

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 17

(Senator West)

Judicial Proceedings

Judiciary

**Child Custody - Cases Involving Child Abuse or Domestic Violence - Training
for Judges**

This bill requires the Judiciary, in consultation with domestic violence and child abuse organizations, to develop a training program for judges and magistrates presiding over child custody cases involving child abuse or domestic violence (as defined under specified statutory provisions). Among other provisions, the bill also establishes minimum training requirements for judges presiding over child custody cases involving child abuse or domestic violence. **The bill generally takes effect July 1, 2022; however, the mandated training requirements are subject to a delayed effective date of July 1, 2024.**

Fiscal Summary

State Effect: Potential significant operational impact and increase in general fund expenditures for the Judiciary, as discussed below. Revenues are not affected.

Local Effect: Potential significant operational impact for the circuit courts. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary:

Training – Judges and Magistrates – Provisions Effective July 1, 2022

The training must include numerous specified topics, including:

- the typical brain development of infants and children;

- the process for investigating a report of suspected child abuse or child sexual abuse, as specified;
- the dynamics and effects of child sexual abuse, physical and emotional child abuse, and domestic violence;
- the impact of exposure to domestic violence on children and the importance of considering this impact when making child custody and visitation decisions;
- the potential impacts of explicit and implicit bias on child custody decisions; and
- standards for the knowledge, experience, and qualifications of child sexual abuse evaluators and treatment providers.

The training program must be updated as appropriate.

The Judiciary must adopt procedures, including the uniform screening of initial pleadings, to identify child custody cases that may involve child abuse or domestic violence as soon as possible to ensure that only judges who have received training as specified above are assigned these cases.

Minimum Training Requirements – Provision Effective July 1, 2024

Within a judge’s first year of presiding over child custody cases involving child abuse or domestic violence, the judge must receive at least 20 hours of initial training approved by the Judiciary that meets the requirements of the training program specified above.

Current Law: Although judicial training requirements are not addressed in statute, a 2016 Administrative Order from former Chief Judge Mary Ellen Barbera generally specifies training requirements for judges, including 12 hours of continuing judicial education annually. Pursuant to that order, the Judicial College of Maryland within the Administrative Office of the Courts serves as the primary entity through which judicial education is provided. The order has specific requirements regarding a Family Law Education program, whereby judges (and magistrates) who are assigned to hear family law cases must attend “Family Law University” according to specified timeframes.

State/Local Fiscal Effect: The Judiciary advises that the bill’s requirements have a potentially significant operational and fiscal impact on the courts.

Even with the delayed effective date (July 1, 2024) associated with the mandatory training requirements for judges, the comprehensive nature of the required training program likely increases general fund expenditures, potentially significantly, to develop and sustain the training. Furthermore, operationally, the Judiciary will initially need to accommodate a number of judges being unavailable to preside over normal dockets/cases during the time they will instead be in training and ensure that judges new to presiding over such cases can

complete the required training within the first year. These operational impacts may be particularly exacerbated in smaller jurisdictions. Some operational impacts may be mitigated if the Judiciary utilizes senior (retired) judges to cover dockets/cases while judges receive the required training; however, this further increases general fund expenditures. The Judiciary must also develop screening procedures to ensure that only judges who have received the specified trainings are assigned to preside over child custody matters involving child abuse or domestic violence.

Additional Comments: The bill is based on numerous recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations. The workgroup, chaired by the Secretary of State, submitted its final [report](#) in September 2020.

Additional Information

Prior Introductions: SB 675 of 2021, a similar bill, received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 1036, received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: HB 561 (Delegate W. Fisher) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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