

# Untitled document.pdf

Uploaded by: Alexa Hoyer

Position: FAV

Hello Chairman and members of the committee.

I am strongly urging a favorable vote on HB561. I am an adult survivor of child abuse. This bill would change the lives of so many children by educating our judges to make better decisions for the safety of children and families in custody cases. We need this bill to be passed, we need it! Our children are suffering, our families are suffering because our judges do not have the necessary education on how to navigate these cases. How many more families need to suffer before we come to the realization that our judges need this! We all do things in life that we do not want to do but need to do for the safety of others. I'm hoping the correct decision is made on behalf of our families and children.

Thank you for taking the time to read my testimony.

**testimonyHB561.pdf**

Uploaded by: Anne Hoyer

Position: FAV

Good morning Chairman and distinguished committee members,

I am Anne Hoyer. I have worked in the Maryland Secretary of State's Office for almost eight years. My primary role was developing and heading up the Safe at Home Program which provides a lifesaving tool for victims of violence. A large percentage of those individuals found themselves in family custody court, for obvious reasons. Prior to my position with the State, I worked with multiple organizations and experts who work in the child abuse and domestic violence arena. Since 2005, I have been engaged in conversation with protective parents (both men and women) who were and are desperately seeking protection and justice through our court system. Many of these cases have a commonality in that system errors and beliefs have left them in the same situation if not worse.

In 2018, I was honored to be appointed to a legislated workgroup. HB561 is a product from that Workgroup. This group was charged with seeking out common sense solutions to address the challenges family courts are faced with when overseeing custody cases where allegations of abuse or domestic violence is alleged. As anyone can imagine, these cases are far from easy and very complex. One of the recommendations was to provide lifesaving training/awareness to judges presiding over these very difficult cases. This will give them the necessary tools to assist them in making life altering decisions for children and families. As well as alleviating some anxiety and apprehension typically associated with judges participating in family court matters. It may also protect them from a life of PTSD in the event of a "decision gone badly." The judges are not experts in this field. That being said, they need to be aware of the current scientific based tools that are available to them. These training subject matters can be the difference between a life of abuse or in some cases death.

\*Resolution 72 (US House of Representatives passed in 2018) recommending all states put child safety as the number one priority in custody and parenting decisions.

I want to thank you for allowing me to speak today and I urge a favorable vote on HB561.

--

|

**HB561.pdf**

Uploaded by: Annie Kenny

Position: FAV

February 15, 2022

Delegate Luke Clippinger  
House of Representatives Judiciary Committee  
Room 101  
House Office Building  
Annapolis, MD 21401

**RE: HB561 – Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges – SUPPORT**

Chairman Clippinger,

My name is Annie Kenny, and I am a single mother to three daughters from St. Mary's County. Several years ago, I discovered that my now ex-husband was abusing our oldest daughter. He was indicted on felony child sex abuse charges and is now a Tier III Registered Sex Offender for life. It took seven months in criminal court for my children's father to be convicted. It took four years in family court for me to get a no contact order in place, protecting my children from him. I'm sure this committee is tired of hearing from me, but there are countless protective parents out there, still in the depths of family court, afraid or unable to speak, counting on me to keep showing up.

It's important to understand that the father of my children was already convicted and a registered sex offender BEFORE I ever stepped foot in family court. We were not a routine family court case, and never should have been treated as such. However, for the first two years of my family court case, I was put on regular dockets, with 10-20 other cases, many of which were completely uncontested or simply involved child support enforcement. Whenever we would be called up, the Magistrate would hear a small portion of what our case was, and put us to the back of the line, as his goal was to move as many cases as possible out of his courtroom. Entire days were wasted, not being able to be properly heard, at a cost of \$3,000 per day for ONE attorney.

Not only was the scheduling of my case routinely mishandled, the hearings themselves did not stay focused on the safety of the children. Supervised visitation was granted for my ex-husband, to be conducted on weekends at his mother's house, supervised by her. A year into the visitation, after months of behavioral concerns with one of my daughters, she made disclosures to several members of her mental health team, all of which immediately filed a report with Child Protective Services. Child Protective Services and the police questioned my children, and ultimately came to the conclusion that it was completely a civil issue, as no laws had been broken, and my girls were not disclosing any sexual abuse at the time.

I chose to stop sending my children for their "supervised" visitation, and braced myself against numerous contempt charges and hearings. In my first contempt hearing, the magistrate refused to even discuss my ex's conviction, or his sexual abuse of my oldest daughter. He instead directed me to continue sending my children for their weekend visits at Grandma's house, with a stipulation that their father be told to leave the property at night and he not be allowed to sleep there while the children were present. Again, I couldn't bring myself to send my daughters. My non-compliance escalated my ex-husband's anger. I spent months required to be in daily contact with him, discussing all aspects of our children with him. He followed us, stalked our home, bought electronic devices for my children and harassed them constantly through them. The magistrate at one point even directed me to include my

ex-husband in my daughter's mental health therapy. I was granted an unrestricted conceal carry gun permit by the Maryland State Police at the same time that I was meeting my ex-husband for supervised dinners weekly, and celebrating birthdays together at Chuck E Cheese.

I've spent tens of thousands of dollars on legal fees and lost years of my life fighting against an already proven to be dangerous man just to keep my children safe. And the only reason I am not STILL in active family court is because he is currently incarcerated, accused of molesting multiple children, and having pled guilty to molesting a 10 year old girl. The day he was arrested, I still had an active court order telling me to send my daughters to his mother's house for visitation every other weekend. I just was refusing to do it.

The thing of it is, I really don't think the magistrate handling our case was a bad judge. I watched him guide other divorcing couples towards peaceful agreements. He asked about the health and healing of my oldest daughter every time I was in front of him. He meant well, but he was ill equipped to handle our case. He retired recently, and I would bet that if he had any training on domestic violence or child abuse it was many, many years ago.

Our magistrate used to end every case hearing (for all of the cases in the courtroom) by saying "In this courtroom we don't divorce families, we divorce couples." I think it's beautiful sentiment, and I admire his commitment to maintaining relationships and peace between divorcing couples. But some families need to be divorced, for the safety of the protective parent and the children, and my case never should have been in front of him to begin with. As always, thank you for your time, I appreciate the opportunity.

Annie Kenny

6632 Antelope Court

Waldorf, MD 20603

**Template.Witness Testimony.2.15.2022.HB0561.pdf**

Uploaded by: Christine Drumgoole

Position: FAV



# Christine J. Drumgoole

5220 Bangert Street  
White Marsh, Maryland 21162  
Cell: 410-952-1868 ([btsurvivor@outlook.com](mailto:btsurvivor@outlook.com))

**February 15, 2022**

## DELEGATE WANIKA FISHER

HOUSE JUDICIARY COMMITTEE  
414 LOWE HOUSE OFFICE BUILDING  
6 BLADEN STREET  
ANNAPOLIS, MARYLAND 21401

RE: **HB0561** CHILD CUSTODY – CASES INVOLVING  
CHILD ABUSE OR DOMESTIC VIOLENCE-TRAINING  
FOR JUDGES (CROSS FILED WITH SB0017)

Honorable Delegate Fisher,

I support **HB0561** favorably and offer my written testimony for consideration of the upcoming hearing to be held on Thursday, February 17, 2022.

I am a life-long resident of Baltimore County and have experienced the family court system in same. Although my divorce was granted in February of 2020, I am still experiencing post-separation abuse from my former spouse by way of litigation, finances, and domestic abuse by proxy via the minor children shared with my former spouse. I have been forced to maintain legal representation to protect the safety and best interests of my children and am approaching \$200,000 in legal fees in my case which has been identified as a “high-conflict” divorce. The Circuit Court Judges are simply not adequately experienced, trained, or certified to navigate a “high-conflict” divorce. This has negatively affected me and my children in many ways, mostly emotionally, financially, and a constant environment of living in fear of our abuser and his reach via the court system. To be clear, a “high-conflict” divorce is typically not a divorce between two problematic people, but rather a divorce between a victim their abuser/problematic individual. Such abusers/problematic individuals use the family court system to further victimize and traumatize their former partner/children and the courts are unwitting enablers during this process because of the lack of specialized training and continuing education in matters of abuse (emotional, psychological, spiritual, physical, financial, and via litigation), child sexual abuse, emotional trauma/PTSD of victims, addictions (both substance and process/behavioral), coercive control, and personality disorders.

My divorce began in February of 2015 when my then husband/partner of twenty (20) years admitted to having a secret, sexual life for the entirety of our relationship and his adolescent and adult life. He effectively had a double life as a sex addict/pornography addict and alcoholic which included: multiple affairs, compulsive viewing of pornography (including child sexual abuse documentation (a.k.a. child pornography)), compulsive masturbation, frequent visits to adult entertainment venues (“strip clubs”, massage parlors, adult book stores/pornography booths), use of the internet dating sites and Craigslist to meet sexual partners, frequent encounters with sex workers, prostituting himself, frotteurism, etc....

After two years of a therapeutic separation, in February of 2017 my former spouse admitted to a CSAT therapist that he sexually abused our daughter and was investigated by Child Protective Services (CPS). CPS determined an “INDICATED” finding of child sexual abuse and required supervised visitation between my then estranged spouse and our children. Unfortunately, my estranged spouse refused to cooperate with the detective and was not charged, for lack of a confession to the detective. I followed the professional advice of many therapists and professionals in the sex addiction (CSAT), betrayal trauma (APSATS), and Child Sexual Abuse (MOSAC) disciplines and was vigilant with supervised visitation between my estranged spouse and our children. I did my best to maintain a safe and healthy relationship between them whilst protecting myself and my children from our abuser and my estranged spouse’s co-morbid addictions and sexual predatory behavior. Yet, the family court system did not take action to protect me and our children.

In 2018, my estranged spouse filed for divorce to exert coercive control and force the issue of unsupervised visitation; specifically he was requesting sole physical custody, child support, and unsupervised visitation. This was my abuser and the abuser of my children using the family court system to further traumatize and victimize me and our children. Despite the preponderance of documentation regarding my estranged spouse’s abusive and addictive behaviors and patterns of unhealthy co-parenting and problematic behavior, our divorce case was treated as though we were equal parties to the dysfunction. I was placed in the precarious position of having to respectfully educate family court professionals on highly sensitive and traumatizing matters, including Judges and Magistrates, before I could effectively advocate for our children’s best interest. I am well educated, self-educated, and certified in matters of intimate partner violence, betrayal trauma/PTSD, child sexual abuse, sex/pornography addiction, and the best practices of keeping children safe in a co-parenting situation with an abuser and addict. Sadly, the Judges I encountered in the Baltimore County Circuit Court were uneducated, untrained, and not certified to identify the patterns of abuse, identifying coercive control, identifying post-separation (litigation, financial, and domestic abuse by proxy), and the connection between viewing of pornography of any sort and child sexual abuse. Sex and pornography addictions are progressive and lead to in-person sexual offenses in many situations. When child sexual abuse is a known factor, it will always be a threat for reoffending

and supervised visitation is necessary. Judges need to be able to identify these patterns of problematic behavior and how they negatively affect the other parent and most of all, the children in common. The best interest of the children is not being taken into consideration and often the perceived and entitled rights of a problematic parent are being held to a higher regard. I am sure that the Judges have the best interest of the children in mind, yet without contextual understanding of how abuse, addiction, and problematic personalities of some parents negatively affect children, Judges will continue to make decisions which are detrimental to the emotional, physical, and sexual health of the very children they are tasked to protect.

Please consider passing **HB0561** to assist Judges and Magistrates to be more wholly informed and credentialed through ongoing education and certification to have the legal tools necessary to protect children. When we as a society know better, we do better. Please help survivors of abuse keep themselves and their children safe from known threats. I thank you for your time and consideration.

SINCERELY,

*Christine J. Drumgoole*

CHRISTINE J. DRUMGOOLE

PROTECTIVE PARENT, ABUSE SURVIVOR, AND ADVOCATE

**HB561- SCCAN Written Testimony - SUPPORT.pdf**

Uploaded by: Claudia Remington

Position: FAV



## State Council on Child Abuse and Neglect (SCCAN)

311 W. Saratoga Street, Room 405

Baltimore, Maryland 21201

Mobile: (240) 506-3050

[Claudia.Remington@maryland.gov](mailto:Claudia.Remington@maryland.gov)

### TESTIMONY IN SUPPORT OF HB 561

**Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges**

**\*\*SUPPORT\*\***

TO: Hon. Luke Clippinger Chair, and members of the Senate Judicial Proceedings Committee

FROM: Wendy Lane, MD, MPH, Chair, State Council on Child Abuse & Neglect (SCCAN)

Claudia Remington, Executive Director, State Council on Child Abuse & Neglect (SCCAN)

DATE: February 15, 2022

The Maryland State Council on Child Abuse and Neglect (SCCAN) is a multidisciplinary advisory body – including, pediatricians, law enforcement, child welfare and social services professionals, educators, mental health professionals, public health professionals, and individuals with lived experience – with expertise in child abuse and neglect required by Maryland Family Law Article (Section 5-7A) “to make recommendations annually to the Governor and General Assembly on matters relating to the prevention, detection, prosecution, and treatment of child abuse and neglect, including policy and training needs.”

SCCAN strongly supports HB 561 which requires the Maryland Judiciary to 1) develop, in consultation with domestic violence and child abuse organizations, a training program for judges presiding over child custody cases involving child abuse or domestic violence 2) review and update the training at least every two years 3) ensure that an organization providing the training has at least three years’ experience in training professionals on child abuse or domestic violence or personnel or planning committee members who have at least five years’ experience in working directly in the field of child abuse prevention and treatment or domestic violence prevention and treatment 4) adopt procedures to identify child custody cases involving child abuse and domestic violence 5) ensure that judges receive at least 20 hours of training within the first year of presiding over custody cases involving child abuse or domestic violence: and, an additional two hours of training every 2 years thereafter, and 6) report the name of judges who do not comply with these training requirements to the Commission on Judicial Disabilities.

The Council supports the findings and recommendations of the Final Report of the *Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations*. As the report notes, in 2018, the U.S. House of Representatives adopted a resolution “declaring that allegations of domestic violence and child abuse are often discounted in child custody litigation, thereby placing children at ongoing risk when abusive parents are granted custody or unprotected parenting time by courts.” Presentations and research articles submitted to the Workgroup estimated that up to 58,000 children each year in this country are ordered by a court into some form of unsupervised contact with a physically or sexually abusive parent. Some of the children end up abused again; others are subsequently killed by

the abusive parent.

Determining the “best interest of the child” in custody cases involving child abuse and domestic violence allegations can quite literally be a matter of life and death for a child; and, at the very least be the difference between putting the children involved on a path of healing or a path of ongoing exposure to trauma and its detrimental consequences.<sup>i</sup> Core to application of the “best interest of the child” standard is an understanding of the healthy social, emotional, mental, and physical development of a child, including a primary need for a sense of safety. Decisions made in “the best interest of the child” must be informed by current research of social, emotional, physical development of children as well as the impact of adversity (like child abuse and domestic violence) on that development, rather than ill-informed understandings of child safety, healthy development, and well-being.

The subject matter list of training content in HB561 was developed by multi-disciplinary Workgroup members with expertise in child abuse and domestic violence after considering months of testimony by multiple experts in child custody proceedings involving child abuse and domestic violence, including those with lived experience. Some have suggested that the “list of topics” is too specific and would require regular modification of those training topics as theories or vocabulary change, without suggesting which topics are of concern for this fate. The terms used (e.g., adverse childhood experiences<sup>ii</sup>, trauma, complex trauma, toxic stress<sup>iii</sup>, grooming<sup>iv</sup>, delayed disclosure, coercive control, lethality assessments<sup>v</sup>, explicit and implicit bias, and expressive arts therapy) are *all terms that have been used and accepted in child abuse and domestic violence research for decades*. The subject matters were drafted by the Workgroup and legislative staff to allow the training in each subject matter to develop as the science develops. Indeed, HB 561 requires that the training be reviewed and updated at least every two years. If another critical subject matter develops, it hardly seems onerous to amend the statute to include it; and, the judiciary is not prohibited by HB 561 from adding it voluntarily.

It has also been suggested that the training issues raised in HB 561 would be better addressed by providing domestic violence and protective parents with attorneys and ensuring that attorneys have the resources to present expert testimony. The Workgroup heard testimony on the prohibitive costs of custody proceedings (including for expert witnesses) and the increasing number of *pro se* litigants in child custody proceedings involving child abuse and domestic violence. While funding to provide *pro se* litigants and children with counsel and expert testimony is an admirable policy goal, it is not likely to happen soon and if it were to happen would be significantly more costly and administratively burdensome to the Judiciary than the proposed training in HB 561. Most importantly, children whose healthy development is being impacted today cannot wait. Additionally, the training outlined in HB 561 would eliminate the need for each parent that comes before the court in these cases to provide expert witnesses on the core scientific concepts that impact each of these cases—a savings in both time and money for parents and the courts.

Child safety, healthy development, and well-being should be paramount in child custody cases involving allegations of child abuse or domestic violence. Child custody and visitation determinations in these cases determine the trajectory of a child’s life, and, in some cases whether or not a child lives or dies.

***For these reasons, we urge a favorable committee report and passage of House Bill 561.***

---

<sup>i</sup> <https://www.cdc.gov/vitalsigns/aces/index.html>

---

<sup>ii</sup> Felitti, V. J., et al. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The Adverse Childhood Experiences (ACE) Study. *American Journal of Preventative Medicine*, 14, 245-258.

<sup>iii</sup> Center on the Developing Child at Harvard University (2014). *A Decade of Science Informing Policy: The Story of the National Scientific Council on the Developing Child*. Retrieved from [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu).

<sup>iv</sup> A. Burgess, C, Hartman (2018). The Origin of Grooming. *Journal of Interpersonal Violence*, 2018, Vol. 30(1), 17-23.

<sup>v</sup> D. Kelly Weisberg, Lethality Assessment: An Impressive Development in Domestic Violence Law in the Past 30 Years, 30 *Hastings Women's L.J.* 211 (2019).

Available at: <https://repository.uchastings.edu/hwlj/vol30/iss2/5>

**MD Testimony 2.15.22 HB 561.pdf**

Uploaded by: Danielle Pollack

Position: FAV





# National Family Violence Law Center

THE GEORGE WASHINGTON UNIVERSITY

**TO:** Maryland House Judiciary Committee, Chairman Clippinger, Vice Chairman Moon, and Distinguished Committee Members

**FROM:** The National Family Violence Law Center at GW Law

**RE:** Testimony in SUPPORT of HB 561

**DATE:** February 15, 2022

Dear Chairman Clippinger, Vice Chairman Moon, and Members of the Committee,

Thank you for the opportunity to provide testimony on HB 561, which will 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. HB 561 will require judges to satisfy a minimum of 20 hours of initial training on issues related to child abuse and domestic violence prior to working on cases involving the same, and judges hearing these cases must receive at least 5 hours of continuing education every 2 years. This legislation, if passed, would improve the ability of courts to recognize child abuse, trauma, and domestic violence patterns, including coercive control, and prioritize the safety of those most vulnerable to such abuse.

By way of introduction, the National Family Violence Law Center (NFVLC) specializes in the intersection of adult and child abuse in the family and its implications for family courts. NFVLC serves as the pre-eminent home for national research and expert support for policymakers, judicial, legal and mental health professionals on this matter. Drawing on its own pioneering quantitative and qualitative research along with that of other top researchers, NFVLC provides training, education and evidence-based solutions for policymakers, professionals, advocates, media, and the public. Founded by Professor of Law Joan S. Meier in partnership with GW Law, the Center also develops state and federal policy proposals and files amicus briefs in high-profile cases to improve family courts' ability to deliver safe and beneficial outcomes for those exposed to domestic violence, including children.

We support this proposed legislation. Important determinations about child placement arrangements, including safety measures for children, are made by judges, as well as informed

by other court personnel, such as magistrates, appointed evaluators or counsel for the child. For this reason, we suggest an amendment be made to add requirements for such training for relevant court personnel who are participant in these cases where children are most at-risk of repeat exposure to family violence.

### TRAINING IN OTHER STATES

Several states have already passed legislation which requires the judiciary to develop and implement such judicial and court personnel training programs. For example, California law requires the Judicial Council to 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.<sup>1</sup> California training programs must include instruction in all aspects of domestic violence, including, but not limited to, the detriment to children. Under Connecticut law, the judiciary is mandated to create an ongoing training program for judges and other court personnel, including Court Support Services Division personnel, guardians ad litem and clerks, regarding the function of the family violence intervention units and the use of restraining and protective orders.<sup>2</sup> New Hampshire law requires that, “all staff [shall] be fully trained to handle domestic violence cases”; protocols are mandatory and are produced by the state’s judicial branch to ensure best practices.<sup>3</sup> Similarly, Washington D.C. law requires the chief judge, in consultation with the presiding judge of the Family Court, to carry out an ongoing program to provide training in family law and related matters for judges and attorneys who practice in Family Court, which includes information and instruction regarding family dynamics, including domestic violence.<sup>4</sup> In Texas, the court of criminal appeals must assure that judicial training related to the problems of family violence, sexual assault, trafficking of persons, and child abuse and neglect is provided, and the rules must require each district judge, judge of a statutory county court, associate judge appointed under their Chapter 201, Family Code, master, referee, and magistrate complete at least 12 hours of the training within the judge's first term of office.<sup>5</sup>

In 2021, Colorado passed HB1228 and enacted a law which creates domestic violence, child abuse, and trauma training requirements for court personnel who are regularly involved in cases related to domestic matters, including child and family investigators and parenting responsibility evaluators.<sup>6</sup> We at the National Family Violence Law Center provided trainings for Colorado practitioners pursuant to HB1228 in order to satisfy these new requirements.

---

<sup>1</sup> CAL. GOV. CODE § 68555

<sup>2</sup> CT STAT ANN. § 46b-38c

<sup>3</sup> N.H. CT. R. DOM. VIOLENCE PROTOCOL 5-1

<sup>4</sup> D.C. § 11-1104; § 11-1732A

<sup>5</sup> TX. GOV. CODE § 22.110

<sup>6</sup> [Colorado HB 1228](#)

## SEPARATION OF POWERS

Concern has been raised that the proposed legislation may infringe on “duties constitutionally assigned to the Judicial Branch” and that “[c]urrent laws recognize . . . authority over the behavior and training of Judges in Maryland,” specifically in a memo stating that the proposed HB 561 “encroaches upon the . . . constitutional duty to oversee the integrity and impartiality of state judges . . . .” The Maryland Declaration of Rights prohibits one branch of government from assuming or discharging the duties of another.<sup>7</sup> However, those raising the separation of powers concern do not cite any provision of Maryland’s Constitution nor any jurisprudence conferring the authority and duties mentioned.

Maryland’s Constitution states that the Court of Appeals “shall adopt rules . . . concerning the practice and procedure in and the administration of the appellate courts and in the other courts of this State, which shall have the force of law until *rescinded, changed or modified* by the Court of Appeals *or otherwise by law.*”<sup>8</sup> As recently as September 2020, this language has been interpreted to allow the legislature to rescind and modify rules adopted by the Court of Appeals.<sup>9</sup> As such, the proposed bill cannot “encroach” upon the judiciaries’ duty to create rules governing the practice and procedure and judicial administration of Maryland courts, because the Maryland Constitution expressly authorizes the legislature to rescind and modify those rules.

Conversely, Maryland’s Constitution specifies that the Chief Judge of the Court of Appeals “shall be the administrative head of the Judicial system . . . .” As such, one could argue that the proposed bill would allow the legislature to impermissibly “discharge” the Chief Judge of her duties as the administrative head of the Maryland judiciary. However, this argument is likely without merit. Cases referencing the Chief Judge’s power to create rules for the judiciary as the “administrative head” are accompanied by references to the Court of Appeals’ power to “adopt rules . . . concerning . . . the administration of the . . . courts . . . .”<sup>10</sup> While the Chief Judge is the administrative head of the judiciary, her power to prescribe rules governing the judiciary is subject to rescission and modification by the legislature. Therefore, the proposed bill passes constitutional muster, as it does not discharge the Chief Judge of her duties as the administrative head, but merely creates the backdrop under which she must carry out those duties.

---

<sup>7</sup> Art. 8 of the Maryland Declaration of Rights (available at: <https://msa.maryland.gov/msa/mdmanual/43const/html/00dec.html>).

<sup>8</sup> Art. IV § 18 of the Maryland Constitution (emphasis added) (available at: <https://msa.maryland.gov/msa/mdmanual/43const/html/04art4.html#baltimore>).

<sup>9</sup> See *Carlisle v. State*, 2020 WL 5423939, 7 (Md. App., 2020) (citing *Johnson v. Swann*, 314 Md. 285, 289 (1988)).

<sup>10</sup> See *Baig v. State*, 2021 WL 2345696, fn. 2 (Md. Ct. Spec. App. June 8, 2021); *St. Joseph Med. Ctr., Inc. v. Turnbull*, 432 Md. 259, 275 (2013); *Maryland State Highway Admin. v. Kim*, 353 Md. 313, fn. 15 (1999); *In re Petition for Writ of Prohibition*, 312 Md. 280, 285 (1988); and *Whitaker v. Prince George's Cty.*, 307 Md. 368, fn. 3 (1986).

Invoking its constitutional powers, the Maryland Court of Appeals issued two administrative orders concerning judicial education in June 2016: “The Judicial College of Maryland”<sup>11</sup> and “Continuing Education of Judges, Magistrates, and Commissioners”<sup>12</sup> (“Continuing Education Order”). Those raising concerns cited the former as making the Judicial College “responsible for the continuing professional education of judges” and conferring certain responsibilities on the Education Committee of the Judicial Council. However, the Continuing Education Order § (a) states that the Judicial College will serve as “the *primary* entity” for judicial education. The Continuing Education Order § (g) also provides requirements for judicial education programs outside of the Judicial College, including prompt notification to the Assistant Administrator of the Judicial College, notice and review of the proposed program by the Education Committee, and approval by the Chief Judge of the Court of Appeals for mandatory programs.

Two aspects of the administrative orders are noteworthy. First, the administrative orders recognize that secondary entities may be responsible for judicial education and provides a mechanism for those entities to be recognized. Further, while it is clear that the orders make the Judicial College and the Education Committee responsible for providing judicial education, nothing in either order indicates that these entities are responsible for determining *the content* of that education. From this, it is not clear that the proposed bill is contrary to the current judicial education scheme.<sup>13</sup> While the bill requires judicial employees to receive a certain amount and type of training, this training could be implemented using the existing framework for educational programs outside of the Judicial College. Additionally, because the orders do not state that the Judicial College is responsible for determining the *content* of judicial education, the Chief Judge could implement the bill’s required training through the Judicial College itself.

Second, even if the orders were interpreted as contrary to the proposed bill, the legislature would still retain the power to rescind and modify the orders under its constitutional authority. The Chief Judge expressly promulgated these orders pursuant to her powers as the administrative head of the judiciary and her power to promulgate rules governing judicial administration. As stated in the second paragraph, cases have repeatedly recognized the legislature’s power to rescind and modify rules promulgated by the Court of Appeals. As such, if the proposed bill conflicts with the orders, the legislature should retain power to rescind and modify the existing orders. Conversely, all caselaw on the subject is distinct, as none of the prior cases have concerned judicial education, and most concern issues related to “procedure and practice” as opposed to “administration.” However, the rulemaking authority related to “procedure and practice” is the same rulemaking authority related to “administration,” and there is no existing caselaw in Maryland indicating that these provisions should receive differential treatment.

---

<sup>11</sup> Available at: <https://www.mdcourts.gov/sites/default/files/admin-orders/20160606judicialcollege.pdf>.

<sup>12</sup> Available at: <https://www.mdcourts.gov/sites/default/files/admin-orders/20160606continuingedofjudgesmagistratescommissioners.pdf>.

<sup>13</sup> When two rules exist that are “neither irreconcilable nor mutually repugnant” the court will interpret the rules in a way that allows them to exist in harmony. See *Johnson*, 314 Md. at 290.

Reference has been made to Court and Judicial Proceedings Article § 1-201<sup>14</sup> as “empower[ing] the Court of Appeals to make rules and regulations for the courts of the state.” However, nothing in § 1-201 confers any powers on the Court of Appeals. Section 1-201 (a) provides that the Court of Appeals’ power to make rules governing practice and procedure and judicial administration “shall be liberally construed.” Part (a) further elaborates on the meaning of “practice and procedure.” Section 1-201 (b) provides that other courts may make additional rules so long as those rules are consistent with the Court of Appeals’ rules, and those rules are not otherwise limited by the Maryland Rules “unless authority to adopt rules is expressly granted by *public general law*.” As such, nothing in § 1-201 empowers the Court of Appeals to adopt rules, and it appears to merely clarify the judiciaries’ rulemaking powers under the Maryland Constitution. Additionally, section 1-201 (b) reiterates that the legislature may alter the judiciaries’ rulemaking powers.<sup>15</sup>

In closing, we commend you for taking up this very important matter to improve court responses to family violence, especially on behalf of vulnerable children. Please do not hesitate to contact us if we can be of assistance.

Sincerely,



Danielle Pollack, Policy Manager, NFVLC



William "Jordan" Crider, Class of 2022, GWU Law School



Professor Joan Meier, Founder and Director, NFVLC

*The National Family Violence Law Center  
George Washington University Law School  
2000 G St. N.W. , Washington, D.C. 20052  
Tel. (202) 994-2278*

---

<sup>14</sup> Available at: <https://law.justia.com/codes/maryland/2005/gcj/1-201.html>.

<sup>15</sup> See MD GEN PROVIS § 1-204 (2016) (available at: <https://law.justia.com/codes/maryland/2016/general-provisions/title-1/subtitle-2/section-1-204>) (explaining that laws adopted by the legislature are ‘public general laws’).

# **HB0561 Child Justice - EKing Testimony.pdf**

Uploaded by: Eileen King

Position: FAV



PROTECTING CHILDREN, PROVIDING SUPPORT, PROMOTING CHANGE

**February 17, 2022**

## **HB0561/SB0017: Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges**

Honorable Chairman Clippinger, Vice Chair Moon, and Members of the House Judiciary Committee:

Anthony, Austin, Athena Castillo and Prince McLeod are the beautiful, young faces I see each day when I come through the door of our Silver Spring office. I still remember the desperate pleas of their mothers, Dr. Amy Castillo and Hera McLeod, begging the judges to protect their young children from fathers whose threats and past acts were known. As we all know, the judges did not recognize or comprehend the clear threats of lethal intent by the children's fathers in the evidence and testimony before them.

It is said that judges are already being trained. Really? I shudder, remembering a magistrate recommending full sole physical and legal custody to a convicted sex offender; many children taken from their mothers who as a consequence have become suicidal with in-patient hospitalizations after self-harm; a family suffering years of custody and access litigation despite the father being a convicted and registered sex offender; and the lack of judicial knowledge to recognize how abusers use coercive control as a tool to get whatever the abuser wants, strategically reversing victim and perpetrator for tactical advantage. These are just a few examples of the horrific consequences that families suffer because of Maryland's inadequate training of judges.

We see judges delegate their judicial authority to child custody or psychological evaluators who wrongly "diagnose" formal thought disorder, histrionic personality

disorder, encapsulated delusion, or opine about the mother's unconscious or subconscious influence on the child, or who suggest there is a "positive feedback loop": the evaluator thinks it makes the mother "happy" when the child talks about sexual abuse by the father.

I have heard judges say to parents "I'm telling you both what I tell every set of parents: you must put your hatred for each other aside and work together for the best interests of your child/children!" This advice (which may be unspoken and therefore an expectation) is well-intentioned, but completely wrong-headed, creating a false equivalency in cases of child abuse and domestic violence. This implicit bias is utterly at odds with children's undisputed need for safety, dignity, and selfhood in a nurturing family.

Finally, HB-561 and SB0017 should be seen in the context of the bi-partisan effort on Trauma-Informed Care in Maryland: why would Judges hearing Family Law Cases involving child abuse and domestic violence resist deepening their understanding of abuse and trauma by accredited experts in the fields? Maryland is moving towards trauma-informed care in all our public agencies, as are many other states. Why not judges?

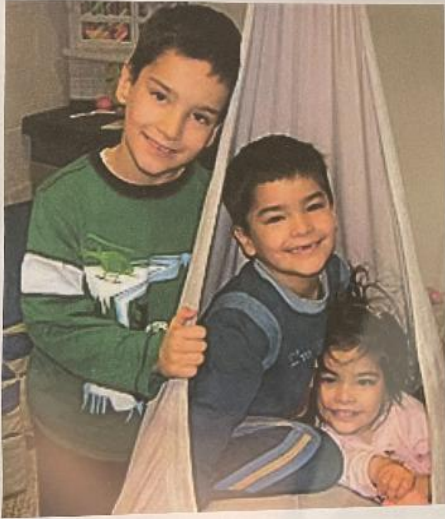
The Anniversary of the drownings of Anthony, Austin and Athena is on March 28, 2022 and October 21<sup>st</sup> for Prince. Please think of them and honor their lives by reporting HB0561 favorably out of the House Judiciary Committee.

Respectfully submitted,  
Eileen King, Founder/ED  
Child Justice, Inc. 8720 Georgia Ave.  
Suite 703, Silver Spring MD 20910  
301-283-1762  
[eileen.king@aol.com](mailto:eileen.king@aol.com)



In Memory of Anthony, Austin and Athena Castillo

March 29, 2008



My name is Prince. On July 1st 2013, I would have been 2 years old...had I lived. There are many people who love me who should feel nothing but happiness on this day. Instead, they will mourn the life I could have had...if the system had been able to protect me.  
Please don't forget about me.



ASK ME ABOUT  
**NPEI**  
www.npeiv.org

**Healing & Justice**  
HB687  
Child Predator Act



**PRINCE MELEOD**  
7-1-11 to 10-21-12

**SB17\_HB561 Support Letter.pdf**

Uploaded by: Faith W

Position: FAV

“Hope” Wylie (A Protective Parent)

ACP#14269 P.O. Box 2995

Annapolis, MD 21404

ACP Phone Number: 410-974-5521

**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.

**HB0561\_HTwigg\_FAVORABLE.pdf**

Uploaded by: Heather Twigg

Position: FAV

Heather Twigg  
556 Greene St.  
Cumberland, MD 21502  
(240) 362-4554, [hwfiddle@gmail.com](mailto:hwfiddle@gmail.com)

**February 15, 2022**

## **DELEGATE WANIKA FISHER**

HOUSE JUDICIARY COMMITTEE  
414 LOWE HOUSE OFFICE BUILDING  
6 BLADEN STREET  
ANNAPOLIS, MARYLAND 21401

RE: **HB0561** CHILD CUSTODY – CASES INVOLVING  
CHILD ABUSE OR DOMESTIC VIOLENCE-TRAINING  
FOR JUDGES (CROSS FILED WITH SB0017)

Honorable Delegate Fisher,

I support HB0561 favorably and offer my written testimony for consideration of the upcoming hearing to be held on Thursday, February 17, 2022.

SINCERELY,

HEATHER TWIGG

# **SB17 testimony.pdf**

Uploaded by: Hera McLeod

Position: FAV



Good afternoon.

My name is Hera McLeod. Nine years ago, my 15-month-old son Prince McLeod was drowned on the fourth unsupervised visit with his father. Many who hear about my custody case are quick to dismiss it as “the extreme example”, but I assure you that in the nine years since I’ve been studying and advocating for Family court reform – I’ve seen a very common thread running through cases (particularly those where children are in danger). Judges don’t have the training required to properly assess cases that involve elements of Domestic Violence and Child Abuse.

And if my words alone aren’t compelling enough – let’s take a quick look at what the Montgomery County, MD judge in my case said:

“I’m in Family Law because I have to be. It’s a required 18-month rotation. I don’t like it. And if I could choose not to do it, I would not do it. And it’s for these kinds of cases.”

“Let me tell you what I conclude this case is not about - it’s a lot of smoke, it’s a lot of smoke. Well, there’s a lot of smoke. The difficulty is that with all that smoke I can’t see clearly. I don’t have the answers. I don’t have any superior knowledge beyond anybody else. What I do know is I’m going to make the decision based upon the law and based upon the testimony that I’ve heard in court and based upon what I think, right or wrong, is in the best interest of this child.”

(Pause)

Unfortunately for my son, what this judge thought – because he didn’t have access to the superior knowledge he referenced (which this bill addresses) – wasn’t in the best interest of my son. He sentenced my son to death, because of his assumptions – bias – and a lack of knowledge of how to properly assess a case that involved Domestic Violence and Child Abuse.

This same judge told me that for my son’s case to reach the threshold of a “Child in Need of Action – CINA” case – he’d have to come home to me with cigarette burns on his back.

(pause)

My son came home to me in a body bag. I’ll never forget the moments I had with Prince before I closed his casket for the last time. I told him I was sorry that I couldn’t protect him – that I knew he wasn’t the first child this happened to – but that I would make it my life’s purpose to help ensure he’d be one of the last. That the next child whose life rested in the hands of the court – that child would be saved.

I’m asking you all to take a step that those before you were unwilling to take to protect the children who will come next. SB 17 doesn’t fix everything that’s wrong with Family Court or our justice system, but it’s a necessary step that would give our judges the tools required to make the right decision – the decision that would save the children who will come next.

Dorothy Lennig – House of Ruth (wants amendment that takes out long list of topics that judges need to be trained on because she wants the training to be able to stay current)

Laura Ruth – Favorable with amendments, same as Lennig. Want to leave what is trained and the curriculum to the experts. She is arguing over the amount of time and wants the experts to decide this. Maybe include magistrates and district court judges.

Yaakov Aichenbaum – he was concerned about parental alienation being removed. He is worried about who is designing the curriculum. He fights against Joan Meyer’s researched. He looks like a psycho. He is a parental alienation guy.

Mike Fiol: he is also a parental alienation guy – claims that wife cheated and then his kids didn’t want to talk to him. There’s more to that story.

Jack Kammer: he isn’t a dad – he is a retired social worker and a parental alienation guy. He likes what Ms. Lennig said. He wants to offer/request/point out that there is an issue because of the working group. He didn’t like the working group. Sen Carter was excited to hear this – because she also hated the working group. Not “ideological” ???

Vince Mcavoy: the man who wants child brides and covers his face. He wants to work with the committee so its balanced...but wont show his face. Good lord

Tax ID

Partnership agreement

K1 (you can either file for her or she can have her accountant do it)

Name/address/SSN/DOB

Excel

410-874-3049

Sen West

(SB 17) Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges

Judge Kathleen Dumais was supposed to testify in the opposition but instead of doing so, her and Sen West made some backroom deal that they would “collaborate” on the bill to come to some resolution that would be amicable for her.



# **HB561\_J Shaw Written Testimony.pdf**

Uploaded by: Jen Shaw

Position: FAV

## **HB561: Child Custody: Cases Involving Child Abuse or Domestic Violence: Judges Training**

**Jennifer Shaw, Psy.D.**

Thank you for this opportunity to share why HB561 is critical for children to begin to heal from abuse. My name is Dr. Jennifer Shaw. I am a provider committed to the recovery of children who have been abused, including sexual abuse in early childhood. I consult and train other providers in trauma-informed approaches to treatment of the child and one or more protective caregivers.

We know how to help children begin to heal from a potentially life-altering brain injury that is abuse in childhood, but we cannot start our work when a child's right to safety is deemed debatable until there is a final custody determination.

Today, you're hearing all the reasons why this bill is so important. I ask you to consider the impact of failing to recognize that importance.

Our most important work is to put adult words to the suffering of children, including making recommendations so that their adult stewards prioritize injured children above all else. Some children are too young to know the words, others have learned their words won't make a difference, and others reserve them for when the world proves that their safety is actually the priority.

As you consider this bill, I offer an adult voice to just one of many little voices so you may also consider the impact of postponing protection until a court can debate custody and visitation.

Until a determination could be made, 5-year-old Liam was ordered to continue his Wednesday evenings and every other weekend visit with his father. Liam had done what we tell children to do, to tell a trusted adult if hurt or touched inappropriately. He trusted his mother most of all. Liam told his mom, his teacher, started touching his Pre-K classmates, and asked his therapist to play the penis game. A motion to deny visitation was to be considered at a future date as Liam's mother was told she had to continue dropping him off even when he screamed and hid when it was time to go. He was interviewed once by a stranger and refused to speak; Liam had already told the stories and the forensic interviewer was qualified but had no relationship with him. We seem to forget we don't tell children to wait for a forensic interview with a stranger before saying they have been harmed. Telling his trusted adult was labeled an unfounded allegation; the abuser considered a victim of alienation, and the protective parent was left having to prove she was not the one who harmed her son.

Liam's father was wealthy and hired a team of attorney's and paid travel expenses for experts who would testify, including one who argued a 5-year-old believed in Santa Claus and the tooth fairy so clearly could not tell the difference between truth and fantasy. His mother drained her 401K and sold her home. Now traumatized and powerless herself, she was less and less equipped to fight for Liam. While the court limited the abuser's time and court hearings were continued for one reason or another, Liam continued to travel from a place of safety to a place of danger every week.

As Liam and his mother waited for a hearing, Liam was shown a gun and told his mother and his therapist would be killed if he continued to talk. His father grew emboldened by successful attempts to discredit his mother, his mother ran out of money, and Liam lost control of his bladder, clung to his mother, started

hitting other children, stopped learning in school, and nightmares interrupted his sleep. The only thing that helped him sleep was a trained guard dog who slept next to him every night.

The court ordered child therapy, once a week for 45 minutes as if Liam could heal when his injury was ignored or reopened in between his sessions. If any of us were assaulted and informed the police, I doubt we could function if we were then ordered to have dinner with the assailant on Wednesdays and trust him not to do it again every other weekend, at least until our case could be heard in court next year. No one would pick us up and force us out of the car until the accused had a fair hearing. We would not survive psychologically, and our brains have already developed.

For children in this circumstance, development does continue but in a way that expects the adult world to either do harm or ignore harm. That impact lasts a lifetime. Whether or not a child heals does not depend on the type of therapy he receives; rehabilitation depends on how the world responds once the visible or invisible wound is discovered. In short, this bill is part of a comprehensive but common-sense effort to ensure no child citizen's right to safety is postponed and no protective parent needs to buy a guard dog, find a pro-bono attorney and pro-bono therapist, or left to choose between handing her screaming child to his abuser, or be charged with contempt for refusing to follow a court-order.

With additional training, including special considerations for young victims of sexual abuse by a trusted caregiver or parent, court decisions could more consistently establish safety and prioritize the right of a child to live free from harm once harm is discovered or disclosed.

Thank you for recognizing how a favorable vote can save a child from a lifetime of suffering as a well-trained court would recognize a child cannot recover without first feeling and being safe from harm.

# **Testimony for House Bill 561 by John Wobensmith.pd**

Uploaded by: John Wobensmith - Secretary of State

Position: FAV

Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges  
House Judiciary Committee  
February 17, 2022  
Testimony by:  
John C. Wobensmith

Thank you Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee.

House Bill 561 is a follow-up to last year's House Bill 1036 and requires the Maryland Judiciary to develop a training program for judges presiding over child custody cases involving child abuse or domestic violence. Too many of Maryland's children are sentenced to further abuse and neglect by judges who grant custody to an abusive parent, often by relying too heavily on child's counsel who have no expertise in abuse or domestic violence. This legislation will help protect these children by equipping judges to understand the nuances of abuse and domestic violence in these child custody cases.

I chaired the Workgroup to Study Child Custody Court Cases Involving Child Abuse or Domestic Violence Allegations, created by Chapter 52 in 2019 and sponsored by Senator Susan Lee. Former Vice Chair Atterbeary, Delegate Jazz Lewis, and Senators Lee and Carozza were active members of the year-long workgroup.

The workgroup was tasked with examining issues that arise as these cases move through the justice system. In addition to the six attorneys in the group (specializing in family law or child abuse cases or representing child advocacy nonprofits, Child Advocacy Centers, and the Office of the Public Defender), members of the group included a representative of the Department of Human Services, trauma recovery and education experts, and a parent impacted by current practices within the family court. In addition to testimony received from family law experts and advocates across the county, as the Workgroup gained recognition, many protective parents in Maryland contacted us, shared their experiences, and offered input that shaped the workgroup's recommendations. Maryland's Judiciary were invited but chose not to participate as a member of the workgroup.

One Maryland mother spoke to the group about her 15-month-old son who was murdered by his father as a result of the court granting him unsupervised visitation. This man was a known suspect in two other murder cases, those of his own mother and his ex-girlfriend. He should have never had unsupervised access to this child. Maryland needs to work together with every stakeholder to do better to protect these vulnerable children and families. Their lives are at stake.

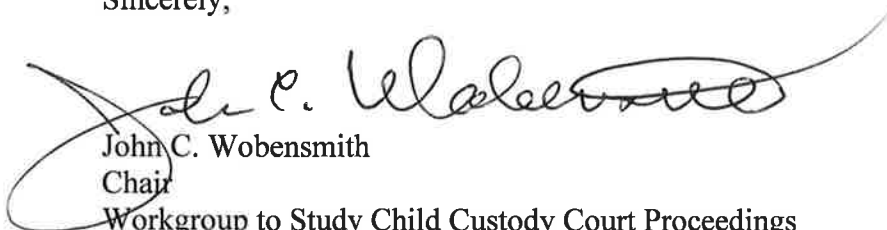
The workgroup aligns with the directive in [H.Con.Res.72](#) which states that child safety is the first priority of custody and visitation adjudications of custody where family violence is alleged. According to the resolution, approximately 15 million children are exposed to domestic violence and/or child abuse each year. Research confirms that allegations of domestic violence, child abuse and child sexual abuse are often discounted when raised in child custody litigation.

House Bill 561 was drafted as a result of the workgroup's final report and recommendations. It reflects the expert testimony and presentations that the workgroup received and the thorough and thoughtful deliberation in which the workgroup engaged. In the shaping and sponsoring of last year's bill, we are grateful that Delegate Atterbeary took into consideration the results of the final report, including all the data studied and expert testimony received. Even those opposed to the bill will admit that there are serious problem that place children at risk. Their solution is to have a conversation and leave change up to the Judiciary. These issues were identified over twenty years ago. It is time to provide protection to these children.



Specific training for judges, allowing only those who have received the training to work custody cases with abuse allegations, will equip these decision-makers with the understanding they need to ensure justice and protect the safety and well-being of children involved in State custody proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Wobensmith". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

John C. Wobensmith  
Chair

Workgroup to Study Child Custody Court Proceedings  
Involving Child Abuse or Domestic Violence Allegations

**Testimony HB0561.pdf**

Uploaded by: Judith Gray

Position: FAV



240-291-8562

Serving all locations via zoom

[judyg@gfycoaching.net](mailto:judyg@gfycoaching.net)

[www.gfycoaching.net](http://www.gfycoaching.net)

**Members of the House Judicial Committee,**

**My name is Judy Gray. I am a certified professional coach and trauma specialist. For the past five years I have worked with women who have been traumatized by the sexual betrayal and intimate deception of their partners. The trauma that these women endure is so great.. and it has been my sole focus to help them navigate through and heal from the trauma day in and day out. Many of my clients are also mothers.. some of which are protective parents. The fear that my clients have when facing the family court system is so great.. there's no sense of safety for them and often times the tables are turned on them and they find themselves under scrutiny and ending up on the defense side. The stress of possibly losing their case, keeps them from pursuing justice in the court and instead leaves them and their children in unsafe situations and subjected to continued abuse. I absolutely support this bill and the training that it will require for judges overseeing family court cases. The confidence this will give my clients to stand up for themselves and their children is invaluable.**

**It's never the wrong time to do the right thing. Knowledge is power and when we know better, we do better. Our children are our greatest responsibility and they hold the keys to the future. Let's give the next generation the best chance possible by ensuring their safety and well-being. A healthy judicial system is critical in stopping abuse in it's tracks and giving the chance for healing and safety. Thank you.**

**Sincerely,**

**Judy Gray, CPC  
Sexual Betrayal Trauma Specialist  
Certified Professional Coach**

**CJE HB561 Support Ltr.pdf**

Uploaded by: Kathleen Russell

Position: FAV



Judiciary Committee, Room 101  
House Office Building  
Annapolis, Maryland 21401

## **Strong Support for HB 561**

February 15, 2022

Dear Chair Clippinger, Vice Chair Moon and Committee Members:

We strongly urge the passage of HB 561 out of Committee. This vital judicial education bill is long overdue and will help protect the lives of countless Maryland children whose parents are separating and divorcing.

**The Center for Judicial Excellence** is committed to protecting child abuse and domestic violence survivors in our nation's family courts and to fostering accountability throughout the judicial branch. For 16 years, the Center has been a voice for vulnerable children and a catalyst for child safety. Every day, we honor the lives of more than **820 American children** who have been murdered by a divorcing or separating parent since 2008, including Prince McLeod Rams, whose mother testified in the Senate Judiciary Committee hearing on this important bill. Many of these tragic cases were preventable homicides if family court judges had only been properly trained in the detection of domestic violence and child abuse.

Our national child homicide research was cited in the Maryland **Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations Final Report**, which brought together many of our colleagues who are experts from the child abuse, domestic violence, and legal communities to study the child safety crisis in Maryland family courts. Their official recommendation on the issue of judicial training (Recommendation 8), after many months of exhaustive testimony and study, recommended 60 hours of initial training and 10 hours of additional training every two years.

**P.O. Box 150793 San Rafael, CA 94915 ~ 415-444-6556**

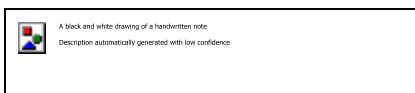
**[info@centerforjudicialexcellence.org](mailto:info@centerforjudicialexcellence.org) ~ [www.centerforjudicialexcellence.org](http://www.centerforjudicialexcellence.org)**

This legislation represents a significant “watering down” of this initial recommendation, but it represents a good faith compromise due to opposition from the judicial branch. While we prefer the Workgroup’s initial recommendation, we strongly support HB 561 as a lifesaving first step in ensuring that all judges presiding over child custody cases that include child abuse or domestic violence. It is especially vital that this training be created in consultation with domestic violence and child abuse organizations, since Judicial Councils across the U.S. have failed to adequately address these issues on their own.

This organization has worked for the past two years with Rep. Brian Fitzpatrick (R-PA) in the U.S. House of Representatives to craft Kayden’s Law, a federal statute in the Violence Against Women Act (VAWA) that similarly proposes 20 hours of initial judicial training on child abuse and domestic violence for judges involved in these same child custody cases. This federal legislation actually provides funding to states who pass bills protecting the safety of children in custody cases with initial and ongoing training of judges in domestic violence and child abuse, just as HB 561 does. So this bill represents an important step in bringing these vital financial resources to the state of Maryland, in addition to ensuring that judges stop missing the clear signs of risk in domestic violence and child abuse cases they preside over.

Thank you for your consideration and swift passage of this vital child safety legislation.

Sincerely



Kathleen Russell  
Executive Director

**Spearman\_written testimony HB 561.pdf**

Uploaded by: Kathryn Spearman

Position: FAV

**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 experiences<sup>i</sup>, 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.<sup>ii</sup>

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?

Renée Bronfein Ades, Esq.  
The Law Offices of Renée Bronfein Ades, LLC  
201 N. Charles Street, Suite 1660  
Baltimore, Maryland 21201  
Phone: 443-438-1244  
Fax: 443-438-1245  
e-mail: [renee@adesfamilylaw.com](mailto:renee@adesfamilylaw.com)

---

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.

---

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

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

# **Barstow Acres favorable HB0561.pdf**

Uploaded by: Sonia Hinds

Position: FAV



February 15, 2022

Reference: HB0561

Barstow Acres Children's Center, Inc, a 501c3 non-profit agency for children and family's mental health is in full support of a training program for judges presiding over child custody cases involving child abuse and domestic violence. As a mental health professional offering trauma-based therapy, I have seen numerous cases fall through the cracks by not having the proper support and protection from the abuser. It is imperative that judges deciding the fate of children and families in need of protection be equipped with evidence-based best practices on a continuous and unified basis.

Please take House Bill 561 with the proper consideration it deserves, in order to prevent further trauma to those who are entrusted in our care.

Respectfully,

A handwritten signature in cursive script that reads "Sonia Hinds".

Sonia Hinds, APRN, PMH-BC  
Licensed Advanced Psychiatric Nurse-Psychotherapist



# **Testimony (AutoRecovered).pdf**

Uploaded by: Stefany Hemmer

Position: FAV

Good afternoon,

I am Stefany Hemmer, and I am testifying to express my strong support for HB561.

I was a psychiatric nurse for 15 years. My experience includes 2 years as an Instructor of psychiatric nursing at Howard Community College. My education includes Bachelor degrees in Behavioral Science and Nursing, and a Master's Degree in Nursing with a concentration in Legal Nurse Consulting.

Over the years, I have treated adult and pediatric patients. In my estimation, 8 out of 10 of my patients have been abused by someone close to them. This includes sexual, physical and/or emotional abuse.

I thought I would share a story of a patient which sheds light on the trauma caused by sexual abuse by a parent or caregiver. It is worth noting, this patient was admitted more than one time to the psychiatric unit. There is no "cure" for trauma-related disorders. Therefore, patients tend to spend a lifetime struggling with mental illness.

My patient's father had sexually abused him from the age of 3 to the age of 15. He subsequently developed Bipolar Disorder. This mental illness is characterized by extreme mood swings. Victims of the illness often have poor impulse control. This can lead to social, legal, family, and physical health problems. Drug use, sexual promiscuity, and illegal activity often characterize a life filled with tragedy.

Furthermore, this patient demonstrated self-harming behaviors. For example, he cut his wrists on the railings on the wall of the unit. He would run from staff to the railing and cut himself, as blood flew from his wrists.

He would scream and cry inconsolably. No medications given by mouth or injection worked to control the effects of the trauma he had experienced. Medications only served as a band-aid to curb his self-destructive behavior. The behaviors always returned after the life of the medication expired.

Patients who have been abused do not fare well as adults unless they receive support, therapy, and medications as children. It is safe to say, children who are abused who remain in close contact with the abuser are overwhelmingly doomed to a tragic outcome. Lives are ruined forever.

Again, I urge the committee to vote in support of this bill. The mental health of abused children is at grave risk when allowed to remain in contact with the abuser. We owe it to all children to do what we can to protect them and their future well-being.

As I close, let us remember the words of Frederick Douglass:

"It is easier to build strong children than to repair broken men." – Frederick Douglass

Thank you for your time.

# 2022 PANDA HB561 House Side.pdf

Uploaded by: Suhani Chitalia

Position: FAV

# Mid Atlantic P.A.N.D.A. Coalition

5900 Abriana Way, Elkridge, Maryland 21075

From: Mid Atlantic P.A.N.D.A. Coalition

To: Chairman Luke Clippinger

Re: Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges

Date: January 22, 2022

Dear Chairman Clippinger,

The Mid-Atlantic P.A.N.D.A. is in Favor of HB 561

We represent the Mid Atlantic P.A.N.D.A. Coalition (Prevent Abuse and Neglect through Dental Awareness). We were established in 2000, our mission is “To create an atmosphere of understanding in dentistry and other professional communities which will result in the prevention of abuse and neglect through early identification and appropriate intervention for those who have been abused or neglected.” Dentists and Dental Hygienists (Dental Professionals) are mandated by the State of Maryland to report suspected cases of abuse and neglect. Our coalition has established a Continuing Education (CE) course that educates Dental Professionals and others how to recognize, report, or refer. The Maryland State Board of Dental Examiners has deemed this course as a mandatory CE requirement for Dentists and Hygienists to renew their licenses. We also address domestic violence, elder abuse, human trafficking and bullying in our CE course.

Through experience our Coalition knows that sound decisions cannot be made without proper education, that is the main purpose of our continuing education course. It is imperative that Judges that hear custody cases of child abuse and domestic violence need to learn the consequences of their judgments. How their judgement will affect the victim. This is done by establishing a training program. Due to changes that occur over time it is important to update this information at least every 2 years and require that these Judges be made to update and stay current. We have seen in the Dental community that this is a plan that works resulting in more children being protected and afforded a better life.

Thank you for your consideration of HB 561 and ask for a favorable vote.

Respectfully submitted,

Mid-Atlantic P.A.N.D.A. Coalition

Carol Caiazzo, RDH President

Susan Camardese, RDH, MS, Vice President

**HB561\_MARFY\_FAV.pdf**

Uploaded by: Therese Hessler

Position: FAV



**February 17, 2022**

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

**Position: SUPPORT**

The Maryland Association of Resources for Families and Youth (MARFY) is an association of private child caring organizations providing foster care, group homes, and other services through more than 200 programs across Maryland. The members of MARFY represent providers who serve Maryland's most vulnerable children who are in out of home placements due to abuse, neglect or severe mental health, and medical needs. We operate group homes, treatment foster care programs and independent living programs, primarily serving the foster care population as well as a juvenile services population.

On behalf of the provider community in Maryland, we would like to thank you for your attention to the critical issue facing children and families in Maryland today; and we fully support the efforts brought forward in House Bill 561.

Without proper protections in place, children are subject to ongoing trauma because of continued exposure to abusive parents and parent victims of domestic violence continue to face risks of further abuse. This bill requires the 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. Among other provisions, the bill also (1) establishes minimum training requirements for judges presiding over child custody cases involving child abuse or domestic violence and (2) requires the Maryland Judiciary to report the name of a judge who does not comply with the training requirements to the Commission on Judicial Disabilities.

Considering the lifelong impacts child abuse and neglect have on both individual victims and society at large, there is a clear interest in properly addressing child abuse and domestic violence in custody decisions. It is also appropriate, however, to acknowledge the tremendous responsibility bestowed on judges who preside over these cases and not to minimize the difficulty of their role.

We once again thank the General Assembly for recognizing the importance of protecting victims of domestic violence and child abuse by passing significant legislation aimed at increasing access to legal protections and remedies as well as ensuring the proper reporting of and response to suspected child abuse. It is for these aforementioned reasons, that we politely ask for a FAVORABLE report on House Bill 561. Thank you.

**For more information call or email:**

Therese M. Hessler  
301-503-2576 | [therese@ashlargr.com](mailto:therese@ashlargr.com)

# **HB 561 FWA House of Ruth.pdf**

Uploaded by: Dorothy Lennig

Position: FWA



Marjorie Cook Foundation  
Domestic Violence Legal Clinic

2201 Argonne Dr • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org.

**SUPPORT WITH AMENDMENTS HOUSE BILL 561**

February 17, 2022

**DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR**

House of Ruth is a non-profit organization providing shelter, counseling, and legal representation to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Prince George's County, Montgomery County, and Baltimore County. House Bill 561 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 House Bill 561.**

House of Ruth supports the intent of HB 561 and believes it is important that judges receive training about the impact of domestic violence and trauma on victims and children. However, HB 561, as drafted, is too restrictive. House of Ruth suggests the bill be amended to strike all language starting on page 2, line 3. For many years, including as recently as Fall, 2021, House of Ruth staff have conducted judicial trainings about many of these topics. What we have learned is that the training needs of the Judiciary change over time to keep pace with new research, trends, and developments regarding domestic violence and the impacts of trauma on victims and children. The very pointed list of subjects in this current bill may (or may not) be the important topics today, but may not remain the priorities in the future. HB 561, as drafted, requires trainings on the same topics year after year and does not leave room for flexibility or discretion without another act of the Legislature. That is too rigid and unworkable a framework to have the intended beneficial effect.

House of Ruth is happy to continue to work with the Maryland Judiciary to develop a training program, and hopes the Legislature will afford the Judiciary the flexibility needed to craft a training curriculum that will best address the needs of Maryland's children.

**House of Ruth urges the House Judiciary Committee to amend HB 561 and report favorably.**



**HB561\_CASE\_FWA.pdf**

Uploaded by: Hailey D'Elia

Position: FWA



nurture.  
inspire.  
empower.

TM

February 17, 2022

## House Judiciary Committee Testimony in Support with Amendments

HB 561 Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges

Since 1998, the Center for Adoption Support and Education (C.A.S.E) has created awareness of the deep need for adoption competency in mental health services and has grown to become the national leader providing mental health and child welfare professionals with training and coaching to become adoption competent. Our programs help professionals gain the skills, insight, and experience necessary to serve the needs of the adoptive, foster care, and kinship communities. We have been at the forefront of efforts to identify foster and adopted children and families as a population most at-risk for a mental health crisis and have sought to improve the competency of the workforce through specialized training. Our efforts stem from over a decade experience with specialized adoption-competent mental health services to over 7000 clinical clients and on average over 6800 sessions annually.

### **The Center for Adoption Support and Education (C.A.S.E.) is pleased to support with amendments HB 561 Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges.**

This bill would develop a training for judges presiding over child custody cases involving child abuse or domestic violence. It requires a judge who hears child custody cases involving child abuse or domestic violence to receive certain child custody training or continued training. We specifically support **section B part 1 and 2** of this bill that states that the training will include brain development of infants and children and the impact of Adverse Childhood Experiences (ACES), trauma, chronic toxic stress on a child's brain development and the ways that a child's response to trauma varies. We would further propose reference in the bill to the existing curriculums for child welfare and mental health professionals that has already been developed by the National Adoption Competency Mental Health Training Initiative (NTI), a cooperative agreement between the Children's Bureau and C.A.S.E., as a model for this kind of training.

The C.A.S.E. NTI trainings are tailored for both mental health clinicians and child welfare workers. It is a free 20-hour web-based interactive training for child welfare professionals. Module 6 of the child welfare training specifically addresses the Impact of Early and Ongoing Trauma on Child and Family Development, Brain Growth and Development, and Mental Health. Some of the lessons in this module include:

**Lesson 1:** Traumatic Experiences of Children Achieving Permanence Through Adoption or Guardianship

**Lesson 2:** Understanding the Psychological Impact of Trauma and How Children and Youth Cope

**Lesson 3:** The Child Welfare Professional's Role in Working with Children and Youth to Identify and Address the Impact of Trauma

**Lesson 4:** Child Welfare Professional's Role in Working with Parents to Address the Impact of Trauma

**Lesson 5:** Child Welfare Professional's Role in Supporting Mental Health Treatment

In a pretest evaluation of Module 6: The Impact of Trauma on Brain Development & Behavior, social workers scored an average of 78% compared to an average of 96% post-test while mental health professionals scored an average of 62% compared to an average of 94% post-test. Consistent knowledge was gained across the board on all modules, most significantly in the grief and loss module – where the average pretest score was 48.4% compared to the post-test score of 95.1%. Other topics that are included in the NTI training are: understanding the need for an adoption competent workforce, understanding mental health needs of the foster and adoptive community, attachment and bonding, race, ethnicity,

---

### Headquarters

3919 National Drive, Suite 200  
Burtonsville, MD 20866  
301-476-8525 (general inquiries)  
866-217-8534 (schedule an appointment)  
[www.adoptionssupport.org](http://www.adoptionssupport.org)  
[caseadopt@adoptionssupport.org](mailto:caseadopt@adoptionssupport.org)

### Additional Locations:

Baltimore, MD  
Bethesda, MD  
Riverdale Park, MD  
Annandale, VA  
Sterling, VA

culture, class, and diversity, positive identify formation, and promoting family stability and preservation. All of these topics are crucial in understanding the intricacies of the child abuse and neglect and how to discuss these issues with clients in the child welfare system without retraumatization.

We believe that NTI is an immediate solution for appropriate training for anyone that works in or alongside the child welfare system. For example, C.A.S.E. is also working to develop an NTI training for school-based mental health professionals. Here at C.A.S.E. we understand the profound impact that having an adoption competent workforce has on the children and families we serve. As child welfare professionals and judges ultimately make most of the decisions in a child and family's case while in foster care, it is of the utmost importance that they understand key issues in child abuse and neglect cases especially from a trauma informed lens.

To achieve your goals, we propose that the legislation reference the need for training on adoption competency, in addition to trauma, adverse childhood experiences, and brain development. That change would allow for the Children's Bureau, as part of its implementation of NTI, to build on its existing curriculums for child welfare staff and mental health providers to develop a derivative product specially for judges. These existing curriculums already provide a foundation for a new training curriculum for court personnel that could be used immediately or could be a foundation for development of a new training that could be quickly disseminated – without reinventing the wheel by ignoring the progress already made by NTI.

Maryland has the unique opportunity to appropriately train judges in trauma informed practices to mitigate the impacts of explicit and implicit bias on child custody decisions and to ensure best practices are taken to reduce the risk of traumatizing or retraumatizing a child through the court process. **The Center for Adoption Support and Education (C.A.S.E.) urges the Judiciary Committee to pass HB 561- with the suggested amendments of adding an NTI derivative for judges to the bill.**

Please contact CEO Debbie Riley [Riley@adoptionsupport.org](mailto:Riley@adoptionsupport.org) or Hailey D'Elia at [DElia@adoptionsupport.org](mailto:DElia@adoptionsupport.org) for more information or to schedule any follow-up discussions.

**HB 561- FWA - Women's Law Center of Maryland.pdf**

Uploaded by: Laure Ruth

Position: FWA

---

BILL NO: House Bill 561  
TITLE: Child Custody - Cases Involving Child Abuse or Domestic Violence – Training  
COMMITTEE: Judiciary  
HEARING DATE: February 17, 2022  
POSITION: **FAVORABLE WITH AMENDMENTS**

---

House Bill 561 would require a certain number of hours and certain curriculum for judges who will sit on family law cases. The Women's Law Center of Maryland (WLC ) supports this bill with amendments, because while we fully support the concept of training for judges on these important issues, this bill is too directive and will create potential problems as time passes.

House Bill 561 arises out of recommendations made by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, constituted by statute in 2019. The Women's Law Center was appointed to this Workgroup. The conclusion of the Workgroup, generally, was that stakeholders in child custody proceedings, including judges and magistrates, need more education on newer research, and that courts are not carefully and fully considering evidence of harm to victims when making custody decisions in the best interests of the child.

The WLC supports the concept of judges and magistrates (although not mentioned in this Bill) in court proceedings involving custody being trained on the current science about childhood trauma, ACEs, the effect of violence in the household of children, domestic violence and other things relevant to determinations on what is in the best interests of a child. However, we question the wisdom of placing all of the specifics contained in this bill into a statute. Currently the Chief Judge of the Maryland Court of Appeals and the Maryland Rules are responsible for determining what training judges are required to undergo. **A better path is to amend this bill to end after page 2, line 2.** If the specifics of training are included, as theories develop and change, or as vocabulary or labels of theories change, the statute would have to be revised each time this happens.

Furthermore, we have concerns about the proposed §9-101.3 addition to our laws. Requiring the judiciary to provide training in a certain way or for a specific number of hours (a number not supported by any research that it is the correct number of hours) does not comport with the idea that professionals with extensive experience would be assisting in developing the training and advising on updates every two years. What if it is determined by experts that 15 hours of training is adequate? More? Less? The Judiciary itself is well able to craft a training program, in conjunction with experts in the fields of child abuse and domestic violence. Let the experts decide.

Finally, lines 1-4 on page 3 are insulting to judges.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on House Bill 561 with amendments.

*The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.*

# **Custody and abuse - training - testimony - house -**

Uploaded by: Lisae C Jordan

Position: FWA



---

**Working to end sexual violence in Maryland**

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
mcasa.org

**Testimony Supporting House Bill 561 with Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 17, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. MCASA urges a favorable report on House Bill 561 with Amendments.

**House Bill 561** –The Maryland Coalition Against Sexual Assault includes the Sexual Assault Legal Institute, one of the very agencies regularly handling family law cases involving allegations of child sexual abuse and intimate partner sexual assault. These cases are often highly contentious. Survivors of domestic violence and parents who have tried to protect their child from sexual abuse face high hurdles and great skepticism all too often. Judges and attorneys for children play a critical role in these cases. HB561 would impose training requirements to help provide these professionals with the expertise they need to effectively perform their important roles.

We strongly encourage the Committee to revise the provisions regarding who performs training. Training should be developed in consultation with both national groups such as the National Council of Juvenile and Family Court Judges (NCJFCJ) and state organizations with experience litigating family law cases involving domestic violence, child sexual abuse, and child abuse. It is critical that training for judges include the perspective of those who work in courtrooms.

MCASA also expresses concern about the requirement that cases involving child abuse or domestic violence be assigned only to judges who have had the required training. Some counties have very small benches and if the judges in these counties chose not to attend the training, it is unclear how the legislation would be implemented.

Additionally, MCASA appreciates the detailed list of topics included in HB561 and believes it would provide an excellent training curricula in 2022. In particular, we note that it is crucial to specifically address the issue of child sexual abuse. References to "child abuse" far too often result in omitting sexual abuse and the very difficult and nuanced issues it raises. We concur with our colleagues, however, in suggesting that the bill could be improved by permitting greater flexibility as knowledge about these issues continues to develop.

Finally, although there is no question that training is helpful, it is no substitute for counsel for survivors of abuse. Many of the issues addressed by HB561 would be better addressed by providing victims of domestic violence and protective parents with attorneys, and by ensuring that those attorneys have the resources needed to present expert testimony and evidence appropriate in a particular case.

**The Maryland Coalition Against Sexual Assault urges the  
Judiciary Committee to  
report favorably on House Bill 561 with Amendments**





## **OPD Position on HB561 - Favorable with Amendments.**

Uploaded by: Maria Nenuzka Villamar

Position: FWA



**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

## **POSITION ON PROPOSED LEGISLATION**

<b>BILL: HB561</b>
<b>FROM: Maryland Office of the Public Defender</b>
<b>POSITION: Support With Amendments</b>
<b>DATE: February 15, 2022</b>

The Maryland Office of the Public Defender respectfully requests that with the amendments below, the Committee issue a favorable report on House Bill 571 with amendments.

\*\*\*

This bill would make it a requirement that the Maryland Judiciary develop a training program for judges presiding over cases involving child abuse and/or domestic violence, and requiring the judges to preside over said cases to participate in the training program. The Office of the Public Defender (OPD) has a stake in this proposed legislation because judges handle Children In Need of Assistance (CINA) cases, where there are almost always allegations of child abuse and neglect, and sometimes there are allegations of domestic violence. Therefore, while the intent of this bill is to address private family custody cases and not cases where the state initiates the case, families in CINA cases would benefit from having a better-trained judiciary. The Office of the Public Defender supports this bill with the following amendments:

**(1) Amend § 9-103.3(A)(1) to include magistrates among those required to participate in the training.**

In both family law and CINA cases, magistrates are authorized to conduct certain types of hearings and make recommendations to a judge as to factual findings and dispositions regarding visitation and custody. Therefore, magistrates also need to be trained in the subject of trauma arising from child abuse and domestic violence.

**(2) Amend § 9-103.3(B) to include the following topics that must be included in the training program:**

(a) The dynamics and effects of domestic violence on the abused partner and why the non-abusive parent or partner may not leave their abuser even though their children may be adversely affected by exposure to domestic violence.

(b) The psychological effect of domestic violence on the victim, including the mental injury and trauma that occur;

(c) The trauma that results to children from being separated from the parent who is the victim of domestic violence.

Without training on these aspects of domestic violence, judges will erroneously conclude that because exposure to domestic violence adversely affects children, then the non-abusive parent who does not leave the abuser is complicit in harming the children. Furthermore, judges may be misled into assuming that the trauma to children arising from exposure to any form of domestic violence is always worse than the trauma that arises to children from being unwillingly separated from their non-abusive parent, when this is not supported by science and should be determined on a case-by-case basis.

**(3) Amend 9-103(B)(3)(II)**

Subsection (B)(II) should be amended to reflect that judges should be trained on the PERMISSIBLE SCOPE AND LIMITATIONS of local departments of social services in investigating reports of suspected child abuse and child sexual abuse. This is because the local department of social services actually has a broad scope of investigatory authority. The local department of social services has a great deal of power to intrude into a family's life and into its private affairs when investigating a report of child abuse and child sexual abuse, and the courts should be informed about what the DSS is capable of doing in order to determine whether it did all it could do. This way, the court can better assess the validity of the DSS's conclusions based on everything the DSS did. Informing the courts only about the DSS's limitations may lead the court to draw an erroneous conclusion about the validity of the DSS's efforts and/or conclusions.

**(4) Delete 9-103(B)(3)(III)**

Subsection (B)(3)(III) should be deleted. This language is problematic because it gives the impression that judges may not base their conclusions on evidence. While judges should be trained on the types of methods for determining whether abuse occurred, judges must have the discretion to determine whether based on the evidence before the court the alleged abuse did or did not occur. This language makes it sound as if even if the result of the investigation tends to show abuse did not occur, the court may ignore that and conclude that it did. These proceedings are taking place in a court of law, where accusations and allegations must be proven before a court may draw conclusions about the allegations.

**(5) Delete 9-103(B)(11)(I-III).**

This subsection of the bill is highly biased and requires the Maryland Judiciary to completely reject the notion that there are some parents who deliberately use a set of strategies to foster a child's rejection of the other parent. This would require the judiciary to ignore or give no weight to relevant facts that may be presented by the rejected parent. While there are some experts who believe parental alienation is invalid as a syndrome, there are other experts who believe it does in fact occur. If parental alienation is to be part of a training at all, both points of view on it should be taught to the judiciary.

\* \* \*

---

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report with amendments on HB561.**

---

**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

**Authored by: Nenutzka C. Villamar, Chief Attorney, Parental Defense Division,**

**6 St. Paul St., Suite 1302, Baltimore, MD 21202, (410) 458-8857 (c), [Nena.villamar@maryland.gov](mailto:Nena.villamar@maryland.gov).**

**HB 561\_MNADV\_FWA.pdf**

Uploaded by: Melanie Shapiro

Position: FWA



**BILL NO:** House Bill 561  
**TITLE:** Child Custody - Cases Involving Child Abuse or Domestic Violence -  
Training for Judges  
**COMMITTEE:** Judiciary  
**HEARING DATE:** February 17, 2022  
**POSITION:** **SUPPORT WITH AMENDMENTS**

---

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue a favorable report with amendments on HB 561.**

House Bill 561 outlines extensive training for judges that preside over child custody cases that involve child abuse and domestic violence. MNADV believes that judges should be fully trained on current science and research on topics related to adolescent development, Adverse Childhood Experiences, domestic abuse, child abuse, and other traumas. However, MNADV suggests an amendment that would strike from the bill the list of topics that judicial training must include starting on page 2, line 3 until the end of page 3. As research and science is ever evolving new legislation would be required to modify the training requirements to reflect new understandings of domestic violence, childhood trauma, and best practices. By partnering with organizations that are subject matter experts in the required areas of training as HB 561 requires, judicial trainings will reflect the most current research and best practices.

As drafted, HB 561 appears to limit the training requirements to judges that oversee child custody cases. Family law matters, including child custody cases that involve child abuse or domestic violence, may be assigned to magistrates. In addition, District Court judges may hear protective order hearings that involve matters of child custody in the context of child abuse or domestic violence. MNADV would therefore suggest that any training requirements extend to a family law magistrates and District Court judges.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on HB 561.**

**HB 561\_FJLS\_fav with amendments.pdf**

Uploaded by: Michelle Smith

Position: FWA

---

**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.<sup>1</sup> 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<sup>2</sup>. 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](mailto:msmith@lawannapolis.com).

---

<sup>1</sup>For one example, See, *Don't Alienate the Kids!*, Bill Eddy, LCSW, JD.

<sup>2</sup> 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.



# **MPA Testimony 2022 - Support with Amendments - Hou**

Uploaded by: Pat Savage

Position: FWA



10480 Little Patuxent Parkway, Ste 910, Columbia, MD 21044. Office 410-992-4258. Fax: 410-992-7732. [www.marylandpsychology.org](http://www.marylandpsychology.org)

February 17, 2022

**OFFICERS OF THE BOARD**

***President***

Linda McGhee, PsyD, JD

***President-elect***

Rebecca Resnik, PsyD

***Past President***

Esther Finglass, PhD

***Secretary***

Tanya Morrel, PhD

***Treasurer***

Brian Corrado, PsyD

***Representatives-at-large***

Shalena Heard, PhD

Jessica Rothstein, PsyD

***Representative to APA Council***

Peter Smith, PsyD

**COMMITTEE CHAIRS**

***Communications***

Robyn Waxman, PhD

***Diversity***

Whitney Hobson, PsyD

***Early Career Psychologist***

Meghan Mattos, PsyD

***Educational Affairs***

Laurie Friedman Donze, PhD

***Ethics***

Cindy Sandler, PhD

***Legislative***

Pat Savage, PhD

***Membership***

Linda Herbert, PhD

***Professional Practice***

Selena Snow, PhD

**PROFESSIONAL AFFAIRS**

**OFFICER**

Paul C. Berman, PhD

**EXECUTIVE DIRECTOR**

Stefanie Reeves, CAE

Delegate Luke Clippinger, Chair  
House Judiciary Committee  
House Office Building  
Annapolis, Maryland 21401

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

**Position: SUPPORT with Amendments**

Dear Chair, Vice-Chair, and Members of the Committee:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, asks the **House Judiciary Committee to amend and favorably report on House Bill 561.**

The Maryland Psychological Association strongly supports the intent of intent of HB 561 to provide training to the Judiciary about the impact of domestic violence and trauma on victims and children. In fact, members of the Maryland Psychological Association along with attorneys from the House of Ruth provided a seminar in the fall 2021 to judges and magistrates on these issues. We believe that ongoing training of the judiciary is critical.

HB 561 as currently written, however, specifies a narrow training curriculum with identified topics, some of which reflect current understanding, and others which involve current controversies in child abuse and domestic violence. The topics specified in the bill may, or may not, prove to be relevant in the future.

Therefore, the Maryland Psychological Association urges the committee to **amend HB 561 by striking all language beginning on page 2, line 3 through page 4, line 16.**

This change would allow the Judiciary, in consultation with domestic violence and child abuse organizations, to develop a training program that is flexible, relevant, and addresses the needs of Maryland's families. Further, we ask that the Judiciary set educational requirements for judges who are involved in family law cases and that only Judges who have received this training are able to preside over these very complicated family matters.

Please feel free to contact MPA's Executive Director Stefanie Reeves at [exec@marylandpsychology.org](mailto:exec@marylandpsychology.org) if we can be of assistance.

Sincerely,

*Linda McGhee*

Linda McGhee, Psy.D., JD  
President

*R. Patrick Savage, Jr.*

R. Patrick Savage, Jr., Ph.D.  
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association  
Barbara Brocato & Dan Shattuck, MPA Government Affairs

# **HB 561 UNFAVORABLE.pdf**

Uploaded by: jeff aichenbaum

Position: UNF

# HB561 UNFAVORABLE

To the Honorable Delegates of the House Judiciary Committee:

While providing basic training for judges to properly adjudicate cases that involve DV and child abuse is essential, the design and implementation of HB561 is problematic for several reasons. The preeminent problem with this bill is contained in its first line. The bill reads that

*20 (A) THE MARYLAND JUDICIARY, IN CONSULTATION WITH DOMESTIC 21 VIOLENCE AND CHILD ABUSE ORGANIZATIONS, SHALL.*

It is abundantly clear that the “domestic violence organizations” that will design and implement the training are the same groups that controlled the Maryland’s Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations. This will have catastrophic results for MD children and their families.

Senator Robert Cassilly eloquently expressed at the hearing on SB17 that SB17 represents the efforts of a particularly biased group of individuals and that the training of the judicial branch needs to remain neutral of such agendas. This bill was designed and will be implemented by a group of activists with a social agenda that includes eliminating parental alienation at all costs. This agenda is built upon a belief system that fathers are not necessary and that shared parenting is a moot issue. In the book [Challenging Parental Alienation](#) by Jean Mercer (the resent magnum opus of the parental alienation critics), Joan Meier openly writes and talks about this. Another author in the book outrageously states on page 205 that **“parental alienation ideology reinforces the harmful myths that... fathers who contest custody do so out of paternal affection and concern”**.

This is not science; rather, it is a very distorted and gender biased belief system. This bill aims to indoctrinate judges in this belief system. They also want to prevent cases from even getting to the evaluators and judges in the first place by self-declaring parental alienation as “junk science” and by implementing controversial and extremely low standards for the admission of DV claims that automatically exclude parental alienation from consideration. This lowering of the bar for the admission of abuse claims is a second major flaw with this bill.

This bill will result in innocent people being scarred for life by false abuse allegations and in children suffering the significant emotional child abuse of parental alienation. Even if the parental alienation text is removed from the bill, the intended result of this clause will nevertheless be reflected in the training. I urge you to give this bill an unfavorable report. It is not salvageable since it was not based on science but by a group of people who deny the considerable science of shared parenting and parental alienation.

I invite you to convene a panel of parental alienation, shared parenting, and DV experts who do not have a gender bias to help design balanced and effective bills for dealing with the areas in the current system that need improvement including the proper identification of and the response to DV and parental alienation based on genuine peer reviewed research and scientific

YAAKOV AICHENBAUM  
PAS-INTERVENTION MD CHAPTER  
INFO.@PARENTALALIENATIONISREAL.COM  
WWW.PARENTALALIENATIONISREAL.COM

# HB561 UNFAVORABLE

---

standards. I am acquainted with many of the leaders in the parental alienation field and I would be happy to provide you with their contact information and/or to answer any questions that you have you have about parental alienation. Thank you for your consideration of this vital matter.

Respectfully yours,

Yaakov Aichenbaum  
PAS-Intervention MD Chapter  
[Info.@parentalalienationisreal.com](mailto:Info.@parentalalienationisreal.com)  
[www.parentalalienationisreal.com](http://www.parentalalienationisreal.com)

**HB561\_JC\_unfav.pdf**

Uploaded by: Michael Fiol

Position: UNF

Members of the Judiciary Committee,

I wanted to make sure that you are aware Senator West amended the language in SB17, the companion bill which he sponsored, to remove all mention of Parental Alienation. I hope and expect you to do the same prior to the bill moving forward with a referral to the Committee. Just in case you were unaware, I wanted to explain why it is so important that you also remove Section 11 of HB561.

I am very confused and concerned about the inclusion of 9-101.3(B)(11) in the bill. I am asking you to please **strike down this particular language and section** of the bill. I submitted written testimony and provided oral testimony when HB1036 (virtually the same Bill) did not make its way out of committee last year and was devastated to see another effort to enact it, retaining the following language verbatim from HB1036:

(11) PARENTAL ALIENATION, INCLUDING:

(I) THE ORIGINS OF PARENTAL ALIENATION;  
(II) THE INVALIDITY OF PARENTAL ALIENATION AS A SYNDROME; AND  
(III) THE INAPPROPRIATENESS OF THE USE OF PARENTAL ALIENATION IN CHILD CUSTODY CASES;

I whole-heartedly agree that judges should receive training for child abuse and domestic violence in child custody cases. However, as a victim of Parental Alienation, with a teenage son who is the victim of Child Alienation, I am adamantly opposed to the above section of the bill.

By including the above section, it actually serves the opposite purpose of the bill's intention - by endorsing a form of child abuse. The simple fact is that Parental Alienation is psychological child abuse. It is typically perpetrated by parents with personality disorders, usually Narcissistic Personality Disorder or Borderline Personality Disorder.

Courts are already minimizing the existence and effects of Parental Alienation. HB561 allows that practice not only to continue, but condones it. I firmly believe Parental Alienation Syndrome is both real and valid. Even more strongly, I know that the use of Parental Alienation in custody cases is not only appropriate, but necessary. Yet, this bill would state the exact opposite - that the use of Parental Alienation in child custody cases is inappropriate.

I have plenty more to say about this subject. I have my personal nightmare that I have been living for the past 6 1/2 years without my son. I can never properly explain the heartbreak it has inflicted on my family and me. I can tell you, however, that a piece of me is missing and won't ever return unless and until my son does one day.

Again, I ask that strike down Section 9-101.3(B)(11) in HB561. I truly appreciate your consideration. I also would appreciate your response to my concerns. I am hopeful to hear back from you very soon.

Sincerely,

*Michael Fiol*

**hb561.pdf**

Uploaded by: Sara Elalamy

Position: UNF



**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 561  
Child Custody – Cases Involving Child Abuse or Domestic  
Violence – Training for Judges  
**DATE:** January 31, 2022  
(2/17)  
**POSITION:** Oppose

---

The Maryland Judiciary opposes House Bill 561. This bill requires the Maryland Judiciary, in consultation with certain organizations, to develop a training program for judges presiding over child custody cases involving child abuse or domestic violence and to review and update the training program at certain intervals. It also requires the training program to include certain information.

This bill is based on recommendations contained in the [final report](#) of the *Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations* (the workgroup). The Judiciary’s opposition is based on constitutional, economic, and practical issues with this bill. The Judiciary recognizes how serious child abuse and intimate partner violence are. As they permeate our society, these issues are covered in standing training programs for judges and specific training that is offered on a yearly basis. Judges are always in need of new, better, and more training. However, every hour in training is an hour (plus travel) judges are away from their courthouses. Their need for training must be balanced against the need to keep courts operational to ensure the administration of justice.

The Judiciary’s specific concerns are as follows.

This bill violates the Maryland State Constitution’s separation of powers doctrine by infringing on duties constitutionally assigned to the Judicial Branch. Current laws recognize that the Chief Judge of the Court of Appeals has authority over the behavior and training of Judges in Maryland. Courts and Judicial Proceedings Article § 1-201 empowers the Court of Appeals to make rules and regulations for courts of the state. By [Administrative Order, on June 6, 2016](#), the Chief Judge of the Court of Appeals reorganized Judicial Education and renamed the same as the Judicial College of Maryland, “responsible for the continuing professional education of judges” and “[t]he

Education Committee of the Judicial Council shall establish subcommittees and work groups to develop, with the support of the Judicial College, the courses, educational programs, and academic opportunities offered to judges, magistrates, commissioners, and other Judiciary employees....”

Specifically, this bill encroaches upon the Court of Appeals’ constitutional duty to oversee the integrity and impartiality of state judges by mandating a means of how training is developed and by requiring public disclosure about the same. It also ignores the existing mechanisms in the Judicial Branch to offer trainings and the expertise of the Judicial Council’s Education Committee and the Judicial College to determine the most suitable trainings for the bench. In doing so, the bill infringes on the constitutional role of the Chief Judge of the Court of Appeals as “administrative head of the Judicial system of the State[.]”

The Judiciary notes that testimony submitted in response to SB675/21 from House of Ruth Maryland,<sup>1</sup> the Maryland Coalition Against Domestic Violence,<sup>2</sup> the Maryland Coalition Against Sexual Assault,<sup>3</sup> the Women’s Law Center,<sup>4</sup> and Family & Juvenile Law Section Council of the Maryland State Bar Association<sup>5</sup> agree that judicial training should remain under the authority of the Chief Judge of the Court of Appeals. The Judiciary through its Judicial College is the correct mechanism for determining appropriate training for judges.

Notwithstanding the constitutional issues, § 9-101.3 presents economic and practical problems. It requires the Judiciary, in consultation with domestic violence and child abuse organizations, to develop a training program for judges. While Judicial College regularly utilizes practitioners and subject matter experts (including child abuse and domestic violence experts) as faculty for its training programs, this mandate would open the door for criticism about or litigation over whether a judge presiding over child custody cases involving child abuse or domestic violence can be impartial. As discussed above, it is the role of the Judicial College to determine the most suitable training for the bench.

Effective July 1, 2024, judges would have to complete at least 20-hours of training on the topics delineated in §9-101.3(b) within their first year presiding over a child custody cases involving child abuse or domestic violence. This would apply to circuit court judges, district court judges (who are authorized to award temporary custody in temporary and final protective order proceedings under Title 4 of the Family Law Article), and the judges on both Courts of Appeals. The topics that must be covered in the training are both specific and numerous and there is no single existing training program that satisfies them all. It would be overly burdensome for the Judiciary to develop and

---

<sup>1</sup> [https://mgaleg.maryland.gov/cmte\\_testimony/2021/jpr/1u308JQcTI7c6o8V-yzDzYZdqInOx\\_HcR.pdf](https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/1u308JQcTI7c6o8V-yzDzYZdqInOx_HcR.pdf).

<sup>2</sup> [https://mgaleg.maryland.gov/cmte\\_testimony/2021/jud/11gxyIvGE1kguzpUEkNHrDpXPhktzKUHk.pdf](https://mgaleg.maryland.gov/cmte_testimony/2021/jud/11gxyIvGE1kguzpUEkNHrDpXPhktzKUHk.pdf).

<sup>3</sup> [https://mgaleg.maryland.gov/cmte\\_testimony/2021/jpr/132R35EDAyIcUSI-uA16N4iMR52HwrwEw.pdf](https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/132R35EDAyIcUSI-uA16N4iMR52HwrwEw.pdf).

<sup>4</sup> [https://mgaleg.maryland.gov/cmte\\_testimony/2021/jpr/1AbjrG0LfdI7SYI3LIioUhto-m0ugB\\_tv.pdf](https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/1AbjrG0LfdI7SYI3LIioUhto-m0ugB_tv.pdf).

<sup>5</sup> [https://mgaleg.maryland.gov/cmte\\_testimony/2021/jpr/1sGXppxPU-NcoJv\\_wh5CeKUf3YT2hoeDJ.pdf](https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/1sGXppxPU-NcoJv_wh5CeKUf3YT2hoeDJ.pdf).

make available the training to ensure judges would not be disqualified from presiding over these cases after the effective date. At this time, courts are setting matters well into 2024. They would need to reschedule or reassign cases to allow for judges to be away from their courthouses to attend the 20-hour initial training. This would exacerbate the backlog of cases resulting from court closures during the COVID-19 pandemic and be particularly disruptive for small courts. This bill provides no appropriation to implement this requirement or for courts to absorb costs associated with accommodating training-related judicial absences.

The workgroup, selected the topics the training must cover because “[i]n order to make sound, safety-focused decisions, judges need to be armed with the background necessary to sort through the “smoke” that has been described as pervading custody cases that include domestic violence or child abuse.” [Workgroup Final Report](#), p. 25. While the topics are relevant, there is no data that shows 20 hours of training on them will have the desired effect. Further, the time requirement and the associated administrative burdens leave little room for judges to receive training on how to navigate the legal issues or be educated on developments in the law that arise in this (or any other) case type.

Section 9-101.3(d) requires the Judiciary to adopt certain procedures to identify case that “involve child abuse or domestic violence” for the purpose of ensuring only judges who have received the required training are assigned those cases. The terms and “involve child abuse or domestic violence” is difficult to interpret. It is not clear whether an allegation alone is sufficient or if certain facts or conditions must exist to trigger the assignment requirement. It is also not clear what should happen if child abuse or domestic violence is discovered or disclosed later in the case and after the commencement of proceedings before a judge who has not completed the initial training. The Judiciary notes that courts already screen domestic cases for abuse and the Committee’s Family Mediation and Abuse Screening Work Group is working to update a screening tool and developing best practices.

Finally, section 9-101.3 requires the Judiciary to report the names of judges who do not comply with the bill’s training requirements to the Commission on Judicial Disabilities. This is unnecessary, overreaching and not an appropriate use of that Commission. The Judiciary already has mechanisms to track compliance with judicial training requirements.

cc. Hon. Wanika Fisher  
Judicial Council  
Legislative Committee  
Kelley O’Connor