

Maryland Judicial Equality Committee

Name: BLAIR EWING Office Sought: COUNTY COUNCIL AT LARGE

Date: AUGUST 10, 2002 MONTGOMERY COUNTY

Position Survey

- Under what conditions if any, should preferential treatment be shown to one gender in family law cases? Which gender and with what restrictions? Explain: *Very limited. Mother ought be given some preference if children are very young. However, circumstances will vary greatly. Equal treatment ought generally be the rule, all other things being equal.*
- What percentage of all domestic violence do you believe is committed by men? Circle One 100% 90% 80% 70% 60% 50% 40% 30% 20% 10%
Based on (a) news reports, (b) case statistics, (c) prosecutions, (d) research studies, (e) other *news reports, info supplied by police and health and human services officials.*
- To your knowledge and in your opinion, does the issuance of a protective order result in decreased domestic violence? Explain: *Some reduction in decreased violence follows from issuance of a protective order, but police and courts must enforce. And orders must be available around the clock.*
- Do you believe the current Family Law system treats both men and women equally and what would you change if given the opportunity? Explain: *I believe there is a general commitment to equal treatment in Montgomery County. Results vary, depending on circumstances. Men and women ought be treated equally. Getting men to pay child support is in some cases very difficult.*
- Do you believe that false testimony occurs frequently in contested custody or divorce cases? If so, what can be done to deal with this situation? Explain: *I'm sure it occurs with some frequency. I am not sure what can be done because people are angry and hurt and see situation from own perspective. Mediation through professional mediators may help to deal with this problem.*
- Currently, judges issuing protective orders via Ex Parte' requests consider only the written statement made in the request and if the accused is capable of carrying out the alleged action. Do you feel that the civil rights of the accused are adequately protected under these conditions? If not, what changes would you recommend? Explain: *I don't. The capability of the accused to carry out the alleged action is highly subjective in the minds of judges. There ought be absolute protections of those threatened or actually harmed, whether the accused is thought capable of such actions or not. Threats need to be regarded as real and firm actions taken against those who threaten.*

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7. Are you concerned that the number of domestic violence protective orders fall disproportionately against men and to what do you attribute it? Explain: I am not terribly concerned because men are the initiators, by most accounts, of a large proportion of domestic violence incidents. I attribute the data we see to this.
8. Would you support legislation to modify the current domestic violence statutes to correct abuses currently occurring in the system? Explain: Yes. I believe the statutes ought to be revised to correct all abuses.
9. Do you believe that given the opportunity, as a single parent, both men and women are equally capable of raising children? Explain: Yes, I do. They are also equally incapable or capable. I do not believe that very small children ought normally be raised by men, but on the whole they ought be treated equally, all other things being equal.
10. Would you support legislation to direct judges to require the joint legal physical custody of children unless there are compelling reasons not to do so? Explain: I'm not sure that I know that joint legal physical custody is necessary in all cases, but the presumption is the correct one as stated.
11. What are the compelling reasons for not giving joint legal physical custody of children to both parents who live in the same jurisdiction? Explain: I'm not sure I know all of them. Clearly violent behavior, irresponsible behavior, failure to be a good parent or failure to provide an appropriate home and appropriate care in the home are among reasons.

Note: Virtually none of these issues are decided on by the County Council. These are state legislative or judicial practice issues over which the Council has no effective jurisdiction. However, I strongly favor the premise of judicial equality.