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SUPPORT WITH AMENDMENTS SENATE BILL 17

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House of Ruth is a non-profit organization providing shelter, counseling, and legal representation to victims of domestic violence throughout the State of Maryland. The House of Ruth Legal Clinic has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. Senate Bill 17 sets out a training program for judges who preside over child custody cases that involve child abuse or domestic violence. **We urge the House Judiciary Committee to amend and report favorably report on Senate Bill 17.**

House of Ruth supports the intent of SB 17 and believes it is important that judges receive training about the impact of domestic violence and trauma on victims and children. However, SB 17, as drafted, dictates the contents and requirements of the training. House of Ruth believes the Maryland Judiciary should establish its own training curriculum and requirements. We suggest the following amendments:

On Page 2, strike lines 1 through 6.

On Page 2, on line 7, strike "in consultation with domestic" and on line 8, strike "violence and child abuse organizations."

On page 2, strike the remainder of the bill after line 10 and starting with line 11.

House of Ruth believes Maryland should follow the lead of the other states cited in the testimony of the National Family Violence Law Center. In each of those states, the Judiciary establishes their own training program with much more general direction about the content than what is set forth in SB 17. In none of those states did the Legislature dictate the exact contents of the training, who should provide the training, or what should happen to a judge who does not comply with training requirements. Other state's statutes allow the Judiciary to consult with domestic violence advocates concerning the content of the training, but do not require it. None of the states cited establish a discipline system for judges who do not comply with the training program.

California

The Judicial Council shall establish judicial training programs for individuals who perform duties in domestic violence matters, including, but not limited to, judges, referees, commissioners, mediators, and others as deemed appropriate by the Judicial Council. The training programs shall include a domestic violence session in any orientation session conducted for newly appointed or elected judges and an annual training session in domestic violence. The training programs shall include instruction in all aspects of domestic violence, including, but not limited to, the detriment to children of residing with a person who perpetrates domestic violence and that domestic violence can occur without a party seeking or obtaining a restraining order, without a substantiated child protective services finding, and without other documented evidence of abuse.

Connecticut

The Judicial Department shall establish an ongoing training program for judges, Court Support Services Division personnel, guardians ad litem and clerks to inform them about the policies and procedures of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g, including, but not limited to, the function of the family violence intervention units and the use of restraining and protective orders. Such training program shall include an examination of the factors that contribute to a family being at risk for episodes of domestic violence within the family. The Judicial Branch may consult with organizations that advocate on behalf of victims of domestic violence in order to ensure that the training includes information on the unique characteristics of family violence crimes.

New Hampshire

PROTOCOL 5-1 All staff shall be fully trained to handle domestic violence cases. The clerk may, however, designate one or more members who will be primarily responsible for handling domestic violence petitions and related issues

District of Columbia

Training. — The chief judge, in consultation with the presiding judge of the Family Court of the Superior Court, shall ensure that all magistrate judges of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters

Texas

The court of criminal appeals shall assure that judicial training related to the problems of family violence, sexual assault, trafficking of persons, and child abuse and neglect is provided.

House of Ruth believes it is important for judges to receive training. It is equally important for the Judiciary to be the entity to establish the training, determine who should conduct the training, and decide on any mechanisms to enforce compliance with the training regimen. If the House Judiciary Committee is inclined to include some outline of the curriculum, we suggest that it be more general and similar to the California statute

and include such items as “instruction in all aspects of domestic violence, including, but not limited to, the detriment to children of residing with a person who perpetrates domestic violence and that domestic violence can occur without a party seeking or obtaining a restraining order, without a substantiated child protective services finding, and without other documented evidence of abuse”.

The House of Ruth urges the House Judiciary Committee to amend SB 17 and report favorably.