



National Family Violence Law Center

THE GEORGE WASHINGTON UNIVERSITY

TO: Maryland Senate Judiciary Committee, Chairman Will Smith, Vice Chairman Jeff Waldstreicher, and Distinguished Committee Members

FROM: The National Family Violence Law Center at GW Law

RE: Testimony in SUPPORT of SB 17

DATE: January 24, 2022

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee,

Thank you for the opportunity to provide testimony on SB17, which will 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. SB17 will require judges to satisfy a minimum of 20 hours of initial training on issues related to child abuse and domestic violence prior to working on cases involving the same. Judges hearing these cases must receive at least 5 hours of continuing education every 2 years. This legislation, if passed, would improve the ability of courts to recognize child abuse, trauma, and domestic violence patterns, including coercive control, and prioritize the safety of those most vulnerable to such abuse.

By way of introduction, the National Family Violence Law Center (NFVLC) specializes in the intersection of adult and child abuse in the family and its implications for family courts. NFVLC serves as the pre-eminent home for national research and expert support for policymakers, judicial, legal and mental health professionals on this matter. Drawing on its own pioneering quantitative and qualitative research along with that of other top researchers, NFVLC provides training, education and evidence-based solutions for policymakers, professionals, advocates, media, and the public. Founded by Professor of Law Joan S. Meier in partnership with GW Law, the Center also develops state and federal policy proposals and files amicus briefs in high-profile cases to further its mission to improve family courts' ability to deliver safe and beneficial outcomes for those exposed to domestic violence, including children.

We support this proposed legislation. Important determinations about child placement arrangements, including safety measures for children, are made by judges, as well as informed by other court personnel, such as magistrates, appointed evaluators or counsel for the child. For this reason, we suggest an amendment be made to add a requirement for such training for relevant court personnel who are participant in these cases where children are most at-risk of repeat exposure to family violence.

Several states have already passed legislation that requires the judiciary to develop and implement such judicial and court personnel training programs. For example, California law requires the Judicial Council to establish judicial training programs for individuals who perform duties in domestic violence matters, including but not limited to, judges, referees, commissioners, mediators, and others as deemed appropriate by the Judicial Council.¹ California training programs must include instruction in all aspects of domestic violence, including, but not limited to, the detriment to children. Under Connecticut law, the judiciary is mandated to create an ongoing training program for judges and other court personnel, including Court Support Services Division personnel, guardians ad litem and clerks, regarding the function of the family violence intervention units and the use of restraining and protective orders.² New Hampshire law requires that, “all staff [shall] be fully trained to handle domestic violence cases”; protocols are mandatory and are produced by the state’s judicial branch to ensure best practices.³ Similarly, Washington D.C. law requires the chief judge, in consultation with the presiding judge of the Family Court, to carry out an ongoing program to provide training in family law and related matters for judges and attorneys who practice in Family Court, which includes information and instruction regarding family dynamics, including domestic violence.⁴ In Texas, the court of criminal appeals must assure that judicial training related to the problems of family violence, sexual assault, trafficking of persons, and child abuse and neglect is provided, and the rules must require each district judge, judge of a statutory county court, associate judge appointed under their Chapter 201, Family Code, master, referee, and magistrate complete at least 12 hours of the training within the judge's first term of office.⁵

In 2021, Colorado passed HB1228 and enacted a law which creates domestic violence, child abuse, and trauma training requirements for court personnel who are regularly involved in cases related to domestic matters, including child and family investigators and parenting responsibility evaluators.⁶ We at the National Family Violence Law Center provided trainings for Colorado practitioners pursuant to HB1228 in order to satisfy these new requirements.

¹ CAL. GOV. CODE § 68555

² CT STAT ANN. § 46b-38c

³ N.H. CT. R. DOM. VIOLENCE PROTOCOL 5-1

⁴ D.C. § 11-1104; § 11-1732A

⁵ TX. GOV. CODE § 22.110

⁶ [Colorado HB 1228](#)

We commend you for taking up this very important matter to improve court responses to family violence, especially on behalf of vulnerable children. Please do not hesitate to contact us if we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Pollack", with a long horizontal flourish extending to the right.

Danielle Pollack, Policy Manager

A handwritten signature in blue ink, appearing to read "Joan Meier", written in a cursive style.

Professor Joan Meier, Director

The National Family Violence Law Center
George Washington University Law School
2000 G St. N.W. , Washington, D.C. 20052
Tel. (202) 994-2278