
BILL NO: Senate Bill 17
TITLE: Child Custody - Cases Involving Child Abuse or Domestic Violence – Training
COMMITTEE: Judicial Proceedings
HEARING DATE: January 26, 2022
POSITION: **FAVORABLE WITH AMENDMENTS**

Senate Bill 17 would require a certain number of hours and certain curriculum for judges who will sit on family law cases. The Women's Law Center of Maryland (WLC) supports this bill with amendments, because while we fully support the concept of training for judges on these important issues, this bill is too directive and will create potential problems as time passes.

Senate Bill 17 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 magistrates (although not mentioned in this Bill) 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 the wisdom of placing all of the specifics contained in this bill into a statute. Currently the Chief Judge of the Maryland Court of Appeals and the Maryland Rules are responsible for determining what training judges are required to undergo. A better path is to amend this bill to end after page 2, line 2. If the specifics of training are included, as theories develop and change, or as vocabulary or labels of theories change, the statute would have to be revised each time this happens.

Furthermore, we have concerns about the proposed §9-101.3 addition to our laws. Requiring the judiciary to provide training in a certain way or for a specific number of hours (a number not supported by any research that it is the correct number of hours) does not comport with the idea that professionals with extensive experience would be assisting in developing the training and advising on updates every two years. What if it is determined by experts that 15 hours of training is adequate? More? Less? The Judiciary itself is well able to craft a training program, in conjunction with experts in the fields of child abuse and domestic violence. Let the experts decide.

Finally, lines 1-4 on page 3 are insulting to judges.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 17 with amendments.

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.