

Testimony
of
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In support of Maryland SB 13
Baltimore, MD

Thank you for the opportunity to testify in support of SB365. I'm a parent who has been through Maryland's family court system. I'm also now a pediatric nurse and a PhD candidate at the Johns Hopkins School of Nursing researching the impact of domestic violence, child abuse, and legal systems involvement on children's health outcomes.

When the custody evaluator in my own case was asked under oath about her qualifications:

Q. Did you take any course only focused on any type of sexual or domestic violence?

CE: No.

Q. Did you ever evaluate a child to see if he or she was a victim of any type of abuse?

CE: No.

Q. ... Have you ever been qualified as an expert in any type of child abuse?

CE: No.

Q. Have you ever been qualified as an expert in domestic violence?

CE: No.

Yet, the judge in his oral ruling said: "*I know that there was testimony suggesting that [the custody evaluator] did not have the requisite knowledge, training and skills to perform this evaluation. **I disagree**... I do find [the custody evaluator's] testimony credible and afford it great weight.*"

Custody evaluators are tasked with making life altering decisions that will impact a child for the rest of their life. And their training – or lack thereof - influences the lens through which they view the dynamics of the families they evaluate.

Child safety, health, and well-being must be the priority lens.

Family court judicial decisions are a profound social determinant of health for children. A judge decides where a child will live, with whom, who can decide their schooling and community, who can consent for medical and mental health care.

In an expose published by Propublica on the broken custody evaluation system in Colorado, one custody evaluator was quoted: "sometimes the judge just cuts and pastes all my recommendations and puts it into the court order."

In the state of Maryland, custody evaluators operate with little to no professional oversight and currently no mandated training on the nuances of domestic violence, coercive control, and the impact of child maltreatment on children's development. This bill would be a start to fix that.

In my research with survivors at the Johns Hopkins School of Nursing, the single most common policy change survivors say they want for the sake of their children is training. Training for family court professionals on the nuances of intimate terrorism, domestic abuse, and child abuse. Training is simply information. Information that can help professionals make informed decisions. Lack of training in itself creates a bias, and can lead to flawed or inadequate decision making.

Custody evaluators need training on these issues because when abuse and intimate terrorism are conflated with “conflict”, custody evaluators may make recommendations that place children and/or their protective parents in unsafe – and potentially lethal – situations.

Training on “high conflict” is not sufficient: family court professionals must learn to differentiate between abuse and conflict, so the wrong interventions are not applied.

I urge you to please pass this bill for the sake of the best interests of children in the state of Maryland. Had custody evaluators had this training, it would have made a meaningful difference in the lives of many children, including my own.

References

- Dreyfus, H. (2022). A custody evaluator who disbelieves 90% of abuse allegations recommended a teen stay under her abusive father’s control. ProPublica. Retrieved from <https://www.propublica.org/article/parental-responsibility-evaluators-colorado>
- Haselschwerdt, M. L., Hardesty, J. L., & Hans, J. D. (2011). Custody Evaluators’ Beliefs About Domestic Violence Allegations During Divorce: Feminist and Family Violence Perspectives. *Journal of Interpersonal Violence*, 26(8), 1694-1719. <https://doi.org/10.1177/0886260510370599>
- Saunders, D. G. (2015). Research based recommendations for child custody evaluation practices and policies in cases of intimate partner violence. *Journal of Child Custody*, 12, 71-92. <https://doi.org/10.1080/15379418.2015.1037052>
- Saunders, D. G., Tolman, R. M., & Faller, K. C. (2013). Factors associated with child custody evaluators' recommendations in cases of intimate partner violence. *J Fam Psychol*, 27(3), 473-483. <https://doi.org/10.1037/a0032164>
- Spearman, K. J., Hardesty, J. L., & Campbell, J. (2022). Post-separation abuse: A concept analysis. *Journal of Advanced Nursing*, <https://doi.org/https://doi.org/10.1111/jan.15310>
- Spearman, K. J., Vaughan-Eden, V., Hardesty, J. L., & Campbell, J. (2023). Post-separation abuse: A literature review connecting tactics to harm. *Journal of Family Trauma, Child Custody & Child Development*, 1-20.