UNIVERSITY OF MICHIGAN
SCHOOL OF SOCIAL WORK
1080 S. University Ave.
Ann Arbor, MI 48109-1106
saunddan@umich.edu

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

To: Maryland Senate Judicial Proceedings Committee

Re: Maryland Senate Bill 336: Custody Evaluators Qualifications and Training

POSITION: Support with Amendment

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee, I am grateful for the opportunity to voice my support for Senate Bill 336 and recommend an amendment.

I am a Professor Emeritus at the University of Michigan's School of Social Work. In October 2019, I provided in-person and written testimony to Maryland's "Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations" (my written testimony is here).

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 abuse and their children. This bill stems from the Workgroup's recommendations.

Our federally funded research at the University of Michigan shows that training on domestic violence is associated with custody evaluators' recommendations that are more likely to keep children and parents safe. The most crucial training areas were domestic violence screening, danger assessment, and post-separation abuse (Saunders, Faller & Tolman, 2011).

A clear strength of the bill is the requirement that evaluators have 20 hours of initial training and 5 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 and similar "booster sessions" are likely to be 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, "coercive behavior" is a specific topic. This form of abuse can occur without physical abuse yet can be extremely harmful to abuse victims

and their children. It is also a means to abusively pressure victims in custody proceedings.

The list of required training topics is comprehensive. It includes the essential topics of lethality assessment and the impacts of implicit bias and beliefs about false allegations. As I summarized in my testimony before the Workgroup, our research found that gender bias is related to accepting myths about custody and a tendency to grant abusers joint or sole custody.

Last year, opponents of similar legislation argued that topics proposed for training were too specific and subject to change when scientific and practice knowledge change. Based on my research reviews, experience as an expert witness, and familiarity with the field over many years, I do not think this will be the case. New information will logically be added at biennial, ongoing training sessions. However, the initial training has basic topics unlikely to change.

I recommend one amendment. In section C) 3.XI., I recommend changing one training topic from:

"BACKGROUND AND CURRENT RESEARCH-INFORMED LITERATURE REGARDING PARENTAL ALIENATION, ITS INVALIDITY AS A SYNDROME, AND THE INAPPROPRIATENESS OF ITS USE IN CHILD CUSTODY CASES"

to

"CURRENT RESEARCH-INFORMED LITERATURE REGARDING CHILDREN'S RELUCTANCE TO HAVE CONTACT WITH A PARENT. "

Research and court rulings find "parental alienation syndrome" to lack validity. Thus, the proposed language is correct. However, various definitions of "parental alienation" might be confused with "parental alienation syndrome," Sometimes, they are equivalent. A growing body of research shows that one definition of "parental alienation" validly corresponds with the behavior of many domestic abusers. The term "children's reluctance" is more inclusive and neutral than "parental alienation." Children have many reasons for being reluctant to have contact with a parent. "Parental alienation behavior," defined as a parent turning a child away from the other parent, is one possible reason. Custody evaluators must be trained on these important distinctions and the methods needed to assess them. Furthermore, they need to know that domestic violence and child abuse are more common reasons for a child to be reluctant to have contact with a parent than "parental alienation" (Saunders, D. G., & Faller, K. C. (2016). The need to carefully screen for family violence when parental alienation is claimed. Michigan Family Law Journal, 46, 7-11).

Because there are very strong proponents and very strong opponents to the concept of "parental alienation" and because it has no single definition, the use of the term leads to misunderstandings and unnecessary arguments. For example, proposed legislation last year to train judges on parental alienation was opposed by the Family

and Juvenile Law Section Council (FJLSC) of the Maryland State Bar Association. Their statement said:

> 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 (For example see Eddy B 2020, Don't Alienate the Kids). 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. 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.

With my proposed amendment, the concept "parental alienation" is subsumed under the concept "child reluctance to parent contact" without using the ill-defined term "parental alienation."

Thank you for the opportunity to provide comments on this very important legislation aimed at enhancing the safety of Maryland's families.