

AFCC Maryland Chapter of Association of Family and Conciliation Courts



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FROM THE PRESIDENT



Greetings to you all,

I hope the New Year has been great for you all thus far. As we bring in the year 2024, we also begin the 10th year of the Maryland Chapter of AFCC. It is hard to believe that time has marched on so quickly. It has been an honor to be the President of this Chapter for the past 4 years, and to see the growth in membership of this organization. In 2024, we the Board have agreed to make some changes, to prepare for me handing over the reins, so that others can provide leadership to this Chapter. The Maryland Chapter will have Co-Presidents for 2024 and in the future. Marshall Yaap, JD has joined me as Co-President.

As I reflect on the past year, I am reminded that no one can do it alone. I am pleased to be part of AFCC, and its multidisciplinary team of professionals. Our membership includes judges, magistrates, lawyers, mental health professionals, best interest attorneys, mediators, parent coordinators, and court staff.

Since it is our 10-year Anniversary, we have a lot in store for you. First and foremost, our Annual Conference will be held on **October 23, 2024**, and I believe it will be a robust conference on a topic that will assist all our members from all the different disciplines. The goal this year is to expand on educating and networking with our members. As we examine the past 10 years and look towards the future, it is crucial to address the challenges that practitioners and court providers face due to the lack of resources for families. I would like to see us discussing potential solutions, advocating for increased support, and fostering collaboration within the organization so that we can all contribute to overcoming these obstacles.

The Board continues to work on the ever-important goal of Access to Justice (A2J) issues for all families in the state of Maryland.
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From the President, continued

We acknowledge that many novel and innovative family interventions or practices encouraged by the literature are not currently available to families who do not have the resources to pay for attorneys or experts necessary to implement best practices in family law cases. Interestingly enough, some of the innovations can be cost effective in the long run, since traditional litigation and court settlements do not often address the dynamics in these families, which can cause the greatest concerns. Therefore, these families continually use the court system to resolve ongoing issues in a revolving door fashion. This ultimately results in more cost, more time, more anxiety, and conflict in these families and can contribute to negative outcomes for everyone. It is our intention to continuously focus on these issues while utilizing an interdisciplinary and collaborative approach to solving the very difficult problems facing our clients and courts today. Much remains to be done. With your individual help and commitment, I am certain we will make significant progress in the very near future.

If anyone is interested in joining the board or the committees we have, please reach out to us and we would be happy to talk to you further about the opportunities we have available. This year our goal is to increase our membership, to grow our pool of resources and continue to educate professionals, so that no family is left behind.

-Nolanda Robert, MS, President

2024 MARYLAND CHAPTER ANNUAL CONFERENCE

SAVE THE DATE

October 23, 2024

Save the date and plan to attend this special 10th Anniversary Annual Conference.

Details will be posted on the Chapter website
www.afcc-md.org

Save this Date

**MD Chapter Networking
Brunch - April 13, 2024**
(details coming soon!)

AFCC ONLINE TRAINING

THE FUNDAMENTALS OF CONDUCTING PARENTING PLAN EVALUATIONS

A 28-hour online training program for professionals interested in parenting plan evaluations.

March 11-14 & March 18-20, 2024

[MORE INFO & REGISTRATION HERE](#)

**AFCC 61ST Annual
Conference**

**Coping with Transition:
Individual, Family, and Beyond**

BOSTON, MASSACHUSETTS

Sheraton Boston Hotel

June 5-8, 2024

PLEASE COME TO BOSTON!

The work of family law, mental health, and dispute resolution professionals is endlessly impacted by transition on an individual, family, and community level. These include the transition from an intact family to one that lives in two homes; children's transition between developmental stages; transitioning gender; transitioning to new statutes, processes and professional roles; transitioning in or out of a career; moving, which requires a transition between communities and parenting time plans; and transitioning to new relationships, marriages, and new family forms. Join AFCC to explore the role of transition in and out of our work.

FOR COMPLETE AFCC CONFERENCE DETAILS, VISIT
<https://www.afccnet.org/61stannualconference/>

CHANGES TO MARYLAND LAW REMOVING IMPEDIMENTS TO DIVORCE DRAW BOTH PRAISE AND SCRUTINY

-Marshall Yaap, JD

The recently enacted Maryland law permitting married persons to file for divorce based on “irreconcilable differences” without first being separated for 12 months or proving a fault-based divorce ground has been met with mixed reactions among legal and mental health professionals.



Until October 1, 2023, it had long been the law in Maryland that a party seeking a divorce could not obtain a divorce unless the parties had been living in separate residences for at least 12 months or a party could prove a fault-based ground for divorce

such as adultery, desertion, conviction of a felony, insanity, cruelty, or excessively vicious conduct.

The changes to the law, which are codified at Md. Code Ann., Fam. Law § 7-103, eliminated those fault-based grounds and removed the requirement that parties reside in separate residences for 12 months.

Rather than having to establish that the parties had been separated for 12 months prior to filing for divorce or having evidence to prove one of the fault-based grounds, a spouse filing for divorce merely has to allege that there are “irreconcilable differences” and include in the complaint for divorce what those irreconcilable differences are. It has not yet been determined in Maryland what sort of facts constitute irreconcilable differences, leaving that phrase open to interpretation for now at least.

Parties may still seek a divorce based on a separation under the new law, but the time frame has been reduced from 12 months to six months and, more importantly, the parties may be deemed separated even if they are residing in the same residence, as long as they have been pursuing separate lives. Previously, the parties had to be living in separate homes for the separation prerequisite to be valid.

In addition to allowing parties to obtain a divorce based on irreconcilable differences or based on having pursued separate lives for at least six months while living in the same residence, the code section

maintains the provision allowing parties to seek a divorce based on “mutual consent” if they execute and submit to the court a written settlement agreement that resolves all issues arising out of the marriage, including alimony, distribution of property, and the care, custody, access, and support of the parties’ children.

Judges, lawyers, and mental health professionals have differing views on the advantages and disadvantages of the changes to the law.

Some professionals believe that one advantage of the new law is that it allows litigants to file for divorce immediately rather than having to wait 12 months or having to allege a fault-based divorce ground, which in many circumstances did not exist. Filing immediately rather than waiting 12 months enables parties to proceed more quickly to a divorce trial, obtain a judgment of absolute divorce, and move on with their lives.

Another advantage of the new law is that parties can continue to remain in the same home while pursuing a divorce and do not have to financially support two separate households, which can be cost-prohibitive for many families.

On the other hand, some professionals believe that removing the requirement that parties live in separate households for 12 months could increase situations in which the parties do not separate and instead continue to reside in the same household, potentially causing children to continue witnessing parental conflict or subject domestic violence victims, including children and spouses, to further violence.

The debate over the advantages and disadvantages of the changes to the law will continue as more professionals and parties involved in the divorce process observe the situation play out in each case.

-Marshall Yaap, JD

Offit Kurman, Attorneys at Law, Bethesda, MD
Co-President, AFCC Maryland Chapter

CHAPTER OFFICERS AND BOARD MEMBERS - 2024

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Congratulations to **Joanie Raymond**, on her appointment to the Frederick County Circuit Court by Governor Wes Moore on January 24, 2024!

Comments? Questions? Please contact any Board Member, or the administrative office at admin@afcc-md.org



UPCOMING AFCC WEBINARS

Family Matters 2.0: Navigating Family Law in the Age of AI
Susan E. Guthrie, JD | March 5, 2024 | 1:00pm-2:00pm Eastern

The "Good Enough" Parenting Plan Evaluation
Leslie M. Drozd, PhD | April 9, 2024 | 1:00pm-2:00pm Eastern

DE&I Webinar: Disrupting Anti-Black Racism in the Judicial System: A Focus on Child Rearing and African American Parents
Carla Adkison-Johnson, PhD, Trae Bell | April 17, 2024 | 4-6 pm Eastern

The Hats We Wear as Court Experts: Roles, Conflicts, and Helpfulness
Jeffrey P. Wittmann, PhD | June 18, 2024 | 1:00pm-2:00pm Eastern

VISIT THE AFCC WEBSITE AT WWW.AFCCNET.ORG FOR DETAILS AND REGISTRATION INFORMATION FOR THE ABOVE WEBINARS

National Council of Juvenile and Family Court Judges (NCJFCJ) 2024 National Conference on Juvenile Justice will be held March 17 – 20, 2024, at the Hilton Cleveland Downtown in Cleveland, OH. [Details here.](#)

USING MARYLAND'S CHILD ABDUCTION PREVENTION ACT IN INTERSTATE AND INTERNATIONAL FAMILY LAW MATTERS

- Leah Ramirez, JD

The **Maryland Child Abduction Prevention Act** took effect in Maryland on **October 1, 2023**. It is codified in the Maryland Annotated Code, Family Law Article, Title 9.7 (new). The Act is consistent with the Uniform Child Abduction Prevention Act ("UCAPA"), which has been adopted in its entirety or with modest amendments in sixteen states, including two surrounding jurisdictions (the District of Columbia and Pennsylvania). In 2024, UCAPA was introduced as legislation in five additional states.

Maryland's UCAPA addresses important facets of assessing and preventing the risk of international and domestic child abductions. Abduction is defined as the wrongful removal or wrongful retention of a child. The Act establishes a comprehensive framework to impose abduction prevention measures at any time before or after a child custody determination if the court finds a credible risk of child abduction.

Child abduction prevention has been an important topic, particularly with the increasingly transient nature of families. Many family law practitioners routinely advise their clients about the risk of child abduction and the preventive measures custodians can take. Separating families often memorialize preventive measures in their written settlement agreements. Maryland's UCAPA allows judges to be proactive rather than reactive by providing a mechanism for swift court intervention to minimize the risk of child abduction.

Maryland's UCAPA provides helpful guidance on how and what to address in largely non-routine issues. Attorneys and litigants now have guidance on what the court will consider so that evidence can be streamlined and presented in a useful way. Judges will review objective facts and apply the risk factor guidance (based on years of research) set forth in UCAPA. The Act's factors-based analysis is fair in its approach to both foreign and non-foreign parties. Courts will retain discretion in what remedies to impose depending on the facts of the case.

Importantly, Maryland's UCAPA addresses both domestic and international child abductions. The Act permits a Maryland court to address a petition if it has custody jurisdiction or, if there is no custody jurisdiction in Maryland, under the temporary, emergency jurisdiction provision codified in the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA").

Bringing awareness to the risk of child abduction and available remedies is essential in preventing child abductions. Adopting the Maryland Child Abduction Prevention Act brings desired clarity to the court process and to litigants who have genuine concerns about international and domestic child abduction.

The Act has only been in effect in Maryland for a few months. It may take some time before courts routinely use the Act to address child abduction matters. Notably, the preventive measures set forth in the Act are not exhaustive. Petitioners may request other remedies that may be available to prevent abduction. Families who are concerned about preventing or deterring child abduction should seek advice from an experienced family law practitioner.



Leah Ramirez, JD is a Principal of Markham Law Firm. She represents clients in domestic, interstate, and international family law matters. To learn more, she can be reached at Markham Law Firm

www.markhamlegal.com/leah-ramirez.