HOUSE BILL 561

D4, D1 2lr0999
HB 1036/21 – JUD CF SB 17

By: **Delegate W. Fisher**
Introduced and read first time: January 31, 2022
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of requiring 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; requiring a judge who hears child custody cases involving child abuse or domestic violence to receive certain child custody training or continued training; and generally relating to the training of judges for child custody cases involving child abuse or domestic violence.

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

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

Article – Family Law

9–101.3.

(A) THE MARYLAND JUDICIARY, IN CONSULTATION WITH DOMESTIC VIOLENCE AND CHILD ABUSE ORGANIZATIONS, SHALL:

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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

(B) THE TRAINING PROGRAM DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE TRAINING ON:

(1) THE TYPICAL BRAIN DEVELOPMENT OF INFANTS AND CHILDREN;

(2) THE IMPACT OF ADVERSE CHILDHOOD EXPERIENCES, TRAUMA, COMPLEX TRAUMA, AND CHRONIC TOXIC STRESS ON A CHILD'S BRAIN DEVELOPMENT AND THE WAYS THAT A CHILD'S RESPONSE TO TRAUMA VARIES;

(3) THE PROCESS FOR INVESTIGATING A REPORT OF SUSPECTED CHILD ABUSE OR CHILD SEXUAL ABUSE, INCLUDING:

(I) THE ROLE OF CHILD ADVOCACY CENTERS AND FORENSIC INTERVIEWS;

(II) THE LIMITATIONS OF LOCAL DEPARTMENTS OF SOCIAL SERVICES IN INVESTIGATING REPORTS OF SUSPECTED CHILD ABUSE AND CHILD SEXUAL ABUSE; AND

(III) THE LIMITATIONS OF THE INVESTIGATION PROCESS, INCLUDING THAT CHILD ABUSE AND CHILD SEXUAL ABUSE MAY HAVE OCCURRED EVEN WITHOUT AN INDICATED FINDING OF ABUSE, ANY PHYSICAL EVIDENCE OF ABUSE, OR A VERBAL DISCLOSURE OF ABUSE BY THE CHILD;

(4) THE DYNAMICS AND EFFECTS OF CHILD SEXUAL ABUSE, INCLUDING GROOMING BEHAVIORS AND THE DISCLOSURE OF CHILD SEXUAL ABUSE BASED ON THE DEVELOPMENTAL STAGES OF THE CHILD, INCLUDING DELAYED DISCLOSURE;

(5) THE DYNAMICS AND EFFECTS OF PHYSICAL AND EMOTIONAL CHILD ABUSE;

(6) THE DYNAMICS AND EFFECTS OF DOMESTIC VIOLENCE, INCLUDING COERCIVE CONTROL, LETHALITY ASSESSMENTS, LITIGATION ABUSE, AND THAT DOMESTIC VIOLENCE CAN OCCUR WITHOUT A PARTY SEEKING OR OBTAINING A PROTECTIVE ORDER OR WITHOUT DOCUMENTED EVIDENCE OF ABUSE;

(7) THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON CHILDREN AND THE IMPORTANCE OF CONSIDERING THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON CHILDREN WHEN MAKING CHILD CUSTODY AND

VISITATION DECISIONS;

(8) THE POTENTIAL IMPACTS OF EXPLICIT AND IMPLICIT BIAS ON CHILD CUSTODY DECISIONS;

(9) BEST PRACTICES TO ENSURE THAT REASONABLE AND FEASIBLE PROTECTIVE MEASURES ARE TAKEN TO REDUCE THE RISK OF TRAUMATIZING OR RETRAUMATIZING A CHILD THROUGH THE COURT PROCESS, INCLUDING AVAILABLE METHODS TO OBTAIN RELEVANT INFORMATION WITHOUT THE NECESSITY OF REPEATED, DETAILED TESTIMONY FROM THE CHILD;

(10) AVAILABLE PROTECTIONS FOR FAMILIES, INCLUDING THE SEALING OF RECORDS;

(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;

(12) THE LIMITATIONS OF SEXUAL OFFENDER EVALUATIONS AND RISK ASSESSMENTS;

(13) THE TOOLS COURTS CAN USE TO ASSESS THE CREDIBILITY OF A CHILD WITNESS AND INFORMATION ON HOW CHILD THERAPY METHODS, INCLUDING EXPRESSIVE ARTS, ARE LEGITIMATE THERAPEUTIC TOOLS TO MEASURE THE DEGREE OF TRAUMATIC IMPACT AND THE EFFECTIVENESS OF THERAPEUTIC AND SYSTEM INTERVENTION;

(14) THE CORRELATION BETWEEN CHILD SEXUAL ABUSE AND CHILD PORNOGRAPHY; AND

(15) STANDARDS FOR THE KNOWLEDGE, EXPERIENCE, AND QUALIFICATIONS OF CHILD SEXUAL ABUSE EVALUATORS AND TREATMENT PROVIDERS AND THE LEGAL AND ETHICAL CONSIDERATIONS OF APPOINTING AN UNQUALIFIED CHILD SEXUAL ABUSE EVALUATOR OR ALLOWING AN EVALUATOR TO PRACTICE OUTSIDE THE EVALUATOR'S FIELDS OF EXPERTISE.

(C) (1) AN ORGANIZATION PROVIDING TRAINING UNDER SUBSECTION (B)

OF THIS SECTION ON CHILD ABUSE MUST HAVE AT LEAST 3 YEARS' EXPERIENCE IN TRAINING PROFESSIONALS ON CHILD ABUSE OR HAVE PERSONNEL OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS' EXPERIENCE IN WORKING DIRECTLY IN THE FIELD OF CHILD ABUSE PREVENTION AND TREATMENT.

(2) AN ORGANIZATION PROVIDING TRAINING UNDER SUBSECTION (B) OF THIS SECTION ON DOMESTIC VIOLENCE MUST HAVE AT LEAST 3 YEARS' EXPERIENCE IN TRAINING PROFESSIONALS ON DOMESTIC VIOLENCE OR HAVE PERSONNEL OR PLANNING COMMITTEE MEMBERS WHO HAVE AT LEAST 5 YEARS' EXPERIENCE IN WORKING DIRECTLY IN THE FIELD OF DOMESTIC VIOLENCE PREVENTION AND TREATMENT.

(D) THE MARYLAND JUDICIARY SHALL ADOPT PROCEDURES, INCLUDING THE UNIFORM SCREENING OF INITIAL PLEADINGS, TO IDENTIFY CHILD CUSTODY CASES THAT MAY INVOLVE CHILD ABUSE OR DOMESTIC VIOLENCE AS SOON AS POSSIBLE TO ENSURE THAT ONLY JUDGES WHO HAVE RECEIVED TRAINING UNDER THIS SECTION ARE ASSIGNED THOSE CASES.

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

Article – Family Law

9–101.3.

(E) (1) WITHIN A JUDGE'S FIRST YEAR OF PRESIDING OVER CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE, THE JUDGE SHALL RECEIVE AT LEAST 20 HOURS OF INITIAL TRAINING APPROVED BY THE MARYLAND JUDICIARY THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) A JUDGE WHO HAS RECEIVED THE INITIAL TRAINING UNDER PARAGRAPH (1) OF THIS SUBSECTION AND WHO CONTINUES TO PRESIDE OVER CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE SHALL RECEIVE AT LEAST AN ADDITIONAL 5 HOURS OF TRAINING THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION EVERY 2 YEARS.

(3) A JUDGE WHO IS ASSIGNED TO PRESIDE OVER A CHILD CUSTODY CASE INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE MORE THAN 3 YEARS AFTER RECEIVING THE INITIAL TRAINING DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REGISTER FOR AND ATTEND THE NEXT OFFERED INITIAL TRAINING.

(4) THE MARYLAND JUDICIARY SHALL REPORT THE NAME OF A

JUDGE WHO DOES NOT COMPLY WITH THE TRAINING REQUIREMENTS OF THIS SUBSECTION TO THE COMMISSION ON JUDICIAL DISABILITIES.

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

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