

SENATE BILL 355

STATE OF MARYLAND

EXECUTIVE DEPARTMENT

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JOHN C. WOBENSMITH
SECRETARY OF STATE

January 22, 2021

Senator William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Letter of Information – Senate Bill 355 – Family Law – Custody Evaluators – Qualifications and Training

Dear Senator Smith:

Senate Bill 355 was drafted for the purpose of requiring child custody evaluators to meet certain eligibility and training requirements. These requirements should, and must be met in order to be appointed or approved as a custody evaluator for Maryland courts, particularly in cases when domestic or child abuse allegations are present. Research strongly supports that custody cases sending children back to their abusers are often the foundation of the house on which future crime, health, societal ills, and other adverse childhood experiences are built. This legislation will benefit countless children and protective parents who have or currently are going through a custody case in which they are at risk of an abusive parent gaining custody.

As the Secretary of State, I have oversight of the State's Address Confidentiality (Safe at Home) Program and work closely with Anne Hoyer, Program Director. Ms. Hoyer and her staff frequently hear from and/or work with protective parents experiencing custody issues within the family court system. We frequently receive emails and phone calls from protective parents who are in various stages of these complex custody cases. Sometimes they ask us for other resources that may be helpful, such as legal aid programs. Other times, these parents have already lost custody of their children, sometimes not having seen or talked to them in years. I believe most would agree that, seeing firsthand, this kind of debilitating trauma and other unique challenges so frequently is so disheartening. Thankfully, for myself and the Address Confidentiality Program staff, these difficult cases only continue to keep our commitment and drive directed at making positive change.

Senator Mary Beth Carozza served as a member of the *Workgroup to Study Child Custody Court Cases Involving Child Abuse or Domestic Violence Allegations*, created by Chapter 52 in 2019. The workgroup was tasked with examining issues that arise as these cases move through

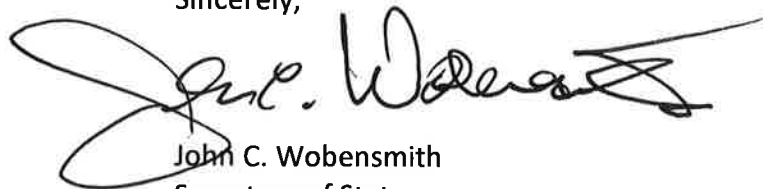
the justice system. As Chairman of this group, I was pleased to work alongside Sen. Carozza, and additional workgroup members, including other Maryland legislators, parents impacted by current practices within the family court, as well as domestic violence, child abuse, and custody experts and organizations. We were lucky to hear testimony from experts across the country, as well as the testimonies of protective parents and sadly, we also heard from a Maryland mother whose 15 month old son 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, 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 make legislative change to better protect these vulnerable children and families.

During the 1st of 14 meetings of the above workgroup members, [H.Con.Res.72](#), was read aloud. This Resolution was drafted to express to Congress that child safety is the first priority of custody and visitation adjudications of custody where family violence is alleged. We discussed the significance of this in relation to our workgroup and how it aligns with our dedication to this mission in Maryland. According to the resolution, approximately 15 million children are exposed to domestic violence and/or child abuse each year. This is a staggering reminder of how important it is that we prioritize the well-being and safety of children. Research confirms that allegations of domestic violence, child abuse and child sexual abuse are often discounted when raised in child custody litigation.

On September 15th, 2020, the final report for the ***Workgroup to Study Child Custody Court Cases Involving Child Abuse or Domestic Violence Allegations*** was submitted to Governor Hogan, Senate President Ferguson and House Speaker Jones. Senate Bill 355 was drafted as a result of the workgroups final recommendations regarding the training and education requirements for child custody evaluators. This final report reflects the expert testimony and presentations that the workgroup received and the thorough and thoughtful deliberation in which the workgroup engaged. In the drafting of this bill, we are grateful that Senator Carozza took into consideration the results of the final report, along with all of the data and expert testimonies during the drafting of Senate Bill 355. The final report can be found [here](#). Recommendations 12 through 24 are applicable to this legislation and can be found beginning on page 12 of the document.

As you can see, there is still much work to be done. The implementation of this legislation will be an important step forward into ensuring the safety and well-being of children and protective parents 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 horizontal stroke at the end.

John C. Wobensmith
Secretary of State