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IN SUPPORT OF SB17/HB561

Addressed to:

Senator William C. Smith, Jr. / Delegate W. Fischer

Senate Judicial Proceedings Committee

2 East Miller State Office Building

Annapolis, MD 21401

This letter is written **IN SUPPORT OF SB 17/HB561**, a bill entitled **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges**.

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

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

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

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

It explicitly favors the child of the suit.

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

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

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

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

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