate themselves. See Babb, *supra* at 803. Finally, when the families craft decisions, they are less likely to return to court to relitigate custody and visitation disputes. See *id.* at 803, 807.

Supervised Visitation Program

The Supervised Visitation Program provides a place for non-custodial parents, who are in fractious relationships with the children's other parent, to visit with their children. In addition to facilitating visitation with the children's other parent, the service also ensures the safety of children by providing a neutral venue for visitation.

The Family Division's judges and masters refer parents to the service via a court order to participate. See Moran, *supra* at ix. Both parents and the children are scheduled for an intake evaluation with one of the staff social workers. Once the evaluation is complete, visitation is scheduled. Children visit with their parents in a playroom located in the Family Division's Medical Services Office. A member of the court's security staff is on site at all times. A social worker observes the visits through a one way mirror, which provides a view of the playroom, or by way of the social worker's presence in the room.

In addition to visiting with the children, both parents work with the staff social workers to develop appropriate interper-

sonal skills for interacting with each other. The skills are designed to reduce conflict, promote safety, and maximize the benefits of the children's relationship with both parents. See Judith S. Wallerstein & Sandra Blakeslee, *Second Chances: Men, Women, and Children A Decade After Divorce* 232 (1996).

As a result of increasing demands from non-custodial parents for access to their children, the Family Division has expanded the available hours for this service to include four weekday evenings and Saturday mornings. The expanded hours of operation allow for accommodation of working parents' schedules, as well as accommodating children's school schedules.

Neutral Drop-Off Center

The Neutral Drop-Off Center, an adjunct to the Supervised Visitation Program, was implemented based on a needs assessment conducted over a six-month period from March 1998, to September 1998. Each domestic violence victim who sought relief from the Family Division was polled as to whether she would use such a service.

The center is open on Friday evenings and on Sunday afternoons and is staffed by both a social worker and a court security officer. Parents bring their children to the center, and a social worker facilitates the pickup and delivery of the children to the other parent. Within abusive relationships, the exchange of children is often a volatile event, as parents must confront one another during each scheduled visit. See Robert B. Straus, *Supervised Visitation and Family Violence*, 29 Fam. L.Q. 229, 232 (1995). This confrontation places children at risk of physical and emotional abuse. See Bonnie S. Newton, *Visitation Centers: A Solution Without Critics*, 71 Fla. B.J. 54, 55 (1997). The services provided in this monitored environment reduce the opportunity for harm to both children and parents.

Medical Services Office

The Medical Services Office provides a number of services to the Family Division, including the Supervised Visitation Program, the Domestic Violence Ex Parte Project, and the Neutral Drop-Off Center. In addition to administering these services, the Medical Services Office also provides assistance to Family Division judges with custody and visitation matters. When a family law case involves a custody issue, a judge may order a custody evaluation by a staff member of the Medical Services

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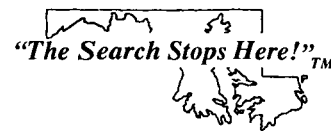
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Office in order to help the judge determine the best interests of the children. The staff of the Medical Services Office includes psychiatrists, psychologists and licensed social workers. The office is unique in that no other jurisdiction in Maryland has such a service available within the courthouse.

Custody evaluations prepared by the Medical Services Office provide an obvious benefit to children. Professionals skilled at assessing interpersonal and family dynamics interview all family members. The assessments form the basis for a written report provided to the judge slated to hear the custody matter, thereby offering judges an objective tool to assist them in deciding a custody issue. Moreover, the fate of children in a contested custody proceeding is determined in light of information about the family that is gleaned from seasoned professionals.

Substance Abuse Services

The policy that informs the court's provision of services for substance abuse derives from the court's interest in protecting children. *See Moran, supra* at 14. A clinical social worker evaluates litigants for drug abuse and drug dependence in circumstances where a judge or master is concerned about a parent's drug abuse. *See id.* at app. A, B. In addition to performing the evaluation and reporting to the court, the social worker also refers individual family members to treatment and monitors compliance with the court's orders in this regard.

Currently, the Family Division of the Circuit Court for Baltimore City aims to infuse an awareness of substance abuse in all areas of the court system involving families. For example, the Family Division's Custody Evaluators routinely screen parents for substance abuse upon an order from the court. The personnel in the Family Division Clerk's Office also are alert for signs of substance abuse and may refer parties to the social worker. These initiatives provide a coordinated and comprehensive effort to attack the problem of substance abuse and addiction.

Domestic Violence Ex Parte Project

The Domestic Violence Ex Parte Project involves a partnership with the University of Maryland School of Social Work. Social work interns commit to a field placement with the Family Division

to provide services to victims of domestic violence who seek the court's intervention. The court's Deputy Medical Services Officer supervises the social work interns.

Approximately 46 persons petition the Family Division of the Circuit Court each month for civil orders of protection. *See id.* at 8. The social work interns help victims complete petitions for court orders of protection and then accompany victims to the courtroom. Upon completion of the court proceedings, the interns follow up by providing appropriate referrals to the victims, such as information about shelters and legal assistance. In addition to providing assistance to the adult victims of domestic violence, the project provides benefits for children who live in households where violence occurs. Civil protection orders ensure safety for children, as well as provide for their support and maintenance.

Protective Order Advocacy and Representation Project

The Protective Order Advocacy and Representation Project (POARP) provides free legal representation to victims of domestic violence at the protective order hearing. The service is provided under federal Violence Against Women Act grant funding to the Women's Law Center of Maryland. *See id.* at 9. Victims and their children thus have a skilled attorney who can present their cases to the judge. In addition, the court time for the hearing is diminished, as the project attorneys have negotiated consent orders in 50 percent of these cases. *See id.*

Assisted Pro Se Litigation Project

As of January 1999, 54 percent of all litigants in active contested cases in the Family Division of the Circuit Court for Baltimore City are unrepresented. *See id.* at 32. To increase these unrepresented parties' access to the court system, Maryland's Administrative Office of the Courts has developed form pleadings to file in family law cases. *See id.* Although these form documents are user-friendly, choosing the proper form and completing it is problematic for many litigants, including those compromised by illiteracy. The Assisted Pro Se Litigation Project helps litigants with this process.

The Family Division of the Circuit Court for Baltimore City has entered into a contractual agreement with the Legal Aid Bureau, Inc. to operate the Assisted Pro Se Litigation Project on a full-time ba-

sis. An attorney and two paralegals are available five days a week to provide assistance completing form pleadings. Since January 1999, the project has adopted a tutorial approach to provide assistance to litigants to prepare for court appearances. The staff provides one-on-one assistance for each litigant, sometimes spending as much as three hours with individual clients, and a telephone hotline is available to answer litigants' follow-up questions. The Assisted Pro Se Litigation Project directly benefits children, as more than 50 percent of the contested family matters filed in the Family Division involve a custody issue.

The Volunteer Attorney Settlement Panel

In order to effectuate two of the guiding principles of the Family Division of the Circuit Court for Baltimore City, including promoting settlement and protecting children, the court provides parties and their lawyers with several opportunities to informally resolve their cases. One of these is the chance to appear before a settlement panel attorney within three months from the date of filing a responsive pleading. Settlement panel attorneys are volunteer attorneys who have demonstrated interest and experience in family law. The program is administered by the Bar Association of Baltimore City and is monitored by an oversight committee.

To further maximize settlement, the court has initiated mandatory disclosure of income and property by requiring filings of income and property statements prior to the volunteer attorney settlement conference. The service is successful in that a substantial number of cases settle, thereby avoiding the deleterious effects on children of contested divorce litigation.

The court's efforts on behalf of families and children are the result of the vision and dedication of many individuals who work within both the court system and the community agencies that have formed partnerships with the court. The strength of this initiative is derived from the wide array of services available to meet children's needs. The ultimate success of the Family Division's dedication to children depends on sustained commitment to the maintenance of existing services and on the promotion of new initiatives designed with children's and families' needs in mind. ♂

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