

# HOUSE BILL 561

D4, D1  
HB 1036/21 – JUD

2lr0999  
CF SB 17

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By: **Delegate W. Fisher**

Introduced and read first time: January 31, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training**  
3 **for Judges**

4 FOR the purpose of requiring the Maryland Judiciary, in consultation with domestic  
5 violence and child abuse organizations, to develop a training program for judges  
6 presiding over child custody cases involving child abuse or domestic violence;  
7 requiring a judge who hears child custody cases involving child abuse or domestic  
8 violence to receive certain child custody training or continued training; and generally  
9 relating to the training of judges for child custody cases involving child abuse or  
10 domestic violence.

11 BY adding to  
12 Article – Family Law  
13 Section 9–101.3  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2021 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 **9–101.3.**

20 **(A) THE MARYLAND JUDICIARY, IN CONSULTATION WITH DOMESTIC**  
21 **VIOLENCE AND CHILD ABUSE ORGANIZATIONS, SHALL:**

22 **(1) DEVELOP A TRAINING PROGRAM FOR JUDGES PRESIDING OVER**  
23 **CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE; AND**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) REVIEW AND UPDATE THE TRAINING PROGRAM AT LEAST ONCE**  
2 **EVERY 2 YEARS.**

3           **(B) THE TRAINING PROGRAM DESCRIBED UNDER SUBSECTION (A) OF THIS**  
4 **SECTION SHALL INCLUDE TRAINING ON:**

5           **(1) THE TYPICAL BRAIN DEVELOPMENT OF INFANTS AND CHILDREN;**

6           **(2) THE IMPACT OF ADVERSE CHILDHOOD EXPERIENCES, TRAUMA,**  
7 **COMPLEX TRAUMA, AND CHRONIC TOXIC STRESS ON A CHILD'S BRAIN**  
8 **DEVELOPMENT AND THE WAYS THAT A CHILD'S RESPONSE TO TRAUMA VARIES;**

9           **(3) THE PROCESS FOR INVESTIGATING A REPORT OF SUSPECTED**  
10 **CHILD ABUSE OR CHILD SEXUAL ABUSE, INCLUDING:**

11           **(I) THE ROLE OF CHILD ADVOCACY CENTERS AND FORENSIC**  
12 **INTERVIEWS;**

13           **(II) THE LIMITATIONS OF LOCAL DEPARTMENTS OF SOCIAL**  
14 **SERVICES IN INVESTIGATING REPORTS OF SUSPECTED CHILD ABUSE AND CHILD**  
15 **SEXUAL ABUSE; AND**

16           **(III) THE LIMITATIONS OF THE INVESTIGATION PROCESS,**  
17 **INCLUDING THAT CHILD ABUSE AND CHILD SEXUAL ABUSE MAY HAVE OCCURRED**  
18 **EVEN WITHOUT AN INDICATED FINDING OF ABUSE, ANY PHYSICAL EVIDENCE OF**  
19 **ABUSE, OR A VERBAL DISCLOSURE OF ABUSE BY THE CHILD;**

20           **(4) THE DYNAMICS AND EFFECTS OF CHILD SEXUAL ABUSE,**  
21 **INCLUDING GROOMING BEHAVIORS AND THE DISCLOSURE OF CHILD SEXUAL ABUSE**  
22 **BASED ON THE DEVELOPMENTAL STAGES OF THE CHILD, INCLUDING DELAYED**  
23 **DISCLOSURE;**

24           **(5) THE DYNAMICS AND EFFECTS OF PHYSICAL AND EMOTIONAL**  
25 **CHILD ABUSE;**

26           **(6) THE DYNAMICS AND EFFECTS OF DOMESTIC VIOLENCE,**  
27 **INCLUDING COERCIVE CONTROL, LETHALITY ASSESSMENTS, LITIGATION ABUSE,**  
28 **AND THAT DOMESTIC VIOLENCE CAN OCCUR WITHOUT A PARTY SEEKING OR**  
29 **OBTAINING A PROTECTIVE ORDER OR WITHOUT DOCUMENTED EVIDENCE OF ABUSE;**

30           **(7) THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON**  
31 **CHILDREN AND THE IMPORTANCE OF CONSIDERING THE IMPACT OF EXPOSURE TO**  
32 **DOMESTIC VIOLENCE ON CHILDREN WHEN MAKING CHILD CUSTODY AND**

1 VISITATION DECISIONS;

2 (8) THE POTENTIAL IMPACTS OF EXPLICIT AND IMPLICIT BIAS ON  
3 CHILD CUSTODY DECISIONS;

4 (9) BEST PRACTICES TO ENSURE THAT REASONABLE AND FEASIBLE  
5 PROTECTIVE MEASURES ARE TAKEN TO REDUCE THE RISK OF TRAUMATIZING OR  
6 RETRAUMATIZING A CHILD THROUGH THE COURT PROCESS, INCLUDING AVAILABLE  
7 METHODS TO OBTAIN RELEVANT INFORMATION WITHOUT THE NECESSITY OF  
8 REPEATED, DETAILED TESTIMONY FROM THE CHILD;

9 (10) AVAILABLE PROTECTIONS FOR FAMILIES, INCLUDING THE  
10 SEALING OF RECORDS;

11 (11) PARENTAL ALIENATION, INCLUDING:

12 (I) THE ORIGINS OF PARENTAL ALIENATION;

13 (II) THE INVALIDITY OF PARENTAL ALIENATION AS A  
14 SYNDROME; AND

15 (III) THE INAPPROPRIATENESS OF THE USE OF PARENTAL  
16 ALIENATION IN CHILD CUSTODY CASES;

17 (12) THE LIMITATIONS OF SEXUAL OFFENDER EVALUATIONS AND RISK  
18 ASSESSMENTS;

19 (13) THE TOOLS COURTS CAN USE TO ASSESS THE CREDIBILITY OF A  
20 CHILD WITNESS AND INFORMATION ON HOW CHILD THERAPY METHODS, INCLUDING  
21 EXPRESSIVE ARTS, ARE LEGITIMATE THERAPEUTIC TOOLS TO MEASURE THE  
22 DEGREE OF TRAUMATIC IMPACT AND THE EFFECTIVENESS OF THERAPEUTIC AND  
23 SYSTEM INTERVENTION;

24 (14) THE CORRELATION BETWEEN CHILD SEXUAL ABUSE AND CHILD  
25 PORNOGRAPHY; AND

26 (15) STANDARDS FOR THE KNOWLEDGE, EXPERIENCE, AND  
27 QUALIFICATIONS OF CHILD SEXUAL ABUSE EVALUATORS AND TREATMENT  
28 PROVIDERS AND THE LEGAL AND ETHICAL CONSIDERATIONS OF APPOINTING AN  
29 UNQUALIFIED CHILD SEXUAL ABUSE EVALUATOR OR ALLOWING AN EVALUATOR TO  
30 PRACTICE OUTSIDE THE EVALUATOR'S FIELDS OF EXPERTISE.

31 (c) (1) AN ORGANIZATION PROVIDING TRAINING UNDER SUBSECTION (B)

1 OF THIS SECTION ON CHILD ABUSE MUST HAVE AT LEAST 3 YEARS' EXPERIENCE IN  
2 TRAINING PROFESSIONALS ON CHILD ABUSE OR HAVE PERSONNEL OR PLANNING  
3 COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS' EXPERIENCE IN WORKING  
4 DIRECTLY IN THE FIELD OF CHILD ABUSE PREVENTION AND TREATMENT.

5 (2) AN ORGANIZATION PROVIDING TRAINING UNDER SUBSECTION (B)  
6 OF THIS SECTION ON DOMESTIC VIOLENCE MUST HAVE AT LEAST 3 YEARS'  
7 EXPERIENCE IN TRAINING PROFESSIONALS ON DOMESTIC VIOLENCE OR HAVE  
8 PERSONNEL OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS'  
9 EXPERIENCE IN WORKING DIRECTLY IN THE FIELD OF DOMESTIC VIOLENCE  
10 PREVENTION AND TREATMENT.

11 (D) THE MARYLAND JUDICIARY SHALL ADOPT PROCEDURES, INCLUDING  
12 THE UNIFORM SCREENING OF INITIAL PLEADINGS, TO IDENTIFY CHILD CUSTODY  
13 CASES THAT MAY INVOLVE CHILD ABUSE OR DOMESTIC VIOLENCE AS SOON AS  
14 POSSIBLE TO ENSURE THAT ONLY JUDGES WHO HAVE RECEIVED TRAINING UNDER  
15 THIS SECTION ARE ASSIGNED THOSE CASES.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
17 as follows:

18 Article – Family Law

19 9–101.3.

20 (E) (1) WITHIN A JUDGE'S FIRST YEAR OF PRESIDING OVER CHILD  
21 CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE, THE JUDGE  
22 SHALL RECEIVE AT LEAST 20 HOURS OF INITIAL TRAINING APPROVED BY THE  
23 MARYLAND JUDICIARY THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF  
24 THIS SECTION.

25 (2) A JUDGE WHO HAS RECEIVED THE INITIAL TRAINING UNDER  
26 PARAGRAPH (1) OF THIS SUBSECTION AND WHO CONTINUES TO PRESIDE OVER  
27 CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE SHALL  
28 RECEIVE AT LEAST AN ADDITIONAL 5 HOURS OF TRAINING THAT MEETS THE  
29 REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION EVERY 2 YEARS.

30 (3) A JUDGE WHO IS ASSIGNED TO PRESIDE OVER A CHILD CUSTODY  
31 CASE INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE MORE THAN 3 YEARS AFTER  
32 RECEIVING THE INITIAL TRAINING DESCRIBED UNDER PARAGRAPH (1) OF THIS  
33 SUBSECTION SHALL REGISTER FOR AND ATTEND THE NEXT OFFERED INITIAL  
34 TRAINING.

35 (4) THE MARYLAND JUDICIARY SHALL REPORT THE NAME OF A

1 JUDGE WHO DOES NOT COMPLY WITH THE TRAINING REQUIREMENTS OF THIS  
2 SUBSECTION TO THE COMMISSION ON JUDICIAL DISABILITIES.

3 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
4 effect July 1, 2024.

5 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
6 3 of this Act, this Act shall take effect July 1, 2022.