

**Senate Bill 594- SUPPORT**

**Child Custody and Visitation - Abuse or Neglect of Child**

**Testimony of Joyce Lombardi, Esq., Director of Government Relations and Legal Services,**

**Baltimore Child Abuse Center**

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Baltimore Child Abuse Center (BCAC) supports Senate Bill 594. This bill would require a family law judge in a custody matter to state the reason for her/his finding that there is no likelihood of further child abuse or neglect by the party. Current law does not require the court to state the reason for its finding. The bill also amends current law to provide that a court may approve a supervised visitation arrangement, with neutral and physically present supervision. Under current law, supervised visitation can be with family members of one party or another. This situation can be ripe for continued conflict for the child and for the protective parent who is left to negotiate with sometime hostile family members.

As Maryland's oldest accredited children's advocacy center, BCAC provides trauma-informed services with a multidisciplinary team approach that includes law enforcement, forensic interviewers, social service workers, prosecutors, family advocates, and medical and mental health providers. Since its inception over 30 years ago, BCAC has provided services to over 40,000 children and their families, most of them children reporting that they have been victims of child sexual abuse. BCAC has also trained thousands of professionals who work with youth on how to prevent, identify and report child abuse.

As director of BCAC's legal department, I have witnessed the interplay of child abuse allegations and custody disputes, and have referred several of our clients and their families to lawyers who are skilled in this area. I am also honored to serve on Governor Hogan's Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, which has studied systematic and statewide evidence of a troublesome trend showing that children and the protective parent are not seen as credible when reporting abuse because the family is in a custody proceeding.

There is a pervasive myth that a child's allegations of abuse, especially sexual abuse, during a contested custody matter is likely to be fabricated. Research shows, however, that children very rarely fabricate child sex abuse, as low as 2 percent of all cases. Some estimates are higher, but never as much as lay people and some family law court personnel believe.

One of the goals of a children's advocacy center is to perform a highly skilled narrative interview in a neutral, child-friendly setting that elicits a neutral narrative response of what if anything happened, in a child's own words. A skilled forensic interview is key for investigating bodies such as CPS or law enforcement to assess allegations. Yet custody disputes are often decided on far less detail or credible evidence, very little of it emanating from the child himself from a trauma-informed skilled forensic approach. Requiring a judge to detail exactly what evidence she used to determine "no likelihood of further abuse" – something very difficult even for a trained trauma expert to assess -- could help courts and parties assess the quality of evidence presented and counter persistent bias of "fabrication" in custody disputes.

We urge a favorable report on SB594.