SENATE BILL 17

D4, D1 SB 675/21 – JPR

(PRE-FILED)

2lr0998 CF 2lr0999

By: Senator West Requested: October 28, 2021 Introduced and read first time: January 12, 2022 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

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

- 18Article 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 OVER23CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE; AND



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1(2)REVIEW AND UPDATE THE TRAINING PROGRAM AT LEAST ONCE2EVERY 2 YEARS.

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

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(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 FORENSIC12INTERVIEWS;

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

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

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

24(5)THE DYNAMICS AND EFFECTS OF PHYSICAL AND EMOTIONAL25CHILD ABUSE;

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

30(7) THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON31CHILDREN AND THE IMPORTANCE OF CONSIDERING THE IMPACT OF EXPOSURE TO

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1 DOMESTIC VIOLENCE ON CHILDREN WHEN MAKING CHILD CUSTODY AND 2 VISITATION DECISIONS;

3 (8) THE POTENTIAL IMPACTS OF EXPLICIT AND IMPLICIT BIAS ON 4 CHILD CUSTODY DECISIONS;

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

10 (10) AVAILABLE PROTECTIONS FOR FAMILIES, INCLUDING THE 11 SEALING OF RECORDS;

12 (11) PARENTAL ALIENATION, INCLUDING:

(I)

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14 (II) THE INVALIDITY OF PARENTAL ALIENATION AS A 15 SYNDROME; AND

THE ORIGINS OF PARENTAL ALIENATION;

16 (III) THE INAPPROPRIATENESS OF THE USE OF PARENTAL 17 ALIENATION IN CHILD CUSTODY CASES;

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

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

25(14) THE CORRELATION BETWEEN CHILD SEXUAL ABUSE AND CHILD26PORNOGRAPHY; AND

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

AN ORGANIZATION PROVIDING TRAINING UNDER SUBSECTION (B) 1 **(C)** (1) $\mathbf{2}$ OF THIS SECTION ON CHILD ABUSE MUST HAVE AT LEAST 3 YEARS' EXPERIENCE IN 3 TRAINING PROFESSIONALS ON CHILD ABUSE OR HAVE PERSONNEL OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS' EXPERIENCE IN WORKING 4 DIRECTLY IN THE FIELD OF CHILD ABUSE PREVENTION AND TREATMENT. $\mathbf{5}$

6 (2) AN ORGANIZATION PROVIDING TRAINING UNDER SUBSECTION (B) 7 OF THIS SECTION ON DOMESTIC VIOLENCE MUST HAVE AT LEAST 3 YEARS' 8 EXPERIENCE IN TRAINING PROFESSIONALS ON DOMESTIC VIOLENCE OR HAVE PERSONNEL OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS' 9 EXPERIENCE IN WORKING DIRECTLY IN THE FIELD OF DOMESTIC VIOLENCE 10 11 PREVENTION AND TREATMENT.

12**(**D**)** THE MARYLAND JUDICIARY SHALL ADOPT PROCEDURES, INCLUDING 13THE UNIFORM SCREENING OF INITIAL PLEADINGS, TO IDENTIFY CHILD CUSTODY 14CASES THAT MAY INVOLVE CHILD ABUSE OR DOMESTIC VIOLENCE AS SOON AS POSSIBLE TO ENSURE THAT ONLY JUDGES WHO HAVE RECEIVED TRAINING UNDER 15THIS SECTION ARE ASSIGNED THOSE CASES. 16

17SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows: 18

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Article – Family Law

209–101.3.

(1) WITHIN A JUDGE'S FIRST YEAR OF PRESIDING OVER CHILD 21**(E)** 22CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE, THE JUDGE SHALL RECEIVE AT LEAST 20 HOURS OF INITIAL TRAINING APPROVED BY THE 2324MARYLAND JUDICIARY THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF 25THIS SECTION.

26(2) A JUDGE WHO HAS RECEIVED THE INITIAL TRAINING UNDER PARAGRAPH (1) OF THIS SUBSECTION AND WHO CONTINUES TO PRESIDE OVER 27CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE SHALL 2829RECEIVE AT LEAST AN ADDITIONAL 5 HOURS OF TRAINING THAT MEETS THE 30 **REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION EVERY 2 YEARS.**

31 (3) A JUDGE WHO IS ASSIGNED TO PRESIDE OVER A CHILD CUSTODY 32CASE INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE MORE THAN 3 YEARS AFTER 33 **RECEIVING THE INITIAL TRAINING DESCRIBED UNDER PARAGRAPH (1) OF THIS** SUBSECTION SHALL REGISTER FOR AND ATTEND THE NEXT OFFERED INITIAL 3435 TRAINING.

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1 (4) THE MARYLAND JUDICIARY SHALL REPORT THE NAME OF A 2 JUDGE WHO DOES NOT COMPLY WITH THE TRAINING REQUIREMENTS OF THIS 3 SUBSECTION TO THE COMMISSION ON JUDICIAL DISABILITIES.

4 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take 5 effect July 1, 2024.

6 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 7 3 of this Act, this Act shall take effect July 1, 2022.