

HB 405 Family Law – Child Custody Evaluators – Qualifications and Training

To the Honorable **Delegate Kaufman**:

HB405 seeks to improve the ability of courts to recognize and respond to child physical abuse, child sexual abuse, and domestic violence. It also aims to enable courts to make appropriate custody decisions that prioritize safety and well-being. Your sponsorship of this bill demonstrates your commitment to the safety of Maryland's children.

The bill attempts to achieve these worthwhile goals by specifying who qualifies as an expert witness in domestic violence cases and qualifications and ongoing training required for custody evaluators. It also requires the training to only rely on research that is recognized by professionals with substantial experience in assisting survivors of domestic violence or child abuse.

There is a need for such a bill because the intricacies of domestic violence cases are often counterintuitive. Without specific training and experience in how victims and perpetrators of domestic violence present themselves and other technical information about domestic violence, evaluators and courts are liable to dismiss a case and subject children to continued violence. Likewise, false allegations of alienation can be made to deflect abuse allegations. Evaluators and courts need the training and tools to be able to validate the abuse allegations in this context.

Unfortunately, this bill addresses these issues by endorsing a very narrow perspective of domestic violence. The restrictive qualifications for expert witnesses exclude valuable sources of information that the bill's limited pool of experts does not include. It also violates the Daubert standard. This diminishes an innocent party's ability to prove his innocence and receive due process as does evaluator training that is narrow in scope. The bill also fails to acknowledge the existence of false allegations of domestic violence and the real problem of parental alienation (which is also a form psychological abuse). This is contrary to the AFCC/NCJCJ joint policy statement (<https://bit.ly/4b8Vo3x>) on parent-child contact issues sanctions that courts should take parent-child contact issues seriously.

Instead of taking a balanced approach that trains evaluators about all types of abuse and how to distinguish between false from legitimate allegations of all types, this bill seeks to censor this knowledge from evaluators and to prevent the courts from having access to experts who do rely on a solid scientific basis (see <http://dx.doi.org/10.1037/dev0001404>). It is those very professionals with experience in assisting survivors of domestic violence (that this bill puts in charge of deciding what recognized research is) often have no qualifications to make this determination.

During the Covid pandemic, my sister's then-husband "kidnapped" her own two daughters from their marital home and moved himself and children in with his parents. He refused to allow her to see the children for several weeks. For several months, he did not allow her to see the children

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without being supervised by his mother. After many months of prolonged agony in not having her daughters with her, the courts began hearing her case and a child custody evaluator was assigned. The child custody evaluator conducted a short home visit via Zoom with each parent and children present. During these many months the children's father repeatedly manipulated the children to believe that their mother was unsafe and unfit (all of this was eventually proven false in the final custody hearings). However, the child custody evaluator, not understanding child psychological abuse and domestic abuse by proxy, recommended that the children primarily reside with the father with extremely limited (8 hours per month) time with their mother. This recommendation resulted in catastrophic harm to my nieces by keeping them in the care of a psychological abuser. My sister is a well-educated, professional, nurturing and loving mother who was very active in the children's school, PTA, and extracurricular activities whose children were not protected by the very person who was assigned to do so.

We all want to protect children from harm. The way to do this is by acknowledging and addressing all forms of physical and psychological abuse. We suggest that the following changes will make this bill favorable:

- Add psychological abuse and parent-child contact problems into the training.
- Expand the list of expert witnesses to be consistent with the Daubert standard and not limited to a small pool of self-selected domestic violence advocates.
- Expand the list of eligible instructors to include alienation experts, shared parenting experts and others who can provide evaluators with a broad perspective of all the facets involved in these cases.
- Remove all references to unsupported theories and belief systems (which is an attempt to ignore parent-child contact issues).

With these amendments in place, this will be a good bill that will not only safeguard Maryland children, but will also insure stronger families and protect due process. Without these amendments, the fallout for Maryland families will be catastrophic. We urge you to adopt these amendments for **HB405**. If these amendments cannot be implemented, we respectfully request that you reconsider your sponsorship of this bill.

Thank you,

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Aunt of two teenage girls in MD who have been separated from their mother for 4 years

Volunteer community mediator involved in family cases of forced separation and rejection

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