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**Date: January 22, 2021**

**From: Daniel G. Saunders, Ph.D., Professor Emeritus**

**To: Maryland Senate Judicial Proceedings Committee**

**Re: Maryland Senate Bill 355: Custody Evaluators Qualifications and Training**

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee, I am grateful for the opportunity to voice my support for Senate Bill 355 and provide some comments.

I am Professor Emeritus at the University of Michigan's School of Social Work. In October 2019, I had the honor of providing detailed in-person and written testimony to Maryland's "Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations" (written testimony at [http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/Testimony\\_by\\_Daniel\\_Saunders.pdf](http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnChdAbuseDomViol/Testimony_by_Daniel_Saunders.pdf); video testimony at <http://mgahouse.maryland.gov/mga/play/ec54a59f-cbd7-4a4a-95ed-dd4010b6381d/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&autostart=true> )

The implementation of your Workgroup's recommendations will significantly improve the lives of Maryland's families by increasing the safety and well-being of survivors of domestic abuse and their children. This bill flows directly from the Workgroup's recommendations.

A clear strength of the bill is the requirement that evaluators have 60 hours of initial training and 10 hours of continuing education every two years. Research shows that ongoing training is necessary for effective responses to domestic abuse in the health care field. It seems likely that similar "booster sessions" are needed for custody evaluators.

Another clear strength is that the bill requires training on all forms of domestic violence, including sexual violence, stalking, and psychological aggression. As recommended by the Workgroup, I suggest that "coercive behavior" be specified as a form of psychological aggression. This form of abuse can occur without physical abuse yet can be extremely harmful to abuse victims and their children and abusively pressure victims in custody proceedings.

The list of required training topics is comprehensive. However, two other topics would be important to include:

a) Assessment of the risk of future child abuse and domestic violence, including lethality assessment. A fundamental purpose of evaluations must be assessing the risk of future harm to

the children and parents. The risk to parents needs to be assessed because children are safe only when their parents are safe.

b) Bias reduction education. As I summarized in my testimony before the Workgroup, our research found that gender bias is related to accepting myths about custody-visitation in domestic abuse cases and evaluators' recommendations that abusers be given joint or sole custody and unsupervised visits. Bias reduction education needs to be a sustained effort (See in particular Dr. Patricia Devine's work at the University of Wisconsin). The National Center for State Courts has training material for judges on implicit bias, much of which can be applied to evaluators ( <https://ncsc-search.squiz.cloud/s/search.html?collection=ncsc-meta&profile=default&query=bias> ). Bias reduction for evaluators is also a focus of the Association of Family and Conciliation Courts' Guidelines for Examining Intimate Partner Violence (2016 <https://www.afccnet.org/Portals/0/Center%20for%20Excellance/Guidelines%20for%20Examining%20Intimate%20Partner%20Violence.pdf> )

This Committee might also consider requirements specifying the scope of custody evaluations recommended by the Workgroup, including the areas for data collection and analysis and the areas to include in presenting findings. These requirements are likely to reduce bias. California is one of the states with such requirements ([https://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5\\_220](https://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_220) )

Thank you for the opportunity to provide comments on this very important legislation aimed at enhancing the safety of your citizens.