

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect.

TESTIMONY IN SUPPORT OF HB 285

Family Law- Custody Evaluators-Qualifications and Training **SUPPORT**

TO: Hon. Luke Clippinger Chair, and members of the House Judiciary Committee

FROM: The Coalition to Protect Maryland's Children

DATE: February 7, 2023

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform.

CPMC strongly supports HB 285 – Custody Evaluators – Qualifications and Training and its three key components: (1) Ensuring appropriate credentialing of custody evaluators; (2) Requiring mental-health professionals have certain clinical experience (e.g., in family systems, domestic violence, child abuse, child development, childhood trauma, short- and long-term impacts of parental separation, protective factors that promote recovery from childhood trauma) before being appointed as custody evaluators by the court; (3) Requiring professionals participate in an initial 20 hours of training prior to appointment as custody evaluators and five hours of training during each two-year period thereafter.

CPMC 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.

In addition, the Workgroup was provided compelling evidence that judges give *extraordinary* weight to custody evaluators and that custody evaluators too often focus on and/or give weight to irrelevant factors. Thus, it is most important that custody evaluators be trained in the latest science related to child abuse and domestic violence.

The subject-matter list of training content in HB285 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 required subjects (e.g., adverse childhood experiences, trauma, complex trauma, grooming, a child's failure to disclose abuse, the lack of physical evidence even in cases of child-sexual abuse, coercive control, explicit and implicit bias, the impact of domestic violence on children and the limitations of the investigation process) are ***all terms and subjects 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 285 requires that the training be reviewed and updated at least every two years.

These are the same topics that the legislature mandated for judicial training. It is extremely important that custody evaluators and judges be on the same page when working together on these cases.

Furthermore, the Workgroup also 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. The training outlined in HB 285 would eliminate the need for parents 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.

Finally, we understand that the Maryland Judiciary and its supporters believe the scope of training should remain with the Judiciary and be instituted by judicial rule, instead of through legislation. We strongly disagree. Simply put, the Judiciary is not well suited to critique and reform its own program and we believe legislative input and oversight is required for this highly sensitive and important topic.

For these reasons, we urge a favorable committee report and passage of House Bill 285.

This position is supported by the following member organizations: the Center for Hope, Child Justice, Inc., the Citizens Review Board for Children, the Maryland Coalition Against Sexual Assault, MD Court-Appointed Special Advocates, the National Association of Social Workers - MD Chapter, and the Statewide Council on Child Abuse and Neglect.