testimonySB17.pdf
Uploaded by: Anne Hoyer
Position: FAV

Good morning Chairman and distinguished committee members,

I am Anne Hoyer. I have worked in the Maryland Secretary of State's Office for almost eight years. My primary role was developing and heading up the Safe at Home Program which provides a lifesaving tool for victims of violence. A large percentage of those individuals found themselves in family custody court, for obvious reasons. Prior to my position with the State, I worked with multiple organizations and experts who work in the child abuse and domestic violence arena. Since 2005, I have been engaged in conversation with protective parents (both men and women) who were and are desperately seeking protection and justice through our court system. Many of these cases have a commonality in that system errors and beliefs have left them in the same situation if not worse.

In 2018, I was honored to be appointed to a legislated workgroup. SB17 is a product from that Workgroup. This group was charged with seeking out common sense solutions to address the challenges family courts are faced with when overseeing custody cases where allegations of abuse or domestic violence is alleged. As anyone can imagine, these cases are far from easy and very complex. One of the recommendations was to provide lifesaving training/awareness to judges presiding over these very difficult cases. This will give them the necessary tools to assist them in making life altering decisions for children and families. As well as alleviating some anxiety and apprehension typically associated with judges participating in family court matters. It may also protect them from a life of PTSD in the event of a "decision gone badly." The judges are not experts in this field. That being said, they need to be aware of the current scientific based tools that are available to them. These training subject matters can be the difference between a life of abuse or in some cases death.

*Resolution 72 (US House of Representatives passed in 2018) recommending all states put child safety as the number one priority in custody and parenting decisions.

I want to thank you for allowing me to speak today and I urge a favorable vote on SB17.

--

SB0017.pdf
Uploaded by: Annie Kenny
Position: FAV

January 24, 2022

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

RE: SB0017 – Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges – SUPPORT

Chairman Smith,

My name is Annie Kenny, and I am a single mother to three daughters from St. Mary's County. Several years ago, I discovered that my now ex-husband was abusing our oldest daughter. He was indicted on felony child sex abuse charges and is now a Tier III Registered Sex Offender for life. It took seven months in criminal court for my children's father to be convicted. It took four years in family court for me to get a no contact order in place, protecting my children from him. I'm sure this committee is tired of hearing from me, but there are countless protective parents out there, still in the depths of family court, afraid or unable to speak, counting on me to keep showing up.

It's important to understand that the father of my children was already convicted and a registered sex offender BEFORE I ever stepped foot in family court. We were not a routine family court case, and never should have been treated as such. However, for the first two years of my family court case, I was put on regular dockets, with 10-20 other cases, many of which were completely uncontested or simply involved child support enforcement. Whenever we would be called up, the Magistrate would hear a small portion of what our case was, and put us to the back of the line, as his goal was to move as many cases as possible out of his courtroom. Entire days were wasted, not being able to be properly heard, at a cost of $3,000 per day for ONE attorney.

Not only was the scheduling of my case routinely mishandled, the hearings themselves did not stay focused on the safety of the children. Supervised visitation was granted for my ex-husband, to be conducted on weekends at his mother's house, supervised by her. A year into the visitation, after months of behavioral concerns with one of my daughters, she made disclosures to several members of her mental health team, all of which immediately filed a report with Child Protective Services. Child Protective Services and the police questioned my children, and ultimately came to the conclusion that it was completely a civil issue, as no laws had been broken, and my girls were not disclosing any sexual abuse at the time.

I chose to stop sending my children for their "supervised" visitation, and braced myself against numerous contempt charges and hearings. In my first contempt hearing, the magistrate refused to even discuss my ex's conviction, or his sexual abuse of my oldest daughter. He instead directed me to continue sending my children for their weekend visits at Grandma's house, with a stipulation that their father be told to leave the property at night and he not be allowed to sleep there while the children were present. Again, I couldn't bring myself to send my daughters. My non-compliance escalated my ex-husband's anger. I spent months required to be in daily contact with him, discussing all aspects of our children with him. He followed us, stalked our home, bought electronic devices for my children and harassed them constantly through them. The magistrate at one point even directed me to include my

ex-husband in my daughter's mental health therapy. I was granted an unrestricted conceal carry gun permit by the Maryland State Police at the same time that I was meeting my ex-husband for supervised dinners weekly, and celebrating birthdays together at Chuck E Cheese.

I've spent tens of thousands of dollars on legal fees and lost years of my life fighting against an already proven to be dangerous man just to keep my children safe. And the only reason I am not STILL in active family court is because he is currently incarcerated, accused of molesting multiple children, and having pled guilty to molesting a 10 year old girl. The day he was arrested, I still had an active court order telling me to send my daughters to his mother's house for visitation every other weekend. I just was refusing to do it.

The thing of it is, I really don't think the magistrate handling our case was a bad judge. I watched him guide other divorcing couples towards peaceful agreements. He asked about the health and healing of my oldest daughter every time I was in front of him. He meant well, but he was ill equipped to handle our case. He retired recently, and I would bet that if he had any training on domestic violence or child abuse it was many, many years ago.

Our magistrate used to end every case hearing (for all of the cases in the courtroom) by saying "In this courtroom we don't divorce families, we divorce couples." I think it's beautiful sentiment, and I admire his commitment to maintaining relationships and peace between divorcing couples. But some families need to be divorced, for the safety of the protective parent and the children, and my case never should have been in front of him to begin with. As always, thank you for your time, I appreciate the opportunity.

Annie Kenny

6632 Antelope Court

Waldorf, MD 20603

MD SB17 Judicial Training RAINN Support Letter 202

Uploaded by: camille cooper

Position: FAV

RAINN
Leading the National Effort to End Sexual Violence

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 cases[1]; 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.

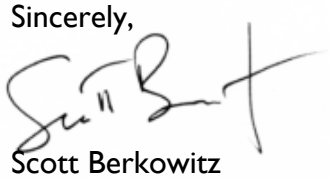
---

[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,



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.

MD SB0017.Drumgoole.Written Testimony.pdf
Uploaded by: Christine Drumgoole
Position: FAV

Christine J. Drumgoole

5220 Bangert Street
White Marsh, Maryland 21162
410-952-1868 (cell), btsurvivor@outlook.com

January 24, 2022

SENATOR WILLIAM C. SMITH, JR.

SENATE JUDICIAL PROCEEDINGS COMMITTEE
2 EAST
MILLER SENATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

RE: **SBOO17** CHILD CUSTODY – CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE-TRAINING FOR JUDGES

I am a well-educated, emotionally healthy protective parent, intimate partner violence/betrayal trauma survivor, and family court reform advocate. I hold a favorable position as to SB0017 Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges.

My own divorce and custody case in Baltimore County, Maryland began when my now former spouse filed for divorce as a coercive control measure to force the issue of unsupervised visitation, despite Child Protective Services requiring that he be supervised during his parenting time and not have any overnight parenting time. My former spouse identifies as a sex and pornography addict *(including participation in prostitution and child sexual abuse documentation viewing (i.e., child pornography) and other illegal and/or sexual predatory behaviors)* and is an admitted sexual abuser of our daughter, as evidenced by his admission to a Certified Sex Addiction Therapist, admission to me, and an "indicated" finding by the Baltimore County Department of Social Services. Unjustly, he was not charged, convicted, nor listed on the Sex Offender Registry because he refused to interview with the detective assigned to our case. There was simply no accountability.

Despite my former spouse's secret sexual life of twenty plus (20+) years and admittance of child sexual abuse against our daughter, his Complaint for Divorce and Child Custody was entertained by the court without much understanding of the dynamics of abuse, sex/porn addiction, child sexual abuse, and victim/partner trauma (PTSD, C-

PTSD). Our divorce/custody case was put through the standard procedure. We as Plaintiff (him) and Defendant (me) were treated as equal parties to the dysfunction and labeled as a "high conflict divorce" when the reality is that my former spouse has a long history of emotional, psychological, sexual, physical, and financial abuse against me and our children. It only takes one dysfunctional party to exert power and control and be dysfunctional to create a difficult divorce case. Because of the lack of substantial education of the forgoing issues by Judges and other court professionals, my divorce and custody case took two years and is still being litigated post-divorce. Court professionals, including Judges, also lack education and training to recognize an abuser's tactics of litigation abuse, financial abuse, and domestic abuse by proxy via the children during the divorce/custody process.

Despite my documentation, support of highly specialized and trained therapeutic professionals, and the evidence against my former spouse, I was still unfairly tasked with defending myself and my children against our abuser in the family court setting. It was revictimizing and retraumatizing because of the lack of continuing education and simple understanding of abuse and sex/porn addiction dynamics by the Judge and other court professionals. I am approaching the $200,000.00 mark in legal fees; simply to keep my children safe. Much of my legal fees were in explaining to my Attorney, the Court Custody Evaluator, the Therapeutic Privilege Attorney, and the Judge the dynamics of abuse. I was placed in the precarious position of having to respectfully educate highly educated and certified professionals before I could advocate for the safety of my own children. There are several recent studies which support my experience, your proposed bill, and my endorsement of same. They are as follows:

- The Meier Study
- Adverse Childhood Experiences (ACEs)
- The Saunders Study
- The Santa Clara University Study (High Conflict individuals in the family court system)

I ask that SB0017 be passed and that the following suggestions be considered for inclusion:

1. Victims of Intimate Partner Violence (IPV)/Domestic Violence, Child Sexual Abuse, or any documented abuse be provided FREE legal counsel. Much of my frustration and stress was in finding an Attorney to take my case and one whom I could afford. I had to borrow money, max out credit cards, and my parents refinanced their mortgage-free home to assist me in protecting my children. I still owe my Attorney $30,000.00 in Attorney fees and that amount is growing by the day. If accused perpetrators can receive free legal counsel in criminal court, why can't victims of abuse receive fee legal counsel in Family

Court. As an aside, MD Legal Aid, House of Ruth Legal Services, Turnaround Legal Services, and Child Justice were contacted several times throughout my case and none could assist me. I financially and substantively qualified for services, but they simply did not have the staff to represent my complicated, drawn-out case. This is not specific to me or my case. This is the experience of many survivors when encountering divorce and custody issues with their abuser.

2. Please know that abuse does not stop once the relationship has ended. If anything, the abuse is increased and becomes more insidious; often via litigation, finances, and domestic abuse by proxy via the children in common.
3. When a Judge is appointed to a divorce/custody case with documented abuse and/or addiction issues, that Judge should remain the Judge for the entirety of the case (unless found to be unfit for the task). My case had several Judges and Magistrates. It was luck of the draw as to who would hear my case for each pleading, hearing, or trial. These cases need consistency of oversight, as it is the patterns of post-separation abusive behavior which become evident to the court when overseen in this manner.
4. Judges need to be proactive when writing orders and provide clear, concise wording for consequences when the court order is not followed. Simply assuming that the abusive party will be reasonable is placing the victims in further harm; often requiring many revisits to court to clarify the orders. The abuser should never be given any form of decision making, as it is handing them the tools of power and control.

I thank you for your time and remain supportive of these measures. I much more to say on these topics and welcome you to contact me to discuss further.

SINCERELY,

Christine J. Drumgoole

CHRISTINE J. DRUMGOOLE
Healthy, protective parent, intimate partner violence/betrayal trauma survivor, and advocate.

SB17 Support Letter.pdf
Uploaded by: Faith W
Position: FAV

"Hope" Wylie (A Protective Parent)

ACP#14269 P.O. Box 2995

Annapolis, MD 21404

ACP Phone Number: 410-974-5521

IN SUPPORT OF SB17

Addressed to:

Senator William C. Smith, Jr.

Senate Judicial Proceedings Committee

2 East Miller State Office Building

Annapolis, MD 21401

This letter is written **IN SUPPORT OF** SB 17, a bill entitled **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges.**

The intent of this bill is to ensure that in those family law cases which involve child abuse and/or domestic violence, that the presiding judge is as well versed in best practices for ensuring the best interests of the child as the State of Maryland can possibly support.

Child abuse is an unfortunate and potentially debilitating life occurrence (both physically and emotionally) and once an affected family enters the court system to seek relief, it becomes the presiding judge's responsibility to ensure that every court decision that involves custody takes into account the impact and effect that child abuse has had or will have on the child of the suit.

Each side, Mother and Father, always has some interest in the outcome of a child custody suit; and while those interests may at times be competing, it remains clear that the child has a compelling and overarching interest in her life, in her liberty and in the pursuit of her happiness in a safe and nurturing environment.

As such, this bill does not explicitly (or implicitly) favor Mother. Neither does it explicitly (or implicitly) favor Father.

It explicitly favors the child of the suit.

When child abuse has been a part of the family dynamic, it is imperative that the presiding judge be informed of the impact that child abuse may have had on the child and on best practices for ensuring that any custody arrangement retains the child's best interests and safety at heart – regardless of which parent (or parents) have been perpetrators of the child abuse or the domestic violence.

In addition, in those instances wherein a social service agency has been involved, but has not made a definitive finding of abuse, there is still a responsibility for every judge to understand that the investigation process itself is imperfect and limited and that child abuse and/or domestic violence (from one parent against the other parent) is still always a possibility to have occurred, whether it has been previously documented or not. In fact, there are families in which violence and abuse go unreported and undetected for years, and the first such report is made within the court house during trial or in legal pleadings to the court. This bill aims to put training in place in order to impress these very real circumstances upon our judiciary so that they may diligently and faithfully execute their office without prejudice against any party.

In other cases, where domestic violence has been perpetrated by one parent against the other parent, but when there has been no explicit abuse directed toward the child (although I do believe that it can be argued that when a child is living in that family dynamic, that she will suffer from a form of emotional abuse), it is also important that the family dynamics are taken into consideration in order to guide custody arrangements. Best practices may suggest methods by which the child-parent relationship (with the abusive parent) can be maintained while ensuring that the abused parent and the child are not endangered by any such arrangement.

Finally, every hour of training that presiding judges can use to be further educated on (1) the most up to date medical understanding of the impact of child abuse and domestic violence on the child of the suit and on (2) best practices for ensuring that the child of the suit is optimally protected, is worth their time. It is also worth tax payer dollars and it is worth the unanimous support of our legislative bodies to pass this bill into law.

There is simply no substantive argument against training our state judges in methodologies and practices that will help to create the safest custody arrangement possible for the affected children of the State of Maryland.

SB0017 Testimony.pdf
Uploaded by: Heather Twigg
Position: FAV

Senator William C. Smith, Jr.

Senate Judicial Proceedings Committee

2 East

Miller Senate Office Building

Annapolis, MD 21401

RE: SB0017 Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges

On 9/1/2017, I was attacked by my ex-husband in our marital home. He was secretly recording an argument, in which he was lying about his actions, laughing at me for reacting to the lies. I saw his phone on the nightstand recording. I walked over to take the phone and he chased me through our home, violently grabbing the back of my right foot and slamming me down, pulling my leg as hard as he could, demanding I give him back the phone. I felt ripping and tearing sensations in my right hamstring, dry heaving and screaming from the pain. It was all recorded; I have the video. Most importantly, our 2 year old daughter witnessed this and has asked me about it many years later. I did not seek medical care nor file any charges, due to fear and financial dependence on his parents. The following day, I left with our daughter for a Labor Day celebration, my annual family gathering that he refused to go to. The patterns of these behaviors always surrounded holidays, birthdays, special events or gatherings. There were many instances prior to this, but I am only comfortable sharing the ones I have proof of, as this man is still harassing me and using the children and courts to continue the abuse. In January 2021, I decided it was time to receive closure from this incident and filed charges. They were immediately dismissed, per the statute of limitations of 1 year and 1 day in the state of Maryland. I'm baffled that abuse has a timeline and gets ignored this easily. One month later, my father-in-law was following me after an exchange. I filed a protective order and it was denied.

On 2/27/2018, he held a gun up to his head and threatened me saying "I'm going to blow my brains out right in front of you." This was in response to me being discharged from pain management, as he had been stealing my medications for many years, in addition to having his own. Upon asking, he agreed to lock his gun up in the safe and gave me the key. During this time, he had a child-like tantrum where he blamed me for our pedestrian vs. car accident and screamed "that's why you pushed me in front of the car!" He also threatened to leave and take our daughter. This conversation is also recorded and our daughter was present. Not long after this incident, I approached his parents regarding his addiction and asked for help. His father said to me, "I'll have your ass thrown in jail for feeding the shit to him." Blaming me for the addiction and threatening me. Later on, those words become a reality. As of today, I currently have two false assault charges against me from his sister and mother.

I became pregnant with our second daughter. This change progressively worsened current issues in the marriage. The day after Thanksgiving, 11/23/2018, we were on the way home from a friend's house playing music together. He had mixed his controlled prescriptions with alcohol and cannabis; refusing to let me drive. He was swerving and driving erratically, so I told him to stop the car and switch seats. While I was driving home, he started an argument about me talking with another man. He got very angry, banging his fists on the passenger airbag causing it to partially deploy. Suddenly, he grabbed the steering wheel and attempted to run us off the road. I used all the strength I had in me with my left thigh and both hands, to control the wheel; slamming the brakes abruptly. It left a huge red skid mark on my thigh. I threw his wallet out the window and told him to have his Mom come pick him up. Sadly, I turned the car around

and got him because it was cold outside. Every time I get into my car, I am reminded of this horrific memory. I will be so relieved when I am able to get a new car.

2/10/2019, the morning after an argument where he took our daughter with him to his parents and called the cops, he showed up at the door. After I stated, “she can stay and you can go,” I reached out my arms for her, she reached back for me, but he instantly became full of rage and pushed me down while he was holding her. I was 13 weeks pregnant. He ran back to his parents’ house and called the cops on me again. They showed up while I was in the shower, banging loudly on the bathroom door. The cops refused to let me get dressed, after asking them to leave my bedroom; handcuffing me in my home while wearing a bathrobe and boots. I did not know why I was being treated this way, after he pushed me down to the floor. It was humiliating. He had me emergency petitioned to the ER, where I was released within an hour. I filed a protective order, per Officer Hodel’s suggestion at the hospital. When I got to the commissioner’s office, the clerk informed me that my ex-husband had already been there this morning and decided to retract his order. I proceeded with mine anyway. Then, he filed one the next day. On 2/11/2019 I received a call from the officer kindly asking when I could be served because he didn’t want to come to my employer on the first day of my new job. The next day, Judge Price ordered me out of the marital home for one week, at 13 weeks pregnant, leaving our daughter in the care of her abusive father. My ex-husband lied under oath, claiming I was “histrionic” and his lawyer suggested we both participate in marital counseling and individual therapy. The final protective order hearing was 2/19/2019. When I returned home afterwards, he said “I can’t live without you.” This resulted in me losing my job at the local bank, a place he knew I always wanted to work. The first day of the new job was 2/11/2019, the day after he pushed me down. Again, a behavioral pattern connected to any events, me making money or being away from the home.

On 6/2/2019, our daughter found a morphine pill on the bedroom floor. After consulting with him, he denied it was his. He was the only one with a prescription for this controlled substance at that time. He proceeded to blame this on me and my family. I have it all on video. This was not the first time controlled prescription pills were carelessly left lying around, as he was on 6 of them. It was that moment I knew I had to somehow escape from this nightmare, at 7 months pregnant. After our first marital therapy session with Dr. Peterson, he brought his parents, where they told him it was best to get a divorce. We separated on 7/18/2019. One week later, I filed for child support, as I would have no income after giving birth. I gave birth to our second daughter on August 27. I filed for divorce 10 days later. After we made a verbal agreement for custody, he kept our oldest daughter past the agreed time on 10/6/2019. I walked down to his parents to find the gates were locked. In all of the 5 years I lived there, they never locked the gates to their yard. I knocked on his Grandma’s door. I entered after hearing “Come in!” I spoke with his sister and grandmother. They told me that my daughter was not there. A few days later, I received a criminal summons, as I stood in my front yard breastfeeding our new baby. My epileptic sister-in-law filed false assault charges against me for a verbal conversation. She didn’t even write the report herself, it was in her Dad’s handwriting. With the help of many friends and family, I safely left the martial home on 10/8/2019.

Fast forward, after a long awaited divorced delayed by Covid and a lawyer ignoring my evidence for custody; I am facing a second assault charge from his Mother. Again, for a verbal conversation which occurred in the Allegany County Detention Center parking lot, where we exchange the children. I am pursuing nursing school and currently working in the human service field. I will not be accepted into the program with these charges on my record. They know I want to become a nurse, as this will be my second attempt at nursing school. I have suffered tremendous mental health damages, in which I seek treatment weekly. Recently, my physical health is showing thyroid issues due to the stress of sharing 50/50 custody with my abuser, an addict and social worker who practices psychotherapy. I appreciate your time and attention to my testimony. I am in high favor of this bill. My oldest daughter witnessed domestic violence on multiple occasions in our home. She and I are currently in therapy. My ex-husband is dependent on controlled substances and mixing them with alcohol. He was still awarded 50/50 joint legal custody without any questioning or

investigation. I live in fear every day that my children leave to go with him. Anything can happen behind closed doors. I am a survivor, a protective parent who deserves peace; not only for myself, but most importantly for my innocent children. Something must be done to protect countless other adults and children from the unsafe conditions caused by addiction, untreated mental illness and domestic violence. Thank you for your time and attention to this urgent crisis.

Heather Twigg

556 Greene St

Cumberland, MD 21502

240-362-4554

SB17 testimony.pdf
Uploaded by: Hera McLeod
Position: FAV

Good afternoon. My name is Hera McLeod. Ten years ago, my 15-month-old son Prince McLeod was drowned on the fourth unsupervised visit with his father. Many who hear about my custody case are quick to dismiss it as "the extreme example", but I assure you that in the last ten years since I've been studying and advocating for Family court reform – I've seen a very common thread running through cases (particularly those where children are in danger). Judges don't have the training required to properly assess cases that involve elements of Domestic Violence and Child Abuse.

And if you don't believe my words – let's take a quick look at what the judge in my case said:

"I'm in Family Law because I have to be. It's a required 18-month rotation. I don't like it. And if I could choose not to do it, I would not do it. And it's for these kinds of cases."

"Let me tell you what I conclude this case is not about - it's a lot of smoke, it's a lot of smoke. Well, there's a lot of smoke. The difficultly is that with all that smoke I can't see clearly. I don't have the answers. I don't have any superior knowledge beyond anybody else. What I do know is I'm going to make the decision based upon the law and based upon the testimony that I've heard in court and based upon what I think, right or wrong, is in the best interest of this child."

Unfortunately for my son, what this judge thought – because he didn't have access to the superior knowledge he referenced (which this bill addresses) – wasn't in the best interest of my son. He sentenced my son to death, because of his assumptions – bias – and a lack of knowledge of how to properly assess a case that involved Domestic Violence and Child Abuse.

This same judge told me that for my son's case to reach the threshold of a "Child in Need of Action – CINA" case – he'd have to come home to me with cigarette burns on his back.

My son came home to me in a body bag. I'll never forget the moments I had with Prince before I closed his casket for the last time. I told him I was sorry that I couldn't protect him – that I knew he wasn't the first child this happened to – but that I would make it my life's purpose to help ensure he'd be one of the last. That the next child whose life rested in the hands of the court – that child would be saved.

I'm asking you all to take a step that those before you were unwilling to take to protect the children who will come next. SB 17 doesn't fix everything that's wrong with Family Court or our justice system, but it's a necessary step that would give our judges the tools required to make the right decision – the decision that would save the children who come next.

SB 17_Senate Testimony_Monisha Billings_Final.pdf
Uploaded by: Monisha Billings
Position: FAV

O Lord, you hear the desire of the afflicted; you strengthen their heart; you will incline your ear to do justice to the oppressed, so that man who is of the earth may strike terror no more. - Psalm 10: 17-18.

Monisha Billings, DDS, MPH, PhD
Annapolis, MD 21404
301-828-0733
jmonisha@gmail.com

Senate Judicial Proceedings Committee
Miller Senate Office, 11 Bladen St., Annapolis, Maryland

January 24, 2022

Re: SENATE BILL 17 – SUPPORT | Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges | Testimony by: Monisha Billings, DDS, MPH, PhD

Dear Senate Judicial Proceedings Committee,

I am deeply appreciative of the work of Senator West's introduction of Senate Bill 17. The purpose of this letter is to urge the Committee for a favorable report for SB 17.

The Centers for Disease Control and Prevention (CDC) estimates 1 in 4 girls and 1 in 13 boys to have experienced sexual abuse in childhood.[1] This catastrophic prevalence is equivalent to 142 jumbo jets, with children, crashing every day for 365 days a year in the United States; and 4 jumbo jets with children crashing every day for 365 days a year in Maryland. We face a crisis. Urgent action is needed to stop this unconscionable destruction of our children. Child sexual abuse (CSA) is not a cancer without a therapeutic or an infectious disease without a vaccine, but rather CSA is a preventable public health crisis. Yet, why aren't we preventing or stopping it?

In my experience it is because children and mothers are vulnerable populations who are not heard and not believed, despite overwhelming evidence. A strong bias against protective mothers and their children is alarming prevalent in the system. Previously, I naïvely believed that those in power to protect children *will* protect children. But to my dismay, I have found them only to shield alleged abusers and further endanger children by penalizing protective parents.

There is a failure of the system when Judges, who are authority figures, belittle and scold victims of domestic violence (DV) in their court rooms in front of the alleged abuser. When such Judges refuse to admit subpoenaed medical records documenting the extensive injuries inflicted on the victim by the alleged abuser; disregard the final protective order granted to protect the victim; disregard the Child Welfare Services' (CWS) Safety Plan granted to the DV victim and the minor child; disregard CWS report finding of endangerment of the minor child by the alleged abuser; disregard the police report documenting the violence; disregard the court-appointed custody evaluator's recommendations in favor of the DV victim; disregard the magistrate's recommendations but uphold the alleged abuser's exceptions to the magistrate; ignore testimony after testimony of witnesses to the abuse; and after denying such critical evidence, these Judges turn around and dismiss the domestic violence as a matter of insignificance. While in reality the DV victim continues to suffer the long-term impact of physical and emotional trauma with mounting medical and legal expenses, drowning the victim into financial distress. Such Judges revictimize the victim of DV in their court rooms and empower the abuser. When the court grants more power (i.e., tie-breaker authority or sole legal custody) to the abuser than the DV victim, it escalates the violence by the abuser.

What is even more distressing, is when the court re-appoints the same Judges who have previously disregarded and trivialized the domestic violence against the mother to then preside over the child custody trial involving child sexual abuse. The mother, a survivor of DV who had been emotionally lynched in the court room by the Judge would now have

[1] Centers for Disease Control and Prevention. Preventing Child Sexual Abuse. Accessible at: https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html

to testify before such a Judge regarding the abuse of her little child. How does a mother get justice for her child in such circumstances… a never-ending system of traps? All that the mother asks for is a fair trial before an unbiased Judge. Is this too much to ask? Is asking for due process a great ask? Does this mother live in Afghanistan? No, this is Maryland in the United States of America!

Then there are Judges who just go by the words of the Best Interest Attorneys (BIAs) and the BIAs' opinions, rather than evidence. The BIAs who are in a position of power to protect children they represent, do just the opposite. They use their power to protect the alleged abuser. This is a shocking paradox. BIAs refuse to examine the evidence indicating the possibility of child abuse nor do they conduct a safety assessment. They then abuse their position of power and authority to suppress the child's voice they are supposed to advocate for, they intimidate mothers and coerce them into signing agreements, they obstruct due process, they bring in evaluators of their choice who work with them to further suppress the child's voice and the mother's concerns, gaslighting the mother. When the child makes disclosures of CSA, BIAs to cover up their tracks, attack the mother with false allegations of coaching. Listening to the BIA's hear-say allegations of coaching and without a shred of evidence, the Judges separate the child from the protective mother and hand over the child to alleged abuser. Together, they vehemently attack protective mothers, vilifying them without any reasonable justification. These Judges and BIAs are in denial that CSA could be perpetuated by a parent – despite consistent data from research. Research also shows the association between domestic violence and child sexual abuse. Yet such evidence arising from research is either unknown to BIAs and Judges or they willfully deny it.

Don't they know that little children will turn to their mothers whom they trust to confide in them when they are being inappropriately treated? Even this basic support to young children is taken away from them, when their mothers are taken from them under the pretext of coaching. Only much later to be exonerated by a diligent Judge who carefully reviewed the evidence.

Mothers and children are separated for years and they endure immense trauma, abuse, and suffering in silence and isolation. This is inhumane and cruel to children and mothers. A violation of civil rights and human rights. A mockery of justice. The bond between a mother and child begins well before birth and cannot be easily broken. And in my opinion, is a sacred bond. The role of a mother in these times is looked upon with distain and mocked as "primitive animal instincts". Yet, even animals can teach us "superior" humans a few lessons of love, nurture and compassion.

All of this germinates a system that silences children into years of abuse and vindictively punishes mothers with punitive sanctions whose only desire is the safety and wellbeing of their helpless, little children. The existing system revictimize children and mothers who are victims of domestic violence. The prejudice against mothers of color in an interracial marriage is even more severe.

In these unprecedented times, when the cries of the common man are reaching the halls of power, I join with other protective parents in echoing the cries of children and protective parents.

It is said, *"It takes a village to raise a child."* But I say it also takes a village to save a child from abuse. The inspiring Liberty Bell was constructed for American Independence, became a symbol of the anti-slavery movement and women's suffrage, but a liberty bell for children is yet to be recognized and proclaimed. May the words inscribed on the Liberty Bell: Leviticus 25:10, *"Proclaim liberty throughout all the land unto all the inhabitants thereof"* hold true for our most vulnerable inhabitants – our children.

It is my hope that the enormous suffering of children and protective parents will soon end in our State and there be zero tolerance for child abuse. The first step in this direction will be rigorous training of Judges on the complexities of child abuse, domestic violence and coercive control. The lives of children matter.

Sincerely,

Monisha Billings

Monisha Billings, DDS, MPH, PhD

CHILD SEXUAL ABUSE (CSA) – HOW BIG IS THE PROBLEM?

Source: Centers for Disease Control and Prevention
https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html

10.4 million girls and 3 million boys: experience CSA in US

298,656 girls and 88,218 boys: experience CSA in MD

- **142 jumbo jets with children** crashing every day for 365 days a year – in US
- **4 jumbo jets with children** crashing every day for 365 days a year – in MD
- Alert! This is a **CRISIS**!
- 91% of child sexual abuse is perpetrated by someone the child or child's family knows. - *CDC*
- Little investment has been made in primary prevention, or preventing child sexual abuse before it occurs. - *CDC*
- **A Call to Action** to end this crisis
- **ZERO tolerance for CSA** is imperative

United States	Girls	Boys	Total
Population ≤19 years (millions), US 2019 census	41.7	39.93	
CSA prevalance	0.25	0.08	
No. of CSA children (millions)	10.43	3.07	
No. of jumbo jets of 260-passenger capacity crashing	40,096	11,814	
No. of jumbo jets crashing each day for 365 days in a year	110	32	142
Maryland			
Population <18 years in Maryland, 2019 Census	1,194,626	1,102,732	
No. of CSA children	298,657	88,219	
No. of jumbo jets of 260-passenger capacity crashing	1,149	339	
No. of jumbo jets crashing each day for 365 days in a year	3	1	4

2022 PANDA SB17 Senate Side.pdf
Uploaded by: Suhani Chitalia
Position: FAV

Mid Atlantic P.A.N.D.A. Coalition

5900 Abriana Way, Elkridge, Maryland 21075

From: Mid Atlantic P.A.N.D.A. Coalition

To: Chairman William Smith Jr.

Re: Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges

Date: January 26, 2022

Dear Chairman Smith,

The Mid-Atlantic P.A.N.D.A. is in Favor of SB 17

We represent the Mid Atlantic P.A.N.D.A. Coalition (Prevent Abuse and Neglect through Dental Awareness). We were established in 2000, our mission is "To create an atmosphere of understanding in dentistry and other professional communities which will result in the prevention of abuse and neglect through early identification and appropriate intervention for those who have been abused or neglected." Dentists and Dental Hygienists (Dental Professionals) are mandated by the State of Maryland to report suspected cases of abuse and neglect. Our coalition has established a Continuing Education (CE) course that educates Dental Professionals and others how to recognize, report, or refer. The Maryland State Board of Dental Examiners has deemed this course as a mandatory CE requirement for Dentists and Hygienists to renew their licenses. We also address domestic violence, elder abuse, human trafficking and bullying in our CE course.

Through experience our Coalition knows that sound decisions cannot be made without proper education, that is the main purpose of our continuing education course. It is imperative that Judges that hear custody cases of child abuse and domestic violence need to learn the consequences of their judgments. How their judgement will affect the victim. This is done by establishing a training program. Due to changes that occur over time it is important to update this information at least every 2 years and require that these Judges be made to update and stay current. We have seen in the Dental community that this is a plan that works resulting in more children being protected and afforded a better life.

Thank you for your consideration of SB 17 and ask for a favorable vote.

Respectfully submitted,

Mid-Atlantic P.A.N.D.A. Coalition
Carol Caiazzo, RDH President
Susan Camardese, RDH, MS, Vice President

Senator West - SB 17 Child Custody - Cases Involvi

Uploaded by: Christopher West

Position: FWA

Chris West
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 303
Annapolis, Maryland 21401
410-841-3648 · 301-858-3648
800-492-7122 *Ext.* 3648
Chris.West@senate.state.md.us

District Office
1134 York Road, Suite 200
Lutherville -Timonium, MD 21093
410-823-7087

January, 26, 2022
The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Senate Bill – 17 – Child Custody – Cases Involving Child Abuse or Domestic Violence - Training for Judges

Dear Chairman Smith and Members of the Committee,

The United States averages 4.3 million reported incidents of child abuse annually, one of the worst records among industrialized countries. The Center for Disease Control and Prevention found that 1in 4 girls and 1 in 13 boys will experience sexual abuse in childhood. At the onset of the Covid-19 pandemic, reported incidents of domestic abuse in Maryland saw an increase.

Unfortunately, we have seen instances in our state's courts where the judges made serious mistakes in the child custody cases involving child abuse/domestic violence. This was not done out of malice, but by the steep learning curve associated with understanding family law.

The goal of Senate Bill 17 is to develop, in consultation with domestic violence and child abuse organizations a training program for judges hearing these cases to better understand the impact of these traumatic events on children. The proposed training includes learning about early childhood brain development, how traumatic events impacts this development, state investigatory processes and their limits, interpersonal dynamics that contribute to abusive behavior, and preventative measures to mitigate abuse such as family protections, witness credibility validation tools, and risk assessments.

Under Senate Bill 17, judges would receive 20 hours of initial training (approved by the Maryland Judiciary) within their first year of presiding over child custody cases involving child abuse or domestic violence, then an additional 5 hours every 2 years they preside. The bill also provides standards for those who are responsible for training the judges. These standards include that the professional have at least 3 years of experience training professionals on child abuse/domestic violence, or 5 years of experience working directly in the field of child abuse/domestic violence.

Former delegate now judge Kathleen Dumais and I chatted about the bills' necessity. I understand that the state judiciary has a number of objections to this bill. Judge Dumais and I agreed to sit down together and come up with a consensus bill.

I support Senate Bill 17 with amendments to clarify qualifications for training providers (Page 4, Section C, Lines 1-11) to *5 years' experience in directly assisting abuse survivors engaged in custody litigation, including child abuse, OR at least 5 years as a professional with expertise in providing expert assessment, protection, and treatment to survivors of child abuse*, and omit the term “Parental Alienation” from the language.

In the meantime, I appreciate the committee’s consideration of Senate Bill 17 and will be more than happy to answer any follow-up questions the committee may have.

SB 17 FWA House of Ruth.pdf
Uploaded by: Dorothy Lennig
Position: FWA

Marjorie Cook Foundation
Domestic Violence Legal Clinic
2201 Argonne Dr • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org.

SUPPORT WITH AMENDMENTS SENATE BILL 17
January 26, 2022
DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

The House of Ruth is a non-profit organization providing shelter, counseling, and legal representation to victims of domestic violence throughout the State of Maryland. Senate Bill 17 sets out a training program for judges who preside over child custody cases that involve child abuse or domestic violence. **We urge the Senate Judicial Proceedings Committee to amend and report favorably report on Senate Bill 17.**

House of Ruth supports the intent of SB 17 and believes it is important that judges receive training about the impact of domestic violence and trauma on victims and children. However, SB 17, as drafted, is too restrictive. House of Ruth suggests the bill be amended to strike all language starting on page 2, line 3. For many years, including as recently as Fall, 2021, House of Ruth staff have conducted judicial trainings about many of these topics. What we have learned is that the training needs of the Judiciary change over time to keep pace with new research, trends, and developments regarding domestic violence and the impacts of trauma on victims and children. The very pointed list of subjects in this current bill may (or may not) be the important topics today, but may not remain the priorities in the future. SB 17, as drafted, requires trainings on the same topics year after year and does not leave room for flexibility or discretion without another act of the Legislature. That is too rigid and unworkable a framework to have the intended beneficial effect.

House of Ruth is happy to continue to work with the Maryland Judiciary to develop a training program, and hopes the Legislature will afford the Judiciary the flexibility needed to craft a training curriculum that will best address the needs of Maryland's children.

The House of Ruth urges the Senate Judicial Proceedings Committee to amend SB 17 and report favorably.

SB 17 - Child Custody - Cases Involving Child Abus

Uploaded by: Laure Ruth

Position: FWA

Women's Law Center of Maryland
JUSTICE FAIRNESS EQUALITY
305 West Chesapeake Avenue, Suite 201 Towson, MD 21204
phone 410 321-8761 fax 410 321-0462 www.wlcmd.org

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.

Custody and abuse - training - testimony - senate

Uploaded by: Lisae C Jordan

Position: FWA

MCASA
Maryland Coalition Against Sexual Assault

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

Testimony Supporting Senate Bill 17 with Amendments
Lisae C. Jordan, Executive Director & Counsel
January 26, 2022

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. MCASA urges a favorable report on Senate Bill 17 with Amendments.

Senate Bill 17 –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 and intimate partner sexual assault. These cases are often highly contentious. Survivors of domestic violence and parents who have tried to protect their child from sexual abuse face high hurdles and great skepticism all too often. Judges and attorneys for children play a critical role in these cases. SB17 would impose training requirements to help provide these professionals with the expertise they need to effectively perform their important roles.

We strongly encourage the Committee to revise the provisions regarding who performs training. Training should be developed in consultation with both national groups such as the National Council of Juvenile and Family Court Judges (NCJFCJ) and state organizations with experience litigating family law cases involving domestic violence, child sexual abuse, and child abuse. It is critical that training for judges include the perspective of those who work in courtrooms.

MCASA also expresses concern about the requirement that cases involving child abuse or domestic violence be assigned only to judges who have had the required training. Some counties have very small benches and if the judges in these counties chose not to attend the training, it is unclear how the legislation would be implemented.

Additionally, MCASA appreciates the detailed list of topics included in SB17 and believes it would provide an excellent training curricula in 2022. In particular, we note that it is crucial to specifically address the issue of child sexual abuse. References to "child abuse" far too often result in omitting sexual abuse and the very difficult and nuanced issues it raises. We concur with our colleagues, however, in suggesting that the bill could be improved by permitting greater flexibility as knowledge about these issues continues to develop.

Finally, although there is no question that training is helpful, it is no substitute for counsel for survivors of abuse. Many of the issues addressed by SB17 would be better addressed by providing victims of domestic violence and protective parents with attorneys, and by ensuring that those attorneys have the resources needed to present expert testimony and evidence appropriate in a particular case.

The Maryland Coalition Against Sexual Assault urges the Judicial Proceedings Committee to report favorably on Senate Bill 17 with Amendments

MCASA
Maryland Coalition Against Sexual Assault

Position on SB17 - Training for judges.pdf
Uploaded by: Maria Nenutzka Villamar
Position: FWA

PAUL DEWOLFE
PUBLIC DEFENDER
KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER
MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT
KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION
ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: SB 17
FROM: Maryland Office of the Public Defender **POSITION: Support With Amendments**
DATE: January 24, 2022

The Maryland Office of the Public Defender respectfully requests that with the amendments below, the Committee issue a favorable report on Senate Bill 17 with amendments.

***

This bill would make it a requirement that the Maryland Judiciary develop a training program for judges presiding over cases involving child abuse and/or domestic violence, and requiring the judges to preside over said cases to participate in the training program. The Office of the Public Defender (OPD) has a stake in this proposed legislation because judges handle Children In Need of Assistance (CINA) cases, where there are almost always allegations of child abuse and neglect, and sometimes there are allegations of domestic violence. Therefore, while the intent of this bill is to address private family custody cases and not cases there the state initiates the case, families in CINA cases would benefit from having a better-trained judiciary. The Office of the Public Defender supports this bill with the following amendments:

(1) Amend § 9-103.3(A)(1) to include magistrates among those required to participate in the training.

In both family law and CINA cases, magistrates are authorized to conduct certain types of hearings and make recommendations to a judge as to factual findings and dispositions regarding visitation and custody. Therefore, magistrates also need to be trained in the subject of trauma arising from child abuse and domestic violence.

(2) **Amend § 9-103.3(B) to include the following topics that must be included in the training program:**

(a) The dynamics and effects of domestic violence on the abused partner and why the non-abusive parent or partner may not leave their abuser even though their children may be adversely affected by exposure to domestic violence.

(b) The psychological effect of domestic violence on the victim, including the mental injury and trauma that occur;

(c) The trauma that results to children from being separated from the parent who is the victim of domestic violence.

Without training on these aspects of domestic violence, judges will erroneously conclude that because exposure to domestic violence adversely affects children, then the non-abusive parent who does not leave the abuser is complicit in harming the children. Furthermore, judges may be misled into assuming that the trauma to children arising from exposure to any form of domestic violence is always worse than the trauma that arises to children from being unwillingly separated from their non-abusive parent, when this may not be true and should be determined on a case-by-case basis.

(3) Amend 9-103(B)(3)(II)

Subsection (B)(II) should be amended to reflect that judges should be trained on the PERMISSIBLE SCOPE AND LIMITATIONS of local departments of social services in investigating reports of suspected child abuse and child sexual abuse. This is because the local department of social services actually has a broad scope of investigatory authority. The local department of social services has a great deal of power to intrude into a family's life and into its private affairs when investigating a report of child abuse and child sexual abuse, and the courts should be informed about what the DSS is capable of doing in order to determine whether it did all it could do. This way, the court can better assess the validity of the DSS's conclusions based on everything the DSS did. Informing the courts only about the DSS's limitations may lead the court to draw an erroneous conclusion about the validity of the DSS's efforts and/or conclusions.

(4) Delete 9-103(B)(3)(III)

Subsection (B)(3)(III) should be deleted. This language is problematic because it gives the impression that judges may not base their conclusions on evidence. While judges should be trained on the types of methods for determining whether abuse occurred, judges must have the discretion to determine whether based on the evidence before the court the alleged abuse did or did not occur. This language makes it sound as if even if the result of the investigation tends to show abuse did not occur, the court may ignore that and conclude that it did. These proceedings are taking place in a court of law, where accusations and allegations must be proven before a court may draw conclusions about the allegations.

(5) Delete 9-103(B)(11)(I-III).

This subsection of the bill is highly biased and requires the Maryland Judiciary to completely reject the notion that there are some parents who deliberately use a set of strategies to foster a child's rejection of the other parent. This would require the judiciary to ignore or give no weight to relevant facts that may be presented by the rejected parent. While there are some experts who believe parental alienation is invalid as a syndrome, there are other experts who believe it does in fact occur. If parental alienation is to be part of a training at all, both points of view on it should be taught to the judiciary.

* * *

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report with amendments on SB17

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

Authored by: Nenutzka C. Villamar, Chief Attorney, Parental Defense Division,

6 St. Paul St., Suite 1302, Baltimore, MD 21202, (410) 458-8857 (c), Nena.villamar@maryland.gov.

SB 17_MNADV_FWA.pdf
Uploaded by: Melanie Shapiro
Position: FWA

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

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 with amendments on SB 17.**

Senate Bill 17 outlines extensive training for judges that preside over child custody cases that involve child abuse and domestic violence. MNADV believes that judges 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. However, MNADV suggests an amendment that would strike from the bill the list of topics that judicial training must include starting on page 2, line 3 until the end of page 3. As research and science is ever evolving new legislation would be required to modify the training requirements to reflect new understandings of domestic violence, childhood trauma, and best practices. By partnering with organizations that are subject matter experts in the required areas of training as SB 17 requires, judicial trainings will reflect the most current research and best practices.

As drafted, SB 17 appears to limit the training requirements to judges that oversee child custody cases. Family law matters, including child custody cases that involve child abuse or domestic violence, may be assigned to magistrates. In addition, District Court judges may hear protective order hearings that involve matters of child custody in the context of child abuse or domestic violence. MNADV would therefore suggest that any training requirements extend to a family law magistrates and District Court judges.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on SB 17.**

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org

4601 Presidents Drive, Suite 300 • Lanham, MD 20706
Tel: 301-429-3601 • E-mail: info@mnadv.org • Website: www.mnadv.org

MPA 2022 - Support with Amendments - Senate Bill 1

Uploaded by: Pat Savage

Position: FWA

MARYLAND
PSYCHOLOGICAL ASSOCIATION

10480 Little Patuxent Parkway, Ste 910, Columbia, MD 21044. Office 410-992-4258. Fax: 410-992-7732. www.marylandpsychology.org

January 24, 2022

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

RE: SB 17 - SUPPORT WITH AMENDMENTS

Dear Chair, Vice-Chair, and Members of the Committee:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, asks the **Senate Judicial Proceedings Committee to amend and favorably report on Senate Bill 17.**

The Maryland Psychological Association strongly supports the intent of intent of SB 17 to providing training to the Judiciary about the impact of domestic violence and trauma on victims and children. In fact, members of the Maryland Psychological Association along with attorneys from the House of Ruth provided a seminar in the fall 2021 to judges and magistrates on these issues. We believe that ongoing training of the judiciary is critical.

SB 17 as currently written, however, specifies a narrow training curriculum with identified topics, some of which reflect current understanding, and others which involve current controversies in child abuse and domestic violence. The topics specified in the bill may, or may not, prove to be relevant in the future. Therefore, the Maryland Psychological Association urges the committee to **amend SB 17 by striking all language following line 3 on page 2.** This change would allow the Judiciary, in consultation with domestic violence and child abuse organizations, to develop a training program that is flexible, relevant, and addresses the needs of Maryland's families. Further, we ask that the Judiciary set educational requirements for judges who are involved in family law cases and that only Judges who have received this training are able to preside over these very complicated family matters.

Please feel free to contact MPA's Executive Director Stefanie Reeves at exec@marylandpsychology.org if we can be of assistance.

Sincerely,

Linda McGhee *R. Patrick Savage, Jr.*

Linda McGhee, Psy.D., JD
President

R. Patrick Savage, Jr., Ph.D.
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs

SB17_kammer_unf.pdf
Uploaded by: Jack Kammer
Position: UNF

Jack Kammer, MSW, MBA
Working Well With Men
6560 Mink Hollow Road
Highland, MD 20777 USA
jk@workingwellwithmen.com
443 774-9803

Testimony of Jack Kammer, MSW, MBA
SB 17
2022
Unfavorable

I am not a father. I am a retired social worker. I do not speak from personal experience. I speak from professional experience.

The theoretical foundation of this bill is a document generated by Joan Meier claiming to prove scientifically that judges fail to protect children from abuse. But a recent article in *Psychology Today* reports that Meier manipulated the analysis of her data until she got the result she wanted. Other researchers have tried to replicate her findings but they cannot.

The full *Psychology Today* article and links to supporting materials are attached.

It is ironic that SB 17 denies the existence of parental alienation yet would mandate a whole new level of that problem, what we might call Parental Alienation by Proxy of the Maryland General Assembly. The bill would treat judges like children, telling them in effect, "You must listen only to the parent alleging abuse; that parent is good and true. You must turn your back on the parent alleging alienation; that parent is bad and not to be trusted."

Balance and respect between divorcing parents — which science consistently shows to be best for the children of divorce — cannot be achieved when one parent has impunity to disparage the other in the eyes of the child. But impunity to alienate is what SB 17 would provide.

Parental alienation is an adverse childhood experience. Our aim should be to eliminate ACE's not pretend they don't exist or protect those who perpetrate them.

Please report this bill unfavorably and please let's turn our attention to helping fathers overcome the biases that regard them as inferior, suspect second-class parents.

Psychology Today

When Studies Don't Replicate: A Case Study

How a recent study about family violence could not be replicated.

by Edward Kruk, Ph.D.

Published online December 22, 2021

Full URL: www.psychologytoday.com /us/blog/co-parenting-after-divorce/202112/when-studies-dont-replicate-case-study
Short URL: tinyurl.com/failure-to-replicate

KEY POINTS

- Recently, researchers could not replicate a popular study's findings that impacted families affected by family violence.
- For social problems like family violence, replications and higher standards of transparency and accountability should be expected.
- When scientists cannot replicate the work of others, we cannot know whether the original work is trustworthy.

Significant changes have occurred in social science research over the past few years, mainly because many studies could not be replicated when scientists tried to replicate them.

Replication of research is at the heart of the scientific process. When scientists are unable to replicate the work of others, we cannot know whether the original work is trustworthy or the findings were made by chance, or only apply to some populations of people and not others.

Scholars have dubbed this phenomenon a "replication crisis," which has spurred significant changes in how scientists do their work. For example, many peer-reviewed journals require scientists to provide more detail about the methods, samples, and statistics used so that others can more easily replicate their studies.

Another standard developed is the open sharing of data and statistical models that scientists use to test their hypotheses. In the past, scientists would ask other scholars to share this information directly, and often they did.

Today, scientists make this material available on websites such as the Open Science Framework so that anyone can access the information. And lately, scientists are beginning to share their data before publication. These changes have increased the

transparency of the scientific work being conducted and made it easier to replicate and verify others' research.

But what happens when open science practices are not followed?

Sometimes, scholars use research to advocate for changes in policies and laws. It is essential to closely examine the trustworthiness of the studies and conclusions made by the scholars who produce such research. If there are problems with the investigation, it can negatively impact many people's lives.

What happens if the scholar's work is not transparent? How can another scientist replicate the position to determine whether the conclusions made are trustworthy?

This issue recently arose in a paper published by Joan Meier and colleagues. The paper was published as part of a student-edited law paper series and received a lot of media attention. The authors advocated using this paper to change public policies and laws regarding separating and divorcing families.

Meier concluded that women's abuse allegations in court are often discredited, so they and their children are in danger from abusive fathers. These conclusions were very concerning for many family violence scholars. They prompted psychology professor Jennifer Harman and legal scholar Demosthenes Lorandos to closely examine how these scholars came to their conclusions.

What they found was very troubling—there were very few details about the methods used by the authors to collect their study sample. In the description of how Meier's team analyzed their data, they wrote that they "reviewed the [statistical] output, and, through numerous iterations, refined, corrected, and amplified on the particular analyses." This sentence indicated that the authors used a data-dredging technique known as "p-hacking," which occurs when someone manipulates their analyses until they get the statistically significant results that they want.

The results are unreliable, and when done to promote one's expectations of what the findings "should" be, also unethical. Even more troublesome, there were no statistical models or tables reported in the paper for a reviewer or potential replication study team to see what the authors did.

Harman and Lorandos wanted to replicate the study, particularly given how important the findings are for families affected by family violence. When directly asked, Meier refused to provide them with study information (for details on this correspondence, the emails are publicly available [URL: osf.io/rjwua].

Based on what was described in the paper, Harman and Lorandos found over thirty problems with the study's research design, which they detailed in a recent article published in Psychology, Public Policy, & Law.

An exact replication of the Meier et al. (2019) study was impossible, so Harman and Lorandos identified the Meier et al. team's conclusions in their paper, created hypotheses that would test the conclusions, and then developed a study to test them.

They used open science practices from start to finish (all details are accessible [URL: osf.io/j9bh5]), and they failed to find any support for the conclusions made by Meier and her team. Harman is conducting another study to test the hypotheses using another sample to see if the results will replicate.

Unfortunately, Meier has continued to promote the findings from her student-edited paper while failing to acknowledge Harman and Lorandos' critique of her study and their inability to replicate her findings using open science practices (Meier, 2021).

Given the lack of transparency, admitted p-hacking, and study design issues that Harman and Lorandos identified in the original publication of her work, the conclusions that were made and are being promoted pose a serious risk to families struggling with family violence.

For social problems like family violence and parental alienation, replications and higher standards of transparency and accountability should be expected, not ignored or undermined.

References

Harman, J. J., & Lorandos, D. (2021). Allegations of family violence in court: How parental alienation affects judicial outcomes. Psychology, Public Policy, and Law, 27(2), 184.

Meier, J. S., Dickson, S., O'Sullivan, C., Rosen, L., & Hayes, J. (2019). Child custody outcomes in cases involving parental alienation and abuse allegations, GWU Law School Public Law Research Paper No. 2019– 56. SSRN. https://ssrn.com/abstracte3448062.

Meier, J.S. (2021). Victims of domestic abuse find no haven in family courts. The Conversation. December 2, 2021. https://theconversation.com/victims-of-domestic-abuse-find-no-haven-in-family-courts-159192

About the Author

Edward Kruk, Ph.D., is Associate Professor of Social Work at the University of British Columbia, specializing in child and family policy.

Unfavorable SB17, SB41, SB336, HB104.pdf
Uploaded by: jeff aichenbaum
Position: UNF

UNFAVORABLE
SB17, SB41, SB336, HB104
Yaakov Aichenbaum, PAS-Intervention MD Chapter

1/22/2022

Democracy is endangered when science deniers and those with social agendas shield lawmakers from access to the knowledge that is necessary to make informed decisions. The MD Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations has initiated several bills without the input of experts in shared parenting, parental alienation, fathers' rights and DV experts who do not have a gender bias. These bills are based on a biased belief-system and not on science.

One of the primary forces behind the Workgroup was Joan Meier and her "groundbreaking" study. Please ponder the following questions:

- Why wasn't Meier's study about DV in the American court system published in any seriously peer reviewed, American academic journal that is well received by the psychological scholars who peer review such work?
- A strong refutation of the study's methodology and results appeared in the APA's peer-reviewed journal *Psychology, Public Policy, and Law*. Why hasn't Meier published a rebuttal in PPPL, which is customary to PPPL and journals of that caliber?
- Why is Meier concealing some of her research data from the public by providing nonexistent links to her research data or links that have restricted access? (see page 11)
- Why was a complaint to the NIJ to investigate research fraud about Meier's government funded study brushed off without serious investigation? (see pages 4-10)
- Why have inquires to George Washington University Law School's ethics board to conduct an ethics review of Meier's research and conduct not been responded to?
- Why did Meier make statements to the Workgroup that she knows are misconceptions about parental alienation (see attached article *Recurrent Misinformation Regarding Parental Alienation Theory* page 21)?
- Why did Meier make over fifty statements that are either false or logical fallacies about parental alienation in the new book *Challenging Parental Alienation*?
- Why did the Workgroup that was charged with making *"recommendations about how State courts could incorporate in court proceedings the latest science regarding the safety and well–being of children and other victims of domestic violence"* ignore the strong scientific basis of parental alienation and shared parenting initiatives?
- What are the risks of relying on her legislative recommendations or letting Meier and company design training curriculum for judges and evaluators?

A partial answer to these questions is that Meier and others have a social agenda that they clearly delineate in *Challenging Parental Alienation* by Jean Mercer. Pages 207-210 describe the laws that are necessary to promote this agenda and to eradicate parental alienation science and to a large extent shared parenting as well. These goals are further elucidated upon and expanded in her articles *Denial of Family Violence in Court: An Empirical Analysis and Path Forward For Family Law* and *Breaking Down the Silos that Harm Children: A Call to Child Welfare, Domestic Violence and Family Court Professionals*. This is not a scientific debate;

rather, this is a social agenda masquerading as science in order to discredit and eliminate anything that does not fit into the scheme of this agenda.

Of particular concern is that these bills blatantly intend to discredit and disallow legitimate parental alienation claims. In addition, SB17 and SB336 would mandate the training of future judges and evaluators according to the curriculum that Meier and company design. Even if references to parental alienation were to be removed from the bills, judicial and evaluator training would still be conducted under the indoctrination of a Meier designed curriculum. This is unconscionable. Another concern is the lowering of the bar for consideration of abuse allegations which will potentially cause a proliferation of false claims and permanently damage the reputation and lives of innocent people. SB336 also promotes the acceptability of play therapy to illicit information about alleged abuse. This controversial therapy is reminiscent of the leading interviews of the McMartin preschool trial of the 1980s.

SB41 and HB104 are also problematic in that they state that *"any reasonable effort to protect a child or a party to a custody or visitation order from the other party may not be considered an unjustifiable denial of or interference with visitation granted by a custody or visitation order."* This is a sweeping incitement to defy court visitation and custody orders. Likewise, "reasonable effort" is not defined and this is an open door for false abuse claims to deflect PA allegations. This clause is another example of Meier's ruses to prevent parental alienation claims as is detailed in *Challenging Parental Alienation*.

In consideration of the academic fraud that has transpired, the misrepresentation of legitimate science, and the sheltering of lawmakers from any knowledge that doesn't fit into Meier and company's belief system, none of the bills that have developed out of the Workgroup can be taken seriously and the bills should be withdrawn or be found unfavorable. Many areas of the DV and family court systems need improvement, but the conclusions of the Workgroup cannot be relied upon to make these changes.

Meier advised the Workgroup that "*its product may be the pilot legislation that gets used around the country*" (Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations Annapolis, Maryland September 2020 Final Report page 58). America is watching MD. It is up to this committee to decide if they will promote legislation that is based on a predisposed belief system or if they will listen to science. I urge the JPR and House Judicial Committee to invite a panel of parental alienation, shared parenting, and DV experts who do not have a gender bias to present balanced and research-based information about these issues. Only then will MD lawmakers be equipped to make informed decisions about how to respond to the important issues of DV, parental alienation, and shared parenting. I would be happy to provide contact information for many of the top leaders in these fields. Thank you for your consideration of this matter.

Sincerely,
Yaakov Aichenbaum, PAS-Intervention MD Chapter
info@parentalalienationisreal.com
https://www.parentalalienationisreal.com/

Concerns About Bills Originating From *The Workgroup To Study Child Custody Court Proceedings Involving Child Abuse Or Domestic Violence Allegations*: SB17, SB41, SB336, HB104

TABLE OF CONTENTS

Concerns About Bills Originating From *The Workgroup To Study Child Custody Court Proceedings Involving Child Abuse Or Domestic Violence Allegations*: SB17, SB41, SB336, HB104

A. LETTER OF CONCERN TO THE NIJ

August 17, 2021

Jennifer Scherer, Ph.D.
Acting Director
National Institute of Justice
810 7th Street NW
Washington, DC 20531

Dear Dr. Scherer,

We, the undersigned organizations, write to you to convey our serious concerns about a research grant funded by the National Institute of Justice (NIJ) that we believe is ideologically driven, deeply flawed, and likely to be harmful to the public interest. We are also very concerned about the ethical behavior of the recipient of the funding that was provided for this research.

In 2014, the NIJ awarded The George Washington University a grant of $501,791 to fund research on parental alienation (Award #2014-MU-CX-0859). The principal investigator for this research was Joan Meier, Professor of Clinical Law at George Washington Law School. Professor Meier has repeatedly stated that parental alienation is a "pseudo-scientific theory" and has alleged it is a theoretical construct which holds that "when mothers allege that a child is not safe with the father, they are doing so illegitimately, to alienate the child from the father." This gendered, ideological bias was apparent in the description of the original award that was funded by the NIJ as well as in the introduction of the paper that Meier later published in the student-edited GW law paper series:
Meier, J. S., Dickson, S., O'Sullivan, C., Rosen, L., & Hayes, J. (2019). Child custody outcomes in cases involving parental alienation and abuse allegations (GWU Law School Public Law Research Paper No. 2019 – 56). SSRN. https://ssrn.com/abstracte3448062
In contrast to Meier's position, we note the following. First, parental alienation is not a pseudo-scientific theory. Clinical, legal, and scientific evidence on PA has accumulated for over 35 years. There have been over 1,000 books, book chapters, and peer-reviewed articles published on the topic, and the empirical research on the topic has expanded greatly in the last decade. This research has been recognized and published in the top peer-reviewed journals in the field (e.g., *Psychological Bulletin, Current Directions in Psychological Science, Current Opinion in Psychology)*. We are concerned that the grant reviewers of Meier's NIJ research proposal were not critical of how the scientific work on the topic had been mischaracterized by Meier in her previous writings.

Second, while Professor Meier's description in her NIJ grant award and subsequent publications frames parental alienation in gendered terms, all serious researchers in this area recognize that both mothers and fathers are perpetrators and victims of parental alienation. Finally, to our knowledge, no researcher on parental alienation has ever suggested that *all* allegations that a child is unsafe with the other parent are efforts at wrongfully alienating the child from that parent (and no serious researcher would imply that *none* are). Indeed, Dr. Richard Gardner, who coined the term "parental alienation syndrome" (PAS) and was one of the first scholars to write about it, never recommended applying the term if there was *bona fide* child abuse by the rejected parent. When scholars mischaracterize the scientific literature of a field and fail to acknowledge competing opinions and research that contradicts their position, this is considered unethical scientific misconduct.

Meier's NIJ grant award and subsequent publications are not the only places where she has mischaracterized the state of scientific research on parental alienation. In a recent expert opinion written by Professor Meier on July 23, 2021, for a family law case in Georgia, she stated that the work of Dr. Gardner "was largely self-published and lacked peer review," and she stated that "PAS itself lacks any empirical support, and considerable evidence contradicts its premises." Both statements are blatantly false (Dr. Gardner published many peer-reviewed articles) and represent a gross misrepresentation of the vast amounts of scientific and scholarly work that has accumulated on the topic of parental alienation for more than three decades. It is our opinion that these statements represent a willful attempt to mislead the court and can potentially cause serious harm to the family involved in this case, and the families in other cases where she has made such statements. We have consulted several members of the Washington, D.C. Bar and have been informed that Professor Meier's written and oral representations to courts should be considered violations of the D.C. Bar Rules of Professional Conduct 3.3 and 8.4. Therefore, the mischaracterization of the scientific body of evidence regarding parental alienation is not limited to the NIJ grant proposal/award given to Meier; she has repeated this misinformation to others, including family courts, policy makers, the media, and in related publications.

We also believe that the work of Professor Meier and her colleagues, which was funded by NIJ, is seriously flawed. Some of these flaws are identified and examined in detail in the peer-reviewed 2021 paper, "Allegations of Family Violence in Court: How Parental Alienation Affects Judicial Outcomes," by Professor Jennifer Harman and Dr. Demosthenes Lorandos published in the journal *Psychology, Public Policy, and Law*. Harman and Lorandos identified "at least 30 conceptual and methodological problems with the design and analyses of the [Meier et al., 2019] study that make the results and the conclusions drawn dubious at best" (p. 2; See Table 1 for a list of the concerns). It is concerning that NIJ would fund a project with so many obvious methodological and conceptual problems. Meier and colleagues appear to not have been able to publish a scientifically-vetted, peer-reviewed rebuttal or commentary to this critique, as they have twice posted personally prepared "rebuttals" on professional list-servs and social media attempting to defend their work. Indeed, in defense of their work, Meier and colleagues have claimed that because NIJ funded their work, this was evidence of "peer-review." Any seasoned scientist knows that a grant award is not the same as scientific peer-review of a final product of the research process.

We are also concerned about another questionable and unethical research practice used by Meier and colleagues: p-hacking. On page 8 of the Meier et al. (2019) law school paper that was funded by NIJ, the authors state,

The PI and consultant Dickson developed analyses for the statistical consultant to complete, reviewed the output, and, through numerous iterations, refined, corrected, and amplified on the particular analyses.

In other words, the authors state explicitly that they analyzed data in many ways, and after reviewing their output, they "refined and corrected" it, and then reanalyzed their data to find something statistically significant. They go on to acknowledge that, after doing this, they ***amplified*** their data for particular analyses. This statement indicates that the authors were not only fishing their data for statistical results that supported their beliefs (the hypotheses being tested were never explicated in the paper), but they clearly stated that they *manipulated* their models in order to make particular effects appear more statistically significant than they were.

This behavior is a serious and unethical research practice that creates bias, a practice known as "p-hacking." P-hacking occurs when researchers collect or select data or statistical analyses

until nonsignificant results become significant. This form of data-dredging involves scholars **misusing** data to find patterns that can be presented as statistically significant. By doing this, the scholar increases and understates the risk of finding and reporting false positives. One way to determine whether p-hacking has occurred is when the person conducts multiple statistical tests on the data, and then only reports on the results that are statistically significant. Meier and colleagues admit to engaging in this behavior, and therefore the statistical findings reported in their paper cannot be trusted. We are disturbed that U.S. taxpayer money has supported this unethical practice.

These are not the only concerns about the statistics reported in the 2019 paper published in the GW Law paper series. The statistical models that Meier et al. (2019) claimed to have run have never been available for review. On page 8, the authors state,

New codes were created by the statistician in order to perform these analyses. All codes used in the quantitative analyses conducted are described and defined in the separately submitted Codebook, which indicates inclusions, exclusions and newly created variables for the quantitative analyses. See DOCUMENTATION Appendix C.

This Appendix C was not published in the paper series, which is odd and not standard practice. Materials referenced in a paper should always be provided to readers in the journal or the journal's archives website so that they can evaluate the materials and be critical of what is being reported by the authors. Professor Harman and Dr. Lorandos (2021) report that, when they requested from Meier the appendices and statistical output to evaluate her conclusions, "she refused to provide them … and referred them to a national archive for the material, where much of the material was still not available" (p.22). One of the appendices referred to in the report (Appendix C with the statistical models/output) is still not publicly available anywhere. In keeping with professional standards, not to mention NIJ funding requirements, data must be openly shared with other researchers working in the area. As a result, there is no way for the public to access and assess work paid for with taxpayer money.

In addition, the authors reported on page 8 the following:

Logistic regression was used (primarily with the All Abuse dataset) to control for factors that may affect key outcomes, such as differences between trial court and appellate court opinions; differences among states; and the role of gender in custody switches when various forms of abuse or alienation were claimed.

The authors did not report any of the statistical models in their paper published in the paper series, which is very concerning. It remains unclear what specific variables were entered into the models to "amplify" (p-hack) their analyses. The last control variable listed in the quote above is particularly troublesome, as the alleged predictors in their models that were subsequently reported included gender. To control for gender, and then test gender effects is a serious statistical error and must be corrected. We note that both Professor Harman and Dr. Lorandos have taught statistical analysis to university students at the undergraduate and graduate level.

At the end of the 2019 paper published in the GW paper series, despite obvious and admitted p-hacking and other sampling and methodological issues, Meier et al. put out a "call to action" to advocates and policy makers to change laws about child abuse, and to include sanctions for professionals who even entertain parental alienation as a problem in the family. This call to

action has not gone unheard. Direct segments of her report have been requoted across legislative bills and policies across the country and overseas in order to make expert testimony about parental alienation inadmissible in courts, which have recognized parental alienation for its scientific merits. Changing *any* public policy or law based on the results of one study is unheard of, unethical, and dangerous. And yet Meier et al. appear to have used their NIJ funded study (published in the student-edited series) to press for such changes, ignoring all reputable scientific evidence about parental alienation, and in spite of the serious methodological flaws of the work and biased statistical analyses. It is our opinion that this is a serious misuse of science and public tax dollars, and one that needs to stop.

The myths about parental alienation promulgated by those with an ideologically-based rejection of the scientific research on this malady are harmful to children and parents. Parental alienation is a serious public health problem; it is a serious form of psychological abuse that results in the same types of outcomes that other abused children experience: stress and adjustment disorders (*e.g.*, PTSD, anxiety), psychosocial problems and externalizing behaviors (*e.g.*, substance abuse, suicidality). Alienated parents are unable to get closure and have unresolved grief about the loss of their child(ren). They also suffer from being the target of abusive behaviors of the alienating parent. They have high levels of depression, anxiety, and PTSD symptoms, and many become suicidal. (See Harman, Kruk, & Hines, 2018, for a thorough review of the research literature.) Given the severity of the effects of parental alienation, this topic deserves serious research from unbiased professionals that results in publication in peer-reviewed venues, not agenda-driven research that is framed from the outset to support preconceived conclusions and that are published only as student-edited, research papers by the researchers' institutions.

Due to the concerns we have raised about the Meier et al. (2019) paper published in the George Washington Law School Public Law Research Paper Series, we emailed the faculty editors of that series, requesting that the paper be retracted. It has been a month since our letter was sent, and we have not received a response. Our concerns were also raised with the Dean of the GW Law School. We are very concerned about what we believe to be Meier's serious misuse of her findings from her NIJ funded research project to promote an ideological agenda. Based on the statements made by the Meier *et al.* team in the paper published in the GW paper series, the statistical results that were reported cannot be trusted. We are also concerned that the data may have been fabricated, which may be why a concern about academic fraud was lodged with the George Washington Office of Ethics, Compliance, and Privacy in April, 2021, and was referred to the Office of Research Integrity where Meier is currently under investigation.

We urge the NIJ to take what steps it can now to mitigate the problems caused by funding flawed research on parental alienation. This would include, at a minimum: investigating the serious methodological flaws in the Meier et al. publication, and if p-hacking and or fraud is found, to demand a return of the taxpayers' money. Furthermore, the NIJ should fund quality research that is undertaken by impartial, highly-qualified researchers, is openly shared with other researchers in the field, and is reported in peer-reviewed, scientific journals.

Thank you for your attention to this matter.

Sincerely,

Parental Alienation Consortium
PAConsortium2021@gmail.com

Concerns About Bills Originating From *The Workgroup To Study Child Custody Court Proceedings Involving Child Abuse Or Domestic Violence Allegations*: SB17, SB41, SB336, HB104

National Parents Organization

Parental Alienation Study Group

International Council on Shared Parenting

PASI

Victim to Hero

Asociacion Latinoamericana contra el Sindrome de Alienacion Parental

Center for Parental Responsibility

Families United Action Network

Arkansas Advocates for Parental Equality

Good Egg Safety

WhereRUDad Australia

Family Reunion

Concerns About Bills Originating From *The Workgroup To Study Child Custody Court Proceedings Involving Child Abuse Or Domestic Violence Allegations*: SB17, SB41, SB336, HB104

VBU

ISNAF

FAN-PAC

Leading Women For Shared Parenting

Children Parents United

National Association of Parental Alienation Specialists

The Toby Center

Preserving Family Ties Media

Mark David Roseman & Associates

Cc: **Ben Adams**, M.S., Senior Advisor, Office of the Director
Faith Baker, Office Director, Office of Grants Management
Barry Bratburd, Deputy Director, Office of the Deputy Director
Brett Chapman, Ph.D., Social Science Analyst, Office of Research, Evaluation, and Technology
Christine Crossland, Senior Social Science Analyst, Office of Research, Evaluation, and Technology
William Ford, B.S., Senior Science Advisor, Office of Research, Evaluation, and Technology
Kyle Fox, Ph.D., Science & Technology Research Advisor, Office of Research, Evaluation, and Technology
Marie Garcia, Ph.D., Senior Social Science Analyst, Office of Research, Evaluation, and Technology
Cathy Girouard, Senior Grants Management Specialist, Office of Grants Management
Mark Greene, Supervisory Program Manager, Office of Research, Evaluation, and Technology
Jen Grotpeter, Ph.D., Social Science Research Analyst, Office of Research, Evaluation, and Technology
Abby Hannifan, Grants Management Specialist, Office of Grants Management
Jessica Highland, Grants Management Specialist, Office of Grants Management
Barbara Tatem Kelley, M.A., M.Ed., Social Science Analyst, Office of Research, Evaluation, and Technology
Barbara "Basia" Lopez, M.P.A., C.C.I.A., Social Science Analyst, Office of Research, Evaluation, and Technology
Eric Martin, M.A., Social Science Analyst, Office of Research, Evaluation, and Technology
Angela Moore, Ph.D., Senior Science Advisor, Office of Research, Evaluation, and Technology
Natasha Parrish, Grants Management Specialist, Office of Grants Management
Mary Poulin Carlton, Ph.D. , Social Science Analyst, Office of Research, Evaluation, and Technology
Scott Privette, Grants Management Specialist, Office of Grants Management
Aisha Qureshi, Social Science Analyst, Office of Research, Evaluation, and Technology
Kaitlyn Sill, Ph.D., Social Science Research Analyst, Office of Research, Evaluation, and Technology
Linda Truitt, Ph.D., Senior Social Science Analyst, Office of Research, Evaluation, and Technology
Jennifer Tyson, Senior Social Science Analyst, Office of Research, Evaluation, and Technology
Phelan Wyrick, Ph.D., Supervisory Social Science Analyst, Office of Research, Evaluation, and Technology

B. RESPONSE FROM THE NIJ

From: "Tillery, George (OJP)" <George.Tillery@usdoj.gov>
Subject: RE: Research Concerns Regarding NIJ Award #2014-MU-CX-0859
Date: August 20, 2021 at 9:43:02 AM EDT
To: "paconsortium2021@gmail.com" <paconsortium2021@gmail.com>

Dr. Scherer requested that I respond to your email and convey her thanks for sharing the perspective of the Parental Alienation Consortium on the study resulting from award 2014-MU-CX-0859.

Simply put, the mission of the National Institute of Justice (NIJ) is to support the application of science to address important questions of crime and justice in the United States. NIJ does this primarily through competitively awarded research grants. NIJ's award decisions are informed by independent, scientific review of the research proposed by grant applicants.

Scientific knowledge is developed through an incremental process involving research, testing, dispute and resolution. This study addressed an important issue as it relates to child custody, and has sparked debate in the scientific community. Other scientists have now challenged the conclusions of the study, which the study author has vigorously refuted; to include allegations of not sharing data. (The data from this study has been appropriately archived in the National Archive of Criminal Justice Data to allow testing of its findings by other scientists.)

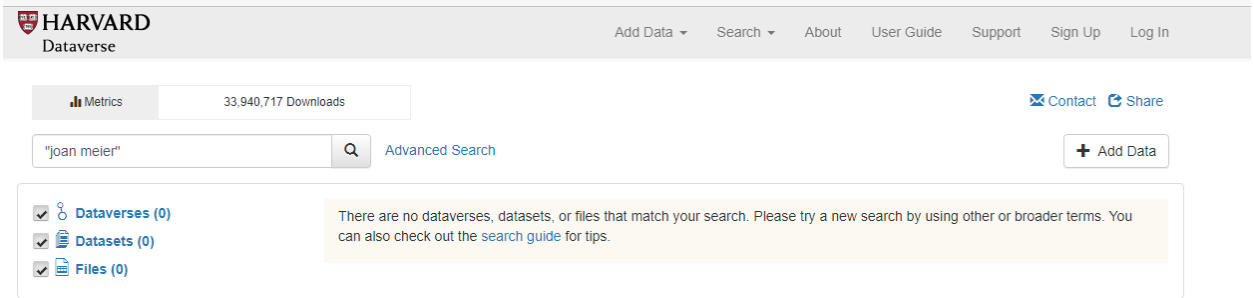
Again, on behalf of Dr. Scherer thank you for sharing the perspective of the Parental Alienation Consortium on this study.

Sincerely,

George (Chris) Tillery
Office Director, Office of Research Evaluation and Technology
National Institute of Justice
202-598-7792

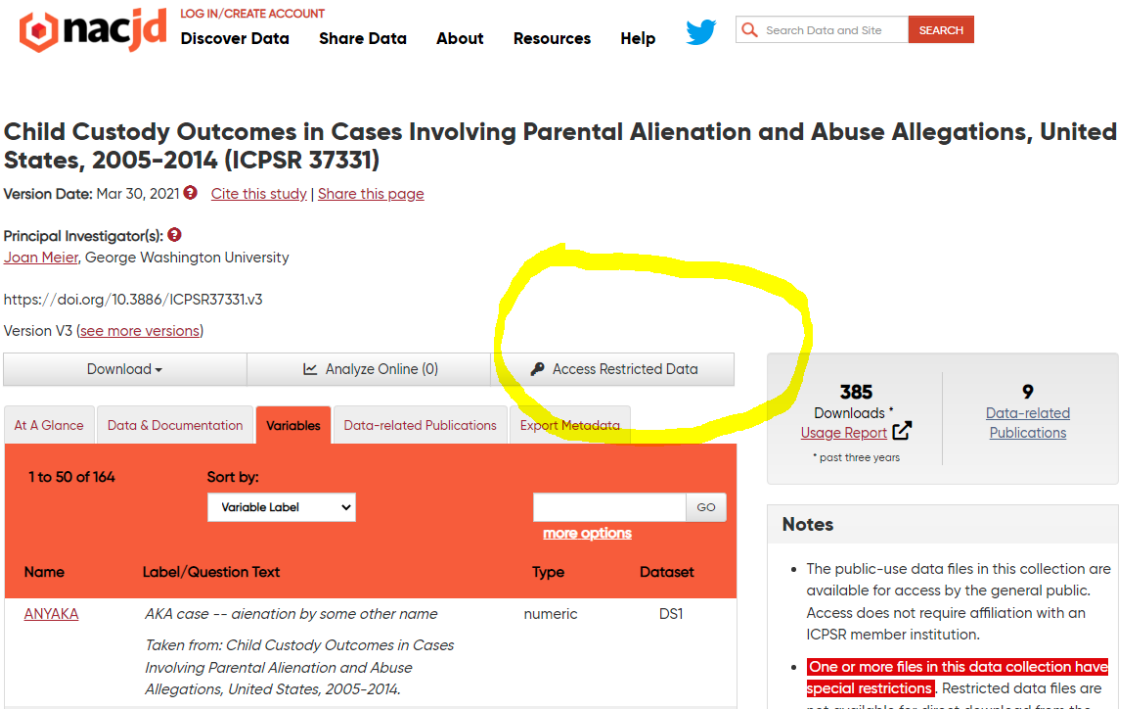
C. ALLEGED RESOURCE LINKS

- The NIJ letter states "*The data from this study has been appropriately archived in the National Archive of Criminal Justice Data to allow testing of its findings by other scientists".* **While the information might be buried somewhere in these archives, researchers have not been able to locate them without meeting certain conditions which are impossible for most people to fulfill.**
- Interestingly, in a recent paper that is posted on the GWU Law School website (*Denial of Family Violence in Court: An Empirical Analysis and Path Forward For Family Law*), Meier does not reference the National Archive of Criminal Justice Data; rather, she provides two other questionable sources:
  - On page 2 of this article, Meier states that "*new empirical data from the first-ever quantitative national analysis of family court practices - data which empirically validates the reports and grievances of thousands of mothers and children in the United States"*. In footnote 5, she claims that "*documentation of the Study data and methods is posted at https://dataverse.harvard.edu/* ". Upon opening the link, one is taken to a generic search page for the Harvard database. **A search for "Joan Meier" produced zero results. Searches under the research name also produced zero results**:



  - Footnote 38 claims that "*far more information was coded than was capable of being analyzed during the Study time-frame; the complete dataset is available from the NIJ Archives for secondary analyses. https://www.icpsr.umich.edu/web/NACJD/studies/37331"*. This webpage does link to a real data set for her study, but only some data is available publicly. **The rest of the data is restricted and permission needs to be received to access it:**

Concerns About Bills Originating From *The Workgroup To Study Child Custody Court Proceedings Involving Child Abuse Or Domestic Violence Allegations*: SB17, SB41, SB336, HB104



nacjd LOG IN/CREATE ACCOUNT
Discover Data | Share Data | About | Resources | Help | Search Data and Site | SEARCH

Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations, United States, 2005-2014 (ICPSR 37331)

Version Date: Mar 30, 2021 Cite this study | Share this page

Principal Investigator(s):
Joan Meier, George Washington University

https://doi.org/10.3886/ICPSR37331.v3

Version V3 (see more versions)

Download | Analyze Online (0) | Access Restricted Data

385 Downloads * Usage Report
* past three years

9 Data-related Publications

At A Glance | Data & Documentation | Variables | Data-related Publications | Export Metadata

1 to 50 of 164 Sort by: Variable Label GO
more options

Name	Label/Question Text	Type	Dataset
ANYAKA	*AKA case -- aienation by some other name* *Taken from: Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations, United States, 2005-2014.*	numeric	DS1

Notes

- The public-use data files in this collection are available for access by the general public. Access does not require affiliation with an ICPSR member institution.
- One or more files in this data collection have special restrictions. Restricted data files are

D. LETTERS OF CONCERN ABOUT THE WORKGROUP REPORT FROM TOP FORENSIC AND LEGAL AUTHORITIES

From: Demosthenes Lorandos <dr.lorandos@psychlaw.net>
Subject: Re Workgroup to study child custody - final report
Date: January 26, 2021 at 3:32:31 PM EST
To: will.smith@senate.state.md.us, jeff.waldstreicher@senate.state.md.us, jack.bailey@senate.state.md.us, jill.carter@senate.state.md.us, bob.cassilly@senate.state.md.us, shelly.hettleman@senate.state.md.us, michael.hough@senate.state.md.us, susan.lee@senate.state.md.us, michael.jackson@senate.state.md.us, charles.sydnor@senate.state.md.us, chris.west@senate.state.md.us

Judicial Proceedings Committee,
Maryland State Senate
Honorable Senators
With all due respect - - - garbage in, garbage out.
I have been teaching lawyers and judges how to recognize good science and junk science for decades.
My two volume work *Cross Examining Experts in the Behavioral Sciences* is in its twentieth year of publication with annual updates from Thomson Reuters WEST.
https://store.legal.thomsonreuters.com/law-products/Treatises/Cross-Examining-Experts-in-the-Behavioral-Sciences/p/102477862
I have reviewed the "final report" of Jennifer Botts, Heather Marchione and Jennifer Young. **I will use this report** in future editions of *Cross Examining Experts* as well as future editions of the upcoming three volume work from Thomson Reuters WEST on junk science. . . . t**o teach judges and lawyers how hyper-claiming and meta ignorance can be used to influence policy makers.**
The reliance by Botts, Marchione and Young on the non-peer reviewed opinion piece by Joan Meier and colleagues (*Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations*) demonstrates what scientists call *meta-ignorance*, or just willful blindness to accurate, peer-reviewed science of the highest caliber.
For example, the non-peer reviewed opinion piece by Meier and colleagues, published in a student edited journal has been roundly rebuked in a peer- reviewed study published in one of the behavioral science's most prestigious journals *Psychology, Public Policy and Law.* https://psycnet.apa.org/fulltext/2020-96321-001.html In that study, every one of the Meier team's conclusions were scrupulously tested by actual scientists. Even a brief read will illustrate Botts, Marchione and Youngs' misplaced confidence in the Meier team opinion piece.
Have a look at a dozen recent Maryland cases involving the science surrounding parental alienation:

Karen P. v. Christopher J.B., 878 A.2d 646 (Md. Ct. Spec. App. 2005).
Tarachanskaya v. Volodarsky, 897 A. 2d 884 (Md. Ct. Spec. App. 2006), rev'd, Volodarsky v. Tarachanskaya, 916 A.2d 991 (Md. 2007).
Meyr v. Meyr, 7 A.3d 125 (M. Ct. Spec. App. 2010).

McClanahan v. Washington County Dept. of S. S., 96 A.3d 917 (Md. Ct. Spec. App. 2014) rev'd, 129 A.3d 293 (Md. 2015).

Harrison v. Greene, No. 1179, 2016 WL 389956 (Md. Ct. Spec. App. Feb. 1, 2016).
Wildstein v. Davis, No. 2422, 2016 WL 6591681 (Md. Ct. Spec. App. Nov. 4, 2016).
Rifka v. Dillenburg, No. 2224, 2016 WL 7496580 (Md. Ct. Spec. App. Dec. 21, 2016).
Gillespie v. Gillespie, No. 1849, 2016 WL 1622890 (Md. Ct. App. Apr. 25, 2016).
Molina v. Molina, No. 2707, 2017 WL 35493 (Md. Ct. Spec. App. Jan. 4, 2017).
Gali v Gali, Nos. 1953 & 1954, 2017 WL 2535672 (Md. Ct. Sp. App. June 12, 2017).
Neff v Neff, No. 961, 2017 WL 1534889 (Md. Ct. Sp. App. Apr. 28, 2017).
In re JM Jr., No. 2180, 2017 WL 3141086 (Md. Ct. Spec. App. July 25, 2017).

Do you really want to rely on the Botts, Marchione and Young "report" to make public policy? How are you going to explain that to Judge Kathryn Graeff, or Judge Christopher Kehoe? For that matter, imagine your staff trying to explain to Judge Stuart Berger or Judge Kevin Arthur or Judge Andrea Leahy that you've relied on a biased and woefully compromised "report" to create law. . . . . .

Garbage in, garbage out.

Demosthenes Lorandos, Ph.D., J.D.
Licensed Psychologist ~ Attorney at Law
PSYCHLAW.NET, PLLC
HURON RIVER OFFICE
P O Box 734
Hamburg, Michigan 48139
Tel: 734-545-3242
www.PsychLaw.net

Joshi | attorneys + counselors

ASHISH S. JOSHI
Admitted in: New York
District of Columbia
Michigan
Gujarat, India

E-MAIL:
a.joshi@joshiattorneys.com

Sent via Electronic Mail

January 26, 2021

William C. Smith, Jr., Chair
Judicial Proceedings Committee
Senate of Maryland
The State House, 100 State Circle
Annapolis, Maryland 21401
Email: will.smith@senate.state.md.us

Jeffrey D. Waldstreicher, Vice-Chair
Judicial Proceedings Committee
Senate of Maryland
The State House, 100 State Circle
Annapolis, Maryland 21401
Email: jeff.waldstreicher@senate.state.md.us

Re: Report on behalf of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations

Dear Mr. Smith and Mr. Waldstreicher,

I am an attorney who specializes in litigating child custody cases involving dynamics of parental alienation, pathological child enmeshment, and child abuse. I am admitted to the bar of the Supreme Court of the United States, state bars of New York, Michigan, District of Columbia, and Gujarat, India. I have represented parents in child custody and child protection cases in family courts across the United States, and internationally. I have published and presented on the topic of parental alienation, both in the United States and internationally.

I am writing to voice my objection to the report produced by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, created by Chapter 52 of 2019.

The report's characterization and conclusion on parental alienation is neither accurate nor legitimate. To be blunt, it is ideology masquerading as science. The report mischaracterizes

2433Oak Valley Dr. Suite #500, Ann Arbor, Michigan 48103
Contact: **T:** (734) 327-5030 **F:** (734) 327-5032 **Web:** www.joshiattorneys.com

the phenomenon of parental alienation. Parental alienation is a mental condition in which a child—usually one whose parents are engaged in a high-conflict separation or divorce—allies strongly with one parent (the preferred or favored parent) and rejects a relationship with the other parent (the rejected or alienated parent) *without legitimate justification.* The report's conclusion—that it is "not appropriate for [Maryland] courts to rely on parental alienation as a conclusive reason for a child's negative attitude towards a parent" because "a child may have his or her own legitimate reasons to demonstrate fear or rejection of a parent" due to abuse or other valid grounds—creates a strawman argument. The concept of parental alienation does not include situations where a child has *legitimate* reason to reject or refuse contact with a parent. Factor three of the well-known Five-Factor Model of parental alienation requires an evaluator or court to ascertain the legitimacy of the child's rejection of or resistance to the rejected parent. If the grounds for such rejection or resistance are legitimate, parental alienation must be ruled out. The report appears to be ignorant (or willfully blind) to the current research and professional literature—both peer-reviewed scientific articles and judicial case law—that exists on parental alienation.[1]

I am even more concerned about the report's citation to the opinion(s) espoused by Professor Joan Meier. The report attempts to paint the phenomenon of parental alienation in a sexist, propagandist undertone. Citing some of Professor Meier's work—which is ***not*** peer-reviewed—the report alleges that parental alienation is "junk science" and is a result of some outlandish theory that was devised by Dr. Richard Gardner for nefarious purposes. Nothing could be farther from the truth. Over the many years, various researchers—psychologists, psychiatrists, social workers, and legal scholars—have described the phenomenon of parental alienation in professional literature.[2] The concept of parental alienation has been described and discussed for more than 70 years in the professional literature. Much of it has been published in scientific, peer-reviewed journals. It is astounding (and alarming) that the report not only makes no mention of this research, but instead offers a stale, sexist, ignorant, and severely biased perspective on parental alienation.

There is another reason why you should be careful in considering Professor Meier's opinion on parental alienation (which the report appears to have adopted hook, line, and sinker). Recently, in a peer-reviewed article published by the American Psychological Association, Dr. Jennifer Harman and Dr. Demosthenes Lorandos exposed the serious conceptual and methodological problems of a Meier study, its **misrepresentation of the research pertaining to parental alienation, and the flawed and faulty interpretation of the study's findings, which was plagued with confirmation bias.**[3] The Harman & Lorandos' peer-reviewed research not only failed to find support for Meier's unfounded claims, but instead made findings that were *opposite of what Meier and her colleagues reported.* As Harman & Lorandos point out:

---

[1] See e.g., Parental Alienation—Science and Law (Editors, Lorandos & Bernet), Charles C. Thomas (2020).

[2] See Bernet, W., Introduction to Parental Alienation in *Parental Alienation—Science and Law* (Editors, Lorandos & Bernet), Charles C. Thomas (2020), 26.

[3] Harman, J. J., & Lorandos, D. (in press). Allegations of family violence in court: How parental alienation affects judicial outcomes. *Psychology, Public Policy, & Law.* DOI: 10.1037/law0000301

> "In conclusion…our results soundly disconfirmed nearly all the findings we tested from Meier…This … raises concerns about the validity of Meier et al.'s data and conclusions that can be drawn from it…Unfortunately, Meier et al. … have been extensively disseminating their findings to media and policy makers, have failed to discuss the limitations of their report, have been presenting their findings as definitive proof, and have been communicating to the public that abused mothers are losing custody of children to abusive father…Such messaging propagates stereotypes about men being abusive and women being victims, both of which were not supported in our study."[4]

I have enclosed a copy of the Harman & Lorandos's peer-reviewed research paper for your review. Your Committee should carefully review this paper, the existing (and easily available) professional literature on parental alienation, and thereafter evaluate the report's flawed argument that parental alienation is "junk science."

Finally, American family courts have acknowledged the concept of parental alienation, have carefully defined it, have categorized it as child psychological or emotional abuse, and have intervened to put a stop to it. Maryland courts are in lockstep with the rest of the family courts around the country in acknowledging parental alienation and intervening to provide the necessary legal and mental health intervention.[5]

The report overall makes good suggestions. However, it's characterization of parental alienation is contradicted by available science and well-established best practices pertaining to child custody proceedings. The report's presentation and opinion on parental alienation is deeply flawed, inaccurate, and biased. I encourage you to reach out to well-known, bonafide experts in the area of parental alienation. The recently published book that I refer to in my footnote #1 would be a good starting place.

---

[4] *Id.*, at 36

[5] *See e.g.*, *Domingues v. Johnson*, 593 A.2d 1133 (Md. 1991); *Barton v. Hirshberg*, 767 A.2d 874 (Md. Ct. Spec. App. 2001); *Karen P. v. Christopher J. B.*, 878 A.2d 646 (Md. Ct. Spec. App. 2005); *Tarachanskaya v. Volodarsky*, 897 A.2d 884 (Md. Ct. Spec. App. 2006), rev'd, *Volodarsky v. Tarachanskaya*, 916 A.2d 991 (Md. 2007); *Meyr v. Meyr*, 7 A.3d 125 (Md. Ct. Spec. App. 2010); *McClanahan v. Washington County Dept. of S.S.*, 96 A.3d 917 (Md. Ct. Spec. App. 2014) rev'd, 129 A.3d 293 (Md. 2015); *Harrison v. Greene*, No. 1179, 2016 WL 389956 (Md. Ct. Spec. App. Feb. 1, 2016); *Wildstein v. Davis*, No. 2422, 2016 WL 6591681 (Md. Ct. Spec. App. Nov. 4, 2016); *Rifka v. Dillenburg*, No. 2224, 2016 WL 7496580 (Md. Ct. Spec. App. Dec. 21, 2016); *Gillispie v. Gillispie*, No. 1849, 2016 WL 1622890 (Md. Ct. App. Apr. 25, 2016); *Molina v. Molina*, No. 2707, 2017 WL 35493 (Md. Ct. Spec. App. Jan. 4, 2017); *Gali v. Gali*, Nos. 1953 & 1954, 2017 WL 2535672 (Md. Ct. Sp. App. June 12, 2017); *Neff v. Neff*, No. 961, 2017 WL 1534889 (Md. Ct. Sp. App. Apr. 28, 2018); *In re JM Jr.*, No. 2180, 2017 WL 3141086 (Md. Ct. Spec. App. July 25, 2017); *Azizova v. Suleymanov*, 243 Md. App. 340, 368, 220 A.3d 389, 407 (2019), reconsideration denied (Dec. 31, 2019), cert. denied, 467 Md. 693, 226 A.3d 236 (2020); *Jones v. Jones*, No. 369, SEPT. TERM,2020, 2020 WL 6867945, at *6 (Md. Ct. Spec. App. Nov. 23, 2020); *Ross v. Ross*, No. 1473, SEPT.TERM,2019, 2020 WL 7416734, at *5–8 (Md. Ct. Spec. App. Dec. 18, 2020).

Please feel free to contact me in case of any questions. I can be reached at a.joshi@joshiattorneys.com.

Yours truly,

Ashish S. Joshi

Enclosures

cc: John D. (Jack) Bailey, jack.bailey@senate.state.md.us
Jill P. Carter, jill.carter@senate.state.md.us
Robert G. Cassilly, bob.cassilly@senate.state.md.us
Shelly L. Hettleman, shelly.hettleman@senate.state.md.us
Michael J. Hough, michael.hough@senate.state.md.us
Susan C. Lee, susan.lee@senate.state.md.us
Michael A. Jackson, michael.jackson@senate.state.md.us
Charles E. Sydnor III, charles.sydnor@senate.state.md.us
Christopher R. West, chris.west@senate.state.md.us

SB17.pdf
Uploaded by: Michael Fiol
Position: UNF

Senator West,

I understand that you are a member of the Judicial Proceedings Committee and sponsored SB17. I plan on speaking during the Senate session on January 26, 2022 to address my concerns.

I am very confused and concerned about the inclusion of 9-101.3(B)(11) in the bill. I am asking you to please **strike down this particular language and section** of the bill. I submitted written testimony and provided oral testimony when SB675 (virtually the same Bill) did not make its way out of committee last year and was devastated to see another effort to enact it, retaining the following language verbatim from SB675:

(11) PARENTAL ALIENATION, INCLUDING:

(I) THE ORIGINS OF PARENTAL ALIENATION;
(II) THE INVALIDITY OF PARENTAL ALIENATION AS A SYNDROME; AND
(III) THE INAPPROPRIATENESS OF THE USE OF PARENTAL ALIENATION IN CHILD CUSTODY CASES;

I whole-heartedly agree that judges should receive training for child abuse and domestic violence in child custody cases. However, as a victim of Parental Alienation, with a teenage son who is the victim of Child Alienation, I am adamantly opposed to the above section of the bill.

By including the above section, it actually serves the opposite purpose of the bill's intention - by endorsing a form of child abuse. The simple fact is that Parental Alienation is psychological child abuse. It is typically perpetrated by parents with personality disorders, usually Narcissistic Personality Disorder or Borderline Personality Disorder.

Courts are already minimizing the existence and effects of Parental Alienation. SB17 allows that practice not only to continue, but condones it. I firmly believe Parental Alienation Syndrome is both real and valid. Even more strongly, I know that the use of Parental Alienation in custody cases is not only appropriate, but necessary. Yet, this bill would state the exact opposite - that the use of Parental Alienation in child custody cases is inappropriate.

I have plenty more to say about this subject. I have my personal nightmare that I have been living for the past 6 1/2 years without my son. I can never properly explain the heartbreak it has inflicted on my family and me. I can tell you, however, that a piece of me is missing and won't ever return unless and until my son does one day.

Again, I ask that strike down Section 9-101.3(B)(11) in SB17. I truly appreciate your consideration. I also would appreciate your response to my concerns. I am hopeful to hear back from you very soon.

Sincerely,

Michael Fiol

sb17.pdf
Uploaded by: Sara Elalamy
Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
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 17 Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges
DATE:	January 5, 2022 (1/26)
POSITION:	Oppose

The Maryland Judiciary opposes Senate Bill 17. This bill requires the Maryland Judiciary, in consultation with certain organizations, to develop a training program for judges presiding over child custody cases involving child abuse or domestic violence and to review and update the training program at certain intervals. It also requires the training program to include certain information.

This bill is based on recommendations contained in the final report of the *Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations* (the workgroup). The Judiciary's opposition is based on constitutional, economic, and practical issues with this bill. The Judiciary recognizes how serious child abuse and intimate partner violence are. As they permeate our society, these issues are covered in standing training programs for judges and specific training that is offered on a yearly basis. Judges are always in need of new, better, and more training. However, every hour in training is an hour (plus travel) judges are away from their courthouses. Their need for training must be balanced against the need to keep courts operational to ensure the administration of justice.

The Judiciary's specific concerns are as follows.

This bill violates the Maryland State Constitution's separation of powers doctrine by infringing on duties constitutionally assigned to the Judicial Branch. Current laws recognize that the Chief Judge of the Court of Appeals has authority over the behavior and training of Judges in Maryland. Courts and Judicial Proceedings Article § 1-201 empowers the Court of Appeals to make rules and regulations for courts of the state. By Administrative Order, on June 6, 2016, the Chief Judge of the Court of Appeals reorganized Judicial Education and renamed the same as the Judicial College of Maryland, "responsible for the continuing professional education of judges" and "[t]he

Education Committee of the Judicial Council shall establish subcommittees and work groups to develop, with the support of the Judicial College, the courses, educational programs, and academic opportunities offered to judges, magistrates, commissioners, and other Judiciary employees…."

Specifically, this bill encroaches upon the Court of Appeals' constitutional duty to oversee the integrity and impartiality of state judges by mandating a means of how training is developed and by requiring public disclosure about the same. It also ignores the existing mechanisms in the Judicial Branch to offer trainings and the expertise of the Judicial Council's Education Committee and the Judicial College to determine the most suitable trainings for the bench. In doing so, the bill infringes on the constitutional role of the Chief Judge of the Court of Appeals as "administrative head of the Judicial system of the State[.]"

The Judiciary notes that testimony submitted in response to SB675/21 from House of Ruth Maryland,[1] the Maryland Coalition Against Domestic Violence,[2] the Maryland Coalition Against Sexual Assault,[3] the Women's Law Center,[4] and Family & Juvenile Law Section Council of the Maryland State Bar Association[5] agree that judicial training should remain under the authority of the Chief Judge of the Court of Appeals. The Judiciary through its Judicial College is the correct mechanism for determining appropriate training for judges.

Notwithstanding the constitutional issues, § 9-101.3 presents economic and practical problems. It requires the Judiciary, in consultation with domestic violence and child abuse organizations, to develop a training program for judges. While Judicial College regularly utilizes practitioners and subject matter experts (including child abuse and domestic violence experts) as faculty for its training programs, this mandate would open the door for criticism about or litigation over whether a judge presiding over child custody cases involving child abuse or domestic violence can be impartial. As discussed above, it is the role of the Judicial College to determine the most suitable training for the bench.

Effective July 1, 2024, judges would have to complete at least 20-hours of training on the topics delineated in §9-101.3(b) within their first year presiding over a child custody cases involving child abuse or domestic violence. This would apply to circuit court judges, district court judges (who are authorized to award temporary custody in temporary and final protective order proceedings under Title 4 of the Family Law Article), and the judges on both Courts of Appeals. The topics that must be covered in the training are both specific and numerous and there is no single existing training program that satisfies them all. It would be overly burdensome for the Judiciary to develop and

---

[1] https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/1u308JQcTI7c6o8V-yzDzYZdqlnOx_HcR.pdf.
[2] https://mgaleg.maryland.gov/cmte_testimony/2021/jud/11gxylvGE1kguzpUEkNHrDpXPhktzKUHK.pdf.
[3] https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/132R35EDAy1cUSI-uA16N4iMR52HwrwEw.pdf.
[4] https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/1AbjrG0LfdI7SYI3LIIoUhto-m0ugB_tv.pdf.
[5] https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/1sGXppxPU-NcoJv_wh5CeKUf3YT2hoeDJ.pdf.

make available the training to ensure judges would not be disqualified from presiding over these cases after the effective date. At this time, courts are setting matters well into 2024. They would need to reschedule or reassign cases to allow for judges to be away from their courthouses to attend the 20-hour initial training. This would exacerbate the backlog of cases resulting from court closures during the COVID-19 pandemic and be particularly disruptive for small courts. This bill provides no appropriation to implement this requirement or for courts to absorb costs associated with accommodating training-related judicial absences.

The workgroup, selected the topics the training must cover because "[i]n order to make sound, safety-focused decisions, judges need to be armed with the background necessary to sort through the "smoke" that has been described as pervading custody cases that include domestic violence or child abuse." Workgroup Final Report, p. 25. While the topics are relevant, there is no data that shows 20 hours of training on them will have the desired effect. Further, the time requirement and the associated administrative burdens leave little room for judges to receive training on how to navigate the legal issues or be educated on developments in the law that arise in this (or any other) case type.

Section 9-101.3(d) requires the Judiciary to adopt certain procedures to identify case that "involve child abuse or domestic violence" for the purpose of ensuring only judges who have received the required training are assigned those cases. The terms and "involve child abuse or domestic violence" is difficult to interpret. It is not clear whether an allegation alone is sufficient or if certain facts or conditions must exist to trigger the assignment requirement. It is also not clear what should happen if child abuse or domestic violence is discovered or disclosed later in the case and after the commencement of proceedings before a judge who has not completed the initial training. The Judiciary notes that courts already screen domestic cases for abuse and the Committee's Family Mediation and Abuse Screening Work Group is working to update a screening tool and developing best practices.

Finally, section 9-101.3 requires the Judiciary to report the names of judges who do not comply with the bill's training requirements to the Commission on Judicial Disabilities. This is unnecessary, overreaching and not an appropriate use of that Commission. The Judiciary already has mechanisms to track compliance with judicial training requirements.

cc. Hon. Chris West
Judicial Council
Legislative Committee
Kelley O'Connor

Testimony in OPPOSTION to SB17.pdf
Uploaded by: Susan Horning
Position: UNF

THE BOYS INITIATIVE

Testimony in OPPOSTION to SB17:

The Boys Initiative is a nonprofit organization dedicated to implementing solutions to the issues and trends affecting the well-being and success of boys and young men in our nation and around the world.

We urge you to oppose SB17: Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges.

SB17 would train judges false information about parental alienation, including: (i) the origins of parental alienation; (ii) the invalidity of parental alienation as a syndrome; and (iii) the inappropriateness of the use of parental alienation in child custody cases.

Parental alienation is a real phenomenon often used by one parent to alienate a child from the other parent in child custody cases. It is listed in DSM-5, the current Diagnostic and Statistical Manual of the American Psychiatric Association (APA), under diagnostic code V 995.51 "child psychological abuse," and there has been considerable research to support it as a diagnosis.

Critics of parental alienation who want to deny its existence often point to a 2019 study done by Professor Joan Meier. Unfortunately, the inability to replicate the study using open science practices has lead to the conclusion the results are unreliable.

Most concerning about parental alienation is when mothers claim to be "protective" and alienate their child against the father or other positive male role model. Boys and young men need the influence of their fathers. Nearly 25 percent of America’s children live in mother-only families. Study after study shows that the involvement of a father or a positive male role model has profound effects on children. Father-child interaction promotes a child’s physical well-being, perceptual ability, and competency in relating to others. Furthermore, these children also demonstrate a greater ability to take initiative and display self-control. Children without positive male role models are more likely to be

involved in criminal activity, have premarital sex, do poorer in school, and participate in unhealthy activities.

Please oppose SB17. This bill trains judges to view parental alienation as junk science. It is not. It is a form of child psychological abuse that is used in child custody cases to the detriment of society. Maryland's boys and young men deserve judges to be trained on the truth.

Respectfully,

Susan Horning

--

Susan Horning
Co-Director, State Legislative Initiative
The Boys Initiative
925-683-1641
shorning@theboysinitiative.org
https://boysinitiative.org/

SB0017_VMcAvoy_UNF.pdf
Uploaded by: vince mcavoy
Position: UNF

SB0017
Vince McAvoy
UNFAVORABLE
SB0017_VMcAvoy_UNF

Senators of Judicial Proceedings,
I ask you to vote unfavorably for this bill as you did last year.
This is a pernicious bill filled with devious and ludicrous assumptions.
It creates classes of trauma from thin air (ACE) and it postulates imaginary difficulties in discernment.
So while assuming that judges who try cases cannot see bad parenting, it hands out dozens and dozens of hours of MANDATORY training to Maryland Judges – handled BY the Domestic Violence Industry crows who were on the SB567 taskforce. This should truly be viewed as political payola.
These domestic violence crows write the bill for Sen. Lee, (wo)man the taskforce, then get paid to "train" judges? "Oh what a wicked web...." someone once said.

SB17, at the same time, attempts to disavow the proven, peer-reviewed issue of Parental Alienation. Perhaps you know this under other terms such as gatekeeper parent, narcissistic parenting, child sequestration or by other events that are consistent with Parental Alienation cases.
The Maryland Appellate has handled Parental Alienation cases before. Senators, every time a parent wrongfully denies custody, look into that case and you'll likely find an alienating parent.
Maryland almost never pursues wrongful custodial denial.

The bill, at its heart, is aimed against fathers.
As seen below, I volunteered IMMEDIATELY when a slot opened to take advantage of a fathers rights advocate being added to the SB567 taskforce. I didn't limit this volunteerism to myself – it's costly to attend, it doesn't pay and it's difficult to listen to lie after lie from these taskforces. I also asked other dads to contact the Secretary of State while the taskforce was ongoing. Yet and still, no father was enlisted or even reviewed – as far as I know – for the taskforce.

And here we are 3 years later. Another flawed bill being proffered by Senator Lee, peddling junk science and hateful ideology against fatherhood and equitable family law determinations.

Please resoundingly vote NO on this bill.
This bill is *prima facie* flawed and unjust.

Thanks for your consideration and time.
humbly
~vince

----- Forwarded Message -----
From: Vince McAvoy <vince.mcavoy@yahoo.com>
To: john.wobensmith@maryland.gov <john.wobensmith@maryland.gov>
Sent: Wednesday, November 13, 2019, 04:48:40 PM EST
Subject: Fw: (2019 Term) SB567 with Amendment

Hello Secretary Wobensmith,
Moments after the Senate amendment was passed for a fathers rights group to be included with the SB567 taskforce, I sent the email you see below to JPR.
I have also submitted a form (going, perhaps, through Appointments Secretary Cavey) to be included in the taskforce.
I have not heard back from my submittal.
There appears to be no fathers rights group included in the Taskforce you are heading.

I'm disappointed that my submittals are ignored; more distressing is that the amendment isn't being honored.

Can you please give me an update regarding the Taskforce vacancy, current recommendations of the Taskforce and who has been vetted for the currently vacant role?

With thanks.
humbly
~vince

----- Forwarded Message -----
From: Vince McAvoy <vince.mcavoy@yahoo.com>
To: "bobby.zirkin@senate.state.md.us" <bobby.zirkin@senate.state.md.us>; "jill.carter@senate.state.md.us" <jill.carter@senate.state.md.us>; "Bob.Cassilly@senate.state.md.us" <Bob.Cassilly@senate.state.md.us>; "michael.hough@senate.state.md.us" <michael.hough@senate.state.md.us>; "justin.ready@senate.state.md.us" <justin.ready@senate.state.md.us>; "chris.west@senate.state.md.us" <chris.west@senate.state.md.us>; "mary.washington@senate.state.md.us" <mary.washington@senate.state.md.us>
Sent: Friday, March 22, 2019, 12:27:56 PM EDT
Subject: (2019 Term) SB567 with Amendment

Dear Senators~
As SB567 was just passed with Amendment to include at least one advocate from a "Fathers' Rights" group, I would appreciate your consideration of appointing me to the group to study/alleviate Child Abuse.

Thank you for your consideration,
Vince

as follows:

Article – Family Law

9–101.3.

(E) (1) BEFORE PRESIDING OVER A CHILD CUSTODY CASE INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE, A JUDGE MUST RECEIVE AT LEAST 60 HOURS OF INITIAL TRAINING APPROVED BY THE MARYLAND JUDICIARY THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) A JUDGE WHO HAS RECEIVED THE INITIAL TRAINING UNDER PARAGRAPH (1) OF THIS SUBSECTION AND WHO CONTINUES TO PRESIDE OVER CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE SHALL RECEIVE AT LEAST AN ADDITIONAL 10 HOURS OF TRAINING THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION EVERY 5 YEARS.