



Working to end sexual violence in Maryland

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Information Regarding House Bill 1036
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence.

House Bill 1036 –The Maryland Coalition Against Sexual Assault includes the Sexual Assault Legal Institute, one of the very agencies regularly handling family law cases involving allegations of child sexual abuse and intimate partner sexual assault. These cases are often highly contentious. Survivors of domestic violence and parents who have tried to protect their child from sexual abuse face high hurdles and great skepticism all too often. Judges and attorneys for children play a critical role in these cases. HB1036 would impose training requirements to help provide these professionals with the expertise they need to effectively perform their important roles. It would also impose a requirement that a lethality assessment be performed.

MCASA supports the intent of this bill but is concerned about moving the educational and training requirements for judges and court appointed attorneys out of the purview of the Judiciary branch. In particular, we express concern about the requirement that cases involving child abuse or domestic violence be assigned only to judges who have had the required training. Some counties have very small benches and if the judges in these counties chose not to attend the training, it is unclear how the legislation would be implemented. Additionally, regarding the lethality assessment requirement, the lethality assessments are not appropriate for child sexual abuse cases and not designed to be used by courts.

Many of the issues addressed by SB1036 would be better addressed by providing victims of domestic violence and protective parents with attorneys, and by ensuring that those attorneys have the resources needed to present expert testimony and evidence appropriate in a particular case.