

**Testimony of
Kathryn Spearman
In Support of Maryland House Bill 561
February 17, 2022**

Family violence is not a fringe issue. It is a common experience for children in the state of Maryland, and families who come into contact with the family court system in our state experience disproportionate violence and other adversities affecting children. Based on population level data on adverse childhood experiencesⁱ, 15% of children in Maryland have been exposed to domestic violence and 12% of children have been sexually abused. To put it another way, we could fill up an estimated 3,422 school buses of children who have been exposed to domestic violence or 2,684 school buses of Maryland children who have been sexually abused.ⁱⁱ

We desperately need legislative change to improve the qualifications and training for the individuals who are tasked with the assessment, evaluation, and decision-making authority to protect vulnerable children who have been exposed to domestic violence and/or child maltreatment.

I am a protective parent. The details and facts that I will share with you are already a matter of public record, and demonstrate why legislation around judicial training in family court cases involving domestic violence and child abuse is needed.

My case started on July 2, 2015. I was married, and a stay-at-home mother to 3 children, ages 4, 2.5, and 5 months old. My then 4-year-old son disclosed to me that his biological father, my then-husband, was sexually abusing him.

I fled with my children. I reported it in good faith: to CPS and the police, as I am required to do by Maryland Law (Maryland Family Law Statute 5-705): “...a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.”

My son explicitly recounted the sexual abuse he had experienced, at different times, to 2 other adults, including to a therapist at a nationally accredited child advocacy center, who also reported my son’s disclosure of abuse.

Involvement of Custody Evaluator

My ex-husband and his attorneys requested a custody evaluator, Dr. Gina Santoro. While I brought up concerns about her lack of expertise in child sexual abuse to my attorneys, my attorney at the time assured me that “Dr. Santoro is a licensed psychologist and has also been a school psychologist. Her experience would include children who have been abused...She has been qualified as an expert in several counties in Maryland – the qualification would be in the area of psychology.” (Email from C. Nicholson, September 1, 2015). Furthermore, I was told by my attorney that I must consent to a custody evaluator, because the court would view my refusal negatively and would view me as uncooperative. Because of the allegations of sexual abuse made by my son against his father, I was told by my attorney that I was already at risk of losing complete access to my children. I consented. **Dr. Santoro’s fee for conducting a child custody evaluation was \$25,000.** This doesn’t include fees required for any travel, court time, depositions, or any of her preparation time, which ultimately cost me several thousand dollars more. Dr. Gina Santoro was assigned to my custody case by consent order.

Dr. Gina Santoro had a PhD in school psychology. Yet, none of my children were school age at the time – they were all aged 4 or under.

When Dr. Santoro (GS) was asked under oath involving her qualifications (additional questions on her experience and training from her deposition provided in Appendix 1):

Q. Did you take any course only focused on any type of sexual or domestic violence?

GS: No.

Q. ...did you do any work evaluating or investigating or treating child sexual abuse?

GS: No.

Q. ... did you ever evaluate a child to determine if he or she was a victim of sexual abuse?

GS: No.

Q. Did you ever evaluate a child to see if he or she was a victim of any type of abuse?

GS: No.

Q. Have you ever been qualified as an expert in child sexual abuse?

GS: No.

Q. ... Have you ever been qualified as an expert in any type of child abuse?

GS: No.

Q. Have you ever been qualified as an expert in domestic violence or intimate partner violence?

GS: No.

Professionals such as Dr. Santoro, the custody evaluator in my case, should have adhered to the ethical and professional code of conduct that govern her practice as a custody evaluator, but she did not. Per the Association of Family and Conciliation Courts Model Standards of Practice for Child Custody Evaluation: *“Evaluators shall only conduct assessments in areas in which they are competent. Evaluators shall have the professional knowledge and training needed to conduct assessments in which special issues are reasonably likely to arise. Such special issues may include...acknowledged or alleged child maltreatment including child sexual abuse...”*

Dr. Santoro is currently the president-elect of the Maryland chapter of the Association of Family and Conciliation Courts. And by her own testimony, she conducted an assessment and custody evaluation in an area she acknowledged she had no training and no expertise.

Involvement of Best Interest Attorney

Before the issue of sexual abuse and custody had been adjudicated, and during the time period when my children were still having supervised visits with their father, **I expressed concern that the BIA (Ms. Renee Ades) and supervisor, with the knowledge of the custody evaluator (Dr. Santoro), were allowing the man my child had said had sexually abused him to bathe the children during his supervised visits.**

The best interest attorney, Renee Ades, an appointed member to the 2014 Maryland Commission on Child Custody Decision Making, responded by sending this email to the custody evaluator: *“I am not happy that Katie is circumventing baths with the boys. Hopefully, the boys will get filthy playing outside today so there will be no choice but [for father] to give them a bath. Thoughts?”* [email from Renee Ades, Esq. to Dr. Gina Santoro on November 1, 2015]

11/2/2015

Webmail 6.0 - Inbox

From: "Renée Bronfein Ades" <renee@adesfamilylaw.com>
Subject: Fwd: Transition notes 11/1
Sent date: 11/01/2015 12:54:15 PM
To: "gina@santoropsychological.com" <gina@santoropsychological.com>

I am not happy that Katie is circumventing baths with the boys. Hopefully, the boys will get filthy playing outside today so there will be no choice but to give them a bath. Thoughts?

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The Honorable Michael DiPietro, the presiding judge for my case and now Judge-In-Charge of Family Court in charge of Baltimore City family court Judge DiPietro saw this email, which was admitted as evidence, during the trial.

Ms. Ades is faculty of the Judicial College of Maryland and co-chairs the Maryland State Bar Family and Juvenile Law Section and the co-chair of continuing education for the Maryland Bar Family and Juvenile Law section, and Dr. Santoro is the president elect of the Maryland chapter of the Association of Family and Conciliation Courts – responsible for training.

These individuals hold some of the highest leadership positions responsible for training custody evaluators, attorneys, and judges in the family court system in the state of Maryland. And this is how they communicate about children in a child sexual abuse case in their discoverable professional correspondence.

Judicial Ruling

In Judge DiPietro's own words from his oral ruling: *"I know that there was testimony suggesting that Dr. Santoro did not have the requisite knowledge, training and skills to perform this evaluation, or the evaluation in this case given the nature of the allegations. ***I disagree.***" [emphasis added]. DiPietro further stated, *"So testimony was received from Dr. Santoro that to a reasonable degree of certainty, that it was extremely unlikely that abuse occurred... I do find [her] testimony credible and afford it great weight."**

Dr. Santoro recommended to the court that I lose full physical and legal custody of my children and only be permitted to have supervised telephone calls for a period of 4-6 months. I had been my children's primary caretaker their entire lives. After that time, she recommended that I may gradually be permitted to have unsupervised visitation with my children, if I was assessed by an independent mental health professional, having undergone cognitive therapy, and if I completed a course in child development and behavior. Dr. Santoro made these recommendations, even knowing the full history of my relationship, including my ex-husband's documented sexual addiction, extramarital affairs engaging prostitutes, frequent pornography use, and patterns of coercive controlling behavior - including a history of physically holding me down to prevent me from leaving the home, and pulling out a knife, opening and shutting the blade in a threatening manner, when I confronted him.

Domestic violence is about a pattern of behavior, and Dr. Santoro completely disregarded all evidence I produced, leading one expert to write:

“Dr. Santoro stated in her affidavit that [father] was not verbally or psychologically abusive to [mother], as [mother] claimed. There is no way Dr. Santoro can make such a definitive statement unless she lived with the parties 24/7 and they were never out of her sight during their entire relationship. It is unethical for Dr. Santoro to make such a misleading statement while presenting no evidence, documentation, or her written evaluation to support it. It demonstrates a lack of professional neutrality and objectivity, for which child custody evaluators must strive to maintain (Association of Family and Conciliation Courts, 2006). The American Psychological Association (December, 2010) stated “it is crucial that evaluators remain as free as possible of unwarranted bias or partiality (p. 864)””

The worst day of my life was July 21, 2016. Judge DiPietro gave his oral ruling: I lost full legal custody, and 50% physical custody of my children to the person my son had told me and 2 other adults had sexually abused him. Judge DiPietro said: *“Again, if [mother] is of the belief that [father] is an abuser, then I do not believe that she will make legal custody decisions that would necessarily be in the best interest of the children. For example, I’m concerned about giving [mother] sole authority over the choice of medical and therapeutic treatments for the boys. I’m concerned about whether that would be necessarily in their best interest or would it be done to further some other objective.”* **I lost legal custody, according to Judge DiPietro, because I had believed the abuse occurred. I believed my son.**

Judge DiPietro further ordered that “extended family members, except for [paternal grandparents], are precluded from visiting the Children” for months after his ruling. **My children could not see any members of my extended family: my children’s cousins, aunts, uncles, grandparents. A huge part of their social support, and my own.**

The psychological trauma from his ruling was so severe that I lost consciousness. The court halted the proceeding, called 911, and paramedics came into the court room to care for me.

Consequences of reporting abuse

As a further consequence of reporting abuse: I was forced to file Chapter 7 bankruptcy due to extraordinary legal fees. I lost my home. Nearly 7 years later my wages continue to be garnished by **the Best Interest Attorney, Renee Ades, who charged over \$360,000 in my case - an amount which was approved by Judge DiPietro.** \$352,777.98 of which was charged for 12 months of work from the period of August 2015 and August 2016. In the state of Maryland, I learned, BIA fees are non-dischargeable in Chapter 7 bankruptcy.

To even get the case to trial in order for a judge to hear the issue of child sexual abuse cost me over \$700,000, the vast majority of which was borrowed from my parents since I was unemployed as a stay-at-home mom and had no assets of my own, except a retirement account which I liquidated to pay legal fees. My parents, who live in another state, paid approximately \$7,000/month in loans for years, which they took out to pay Maryland attorneys fees to protect my children in the custody case in 2015-2016.

Post-separation abuse: Abuse does not stop when you leave

Since Judge DiPietro’s ruling in 2016 – which I could not afford to appeal - my ex-husband – a high earner who made \$2.94 million in 2020 – continued to file motions and/or lawsuits against me in multiple courts: family court, district court, federal bankruptcy court – and disclosing as recently as last year in the family law case that he was spending over \$19,500 per month in legal fees to litigate against me. This is legal abuse.

Yet, despite having **full legal custody granted to him by Judge DiPietro and ordered to cover the children’s health insurance and costs, my son’s father (who makes over 7 figures a year) refused to pay \$30 for a cast for a broken arm for my son – the same son who disclosed abuse.** My children have

had multiple medical, dental, and mental health needs that have not been met, because their father has prevented them from receiving care.

About a month after he filed the last motion to change custody, **my children's father left all 3 of our children unattended with a firearm.** A hunting rifle. Which my oldest son picked up thinking it was a toy, in a room with his younger siblings.

Legislation and training around danger assessments, lethality assessments, coercive control, and post-separation abuse are also desperately needed. Accountability is also needed. My story reflects systemic issues that protective parents and victims of family violence face when they seek safety, and how we are harmed by the very systems we turn to for help and protection. My story is not unique. I am providing testimony in support of HB 561, because Maryland desperately needs legislative change to protect children in custody cases involving domestic violence and/or child abuse. Custody evaluators need to have training on domestic violence, child abuse, coercive control, and lethality assessments. Checks and balances are needed. Legislation is the only fix.

Appendix 1: Excerpts Dr. Gina Santoro's deposition regarding her experience and training

Q. Would you agree that the phrases "child sexual abuse" "child abuse" and "sexual abuse" do not appear anywhere on your CV?

GS: Yes.

Q. Do you agree that the phrase "forensic interview" and "forensic interviewing" don't appear anywhere on your CV?

GS: Yes

Q. Did any of that coursework include a course in child sexual abuse or anything related to it?

GS: No.

Q. Did - at any point during your doctoral programs when you were getting both your Ph.D and your Ed.S., did you take any courses that were specifically about child sexual abuse?

GS: No.

Q. Did you take any course focused only on sexual abuse?

GS: No.

Q. Did you take any course only focused on any type of sexual or domestic violence?

GS: No.

Q. Okay. When you got your master's degree in school psychology at Towson University, did you take any courses that were focused primarily on child sexual abuse?

GS: No.

Q. Did you take any courses during your master's program that were focused primarily on sexual abuse?

GS: No.

Q. Did you take any courses that were focused primarily on forensic interviewing?

GS: No.

Q. When you got your bachelor's degree in psychology from Salisbury University, did you take any courses that focused on either child sexual abuse, sexual abuse or forensic interviewing?

GS: No.

Q. How about - and this may be even harder --when you were getting your master's, do you recall how many courses had some focus --

GS: Uh-huh.

Q. -- some coverage of child sexual abuse?
GS: I don't recall.

Q. Okay. When you were getting your Ph.D., do you recall how many courses covered the issue of sexual abuse?
GS: I don't.

Q. Okay. Do you - how about for your master's?
GS: No, I don't.

Q. Okay. When you were getting your doctorate, do you recall how many courses, if any, covered, at least in part forensic interviewing?
GS: No, I don't.

Q. Did you evaluate any children to determine if they had been sexually abused when you were at Millersville?
GS: No.

Q. Did you evaluate any children to determine if they had been physically abused or mentally abused when they - when you were at Millersville?
GS: No.

Q. Okay. Did you conduct any forensic interviews when you were at Millersville?
GS: No.

Q. When you worked in the local school system, did you do any work evaluating or investigating or treating child sexual abuse?
GS: No.

Q. So as a school psychologist, from when you finished your Ph.D. program until you stopped being a school psychologist, did you ever evaluate a child to determine if he or she was a victim of sexual abuse?
GS: No.

Q. Did you ever evaluate a child to see if he or she was a victim of any type of abuse?
GS: No.

Q. Did you ever conduct any forensic interviews?
GS: Forensic interviews as a school psychologist?

Q. Yes.
GS: No.

Q. Okay. Now, of the 139 court ordered psychological evaluations [listed on Dr. Santoro's CV], did you ever do an evaluation to determine if a child had been the victim of child sexual abuse?
GS: No.

Q. Of the 139 court ordered psychological evaluations, did you ever do an evaluation to determine if the child had been a victim of any type of abuse?
GS: No.

Q. In what fields or areas of expertise have you been found qualified by a judge to be an expert witness?
GS: Also something I don't keep exact track of. So I have been qualified as an expert in custody evaluations, in psychological assessment for different age groups, for children or adolescents or adults. I have been qualified as an expert in pediatric psychology, in reunification. Topic specific. I believe I've been qualified as an expert in autism and ADHD.

Q. Have you ever been qualified as an expert in child sexual abuse?
GS: No.

Q. Have you ever been qualified as an expert in child abuse more generally?

GS: No.

Q. Okay. Have you ever been qualified as an expert in any type of child abuse?

GS: No.

Q. Have you ever been qualified as an expert in any type of sexual abuse?

GS: No.

Q. Have you ever been qualified as an expert in domestic violence or intimate partner violence?

GS: No.

ⁱ Source: <https://health.maryland.gov/phpa/ccdpc/Reports/Documents/MD-BRFSS/2018%20Maryland%20BRFSS%20-%20ACEs%20by%20County%20-%201-29-2020.pdf>

ⁱⁱ Assuming population of children in Maryland is 1.34 million and we can fit 60 children on a school bus