

**Written Testimony of
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In Support of Maryland House Bill 1036
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We desperately need legislative change to improve the qualifications and training for the judges and other individuals who are making decisions for the welfare of children that have implications for children's health throughout their 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.

Judicial ruling

The custody evaluator in my case, Dr. Gina Santoro, was a school psychologist. When Dr. Santoro was asked under oath involving her qualifications:

Q. Did you take any course only focused on any type of sexual or domestic violence?
GS: No.

Q. ...did you do any work evaluating or investigating or treating child sexual abuse?
GS: No.

Q. ... 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. Have you ever been qualified as an expert in child sexual abuse?
GS: No.

Q. ... 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 domestic violence or intimate partner violence?
GS: No.*

The Honorable Michael DiPietro, the presiding judge for my case and now Judge-In-Charge of Family Court in charge of Baltimore City family court, accepted the testimony and many of the recommendations of Dr. Gina Santoro, the 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 Dr. Santoro's 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 Maryland House Bill 1036 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. 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.*

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. Research shows that the single most important factor in promoting resiliency for children who have experienced family violence is the presence of safe, supportive and nurturing relationshipsⁱ – and in one ruling, a judge not only limited my ability as a parent to provide that, but my children’s entire maternal extended family.

The psychological trauma from his 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 and August 2016. In the state of Maryland, I learned, BIA fees are non-dischargeable in Chapter 7 bankruptcy.

Actions of the best interest attorney

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: *“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]

This evidence was heard during the trial by Judge DiPietro

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: judges, best interest attorneys, custody evaluators, attorneys, supervisors, co-parenting coordinators, and others. More accountability is needed as well. Maryland House Bill 1036 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 few

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, in a room with his younger siblings.

Legislation around danger assessments and lethality assessments are also desperately needed, which this legislation addresses.

If my children, and specifically my son who disclosed the abuse - had the benefit of having a judge, best interest attorney, and custody evaluator who had received 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.

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. And this is exactly why House Bill 1036 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 to do so.

Tragically, my story is not unique. I am providing testimony in support of House Bill 1036, 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, 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. 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.

ⁱ Center for Disease Control and Prevention (CDC) (2019). Essentials for childhood: steps to create safe, stable, and nurturing relationships and environments for all children. Retrieved

on March 2, 2021 from <https://www.cdc.gov/violenceprevention/pdf/essentials-for-childhood-framework508.pdf>