

SB 355 MBC Test Final-.pdf

Uploaded by: Carozza, Senator Mary Beth

Position: FAV

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 26, 2021

The Senate Judicial Proceedings Committee

SB 355 Family Law – Custody Evaluators – Qualifications and Training

Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Smith, Vice Chair Waldstreicher and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 355, Custody Evaluators – Qualifications and Training, and to respectfully ask for your support for this bill which would help ensure the safety and well-being of children and protective parents involved in State custody proceedings involving child abuse or domestic violence allegations.

Serving on the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations has been one of the most important public service assignments that I have been a part of, given the magnitude of the trauma that many children and protective parents experience going through court custody proceedings involving child abuse or domestic violence allegations.

Our workgroup made up of experts and advocates with experience with child custody cases involving abuse, adopted over 20 recommendations focused on better protecting children through these custody court proceedings and putting the best interest of the child first in these cases.

We heard from one family law expert with 41 years of experience and involved in thousands of cases in 46 states. He noted the weight to which judges are giving custody evaluations and that while most custody examiners have been involved in dozens of cases, that there is no way of measuring the accuracy and effects of prior recommendations. He also pointed out how problematic it is that a custody evaluator's report can be admitted into evidence without the evaluator's presence and availability for cross-examination.

My bill, co-sponsored by Senator Susan Lee, focuses on the Workgroup's recommendations dealing with custody evaluators. After hearing from parents, advocates, and legal child custody experts over the past couple of years, it became clear that there were not consistent qualifications or training for custody evaluators. This is especially concerning when the courts follow the recommendations in the custody evaluations in over 90 percent of custody cases.

The urgent need to establish clear and consistent qualifications and minimum training requirements to serve as a custody evaluator is underscored by the powerful testimony of a protective parent, Katie Spearman. In preparation for this hearing, Ms. Spearman painfully recounted to me in a zoom call how the custody evaluator assigned to her was a school counselor with no formal training on cases involving sexual abuse. Further, the high costs involved with the custody evaluator and other legal expenses have left Ms. Spearman in a desperate financial situation. She was forced to file Chapter 7 bankruptcy due to extraordinary legal fees, lost her home, and nearly six years later she continues to pay attorney's fees that amount to over \$360,000!

Ms. Spearman is just one example highlighting the need to establish basic qualifications and training for custody evaluators and to require the courts and custody evaluators to provide basic information about custody evaluations. My panel also will include Mr. Paul Griffin who is the lead attorney for Child Justice, a non-profit organization dedicated to protecting our most vulnerable children and Dr. Jennifer Shaw, a founding partner at Gil Institute for Trauma Recovery and Education committed to providing research and trauma-informed assessments and therapy to children who have been neglected or abused, including sexual abuse in early childhood.

Senate Bill 355 establishes that the qualifications of a custody evaluator include having a master's degree in a qualified field and complete at least 60 hours of initial specified training and 10 hours of continuing education and training every 2 years.

In addition, Senate Bill 355 also requires the courts to provide information to the parties involved regarding the role, availability, and cost of the custody evaluator. Further, before the custody evaluation process begins, a custody evaluator must provide, in writing, information regarding the policies, procedures, and fees, and costs for the evaluations.

Senate Bill 355 takes a targeted, commonsense approach to improve the custody evaluation process, resulting in better protection for the safety and well-being of children, many who experience trauma, going through a custody court proceeding involving child abuse or domestic violence.

I urge you, Mr. Chair and members of the Judicial Proceedings Committee, to move favorably on Senate Bill 355. Thank you for your kind consideration.

SB355 Center for Hope FAV custody eval.pdf

Uploaded by: Lombardi, Joyce

Position: FAV



Senate Bill 355- Family Law – Custody Evaluators – Qualifications and Training

Senate Judicial Proceedings Committee – January 26, 2021

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

Position: **SUPPORT**

Center for Hope (CFH) writes in support of SB355, which would increase the qualification and training requirements for Maryland’s custody evaluators.

Center for Hope, a subsidiary of LifeBridge Health, helps clients and patients 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 to children in each county, must meet accreditation standards, and must engage multidisciplinary teams of experts to respond to allegation of child abuse. Md. Cts and Jud Proc §11-928.

Custody evaluators assist family law courts in determining custody outcomes in contested cases, including ones involving allegations of physical and sexual child abuse. They have an important role in a delicate but difficult process.

As noted 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.

This alarming fact occurs in part because 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. It also occurs in part because there is a pervasive bias among most of us, that permeates courtrooms: that allegations of abuse in custody cases are often fabricated.

My role at Center for Hope includes helping distraught parents navigate family law courts in custody cases after an allegation of abuse has been made. The protective parents I speak to are almost always pro se, are often survivors of domestic violence, and often describe very poor treatment in court. That treatment can lead to dangerous outcomes for children.

Better training can help. Over time, I have learned about: the role of multiple agencies in child abuse investigations; the exacting standards of forensic interviewing; child development; forensic medical exams; children’s mental health and brain chemistry; the dynamics of child sexual abuse, disclosure of abuse; and what children tell us with words, play, and with their bodies, I also learned that coaching and suggestibility are less frequent than most people realize (estimated 2-8% of cases, per some peer-



reviewed studies). Though custody evaluators reportedly get some of this training, standards vary. Moreover, these topics are not covered in all social work programs.

Furthermore, the recommendations for custody evaluation trainings generally comport with national standards listed in, e.g. *Model Standards of Practice for Child Custody Evaluation*, Association of Family and Conciliation Courts (2006)

http://content.sfbarr.org/source/BASF_Pages/PDF/B181265materials.pdf

We urge a favorable report for SB355.

Joyce Lombardi, Director of Government Relations
Center for Hope
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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.

Bill SB0355 - McLeodTestimony.pdf

Uploaded by: McLeod, Hera

Position: FAV

My name is Hera McLeod. I am writing in support of Senate Bill 355 (Family Law – Custody Evaluators – Qualifications and Training). A little over a year ago, I gave my verbal testimony to the working group on Child Custody Reform. I testified to details of my Family Court Case, which sadly resulted in the murder of my 15-month-old son Prince.

I am writing in strong support of this bill because one of the most devastating parts of my case occurred because when the court ordered my son's murder to obtain a psychological evaluation (because the custody evaluator wasn't licensed to conduct one), they allowed my son's father to choose his own psychologist. Instead of choosing someone who was licensed to evaluate adults, he chose someone who only had a license in school psychology and was therefore NOT licensed to evaluate adults outside of a school setting.

The court never pulled her license to verify that she was qualified to give a custody opinion based on her evaluation, and as a result the judge lifted supervised visitation. On the second supervised visit with his father, my toddler (Prince McLeod) was brutally suffocated. His father had taken over half a million dollars in life insurance out of him prior to the murder – something a qualified evaluator would likely have expressed concern over given previous behavior.

If the custody evaluator in our case had been licensed to give an opinion on psychological functioning, the court wouldn't have needed to outsource – which ultimately opened the door for the corruption that occurred. While the therapist who testified in my son's case was later reprimanded by the Virginia Board of Psychology for practicing outside of her license (and placed on probation), that sanction came too late for my son.

My case is often cited as an extreme outlier, but in the last decade that I have spent advocating for Family Court Reform and Children's Rights, I can assure you that many of the horrors that occurred in my case are shockingly common. And while not every case ends up in the Washington Post, there are many children we don't hear about in the news that suffer life changing abuse. I am hopeful that you will consider my son and the children who come after him and pass this child protecting legislation.

Sincerely,

Hera A. McLeod

SB 355 - Family Law – Custody Evaluators – Qualifi

Uploaded by: Ruth, Laurence

Position: FAV

BILL NO: Senate Bill 355
TITLE: Family Law – Custody Evaluators – Qualifications and Training
COMMITTEE: Judicial Proceedings
HEARING DATE: January 26, 2021
POSITION: **SUPPORT**

Senate Bill 355 would move qualifications for custody evaluators in family law cases, from the Maryland Rules to the Code. While the Women's Law Center appreciates the importance of maintaining rigorous qualifications for these evaluators in custody cases in the state, we recommend that work be done with the Judiciary to address the current Maryland Rule on custody evaluators.

Senate Bill 355 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 Workgroup worked tirelessly, and delved deeply into how domestic violence, child abuse, and child sex abuse effects children and families and how courts manage cases with such allegations. There were many professional experts who presented to the Workgroup. After over 18 months of meetings the recommendations were finalized. The conclusion of the Workgroup, generally, was that stakeholders in child custody proceedings, including custody evaluators used by the courts in these cases, need more education of 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.

SB 355 would require that a custody evaluator have a Master's degree or equivalent, that evaluators have initial training of 60 hours and continuing training of 10 hours every two years. A host of other issues are included, such as an extensive list of topics that must be covered in the training. We do not know if 60 hours is a best practice recommendation by experts in the field of training evaluators, but recommend best practices be followed. We fully support the concept that custody evaluators, and indeed others involved in custody cases (judges and magistrates) be educated and informed on the current science and research on things such as ACEs, trauma and children's responses to traumatic stress, and other issues laid out in the bill. We have been involved in all too many cases where evaluators seem to completely miss what is evident violence and resulting trauma in a family.

Currently, qualifications for a person to be a custody evaluator are contained in Maryland Rule 9.205.3 CUSTODY AND VISITATION-RELATED ASSESSMENTS. Other provisions are also addressed there. The benefit of having all of this in a rule rather than statute is that the Judiciary can change them as necessary. It is our understanding the Judiciary is having conversations with the Legislature and other decision-makers to address some of the recommendations from the Workgroup. It might be useful to let that play out, see if the Judiciary is going to adopt through the Rules any of the recommendations in this bill and others arising from the Workgroup. If the Judiciary decides not to Act, then it may be necessary to do this via statute.

Therefore, the Women's Law Center of Maryland, Inc. supports Senate Bill 355.

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.

Maryland Senate Bill 355 letter of support custody

Uploaded by: Saunders, Daniel

Position: FAV



SCHOOL OF SOCIAL WORK

1080 S. University Ave.
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Date: January 22, 2021

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

To: Maryland Senate Judicial Proceedings Committee

Re: Maryland Senate Bill 355: Custody Evaluators Qualifications and Training

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee, I am grateful for the opportunity to voice my support for Senate Bill 355 and provide some comments.

I am Professor Emeritus at the University of Michigan's School of Social Work. In October 2019, I had the honor of providing 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; 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 your Workgroup's recommendations will significantly improve the lives of Maryland's families by increasing the safety and well-being of survivors of domestic abuse and their children. This bill flows directly from the Workgroup's recommendations.

A clear strength of the bill is the requirement that evaluators have 60 hours of initial training and 10 hours of continuing education every two years. 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 custody evaluators.

Another clear strength is that the bill requires training on all forms of domestic violence, including sexual violence, stalking, and psychological aggression. As recommended by the Workgroup, I suggest that "coercive behavior" be specified as a form of psychological aggression. This form of abuse can occur without physical abuse yet can be extremely harmful to abuse victims and their children and abusively pressure victims in custody proceedings.

The list of required training topics is comprehensive. However, two other topics would be important to include:

a) Assessment of the risk of future child abuse and domestic violence, including lethality assessment. A fundamental purpose of evaluations must be assessing the risk of future harm to

the children and parents. The risk to parents needs to be assessed because children are safe only when their parents are safe.

b) Bias reduction education. As I summarized in my testimony before the Workgroup, our research found that gender bias is related to accepting myths about custody-visitation in domestic abuse cases and evaluators' recommendations that abusers be given joint or sole custody and unsupervised visits. Bias reduction education needs to be a sustained effort (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, much of which can be applied to evaluators (<https://ncsc-search.squiz.cloud/s/search.html?collection=ncsc-meta&profile=default&query=bias>). Bias reduction for evaluators is also a focus of the Association of Family and Conciliation Courts' Guidelines for Examining Intimate Partner Violence (2016 <https://www.afccnet.org/Portals/0/Center%20for%20Excellance/Guidelines%20for%20Examining%20Intimate%20Partner%20Violence.pdf>)

This Committee might also consider requirements specifying the scope of custody evaluations recommended by the Workgroup, including the areas for data collection and analysis and the areas to include in presenting findings. These requirements are likely to reduce bias. California is one of the states with such requirements (https://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_220)

Thank you for the opportunity to provide comments on this very important legislation aimed at enhancing the safety of your citizens.

SB355_MNADV_FAV.pdf

Uploaded by: Shapiro, Melanie

Position: FAV



BILL NO: Senate Bill 355
TITLE: Family Law – Custody Evaluators – Qualifications and Training
COMMITTEE: Judicial Proceedings
HEARING DATE: January 26, 2021
POSITION: **SUPPORT**

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 a favorable report on SB 355.**

Senate Bill 355 originates from the recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was statutorily created in 2019. The Workgroup heard from numerous professional experts and met over an eighteen-month period to develop their recommendations. Custody evaluators conduct assessments to assist the court in evaluating the health, safety, welfare, or best interests of a child in a contested custody or visitation case. MNADV believes that custody evaluators, and all others involved in the custody determination process, 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.

MNADV fully supports the intent of this bill that would ensure that custody evaluators are fully informed on current best practices and research. Currently, qualifications for a person to be a custody evaluator are contained in Maryland Rule 9.205.3 CUSTODY AND VISITATION-RELATED ASSESSMENTS. The training needs and requirements for custody evaluators is always evolving as new research is developed. Codifying the specific training requirements in Maryland Code as opposed to defining the requirements in the Maryland Rules would require legislative action any time a change is needed.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 355.**

MD Bill SB 355_Cust Evaluation Testimony_J Shaw Ja

Uploaded by: Shaw, Jen

Position: FAV

SB 355: Family Law: Custody Evaluators – Qualifications and Training, Written Testimony

Sponsor: Senator Mary Beth Carozza

Testimony Submitted by Dr. Jennifer Shaw

Founding Partner, Gil Institute for Trauma Recovery and Education

Non legislative Member: Maryland Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations

Thank you for this opportunity to share a child-centered perspective before voting on SB 355. I am Dr. Jennifer Shaw, a Founding Partner at Gil Institute for Trauma Recovery and Education. Along with my founding partners, Dr. Eliana Gil and Myriam Goldin, LCSW, we co-created a group of providers passionately committed to providing research- and trauma-informed assessment and therapy to children who have been neglected or abused, including sexual abuse in early childhood. We know how to help children begin to heal from what is too often a life-altering brain injury, including joining and guiding their protective parent(s) and families in that effort.

It is imperative that all stakeholders in a position to change the trajectory of a child's life understand that child abuse and neglect is a traumatic injury. An injury that can impact physical, neurological, emotional, relational, and cognitive functioning. For traumatized children, typical neurodevelopment can be derailed in the absence of intervention and evidence-informed rehabilitation.

Whether that injury is a temporary disruption of development or a wound that neuroscience confirms will persist throughout the lifespan depends on what we do as soon as the wound is discovered. In cases of custody, separation from an abusive parent often follows such a discovery. This places a life-altering decision in the hands of courts. When that court defers to a custody evaluator, an injured child's rehabilitation needs must be the priority of anyone tasked with determining the environment best suited to meet those needs. While the implications of this bill are complex, the request of you is simply to ensure that this determination only be made by a professional with sufficient training to identify the complex implications on a child's brain when harm done is ignored and warning signs for further harm are not heeded.

On behalf of all those dedicated to both the protection and restoration of children (social workers, child advocates, protective parents, forensic interviewers, teachers and counselors, and child therapists), I ask you to consider a traumatized child cannot recover until her home proves to be a space of physical and psychological safety. We ask you to accept the science: children cannot begin to heal until they are safe, feel safe consistently, and custodial decision-making is based on a parent's capacity to prioritize research-informed recovery needs. We cannot begin our work when a child's right to safety is postponed, or considered secondary to an adult's right to parent, or deemed debatable as they wait for a final custody determination.

For providers and court advocates, our most important job is to put adult words to the suffering of children, including making recommendations so that their adult stewards prioritize them above all else. Some children are too young to know the words, others have learned their words will not make a

difference, and others may just reserve them for when the world proves that their safety is actually the priority. We serve as trained translators for children; today we ask that all custody evaluators be asked to learn the same language before offering a recommendation for custody and visitation in cases involving an abuse allegation.

When a custody evaluation is ordered in cases involving allegations of child abuse, child neglect, or child's exposure to domestic violence, this bill proposes that such evaluations be focused on what children need most: not the perfect parent, or the one with more financial resources, or the one most equipped to articulate their case for custody in a courtroom. Advocates for traumatized children ask that the primary objective of a custody evaluation be to determine which caregiver has consistently demonstrated the greatest capacity to create a safe, secure, and predictable home. That the process prioritizes ascertaining which home environment is most conducive for emotional and psychological rehabilitation, and one that can be reasonably predicted to do no further harm and can invite an injured brain to resume typical development.

Whether or not a child heals depends much less on the approach of a therapist or the resiliency of a child but much more on what people in their world do in response to what happened.

We all know children are incredibly resilient. However, we cannot rely on a capacity for resilience as justification for a passive response to an active threat to that very capacity. A developing brain either explores or retreats; thrives or survives; attaches to a healthy ally or learns the risk of harm or rejection is just too great. It can grow in the direction of tomorrow or first wait to see if tomorrow is a safe place to be. They are resilient but creating conditions to activate that resilience is our responsibility. In most cases, children survive abuse but let us give injured children a chance to consider that their present circumstance is temporary, and the future is not determined by what has happened but rather how the world responded when it did.

Today, you are hearing all the reasons why this bill is so important. I ask you to consider the impact of failing to recognize that importance. I offer an adult voice to just one of many little voices that would have resulted in a child-centered and trauma-informed decision if it had been heard expressed in a courtroom before determining custody and visitation.

This is a story about a child we will call Liam: Until a custody evaluator's report to the court could be finalized, and the protective parent could borrow enough money to pay her share of the unaffordable report, 5-year-old Liam was ordered to continue his Wednesday evenings and every other weekend visit with his father. Liam had done what we tell children to do, to tell a trusted adult if hurt or touched inappropriately. He trusted his mother most of all. Liam told his mom, his teacher, started touching his Pre-K classmates, and asked his therapist to play the penis game. A motion to deny visitation was to be considered at a future date as Liam's mother was told she had to continue dropping him off even when he screamed and hid when it was time to go. He was interviewed once by a stranger and refused to speak. Liam had already told the stories and the forensic interviewer was well-qualified but had no relationship with him.

We seem to forget we do not tell children to wait for a forensic interview with a stranger before saying they have been harmed. We don't tell them to stop sharing with us because we could be accused of coaching. We don't stop a disclosure of sexual abuse and tell them to wait until they visit an expert stranger.

Telling his trusted adult, the protective parent, was considered an unfounded allegation because it was not repeated on camera and was first disclosed to his primary caregiver, his mother. From then on, with help from his attorney, Liam's abuser argued he was a victim of parental alienation. The protective parent did seek to alienate her child, as we all would if our child disclosed repeated sexual abuse while displaying all signs and symptoms consistent with that disclosure. Failing to protect does include failing to alienate children from an abuser. All subsequent court hearings centered on Liam's mother attempting to prove she was not the one who harmed her son. The court-ordered evaluator had no training in child development or child abuse, including what would have made all the difference for Liam – understanding the neuroscience behind recognizing signs of symptoms of sexual abuse in young children. The evaluator did not talk with his daycare provider, teacher, or his therapist. The person with the most information about Liam's change in behavior and functioning was his mother. Yet her data was considered an opinion just as credible and valid as the abuser's self-report denial without appropriate evaluation to support that denial.

Liam's father was wealthy; he hired a team of attorneys. He paid travel expenses for experts who testified on his father's behalf, including one who argued a 5-year-old believed in Santa Claus and the tooth fairy so we can't expect him to tell the difference between truth and fantasy. His mother drained her 401K and sold her home. Now traumatized and feeling powerless herself, she was less and less equipped to fight for Liam. Each hearing, whether continued or not, cost her up to \$5K. She stopped submitting motions because she had no money to do so. As court limited the abuser's time, and court hearings were continued for one reason or another, Liam continued to travel from a place of safety to a place of danger every week. As Liam and his mother waited for a fair and child-centered hearing, Liam's father showed him his gun collection and told that his mother and his therapist would be killed if he continued to talk. As his father grew emboldened by successful attempts to discredit his mother, Liam lost control of his bladder, clung to his mother, started hitting other children, had chronic headaches and stomachaches, stopped learning in school, and nightmares interrupted his sleep. The only thing that helped him sleep was a trained guard dog who slept next to him every night.

The court ordered child therapy once a week for 45 minutes as if Liam could heal when his injury was ignored or reopened in between his sessions. If any of us were assaulted and informed the police, I doubt we could function if we were then ordered to have dinner with the assailant on Wednesdays and trust him not to do it again every other weekend, at least until our case could be heard in court next year. No one would pick us up and force us out of the car until the accused had a fair hearing. We would not survive psychologically, and we have adult brain capacity.

Whether or not a child heals does not depend on the type of therapy he receives; rehabilitation depends on how the world responds once the visible or invisible wound is discovered. In short, this bill is part of a comprehensive but common-sense effort to ensure no child citizen's right to safety is postponed and no protective parent needs to buy a guard dog, find a pro-bono attorney and pro-bono therapist, or is asked

to choose between handing her injured child to an abuser, or be threatened with contempt of court for refusing to do so. Liam was not free of harm until he was 8 years old, only after physical evidence was considered sufficient for the court to stop requiring Liam to have dinner with his abuser on Wednesdays and trust him every other weekend. This was a full three years after Liam first showed his mom and his therapist how to play the penis game. Three years of a missed opportunity to treat a life-altering brain injury that could not begin to heal until safety was consistently established, preventable if SB 57 and SB 355 had been in effect for Liam and his protective parent.

Kathryn Spearman Written Testimony ISO SB 355.pdf

Uploaded by: Spearman, Kathryn

Position: FAV

Testimony of
Kathryn J. Spearman
In Support of Maryland Senate Bill 355
January 26, 2021

We desperately need legislative change to improve the qualifications and training for the individuals who are making what are ultimately life or death decisions for the welfare of children. Thank you Senator Carozza and Senator Lee for sponsoring this important bill and the opportunity to testify before the Senate Judiciary Committee. Senate Bill 355 will save children's lives.

I am a protective parent. This story is important – and I am risking the safety of my children, and their continued access to me, as well as my own safety, by sharing it with you. The details and facts that I will share with you are already a matter of public record. My experiences as a protective parent demonstrate the urgency and importance of this much needed legislation.

My case started on July 2, 2015. I was married, and a stay-at-home mother to 3 children, ages 4, 2.5, and 5 months old. After returning home from preschool, my 4 year old son disclosed to me that his biological father, my then-husband, had been playing a game with him called "poisonous snake". He acted it out, and told me that he had to "drink the milk from the snake, or daddy won't play baseball with me anymore". My son told me this had happened in his room at bedtime when his father was putting him to bed. During these times I was downstairs doing dishes, taking care of my 5 month old, or when I was out of the house, as I had been the night before his disclosure, attending a church outreach meeting. And that he had also played these games with his paternal grandfather. My son told me that he didn't want to play these games anymore.

I fled with my children. I reported it: to CPS and the police. My son later recounted a similar story, at different times, to 2 other adults, including to his maternal grandmother, and to a therapist at a nationally accredited child advocacy center.

Custody evaluator involvement and lack of training and experience

My ex-husband and his attorneys requested a custody evaluator, Dr. Gina Santoro. While I had brought up concerns about her expertise in child sexual abuse to my attorneys, my attorney at the time assured me that *"Dr. Santoro is a licensed psychologist and has also been a school psychologist. Her experience would include children who have been abused...She has been qualified as an expert in several counties in Maryland – the qualification would be in the area of psychology."* (Email from C. Nicholson, September

1, 2015). Furthermore, I was told by my attorney that I had to consent to a custody evaluator, because the court would view my refusal negatively and would view me as uncooperative. Because of the allegations of sexual abuse, I was told by my attorney that I was already at risk of losing complete access to my children. I consented. Her fee for conducting a child custody evaluation was \$25,000. This doesn't include fees required for any travel, court time, depositions, or any of her preparation time, which ultimately cost me several thousand dollars more. Dr. Gina Santoro was assigned to my custody case as the custody evaluator by consent order.

Dr. Gina Santoro had a PhD in school psychology, but no experience or expertise in child sexual abuse, which was the entire crux of my custody case. In addition, none of my children were school age at the time: I had an infant, a toddler, and a preschooler. I'll share with you excerpts from her deposition of questions (Q) asked of her, by my second attorney, Ferrier Stillman, and the responses (GS) of Dr. Santoro, the custody evaluator.

Deposition of Dr. Gina Santoro, custody evaluator, regarding experience and training

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

GS: Yes.

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

GS: Yes

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: Uh-huh.

Q. -- some coverage of child sexual abuse?

GS: I don't recall.

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

GS: I don't.

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

GS: No, I don't.

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

GS: No, I don't.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

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

GS: No.

Q. Did you ever conduct any forensic interviews?

GS: Forensic interviews as a school psychologist?

Q. Yes.

GS: No.

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

GS: No.

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

GS: No.

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

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

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

GS: No.

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

GS: No.

Q. Okay. Have you ever been qualified as an expert in any type of child abuse?

GS: No.

Q. Have you ever been qualified as an expert in any type of sexual abuse?

GS: No.

Q. Have you ever been qualified as an expert in domestic violence or intimate partner violence?

GS: No.

Judicial Ruling

The Honorable Michael DiPietro, the presiding judge for my case and now Judge-In-Charge of Family Court for Baltimore City Court Family Division, accepted her testimony and many of her recommendations as custody evaluator. From the oral ruling in my case,

in Judge DiPietro's own words: *"I know that there was testimony suggesting that Dr. Santoro did not have the requisite knowledge, training and skills to perform this evaluation, or the evaluation in this case given the nature of the allegations. **I disagree.**"* [emphasis added]. DiPietro further stated, *"So testimony was received from Dr. Santoro that to a reasonable degree of certainty, that it was extremely unlikely that abuse occurred... I do find [her] testimony credible and afford it great weight."*

The judge heard the arguments about her lack of qualifications and training related specifically to child sexual abuse, but still found her testimony credible and accepted her recommendations.

This is why the legislation in Senate Bill 355 is desperately needed: we need legislative guardrails to protect children. Per the Association of Family and Conciliation Courts Model Standards of Practice for Child Custody Evaluation, *"Evaluators shall only conduct assessments in areas in which they are competent. Evaluators shall have the professional knowledge and training needed to conduct assessments in which special issues are reasonably likely to arise. Such special issues may include_...acknowledged or alleged child maltreatment including child sexual abuse..."*

Professionals such as Dr. Santoro, the custody evaluator in my case, should have adhered to the ethical and professional code of conduct that govern her practice as a custody evaluator, but she did not. And a judge listened to her recommendation anyway. Those checks and balances failed: this is precisely why we need this legislation.

There's no guidebook for protective parents or victims of violence on how to navigate a very complex family court system. A custody evaluator should never be allowed to make recommendations and testify as an expert when they do not have BOTH the appropriate training and the experience in the specific type of child maltreatment or domestic violence that is at the heart of the custody case. We need legislation to ensure that.

I have been my children's primary caregiver since their birth. I had reported abuse, in good faith, to both CPS and the police as is required of me by Maryland Family Law Statute 5-705: *Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.*

But yet, Dr. Santoro recommended that I lose full physical and legal custody of my children and only be permitted to have supervised telephone calls for a period of 4-6 months. After that time, she recommended that I may gradually be permitted to have unsupervised visitation with my children, if I was assessed by an independent mental health professional, having undergone cognitive therapy, and if I completed a course in child development and behavior.

The worst day of my life was July 21, 2016 when Judge DiPietro ruled: I lost legal custody, and 50% physical custody of my children to the person my son had told me and 2 other adults had sexually abused him. Judge DiPietro said: *"Again, if [mother] is of the belief that [father] is an abuser, then I do not believe that she will make legal custody decisions that would necessarily be in the best interest of the children. For example, I'm concerned about giving [mother] sole authority over the choice of medical and therapeutic treatments for the boys. I'm concerned about whether that would be necessarily in their best interest or would it be done to further some other objective."* I lost legal custody, according to Judge DiPietro, because I had believed the abuse occurred. I believed my son.

Judge DiPietro further ordered that "extended family members, except for [paternal grandparents], are precluded from visiting the Children" for months after his ruling. My children could not see any members of my extended family: my children's cousins, aunts, uncles, grandparents. A huge part of their social support, and my own.

The psychological trauma from Judge DiPietro's oral ruling was so severe that I **lost consciousness**. The court halted the proceeding, called 911, and paramedics came into the court room to care for me.

Consequences of reporting abuse

As a further consequence of reporting abuse: I was forced to file Chapter 7 bankruptcy due to extraordinary legal fees, I lost my home, and nearly 6 years later my wages continue to be garnished by the Best Interest Attorney, Renee Ades, who charged over \$360,000 in my case - an amount which was approved by Judge DiPietro. \$352,777.98 of which was charged for 12 months of work from the period of August 2015 to August 2016. In the state of Maryland, I learned, BIA fees are non-dischargeable in Chapter 7 bankruptcy.

Before the issue of sexual abuse and custody had been adjudicated, and during the time period when my children were still having supervised visits with their father, I expressed

concern that the BIA and supervisor were allowing him to bathe the children during his supervised visits.

The best interest attorney, Renee Ades, responded by sending this email to the custody evaluator (Dr. Gina Santoro): *"I am not happy that Katie is circumventing baths with the boys. Hopefully, the boys will get filthy playing outside today so there will be no choice but [for father] to give them a bath. Thoughts?"* [email from Renee Ades, Esq. to Dr. Gina Santoro on November 1, 2015]

More education and training is needed on trauma and the dynamics of child sexual abuse for all who are involved in making decisions about child welfare in situations of family violence: custody evaluators, best interest attorneys, judges, attorneys, supervisors, co-parenting coordinators, and others. More accountability is needed as well. This bill is a start.

To even get the case to trial in order for a judge to hear the issue of child sexual abuse cost me over \$700,000, the vast majority of which was borrowed from my parents since I was unemployed as a stay-at-home mom and had no assets of my own, except a retirement account which I liquidated to pay legal fees. My parents, who live in another state, were until a couple months ago still paying approximately \$7,000/month in loans they took out to pay Maryland attorneys' fees to protect my children for the custody case in 2015-2016.

There hasn't been a single month since July 2015 that I haven't faced litigation against me. My custody case is still ongoing because my ex-husband – a high earner who made \$2.944 million last year – has continued to file motions and/or lawsuits against me in multiple courts, family court, district court, federal bankruptcy court – and recently disclosing in the family law case that he is spending over \$19,500/month in legal fees.

About a month after he filed the last motion to change custody, my children's father left all 3 of our children unattended with a firearm. A hunting rifle. Which my oldest son picked up thinking it was a toy, in a room with his younger siblings.

Legislation around danger assessments and lethality assessments are also desperately needed.

If my children, and specifically my son who disclosed the abuse - had the benefit of having a custody evaluator who was an expert in child sexual abuse and had received extensive training in the dynamics of child sexual abuse and the power and control

dynamics of intimate partner violence and coercive control, including litigation abuse, I believe the outcome of this custody case would be better for my children. My children and I could have been spared a lot of additional trauma, heartache, and pain. We would not continue to be revictimized by the very system we turned to for help to protect us.

It's a matter of public record that the custody evaluator in my case is still representing herself as an expert in child sexual abuse cases.

My story reflects systemic issues that protective parents and victims of family violence face when they seek safety, and shows that abuse does not stop when you leave. This is precisely why Senate Bill 355 urgently needs to be enacted: to protect children, and to make sure that those tasked with making decisions that have lifelong repercussions for the physical and mental health of our State's children have the proper training and experience to do so.

Tragically, my story is not unique. I am providing testimony to the Senate Judiciary Committee in support of SB 355, because Maryland desperately needs legislative change to protect children in custody cases involving domestic violence and/or child abuse. By speaking out, I am taking an enormous risk. I am terrified of how this testimony will be used against me in family court. I am terrified how a judge might rule in my case because I have spoken out about my experiences to the legislative branch. And, I am fearful that I am jeopardizing my children's access to me, and our safety. Please pass SB 355.

I am also asking you to consider other legislation including fixed caps on fees for custody evaluators and best interest attorneys, legislation on danger and lethality assessments, and legislation that ensures accountability for those who are making decisions that impact children for the rest of their lives. So that no other protective parent and her children have to endure what we have.

1.26.2021 Audio_Written Testimony to Maryland Sena

Uploaded by: Marjanovic, Sophia

Position: FWA

I am Dr. Sophia Marjanovic, PhD in immunology and microbiology

I trained at NIH in Bethesda.

I am of the Oceti Sakowin tribe.

I am a survivor of domestic violence, police misconduct, and legal abuse that lead me to lose my 28 month old breastfeeding son

In 2012, I was attacked holding my 10 day old newborn son.

I lost custody of my son to our abuser.

I have suffered for years, even becoming completely debilitated from pain struggling to feel safe in my own body after dealing with corruption in the courts and in the social services departments in the State of Maryland. I have successfully gotten at least a psychologist trying to force me to interact with our abuser declared a danger to the public by the Maryland Board of Examiners of Psychologists.

I eventually became homeless and enslaved in human trafficking as a result of becoming completely disabled from the physical and emotional pain I have sustained in dealing with the inability to protect my son from abuse.

I have been in therapy for years trying to heal, but when the system is so unsafe, I need the system to be repaired to BE safe.

SB 355 will fundamentally change nothing for survivors just like the Termination of Parental Rights Bill in 2018 passed and signed into law by the Maryland General Assembly fundamentally changed nothing to protect children from rapists.

The reason nothing will fundamentally change is because the court already has discretion to decide qualifications and training by custody evaluations.

When this bill states "the court MAY not appoint or approve an individual as a custody evaluator" instead of stating "the court SHALL not appoint or approve an individual as a custody evaluator" nothing will fundamentally change in the courts

Nothing else in the bill matters after that statement in the bill because this bill is political theater to make survivors who don't know any better go chase our tails for awhile before we come back to you crying that nothing has changed. This is a bill meant to kick the can down the road in providing any accountability in the courts. Shame on you.

I demand an amendment that the bill states, "the court SHALL not appoint or approve an individual as a custody evaluator."

MD Judiciary - Testimony SB 355.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 355
Family Law – Custody Evaluators – Qualifications and Training
DATE: January 13, 2021
(1/26)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 355. This bill would require all court-appointed or court-approved custody evaluators to have attained at least a master's degree in certain fields and have certain experience obtained through observation under clinical supervision or the performance of custody evaluations. Beginning October 1, 2022, custody evaluators must complete at least 60 hours of training on certain topics before appointed or approved by a court and complete at least 10 hours of continuing education and training every two years. The bill would also require courts to provide information about the role, availability, and cost of a custody evaluator in all contested child support, custody, and visitation cases and required custody evaluators provide parties written information regarding their policies, procedures, fees, and costs for the evaluation.

In 2016, the Court of Appeals, exercising its rule-making authority, adopted Maryland Rule 9-205.3 (the Rule), which governs custody evaluations ordered by circuit courts. If one is needed in a case, the parties will be directed to one and courts' Differentiated Case Management plans currently incorporate custody evaluations.

The purpose of appointing a custody evaluator is to provide expert professional assistance to courts in making difficult custody decisions. Among other things, the Rule imposes eligibility requirements, by education and training, for custody evaluators. The courts are in the best position to determine the eligibility requirements for custody evaluators; it is not necessary for the legislature to impose its own education and training requirements for custody evaluators in place of the eligibility requirements adopted by the Court of Appeals.

Sections 9-110 (a) and (b) of the proposed bill are essentially the same as the qualifications section of Rule 9-205.3(d), except (b)(1) of the proposed bill states that all custody evaluators must have a master's degree. The educational requirements in the Rule all are master's degree level and above, so the only effect of (b)(1) would be to

eliminate the waiver provision of the Rule. That provision was included for the sole purpose of ensuring that court-employed custody evaluators who did not meet the educational qualifications and were working for the courts prior to the adoption of the Rule in 2016 would not lose their jobs. If this legislation is enacted, it would affect two Anne Arundel Circuit Court employees.

The individuals who are eligible to serve as custody evaluators under the Rule are licensed mental health care providers. The Rule states that they must comply with the continuing education requirements of their fields. For example, eligible psychologists and social workers must complete 40 hours of continuing education in their fields every two years. Also, to maintain their eligibility under the Rule they must have training or experience observing or performing custody evaluations and must have “current knowledge” about 1) domestic violence, 2) child neglect and abuse; 3) family conflict and dynamics; 4) child and adult development; and 5) the impact of divorce and separation on children and adults. These topics encompass the eleven areas of training set forth in the proposed legislation.

The requirement that custody evaluators have experience in the areas set forth in (a)(3) of the bill will erect roadblocks to courts’ use of custody evaluations. Evaluators who do not have such experience would be disqualified and the requirement will make it more difficult for practitioners to become qualified. There is already a limited pool of qualified professionals available to do this work, especially in rural parts of the state. This requirement would further limit that pool, as would the requirement that evaluators complete at least 60 hours of initial training in certain topics before court appointment or approval. The topics that must be covered in initial training are both specific and numerous and there is no single existing training program that satisfies them all. The bill does not specify who will provide the training, how it would be funded, or given an indication of how it will be available before the October 1, 2022 effective date of the training requirement.

The bill requires the court to provide information to the parties regarding the role, availability, and cost of custody evaluations in the jurisdictions. It is not evident why the court would need to provide this information to parties in child support actions. In addition, there are jurisdictions that do not currently have custody evaluators who live or work in the jurisdiction so providing this information would be problematic. It is not appropriate for the court to investigate and provide the cost of a custody evaluator.

Further, Section (e) of the proposed legislation states that the Court of Appeals may adopt rules to implement its provisions. The Court of Appeals has rule-making authority regardless; this provision is violative of the separation of powers doctrine.

Finally, this bill is unnecessary as there currently exists a Custody Evaluator Standards and Training Workgroup which includes various stakeholders and chaired by Judge Deborah Eyler which has been studying this issue over several months. The Workgroup has made recommendations to the Judicial Council regarding custody evaluators to ensure that courts receive trustworthy and accurate assessment evidence.

cc. Hon. Mary Beth Carozza
Judicial Council
Legislative Committee
Kelley O'Connor

Testimony - SB 355 - Family Law - Custody Evaluator

Uploaded by: Glickman, Ilene

Position: UNF

To: Members of The Senate Judicial Proceedings Committee

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

Date: January 26, 2021

Subject: **Senate Bill 355:**
Family Law – Custody Evaluators – Qualifications and Training

Position: **OPPOSE**

The Maryland State Bar Association (MSBA) FJLSC **opposes Senate Bill 355: Family Law-Custody Evaluators – Qualification and Training.**

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.

Custody evaluations and other assessments in matters before the court in which custody and/or visitation are at issue are critical and useful tools in ensuring that the outcome of a case is in the best interests of the child(ren) at issue. Of course, it is critical that the custody evaluator have proper qualifications and training, which this bill is designed to address. However, the FJLSC opposes this bill for the following reason:

1. Currently Maryland Rule 9-205.3 addresses the qualifications and training/experience of custody evaluators.
2. The Section believes that the issue should remain in the Rules Committee.
3. Sixty hours of training as required by (C) is onerous and likely to result in the loss of individuals who would otherwise be qualified and considered skilled evaluators.



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For the reason(s) stated above, the MSBA FJLSC opposes **Senate Bill 355** and **urges an unfavorable 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 or Ilene Glickman by telephone at (410) 821-8718 or by e-mail at ilene@lawhj.com.

GSantoro SB355.pdf

Uploaded by: Santoro, Gina

Position: UNF

Ψ Santoro Psychological Services

2850 North Ridge Road, Suite 208A Ellicott City, MD 21043
(410)988-5943 www.santoropsychological.com

January 22, 2021

Maryland State Senate
Judicial Proceedings Committee

Dear Honorable Committee Members,

I am writing to you today in opposition of SB355. I am a Licensed Psychologist in the State of Maryland and obtained my licensure in 2007. My practice includes seeing clients in a clinical setting for therapy as well as conducting Court ordered evaluations related to custody matters. To date, I have completed 235 psychological evaluations, 34 custody evaluations, and 1 contested adoption evaluation. I also serve as an expert witness in the field of psychology, and to date have been qualified 111 times in 8 jurisdictions in the state of Maryland and 1 in the Commonwealth of Pennsylvania.

The training requirements outlined in SB355 are nearly impossible to meet without a program created and formalized by the Maryland Courts. It has taken me years of training and experience to meet the requirements included in SB355. All of these elements are important, however they are also elements that are included in a best practice approach to custody evaluations. For example, in 2006, the Association of Family and Conciliation Courts published "Model Standards of Practice for Child Custody Evaluation" and in 2016, published "Guidelines for Examining Intimate Partner Violence: A Supplement to the AFCC Model Standards of Practice for Child Custody Evaluation." These guidelines represent a comprehensive and best practice approach to child custody evaluations and requires screening for Intimate Partner Violence and Domestic Violence.

Before this bill is considered, the Maryland Judicial Education Center should create a comprehensive training program that includes the elements of SB355. The absence of a centralized training program greatly limits the pool of qualified and willing custody evaluators.

Thank you for your time and I look forward to your consideration of my testimony.

Respectfully submitted,



Gina M. Santoro, Ph.D.
Maryland Licensed Psychologist #04315

Custody evaluators - testimony - senate - 2021.pdf

Uploaded by: Jordan, Lisae C

Position: INFO



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
mcasa.org

Information Regarding Senate Bill 355 **Lisae C. Jordan, Executive Director & Counsel** January 26, 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 355 –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. These cases are highly contentious and protecting parents face high hurdles and great skepticism all too often. Custody evaluations are sometimes a part of these cases. A child custody evaluation is a process in which a mental health expert, often a psychologist or social worker, evaluates a family and makes recommendations to the court regarding a custody, visitation, or a parenting plan that they believe is in a child's best interests. It is critical that court custody evaluators are fully trained in the subject areas outlined in Senate Bill 355. In particular, evaluators must have expert knowledge of the Adverse Childhood Experiences study and the impacts on children of trauma and abuse.

MCASA supports the intent of this bill but is concerned about moving the educational and training requirements for court custody evaluators from the Maryland Rules of Court to the statute while leaving the rest of the conditions governing custody evaluators in the Maryland Rules. We believe that the Maryland Rules are the correct place for all of the requirements for custody evaluators, as the Court needs to be able to adjust and amend these conditions as necessary to meet the needs of the courts and families without having to wait for the next legislative session to come around. Additionally, it does not make sense to have some of the conditions governing custody evaluators in the Rules and some in the statute.

SB 355 INF House of Ruth.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.

TESTIMONY PROVIDING INFORMATION ABOUT SENATE BILL 355

January 26, 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 and has offices in Baltimore City and Baltimore, Prince George's, and Montgomery Counties. Senate Bill 355 sets out the educational and training requirements for court custody evaluators.

The House of Ruth believes it is important that court custody evaluators are fully trained in the subject areas outlined in the bill. A child custody evaluation is a process in which a mental health expert, often a psychologist or social worker, evaluates a family and makes recommendations to the court regarding a custody, visitation, and/or a parenting plan that is in a child's best interests. It is critical for custody evaluators to have full knowledge of the Adverse Childhood Experiences study and the impacts on children of trauma and domestic violence, child abuse, and emotional abuse.

The House of Ruth supports the intent of this bill but is concerned about moving the educational and training requirements for court custody evaluators from the Maryland Rules of Court to the statute while leaving the rest of the conditions governing custody evaluators in the Maryland Rules. We believe that the Maryland Rules are the correct place for all of the requirements for custody evaluators, as the Court needs to be able to adjust and amend these conditions as necessary to meet the needs of the courts and families without having to wait for the next legislative session to come around. In addition, the House of Ruth believes it does not make sense to have some of the conditions governing custody evaluators in the Rules and some in the statute.

Letter of Information - SB 355.pdf

Uploaded by: Wobensmith - Secretary of State, John

Position: INFO

SENATE BILL 355

STATE OF MARYLAND

EXECUTIVE DEPARTMENT

LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR



**OFFICE OF THE SECRETARY OF STATE
STATE HOUSE**

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JOHN C. WOBENSMITH
SECRETARY OF STATE

January 22, 2021

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

Re: Letter of Information – Senate Bill 355 – Family Law – Custody Evaluators – Qualifications and Training

Dear Senator Smith:

Senate Bill 355 was drafted for the purpose of requiring child custody evaluators to meet certain eligibility and training requirements. These requirements should, and must be met in order to be appointed or approved as a custody evaluator for Maryland courts, particularly in cases when domestic or child abuse allegations are present. Research strongly supports that custody cases sending children back to their abusers are often the foundation of the house on which future crime, health, societal ills, and other adverse childhood experiences are built. This legislation will benefit countless children and protective parents who have or currently are going through a custody case in which they are at risk of an abusive parent gaining custody.

As the Secretary of State, I have oversight of the State's Address Confidentiality (Safe at Home) Program and work closely with Anne Hoyer, Program Director. Ms. Hoyer and her staff frequently hear from and/or work with protective parents experiencing custody issues within the family court system. We frequently receive emails and phone calls from protective parents who are in various stages of these complex custody cases. Sometimes they ask us for other resources that may be helpful, such as legal aid programs. Other times, these parents have already lost custody of their children, sometimes not having seen or talked to them in years. I believe most would agree that, seeing firsthand, this kind of debilitating trauma and other unique challenges so frequently is so disheartening. Thankfully, for myself and the Address Confidentiality Program staff, these difficult cases only continue to keep our commitment and drive directed at making positive change.

Senator Mary Beth Carozza served as a member of the **Workgroup to Study Child Custody Court Cases Involving Child Abuse or Domestic Violence Allegations**, created by Chapter 52 in 2019. The workgroup was tasked with examining issues that arise as these cases move through

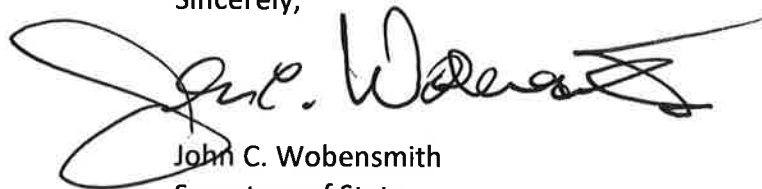
the justice system. As Chairman of this group, I was pleased to work alongside Sen. Carozza, and additional workgroup members, including other Maryland legislators, parents impacted by current practices within the family court, as well as domestic violence, child abuse, and custody experts and organizations. We were lucky to hear testimony from experts across the country, as well as the testimonies of protective parents and sadly, we also heard from a Maryland mother whose 15 month old son 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, 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 make legislative change to better protect these vulnerable children and families.

During the 1st of 14 meetings of the above workgroup members, H.Con.Res.72, was read aloud. This Resolution was drafted to express to Congress that child safety is the first priority of custody and visitation adjudications of custody where family violence is alleged. We discussed the significance of this in relation to our workgroup and how it aligns with our dedication to this mission in Maryland. According to the resolution, approximately 15 million children are exposed to domestic violence and/or child abuse each year. This is a staggering reminder of how important it is that we prioritize the well-being and safety of children. Research confirms that allegations of domestic violence, child abuse and child sexual abuse are often discounted when raised in child custody litigation.

On September 15th, 2020, the final report for the ***Workgroup to Study Child Custody Court Cases Involving Child Abuse or Domestic Violence Allegations*** was submitted to Governor Hogan, Senate President Ferguson and House Speaker Jones. Senate Bill 355 was drafted as a result of the workgroups final recommendations regarding the training and education requirements for child custody evaluators. This final report reflects the expert testimony and presentations that the workgroup received and the thorough and thoughtful deliberation in which the workgroup engaged. In the drafting of this bill, we are grateful that Senator Carozza took into consideration the results of the final report, along with all of the data and expert testimonies during the drafting of Senate Bill 355. The final report can be found here. Recommendations 12 through 24 are applicable to this legislation and can be found beginning on page 12 of the document.

As you can see, there is still much work to be done. The implementation of this legislation will be an important step forward into ensuring the safety and well-being of children and protective parents involved in State custody proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Wobensmith", with a large, stylized flourish extending from the bottom left.

John C. Wobensmith
Secretary of State