
To: Members of The House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: Crossover Hearing March 23, 2022

Subject: SB17:
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 Senate Bill 17 – 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 SB 17 unless amended as follows:

Please see attached amendments.

In support of this position, the FJLSC states:

1. SB17 proposes to teach Judges to distrust of Child Protective Services investigations (SB17, p. 2, lines 23-29). The Maryland General Assembly, by statute, entrusts investigations of child abuse and neglect to Child Protective Services. To undermine that trust in another statute is fundamentally flawed.

2. The amount of training is oppressive and in result will especially negatively impact smaller jurisdictions and slow adjudication of cases in which child abuse and/or domestic violence are alleged. The 20-hour training must be repeated every 3 years (in addition to annual 5-hour training) and Judges cannot preside over these cases until the training occurs. Smaller jurisdictions (for example with 1-2 Judges) will have to postpone cases until training requirements are met. In turn, custody cases involving allegations of child abuse and/or domestic violence will be delayed. These are precisely the types of cases that call for urgent attention.
3. SB17's scope is overly broad. SB17 obviously applies to parenting rights (custody) and domestic violence protective order cases in which child custody is requested. As written, however, it may also be interpreted to apply to CINA and TPR cases in which child custody is at issue.
4. SB17 opens the door for like legislation in other areas of law and required professional education. It is a slippery slope.
5. The legislative process is intentionally deliberative and, therefore, the law can be slow to change. Statutorily dictating the detail of Judicial education means that any changes will also need to be passed by this body. This will slow and perhaps prevent necessary changes as social science, families, and the law evolve.
6. The most responsive and timely way to address this is for the Administrative Office of the Courts and experts presenting to determine the contents of training. This already successfully occurs in other areas. See Courts & Judicial Proceedings 3-806.

For the reason(s) stated above, the FJLSC **OPPOSES UNLESS AMENDED Senate Bill 17 and urges an unfavorable report unless amended as discussed above.**

Should you have any questions, please contact Lindsay Parvis at 240-399-7900 or lparvis@jgllaw.com.

SENATE BILL 17

D4, D1
SB 675/21 – JPR

(PRE-FILED)

2lr0998
CF HB 561

By: **Senator West**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training**
3 **for Judges**

4 FOR the purpose of requiring the Maryland Judiciary, in consultation with domestic
5 violence and child abuse organizations, to develop a training program for judges
6 presiding over child custody cases involving child abuse or domestic violence;
7 requiring a judge who hears child custody cases involving child abuse or domestic
8 violence to receive certain child custody training or continued training; and generally
9 relating to the training of judges for child custody cases involving child abuse or
10 domestic violence.

11 BY adding to
12 Article – Family Law
13 Section 9–101.3
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

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

18 **Article – Family Law**

19 **9–101.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) "CHILD ABUSE" HAS THE MEANING STATED IN § 5-701 OF THE**
4 **FAMILY LAW ARTICLE.**

5 **(3) "DOMESTIC VIOLENCE" HAS THE MEANING STATED IN § 4-701 OF**
6 **THE FAMILY LAW ARTICLE.**

7 ~~(A)~~ **(B)** **THE MARYLAND JUDICIARY, IN CONSULTATION WITH DOMESTIC**
8 **VIOLENCE AND CHILD ABUSE ORGANIZATIONS, SHALL:**

9 **(1) DEVELOP A TRAINING PROGRAM FOR JUDGES PRESIDING OVER**
10 **CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE; AND**

11 **(2) REVIEW AND UPDATE THE TRAINING PROGRAM AT LEAST ONCE**
12 **EVERY 2 YEARS.**

13 ~~(B)~~ **(C)** **THE TRAINING PROGRAM DESCRIBED UNDER SUBSECTION ~~(A)~~ (B)**
14 **OF THIS SECTION MAY INCLUDE TRAINING ON:**

15 **(1) CHILD DEVELOPMENT AND RELEVANT NEUROSCIENCE;**

16 **(2) ADVERSE CHILDHOOD EXPERIENCES AND TRAUMA;**

17 **(3)**
18 **CHILD ABUSE AND CHILD SEXUAL ABUSE AND THEIR INVESTIGATION;**

1 (5) PHYSICAL AND EMOTIONAL
2 CHILD ABUSE;

3 (6) DOMESTIC VIOLENCE AND ABUSE;

4 (7) EXPLICIT AND IMPLICIT BIAS;

5 (9)
6 PROTECTIVE MEASURES AND AVAILABLE
7 METHODS TO OBTAIN RELEVANT INFORMATION FROM OR ABOUT A CHILD;

8 (10) RELEVANT LAWS, RULES, AND PROCEDURE;

9 (11) ~~PARENTAL ALIENATION, INCLUDING:~~

23 ~~(I) THE ORIGINS OF PARENTAL ALIENATION;~~

24 ~~(II) THE INVALIDITY OF PARENTAL ALIENATION AS A~~
25 ~~SYNDROME; AND~~

26 ~~(III) THE INAPPROPRIATENESS OF THE USE OF PARENTAL~~
27 ~~ALIENATION IN CHILD CUSTODY CASES;~~

28 ~~(12)~~ EVALUATIONS AND RISK
29 ASSESSMENTS;

30 ~~(13)~~ (12) THERAPEUTIC TOOLS

1 AND INTERVENTIONS AND TYPES OF PROVIDERS;

2 ~~(14)~~ **(13)**
3 CHILD PORNOGRAPHY; AND

4 ~~(15)~~ **(14)** RELEVANT LAWS AND RULES REGARDING EVALUATORS.

5 ~~(C)~~ **(D)** (1) ~~AN ORGANIZATION PROVIDING TRAINING UNDER~~
6 ~~SUBSECTION (B) OF THIS SECTION ON CHILD ABUSE MUST HAVE AT LEAST 3 YEARS'~~
7 ~~EXPERIENCE IN TRAINING PROFESSIONALS ON CHILD ABUSE OR HAVE PERSONNEL~~
8 ~~OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS' EXPERIENCE IN~~
9 ~~WORKING DIRECTLY IN THE FIELD OF CHILD ABUSE PREVENTION AND TREATMENT~~

1

2 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
3 as follows:

4

Article – Family Law

4 9–101.3.

~~(E)~~

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
6 effect July 1, 2024.

7 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
8 3 of this Act, this Act shall take effect July 1, 2022.