

COMMUNITY FORUM

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A bill to protect Maryland's children

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The March 17 commentary, "The backdoor immunity bill," obscures information vital to Maryland children caught in their parents' custody battles.

The commentary builds a conspiracy theory around an already superseded legislative draft, while ignoring the subsequent revision, which addressed their concerns. It also quotes, out of context, the judge authorized to speak on behalf of the Maryland judiciary concerning the bills, and it mischaracterizes the report prepared by the Administrative Office of the Courts.

We'd like to set the record straight and explain why the revised bills deserves unanimous support.

The bills (Senate Bill 664 and House Bill 700) are a legislative response to the recent decision of Maryland's highest court in *Fox v. Wills*. The bills would restore the authority of Maryland judges to appoint an attorney to represent the best interest of children in contested custody cases. In their original version, the bills also provided a limited form of immunity to these court-appointed best interest attorneys (formerly known as guardians ad litem or GALs) to protect their independence from intimidation by disgruntled parents.

In the face of a high-decibel and, in our opinion, misguided campaign against the immunity provisions of the legislation, we advocates of the legislation faced a daunting prospect as the legislative session entered its final month: that as a result of controversy and misunderstanding over the limit-

ed immunity protections, the provisions authorizing appointment of best interest attorneys would fail to pass.

We know that such a failure would gravely harm children and deprive the court of the best tool it has to ensure that custody battles focus on the true needs of children. Maryland judges would no longer be able to appoint an attorney whose job is to build a relationship with the child, give voice to the child's own views, and make an independent assessment of what is in the child's best interest, even if that assessment differs from the child's own opinions.

Faced with this disturbing possibility, Circuit Court Judge Ann Sundt (the judge quoted out of context) testified that if courts lose the ability to appoint best interest attorneys, it will return Maryland courts to the situation that existed 20 years ago and

weaken two decades of child-centered judicial reforms.

The current bills simply authorize appointment of best interest attorneys. The bills contain no provisions, express or implied, giving immunity to these attorneys.

The bills must be passed or Maryland's children will suffer in ways that are easy to predict and painful to contemplate.

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