

# **SB0041.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: SB0041 – Family Law – Child Custody and Visitation**

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.

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.

Once I determined that the supervised visitation under his mother's watch was not actually supervised, and therefore unsafe, I tried numerous other routes in order to appease the court system. I tried in-house supervised visitation through Center for Children, but they stopped having a supervisor on staff. I supervised multiple visits MYSELF. He eventually hired an organization called Promise Resource Center that allowed for supervised visitations out in the community. We would meet at Burger King every Friday after work. He violated his contract with Promise Resource Center numerous times, following me to my car after visits, attempting to get the children to walk to his car with him, encouraging one of them to find him on social media and change her device password, using the information he gained at the visits to follow us, and ultimately even touching my children in ways not prohibited by his contract.

Promise Resource was under zero obligation to contact CPS, because his behavior didn't qualify as criminal. They were under zero obligation to give me details, because I was not their client, my ex-husband was. And they were under zero obligation to report to the courts, because we did not have a court order specifying this type of supervised visitation. Trying to maintain a relationship between my children and their father at any cost, exposed them to years of additional trauma. Not being within my own legal right to decide to STOP the relative supervised visitation when I discovered my daughters were not being protected cost me six months of court battles and over \$15,000. And let's not forget that my ex-husband has now admitted to still molesting children, the same age as my daughters, while I still had an active court order telling me to give him access to them.

We need to move away from the concept that an abusive parent is still entitled to a relationship with a child, and that the child should be forced into a relationship with an abuser. All that should matter is keeping the child safe. As always, thank you for your time, I appreciate the opportunity.

Annie Kenny

6632 Antelope Court

Waldorf, MD 20603

# **SB0041.pdf**

Uploaded by: Heather Twigg

Position: FAV

Senator Lee

Senate Judicial Proceedings Committee

2 East

Miller Senate Office Building

Annapolis, MD 21401

RE: SB0041 - Family Law – Child Custody and Visitation

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. 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. I appreciate your time and attention to my testimony. I am in high favor of this

bill. 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

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Cumberland, MD 21502

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## **2022 PANDA SB41 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: SB 41 Family Law – Child Custody and Visitation

Date: January 26, 2022

Dear: Chairman Clippinger,

The Mid-Atlantic P.A.N.D.A. is in Favor of SB 41

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 other 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 and human trafficking in our CE course.

This bill will prevent a perpetrator of an abused or neglected child from having custody or visitation rights to that child. It can also authorize the court to approve supervised visitation. It will help to protect the child victim and not put them in harm’s way. It is the courts responsibility to be sure that anyone who has visitation rights or custody will not harm that child.

Thank you for your consideration of SB 41 and we ask for a favorable report.

Respectfully submitted,

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

Carol Caiazzo, RDH President

Susan Camardese, RDH, MS, Vice President

## **SB41\_SenatorLee\_fav.pdf**

Uploaded by: Susan Lee

Position: FAV

SUSAN C. LEE  
Legislative District 16  
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on  
Cybersecurity, Information Technology,  
and Biotechnology

*Chair*  
Maryland Legislative Asian American  
and Pacific Islander Caucus

*President Emeritus*  
Women Legislators of the  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

January 26, 2022

## Sponsor Testimony - FAVORABLE - SB 41 - Family Law – Child Custody and Visitation

Senate Bill 41 is the exact same language as SB57/HB748 third reader from 2021. Both bills passed their respective chamber but didn't go on to pass both chambers as one individual vehicle. This bill was tailored down from last year's first reader to include only two important provisions to protect children in custody disputes and is a result of the [Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations](#).

There likely will be many comments from practicing lawyers and judges about this legislation that may not have been provided last session, but please consider the statements of the protective parents first. And please don't confuse any concerns about one provision, with unanimity of support that courts should articulate their findings of fact on the record and explain their considerations of the custody factor of abuse that is codified under Family Law Article 9-101. We also avoided any confusion with CINA cases that rely on 9-101 through case law for their standards. This is now a very simple bill with one outstanding question to consider.

Is it justifiable to protect a child from abuse, even if the language of a court order would force you to subject a child to reasonably foreseeable and imminent abuse? From the non-lawyer view, do pro se litigants know what a justifiable interference is when it comes to the protection of their child? If not, who if not the legislature should spell this out for them, so they can determine their own legal rights? Should those legal rights only exist after the abuse has occurred?

We have language from the Administrative Office of the Courts for a potential amendment – and I will include that here for discussion purposes, however, the fact that it was proposed illustrates the concern that there is not enough guidance here, especially for pro se litigants. If the language is circular, does that hurt the process, or provide a clear path to protect a child and not subject yourself to a criminal or CINA failure to protect? The Office of Public Defender brought up this catch-22 during our workgroup, and that issue should not be ignored because hypotheticals can poke holes around the edges. Our policy should allow protective parents to

follow the law and not just guess if their actions are indeed justifiable when the safety of the child is at substantial risk.

There is a concern that the status quo has holes the plain reading of the statute, in which judges can make mistakes, and also lead parents to believe they have to return their child to an abuser, even if they will re-abuse. For these reasons, I respectfully request a favorable report on SB41, amended if needed.

*\*This language below is for discussion purposes only, as it was provided just last week. If nothing else, it highlights the argument that the “unjustifiably denied or interfered” standard is not clear enough to protect children from objectively impending harm.*

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AOC's suggested amendment -

*On page 3, strike lines 24 through 27 and substitute:*

**(B) IN DETERMINING WHETHER OR NOT A PARTY UNJUSTIFIABLY DENIED OR INTERFERED WITH VISITATION GRANTED BY A CUSTODY OR VISITATION ORDER, THE COURT MAY CONSIDER WHETHER:**

- (1) THE PARTY WAS PREVIOUSLY FOUND TO HAVE DENIED OR INTERFERED WITH VISITATION;**
- (2) THE ALLEGED DENIAL OF OR INTERFERENCE WITH VISITATION WAS THE SUBJECT OF LITIGATION OR ORDERS IN THE CASE PRIOR TO THE INSTANT ALLEGED DENIAL OR INTERFERENCE;**
- (3) THE ALLEGED DENIAL OF OR INTERFERENCE OCCURRED AFTER THE PARTY REPORTED THE ALLEGED ABUSE OF THE CHILD, THE PARTY OR THE PARTY’S SPOUSE TO THE COURT, LAW ENFORCEMENT OR OTHER GOVERNMENTAL AUTHORITY;**
- (4) THE PARTY PREVIOUSLY FILED A MOTION OR PETITION TO REVISE OR AMEND CUSTODY OR VISITATION SUPPORTED BY AFFIDAVIT STATING THE BASIS OF THE ALLEGED ABUSE; AND**
- (5) THE ALLEGED DENIAL OF OR INTERFERENCE WITH CUSTODY OR VISITATION WAS DONE TO PROTECT THE CHILD FROM CLEAR AND PRESENT DANGER TO THE HEALTH, SAFETY, OR WELFARE OF A CHILD, A PARTY OR A PARTY’S SPOUSE.**

# **SB 41 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

**TESTIMONY IN SUPPORT WITH AMENDMENTS OF SENATE BILL 41**

January 26, 2022

**DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR**

The House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. The House of Ruth Domestic Violence Legal Clinic has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. Senate Bill 41 amends current family law to require courts to make certain findings on the record if it is going to order custody or visitation in a case where a child has been abused. **We urge the Senate Judicial Proceedings Committee to amend and report favorably on Senate Bill 41.**

Section 9-101 of the Family Law Article provides important protections to children in cases where the court finds that a party in a custody or visitation proceeding has abused or neglected a child. Senate Bill 41 clarifies the process a judge must follow when considering visitation to a parent who has committed abuse or neglect.

House of Ruth suggests that the bill be amended to strike the language on page 2, lines 30-33, as this language is duplicative of the language on page 2, line 21. In addition to being redundant, we are concerned about the potential for one parent to use this very broad language against the other parent in high conflict cases.

**The House of Ruth urges the Senate Judicial Proceedings Committee to amend and report favorably on Senate Bill 41.**

# **SB 41- Famly Law - Child Custody and Visitation.pd**

Uploaded by: Laure Ruth

Position: FWA

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BILL NO: Senate Bill 41  
TITLE: Family Law- Child Custody and Visitation  
COMMITTEE: Judicial Proceedings  
HEARING DATE: January 26, 2022  
POSITION: **SUPPORT WITH AMENDMENTS**

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Senate Bill 41 would amend Family Law Section 9-101 to require the court to articulate its findings in custody cases where allegations of domestic violence or sexual assault are presented. The Women's Law Center of Maryland (WLC) supports the concept of this bill.

Senate Bill 41 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 Workgroup worked tirelessly, and delved deeply into how domestic violence, child abuse, and child sex abuse effects children and families and how courts manage cases with such allegations. There were many professional experts who presented to the Workgroup. After over 18 months of meetings the recommendations were finalized. The conclusion of the Workgroup, generally, was that stakeholders in child custody proceedings, including judges and magistrates, need more education of 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.

SB 41 is an effort to make courts be more deliberate in their approach to cases where such allegations are made. Anecdotally, the common view is that courts frequently completely disregard current Family Law Code §9-101 and §9-101.1. SB 41 may reinforce to courts that they *must* address these allegations explicitly and articulate specific findings. This may help litigants, many of whom are unrepresented, to understand how a court came to its ruling, and may in turn increase faith in the court system. Detractors of SB 41 opine the court will just continue to not address allegations of domestic violence or child abuse, and that making the requirements for the court more stringent will have the opposite of the intended effect. The WLC supports requiring articulation by the court of why it has determined abuse is not likely to reoccur, especially given the number of people who are unrepresented in their family law cases.

SB 41 also amends Family Law §9-105, to add "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 OR INTERFERENCE WITH VISITATION GRANTED BY A CUSTODY OR VISITATION ORDER," We appreciate the effort to make clear that a "protective parent" should not be penalized, but we are also concerned about potential for abuse of the very broad language in this section in high conflict cases. We can think of myriad ways this language could be used to try to excuse unacceptable behaviors. In addition, the language on p 2, lines 30-33 seem to be redundant to p. 2, lines 21-22. We recommend striking this language entirely.

In conversation with practitioners, the concern is the language proposed on 9-105 will actually give the false impression to litigants that they get to determine if their decision to withhold a child from access to the other parent is reasonable. This is not the case. The court is the final arbiter of reasonableness.

Therefore, the Women's Law Center of Maryland, Inc. supports with amendments Senate Bill 41 to strike p 2, lines 30-33.

*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. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.*

# **Custody - factors - testimony - senate - 2022 - MC**

Uploaded by: Lisae C Jordan

Position: FWA



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## Working to end sexual violence in Maryland

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For more information contact:  
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### **Testimony Supporting Senate Bill 41 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. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 41 with Amendments.

#### **Senate Bill 41 – Custody and Visitation in Cases involving Abuse**

Senate Bill 41 continues and elaborates upon important protections for survivors of child sexual and physical abuse and child neglect. This bill maintains and recodifies the current §9-101 which currently require that judges consider prior abuse of a child. If a court has reasonable grounds to believe that a child has been abused or neglected, the court must determine whether the abuse or neglect is likely to occur again. Unless the court specifically finds that there is no likelihood of further abuse or neglect, then the court is required to deny custody or visitation rights except for a supervised parenting time arrangement that assures the safety and physiological, psychological, and emotional well-being of the child. Senate Bill 41 adds requirements that judges make specific findings regarding the likelihood of further abuse, clarifies the standard of proof, and adds provisions regarding the type of abuse committed. While these provisions are arguably already in place through Rule or caselaw, this clarification is needed. Far too often, courts are ignoring the current law and minimizing the impact of abuse. Additionally, the clarity in statute will help the Bar and assist unrepresented litigants.

Senate Bill 41 also contains language designed to address historical bias against litigants, primarily mothers, who take steps to protect their children from abuse and neglect. While MCASA fully supports the intent of this language, we are concerned that the language on page 2, lines 30-33 is somewhat confusing and also respectfully suggest that any statutory provisions regarding this issue also be harmonized with §9-306 regarding parents who violate court orders because of a clear and present danger to a child.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 41 with Amendments**

## **OPD Position SB41 Child Custody and Visitation -Su**

Uploaded by: Maria Nenutzka Villamar

Position: FWA



**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
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**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**

<b>BILL: SB41</b>
<b>FROM: Maryland Office of the Public Defender</b>
<b>POSITION: SUPPORT WITH AMENDMENTS</b>
<b>DATE: January 24, 2022</b>

The Maryland Office of the Public Defender supports Senate Bill 41 with amendments. Specifically, it must exclude its application to Child In Need of Assistance cases, and subsection 9-105(b) must be deleted. This bill provides protection to a child who is the subject of a visitation or custody battle between two parents or a parent and a third party. The focus of SB41 is children who were the victims of domestic violence but who the Department of Social Services (DSS) for whatever reason did not seek to remove from the parents. Thus, SB41 ensures the safety of children who were the victims of abuse or neglect from further abuse or neglect by requiring the court to state with specificity its basis for determining that the children will be safe if custody or visitation were granted to the former abuser. However, there is no language expressly excluding the application of SB41 to Children In Need of Assistance (CINA) cases, even though the legislative history of Family Law § 9-101 shows that it was not intended to apply to CINA cases but to cases where the DSS would not be involved. Additionally, SB41 is vague and overbroad and gives one parent or party unlimited power to deprive the other parent of visits. Therefore, amendments are necessary to SB41 in order for the OPD to support it.

### **1. SB41 includes within its reach parties in Children In Need of Assistance (CINA) cases despite there already being a comprehensive CINA statute that provides greater protection to children.**

Senate Bill 41 applies to parents (and other family members) and their children who need protection from abuse and neglect. When the government (the Department of Social Services) is involved for the protection of children, the CINA statute applies (Courts & Judicial Proceedings, Title 3, Subtitle 8). The comprehensive CINA statute contains provisions that require the court to deny custody or visitation to parents when there is a further likelihood of abuse or neglect, but does so without shifting the burden to the parents and thus raising a challenge to the Constitutionality of the statute, like SB41 does.

*(a) Family Law custody and visitation cases between parents/family members are different from CINA cases where the government is the party who wants custody or visitation denied to the parents.*

When two parents engage in a custody or visitation dispute, they are on equal footing in the eyes of the law. Both parents have the same natural rights because they are the parents and both have an equal chance to obtain custody and visits. But when the government is the entity that is seeking to separate families and remove the children from their parents' custody or prevent them from having visits, it becomes a Constitutional matter, because the parent-child relationship is protected from government intrusion by the 14<sup>th</sup> Amendment of the U.S. Constitution.

In a CINA case, DSS prosecutes the case; therefore, the government is a party. Under the 14<sup>th</sup> Amendment, there is a presumption that it is best for children to be with their parents rather than in foster care. When the government is attempting to separate a family, such as when it asks the court to deny custody or visitation to the parents, the 14<sup>th</sup> Amendment is implicated. Under the Constitution, the government is not allowed to separate families except under limited circumstances, and the government has the burden of proving that the family should be separated. Applying SB41 to CINA cases will make it very vulnerable to legal challenges because it shifts the burden to the parents to show that they should have custody or visits with their own children. By excluding CINA cases from these requirements, the statute would be safe from being struck down for being unconstitutional.

***(b) The comprehensive CINA statute provides children in CINA cases greater protection under the CINA statute than they would have under SB41.*** At the very beginning of a CINA case – the shelter care hearing – if a court has reason to believe that the child has been abused or neglected, the court has to “determine whether the temporary placement of the child outside of the home is warranted.” (Courts & Judicial Proceedings § 3-815 (c)(2)). Even beyond emergency shelter care, the court may continue to deny custody or visitation to the parents if the court finds that giving custody of the child back to the parents is “is contrary to the safety and welfare of the child.” Obviously, if the court believes there is the likelihood of further abuse or neglect, then the court can deny custody and visitation because that would be contrary to the child’s safety and welfare. (C&J §3-815 (d)(1)).

If a court finds that a child has been neglected or abused (and is therefore a CINA) the court then has the authority to deny custody and visitation to the parents if it would not be in the child’s best interests to be in the parents’ custody or for them to have visitation. (C&J §3-819 (b)(1)(iii)). Obviously, this means that if the court believes there is the likelihood of further abuse or neglect, the court will deny custody and visitation to the parents. Of equal importance, the court may order the parents to engage in services as a prerequisite to regaining custody and/or visitation. (C&J §3-819 (c)(1)(iii) and (2)).

Even after the court has determined that a child is a CINA and the parents seek to regain custody or have visits with their child, the court always has to determine whether returning the child is in the best interests of the child. The court is required to hold a review hearing every six months. At the review hearing, C&J § 3-81.2 (a) (2)) requires the court to determine the following, among other factors:

- (i) Evaluate the safety of the child;
- (ii) Determine the continuing necessity for and appropriateness of any out-of-home placement;

Existing law is very well-established that the guiding principle in CINA cases is the best interests of the child. “The purpose of CINA proceedings is ‘to protect children and promote their best interests.’ ” *In re Priscilla B.*, 214 Md.App. 600, 622 (2013) (*quoting In re Rachel T.*, 77 Md.App. 20, 28 (1988)). The CINA statute requires the court to determine that where is no likelihood of further abuse or neglect before the

court may reunite children with their parents. Including CINA cases within the ambit of SB41 as written accomplishes only one thing: It shifts the burden to the parents, thereby subjecting the statute to a Constitutional challenge. In the CINA statute, on the other hand, the burden is on the government to show that the children should not be reunited. SB41 is intended for family law disputes, not disputes where the government is separating the family. The CINA statute is comprehensive and clear; applying SB41 as written would only be redundant.

**2. Subsection 9-105 (B) is vague and overbroad and could be used by the government to unilaterally suspend visitation; this subsection must be deleted.**

This subsection is vague and overbroad and allows one party to unilaterally make a decision that is harmful to the child. A “reasonable effort to protect a child or a party” from the other party is extremely subjective. What is a “reasonable effort” to protect a child? What action by the other parent requires a child to be protected? Who decides what is reasonable? Who decides what action by the non-custodial parent warrants suspension of visitation? In a CINA case, the Department of Social Services could suspend court-ordered visitation based solely on the word of the individual who has physical custody of the child – in many cases it would be a foster care provider or a relative. The court would not be able to immediately review this decision, so the child could potentially go without seeing the other parent for months. Even if the court decided the suspension of visits was unreasonable, the child would never be able to make up the lost time with the other parent. This subsection must be deleted.

\* \* \*

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 41 with amendments as requested above.**

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

**Authored by: Nenutzka C. Villamar  
Chief, Parental Defense Division  
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# **SB 41\_MNADV\_FWA.pdf**

Uploaded by: Melanie Shapiro

Position: FWA



**BILL NO:** Senate Bill 41  
**TITLE:** Family Law – Child Custody and Visitation  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** January 26, 2022  
**POSITION:** **SUPPORT WITH AMENDMENTS**

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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 41.**

Senate Bill 41 originates from the recommendations of the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which was statutorily created in 2019. The Workgroup heard from numerous professional experts and met over an eighteen-month period to develop their recommendations.

Senate Bill 41 contains important requirements in child custody and visitation proceedings when a court finds that a party has abused or neglected a child. The bill requires the court to make specific findings and articulate their findings with specificity. We believe that these requirements will be of great benefit to all parties in understanding how the court reached its decision.

MNADV suggests amending the bill language found on page 2, lines 30-33. While MNADV appreciates the intent to not penalize a “protective parent,” as drafted it is vague and overly broad. MNADV is concerned that this language can and will be exploited by a party in a case. For example, an offending parent could allege they are acting as a protective parent and use this as a mechanism to further manipulate and abuse.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on SB 41.**

# **House Bill 1032 2018.pdf**

Uploaded by: Eric Smith

Position: UNF

# HOUSE BILL 1032

D4  
HB 508/17 – JUD

8lr2112  
CF SB 684

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By: **Delegates Dumais and McComas**

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Legal Decision Making and Parenting Time**

3 FOR the purpose of repealing references to the terms “child custody” and “visitation” in  
4 certain instances and substituting the terms “legal decision making” and “parenting  
5 time” in certain instances; requiring the court, in determining the appropriate  
6 allocation of legal decision making or parenting time between the parties, to consider  
7 certain factors; authorizing the court to consider certain factors; requiring the court  
8 to articulate certain findings of fact on the record; authorizing the court to award  
9 joint legal decision making to both parties under certain circumstances; prohibiting  
10 a party from unilaterally making certain decisions concerning a child without  
11 agreement of the other party or order of the court under certain circumstances;  
12 authorizing the court to modify a child custody or visitation order or a legal decision  
13 making or parenting time order under certain circumstances; specifying that a  
14 party’s proposal to relocate the residence of the party or the child in a certain manner  
15 constitutes a material change in circumstances for purposes of a modification of an  
16 order; specifying the purposes of this Act; repealing certain provisions relating to the  
17 relevancy of a disability of a party in a child custody or visitation proceeding; making  
18 certain clarifying and conforming changes; defining certain terms; and generally  
19 relating to child custody, visitation, legal decision making, and parenting time.

20 BY repealing

21 Article – Family Law  
22 Section 5–203(d) and 9–107  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2017 Supplement)

25 BY adding to

26 Article – Family Law  
27 Section 9–101 and 9–103 to be under the amended subtitle “Subtitle 1. Definitions;  
28 General Provisions” and the amended title “Title 9. Custodial Arrangements  
29 for Children”; and 9–201 through 9–204 to be under the new subtitle “Subtitle

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



2. Legal Decision Making and Parental Responsibility – Judicial  
Determinations”  
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 9–101, 9–101.1, 9–101.2, 9–103, 9–104, 9–105, 9–106, and 9–108  
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – Family Law**

5–203.

[(d) (1) If the parents live apart, a court may award custody of a minor child to  
either parent or joint custody to both parents.

(2) Neither parent is presumed to have any right to custody that is superior  
to the right of the other parent.]

Title 9. [Child Custody and Visitation] **CUSTODIAL ARRANGEMENTS FOR CHILDREN.**

Subtitle 1. [In General] **DEFINITIONS; GENERAL PROVISIONS.**

**9–101.**

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
INDICATED.

(B) “CHILD” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

(C) “DISABILITY” MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT  
SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF AN  
INDIVIDUAL, A RECORD OF THAT IMPAIRMENT, OR BEING REGARDED AS HAVING  
THAT IMPAIRMENT, CONSISTENT WITH THE FEDERAL AMERICANS WITH  
DISABILITIES ACT AMENDMENTS ACT OF 2008, 42 U.S.C. § 12102.

(D) (1) “LEGAL DECISION MAKING” MEANS THE RIGHT AND OBLIGATION  
TO MAKE DECISIONS INVOLVING HEALTH, EDUCATION, RELIGION AND CULTURE,  
MEDICAL CARE, AND OTHER MATTERS OF MAJOR SIGNIFICANCE CONCERNING THE  
CHILD’S LIFE AND WELFARE.

# **House Bill 1114 2020.pdf**

Uploaded by: Eric Smith

Position: UNF

# HOUSE BILL 1114

D4

0lr0959

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By: Delegates Charles, Acevero, Bridges, Crutchfield, Henson, Lehman, Mosby,  
Pena-Melnyk, Smith, R. Watson, and P. Young

Introduced and read first time: February 6, 2020

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody and Visitation – Best Interest of the Child – Factors**

3 FOR the purpose of requiring the court, in determining the appropriate allocation of  
4 custody or visitation between the parties that is in the best interest of the child, to  
5 consider certain factors; authorizing the court to consider certain factors; requiring  
6 the court to articulate certain findings of fact on the record; and generally relating  
7 to child custody and visitation.

8 BY adding to

9 Article – Family Law

10 Section 9–109

11 Annotated Code of Maryland

12 (2019 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That the Laws of Maryland read as follows:

15 **Article – Family Law**

16 **9–109.**

17 (A) SUBJECT TO THE PROVISIONS OF §§ 9–101, 9–101.1, AND 9–101.2 OF  
18 THIS SUBTITLE, IN DECIDING THE APPROPRIATE ALLOCATION OF CUSTODY OR  
19 VISITATION BETWEEN THE PARTIES THAT IS IN THE BEST INTEREST OF THE CHILD,  
20 THE COURT SHALL CONSIDER:

21 (1) THE ABILITY OF EACH OF THE PARTIES TO MEET THE CHILD’S  
22 DEVELOPMENTAL NEEDS, INCLUDING:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(I) ENSURING PHYSICAL SAFETY;

(II) SUPPORTING EMOTIONAL SECURITY AND POSITIVE  
SELF-IMAGE;

(III) PROMOTING INTERPERSONAL SKILLS; AND

(IV) PROMOTING INTELLECTUAL AND COGNITIVE GROWTH;

(2) THE RELATIONSHIP BETWEEN THE CHILD AND THE PARTIES, THE  
CHILD'S SIBLINGS, AND OTHER RELATIVES;

(3) THE ABILITY OF EACH PARTY TO MEET THE DAY-TO-DAY NEEDS  
OF THE CHILD, INCLUDING:

(I) EDUCATION;

(II) SOCIALIZATION;

(III) CULTURE AND RELIGION;

(IV) FOOD;

(V) SHELTER;

(VI) CLOTHING; AND

(VII) MENTAL AND PHYSICAL HEALTH;

(4) THE ABILITY OF EACH PARTY TO:

(I) CONSIDER AND ACT ON THE NEEDS OF THE CHILD, AS  
OPPOSED TO THE NEEDS OR DESIRES OF THE PARTY;

(II) PROTECT THE CHILD FROM THE ADVERSE EFFECTS OF ANY  
CONFLICT BETWEEN THE PARTIES; AND

(III) MAINTAIN, FOSTER, AND FACILITATE RELATIONSHIPS WITH  
THE OTHER PARTY, SIBLINGS, OTHER RELATIVES, AND OTHER INDIVIDUALS WHO  
HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD;

(5) THE HISTORY OF ANY EFFORTS BY A PARTY TO INTERFERE WITH  
THE CHILD'S RELATIONSHIP WITH THE OTHER PARTY;

# **House Bill 269 2020.pdf**

Uploaded by: Eric Smith

Position: UNF

## Chapter 142

**(House Bill 269)**

AN ACT concerning

**Child Support – Shared Physical Custody**

FOR the purpose of establishing a certain formula for the calculation of a certain child support obligation under the child support guidelines when a parent with shared physical custody keeps the child or children overnight a certain number of times in a year; altering a certain definition; defining a certain term; providing for the application of this Act; and generally relating to child support.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 12–201(a), (d), and (e) and 12–204(a)(1) and (f)

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 12–201(n) and 12–204(m)

Annotated Code of Maryland

(2019 Replacement Volume)

BY adding to

Article – Family Law

Section 12–201(o)

Annotated Code of Maryland

(2019 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Family Law**

12–201.

(a) In this subtitle the following words have the meanings indicated.

(d) “Adjusted basic child support obligation” means an adjustment of the basic child support obligation for shared physical custody.

(e) “Basic child support obligation” means the base amount due for child support based on the combined adjusted actual incomes of both parents.

(n) (1) “Shared physical custody” means that each parent keeps the child or children overnight for more than [35%] **25%** of the year and that both parents contribute to the expenses of the child or children in addition to the payment of child support.

(2) Subject to paragraph (1) of this subsection, the court may base a child support award on shared physical custody:

- (i) solely on the amount of visitation awarded; and
- (ii) regardless of whether joint custody has been granted.

**(O) “SHARED PHYSICAL CUSTODY ADJUSTMENT” MEANS THE ADJUSTMENT MADE TO A THEORETICAL ADJUSTED BASIC CHILD SUPPORT OBLIGATION IN A SHARED PHYSICAL CUSTODY CASE WHEN A PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR.**

12–204.

(a) (1) The basic child support obligation shall be determined in accordance with the schedule of basic child support obligations in subsection (e) of this section. The basic child support obligation shall be divided between the parents in proportion to their adjusted actual incomes.

(f) The adjusted basic child support obligation shall be determined by multiplying the basic child support obligation by one and one-half.

(m) (1) In cases of shared physical custody, the adjusted basic child support obligation shall first be divided between the parents in proportion to their respective adjusted actual incomes.

(2) **(I)** Each parent’s share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the child or children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent.

**(II) 1. WHEN A PARENT WITH SHARED PHYSICAL CUSTODY KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR, THAT PARENT’S THEORETICAL BASIC CHILD SUPPORT OBLIGATION SHALL BE INCREASED BY THE AMOUNT OF THE SHARED PHYSICAL CUSTODY ADJUSTMENT SPECIFIED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.**

**2. THE SHARED PHYSICAL CUSTODY ADJUSTMENT SHALL BE CALCULATED BY MULTIPLYING THE THEORETICAL BASIC CHILD SUPPORT**

# **Opposition to HB0104-SB 0041.pdf**

Uploaded by: Eric Smith

Position: UNF



**Winning Strategies: Fatherhood, The Courts & Custody, Incorporated- Tax ID No. 85-0940809**

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[Talk Show – DADs 4 The WIN – Thursday @ 730pm](#)

[Contact Number 443-219-6939](#)

January 17, 2022

The Maryland General Assembly  
Legislative Services Building 90 State Circle  
Annapolis, Maryland 21401

Dear Senators & Delegates:

Winning Strategies: Fatherhood, The Courts & Custody finds House Bill 104/Senate 0041 is unfair and biased based on an allegation, allegations that are made daily to ensure the father is blocked from having contact or being involved in the lives of children. House Bill 104 interferes with the social justice for fathers more than the social services and judicial systems currently interfere, HB 104 is a “civil rights” violation bill, and we recognize it as effecting fatherhood fairness.

We, the fathers that are already affected by the lack of following the substantial compliance of family law by not following procedural law, Maryland courtroom, we seek justice, social justice. We seek social justice in the courtrooms in effect the lives of fathers negatively. Henceforth, the Judges/Judicial Appointees are not violating the rights of fathers alone. The State of Maryland Legislature help the Judges/Judicial Appointees violate the procedural laws in family court to continue to subjugate fathers. The 2022 House Bill 104/Senate Bill 0041 Child Custody and Visitation Rights should have been a line item in the Senate Bill 0017/Senate Bill 0214, since these proposed bills deal with Child Abuse and Neglect.

*WS: FCC* supported the original drafting of this bill as well as others since 2018, when Child Custody – Shares Parenting Time introduced by Delegate Nick Charles at the time, as well as bills by Delegates Dumais and Atterbeary which involved Legal Parenting Time (All PDF versions of the bills are attached). However, since we conducted the research on the bills, we found that the bills presented by Delegates Dumais & Atterbeary were ploys to get them favorable votes in the next stages of their political careers. *WS: FCC* does not speak for all fathers, but we do speak for the fathers whose rights have been violated, currently being violated, and have the possibility of being violated if this travesty to family law is not stopped with this NEW Child Custody and Visitation Rights Bill House Bill 0104/Senate Bill 004, formerly Legal Decision Making & Parenting Time. This bill needs to “die” in both houses, Senate and House until they can be added to the appropriate bills. How does this bill, HB 0104, that was formulated by Delegates Dumais & Atterbeary, show the “Best Interest of The Child”?

In closing someone from the Judiciary, Judicial Proceedings or the Office of Legislative Affairs can share what data was used to amend the former bills, who offered the data and what was the time used to substantiate the data? While doing our research on this matter we found that Anne Arundel, Baltimore, Montgomery and Prince George’s Counties as well as Baltimore City courts violate procedural laws. How about stop feeding fathers just Bread and stop making fathers attend Circuses that only have one act, rights violating acts. Dr. Martin Luther King Jr said, “Our world is a neighborhood.... We are tied together in the single garment of destiny, caught in the inescapable network of mutuality and whatever affects one directly affects all indirectly.”

Signed,  
The Winning Strategies Team

# **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 inquiries 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;

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

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](mailto: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**

➤ Letter of concern to the NIJ concerning the research of Joan Meier	Page 4
➤ Response from the NIJ	Page 10
➤ Alleged resource links	Page 11
➤ Letters of concern about the Workgroup report from top forensic and legal professionals	Page 13
➤ Recurrent Misinformation Regarding Parental Alienation Theory	See separate attachment page 21

**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 7<sup>th</sup> 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/abstract=3448062>

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.

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

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

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

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

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

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.

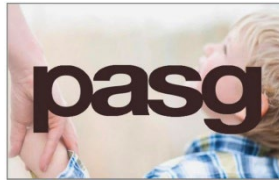
Sincerely,

Parental Alienation Consortium  
[PAConsortium2021@gmail.com](mailto: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](#)



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[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 Grotspeter**, 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  
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**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

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

**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.

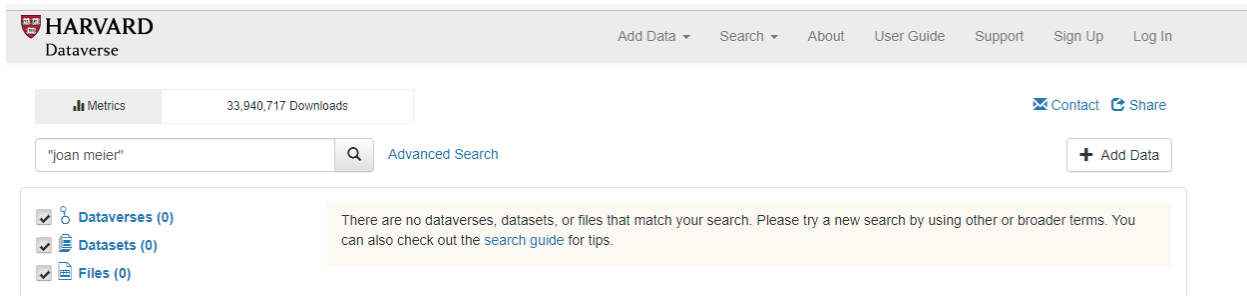
Sincerely,

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

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


### 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*




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## 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](#))

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 Access Restricted Data

At A Glance

Data & Documentation

Variables

Data-related Publications


Export Metadata

1 to 50 of 164

Sort by:  
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Name	Label/Question Text	Type	Dataset
<a href="#">ANYAKA</a>	AKA case -- alienation by some other name <i>Taken from: Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations, United States, 2005-2014.</i>	numeric	DS1

**385**  
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**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.
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**Concerns About Bills Originating From *The Workgroup To Study Child Custody Court Proceedings Involving Child Abuse Or Domestic Violence Allegations:***  
**SB17, SB41, SB336, HB104**

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

**From:** Demosthenes Lorandos <[dr.lorandos@psychlaw.net](mailto: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](mailto:will.smith@senate.state.md.us), [jeff.waldstreicher@senate.state.md.us](mailto:jeff.waldstreicher@senate.state.md.us),  
[jack.bailey@senate.state.md.us](mailto:jack.bailey@senate.state.md.us), [jill.carter@senate.state.md.us](mailto:jill.carter@senate.state.md.us),  
[bob.cassilly@senate.state.md.us](mailto:bob.cassilly@senate.state.md.us), [shelly.hettleman@senate.state.md.us](mailto:shelly.hettleman@senate.state.md.us),  
[michael.hough@senate.state.md.us](mailto:michael.hough@senate.state.md.us), [susan.lee@senate.state.md.us](mailto:susan.lee@senate.state.md.us),  
[michael.jackson@senate.state.md.us](mailto:michael.jackson@senate.state.md.us), [charles.sydnor@senate.state.md.us](mailto:charles.sydnor@senate.state.md.us),  
[chris.west@senate.state.md.us](mailto: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. . . . **to 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).

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

**SB17, SB41, SB336, HB104**

*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](http://www.PsychLaw.net)

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SB17, SB41, SB336, HB104**



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](mailto: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](mailto: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

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

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.<sup>1</sup>

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.<sup>2</sup> 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**.<sup>3</sup> 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:

---

<sup>1</sup> See e.g., Parental Alienation—Science and Law (Editors, Lorandos & Bernet), Charles C. Thomas (2020).

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

<sup>3</sup> 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](https://doi.org/10.1037/law0000301)

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

“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.”<sup>4</sup>

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.<sup>5</sup>

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.

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<sup>4</sup> *Id.*, at 36

<sup>5</sup> 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).

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**SB17, SB41, SB336, HB104**

Please feel free to contact me in case of any questions. I can be reached at [a.joshi@joshiattorneys.com](mailto:a.joshi@joshiattorneys.com).

Yours truly,



Ashish S. Joshi

Enclosures

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**sb41.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 41  
Family Law – Child Custody and Visitation  
**DATE:** January 12, 2022  
(1/26)  
**POSITION:** Oppose as drafted

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The Maryland Judiciary opposes Senate Bill 41 as drafted. 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 proposed amendment to Family Law § 9-105 asks whether a party has interfered unjustifiably with custody or visitation. If so, the court can take steps; if not (*i.e.*, if the interference was justifiable) it cannot. “Unjustifiable” is a high standard that is measured objectively. The proposed amendment would give a party the right to interfere “reasonably” with custody or visitation, which seems not only to lower the standard of proof, but also would require the court to decide whether the interferer thought subjectively that the interference was reasonable rather than whether it was objectively justifiable.

This amendment opens the door to a lot of unnecessary litigation and disruption to children in custody cases. A parent who has decided for him- or herself that the other parent is a danger to the child would have a means to violate the order with impunity. These orders will be challenged again and again and there will be hearings each time on whether the parent is being reasonable in not abiding by the order so as to protect the child (or him- or herself). Contested custody matters are acrimonious and long-lasting by nature; the subject of the dispute (the children) and the reason for the dispute (the parents’ adverse relationship) exist independently of the court’s decision. It is for this reason that the law requires an objective analysis of the dispute. Re-orienting the analysis around the subjective views of the interferer would make it substantially more difficult for the courts to define enforceable parameters for the parties’ ongoing relationships and conduct, and thus to bring peace and closure to difficult and potentially volatile situations.

Further, § 9-105 is not limited to situations where there's been a finding of abuse or neglect. An unintended consequence of the proposed language that it could turn every "reasonable" decision in a custody or visitation case into litigation over interference—was it "reasonable" for a parent to come pick up a child early on a Sunday so she could do homework? Was it reasonable for a parent to want to fly out Friday night rather than Saturday morning with the kids because the airfare was cheaper? Dropping down from "unjustified" to "reasonable" creates potential litigation on a whole host of fronts not currently at issue under that statute.

The Judiciary, having tracked the efforts of the workgroup, appreciates what the sponsor is attempting to do in § 9-105 but believes this bill as drafted is unworkable.

cc. Hon. Susan Lee  
Judicial Council  
Legislative Committee  
Kelley O'Connor

# **Testimony in OPPOSITION to SB41.pdf**

Uploaded by: Susan Horning

Position: UNF



Testimony in OPPOSITION to SB41:

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 SB41: Family Law-Child Custody and Visitation

Section 9105.19 (B) states the following: 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.

**The term "reasonable effort" is not defined and therefore this could be used to counter parental alienation allegations.**

A parent who interferes with a child custody schedule or visitation right could be accused of unjustifiable interference. Section 9105.19 (B) is a defense to an allegation of unjustifiable interference. The argument would be that their "reasonable effort" is *not* unjustifiable and they were simply trying to "protect" the child from the supposed terrible influence of the father. Parental alienation *is* unjustifiable interference with the visitation right.

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 SB41. This bill creates a defense to allegations of unjustifiable interference such as parental alienation.

Respectfully,

Susan Horning

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Co-Director, State Legislative Initiative  
The Boys Initiative  
925-683-1641  
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<https://boysinitiative.org/>

## **SB0041\_VMcAvoy\_UNF.pdf**

Uploaded by: vince mcavoy

Position: UNF

SB0041  
Vince McAvoy  
**UNFAVORABLE**  
SB0041\_VMcAvoy\_UNF

Senators of Judicial Proceedings,  
I ask you to vote unfavorably for this bill as you did last year (SB57).

SB41 aims to supersede the existing rational that judges use for evaluation cases.  
The bill, at its heart, is aimed against fathers. This is a peculiar issue with Senator Lee.  
since she isn't a family law attorney. I wonder if she's even sat in a courtroom for a family law case.

This bill removes what few constructs Maryland family law has to discourage::  
1) parental alienation,  
2) contemptuous behavior regarding court-ordered child custody  
3) abuse of extrinsic family law "professionals" being paid for evaluations and courtroom time

I urge an unfavorable.  
This bill is *prima facie* flawed and unjust to the point it would not be viewed as lawful.

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

23 RE: FOLLOWS.

24 **Article – Family Law**

25 9–101.3.

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

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