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INFORMATION ONLY ABOUT HOUSE BILL 1036

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The House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House Bill 1036 sets out the educational and training requirements for judges and attorneys appointed as child counsel, and it requires the court to order a danger and lethality assessment in cases involving child abuse or domestic violence.

The House of Ruth believes it is important that judges and attorneys appointed as child counsel receive training on the adverse childhood experiences study, trauma, domestic violence, child abuse, and emotional abuse. Under current law, the Chief Judge of the Court of Appeals has the authority over the training requirements for judges in Maryland. Attorneys who seek to be appointed as child counsel are governed by the Maryland Rules of Court and the Maryland Guidelines for Practice for Court-Appointed Attorneys Representing Children in Cases Involving Child Custody or Child Access. We believe that the Chief Judge and Maryland Rules of Court are the correct mechanisms for determining appropriate training for judges and attorneys appointed as child counsel.

The House of Ruth supports the intent of this bill but is concerned about moving the educational and training requirements for attorneys appointed as child counsel from the Maryland Rules of Court to statute, while leaving the rest of the conditions governing child counsel in the Maryland Rules.

In addition, HB 1036 requires judges in custody and visitation proceedings to order a danger and lethality assessment in cases involving domestic violence and child abuse. The most commonly used lethality assessment tool in Maryland is only valid in cases involving men abusing women and has not been tested in cases involving women abusing men, same sex couples, or cases of child abuse. Requiring the court to order a lethality assessment has several important problems. First, a danger/lethality assessment is a snap shot in time of a woman's current risk of being killed by her abuser. The assessment does not predict future abuse. For example, a woman could have a very low lethality assessment score, meaning she is at low risk of being killed by her abuser, but still be at high risk for being subjected to future non-lethal acts of abuse. Second, a person who administers a lethality assessment must be fully trained; it cannot simply be administered

by untrained court personnel. Third, the staff who administer lethality assessments must also be trained on how to discuss the assessment's import with the victim. Telling a litigant her lethality assessment without fully explaining the meaning and creating a safety plan is about as helpful as telling a person their high blood pressure number and not talking to them about changes in diet, exercise, and medication. At best, it is unhelpful and at worse, could lead to death.