To: Members of The House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: February 17, 2022

Subject: **House Bill 561**:
Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges

Position: OPPOSE UNLESS AMENDED

The Maryland State Bar Association (MSBA) FJLSC **opposes unless amended House Bill 561 – Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council ("FJLSC") of the Maryland State Bar Association ("MSBA"). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

This bill proposes to require the Maryland Judiciary, in consultation with domestic violence and child abuse organizations to develop a training program for Judges presiding over child custody cases involving child abuse or domestic violence. The FJLSC opposes HB 561 unless amended as follows:

HB561 for the following reasons: DELETE all language after Page 2, line 2.

In support of this position, the FJLSC states:

1. It is the opinion of the FJLSC that any requirements for Judicial training should be determined by the experts presenting at the training.

2. The topics proposed to be included in the training are much too specific and include terms and concepts that will regularly change based on advances/changes in social science.

3. The FJLSC has grave concerns that the provisions proposed to be included in the training are either not in accord with current social science or are a misuse of existing concepts, terms, tools and information. By way of example, proposed Section 9-101.3 (B) (11) regarding parent alienation references only a very small portion of the existing data and research, puts forth on only one side of the debate on this issue and is unclear and misleading. While Parent Alienation Syndrome is not a syndrome recognized by the Diagnostic and Statistical Manual of Mental Disorders 5 (DSM-5) or other health organizations, there is research to demonstrate that a child will suffer significant damage when one parent engages in a campaign to denigrate the other.[1] Sometimes the behavior results in the child resisting or even refusing contact with the other parent. Regardless of whether it reaches this level, the child at issue suffers harm[2]. This type of behavior is causing significant harm to an untold number of children. Consideration of this circumstance is not inappropriate and, in fact, the opposite is true, consideration of this behavior is critical to the well-being of the child. Section 9-101.3 (B) (11) implies that it is not.

4. Another example of the misuse of currently existing tools and information is the requirement to order a danger and lethality assessment in certain circumstances.

For the reason(s) stated above, the FJLSC **OPPOSES UNLESS AMENDED House Bill 561 and urges an unfavorable committee report**.

Should you have any questions, please contact Michelle Smith by telephone at 410-280-1700 or by e-mail at msmith@lawannapolis.com.

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[1]For one example, See, *Don't Alienate the Kids!*, Bill Eddy, LCSW, JD.
[2] There is a difference in these situations and cases where a child's resistance to or refusal to have contact with one parent is justified. It however, is very difficult to determine which situation is present in a child custody case involving a child refusing or resisting a parent.