

# Senate Bill 675 - Support.pdf

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Position: FAV

Senate Bill 675 - Support  
Child Custody - Cases Involving Child Abuse or Domestic Violence -  
Training for Judges and Child's Counsel  
Judicial Proceedings Committee  
February 24, 2021

Thank you Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee. The purpose of this letter is to urge the Committee for a favorable report for Senate Bill 675 entitled Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges and Child's Counsel.

My parents separated in 1998 with my mother obtaining a Protection from Abuse Order in Baltimore County. Their divorce was final in February 2000, with Judge Norris Byrnes ordering unsupervised visitation for my brother and I every Wednesday for 3 hours and every other weekend. My mother had requested supervised visits because my father had not only been abusive to her, but was abusive to my brother and I. My brother and I begged my mother not to send us on these visits, but she could not because of the court order.

In the Fall of 2000, I disclosed that my father was sexually abusing me, and my mother contacted child protective services. A case was opened, and the police became involved. My brother and I were both interviewed, and the police detective believed us and brought my father in for questioning. They, also, collected evidence at his house. My mother was directed by the Detective to go to the Baltimore County Circuit Court and obtain a Protection from Abuse Order to keep my brother and I away from my father. However, when my mother went to the court, they immediately called Judge Byrnes to hear the case. Judge Byrnes told her he did not believe a father would do this and that, even if it were true, I was only five years old so I would forget about it. I am now 25 years old and have not forgotten it. Judge Byrnes was very ignorant regarding domestic violence and child abuse.

Our case continued for years with my brother and I being abused over and over again. Judge Byrnes appointed his friend, Laurel Reese, as our attorney and Katie Killeen as our custody evaluator. Both of these women would not believe anything that my brother or I said about the abuse and advocated for us to have a loving relationship with our father. My father had taken us to his friend's house in Fenwick, Delaware and he sexually abused me that weekend. My mother reported this and she was told to bring us to Delaware for a forensic interview. We interviewed with a man with over 25 years

of experience in interviewing children and with the Detectives and District Attorney watching through a one-sided glass. Following the interview, they felt that my father should be charged with rape. However, Judge Byrnes had the DA for Baltimore County call Delaware's DA and let them know that this was just a contentious custody case where the mother was trying to alienate the father. Delaware dropped the case, but the forensic interviewer drove three hours to Baltimore County to testify that he believed my brother and I. However, Judge Byrnes stated that he was not qualified, and that same day told the Detective from Baltimore County that he disagreed with her belief that we were being abused.

Judge Byrnes, Laurel Reese and Katie Killeen put my brother and I through hell and back. We met with Judge Byrnes several times and he lectured us on what happened to Pinocchio when he lied. Fortunately, for my brother and I, my mother was able to obtain help from Child Justice, who arranged for top notch pro bono attorneys. These attorneys listened to us, believed us and fought for us. They had to go around Judge Byrnes, Laurel Reese and Katie Killeen to help us. These inexperienced players were ready to give my father full custody of us. These attorneys brokered a deal with my father's attorney where my mother would have full custody and my father would be on supervised visits every other Sunday for 5 hours and in return my father would have his years of arrearages in child support erased and would not have to pay child support again until January 2009. I note that he never did resume child support.

This arrangement began in January 2004 and in April 2004 my mother received a letter from Judge Byrnes directing her to bring my brother and I to his courtroom. When we arrived my father was there, as well. Judge Byrnes entered and went directly to my brother asking him if he had said good morning to his father. When my brother said no, Judge Byrnes grabbed both of his arms, lifting him in the air and shaking him back and forth viciously. With my brother hysterically crying he took both of us to his chambers and continued to berate us for not being nice to our father. My brother was left with physical bruising on both arms for weeks. My mother filed a complaint against Judge Byrnes and he suddenly retired.

My father stopped all visitation with us in May 2004 as he did not want to continue paying for his supervisor. My brother and I have never heard from him again and we both had our names changed upon turning 18. We have tried to put all this trauma that the court and other members of the court put us through behind us, but it will always be there.

This is a bill that must pass to protect all children. Judges, children's attorneys, and custody evaluators that are not trained in domestic violence and child abuse should not

be allowed to be involved in any custody cases. It is unconscionable that children who cry out for help from our courts are further abused by the judges, attorneys and custody evaluators. These judges and their players need to be educated regarding domestic violence and child abuse. Without this they are not equipped to make decisions regarding abuse or custody. Thank you.

**SB 675\_Senate Testimony\_Monisha Billings\_Final.pdf**

Uploaded by: Billings, Monisha

Position: FAV

*O Lord, you hear the desire of the afflicted; you strengthen their heart; you will incline your ear to do justice to the oppressed, so that man who is of the earth may strike terror no more. - Psalm 10: 17-18.*

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Senate Judicial Proceedings Committee  
Miller Senate Office, 11 Bladen St., Annapolis, Maryland

February 24, 2021

Re: SENATE BILL 675 – SUPPORT | Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel | Testimony by: Monisha Billings, DDS, MPH, PhD

Dear Senate Judicial Proceedings Committee,

I am deeply appreciative of the work of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations and for Senator Lee’s introduction of Senate Bill 675. The purpose of this letter is to urge the Committee for a favorable report for SB 675.

The Centers for Disease Control and Prevention (CDC) estimates 1 in 4 girls and 1 in 13 boys to have experienced sexual abuse in childhood.<sup>1</sup> This catastrophic prevalence is equivalent to 142 jumbo jets, with children, crashing every day for 365 days a year in the United States; and 4 jumbo jets with children crashing every day for 365 days a year in Maryland. We face a crisis. Urgent action is needed to stop this unconscionable destruction of our children. Child sexual abuse (CSA) is not a cancer without a therapeutic or an infectious disease without a vaccine, but rather CSA is a preventable public health crisis. Yet, why aren’t we preventing or stopping it?

In my experience it is because children and mothers are vulnerable populations who are not heard and not believed, despite overwhelming evidence. A strong bias against protective mothers and their children is alarming prevalent in the system. Previously, I naïvely believed that those in power to protect children *will* protect children. But to my dismay, I have found them only to shield alleged abusers and further endanger children by penalizing protective parents.

There is a failure of the system. There are instances when Child Welfare Services, Best Interest Attorneys, medical professionals such as pediatricians and child therapists who are in positions of power to protect, fail in their duty. They are in denial that CSA could be perpetuated by a parent – despite consistent data from research. Together, they vehemently attack protective mothers, vilifying them without any reasonable justification.

The Best Interest Attorneys (BIAs) who are in a position of power to protect children they represent, do just the opposite. They use their power to protect the alleged abuser. This is a shocking paradox. BIAs refuse to examine the evidence indicating the possibility of child abuse nor do they conduct a safety assessment. They then abuse their position of power and authority to suppress the child’s voice they are supposed to advocate for, they intimidate mothers and coerce them into signing agreements, they obstruct due process, they bring in evaluators of their choice who work with them to further suppress the child’s voice and the mother’s concerns, gaslighting the mother, they work with Child Welfare Services and interfere with the investigation and stir it into a course of their choosing. They even resort to misrepresentation and perjury and do not abide by court orders that stand against their position. They revictimize children and mothers who are victims of domestic violence. The prejudice against mothers of color in an interracial marriage is even more severe.

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<sup>1</sup> Centers for Disease Control and Prevention. Preventing Child Sexual Abuse. Accessible at: <https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html>

Alleged abusers usually do not operate in silo but frequently have a network that enables and supports them. How can BIAs and Child Welfare Services who refuse to investigate CSA just because there is an ongoing custody battle be certain: 1) the alleged abuser is not connected to an underground world of pedophiles? 2) the alleged abuser has not abused other children? 3) of the source of money of these alleged abusers to finance their extended and well-orchestrated legal onslaught on the protective parent? Research shows the association between child pornography and child sexual abuse, and domestic violence and child sexual abuse. Yet such evidence arising from research is either unknown to BIAs or they willfully deny it.

It is time that the role of BIAs is scrutinized and their actions brought to account. There needs to be checks and balances for BIAs' authority and influence. Absolute power corrupts absolutely, and therefore BIAs should not wield such unbridled power. There are judges who just go by the words of the BIA and the BIA's opinions, rather than evidence. All of which germinates a system that silences children into years of abuse and vindictively punishes mothers with punitive sanctions whose only desire is the safety and wellbeing of their helpless, little children.

Due to the abuse of power by BIAs, mothers lose custody of their children. Mothers and children are separated and they endure immense trauma, abuse, and suffering in silence and isolation. This is inhumane and cruel to children and mothers. A violation of civil rights and human rights. A mockery of justice. The bond between a mother and child begins well before birth and cannot be easily broken. And in my opinion, is a sacred bond. The role of a mother in these times is looked upon with disdain and mocked as "primitive animal instincts". Yet, even animals can teach us "superior" humans a few lessons of love, nurture and compassion.

In these unprecedented times, when systemic racism is finally acknowledged, when the cries of the common man are reaching the halls of power, I join with other protective parents in echoing the cries of children and protective parents.

It is said, "*It takes a village to raise a child.*" But I say it also takes a village to save a child from abuse. The inspiring Liberty Bell was constructed for American Independence, became a symbol of the anti-slavery movement and women's suffrage, but a liberty bell for children is yet to be recognized and proclaimed. May the words inscribed on the Liberty Bell: Leviticus 25:10, "*Proclaim liberty throughout all the land unto all the inhabitants thereof*" hold true for our most vulnerable inhabitants – our children.

It is my hope that the enormous suffering of children and protective parents will soon end in our State and there be zero tolerance for child abuse. The first step in this direction will be rigorous training of BIAs and judges on the complexities of child abuse, domestic violence and coercive control. The lives of children matter.

Sincerely,

*Monisha Billings*

Monisha Billings, DDS, MPH, PhD

# CHILD SEXUAL ABUSE (CSA) – HOW BIG IS THE PROBLEM?



10.4 million girls and 3 million boys: experience CSA in US



298,656 girls and 88,218 boys: experience CSA in MD



- **142 jumbo jets with children** crashing every day for 365 days a year – in US
- **4 jumbo jets with children** crashing every day for 365 days a year – in MD
- Alert! This is a **CRISIS!**
- 91% of child sexual abuse is perpetrated by someone the child or child's family knows. - CDC
- Little investment has been made in primary prevention, or preventing child sexual abuse before it occurs. - CDC
- **A Call to Action** to end this crisis
- **ZERO tolerance for CSA** is imperative



Source: Centers for Disease Control and Prevention  
<https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html>

United States	Girls	Boys	Total
Population ≤19 years (millions), US 2019 census	41.7	39.93	
CSA prevalence	0.25	0.08	
No. of CSA children (millions)	10.43	3.07	
No. of jumbo jets of 260-passenger capacity crashing	40,096	11,814	
No. of jumbo jets crashing each day for 365 days in a year	110	32	142
<b>Maryland</b>			
Population <18 years in Maryland, 2019 Census	1,194,626	1,102,732	
No. of CSA children	298,657	88,219	
No. of jumbo jets of 260-passenger capacity crashing	1,149	339	
No. of jumbo jets crashing each day for 365 days in a year	3	1	4



# **SB675\_FAV\_LeeSponsorTestimony**

Uploaded by: Lee, Senator

Position: FAV

SUSAN C. LEE  
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Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on  
Cybersecurity, Information Technology,  
and Biotechnology

*Chair Emeritus*  
Maryland Legislative Asian American  
and Pacific Islander Caucus

*President Emeritus*  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 24, 2021  
Senate Judicial Proceedings Committee

**Senate Bill 675 - Child Custody – Cases Involving Child Abuse or Domestic  
Violence – Training for Judges and Child’s Counsel**

Family law practitioners will be the first to concede that judges presiding over normal contested child custody proceedings may not be adequately familiar with family law, especially new judges because many come from backgrounds as prosecutors, and few come to the table with sufficient family law familiarity. There is a “learning curve” as even the judiciary’s staunches supporters would concede. This legislation asks a fundamental question, how do we as policymakers allow judges’ learning curves bend away from justice and break the backs of vulnerable and voiceless children, who for no fault of their own are before the court, but not a party to the proceedings? Even experienced judges, who get training in other areas of family law, are encouraged to push for familial contact, yet are not adequately trained to be competent to directly examine the allegations of abuse as required in Family Law §9-101/9-101.1. Training is required.

This legislation also requires training of court appointed lawyers for children at issue in custody and visitation cases. The term best interest attorney seems Orwellian when one thinks the preference or interest of a child can be subverted by a lawyer with six hours of perhaps the wrong type of training to handle complex cases where there are allegations/disclosures of abuse. Too often, these ill-trained conduits between warring parents serve as a wall between the facts derived from the children, and insulate judges from criticism. At the very least, the courts should provide surveys to children once they become adults to understand how the process treated them. Perhaps this report card would require summer school. Maryland has no continuing legal education requirements, so this bill is not a heavy lift for those only those permitted to practice law in this sensitive role, for which they are paid. This is not community service.

This bill aims to fortify our judiciary with experts on the bench, for specific judges assigned to these difficult family law dockets. In a heavy emotional and disproportionately pro se docket, all legal professionals must be intimately familiar with best practices and underlying scientific understanding required to pass fair and considered judgement on custody and visitation when child abuse and domestic violence disclosures come to the court without an investigation, such as in CINA proceedings. As mandated reporters have had fewer interactions with children, judges are the first and last line of defense.

Neither judges, nor BIAs are mandated reporters. Trainings listed for the Family Law University are specific to important topics, but none are specifically on point with the workgroup recommendations codified in this bill. As Malcom Gladwell noted in his recent book “Talking to Strangers”, there is an underlying problem with “truth default theory,” where we are more likely to believe the less horrendous story, all things being equal. It is easier to imagine someone is lying to game the system than someone who seems normal in court and in public, could be a monster in private. This miscalculation occurs in the criminal context, but perhaps more nefariously in family law, where we want to assume parents wouldn’t harm their children.

Senate Bill 675 highlights some of the horrors depicted in Allen v. Farrow, an ongoing HBO documentary about parental alienation claims used to hide child sexual abuse. The law in Maryland was updated to reflect the concerns raised in similar cases back in the early 1990s, but the training for judges to understand the dynamics hasn’t caught up with the law, and in fact, the law has been hijacked by this same disproven theory that was inspired in part by the arguments raised during this case. After 30 years, we are learning more about the facts behind those circumstances, but the Maryland judiciary is not prioritizing similar concerns raised here now.

Maryland is not unique. Judges across the country have similar laws to apply to the facts, but they are hesitant to get at the facts in abuse disclosures, because there usually is not an investigation in family court. Judges, as well as so-called experts and court appointed counsel are also not adequately trained, and when the legislature pushes for reforms, the judiciary fails to even recognize the problem, let alone confront it head-on. We wouldn’t be here if the judiciary was willing to fully examine this problem themselves. The legislative policy-making body of the state must act, because they don’t. What higher priority do we have than preventing the state from sending child sexual assault victims and domestic violence survivors back under the thumb of their abusers.

In Allen v. Farrow the alleged abuser said the allegations were, “bizarre concoctions of a woman scorned.” While the survivors articulated at an older age that, “I wish that I had been stronger and didn’t crumple under pressure.” The other party conceded that, “if I felt weird it was my fault, and I was doing something wrong” and “I get why people can’t believe it, I couldn’t believe it.” The dynamic is familiar for protective parents in Maryland. This is not just New York in the 1990s, this is family law courts everywhere, except where there are trained judges and BIAs. Even there problem arise, but they are recognized and prioritized.

The lack of training of judges, Best Interest Attorneys and notably, blocking the transparency of training materials under a court issued Rule create the atmosphere that allows these abuse cases to fester and the scene in depicted on HBO is far too familiar of a scenario, that plays out day after day, in every jurisdiction across the state and country, with less fanfare and legal assistance.

Please read the appeal in the Allen case that notes - “While the evidence in support of the allegations remains inconclusive, it is clear that the investigation of the charges in and of itself could not have left Dylan unaffected.” Alarmingly and tellingly, the dissent provides that – “Mr. Allen is being estranged and alienated from his son by the current custody and visitation arrangement. “Mr. Allen would welcome Satchel by hugging him, telling him how much he loved him, and how much he missed him...”

Evidence of a friendly relationship with child does not exonerate against accusations of sexual abuse against another child. Even the behaviors of a child who was abused themselves, doesn't on their face clear the allegations of wrongdoing. Investigations are required for Child in Need of Assistance cases, which are to be completed within a few months. But under family law disputes, a simple analysis of the expressions of a child seem to be sufficient to contradict other evidence for some judges. That is why we need adequate training in Maryland, this year. Who wants our vulnerable children to fall off of this judicial learning curve? Our children and victims of domestic violence deserve so much more.

For these reasons, I respectfully request a favorable committee report on Senate Bill 675.

# **SB675 CPMC support training custody and abuse.pdf**

Uploaded by: Lombardi, J

Position: FAV

# **THE COALITION TO PROTECT MARYLAND'S CHILDREN**

*Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.*

## **Testimony to the Senate Judicial Proceedings Committee**

### **SB675 - Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges and Child's Counsel**

**February 24, 2021**

#### **\*\* SUPPORT CONCEPT \*\***

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform.

CPMC members listed below support the CONCEPT of Senate Bill 675 insofar as it encourages the Maryland Judiciary to develop a training program for judges presiding over child custody cases involving child abuse or domestic violence and to review and update the training program at certain intervals; and insofar as it encourages best interest attorneys and children's counsel to be trained on certain topics relating to child abuse and domestic violence. CPMC members listed below take NO POSITION on the legality of the separation of powers issue between the legislature and judiciary and NO POSITION on the number of hours needed for the trainings.

As advocates who work with and on behalf of children and who understand the dynamics of adverse childhood experiences (ACEs) and the effect of trauma, we write in general support of the intent of this bill to promote further educating appropriate members of the bench and the bar on the complexities of child abuse, disclosure, and trauma. Suggested courses include: the typical brain development of infants and children; the impact of adverse childhood experiences; complex trauma, and chronic toxic stress on a child's brain development and the ways that a child's response to trauma varies; the process for investigating a report of suspected child abuse or child sexual abuse; and potential impacts of explicit and implicit bias on child custody decisions.

One of the suggested training topics is the limitations of the CPS 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. For example, some court personnel may not understand cases that are "unsubstantiated" (which is not the same as "ruled out") by CPS do not mean that the child is safe for unsupervised visitation with the offending caregiver.

We urge a favorable report for SB675 to the extent it promotes better routine training for members of the judiciary and children's attorneys on these complicated issues.

**Advocates for Children and Youth | Center for Hope, LifeBridge Health | Child Justice, Inc  
| Court Appointed Special Advocates | Family Tree | MD Chap. National Association of  
Social Workers | State Council on Child Abuse and Neglect**

# **SB675 Center for Hope training bench bar custody.p**

Uploaded by: Lombardi, Joyce

Position: FAV



SB675 Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges and Child's Counsel

Senate Judicial Proceedings Committee – February 24, 2021

Testimony of Joyce Lombardi, Director of Government Relations and Legal Services

Position: **SUPPORT CONCEPT**

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Center for Hope (CFH) writes in support of SB675 to the extent that it requires better training for judges and child's counsel who deal with cases concerning custody and visitation in cases with allegations of child abuse.

Center for Hope takes no position on the separation of powers issues that have been raised in relation to this bill. Nor does Center for Hope take a position on the exact number of hours needed by the bench or best interest attorneys and children's counsel. Rather, Center for Hope supports the intent of this bill for the Maryland legislature to help understand and amplify the need for members of the judiciary and members of the bar handling family law cases to better understand the complicated nuances of child abuse and childhood trauma cases. Many of those cases also include allegations of domestic violence, making the evidence even more difficult to obtain and the gulf between the parties even wider.

Center for Hope's expert child advocacy center training staff trains lawyers handling complex child abuse and CINA cases, and we know that many of these lawyers welcome low cost or free quality training and the professional time to pursue it.

Emerging research in brain science is making its way to our institutions, as evidenced by wider recognition of adverse childhood experiences (ACEs) and the effect of trauma on young brains. The dynamics of disclosure of child abuse are complicated and generally outside of lay experience ("if it's true, why isn't he crying when he talks about what happened?")("if it's true, why does she still hug her dad?"). Honing in on those particular issues can only help members of the bar and bench and navigate these difficult cases.

Center for Hope, a subsidiary of LifeBridge Health, helps clients heal from acute violence such as child abuse, domestic violence, street violence and elder abuse through integrated, evidence-based programs that extend beyond hospital walls. Center for Hope provides trauma-informed crisis intervention, forensic interviews, medical exams, mental health, wraparound case management, family advocacy and workforce development services. Center for Hope now includes the Baltimore Child Abuse Center, one of the state's oldest and largest children's advocacy centers. Children's advocacy centers in Maryland must be available in each county, must meet accreditation standards, and must engage multidisciplinary teams of experts to respond to allegations of child abuse. Md. Cts and Jud Proc §11-928.

Research and anecdote shows that family law judges and magistrates do not always make sound decisions in custody cases, and often end up granting unfettered access to abusers. As reported in the 2020 Final Report of the *Governor's Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations* (of which I was a part) it has been estimated that up to 58,000 children





each year in this country are ordered by a court into some form of unsupervised contact with a physically or sexually abusive parent. Some of the children end up abused again; others are subsequently killed by the abusive parent. The Final Report also noted that in 2018, the U.S. House of Representatives adopted a resolution “declaring that allegations of domestic violence and child abuse are often discounted in child custody litigation, thereby placing children at ongoing risk when abusive parents are granted custody or unprotected parenting time by courts.”

There’s no doubt this is happening. So what do we do about it? One answer is that many well-meaning court personnel are not adequately trained in the nuances and difficulty of gathering evidence and assessing evidence in child abuse cases – especially evidence from the children themselves. Many want more training- they just need institutional support to get it.

Poor custody outcomes also likely occurs in part because of the pervasive bias among most of us that also permeates courtrooms: that allegations of abuse in custody cases are often fabricated. Though difficult to measure, studies show that “fabrication” and false allegations of child abuse happen in only about 2-10% of cases, a number far lower than many professionals believe, and in keeping with false allegations in other types of cases. See e.g. D. Finkelhof et al (1993).

The Center for Hope’s legal team routinely seeks to help distraught parents find counsel to navigate family law courts in custody and visitation cases after an allegation of abuse has been made. These cases have increased during the pandemic. The protective parents are almost always pro se, are often survivors of domestic violence, are almost always women, and describe poor treatment by courts in custody/visitation to a surprising degree. That was eye-opening.

Some protective parents report that court does not get to hear or know how to assess important evidence such as a child’s videotaped out of court statements to a trained forensic interviewer, or testimony from a caregiver or independent witness regarding a child’s physical manifestations of emotional distress such as bed wetting, stomach or eating problems, nightmares, protective play, etc. While experts can be brought in for each case, that is often expensive and something reserved for well-resourced litigants. It is more cost effective for families healing from complex trauma to have specific members of the bench and bar adequately trained in these issue.

We urge a favorable report for SB675 to the extent it stimulates better routine training for the bench and bar on these issues.

Joyce Lombardi, Director of Government Relations  
Center for Hope

*LifeBridge Health is a regional health system comprising Sinai Hospital of Baltimore, Levindale Geriatric Center and Hospital in Baltimore; Northwest Hospital; Carroll Hospital and Grace Medical Center (formerly Bon Secours). At LifeBridge Health and Center for Hope, we are committed to convening national best practice and trauma experts to respond to violence, abuse and exploitation of our area’s most vulnerable populations.*

# **Jared Ross - Senate Bill 675.pdf**

Uploaded by: Ross, Jared

Position: FAV

**SENATE BILL 675 - SUPPORT**  
**Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel**  
**Judicial Proceedings Committee**  
**February 24, 2021**

**Testimony by: Jared Ross**

Thank you Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee. The purpose of this letter is to urge the Committee for a favorable report for **Senate Bill 675** entitled **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel**.

Until addiction presented its self in my family’s life, everything seemed normal. Not perfect but normal. After over 4 years of addiction issues, multiple rehabs, I filed for divorce. The risk to our three kids, Maddie Katie and Blake, were too high. Among many other events, the last straw was when my ex-wife asked the kids to blow in to the car breathalyzer so she could drive.

What started as a simple divorce in my eyes was turned upside down by a court system which seems to not understand or are aware of attorney tactics and tactics of court support.

My kids lives were turned upside down when the evaluator, who was recommended by my ex-wife’s counsel, brought parental alienation in to the divorce equation. Parenteral Alienation was the beginning of the end for me as a parent and the end for my kids lives they knew.

- Parental Alienation known as PAS is a rejected science in phycology (the founder committed suicide)
- PAS continues to linger and is also presented in other reformulations (Warshack, Kelly, etc.)
- The basic principle is: Regardless of data/facts, one parent is solely responsible for the demise of the relationship with the kids and the other parent.
- Because of the fractured relationship with one parent the situation, regardless of data/facts, the estranged parent receives everything and the preferred parent is removed. Possibly indefinitely.
- Estrangement, abuse, the children living and witnessing addiction, etc. is removed from the equation and blame is placed on the “protective parent”
- In my case, the estranged parent is allowed to break orders, laws, and lie in court. PAS has been the protector of these wrong doings.

- If the courts and children’s counsel were better trained, I am hopeful the system will be able to see through unproved theories, the “legal games” being played for a “win in divorce”; and move towards acting in the “best interest of the child or children”.
  - From my interaction with others across the country and my own horrible situation, PAS and its many reformulations are used as a tool and usually in “high conflict” divorces. A tool for a win. A tool for money. A tool for destruction. Because when people are in the know outside the 4 walls of court, no one can understand 1) what is going on and 2) how it is happening.
  - The judge who presided over my case, ordered the extreme PAS/Reformulated measures recommended by the evaluator (found to be bias) and removed me from my children’s lives. It did not create a relationship with my ex (a finding by the judge) and the children desires to be with me became higher.
  - In my case, the PAS and reformulated theories are presented to an accepting court which has allowed (not all items listed):
    - Kids to be moved and enrolled in a new school system against a court order
    - My ex-wife lying in court about a situation which removed the children from me. Later when evidence uncovered the wrong, the judge quickly closed the divorce case and recused himself
    - Pushed away new abuse claims the kids made; The kids are muted and called liars.
    - Kids are moved out of state with zero done by the kid’s attorney or the court system. There was no notice, 100% against state law.
    - Allows a paramour allowed to sleep in the house, against a court order.
    - And Many more....
  - The kids council’s billing showed she called the highly conversional Family Bridges program and Randy Rand who had his license stripped.
  - The kid’s council also called Dr. Richard Warshak who currently seems to be the main figure carrying the PAS flag.
  - Presenting Warshak’s own document (CR23 PAS controversies) provided no help. In his own document he states the following which is the basis of my specific divorce case:
    - Alienation may be justified in cases where a child is physically or sexually abused; witnesses domestic violence, frightening displays of rage, or the aftermath of violence; or suffers severe emotional abuse, neglect, abandonment, or very poor treatment by a chronically angry, rigidly punitive, extremely self-centered, or substance-abusing parent (25, 34, 35)

I don’t write this to help my case, my kids live have already been heavily impacted (ruined) by unproven and flawed theory. I write this to help prevent other kids from having to live through the horrible pain

of divorce caused when flawed or unaccepted theories enter the court room and label a parent for cause, not because there is data and facts to back up the conclusion.

Please force judges and kids counsel to be trained. All professions have to have training to stay on top of their game, judges, kid's counsel, and court support are no different.

On caveat: Training should only be with main stream accepted practices and principals.

Jared Ross

# **Maryland Senate Bill 675 Saunders letter of support**

Uploaded by: Saunders, Daniel

Position: FAV



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**Date: February 22, 2021**

**From: Daniel G. Saunders, Ph.D., Professor Emeritus**

**To: Maryland Senate Judicial Proceedings Committee**

**Re: Maryland Senate Bill 675: Child Abuse and Domestic Violence Training for Judges and Child's Counsel**

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee, I am grateful for the opportunity to voice my strong support for Senate Bill 675 and describe why I think it is needed.

I am Professor Emeritus at the University of Michigan's School of Social Work. My research, teaching, and service over my 45-year career have focused on the problems of dating and domestic violence. I have counseled victims and offenders, helped develop policies, educated professionals, including judges and attorneys, and researched various professional groups' beliefs and behavior, including judges and attorneys.

In October 2019, I provided detailed in-person and written testimony to Maryland's "Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations" (written testimony at [http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/Testimony\\_by\\_Daniel\\_Saunders.pdf](http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/Testimony_by_Daniel_Saunders.pdf); video testimony at <http://mgahouse.maryland.gov/mga/play/ec54a59f-cbd7-4a4a-95ed-dd4010b6381d/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&autostart=true> )

The implementation of the Workgroup's recommendations will significantly improve the lives of Maryland's families by increasing the safety and well-being of survivors of domestic violence and their children. Senate Bill 675 flows directly from the Workgroup's recommendations.

### **Professionals' Inadequate Responses**

Custody and visitation determinations in domestic violence (DV) cases need to be developed with extreme care. Victims and their children risk serious harm if sole or joint custody is awarded to a violent parent or if that parent is not awarded custody but has poorly supervised visits (Saunders, 2015). Children risk being re-exposed to DV or being directly abused both physically and psychologically. All professional groups, including law enforcement, health care, child welfare, mental health, and family courts too often fail to detect domestic violence, or when they do detect it, fail to adequately protect victims and their children (Saunders, 2020). Although

responses have improved over the years, much work remains to be done to improve professionals' knowledge of DV and subsequent responses. Like the general public, judges and children's counsel are susceptible to myths about family violence and the child's best interests.

In our 2011 survey comparing judges, attorneys, domestic violence workers and custody evaluators, judges and private attorneys reported less knowledge of post-separation violence, screening, and danger assessment than other groups (62-77%)(Saunders, Faller & Tolman, 2015). Thirty-nine percent of judges had fewer than 6 of the seven areas of knowledge surveyed. Judges were more likely to believe domestic abuse victims try to alienate the child from the other parent (29%) than domestic violence workers and legal aid attorneys (19-20%). Results were similar for the belief that domestic violence victims hurt the child if they are reluctant to co-parent with the abuser. Several beliefs of the judges were highly related to each other: that mothers make false allegations of DV, DV is not important in custody evaluations, mothers alienate the children, and victims hurt children if they do not co-parent. These beliefs were related to the belief that an abusive father in a case scenario should receive sole or joint custody and that supervision of visits was not needed.

In Morrill et al.'s (2005) survey of judges, several questions tended to be answered incorrectly, for example: "Few battered women ever stand up forcefully to their mates" (false), and "There is an established psychological profile of women who become involved with abusive men" (false).

Gender bias in the courtroom in relation to custody decisions has been documented in numerous reports at the national, state, and local levels (Dragiewicz, 2010). The bias is shown in the tendency to disbelieve or minimize women's accounts of abuse, to punish them for reporting abuse, and to hold them to higher standards than fathers.

### **The Impact of Education and Training**

Training is mandated for judges in 24 U.S. jurisdictions (through 2016, NCJFCJ), including training for all judges in 17 states, plus Guam and the District of Columbia. An additional four states mandate training for some courts and locations.

Judges who received DV education in the Morrill et al. study (52 of 60 judges) were twice as likely to give battered mothers sole physical custody. These judges were also more likely to have made orders that protected the mother's address. Judges with more knowledge about DV were more likely to grant sole physical and legal custody to the battered mother. These judges were less likely to believe that a father's right of visitation was inviolable.

In a study of state laws in 46 states, the states that mandated DV training for judges were significantly more likely to have evaluators who recommended professional supervision of visits with the non-residential abusive parents. Mandated training was not related to the judge's responses to a case scenario of domestic violence in a family with a child.

Jaffe (2010) evaluated the national training program for judges called "Enhancing Judicial Skills in Domestic Violence Cases" (EJS) that has been operating since 1999 by the National Council of Juvenile and Family Court Judges and the Family Violence Prevention



Fund. Judges trained from 2006 and 2010 (n=341) reported that: 1) the program helped them develop a stronger role in coordinating and providing access to resources for diverse populations; 2) they had overestimated their skills and competence with DV cases before the training; and 3) after several months, the vast majority of judges saw the ways they had changed in the areas of “access to justice, judicial leadership, victim safety, and batterer accountability.”

### **Strengths of the Bill**

Senate Bill 675 has many strengths that help fill the gaps in knowledge and practice that I reviewed above. For example, its provisions require that judges and child’s counsel be trained on:

- The impact of childhood traumas, complex trauma, and toxic stress, and the variety of responses that can ensue.
- Information that child abuse may have occurred “even without an “indicated” finding and/or any physical evidence of abuse and even if a child did not verbally disclose abuse in a forensic interview.”
- Coercive and controlling forms of abuse, including litigation abuse. These forms of abuse can occur without physical abuse yet can be extremely harmful to abuse victims and their children and can unfairly pressure victims in custody proceedings (Jeffries, 2016; Wisconsin Governor’s Council on Domestic Abuse, 2017).
- Potential impacts of bias by those making custody/visitation determinations. Initial and ongoing bias reduction education is needed (See in particular Dr. Patricia Devine’s work at the University of Wisconsin). The National Center for State Courts has training material for judges on implicit bias ( [https://ncsc-search.squiz.cloud/s/search.html?collection=ncsc-meta&profile=\\_default&query=bias](https://ncsc-search.squiz.cloud/s/search.html?collection=ncsc-meta&profile=_default&query=bias) )
- Available protections for families. Safeguards and safety planning inside and outside the courtroom setting are essential (See, for example, the detailed safety procedures and planning mandated by California’s Administrative Code).
- The invalidity of parental alienation syndrome.
- Information on lethality assessment. This information is crucial to avoid the most tragic outcomes in custody/visitation cases.

The bill further requires these essential elements:

- Uniform screening to identify child abuse and domestic abuse. Non-detection is a major problem across all professions.
- An order for danger and lethality assessment. This assessment is essential for helping to prevent abuse recurrence and homicide.
- Sixty initial hours of training are required, along with 10 hours of ongoing training every other year. In the past 45 years, the knowledge needed in family court cases involving

domestic violence and child abuse has expanded greatly. Recent examples of knowledge development include the knowledge that: trauma may make some victims seem non-credible because they are forgetful or have difficulty giving a coherent account of events; severe trauma to children may make them bond to an abuser; coercive behavior is very damaging to parents and children, even in the absence of physical abuse; joint legal custody provides opportunities for harassment, manipulation, and coercion that harms children and parents. Research shows that ongoing training is necessary for effective responses to domestic abuse in the health care field. It seems likely that similar “booster sessions” are needed for judges and child’s counsel.

In summary, Senate Bill 675 contains many essential elements for enhancing your citizens' safety: a comprehensive list of training topics, screening and lethality assessment requirements, and training beyond the initial training.

Thank you for the opportunity to provide comments.

### References

- Jaffe, P. (2010). Enhancing Judicial Skills in Domestic Violence Cases: A Process and Outcome Evaluation of a National Judicial Education Program. Centre for Research and Education on Violence Against Women and Children. <https://dev.futureswithoutviolence.org/wp-content/uploads/ejs-report-nov-12.pdf>
- [Jeffries, S. \(2016\). In the best interests of the abuser: Coercive control, child custody proceedings, and the “expert” assessments that guide judicial determinations. \*Laws\*, 5\(1\), 14.](#)
- Morrill, A. C., Dai, J., Dunn, S., Sung, I., & Smith, K. (2005). Child custody and visitation decisions when the father has perpetrated violence against the mother. *Violence Against Women*, 11(8), 1076–1107. doi:10.1177=1077801205278046
- [Saunders, D. G. \(2015\). Research-based recommendations for child custody evaluation practices and policies in cases of intimate partner violence. \*Journal of Child Custody\*, 12\(1\), 71-92.](#)
- [Saunders, D. G. \(2017\). State laws related to family judges' and custody evaluators' recommendations in cases of intimate partner violence: Final summary overview. Final report to the National Institute of Justice, U.S. Department of Justice. Office of Justice Programs. National Criminal Justice Reference Service No. 250667.](#)
- Saunders, D. (2020). Barriers to Leaving an Abusive Relationship. In: Geffner R., Vieth V., Vaughan-Eden V., Rosenbaum A., Hamberger L., White J. (eds) *Handbook of Interpersonal Violence Across the Lifespan*. Springer, Cham. [https://doi.org/10.1007/978-3-319-62122-7\\_186-1](https://doi.org/10.1007/978-3-319-62122-7_186-1).
- [Saunders, D., Faller, K., & Tolman, R. \(2011\). Child Custody Evaluators' Beliefs About Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background,](#)

Domestic Violence Knowledge and Custody-Visitation Recommendations. Final Technical Report Submitted to the National Institute of Justice, U.S. Department of Justice.

Saunders, D. G., Faller, K. C., & Tolman, R. M. (2015). Beliefs and recommendations regarding child custody and visitation in cases involving domestic violence: A comparison of professionals in different roles. Violence Against Women, 22, 722-744. Sage Journals.

Wisconsin Governor's Council on Domestic Abuse and End Domestic Abuse Wisconsin, March 2017. Domestic Abuse Guidebook for Wisconsin Guardians Ad Litem: Addressing Custody, Placement, and Safety Issues

# **Position on SB675- Training for Judges.pdf**

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Position: FWA



## POSITION ON PROPOSED LEGISLATION

**BILL:**                    **SBo675 Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel**

**POSITION:**            **SUPPORT WITH AMENDMENTS**

**DATE:**                 **February 24, 2021**

The Maryland Office of the Public Defender respectfully requests that with the amendment below, the Committee issue a favorable report on Senate Bill 675.

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This bill would make it a requirement that judges receive relevant training on issues involved in cases in which child abuse and/or domestic violence is a component of the case. It also requires that attorneys receive training before they may represent children in said cases. The proposed legislation would improve the judiciary’s understand of the effect and impact of child abuse and domestic violence on families and, furthermore, would raise the quality of representation of children. The Office of the Public Defender (OPD) has a stake in this proposed legislation because judges handle Child In Need of Assistance (CINA) cases, where there are almost always allegations of child abuse and neglect, and sometimes there are allegations of domestic violence. Therefore, while the intent of this bill is to address private family custody cases and not cases where the state initiates the case, families in CINA cases would benefit from having a better-trained judiciary. The Office of the Public Defender SUPPORTS this bill with amendments as follows:

**(1) Amend § 9-101.4 to clarify the type of cases in which a danger and lethality assessment is required.**

Section 9–101.4 reads:

17 IN ANY CUSTODY OR VISITATION PROCEEDING, IF THE COURT HAS  
18 REASONABLE GROUNDS TO BELIEVE THAT THE CASE MAY INVOLVE CHILD  
ABUSE OR

*For further information please contact Krystal Williams, Director, Government Relations Division, by email at [krystal.williams@maryland.gov](mailto:krystal.williams@maryland.gov) or by phone at 443-908-0241.*

19 DOMESTIC VIOLENCE, THE COURT SHALL ORDER A DANGER AND LETHALITY  
20 ASSESSMENT TO BE CONDUCTED BY AN APPROPRIATE INDIVIDUAL TO HELP  
ENSURE

21 THE SAFETY OF THE PARTIES AND THE CHILDREN.

This section should be amended to make it clear that the “custody or visitation proceedings” refers to private custody and visitation proceedings and not CINA cases. This is because in CINA cases, a safety assessment is already conducted by the local department of social services, and there are already statutes in place that permit the government to separate the family if there is a risk of immediate and serious harm to the children. A danger and lethality assessment in a CINA case would be redundant and a waste of resources, since the family is already being overseen by the department of social services.

**(2) Amend § 9-101.3 to expand the training about DSS investigations and to delete language that seems to limit the court’s discretion to assess evidence before it.**

The following amendments are urged to Section 9-101.3(B)(3)(I)-(III) which requires judges to be trained on:

THE PROCESS FOR INVESTIGATING A REPORT OF SUSPECTED

16 CHILD ABUSE OR CHILD SEXUAL ABUSE, INCLUDING:

17 (I) THE ROLE OF CHILD ADVOCACY CENTERS AND FORENSIC

18 INTERVIEWS; **AND**

19 (II) THE **PERMISSIBLE SCOPE** AND LIMITATIONS OF LOCAL  
DEPARTMENTS OF SOCIAL

20 SERVICES IN INVESTIGATING REPORTS OF SUSPECTED CHILD ABUSE AND  
CHILD

21 SEXUAL ABUSE; **AND**

~~22 (III) THE LIMITATIONS OF THE INVESTIGATION PROCESS,~~

~~23 INCLUDING THAT CHILD ABUSE AND CHILD SEXUAL ABUSE MAY HAVE  
OCCURRED~~

~~24 EVEN WITHOUT AN INDICATED FINDING OF ABUSE, ANY PHYSICAL  
EVIDENCE OF~~

~~25 ABUSE, OR A VERBAL DISCLOSURE OF ABUSE BY THE CHILD;~~

Subsection (B)(II) should be amended to reflect that judges should be trained on the PERMISSIBLE SCOPE AND LIMITATIONS of local departments of social services in investigating reports of suspected child abuse and child sexual abuse.

This is because the local department of social services actually has a rather broad scope of investigatory authority. The local department of social services has a great deal of power to intrude into a family's life and into its private affairs when investigating a report of child abuse and child sexual abuse, and the courts should be informed about what the DSS is capable of doing in order to determine whether it did all it could do. This way, the court can better assess the validity of the DSS's conclusions based on everything the DSS. Informing the courts only about the DSS's limitations may lead the court to draw an erroneous conclusion about the validity of the DSS's efforts and/or conclusions.

Subsection III should be deleted. This language is problematic because it gives the impression that judges may not base its conclusions on evidence. While judges should be trained on the types of methods for determining whether abuse occurred, judges must have the discretion to determine whether based on the evidence before the court, the alleged abuse did or did not occur. This language makes it sound as if even if the result of the investigation tends to show abuse did not occur, the court may ignore that and conclude that it did. These proceedings are taking place in a court of law, where allegations must be proven before a court may draw conclusions about the allegations.

**(3) Amend § 9-101.3 to require judges to be trained on why non-abusive parents or partners may not leave their abuser even though children may be adversely affected by exposure to domestic violence.**

Subsection (B)(7) presently requires judges to be trained on  
(7) THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON  
7 CHILDREN AND THE IMPORTANCE OF CONSIDERING THE IMPACT OF  
EXPOSURE TO  
8 DOMESTIC VIOLENCE ON CHILDREN WHEN MAKING CHILD CUSTODY  
AND  
9 VISITATION DECISIONS;

If this subsection remains part of the legislation, then judges also need to be trained on why a parent or partner who is the victim of domestic violence may choose not to leave or report the abuser despite the fact that children are being exposed to the domestic violence – it is not an indication of neglectful parenting. Without training on this aspect of domestic violence, judges may erroneously conclude that because expose

to domestic violence adversely affects children, then the non-abusive parent who does not leave the abuser is complicit in harming the children.

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For these reasons, with the amendment, the Maryland Office of the Public Defender urges a favorable report on Senate Bill 657.



# **myths\_and\_truths\_about\_pa.pdf**

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Position: UNF

# Myths and Truths about Parental Alienation

Myth	Truth
<b>Parental alienation (PA) is just a legal defense used by abusive fathers</b>	In over half of the cases where PA was found to have occurred, there were no allegations of other forms of abuse. Research indicates that mothers and fathers are just as likely to be alienated parents: PA is a form of abuse that does not discriminate based on gender.  Harman & Lorandos, 2020; Harman, Leder-Elder, Biringen, 2019
<b>Mothers do not alienate children: They protect them from abusive fathers</b>	Parents who use their child as a weapon against the other parent, regardless of gender, are committing psychological abuse when it results in severe PA. There are ways to protect children from abuse without causing psychological harm. Research indicates that there is a double standard to accept and justify a mother’s parental alienating behaviors while sanctioning fathers for the same behavior.  Harman, Biringen, Ratajack, Outland, & Kraus, 2016; Harman, Kruk, & Hines, 2018
<b>PA should be not be recognized because it will be misused by abusers</b>	For any type of abuse, there is always a risk of abusers pretending to be victims. This risk creates the need for clear standards and reliable screening and assessment tools to prevent misuse. The Five-Factor Model provides that standard by requiring that abuse and neglect are not present before PA can be diagnosed.  Bernet, 2020; Lorandos & Bernet, 2020
<b>The alienated parent must be abusive for a child to reject them so strongly</b>	Children who are abused by a parent tend to engage in behaviors to preserve and protect the relationship: they do not seek to destroy it. Children in foster care usually yearn for their birth parents and frequently minimize the maltreatment that their birth parents perpetrated against them. The rejection of a healthy parent is not normal and is an outcome that is encouraged and often rewarded by the alienating parent.  Baker, Creegan, Quinones, & Rozelle, 2016; Baker, Miller, Bernet, & Adeyaho, 2019
<b>Both parents are responsible for PA</b>	Researchers have found that the alienated parent’s behaviors are not typically the cause of the child’s rejection. It is the alienating parent’s behaviors that are largely responsible for the child’s PA, and these behaviors are usually not reciprocated by the alienated parent.  Harman et al., 2019; Warshak, 2015
<b>Research on PA is not “scientific”</b>	Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 peer-reviewed articles, chapters, and books published on the topic, and the empirical research on the topic has expanded greatly, leading to what has been considered a “blossoming” of the scientific field.  Harman, Bernet, & Harman, 2019; Lorandos & Bernet, 2020; Lorandos, 2020
<b>PA theory was created by a “pedophile”</b>	Dr. Richard Gardner coined the phrase “parental alienation syndrome.” His clinical descriptions of sexually abused children have been mischaracterized by child abuse and domestic violence advocates to portray him as a pedophile. Such advocates have engaged in ad hominem attacks by taking his writings out of context to further an agenda that denies PA is real.  Harman & Lorandos, 2020; Rand, 2013

# Annotated References

Reference	Type of paper/methods used	General findings/conclusions
Baker, A. J. L., Creegan, A., Quinones, A., & Rozelle, L. (2016). Foster children's views of their parents: A review of the literature. <i>Children and Youth Services Review, 67</i> , 177-183.	Foster children's attitudes towards their birth parents were solicited.	The foster children minimized their birth parent's abuse towards them and still yearned to see them. They also felt anxious and worried while separated from their abusive parents.
Baker, A. J. L., Miller, S., Bernet, W., & Adebayo, T. (2019). The assessment of the attitudes and behaviors about physically abused children: A survey of mental health professionals. <i>Journal of Child and Family Studies, 28</i> , 3401-3411.	Child protection workers rated their caseloads of abused children in terms of their behaviors and feelings towards their abusive parent(s).	Children who had been abused, even severely abused, did not engage in behaviors that pushed their abuser away. Rather, they engaged in behaviors intended to enhance their relationships.
Bernet, W. (2020). The Five-Factor Model for the diagnosis of parental alienation. <i>Feedback- Journal of the Family Therapy Association of Ireland, 6</i> , 3-15.	Article describing the Five-Factor Model for use in the assessment of parental alienation.	Five factors aid in the differentiation of PA: evidence of resistance/refusal of a relationship, having had a previously positive relationship, no evidence of abuse or seriously deficient parenting, patterns of parental alienating behaviors, and manifestations of PA in the child.
Harman, J. J., Bernet, W., & Harman, J. (2019). Parental alienation: The blossoming of a field of study. <i>Current Directions in Psychological Science, 28</i> , 212-217.	Review of the scientific literature and theoretical development in the field of PA.	Research in the field has moved from largely descriptive studies of PA across many countries and contexts, to greater theoretical model development and testing.
Harman, J. J., Kruk, E., & Hines, D. (2018). Parental alienating behaviors: An unacknowledged form of family violence. <i>Psychological Bulletin, 144</i> , 1275-1299.	Systematic review of the scientific literature on parental alienation and the behaviors that cause it.	Parental alienating behaviors that have been documented in the scientific literature meet criteria for definitions of family violence: both intimate partner violence (IPV) and child abuse.
Harman, J. J., Leder-Elder, S., & Birngen, Z. (2019). Prevalence of adults who are the targets of parental alienating behaviors and their impact: Results from three national polls. <i>Child &amp; Youth Services Review, 106</i> , 1-13.	Three national polls in the U.S. and Canada using survey panels selected to represent the nations' demographic characteristics.	Over 22 million adults in the U.S. are the targets of parental alienating behaviors and there are no gender differences in who is likely to be an alienated parent. Over 3.8 million children in the U.S. are moderately to severely alienated from a parent, so not all children ultimately become alienated.
Harman, J. J., & Lorandos, D. (2020). Allegations of family violence in court: How parental alienation affects judicial outcomes. <i>Psychology, Public Policy, &amp; Law</i> .	Pre-registered study examining 967 appellate court cases in the U.S. where parental alienation was alleged or found to have occurred.	Parents found to alienate their children were more likely to lose custody of their children and lose parenting time than those who only alleged to be alienated. Fathers were more likely to lose parenting time and custody of children than mothers. Parents were more likely to lose custody and parenting time if the other parent made a false allegation of abuse against them.
Lorandos, D. (2020). Parental alienation in U.S. courts, 1985-2018. <i>Family Court Review, 58</i> , 322-339.	Thirty four years of legal cases reviewed and summarized.	PA was found to be material, probative, relevant, and admissible in court cases across all 50 U.S. states.
Lorandos, D. & Bernet, W. (2020). <i>Parental Alienation: Science &amp; Law</i> . Springfield, IL: Charles C Thomas, LTD.	A comprehensive book of the empirical literature and U.S. legal cases to date on PA.	Extensive descriptions of the scientific literature on PA and its causes, assessment, and treatment are presented. A full review of U.S. appellate level cases where PA was found to have occurred is described.
Rand, D. (2013). The history of parental alienation from early days to modern times. In D. Lorandos, W. Bernet, & S. R. Sauber (Eds.), <i>Parental Alienation: The Handbook for Mental Health and Legal Professionals</i> (pp. 291-321). Charles C Thomas Publisher, Ltd.	A review of the history of research on PA and the practice of professionals working with children who have been alienated from a parent.	A vocal subgroup of child abuse and domestic violence advocates have historically attempted to discredit work on PA and spread misinformation about it.
Warshak, R. A. (2015). Ten parental alienation fallacies that compromise decisions in court and in therapy. <i>Professional Psychology: Research &amp; Practice, 46</i> , 235-249.	Detailed description of common myths about PA and the empirical support that refutes them.	Reliance on false beliefs compromises investigations and undermines adequate consideration of alternative explanations for the causes of a child's alienation.

The Parental Alienation Study Group (PASG) is a large organization of international scholars, practitioners, and civil society members devoted to developing and promoting research on parental alienation. The National Parents Organization (NPO) is a large organization of advocates for the promotion of shared parenting and family court reform with chapters across the U.S. The International Council on Shared Parenting (ICSP) is a council representing scientists, mental health professionals, and civil society members devoted to the dissemination of scientific knowledge about the needs and rights of children whose parents live apart and to formulate recommendations about the implementation of shared parenting initiatives. Parental Alienation Syndrome International (PASI) is a large non-profit dedicated to addressing parental alienation, custodial interference, coercive control, and hostile and aggressive parenting. VictimToHero.com is a platform that provides resources and support for alienated parents and raises public awareness on parental alienation.

# **Parental Alienation and Family Violence - Google D**

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Position: UNF

## Parental Alienating Behaviors are Family Violence

<p><b>What is family violence?</b></p>	<p>Family violence refers to all types of abuse that occur in families, including physical, sexual, psychological, and financial abuse, as well as neglect.</p>
	<p style="text-align: right;">Organization for Economic Cooperation and Development, 2013; Tolan, Gorman-Smith, &amp; Henry, 2006</p>
<p><b>What are parental alienating behaviors?</b></p>	<p>Parental alienating behaviors are a parent’s intentional use of patterns of behaviors over time to harm the child’s relationship with their other parent. These patterns include a broad spectrum of behaviors not limited to badmouthing the alienated parent to the child and others, interfering with their contact with each other, indoctrinating the child with false beliefs about the alienated parent, and enlisting the child as an “ally” against them.</p>
	<p style="text-align: right;">Baker, 2020; Harman, Kruk, &amp; Hines, 2018; Harman &amp; Matthewson, 2020</p>
<p><b>Parental alienating behaviors are child abuse</b></p>	<p>Making a child believe a parent abandoned and does not love them, or that the parent, who is part of the child’s identity, is dangerous or bad is psychological abuse. Alienated children’s developmental needs are also often neglected by alienating parents. In severe cases, children need protection from these psychologically abusive behaviors.</p>
	<p style="text-align: right;">Baker, 2020, Warshak, 2015</p>
<p><b>Parental alienating behaviors are intimate partner violence</b></p>	<p>Parental alienating behaviors are direct and indirect attacks made by an alienating parent onto the alienated parent with the intent to harm and control them. The children are used as weapons in these attacks, and therefore they become collateral damage in the process. Domestic violence researchers label <i>these same behaviors</i> as a form of coercive control.</p>
	<p style="text-align: right;">Harman, Kruk &amp; Hines, 2018; Harman &amp; Matthewson, 2020</p>
<p><b>Parental alienating behaviors are used by coercively controlling parents</b></p>	<p>Parental alienating behaviors are a form of coercive control because the alienating parent’s intent is to manipulate and control the alienated parent’s actions and outcomes. The alienated parent experiences negative outcomes, such as not being able to see their children, if they do not comply with the alienating parent’s demands or threats. The coercively controlling behavior of the alienating parent leads to their having greater control and dominance over the alienated parent. Coercive control limits the alienated parent’s ability to make decisions and diminishes their self-esteem and strength.</p>
	<p style="text-align: right;">Hamberger, Larsen, &amp; Lehrner, 2017; Harman &amp; Matthewson, 2020</p>
<p><b>“High conflict” is a misnomer to describe families affected by parental alienation</b></p>	<p>Compared to other forms of abuse, coercive controlling behaviors are not reciprocated as often by the victim. This form of abuse creates power imbalances such that the victim has little power or influence in the family. Describing such families as “high conflict” makes it appear that both parents are acting abusively when alienated parents do not and cannot reciprocate coercive controlling behaviors.</p>
	<p style="text-align: right;">Hines &amp; Douglas, 2018; Harman, Leder-Elder, &amp; Biringen, 2019</p>

## Annotated References

Reference	Type of paper/methods used	General findings/conclusions
Baker, A. J. L. (2020). Parental alienation and empirical research. In D. Lorandos and William Bernet (Eds.), <i>Parental Alienation- Science and Law</i> , pp. 207-253. Springfield, IL: Charles C Thomas Publisher.	Book chapter reviewing the empirical literature that supports the use of the Five-Factor Model for the assessment and consequences of PA, and to address misinformation about PA.	The extant literature supports the core tenets of PA theory, that a child should be considered alienated only when all five factors of the Five-Factor Model are present in a family, and that PA is child psychological abuse.
Hamberger, L. K., Larsen, S. E., & Lehmer, A. (2017). Coercive control in intimate partner violence. <i>Aggression &amp; Violence Behavior, 37</i> , 1-11.	A literature review of how coercive control has been conceptualized, defined, operationalized, and measured. Summary and critique of measures used to assess coercive control in intimate partner violence research.	At least three facets of coercive control are identified: 1) intentionality or goal orientation in the abuser (versus motivation), 2) a negative perception of the controlling behavior by the victim, and 3) the ability of the abuser to obtain control through the deployment of a credible threat.
Harman, J. J., Kruk, E., & Hines, D. (2018). Parental alienating behaviors: An unacknowledged form of family violence. <i>Psychological Bulletin, 144</i> , 1275-1299.	Systematic review of the scientific literature on parental alienation and the behaviors that cause it.	Parental alienating behaviors that have been documented in the scientific literature meet criteria for definitions of family violence: both intimate partner violence (IPV) and child abuse.
Harman, J. J., Leder-Elder, S., & Biringen, Z. (2019). Prevalence of adults who are the targets of parental alienating behaviors and their impact: Results from three national polls. <i>Child &amp; Youth Services Review, 106</i> , 1-13.	Three national polls in the U.S. and Canada using survey panels selected to represent the nations' demographic characteristics.	Parents who were the <i>non reciprocating</i> target of parental alienating behaviors were more likely to be moderately to severely alienated from a child than those who were the primary perpetrators or were mutually engaged in the behaviors.
Harman, J. J., & Matthewson, M. (2020). Parental alienating behaviors. In D. Lorandos and W. Bernet (Eds.), <i>Parental Alienation- Science and Law</i> , pp. 82-141. Springfield, IL: Charles C Thomas Publisher.	Review of parental alienating behaviors using the Duluth Model Power and Control Wheel as a framework.	Parental alienating behaviors that have been documented in the scholarly literature fit clearly into power and control wheel categories that detail coercive controlling behaviors of abusive parents. Alienating parents are abusive parents towards children and the other parent.
Hines, D. A., & Douglas, E. M. (2018). Influence of intimate terrorism, situational couple violence, and mutual control on male victims. <i>Psychology of Men &amp; Masculinity, 19</i> , 612-623.	A critical review of research on victims of different forms of intimate partner violence: intimate terrorism, situational couple violence, and mutual control. Two studies were reported on the impact of violence on male victims.	Intimate terrorism (coercively controlling violence) is characterized by abusive behaviors that are low in mutuality. Men who are victims of intimate terrorism were found to have worse outcomes than those who reciprocated the abuse.
Organisation for Economic Cooperation and Development. (2013). SF3.4: Family violence. Retrieved from <a href="https://www.oecd.org/els/soc/SF3_4_Family_violence_Jan2013.pdf">https://www.oecd.org/els/soc/SF3_4_Family_violence_Jan2013.pdf</a>	Summary of International Crime Victims Survey and national surveys on forms of family violence, including physical sexual, psychological, and financial abuse, as well as neglect.	International incidents of violence vary by country and populations. Less than 2% of the population overall report intimate partner violence in the countries surveyed. Women and men both suffer from violent acts inflicted by their partner. There is variability in acceptability of corporal punishment across countries.
Tolan, P., Gorman-Smith, D., & Henry, D. (2006). Family violence. <i>Annual Review of Psychology, 57</i> , 557-583.	Review of the scientific literature on all forms of family violence (e.g., domestic violence, elder abuse, child abuse), their patterns, risk factors, and interventions.	Research on major forms of family violence has been largely segregated and preoccupied with controversies about conceptualization, definition, and assessment within areas, and have largely ignored overlapping similarities and issues.
Warshak, R. A. (2015). Ten parental alienation fallacies that compromise decisions in court and in therapy. <i>Professional Psychology: Research &amp; Practice, 46</i> , 235-249.	Detailed description of common myths about PA and the empirical support that refutes them.	In severe cases of PA, courts have taken action to protect children from abuse by requiring supervision or monitoring of the child's contacts with the alienating parent.

# **parental\_alienation\_is\_real.pdf**

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Position: UNF



# Parental Alienation is Real

**What is PA?** Parental alienation (PA) occurs when a child aligns with one parent and rejects their other parent for reasons that are *not* legitimate. This is different from estrangement, when a child’s resistance to have a relationship is for justifiable reasons. ***PA is child psychological abuse.***

Bernet, 2010; Lorandos & Bernet, 2020; Warshak, 2019

**What causes PA?** Abusive parents often use their children as weapons to harm the other parent and manipulate them. Domestic violence researchers call this behavior a form of coercive control. Scientists who study PA call this ***very same behavior*** parental alienating behavior. They are two terms describing the same phenomenon.

Harman, Kruk, & Hines, 2018; Harman & Matthewson, 2020

**Is research on PA “scientific?”** Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 scholarly papers published on the topic, and the empirical research on the topic has expanded greatly over the last few years, leading to what has been considered a “blossoming” of the scientific field.

Harman, Bernet, & Harman, 2019; Lorandos & Bernet, 2020; Lorandos, 2020; Marques, Narciso, & Ferreira, 2020

**Are there recognized criteria for the diagnosis of PA?** Yes. There is a great deal of conformity among authorities on PA as to there being clear and discernible diagnostic criteria. These criteria are found in a simple Five-Factor Model.

Bernet, 2020; Lorandos & Bernet, 2020; Freeman, 2020

**How many children are alienated from a parent?** At least 3.9 million children in the U.S. are moderately to severely alienated from a parent. Other estimates of prevalence produce similar estimates. More than three times as many children in the U.S. are alienated from a parent than there are children with autism.

Bernet, 2010; Harman, Leder-Elder, & Biringen, 2019;

**How serious is PA for children?** Parental alienation is a serious form of psychological abuse and results in the same types of outcomes that other abused children experience: stress and adjustment disorders (e.g., PTSD, anxiety), psychosocial problems and externalizing behaviors (e.g., substance abuse, suicidality).

Baker & Verrocchio, 2016; Godbout & Parent, 2012; Harman et al., 2018

**How does PA affect alienated parents?** Alienated parents are unable to get closure and have unresolved grief with the loss of their child(ren). They also suffer from being the target of abusive behaviors of the alienating parent. They have high levels of depression, anxiety, and PTSD symptoms, and many become suicidal.

Harman et al., 2019; Lee-Maturana, Matthewson, & Dwan, 2020; Poustie, Matthewson, & Balmer, 2018

**What can be done to stop PA?** Legal and professional recognition of the problem (e.g., adding parental alienation to child abuse statutes). Funding for research to promote identification of effective assessment, prevention, and intervention programs. Funding for training of legal and mental health professionals.



# Annotated References

Reference	Type of paper/methods used	General findings/conclusions
Baker, A. J. L., & Verrocchio, M. C. (2016). Exposure to parental alienation and subsequent anxiety and depression in Italian adults. <i>The American Journal of Family Therapy</i> , 44, 255–271.	Survey of adults who were alienated as children regarding their alienating parent's behaviors and current anxiety and depressive symptoms.	The greater exposure to parental alienating behaviors as a child, the more anxiety and depression that the individual felt, even into adulthood.
Bernet, W. (Ed.). (2010). Parental alienation, DSM-5, and ICD-11. Springfield, IL: Charles C Thomas.	A book describing parental alienation as a serious mental condition in the child, and the empirical basis for considering an important issue for clinical diagnosis and treatment.	Influencing a child to develop a false belief that a parent is bad and dangerous results in the child's loss of one of the most important relationships in their life.
Bernet, W. (2020). The five-factor model for the diagnosis of parental alienation. <i>Feedback- Journal of the Family Therapy Association of Ireland</i> , 6, 3-15.	Article describing the Five-Factor model for use in the assessment of parental alienation.	Five factors aid in the differentiation of PA: evidence of resistance/refusal of a relationship, having had a previously positive relationship, no evidence of abuse or seriously deficient parenting, patterns of parental alienating behaviors, and manifestations of PA in the child.
Freeman, B. (2020) The psychosocial assessment of contact refusal. In D. Lorandos, & W. Bernet, <i>Parental alienation: Science &amp; Law</i> , 44-81. Springfield, IL: Charles C Thomas, LTD.	A comprehensive book chapter distilling peer-reviewed studies on assessing child/parent contact refusal.	Describes a scientific consensus of research into a Five-Factor model for the differential diagnosis of PA.
Godbout, E., & Parent, C. (2012). The life paths and lived experiences of adults who have experienced parental alienation: A retrospective study. <i>Journal of Divorce &amp; Remarriage</i> , 53, 34-54.	Qualitative study of adults who were alienated from a parent in the past.	The adults reported experiencing externalizing problems, problems with school, and having internal psychological issues due to their parental alienation.
Harman, J. J., Bernet, W., & Harman, J. (2019). Parental alienation: The blossoming of a field of study. <i>Current Directions in Psychological Science</i> , 28, 212-217.	Review of the scientific literature and theoretical development in the field of PA.	Research in the field has moved from largely descriptive studies of PA across many countries and contexts, to greater theoretical model development and testing.
Harman, J. J., Kruk, E., & Hines, D. (2018). Parental alienating behaviors: An unacknowledged form of family violence. <i>Psychological Bulletin</i> , 144, 1275-1299.	Systematic review of the scientific literature on parental alienation and the behaviors that cause it.	Parental alienating behaviors that have been documented in the scientific literature meet criteria for definitions of family violence: both intimate partner violence (IPV) and child abuse.
Harman, J. J., & Matthewson, M. (2020). Parental alienating behaviors. In D. Lorandos and W. Bernet (Eds.), <i>Parental Alienation- Science and Law</i> , pp. 82-141. Springfield, IL: Charles C Thomas Publisher.	Review of parental alienating behaviors using the Duluth Model Power and Control Wheel as a framework.	Parental alienating behaviors that have been documented in the scholarly literature fit clearly into power and control wheel categories that detail coercive controlling behaviors of abusive parent. Alienating parents are abusive parents towards children and the other parent.
Harman, J. J., Leder-Elder, S., & Biringen, Z. (2019). Prevalence of adults who are the targets of parental alienating behaviors and their impact: Results from three national polls. <i>Child &amp; Youth Services Review</i> , 106, 1-13.	Three national polls in the U.S. and Canada using survey panels selected to represent the nations' demographic characteristics.	Over 22 million adults in the U.S. are the targets of parental alienating behaviors and there are no <b>gender differences</b> in who is likely to be an alienated parent. Over 3.8 million children in the U.S. are moderately to severely alienated from a parent, so not all children ultimately become alienated.
Lee-Maturana, S., Matthewson, M., & Dwan, C. (2020). Targeted parents surviving parental alienation: Consequences of alienation and coping strategies. <i>Journal of Child &amp; Family Studies</i> , 29, 2268-2280.	Interviews conducted with alienated parents about their experiences and coping strategies.	23% of the alienated parents had attempted suicide, and they were social isolated, suffered across financial, emotional and psychological domains, such as being depressed, anxious, having PTSD symptoms, and adjustment disorders.
Lorandos, D. & Bernet, W. (2020). Parental alienation: Science & Law. Springfield, IL: Charles C Thomas, LTD.	A comprehensive book of the empirical literature and U.S. legal cases to date on PA.	Extensive descriptions of the scientific literature on PA and its causes, assessment, and treatment. Full review of U.S. appellate level cases where PA was found to have occurred.
Lorandos, D. (2020). Parental alienation in U.S. courts, 1985-2018. <i>Family Court Review</i> , 58, 322-339.	Thirty four years of legal cases reviewed and summarized.	PA was found to be material, probative, relevant, and admissible in court cases across all 50 U.S. states.
Marques, T. M., Narciso, I., & Ferreira, L. C. (2020). Empirical research on parental alienation: As descriptive literature review. <i>Children &amp; Youth Services Review</i> , 119, 1-12.	Systematic review of the scientific literature published in the English language through 2018.	The scientific literature on PA has expanded considerably in the last few years, with a focus on assessment tools and the impact of parental alienation not just on children, but on all parties involved.
Poustie, C., Matthewson, M., & Balmer, S. (2018). The forgotten parent: The targeted parent's perspective of parental alienation. <i>Journal of Family Issues</i> , 39, 3298-3323.	Over 100 alienated parents provided details about their experience being alienated from their child by the child's other parent.	Alienated parents describing having poor mental health and suffering substantial financial and psychological costs. The alienating parent's behaviors were characterized as severe family violence.
Warshak, R. A. (2019). When evaluators get it wrong: False positive IDs and parental alienation. <i>Psychology, Public Policy &amp; Law</i> , 26, 54-68.	Review of common mistakes that evaluators make when assessing parental alienation.	Evaluators often mistake estrangement for PA and fail to apply recent scientific advances in assessment and treatment decisions.

The Parental Alienation Study Group (PASG) is a large organization of international scholars, practitioners, and civil society members devoted to developing and promoting research on parental alienation. The National Parents Organization (NPO) is a large organization of advocates for the promotion of shared parenting and family court reform with chapters across the U.S. The International Council on Shared Parenting (ICSP) is a council representing scientists, mental health professionals, and civil society members devoted to the dissemination of scientific knowledge about the needs and rights of children whose parents live apart and formulate recommendations about the implementation of shared parenting initiatives. Parental Alienation Syndrome International (PASI) is a large non-profit dedicated to addressing parental alienation, custodial interference, coercive control, and hostile and aggressive parenting. VictimToHero.com is a platform that provides resources and support for alienated parents and raises public awareness on parental alienation.

# **MD Judiciary - Testimony SB 675.pdf**

Uploaded by: Elalamy, Sara

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 675  
Child Custody – Cases Involving Child Abuse or Domestic  
Violence – Training for Judges and Child’s Counsel  
**DATE:** February 10, 2021  
(2/24)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 675. This bill requires the Maryland Judiciary, in consultation with certain organizations, to develop a training program for judges presiding over child custody cases involving child abuse or domestic violence and to review and update the training program at certain intervals. It also requires the training program to include certain information.

This bill is based on recommendations contained in the [final report](#) of the *Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations* (the workgroup). The Judiciary’s opposition is based on constitutional, economic, and practical issues with this bill. The Judiciary recognizes how serious child abuse and intimate partner violence are. As they permeate our society, these issues are covered in standing training programs for judges and specific training that is offered on a yearly basis. The Judiciary provided the bill’s sponsor and the other legislative members of the workgroup an overview judicial training programs, including descriptions of courses that will be offered to judges in 2021. It also met with and is willing to continue discussions with them. Judges are always in need of new, better, and more training. However, every hour in training is an hour (plus travel) judges are away from their courthouses. Their need for training must be balanced against the need to keep courts operational to ensure the administration of justice.

The Judiciary’s specific concerns are as follows.

This bill violates the Maryland State Constitution’s separation of powers doctrine by infringing on duties constitutionally assigned to the Judicial Branch. Current laws recognize that the Chief Judge of the Court of Appeals has authority over the behavior and training of Judges in Maryland. Courts and Judicial Proceedings Article § 1-201 empowers the Court of Appeals to make rules and regulations for courts of the state.

By Administrative Order, on June 6, 2016, the Chief Judge of the Court of Appeals reorganized Judicial Education and renamed the same as the Judicial College of Maryland, “responsible for the continuing professional education of judges” and “[t]he Education Committee of the Judicial Council shall establish subcommittees and work groups to develop, with the support of the Judicial College, the courses, educational programs, and academic opportunities offered to judges, magistrates, commissioners, and other Judiciary employees....” Further, judicial education and training materials are protected under Maryland Rule 16-913(e).

Specifically, this bill encroaches upon the Court of Appeals’ constitutional duty to oversee the integrity and impartiality of state judges by mandating a means of how training is developed and by requiring public disclosure about the same. It also ignores the existing mechanisms in the Judicial Branch to offer trainings and the expertise of the Judicial Council’s Education Committee and the Judicial College to determine the most suitable trainings for the bench. In doing so, the bill infringes on the constitutional role of the Chief Judge of the Court of Appeals as “administrative head of the Judicial system of the State[.]”

Notwithstanding the constitutional issues, § 9-101.3 presents economic and practical problems. It requires the Judiciary, in consultation with domestic violence and child abuse organizations, to develop a training program for judges. While Judicial College regularly utilizes practitioners and subject matter experts (including child abuse and domestic violence experts) as faculty for its training programs, this mandate would open the door for criticism about or litigation over whether a judge presiding over child custody cases involving child abuse or domestic violence can be impartial. As discussed above, it is the role of the Judicial College to determine the most suitable training for the bench.

Effective July 1, 2023, judges would have to complete at least 60-hours of training on the topics delineated in §9-101.3(b) *before* presiding over a child custody cases involving child abuse or domestic violence. This would apply to circuit court judges, district court judges (who are authorized to award temporary custody in temporary and final protective order proceedings under Title 4 of the Family Law Article), and judges on both Courts of Appeals. The topics that must be covered in the training are both specific and numerous and there is no single existing training program that satisfies them all. It would be overly burdensome for the Judiciary to develop and make available the training to ensure judges would not be disqualified from presiding over these cases after the effective date. At this time, courts are setting matters well into 2022. They would need to reschedule or reassign cases to allow for judges to be away from their courthouses to attend the 60 hour – 7 ½ eight-hour days long – initial training. This would exacerbate the backlog of cases resulting from court closures during the COVID-19 pandemic and be particularly disruptive for small courts. This bill provides no appropriation to implement this requirement or for courts to absorb costs associated with accommodating training-related judicial absences.

The workgroup, selected the topics the training must cover because “[i]n order to make sound, safety-focused decisions, judges need to be armed with the background necessary to sort through the “smoke” that has been described as pervading custody cases that include domestic violence or child abuse.” [Workgroup Final Report](#), p. 25. While the topics are relevant, there is no data that shows 60+ hours of training on them will have the desired effect. Further, the time requirement and the associated administrative burdens leave little room for judges to receive training on how to navigate the legal issues or be educated on developments in the law that arise in these (or any other) case type.

The terms “involving child abuse or domestic violence in §§ 9-101.3 and 9-109 and “involve child abuse or domestic violence” in § 9-101.4 are difficult to interpret. It is not clear whether an allegation alone is sufficient or if certain facts or conditions must exist to trigger the judicial training and assignment requirements or child counsel eligibility requirements. It is also not clear what should happen if child abuse or domestic violence is discovered or disclosed later in the case and after the commencement of proceedings before judge who has not completed the initial training. The Judiciary notes that courts already screen domestic cases for abuse and the Domestic Law Committee’s Family Mediation and Abuse Screening Work Group is working to update a screening tool and developing best practices.

Section 9-109 would require child counsel to complete the same training as judges before they may be appointed in cases involving child abuse or domestic violence. There is no single exiting training program that satisfies all the topics that must be covered in the program. The bill does not specify who will provide the training, or how it would be funded. Many attorneys serve as child counsel on a pro bono or low bono basis and may not be willing or able to afford to complete the lengthy training program. Furthermore, the Maryland Rule 9-205.14 and the *Maryland Guidelines for Practice for Court-Appointed Attorneys Representing Children in Cases Involving Child Custody or Child Access* impose eligibility requirements, by education and training, for child counsel. The courts are in the best position to determine the eligibility requirements for these attorneys; it is not necessary for the legislature to impose its own education and training requirements in place of those adopted by the Court of Appeals. Prior to the COVID-19 pandemic, Juvenile and Family Services of the Administrative Office of the Courts hosted regional training programs for child counsel. In addition to the legal content, the program covers infant, child, and youth development; types of abuse; adverse childhood experiences; domestic violence including how it presents in different regions of the state; and other similar topics.

cc. Hon. Susan Lee  
Judicial Council  
Legislative Committee  
Kelley O’Connor

# **Testimony - SB 675 Child Custody - Cases Involvin**

Uploaded by: Glickman, Ilene

Position: UNF

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**To:** Members of The Senate Judicial Proceedings Committee

**From:** Family & Juvenile Law Section Council (FJLSC)  
by Ilene Glickman, Esquire and Daniel Renart, Esquire

**Date:** February 24, 2021

**Subject:** **Senate Bill 675:**  
Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for  
Judges and Child’s Counsel

**Position:** **OPPOSE**

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**The Maryland State Bar Association (MSBA) FJLSC opposes Senate Bill 675 – Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

This bill proposes to require 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 and requiring an individual to receive certain training before the individual is authorized to serve as child’s counsel in a child custody case involving child abuse or domestic violence. The FJLSC opposes SB675 for the following reasons:

1. It is the opinion of the FJLSC that any requirements for both the Judicial training and child’s counsel should be and remain in the Rules Committee both because the Committee is made up, in part, of practicing attorneys on the ground with first-hand knowledge of the issues faced by Courts and child’s counsel in child custody

- cases involving abuse and domestic violence and because needed changes can more easily and timely made.
2. The topics proposed to be included in the training are much too specific and include terms and concepts that will regularly change based on advances/changes in social science.
  3. The FJLSC has grave concerns that the provisions proposed to be included in the training are either not in accord with current social science or are a misuse of existing concepts, terms, tools and information. By way of example, proposed Section 9-101.3 (B) (11) regarding parent alienation references only a very small portion of the existing data and research, puts forth on only one side of the debate on this issue and is unclear and misleading. While Parent Alienation Syndrome is not a syndrome recognized by the Diagnostic and Statistical Manual of Mental Disorders 5 (DSM-5) or other health organizations, there is research to demonstrate that a child will suffer significant damage when one parent engages in a campaign to denigrate the other.<sup>1</sup> Sometimes the behavior results in the child resisting or even refusing contact with the other parent Regardless of whether it reaches this level, the child at issue suffers harm<sup>2</sup>. This type of behavior is causing significant harm to an untold number of children. Consideration of this circumstance is not inappropriate and, in fact, the opposite is true, consideration of this behavior is critical to the well-being of the child. Section 9-101.3 (B) (11) implies that it is not.
  4. Another example of the misuse of currently existing tools and information is the requirement to order a danger and lethality assessment in certain circumstances.
  5. The requirement that Judges and Child's Counsel receive 60 hours of training is onerous. With regard to Child's Counsel the immediate result would be that there would likely be no one trained to serve.

For the reason(s) stated above, the FJLSC **OPPOSES Senate Bill 675 and urges a favorable committee report.**

Should you have any questions, please contact Michelle Smith by telephone at 410-280-1700 or by e-mail at [msmith@lawannapolis.com](mailto:msmith@lawannapolis.com) or Ilene Glickman by telephone at (410) 821-8718 or by e-mail at [ilene@lawhj.com](mailto:ilene@lawhj.com).

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<sup>1</sup>For one example, See, *Don't Alienate the Kids!*, Bill Eddy, LCSW, JD.

<sup>2</sup> There is a difference in these situations and cases where a child's resistance to or refusal to have contact with one parent is justified. It however, is very difficult to determine which situation is present in a child custody case involving a child refusing or resisting a parent.



# **SB 675- Child Custody - Cases Involving Child Abus**

Uploaded by: Ruth, Laure

Position: UNF

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BILL NO: Senate Bill 675  
TITLE: Child Custody - Cases Involving Child Abuse or Domestic Violence – Training  
COMMITTEE: Judicial Proceedings  
HEARING DATE: February 24, 2021  
POSITION: **OPPOSE**

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Senate Bill 675 would require a certain number of hours and certain curriculum for judges who will sit on family law cases. In addition, it would require a certain number of hours for BIAs, Best Interest Attorneys, who represent children in custody cases. The Women's Law Center of Maryland (WLC ) opposes this bill for a variety of concerning reasons.

Senate Bill 675 arises out of recommendations made by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, constituted by statute in 2019. The Women's Law Center was appointed to this Workgroup. The conclusion of the Workgroup, generally, was that stakeholders in child custody proceedings, including judges and magistrates, need more education on newer research, and that courts are not carefully and fully considering evidence of harm to victims when making custody decisions in the best interests of the child.

The WLC supports the concept of judges and other stakeholders in court proceedings involving custody being trained on the current science about childhood trauma, ACEs, the effect of violence in the household of children, domestic violence and other things relevant to determinations on what is in the best interests of a child. However, we question whether the legislature has the ability to interfere with how the Judiciary effectuates this – is there a separation of powers issue here? We understand there has been a request to the Attorney General's office about this question. Furthermore, we question the wisdom of placing this in statute, and we have concerns over what constitutes the training as laid out in the statute. Currently the Chief Judge of the Maryland Court of Appeals and the Maryland Rules are responsible for determining what training judges and BIAs are required to undergo. A better path is cooperation between the judiciary and knowledgeable stakeholders to have input into what the training should contain.

Furthermore, we have grave concerns about adding the language in §9-101.4 to our laws. The current Lethality Assessment is only validated for use by first responders. It is not predictive. The bill does not explain who would conduct the assessment and what result would arise. It is wildly simplistic to add this here and think it is anything other than potentially dangerous to force an inappropriate use of this product in these cases. The Maryland Network Against Domestic Violence, can further elucidate this issue.

In order to be appointed as a BIA in a case, there is already required training for attorneys, contained in the Maryland Rules and in Maryland Guidelines for Practice for Court-Appointed Attorneys Representing Children in Cases Involving Child Custody or Child Access and we are not convinced this should be moved to a statute. Finally, we support the appropriate number of hours for training for both judges and BIAs, but do not know if 60 hours is best practice.

Therefore, the Women's Law Center of Maryland, Inc. urges an unfavorable report on Senate Bill 675.

*The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.*

**SB675\_MNADV\_OPP.pdf**

Uploaded by: Shapiro, Melanie

Position: UNF



**BILL NO:** Senate Bill 675  
**TITLE:** Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges and Child's Counsel  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 24, 2021  
**POSITION:** **OPPOSE**

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The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on SB 675.**

Senate Bill 675 would require a lethality assessment be conducted in any child custody or visitation cases when there are reasonable grounds to believe that there may be child abuse or domestic violence. The lethality assessment in Maryland (Lethality Assessment Program – Maryland Model, hereinafter “LAP”) is the product of years of work led by MNADV, supported by federal grants, and based on the research of Dr. Jacquelyn Campbell of Johns Hopkins University. The LAP has been identified as a “supported intervention” according to the Center for Disease Control’s (CDC) Continuum of Evidence Effectiveness, and as a “leading promising practice” by the Office on Violence Against Women (OVW). It is a multi-pronged intervention that consists of a simple, evidence-based lethality assessment instrument and accompanying protocol that helps first responders provide a response tailored to the unique circumstances of High-Danger victims, those at the greatest risk of being killed. The primary objective of the LAP is to encourage those High-Danger victims to access life-saving domestic violence services. Since 2018 more than 800 agencies in 39 states are conducting the LAP with the leadership of MNADV. Several of those states are implementing the LAP across all counties and have established teams who oversee its implementation including Connecticut, Maryland, Pennsylvania, and New Hampshire.

The LAP is not an instrument developed for use in child abuse cases and is not an instrument developed for use in custody proceedings where there may be domestic violence. When implemented with fidelity, the LAP identifies High-Danger victims whose potential for lethal harm may not have been identified by law enforcement when they are responding to a call for assistance, and connects them with potentially life-saving services, thus addressing a gap in service provision and criminal justice response. It is not predictive of future assaultive behavior. It is predictive of the risk to a victim at that moment in time when the screening is conducted. When a High-Danger victim has been identified, the LAP protocol provides that the victim be immediately connected via a hotline call to the local domestic violence service program (DVSP) for emergency safety planning and enhanced service provision.

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For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

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Tel: 301-429-3601 • E-mail: [info@mnadv.org](mailto:info@mnadv.org) • Website: [www.mnadv.org](http://www.mnadv.org)



MNADV would welcome the opportunity to develop an assessment to assist courts in custody and visitation cases with suspected domestic violence. However, the current LAP is not the appropriate assessment to be used in that situation. To develop a new instrument, MNADV would require funding and the cooperation and collaboration of system stakeholders to obtain the necessary data to develop, validate and implement an assessment specifically developed for that purpose.

Senate Bill 675 outlines extensive training for judges that preside over child custody cases that involve child abuse and domestic violence as well as training requirements for attorneys that represent a child or children in those custody proceedings including best interest attorneys, child's advocate attorneys, and child's privilege attorney. MNADV believes that judges, magistrates, and attorneys should be fully trained on current science and research on topics related to adolescent development, Adverse Childhood Experiences, domestic abuse, child abuse, and other traumas. The current requirements for judiciary trainings resides with the Chief Judge of the Court of Appeals and should remain there. The training requirements for child's counsel is found in the Maryland Rules and the Maryland Guidelines for Practice for Court-Appointed Attorneys Representing Children in Cases Involving Child Custody or Child Access. As research and science is ever evolving new legislation would be required to modify the training requirements to reflect new understandings of domestic violence, childhood trauma, and best practices. MNADV believes that the training requirements should continue to reside with the current authorities.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 675.**

# **Custody and abuse - training - testimony - senate**

Uploaded by: Jordan, Lisae C

Position: INFO



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## Working to end sexual violence in Maryland

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For more information contact:  
Lisae C. Jordan, Esquire  
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mcasa.org

### **Information Regarding Senate Bill 675** **Lisae C. Jordan, Executive Director & Counsel** February 24, 2021

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence.

**Senate Bill 675** –The Maryland Coalition Against Sexual Assault includes the Sexual Assault Legal Institute, one of the very agencies regularly handling family law cases involving allegations of child sexual abuse and intimate partner sexual assault. These cases are often highly contentious. Survivors of domestic violence and parents who have tried to protect their child from sexual abuse face high hurdles and great skepticism all too often. Judges and attorneys for children play a critical role in these cases. SB675 would impose training requirements to help provide these professionals with the expertise they need to effectively perform their important roles. It would also impose a requirement that a lethality assessment be performed.

MCASA supports the intent of this bill but is concerned about moving the educational and training requirements for judges and court appointed attorneys out of the purview of the Judiciary branch. In particular, we express concern about the requirement that cases involving child abuse or domestic violence be assigned only to judges who have had the required training. Some counties have very small benches and if the judges in these counties chose not to attend the training, it is unclear how the legislation would be implemented. Additionally, regarding the lethality assessment requirement, the lethality assessments are not appropriate for child sexual abuse cases and not designed to be used by courts.

Many of the issues addressed by SB675 would be better addressed by providing victims of domestic violence and protective parents with attorneys, and by ensuring that those attorneys have the resources needed to present expert testimony and evidence appropriate in a particular case.

**SB 675 INF House of Ruth, pdf.pdf**

Uploaded by: Lennig, Dorothy

Position: INFO





Marjorie Cook Foundation  
Domestic Violence Legal Clinic

2201 Argonne Dr • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org.

**INFORMATION ONLY ABOUT SENATE BILL 675**

February 24, 2021

**DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR**

The House of Ruth is a non-profit organization providing shelter, counseling and legal services to victims of domestic violence throughout the State of Maryland. Senate Bill 675 sets out the educational and training requirements for judges and attorneys appointed as child counsel, and it requires the court to order a danger and lethality assessment in cases involving child abuse or domestic violence.

The House of Ruth believes it is important that judges and attorneys appointed as child counsel receive training on the adverse childhood experiences study, trauma, domestic violence, child abuse, and emotional abuse. Under current law, the Chief Judge of the Court of Appeals has the authority over the training requirements for judges in Maryland. Attorneys who seek to be appointed as child counsel are governed by the Maryland Rules of Court and the Maryland Guidelines for Practice for Court-Appointed Attorneys Representing Children in Cases Involving Child Custody or Child Access. We believe that the Chief Judge and Maryland Rules of Court are the correct mechanisms for determining appropriate training for judges and attorneys appointed as child counsel.

The House of Ruth supports the intent of this bill but is concerned about moving the educational and training requirements for attorneys appointed as child counsel from the Maryland Rules of Court to statute, while leaving the rest of the conditions governing child counsel in the Maryland Rules.

In addition, SB 675 requires judges in custody and visitation proceedings to order a danger and lethality assessment in cases involving domestic violence and child abuse. The most commonly used lethality assessment tool in Maryland is only valid in cases involving men abusing women and has not been tested in cases involving women abusing men, same sex couples, or cases of child abuse. Requiring the court to order a lethality assessment has several important problems. First, a danger/lethality assessment is a snap shot in time of a woman's current risk of being killed by her abuser. The assessment does not predict future abuse. For example, a woman could have a very low lethality assessment score, meaning she is at low risk of being killed by her abuser, but still be at high risk for being subjected to future non-lethal acts of abuse. Second, a person who administers a lethality assessment must be fully trained; it cannot simply be administered

by untrained court personnel. Third, the staff who administer lethality assessments must also be trained on how to discuss the assessment's import with the victim. Telling a litigant her lethality assessment without fully explaining the meaning and creating a safety plan is about as helpful as telling a person their high blood pressure number and not talking to them about changes in diet, exercise, and medication. At best, it is unhelpful and at worse, could lead to death.

**SB 675 Letter of Information.pdf**

Uploaded by: Wobensmith - Secretary of State, John

Position: INFO

## Letter of Information – Senate Bill 675

February 20, 2021

Senator William C. Smith, Jr  
Chair, Judicial Proceedings Committee  
2 East, Miller Senator Office Building  
Annapolis, Maryland 21401

Re: Letter of Information – Senate Bill 675 – Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel

Dear Senator Smith:

Senate Bill 675 requires the Maryland Judiciary to develop a training program for child’s counsel and judges presiding over child custody cases involving child abuse or domestic violence. Too many of Maryland’s children are sentenced to further abuse and neglect by judges who grant custody to an abusive parent, often by relying too heavily on child’s counsel who have no expertise in abuse or domestic violence. This legislation will protect these children by equipping judges to understand the nuances of abuse and domestic violence in these child custody cases.

I chair the *Workgroup to Study Child Custody Court Cases Involving Child Abuse or Domestic Violence Allegations*, created by Chapter 52 in 2019, and sponsored by Senator Susan Lee.

The workgroup was tasked with examining issues that arise as these cases move through the justice system. In addition to the six attorneys in the group (specializing in family law or child abuse cases or representing child advocacy nonprofits, Child Advocacy Centers, and the Office of the Public Defender), members of the group included a representative of the Department of Human Services, trauma recovery and education experts, and a parent impacted by current practices within the family court. In addition to testimony received from family law experts and advocates across the county, as the workgroup gained recognition, many protective parents in Maryland contacted us, shared their experiences, and offered input that shaped the workgroup’s recommendations.

One Maryland mother spoke to the group about her 15 month old son who was murdered by his father as a result of the court granting him unsupervised visitation. This man was a known suspect in two other murder cases, those of his own mother and his ex-girlfriend. He should have never had unsupervised access to this child. Maryland needs to work together with every stakeholder to do better to protect these vulnerable children and families. Their lives are at stake.

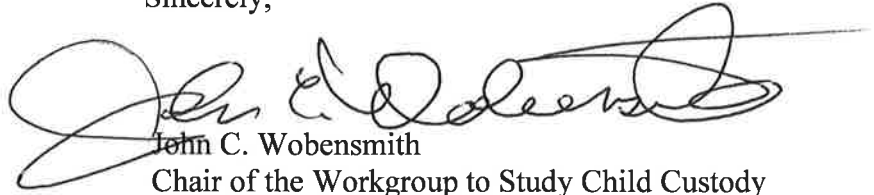
The workgroup aligns with the directive in H.Con.Res.72, which instructs states that child safety is the first priority of custody and visitation adjudications of custody where family violence is alleged. According to the resolution, approximately 15 million children are exposed to domestic violence and/or child abuse each year. Research confirms that allegations of domestic violence, child abuse and child sexual abuse are often discounted when raised in child custody litigation.

Senate Bill 675 was drafted as a result of the workgroup’s final report and recommendations. It reflects the expert testimony and presentations that the workgroup received and the thorough and

thoughtful deliberation in which the workgroup engaged. In the shaping and sponsoring of this bill, we are grateful that Senator Lee took into consideration the results of the final report, including all the data studied and expert testimony received.

Specific training for judges and child's counsel, and only allowing those who have received the training to work custody cases with abuse allegations, will equip these decision-makers with the understanding they need to ensure justice and protect the safety and well-being of children involved in State custody proceedings.

Sincerely,



John C. Wobensmith  
Chair of the Workgroup to Study Child Custody