

## Custody and Financial Distribution Research Released

The Women's Law Center completed the first large-scale statistical study of custody and the financial outcomes of divorce in the state of Maryland. The final research report titled *Custody and Financial Distribution* documents the research methodology, presents the key research findings and outlines policy recommendations. This report was recently released and distributed to over 200 practitioners, judges, court administrators, advocacy groups, and policy makers. In addition, numerous PowerPoint presentations describing the key findings have been made at various conferences, meetings, and professional gatherings.

The Women's Law Center embarked on this intensive research project after receiving input from practitioners and litigants, including callers to its family law hotlines, about perceived inequities and inconsistencies in the custody and divorce process in Maryland. Despite the frequency of these comments, never before has anyone attempted to capture and quantify these experiences on a statewide level.

*Custody and Financial Distribution* builds on previous reports that have explored inequitable property distribution in divorce, gender bias in the courts and other critical family law issues. With respect to the inadequacy of financial distribution to women in divorce as reported in those studies, little has changed since the 1980's. In other areas, such as the prevalence of certain

types of custody outcomes, or the availability of dispute resolution services for litigants, this study provides a baseline for assessing the degree of change in the future.

Here are a few highlights from the study:

**Extensive sample:** The study analyzed an extensive dataset made up of a random ten percent sampling of all divorce and custody cases filed in Maryland during fiscal year 1999. Data were collected from cases filed in all 24 Maryland jurisdictions for a total of 1,867 cases in the sample.

**Profile:** The study considered financial distribution in Maryland families at the time of divorce. Several important characteristics of these families emerged:

- Women were plaintiffs in 61% of all cases analyzed;
- Half of the marriages in the sample were long term marriages, ending after ten or more years of marriage;
- 55% of divorcing couples in the study had minor children;
- 53% of divorces were granted as voluntary separation; and
- For marriages of all durations, men earned almost double the women's income at the time of divorce.

**Financial distribution:** The data show that few people are seeking or receiving financial accommodations (excluding child support) in a divorce. The striking observation is

how few *requests* for each type of financial award were actually made. Of the total divorce cases, only 17% of litigants requested alimony, 27% requested monetary awards and 10% requested a share of pension/retirement. In addition, the data show that very few *awards* are made relative to the number of divorce cases. Only 8% of the divorce cases had alimony awards. Likewise, only 12% of the divorce cases included monetary awards and only 12% included awards of share of pension/retirement. In 65% of all divorce cases, there was no financial award at all.

**Alimony:** A sophisticated "regression" analysis of many of the statutory factors that are considered for alimony awards revealed that there is little predictability in alimony awards. The regression analysis indicated that alimony awards tend to be predictable only in extreme cases - marriages of 20 years or longer, with the highest income, and where income disparity approaches 100%. Several factors, including an award of sole custody to the mother, made it less likely that an alimony award would occur. In a state where 50% of marriages end in divorce, lack of predictability at the time of divorce prevents families from planning their financial futures. In addition, with 55% of these divorcing families including children, the impact of the financial outcome on children is undeniable.

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Message from the Executive Director

There many ways to measure the impact of our direct service and advocacy efforts. One of the most rewarding indicators of success is when we are fortunate enough to see a tangible result for an individual client. Recently, I was talking on the phone with one of our Protective Order Advocacy and Representation Project (POARP) attorneys when a former client happened to stop in her office for a visit. I heard the attorney greet the client and exclaim, "You look 10 years younger!" As the attorney later told me, the years of abuse and stress had taken their toll on the woman and the past few months of safety and stability had begun to reverse that toll. As the result of the representation, advocacy and support provided by the POARP attorney, the client's abusive husband is out of the house, the client has custody of her children and she is receiving the services she needs to address the emotional effects of years of abuse. This relief was reflected in her personal appearance, her sense of independence and her pride in herself.

While personal stories are poignant, statistics also tell an important story about whether our direct services are having an impact. We analyze statistics to identify trends, impacts and gaps in services. A review of Baltimore County statistics generated by the Administrative Office of the Courts shows that between FY 02 and FY 03, the number of Final Protective Orders granted in that jurisdiction rose from 41% to 58%. No other major jurisdiction experienced a similar increase. This period coincides with the establishment of the POARP project operated jointly by the Women's Law Center and the House of Ruth. These statistics help demonstrate the impact of the legal representation and advocacy provided by the POARP attorneys.

With the release of the key findings and recommendations of the custody and financial distribution in divorce research project, we are also using statistics to support our advocacy efforts. The findings, which are summarized in this newsletter, provide the first comprehensive empirical data about family law decisions in Maryland. The recommendations will promote legal reform and continuing advocacy to insure justice and fairness for women. Thanks to the incredibly dedicated and talented work of Project Directors Jeannette Karpay and Rebecca Saybolt Bainum, the scope and rigor of the project surpassed our original expectations. We are happily savoring the sense of accomplishment and pride that comes with the successful completion of a long and intellectually challenging project!

The Women's Law Center Board has new leadership with Francine Krumholz assuming the role of President and Bobbie Steyer serving as the new Vice President. The Board also welcomes three new members - Deborah Thompson Eisenberg, Professor Leigh Goodmark and Jennifer Pelton. Each has a deep commitment to women's legal rights and brings special skills that will benefit the organization. I would like to express my personal gratitude to the out-going President Gwen Tromley. Gwen and I have logged thousands of emails as I have sought her advice and feedback on issues ranging from major decisions to mundane details. Gwen's vision for the organization, her dedicated work ethic and her tenacious leadership have helped propel the organization through new projects, strategic planning and infrastructure development. Gwen richly deserves our appreciation and admiration for her dedication to the organization and its mission.

~ Tracy Brown

## Student Group Forms at University of Maryland School of Law

On the first night of orientation every year, all of the new students at the University of Maryland School of Law attend the Student Organization Fair on campus. Each student group sets up a table to demonstrate how it relates to an area of student interest, either cultural, academic, or professional. We are thrilled to announce that this year there will be a new table and it will belong to *Students Supporting the Women's Law Center*. Our group hopes to influence the academic and professional lives of University of Maryland students who are interested in learning about women's legal issues.

Before the creation of *Students Supporting the Women's Law Center*, the only way for University of Maryland law students to gain experience working in women's law areas was to arrange for an externship off-campus. Consequently, there have historically been few women's law opportunities on the University of Maryland campus. Our group *Students Supporting the Women's Law Center* hopes to fill that void by introducing the campus to women's legal issues and creating mentoring and pro-bono work opportunities for our members. For example, our group plans to establish a series of lunchtime roundtable discussions between members of *Students Supporting the Women's Law Center* and members of the Women's Law Center. The focus of the discussions will be different each time, but the purpose will remain constant: to provide a forum in which beginning and experienced lawyers can meet to discuss legal issues that affect women.

In addition, our group wants to establish a group-mentoring program through which Maryland

students can begin to foster relationships with attorneys in the areas of the law that interest them the most. Similarly, our group would like to provide students with volunteer opportunities in the areas of the law that affect women. *Students Supporting the Women's Law Center* would also like to create an annual educational event to heighten the scope of awareness of women's law issues in the school and the legal community at large. Finally, our group is scheduling several social and volunteer events.

*Students Supporting the Women's Law Center* plans to cultivate the enthusiasm for women's legal issues at the University of Maryland School of Law. The group will work with the Women's Law Center to establish a lifelong relationship between law students and Maryland's advocates for women's legal rights. *Students Supporting the Women's Law Center* is looking forward to improving the educational and professional experiences of Maryland law students, and at the same time, supporting the Women's Law Center.

There is a long-standing women's group on campus, the Women's Bar Association, which is a vocal advocate for the interests of women lawyers. *Students Supporting the Women's Law Center* aims to support the efforts of the Women's Bar Association, and at the same time, to supplement them by providing law students with the opportunity to participate in some of the advocacy work being done by the Women's Law Center and its members.

*Contributed by Alison Friedman, President, Students Supporting the Women's Law Center.*

## Thank You Volunteers!

Each year the Family Law Hotline provides more than 2,500 low-income Maryland residents with free legal information. This accomplishment would not be possible without the service of our many dedicated volunteer attorneys. We would like to thank the following volunteers who worked on the Family Law Hotline between January 1—June 30, 2004.

Meg Attanasio  
 Ruben Ballesteros  
 Judith Brunton  
 David Diggs  
 Catherine Drummond  
 Dorothy Fait  
 William Fanning  
 Jo Benson Fogel  
 Donald Goldbloom  
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 Bobbie Steyer  
 Rebecca Taylor  
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## Custody and Financial Distribution Research Released (*continued*)

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**Custody:** The study also shows that women request and receive sole custody more often than do men. Sole legal and physical custody to the mother is the result in 38% of the cases involving children. However, the data indicate that parents are sharing some form of decision-making in Maryland in nearly half of the cases involving children. In 48% of the cases, the custody result is joint legal and physical custody or joint legal custody with physical custody to one parent.

**Decision-making:** The data show that custody outcomes are more frequently resolved through agreements of the parties than through judicial intervention. This indicates that parties in Maryland are working together to resolve custody issues more frequently than they are seeking the court's assistance in doing so.

One way of assessing the durability of a particular resolution process is to explore whether any subsequent litigation was filed. The data reveal that when the custody issue is resolved through judicial intervention, parties go back to court at least twice as often as when they agree on the outcome. In particular, where joint legal and physical custody is imposed by the court,

the parties return for modification more than three times as often as when they agree to that outcome. In recent years, there has been a tremendous emphasis on mediation and other forms of alternative dispute resolution as a method of reducing emotional and financial costs of litigation in Maryland. The data support the benefit of such programs.

Based on the findings outlined in *Custody and Financial Distribution*, the Women's Law Center proposes the following substantive policy recommendations:

**Recommendation 1: Expand purpose of spousal support**  
Expand the purpose and implementation of spousal support/alimony awards to promote equitable allocation of financial resources and to compensate for losses so that the economic burden of divorce does not fall disproportionately on women and children.

**Recommendation 2: Develop spousal support formulas**  
Increase the predictability and consistency of spousal support/alimony awards through the development and implementation of spousal support formulas.

**Recommendation 3: Oppose joint custody presumption**  
Utilize empirical data to educate

legislators, judges, masters and the public about the status and consequences of joint custody in Maryland and oppose legislation mandating a presumption of joint custody.

**Recommendation 4: Increase alternative dispute resolution**  
Advocate for increased use and support of alternative dispute resolution methods in appropriate cases.

To promote the implementation of these recommendations, the Women's Law Center proposes the formation of a broad based coalition of attorneys, judges, masters and academics to promote policy and practice changes that will improve custody and financial distribution outcomes for Maryland families utilizing empirical research generated by this study. The Women's Law Center is currently seeking funding to facilitate the implementation of the recommendations.

To receive a copy of *Custody and Financial Distribution* contact the Women's Law Center at 410-321-8761. The report is also available on the website at [www.wlcmd.org](http://www.wlcmd.org).

Tolerance-Compassion-Hope-Responsibility

### The Baltimore Ethical Society

A Humanistic Religious and Educational Fellowship  
Join us at 10:30 a.m. for Sunday morning programs.  
The Congress Hotel 306 West Franklin Street

Weddings And Commitment Ceremonies  
[www.baltimoreethicalsociety.org](http://www.baltimoreethicalsociety.org)

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For more information, contact Jessica Morgan at 410-321-8761 or [jmorgan@wlcmd.org](mailto:jmorgan@wlcmd.org).

## Amicus Activity

### David Triggs, Jr. vs. State of Maryland

The Women's Law Center joined several other amici in supporting the State in the case of *David Triggs, Jr. vs. State of Maryland* in the Court of Appeals. Mr. Triggs was convicted on eighteen counts of violation of a protective order based on threatening phone calls to his wife. The issue on appeal was whether each individual call to Ms. Triggs constituted a separate violation of the protective order. The defendant argued that the counts should be merged based on the "clusters" of calls. Assistant Attorney General and WLC member Shannon Avery argued the case for the State. The Court of Appeals unanimously found for the State and held that each phone call constituted a separate violation of the no contact order, regardless of the fact that some of the calls were within seconds of one another.

The *Triggs* appeal was particularly significant for the Women's Law Center because a POARP attorney handled the underlying protective order case. The circumstances surrounding the violations of the protective order were extremely volatile and disturbing. After years of abuse, Mr. Triggs undertook a four day campaign to terrorize his wife. During Mr. Triggs' visitation with the couple's children, he took them to an unknown location. He placed dozens of calls to Ms. Triggs threatening to kill her and the children and proclaiming that he did not care about court orders or laws. Examples of his abusive calls included one where he taunted Ms. Triggs to "pick a child to die" and another where he told Ms. Triggs that he had given a child a sleeping pill and that his breathing was slowing. Police eventually tracked Mr. Triggs' calls to Ocean City where he was apprehended after negotiations with a SWAT

team. The children were physically unharmed. The WLC POARP attorney actively participated with the court and law enforcement system's efforts to locate Mr. Triggs and reconcile Ms. Triggs with her children.

Kerri Ruttenberg, King & Spalding, LLP provided pro bono services to research and draft the amicus brief. Ms. Ruttenberg and the firm donated 361 hours to the case. In recognition of this exemplary service, the firm received the 2004 Maryland Pro Bono Service Award from the Pro Bono Resource Center. King & Spalding were nominated by the Women's Law Center and other amici.

### Imes v. City of Asheville

The Women's Law Center signed on to an amicus effort in a North Carolina case to challenge the firing of a domestic violence victim. Legal Momentum (formerly the NOW Legal Defense and Education Fund) is leading this legal challenge. The plaintiff in the case was an eighteen year employee of the City of Asheville as a bus driver and dispatcher. After being shot by his wife, he was terminated during his period of recuperation. The employer acknowledged that the plaintiff was the victim but said that his involvement in the incident "reflected adversely upon" the bus company and "injured its reputation." The case will determine whether domestic violence victims can sue an employer who fires them solely because of their status as a victim. Additionally, because this will be the highest level state court to decide this legal issue in the domestic violence context, it may have important precedent elsewhere. The amicus brief will be filed in August.



## Board Focus on... Francine Krumholz

Francine Krumholz became the new President of the Women's Law Center Board in June. Francine joined the Board in 1996 and has served as Vice President for the past 2 years. She has also served as the chair of the Nominating Committee and Development Committee. She played a critical role as the coordinator of the organization's successful 30 for 30 Campaign.

Francine is currently a Staff Attorney at the Legal Aid Bureau's Towson office practicing family law and representing children in Child in Need of Assistance proceedings. Prior to her Legal Aid position, Francine was the Assistant Director and then the Director of the Attorney General and Lt. Governor's Family Violence Council. She co-authored the Council's report, *Stop the Violence: A Call to Action*, and facilitated projects to implement the recommendations of the Council.

Francine is a graduate of the University of Baltimore School of Law where she received the Family Law Clinical Excellence Award. Law is a second career for Francine. Prior to going to law school, she worked for many years at the IBM Corporation in various capacities, including marketing, management and technical support. She also has a Masters in Business Administration from Loyola College of Maryland and a B.A. degree from Queens College.

Francine brings a calm demeanor and steady leadership style to her responsibilities as President. Her organizational skills and her varied professional experience will be assets for the Women's Law Center. The Board and staff are grateful to Francine for her willingness to devote her skills and energy to our growing organization.

## WLC's 2004 Legislative Wrap Up



The Women's Law Center was active during the 2004 General Assembly Session.

The organization submitted written testimony on 43 bills, oral testimony on 5 bills and issued 30 action alerts. The following are the highlights of bills that passed and failed.

**SB250 Labor and Employment – Equal Pay Commission:** Established an Equal Pay Commission to study wage disparities and recommend action. Bill passed but was **VETOED** by Governor. Veto override effort will be launched during next session.

**SB316/HB706 Court Fees and Costs – Civil Cases – Maryland Legal Services Corporation Fund:** Increases filing fees in civil cases allowing additional funds to be used to support legal services for the poor. **PASSED.**

**SB418/HB836 Family Law – Property Disposition – Transfer of Tangible Personal Property:** Allows a judge to transfer title to

tangible family use personal property in divorce cases. **PASSED.**

**SB269/HB400 Maryland Uniform Child Custody Jurisdiction and Enforcement Act:** Comprehensive reform of the procedures regarding jurisdiction and enforcement in inter-state custody cases. **PASSED.**

**HB923 Sexual Offenses – Spousal Defense:** Amended marital rape statute to include threat of force. **PASSED.**

**HB1148 Domestic Violence – Protective Order – Penalty:** Makes it a misdemeanor to fail to surrender firearms pursuant to a Final Protective Order. **PASSED.**

**HB1217 Children – Joint Legal Custody and Equal Parenting Time:** Would have created a preference for joint legal custody and physical custody for equal periods of time for each parent. Opposed by WLC and **FAILED.**

**HB1216 Child Custody and Visitation – Child Abduction:** Would have imposed criminal remedies to

enforce visitation arrangements. Opposed by WLC and **FAILED.**

**HB623 Criminal Law – Stalking:** Would have expanded stalking to include electronic communications. **FAILED.**

**Reproductive Rights:** Several bills which would have allowed access to emergency contraception were supported by WLC and **FAILED.** Numerous bills that would have regulated abortion clinics, amended parental notification requirements and allowed prosecution for the murder of a fetus were opposed by WLC and **FAILED.**

**Rights of Same Sex Couples:** All bills regarding the rights of same sex couples **FAILED.** HB1284 would have provided same sex couples the right to make medical decisions. Several bills pertained to same sex marriages.

Contact the Women's Law Center at [legislative@wlc.md.org](mailto:legislative@wlc.md.org) or 410-321-8761 to be added to the action alert email list.

### Member and Staff Kudos

Women's Law Center members, supporters and staff are vital members of the community and their many contributions are being recognized. We congratulate them for the following awards and appointments:

Girl Scouts of Central Maryland's honored **Judge Carol E. Smith, Judge Ellen M. Heller, Judge Kathleen O'Ferrall Friedman** and **Judge Marcella Holland** for their involvement in the establishment of the *Beyond Bars* program.

**Judge Ellen M. Heller** received the *Annual Anselm Sodaro Judicial Civility Award* from the Maryland State Bar Association.

**Dorothy Lennig** received the *Benjamin L. Cardin Pro Bono Service Award* from the University of Maryland School of Law.

Maryland's Top 100 Women sponsored by the Daily Record include WLC members: **Ellen Callegary, Judge Kathleen G. Cox, Dorothy R. Fait, Judge Karen C. Friedman, Alice G. Pinderhughes, Judge Carol E. Smith** and

**Barbara Trader.** Inductees to the Circle of Excellence include **Judge Marcella Holland** and **Lois Fenner McBride.**

**Jessica Morgan,** WLC's Operations Manager, was appointed to the Baltimore County Commission for Women.

**Robert Rhudy** and **Judge Carol E. Smith** were honored by Alternative Directions, Inc.



## Recent Reports and News

**Women at Work: Looking Behind the Numbers 40 Years After the Civil Rights Act of 1964:**

Published by the National Partnership for Women & Families, this study analyzes how well the law has addressed employment discrimination and removed barriers to women's equality on the job. The Partnership requested and analyzed previously unpublished data on discrimination charges filed with the Equal Employment Opportunity Commission. The report provides empirical data to support the conclusion that discrimination against women in the workplace is persistent. For instance, during the past 10 years, the total number of sex discrimination charges filed with EEOC has increased 12% and sexual harassment claims have increased 29%. Complaints for pregnancy discrimination, national origin discrimination for women of color, disability discrimination for women of color and age discrimination have also increased. The report highlights the need for vigorous enforcement of the law, comprehensive research, accurate data and public education. <http://www.nationalpartnership.org/workandfamily/WomenAtWork.pdf>

**Legal Momentum** is the new name of the NOW Legal Defense and Education Fund. The organization's tag line is "Advancing Women's Rights."

**Making the Grade on Women's Health: A National and State-by-State Report Card:**

The National Women's Law Center published this report that grades and ranks each state based on 27 health status benchmarks. The report also looks at disparities in health status for special populations and looks at whether states have key health policies. This study updates a similar study that was conducted in 2001. Overall there has been progress but the report concludes

that there is still room for improvement. <http://www.nwlc.org/details.cfm?id=1861&section=health>

**Slip-Sliding Away: The Erosion of Hard-Won Gains for Women Under the Bush Administration and an Agenda for Moving Forward:**

The National Women's Law Center issued this report that examines the effects of the Bush Administration on women. The report argues that the changes are occurring without sufficient public scrutiny and analyzes actions and proposals in 10 specific areas that have an impact on women, including equal pay, Title IX, child care and reproductive rights.

<http://www.nwlc.org/pdf/AdminRecordOnWomen2004.pdf>

**Teach Your Students Well: Incorporating Domestic Violence into Law School Curricula – A Law School Report:**

A publication of the American Bar Association Commission on Domestic Violence, this document is a tool to prepare lawyers in all practice areas to address the impact of domestic violence. It argues that these issues must be incorporated throughout the law school curriculum. The book includes sample syllabi, suggested research material and bibliography information.

<http://www.abanet.org/domviol/domviolpublication.html>

**Domestic Violence in the Jewish Community:** Jewish Women International released *JWI's Needs Assessment: A Portrait of Domestic Abuse in the Jewish Community*.

The summary presents key findings of two needs assessments conducted by JWI. The study's findings "confirm that domestic abuse in the Jewish community has no boundaries." It provides information about the elements of abuse and their impacts. JWI also issues a Call to Action, inviting organizations and

individuals to pledge to end the cycle of domestic violence against girls and women. The Second International Conference on Domestic Abuse in the Jewish Community will be held March 20-25, 2005 in Washington, D.C.

[www.jwicalltoaction.org](http://www.jwicalltoaction.org)

**The ABC's of Women's Issues:**

The National Council on Women's Organizations issued a voter guide which provides updates on women's issues. The guide encourages women to ask political candidates at all levels about their positions on the issues included in the publication. The publication summarizes numerous issues that have an impact on women, provides the NCWO's position and suggests questions for candidates. Topics include affirmative action, child care, global issues, health care, pay equity and social security. For free copies contact NCOW at 202-393-7122, [ncworg@aol.com](mailto:ncworg@aol.com)

**Scholar & Feminist Online:** The current edition of the on-line journal of the Barnard Center for Research on Women is titled *Young Feminists Take On the Family*. It grew out of a panel discussion of the experiences of young feminists as they begin to create their own families. "The issue brings together the essays, poetry, and artwork of women in their 20s and 30s and explores a wide range of issues currently on young feminists' minds as they both contemplate their own families and grapple with our culture's still-limiting notion of what "a family" can be." <http://www.barnard.edu/sfonline/>

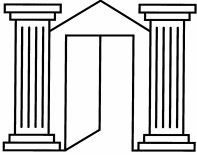
**Ms. Magazine** is sponsoring a post-election cruise to the Caribbean on November 13-20, 2004. The programming includes leading feminist thinkers, authors, entertainers and organizers. For more information, contact WLC staff member Justine Andronici.



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