

**Testimony**  
**of**  
**Kathryn J. Spearman, MSN, RN, PhD candidate**  
**In support of Maryland HB 405**  
*Baltimore, MD*

Thank you for the opportunity to testify in support of Maryland HB 405. I'm a parent who has been through Maryland's family court system.<sup>1</sup> I'm also now a pediatric nurse and a PhD candidate 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<sup>2</sup>:

***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.*" (Exhibit 1)

The judge took away legal custody of my children from me, on the recommendation of the custody evaluator (Exhibit 2). The judge also ordered my children could have no contact with anyone on their maternal side of the family (grandparents, aunts, uncles, cousins) for months (Exhibit 3).

The psychological trauma from the judge's ruling was so severe, the court had to call 911 during the proceeding, and medics came into the courtroom because I lost consciousness (Exhibit 4).

**The fee for that child custody evaluation was \$25,000.** This doesn't include fees required for any travel, court time, depositions, or any of her preparation time, which ultimately cost me several thousand dollars more.

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<sup>1</sup> Maryland Case # 24D15002111

<sup>2</sup> This is a direct excerpt from the custody evaluator's deposition but represents only 3 of many questions she was asked regarding her training and experience. Please see Appendix 1 for a more comprehensive list of the questions the custody evaluator was asked during her deposition and were also included in the trial.

**The Best Interest Attorney, Renee Ades, charged over \$360,000 in my case - an amount which was approved by the judge.** \$352,777.98 of which was charged for 12 months of work from the period of August 2015 and August 2016.

My parents borrowed and spent over \$700,000 to pay for legal fees to try to help my children and me, because I was a stay-at-home mom of three young children with no income of my own.

I had to file bankruptcy<sup>3</sup> because of these extraordinary legal fees. The children's best interest attorney put a lien on my house, and my children and I had our home taken from us. In the state of Maryland, I learned, BIA fees are non-dischargeable in Chapter 7 bankruptcy.

And these are just a few of the harms.

Custody evaluators are tasked with making life altering decisions that will impact children and families 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.**

Training for custody evaluators must be in statute, the rule is not sufficient because the court can waive it.

As in my case, the judge received ample testimony that the custody evaluator did not have training on domestic violence or child abuse and had never been an expert on these topics, but that was of no moment to him – he disagreed.

There must be accountability.

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. And in my case, even limit contact with other supportive and nurturing adults in their lives – like my children's grandparents, aunts, uncles, and cousins.

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, 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.

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<sup>3</sup> 17-12663-RAG in US Federal Bankruptcy Court of Maryland

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.

**Exhibit 1: Excerpt from judge’s ruling on custody evaluator’s training**

Dr. O’Callahan testified that Dr. Santoro’s evaluation met Maryland and APA standards, and I agree. I know that there was testimony from the Plaintiff suggesting that Dr. Santoro did not have the requisite knowledge, training and skills to perform this

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July 21, 2016 THE HONORABLE JOSEPH DIEPIETRO, JUDGE

evaluation, or the evaluation in this case given the nature of the allegations. I disagree.

**Exhibit 2: Judge ruling based on custody evaluator's recommendation.**

I'd like to address the issues of custody. First legal custody. As the parties know and Counsel knows, legal custody is the right and obligation to make long range decisions involving the education, religious training, discipline, medical care and other matters of major significance in the children's life. Dr. Santoro recommended that I place sole legal custody with Mr. [REDACTED] She opined that he is highly functioning and

**Exhibit 3: Judge ordering no contact with children with maternal side of family for months**

21                   Okay, there are a couple of things in the Order  
22   that I think I need to mention for clarity. I think the  
23   Order is very clear and detailed, so I hope there are no  
24   questions about the Order. I think the boys need a  
25   little break from Mrs. Spearman [REDACTED]'s extended family.

**Exhibit 4: Psychological trauma from judge's ruling**

12 (9:56:28 a.m. - Mrs. Spearman [REDACTED] appears to pass  
13 out at trial table. Unidentified nurse approaches trial  
14 table and holds Mrs. Spearman [REDACTED]).

15 NURSE: I'm a nurse.

16 THE COURT: Okay, let's get 911. (Mrs.  
17 Spearman [REDACTED] is laid down on the floor of the courtroom  
18 and attended by Nurse. 911 is called). (10:04:05 a.m.  
19 EMT's arrive) (At 10:10:05 a.m., Mrs. Spearman [REDACTED] is  
20 walked out of the courtroom. Defense Counsel leave the  
21 courtroom).

22 (10:13:06 a.m. - off the record).

23 (10:30:00 a.m. - on the record).

24 BATTLEFF: All rise.

**Appendix 1: Excerpts Dr. Gina Santoro's deposition regarding her experience and training as a custody evaluator**

Q. Would you agree that the phrases "child sexual abuse" "child abuse" and "sexual abuse" do not appear anywhere on your CV?

GS: Yes.

Q. Do you agree that the phrase "forensic interview" and "forensic interviewing" don't appear anywhere on your CV?

GS: Yes

Q. Did any of that coursework include a course in child sexual abuse or anything related to it?

GS: No.

Q. Did - at any point during your doctoral programs when you were getting both your Ph.D and your Ed.S., did you take any courses that were specifically about child sexual abuse?

GS: No.

Q. Did you take any course focused only on sexual abuse?

GS: No.

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

GS: No.

Q. Okay. When you got your master's degree in school psychology at Towson University, did you take any courses that were focused primarily on child sexual abuse?

GS: No.

Q. Did you take any courses during your master's program that were focused primarily on sexual abuse?

GS: No.

Q. Did you take any courses that were focused primarily on forensic interviewing?

GS: No.

Q. When you got your bachelor's degree in psychology from Salisbury University, did you take any courses that focused on either child sexual abuse, sexual abuse or forensic interviewing?

GS: No.

Q. How about - and this may be even harder --when you were getting your master's, do you recall how many courses had some focus --

GS: Uh-huh.

Q. -- some coverage of child sexual abuse?

GS: I don't recall.

Q. Okay. When you were getting your Ph.D., do you recall how many courses covered the issue of sexual abuse?

GS: I don't.

Q. Okay. Do you - how about for your master's?

GS: No, I don't.

Q. Okay. When you were getting your doctorate, do you recall how many courses, if any, covered, at least in part forensic interviewing?

GS: No, I don't.

Q. Did you evaluate any children to determine if they had been sexually abused when you were at Millersville?

GS: No.

Q. Did you evaluate any children to determine if they had been physically abused or mentally abused when they - when you were at Millersville?

GS: No.

Q. Okay. Did you conduct any forensic interviews when you were at Millersville?

GS: No.

Q. When you worked in the local school system, did you do any work evaluating or investigating or treating child sexual abuse?

GS: No.

Q. So as a school psychologist, from when you finished your Ph.D. program until you stopped being a school psychologist, did you ever evaluate a child to determine if he or she was a victim of sexual abuse?

GS: No.

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

GS: No.

Q. Did you ever conduct any forensic interviews?

GS: Forensic interviews as a school psychologist?

Q. Yes.

GS: No.

Q. Okay. Now, of the 139 court ordered psychological evaluations [listed on Dr. Santoro's CV], did you ever do an evaluation to determine if a child had been the victim of child sexual abuse?

GS: No.

Q. Of the 139 court ordered psychological evaluations, did you ever do an evaluation to determine if the child had been a victim of any type of abuse?

GS: No.

Q. In what fields or areas of expertise have you been found qualified by a judge to be an expert witness?

GS: Also something I don't keep exact track of. So I have been qualified as an expert in custody evaluations, in psychological assessment for different age groups, for children or adolescents or adults. I have been qualified as an expert in pediatric psychology, in reunification. Topic specific. I believe I've been qualified as an expert in autism and ADHD.

Q. Have you ever been qualified as an expert in child sexual abuse?

GS: No.

- Q. Have you ever been qualified as an expert in child abuse more generally?  
GS: No.
- Q. Okay. Have you ever been qualified as an expert in any type of child abuse?  
GS: No.
- Q. Have you ever been qualified as an expert in any type of sexual abuse?  
GS: No.
- Q. Have you ever been qualified as an expert in domestic violence or intimate partner violence?  
GS: No.

## References

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