

Testimony of
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In Support of Maryland Senate Bill 355
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We desperately need legislative change to improve the qualifications and training for the individuals who are making what are ultimately life or death decisions for the welfare of children. Thank you Senator Carozza and Senator Lee for sponsoring this important bill and the opportunity to testify before the Senate Judiciary Committee. Senate Bill 355 will save children's lives.

I am a protective parent. This story is important – and I am risking the safety of my children, and their continued access to me, as well as my own safety, by sharing it with you. The details and facts that I will share with you are already a matter of public record. My experiences as a protective parent demonstrate the urgency and importance of this much needed legislation.

My case started on July 2, 2015. I was married, and a stay-at-home mother to 3 children, ages 4, 2.5, and 5 months old. After returning home from preschool, my 4 year old son disclosed to me that his biological father, my then-husband, had been playing a game with him called "poisonous snake". He acted it out, and told me that he had to "drink the milk from the snake, or daddy won't play baseball with me anymore". My son told me this had happened in his room at bedtime when his father was putting him to bed. During these times I was downstairs doing dishes, taking care of my 5 month old, or when I was out of the house, as I had been the night before his disclosure, attending a church outreach meeting. And that he had also played these games with his paternal grandfather. My son told me that he didn't want to play these games anymore.

I fled with my children. I reported it: to CPS and the police. My son later recounted a similar story, at different times, to 2 other adults, including to his maternal grandmother, and to a therapist at a nationally accredited child advocacy center.

Custody evaluator involvement and lack of training and experience

My ex-husband and his attorneys requested a custody evaluator, Dr. Gina Santoro. While I had brought up concerns about her expertise in child sexual abuse to my attorneys, my attorney at the time assured me that *"Dr. Santoro is a licensed psychologist and has also been a school psychologist. Her experience would include children who have been abused...She has been qualified as an expert in several counties in Maryland – the qualification would be in the area of psychology."* (Email from C. Nicholson, September

1, 2015). Furthermore, I was told by my attorney that I had to consent to a custody evaluator, because the court would view my refusal negatively and would view me as uncooperative. Because of the allegations of sexual abuse, I was told by my attorney that I was already at risk of losing complete access to my children. I consented. Her fee for conducting a child custody evaluation was \$25,000. This doesn't include fees required for any travel, court time, depositions, or any of her preparation time, which ultimately cost me several thousand dollars more. Dr. Gina Santoro was assigned to my custody case as the custody evaluator by consent order.

Dr. Gina Santoro had a PhD in school psychology, but no experience or expertise in child sexual abuse, which was the entire crux of my custody case. In addition, none of my children were school age at the time: I had an infant, a toddler, and a preschooler. I'll share with you excerpts from her deposition of questions (Q) asked of her, by my second attorney, Ferrier Stillman, and the responses (GS) of Dr. Santoro, the custody evaluator.

Deposition of Dr. Gina Santoro, custody evaluator, regarding experience and training

Q. *Would you agree that the phrases "child sexual abuse" "child abuse" and "sexual abuse" do not appear anywhere on your CV?*

GS: Yes.

Q. *Do you agree that the phrase "forensic interview" and "forensic interviewing" don't appear anywhere on your CV?*

GS: Yes

Q. *Did any of that coursework include a course in child sexual abuse or anything related to it?*

GS: No.

Q. *Did - at any point during your doctoral programs when you were getting both your Ph.D and your Ed.S., did you take any courses that were specifically about child sexual abuse?*

GS: No.

Q. *Did you take any course focused only on sexual abuse?*

GS: No.

Q. *Did you take any course only focused on any type of sexual or domestic violence?*

GS: No.

Q. *Okay. When you got your master's degree in school psychology at Towson University, did you take any courses that were focused primarily on child sexual abuse?*

GS: No.

Q. Did you take any courses during your master's program that were focused primarily on sexual abuse?

GS: No.

Q. Did you take any courses that were focused primarily on forensic interviewing?

GS: No.

Q. When you got your bachelor's degree in psychology from Salisbury University, did you take any courses that focused on either child sexual abuse, sexual abuse or forensic interviewing?

GS: No.

Q. How about - and this may be even harder --when you were getting your master's, do you recall how many courses had some focus --

GS: Uh-huh.

Q. -- some coverage of child sexual abuse?

GS: I don't recall.

Q. Okay. When you were getting your Ph.D., do you recall how many courses covered the issue of sexual abuse?

GS: I don't.

Q. Okay. Do you - how about for your master's?

GS: No, I don't.

Q. Okay. When you were getting your doctorate, do you recall how many courses, if any, covered, at least in part forensic interviewing?

GS: No, I don't.

Q. Did you evaluate any children to determine if they had been sexually abused when you were at Millersville?

GS: No.

Q. Did you evaluate any children to determine if they had been physically abused or mentally abused when they - when you were at Millersville?

GS: No.

Q. Okay. Did you conduct any forensic interviews when you were at Millersville?

GS: No.

Q. When you worked in the local school system, did you do any work evaluating or investigating or treating child sexual abuse?

GS: No.

Q. So as a school psychologist, from when you finished your Ph.D. program until you stopped being a school psychologist, did you ever evaluate a child to determine if he or she was a victim of sexual abuse?

GS: No.

Q. Did you ever evaluate a child to see if he or she was a victim of any type of abuse?

GS: No.

Q. Did you ever conduct any forensic interviews?

GS: Forensic interviews as a school psychologist?

Q. Yes.

GS: No.

Q. Okay. Now, of the 139 court ordered psychological evaluations [listed on Dr. Santoro's CV], did you ever do an evaluation to determine if a child had been the victim of child sexual abuse?

GS: No.

Q. Of the 139 court ordered psychological evaluations, did you ever do an evaluation to determine if the child had been a victim of any type of abuse?

GS: No.

Q. In what fields or areas of expertise have you been found qualified by a judge to be an expert witness?

GS: Also something I don't keep exact track of. So I have been qualified as an expert in custody evaluations, in psychological assessment for different age groups, for children or adolescents or adults. I have been qualified as an expert in pediatric psychology, in reunification. Topic specific. I believe I've been qualified as an expert in autism and ADHD.

Q. Have you ever been qualified as an expert in child sexual abuse?

GS: No.

Q. Have you ever been qualified as an expert in child abuse more generally?

GS: No.

Q. Okay. Have you ever been qualified as an expert in any type of child abuse?

GS: No.

Q. Have you ever been qualified as an expert in any type of sexual abuse?

GS: No.

Q. Have you ever been qualified as an expert in domestic violence or intimate partner violence?

GS: No.

Judicial Ruling

The Honorable Michael DiPietro, the presiding judge for my case and now Judge-In-Charge of Family Court for Baltimore City Court Family Division, accepted her testimony and many of her recommendations as custody evaluator. From the oral ruling in my case,

in Judge DiPietro's own words: *"I know that there was testimony suggesting that Dr. Santoro did not have the requisite knowledge, training and skills to perform this evaluation, or the evaluation in this case given the nature of the allegations. **I disagree.**"* [emphasis added]. DiPietro further stated, *"So testimony was received from Dr. Santoro that to a reasonable degree of certainty, that it was extremely unlikely that abuse occurred... I do find [her] testimony credible and afford it great weight."*

The judge heard the arguments about her lack of qualifications and training related specifically to child sexual abuse, but still found her testimony credible and accepted her recommendations.

This is why the legislation in Senate Bill 355 is desperately needed: we need legislative guardrails to protect children. Per the Association of Family and Conciliation Courts Model Standards of Practice for Child Custody Evaluation, *"Evaluators shall only conduct assessments in areas in which they are competent. Evaluators shall have the professional knowledge and training needed to conduct assessments in which special issues are reasonably likely to arise. Such special issues may include...acknowledged or alleged child maltreatment including child sexual abuse..."*

Professionals such as Dr. Santoro, the custody evaluator in my case, should have adhered to the ethical and professional code of conduct that govern her practice as a custody evaluator, but she did not. And a judge listened to her recommendation anyway. Those checks and balances failed: this is precisely why we need this legislation.

There's no guidebook for protective parents or victims of violence on how to navigate a very complex family court system. A custody evaluator should never be allowed to make recommendations and testify as an expert when they do not have BOTH the appropriate training and the experience in the specific type of child maltreatment or domestic violence that is at the heart of the custody case. We need legislation to ensure that.

I have been my children's primary caregiver since their birth. I had reported abuse, in good faith, to both CPS and the police as is required of me by Maryland Family Law Statute 5-705: *Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.*

But yet, Dr. Santoro recommended that I lose full physical and legal custody of my children and only be permitted to have supervised telephone calls for a period of 4-6 months. After that time, she recommended that I may gradually be permitted to have unsupervised visitation with my children, if I was assessed by an independent mental health professional, having undergone cognitive therapy, and if I completed a course in child development and behavior.

The worst day of my life was July 21, 2016 when Judge DiPietro ruled: I lost legal custody, and 50% physical custody of my children to the person my son had told me and 2 other adults had sexually abused him. Judge DiPietro said: *"Again, if [mother] is of the belief that [father] is an abuser, then I do not believe that she will make legal custody decisions that would necessarily be in the best interest of the children. For example, I'm concerned about giving [mother] sole authority over the choice of medical and therapeutic treatments for the boys. I'm concerned about whether that would be necessarily in their best interest or would it be done to further some other objective."* I lost legal custody, according to Judge DiPietro, because I had believed the abuse occurred. I believed my son.

Judge DiPietro further ordered that "extended family members, except for [paternal grandparents], are precluded from visiting the Children" for months after his ruling. My children could not see any members of my extended family: my children's cousins, aunts, uncles, grandparents. A huge part of their social support, and my own.

The psychological trauma from Judge DiPietro's oral ruling was so severe that I **lost consciousness**. The court halted the proceeding, called 911, and paramedics came into the court room to care for me.

Consequences of reporting abuse

As a further consequence of reporting abuse: I was forced to file Chapter 7 bankruptcy due to extraordinary legal fees, I lost my home, and nearly 6 years later my wages continue to be garnished by the Best Interest Attorney, Renee Ades, who charged over \$360,000 in my case - an amount which was approved by Judge DiPietro. \$352,777.98 of which was charged for 12 months of work from the period of August 2015 to August 2016. In the state of Maryland, I learned, BIA fees are non-dischargeable in Chapter 7 bankruptcy.

Before the issue of sexual abuse and custody had been adjudicated, and during the time period when my children were still having supervised visits with their father, I expressed

concern that the BIA and supervisor were allowing him to bathe the children during his supervised visits.

The best interest attorney, Renee Ades, responded by sending this email to the custody evaluator (Dr. Gina Santoro): *"I am not happy that Katie is circumventing baths with the boys. Hopefully, the boys will get filthy playing outside today so there will be no choice but [for father] to give them a bath. Thoughts?"* [email from Renee Ades, Esq. to Dr. Gina Santoro on November 1, 2015]

More education and training is needed on trauma and the dynamics of child sexual abuse for all who are involved in making decisions about child welfare in situations of family violence: custody evaluators, best interest attorneys, judges, attorneys, supervisors, co-parenting coordinators, and others. More accountability is needed as well. This bill is a start.

To even get the case to trial in order for a judge to hear the issue of child sexual abuse cost me over \$700,000, the vast majority of which was borrowed from my parents since I was unemployed as a stay-at-home mom and had no assets of my own, except a retirement account which I liquidated to pay legal fees. My parents, who live in another state, were until a couple months ago still paying approximately \$7,000/month in loans they took out to pay Maryland attorneys' fees to protect my children for the custody case in 2015-2016.

There hasn't been a single month since July 2015 that I haven't faced litigation against me. My custody case is still ongoing because my ex-husband – a high earner who made \$2.944 million last year – has continued to file motions and/or lawsuits against me in multiple courts, family court, district court, federal bankruptcy court – and recently disclosing in the family law case that he is spending over \$19,500/month in legal fees.

About a month after he filed the last motion to change custody, my children's father left all 3 of our children unattended with a firearm. A hunting rifle. Which my oldest son picked up thinking it was a toy, in a room with his younger siblings.

Legislation around danger assessments and lethality assessments are also desperately needed.

If my children, and specifically my son who disclosed the abuse - had the benefit of having a custody evaluator who was an expert in child sexual abuse and had received extensive training in the dynamics of child sexual abuse and the power and control

dynamics of intimate partner violence and coercive control, including litigation abuse, I believe the outcome of this custody case would be better for my children. My children and I could have been spared a lot of additional trauma, heartache, and pain. We would not continue to be revictimized by the very system we turned to for help to protect us.

It's a matter of public record that the custody evaluator in my case is still representing herself as an expert in child sexual abuse cases.

My story reflects systemic issues that protective parents and victims of family violence face when they seek safety, and shows that abuse does not stop when you leave. This is precisely why Senate Bill 355 urgently needs to be enacted: to protect children, and to make sure that those tasked with making decisions that have lifelong repercussions for the physical and mental health of our State's children have the proper training and experience to do so.

Tragically, my story is not unique. I am providing testimony to the Senate Judiciary Committee in support of SB 355, because Maryland desperately needs legislative change to protect children in custody cases involving domestic violence and/or child abuse. By speaking out, I am taking an enormous risk. I am terrified of how this testimony will be used against me in family court. I am terrified how a judge might rule in my case because I have spoken out about my experiences to the legislative branch. And, I am fearful that I am jeopardizing my children's access to me, and our safety. Please pass SB 355.

I am also asking you to consider other legislation including fixed caps on fees for custody evaluators and best interest attorneys, legislation on danger and lethality assessments, and legislation that ensures accountability for those who are making decisions that impact children for the rest of their lives. So that no other protective parent and her children have to endure what we have.