



January 24, 2022

Honorable William C. Smith, Jr.
Chair
Judicial Proceedings Committee
Maryland Senate
Miller Senate Office Building, 2 East Wing
11 Bladen Street
Annapolis, MD 21401

Honorable Jeffrey D. Waldstreicher
Vice Chair
Judicial Proceedings Committee
Maryland Senate
Miller Senate Office Building, 2 East Wing
11 Bladen Street
Annapolis, MD 21401

Dear Chair Smith and Vice Chair Waldstreicher,

On behalf of RAINN, I write in support of SB17, which would require that child’s counsel and judges presiding over child custody cases involving child abuse or domestic violence receive specialized training to ensure they have the requisite knowledge and understanding to protect children from additional harm.

Child safety and wellbeing must be the first priority in custody and visitation cases. However, courts frequently disbelieve claims of child sexual abuse in these proceedings. In a review of over 4,300 child custody cases nationwide, courts credited a mother’s claim of the father’s sexual abuse of a child in only 15% of cases¹; that number dropped to less than 2% when the father counter-claimed “parental alienation”² despite objective research showing that such claims are valid in between 50 to 72% of child custody cases.³ Additionally, when a guardian *ad litem* was involved and a mother alleged abuse, the mother was 1.76 times more likely to lose custody.⁴

We support Senator Susan Lee’s bill, SB17, to ensure that child’s counsel and judges are properly trained to understand the dynamics involved when making determinations about child abuse and domestic violence. This bill would require that all judges and child’s counsel involved in these cases receive at least 60 hours of initial training in a number of areas, including child sexual abuse, impacts of trauma on the brain, the process of child abuse investigations, and best practices to minimize re-traumatization to children.

¹ Meier, Joan S. and Dickson, Sean and O’Sullivan, Chris and Rosen, Leora and Hayes, Jeffrey, *Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations* (2019), p. 10. GWU Law School Public Law Research Paper No. 2019-56, GWU Legal Studies Research Paper No. 2019-56, Available at SSRN: <https://ssrn.com/abstract=3448062> or <http://dx.doi.org/10.2139/ssrn.3448062>.

² *Id.* at p. 4.

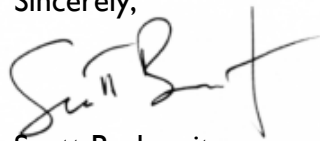
³ *Id.* at p. 11, FN 10, citing Kathleen Colbourn Faller, *The Parental Alienation Syndrome: What is it and What Data Support it?* *Child Maltreatment* 3:2 100, 107 (1998) (describing variety of studies finding that 50-72% of child sexual abuse claims are likely valid).

⁴ *Id.* at 24.

RAINN is the nation's largest anti-sexual assault organization. Founded in 1994, RAINN operates the National Sexual Assault Hotline (800.656.HOPE and rainn.org) and carries out programs to support victims, educate the public, improve public policy, and help companies and organizations improve the way they prevent and respond to sexual violence. Since covid restrictions began in March 2020, for the first time, half of victims receiving help from the National Sexual Assault Online Hotline were minors.⁵ Of those minors who expressed concerns over COVID-19, 67% identified their abuser as a family member and 79% said they were living with the abuser.⁶ It is more important than ever that court officials involved in cases of child abuse and domestic violence understand the reality facing these children.

We appreciate your consideration of this bill, and your continued support for all victims of child abuse and domestic violence.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Berkowitz". The signature is stylized and cursive.

Scott Berkowitz
President

CC: Honorable John D. Bailey
Honorable Jill P. Carter
Honorable Robert G. Cassilly
Honorable Shelly L. Hettleman
Honorable Michael J. Hough
Honorable Susan C. Lee
Honorable Charles E. Sydnor III
Honorable Christopher R. West

⁵ For the First Time Ever, Minors Make Up Half of Visitors to National Sexual Assault Hotline, 16 Apr. 2020.
<https://www.rainn.org/news/first-time-ever-minors-make-half-visitors-national-sexual-assault-hotline>.

⁶ Id.