

PHILADELPHIA BAR ASSOCIATION  
FAMILY LAW SECTION MEETING MINUTES  
FEBRUARY 4, 2019  
Chair, Kristine L. Calalang, Esq.

- I. WELCOME AND INTRODUCTION: Kristine called the meeting to order at 12:10 p.m. and welcomed everyone. Complimentary lunch was courtesy of Pension Analysis Consultants, Inc. (PAC)
  
- II. NEWS AND UPDATES:
  - a. Board of Governors – Kristine announced that the Resolution by Philadelphia Lawyers for Social Equity regarding information considered in pardon hearings was approved by the Board of Governors. Also, the members of the Board of Governors each pledged to sponsor the membership of at least one law student in the Philadelphia Bar Association.
  - b. Stephanie Steckclair was recognized as a member of the FLS Executive Committee.
  - c. Blanket and Pillow Drive – Kristine announced that the FLS is going to challenge other Sections to collect for the Blanket and Pillow Drive. She will provide more details as planning for the the charity drive is finalized.
  - d. Help Center – Lee Schwartz stated that the Help Center needs volunteers on Mondays and Wednesdays from 12:00 p.m. to 3:00 p.m.
  - e. Upcoming dates:
    - i. Custody Committee Meeting 2/15/19
    - ii. Outreach Committee Meeting 2/20/19
    - iii. Diversity Committee Meeting 2/26/19
    - iv. Support/Divorce CLE is planned for 3/21/19
    - v. March FLS Meeting 3/4/19 – the CLE portion of the meeting will be a primer on PFAs and a discussion of legal updates
    - vi. Keep an eye out for other important information and dates to be sent out via the FLS list serv
  
- III. PRESENTATION BY PAC – A brief presentation (Part I of II with Part II planned for the July FLS Meeting) was given by Mark Altschuler of PAC. Mark discussed how to manage a Social Security offset in a DRO. He noted that the marital percentage is computed after the Social Security offset is applied. He also noted that the employee spouse must select Option 2 in a City of Philadelphia pension so as to guarantee a 100% survivor benefit. The Alternate Payee would bear the cost of this.

If the Alternate Payee predeceases the Participant, the benefit assigned to the Alternate Payee can either revert to the Participant or may go to a contingent Alternate Payee named by the Participant.

IV. CLE – AN INSIDE LOOK AT C.G. v. J.H.- What to Consider When Establishing Parental Status and Standing for Third Parties

A panel discussion moderated by Mark Momjian addressed the implications of the C.G. v J.H. case with the specific issue before the court, “to determine whether a former partner of a parent had standing to pursue custody or to assert rights via the *in loco parentis* principle”. The panel consisted of attorneys for both parties, Julia Cronin-Rater and Tiffany Palmer, as well as Helen Casale, who wrote an *amicus* brief in support of C.G. and submitted on behalf of the PA chapter of the American Academy of Matrimonial Attorneys (AAMA) in this case.

The panel discussed the lengthy and complex procedural history of the case and the fact that the focus at both trial and appeal was on the issue of *in loco parentis* and not on the fact that C.G. was not a parent.

The panel also discussed that there were broad concerns from the legal community as well as from the LGBTQ community as to a single sentence in the Superior Court opinion that stated, in part, “Pennsylvania courts have interpreted parent to mean only biological and adopted parents.” The panel agreed that it was fortunate that the Supreme Court ultimately clarified that parenting is not limited to a biological or adoptive parent. It was also noted that when standing is an issue, there is a clock ticking to preserve the rights of the party asserting standing. There was also a discussion of the role *amicus* briefs have in a case. It was noted that the AAMA brief was one of two *amicus* briefs in this case and that an *amicus* brief can be filed as a matter of right but that there is no right to present oral argument.

Kristine reminded the Section that the next Section meeting will be on March 4, 2019 in the 11<sup>th</sup> Floor Conference Room of the Philadelphia Bar Association, and the next Executive Committee meeting will be on March 21, 2019 in Committee Room South of the Philadelphia Bar Association. (\*\*Note: The Executive Committee meeting was rescheduled for March 14, 2019 after the meeting).

The meeting concluded at 1:45pm

Respectfully submitted,

Kathleen M. Tana, Esq.  
Secretary