



BILL NO: House Bill 1036
TITLE: Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges and Child's Counsel
COMMITTEE: Judiciary
HEARING DATE: March 4, 2021
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Judiciary Committee to issue an unfavorable report on HB 1036.**

House Bill 1036 would require a lethality assessment be conducted in any child custody or visitation cases when there are reasonable grounds to believe that there may be child abuse or domestic violence. The lethality assessment in Maryland (Lethality Assessment Program – Maryland Model, hereinafter “LAP”) is the product of years of work led by MNADV, supported by federal grants, and based on the research of Dr. Jacquelyn Campbell of Johns Hopkins University. The LAP has been identified as a “supported intervention” according to the Center for Disease Control’s (CDC) Continuum of Evidence Effectiveness, and as a “leading promising practice” by the Office on Violence Against Women (OVW). It is a multi-pronged intervention that consists of a simple, evidence-based lethality assessment instrument and accompanying protocol that helps first responders provide a response tailored to the unique circumstances of High-Danger victims, those at the greatest risk of being killed. The primary objective of the LAP is to encourage those High-Danger victims to access life-saving domestic violence services. Since 2018 more than 800 agencies in 39 states are conducting the LAP with the leadership of MNADV. Several of those states are implementing the LAP across all counties and have established teams who oversee its implementation including Connecticut, Maryland, Pennsylvania, and New Hampshire.

The LAP is not an instrument developed for use in child abuse cases and is not an instrument developed for use in custody proceedings where there may be domestic violence. When implemented with fidelity, the LAP identifies High-Danger victims whose potential for lethal harm may not have been identified by law enforcement when they are responding to a call for assistance, and connects them with potentially life-saving services, thus addressing a gap in service provision and criminal justice response. It is not predictive of future assaultive behavior. It is predictive of the risk to a victim at that moment in time when the screening is conducted. When a High-Danger victim has been identified, the LAP protocol provides that the victim be immediately connected via a hotline call to the local domestic violence service program (DVSP) for emergency safety planning and enhanced service provision.

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MNADV would welcome the opportunity to develop an assessment to assist courts in custody and visitation cases with suspected domestic violence. However, the current LAP is not the appropriate assessment to be used in that situation. To develop a new instrument, MNADV would require funding and the cooperation and collaboration of system stakeholders to obtain the necessary data to develop, validate and implement an assessment specifically developed for that purpose.

House Bill 1036 outlines extensive training for judges that preside over child custody cases that involve child abuse and domestic violence as well as training requirements for attorneys that represent a child or children in those custody proceedings including best interest attorneys, child's advocate attorneys, and child's privilege attorney. MNADV believes that judges, magistrates, and attorneys should be fully trained on current science and research on topics related to adolescent development, Adverse Childhood Experiences, domestic abuse, child abuse, and other traumas. The current requirements for judiciary trainings resides with the Chief Judge of the Court of Appeals and should remain there. The training requirements for child's counsel is found in the Maryland Rules and the Maryland Guidelines for Practice for Court-Appointed Attorneys Representing Children in Cases Involving Child Custody or Child Access. As research and science is ever evolving new legislation would be required to modify the training requirements to reflect new understandings of domestic violence, childhood trauma, and best practices. MNADV believes that the training requirements should continue to reside with the current authorities.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 1036.**