

IN THE  
CIRCUIT COURT FOR BALTIMORE COUNTY  
CASE # 03-C-15-000979 OD

ELSIE SCHLEUNES  
Petitioner

vs.

CATHERINE ANN ENGLAND  
Respondent/Mother

And

CRAIG CHRISTIAN SCHLEUNES  
Respondent/Father

HELD: May 19, 2017

BEFORE: The Honorable Sherrie R. Bailey

APPEARANCES: Roger R. Munn, Jr., Esquire  
Attorney for the Petitioner

Harry A. Baumohl, Esquire  
Attorney for the Respondent/Father

Jonathan P. Heshmatpour, Esquire  
Counsel for Respondent/Mother

TRANSCRIBED BY: Mary Lumpkin, Paralegal  
Baumohl/Hamburg LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

THE COURT: I will tell you there are few cases I have been as much on the fence about in my time on the bench. Today seems to be a day of firsts. I had a case this morning that was nothing in this category but certainly unusual situation.

I ordered the DORS evaluations when we were here last and unfortunately it took extraordinarily long to get these evaluations and things completed due to any number of reasons. Because, despite the testimony of the medical doctor, it seemed to this Court that there were unanswered questions and this is an extraordinary remedy that Miss Schleunes has sought in this matter. To have parents supporting an adult in this fashion. Very unusual situation and I do believe it hinges upon the liberty and freedom of parents. Just as parents are required to support children. I mean minor children. There does come a point in time where a child is entitled to make their own decisions and an adult is entitled to be free of the obligation of supporting that person. It's not a life sentence.

So on these very specific facts, however, in order for this Court to grant relief, this Court must find that Ms. Schleunes is a Destitute Adult Child,

1  
2 definition being as counsel have referred to in Family  
3 Law §13-101, an adult child who has no means of  
4 subsistence and cannot be self-supporting due to  
5 mental or physical infirmity, and then if an adult  
6 destitute child has a parent who has, or is able to  
7 earn sufficient means, that parent may not neglect or  
8 refuse to provide the destitute adult child, etcetera,  
9 etcetera.

10 I do believe the appropriate time reference in  
11 this matter is the present, the current time reference  
12 and therefore, despite the unusual nature of this  
13 matter, this Court does find that Miss Schleunes does  
14 not have means of subsistence and cannot be self-  
15 supporting at the present time; fully self-supporting  
16 at the present time due to mental or physical  
17 infirmity. There is no question that she has had the  
18 physical infirmity since childhood; at the very latest  
19 at least since the middle aged grades; and she  
20 obviously continue to suffer with a number of  
21 conditions and ailments, which at the present time,  
22 according to the DORS report, she is not able to work.  
23 But the bigger issue is that I am fully convinced that  
24 she can and should ultimately be able to work with

1  
2 appropriate treatment. I have no doubt about that,  
3 despite her troubles. There are many, many, many  
4 people with the conditions that she has in some form  
5 or another, at her level of functioning, in treatment  
6 who are able to work. Quite frankly, it appears that  
7 both perhaps as well Ms. England, as well as Miss  
8 Schleunes have gotten, you know, perhaps generated  
9 initially by physical concerns and perhaps mental  
10 health concerns as well, have gotten in the habit, you  
11 know, they are not used to getting out and persevering  
12 through these ailments and things and they have quite  
13 obviously have. You know, I don't disbelieve the  
14 testimony of Miss Schleunes or Ms. England about the  
15 physical difficulties, it's just that it does appear  
16 that with appropriate support and treatment, they,  
17 like many others would be able to persevere and  
18 succeed.

19 So, then the next consideration being, you know,  
20 reasonable living expenses and the existing resources  
21 as well as the financial ability of the parents. I  
22 appreciate the information provided by the respective  
23 parties. I do believe that a downward deviation would  
24 be appropriate. Based upon the child support

1  
2 guidelines, which the law is very clear that the minor  
3 child support guidelines are the appropriate  
4 guidelines to be used in this type of situation. It's  
5 listed at \$841.00 per month that does not give any,  
6 this proposed calculation does not give any health  
7 insurance expense or extraordinary medical expense. I  
8 do find it significant that Miss Schleunes and her  
9 mother, Ms. England, for whatever reasons, did not  
10 wish to be on Mr. Schleunes' health insurance. That  
11 is a significant benefit and I don't, you know, I know  
12 there has been testimony about whether Medicaid,  
13 Medicare covers more than the private insurance or  
14 whatever, and that remains, I'm not convinced one way  
15 or another on which one is best for their situation.  
16 It sounds like it may well be the Medicaid; but in any  
17 event, I find it significant that Mr. Schleunes had  
18 offered to continue coverage under his health  
19 insurance, and it appears that it would be a  
20 relatively robust policy despite the deductibles and  
21 co-pays and things at least from the information that  
22 is presented; and it does seem to cover at least some  
23 mental health services on that. So, I think a  
24 downward deviation would be appropriate under the

1  
2 circumstances. I'm thinking the extraordinary medical  
3 expenses could be shared in the same proportion as the  
4 income 22% v 21%, or 28.1 vs 71, I think it's 72 vs.  
5 28.

6 As far as the amount it would seem under the  
7 circumstances, and with Miss Schleunes' ability over  
8 time to become more self-support, potentially even  
9 completely self-supporting I think an amount \$420.00  
10 per month would be more than reasonable to help along  
11 the way with those co-pays and other expenses.

12 Now as far as the retroactivity, I'm not inclined  
13 to make it retroactive. This is a unique situation.  
14 Quite frankly I think it's a pretty extraordinary  
15 remedy which may well be explored by the Appellate  
16 Courts but I'm going to make, I'm not going to issue  
17 this retroactive. So this will begin June 1, 2017.  
18 Any questions?

19 MUNN: Not from Mr. Munn, Your Honor.

20 BAUMOHL: No Your Honor.

21 THE COURT: Obviously, I would encourage the parties  
22 in this manner. It would not surprise this Court,  
23 considering the history of this case, that here would  
24 be Motions to Modify in the future or an Appeal of

1  
2 this Court's decision. But that's kind of beside the  
3 point. The bigger issue is the issue we discussed  
4 previously as well that at some point along the way,  
5 in that life is life, at some point along the way for  
6 all young people there comes a point where their  
7 parents are not available and Miss Schleunes is going  
8 to have to learn to be self-supporting. She needs to  
9 take this opportunity to get the mental health  
10 treatment that she needs, to get the vocational help  
11 that she needs, get her GED, and start to work.  
12 Because, you know, the resources that this Court has  
13 ordered and her mother's presence are not always going  
14 to be there. She is a young person. She is as  
15 indicated, and I do find that she is of average to  
16 above average intelligence. I found her testimony to  
17 be quite articulate. It's very obvious that her level  
18 of testimony and her capability. So, I would  
19 encourage her to take this opportunity to learn to  
20 stand up on her own two feet. And, I'm firmly  
21 convinced after the number of interactions that we  
22 have now had, fortunately or unfortunately because of  
23 the length of time that it has taken to resolve this  
24 matter, and the information that the Court has

1

8

2

received, I know she can do it. I believe she can do

3

it.