

Maryland Judicial Equality Committee

Name: Steven P. Hollman

Office Sought: State Senate, District 18

Date: August 15, 2002

Position Survey

1. Under what conditions if any, should preferential treatment be shown to one gender in family law cases? Which gender and with what restrictions? Explain:

Preferential treatment should be shown to one gender in cases where extending such preferential treatment is in the best interest of child. That is a fact-based inquiry regarding examination of all relevant circumstances of each parent.

2. 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

Most domestic violence is committed by individuals who themselves have been abused. I do not know the gender statistics, but it is a problem across the gender line.

3. To your knowledge and in your opinion, does the issuance of a protective order result in decreased domestic violence? Explain:

I do not practice in the area of domestic relations and do not have experience upon which to have an answer. My intuitive response is that such an order may provide additional protection, or at least a remedy, for individuals intent on expressing their frustration physically.

4. Do you believe the current Family Law system treats both men and women equally and what would you change if given the opportunity? Explain:

As noted, I do not practice in the area of Family Law. I suspect that, to the extent men continue to predominate as wage-earners and women as caregivers to children, these societal trends are reflected in how Courts deal with divorce, separation, custody and alimony issues.

5. 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 certain that it occurs no less frequently than in other civil cases. Harsh penalties for perjurers would be one way of addressing false testimony.

6. 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?

Ex parte orders are by their nature designed to protect vulnerable individuals in exigent circumstances where there may be little opportunity for a full-blown evidentiary hearing. Such orders inherently are predicated on the notion that certain rights must be sacrificed to protect vulnerable individuals. Doubtless, there are abuses involved in the use of such orders. Where information upon which

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an order is issued turns out to have been false or exaggerated, the repercussions should be commensurate with the rights violated as a result.

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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:

Common perception that men are more physically powerful and women more vulnerable in gender relationships.

8. Would you support legislation to modify the current domestic violence statutes to correct abuses currently occurring in the system? Explain:

Upon demonstrated evidence of abuses of the system, I would be open to legislation directed to addressing such abuses.

9. Do you believe that given the opportunity, as a single parent, both men and women are equally capable of raising children? Explain:

I believe that the capability of a parent to raise the children depends on the circumstances of each case, including such factors as income, employment circumstances, extended family, temperament, etc.

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 would support allowing judges to exercise their discretion to order I agree if in the best interest of the child to do so. shared custody is appropriate

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:

Compelling reasons might include evidence of physical or emotional abuse, mental illness, substance abuse, and inappropriate behavior, among other potentially compelling reasons.