

HOUSE BILL 1036 - SUPPORT
Family Law – Child Custody and Visitation
Judicial Proceedings Committee

March 4, 2021

Testimony by:

Protective Parent

(“FAITH W.”)

State of MD Address Confidentiality Program Participant

Thank you to the Honorable Chair, Vice Chair and Members of this Committee. The purpose of this letter is to urge the Committee to vote favorably for **House Bill 1036** entitled **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel.**

In the Biblical narrative of Noah, when the flood subsides he sends a dove out of the ark to test if there is a safe place for her to rest her foot or if, finding none, she will return to the ark. When the dove finds no such place to rest – no safe haven that is suitable for her needs– she promptly flies back to the ark and Noah pulls her inside.

While the Biblical ark was a place of safety and provision and rest, there are far too many arks today that are places of darkness and violence and despair for our children. Our children, our previous doves, are far too often sent back to the places where hands molest and fists punch and tongues deride and words demean under the banner of unsupervised visitation; for even after an abused spouse finds the courage to leave a home in which domestic violence has prevailed, that parent often finds herself (or himself) standing before a legal system in which it is presumed that mother and father are both suitable parents by virtue of their biological tie to the child in the suit.

And then the biological tie becomes the proverbial tie that binds.

In some cases, it binds children to chairs while they are being beaten, it ties the hands behind the backs of the abused parent who wishes nothing more than to protect their child but who is punished in court for speaking truth about the potential for harm, and it ties the child to an abusive parent who has no intention of performing those noble acts of parenthood that every parent should aspire to achieve.

My divorce and custody case took place outside of the state of Maryland and I was fortunate to stand before a judge who was wise in his assessment of my case. After assessing the testimony and facts that we brought before his bench, he never allowed my ex-husband to have any form of visitation with my two oldest children because he did not presume that mother and father are automatically fit parents. In fact, in order to be fair, he ordered assessment of us both (although there were never any charges of abuse levied against me) and then he made his decision.

The family court judge’s wise decision quite possibly saved someone’s life.

The family court judge’s acknowledgement that both parents are not presumably fit parents sent a message to my abuser that he would have to climb an uphill journey in order to ever harm any one of

our children again.

Although the family court judge eventually granted my youngest child professionally supervised visitation with my ex-husband, the agency that conducted the visits was certified and considered to be the best in our jurisdiction. Over time, the supervisor testified to the court concerning his trained observations of my ex-husband that I could not have vocalized without falsely being accused of attempting parental alienation.

Supervised visitation using an appropriately certified and trained organization quite possibly saved someone's life.

The trained observations of the supervisor, as they were stated to the court, challenged my abuser's claims that he was fit to begin a routine, unsupervised visitation schedule with our children. Had I testified of the same, I might have been falsely accused of attempting to maliciously alienate my ex-abuser from our children.

The only major issue that I had while in court was with the amicus attorney appointed by the family court because she exhibited undue bias toward my ex-husband – even going so far as to write an affidavit “In Support of Mr.-----“ that she offered for him to use in the criminal trial to defend himself against the two criminal charges that had been filed regarding his abuse toward myself and one of our children. Her conduct was deplorable, and even after my ex-husband formally admitted his guilt of the criminal charges to the criminal court, the amicus appointed by the family court continued to belie on his behalf; and I have never understood why.

As the court appointed amicus attorney, she was selected to be a “friend of the court” – and not a friend of either party in the case. Her charge was to bring information to the court that would have been in the best interest of the children – and she never did.

I often wondered why the amicus' behavior was not accosted by the court. I often wondered if she had been trained properly or at all. I often wondered why any human being would want to add to the pain of a fellow human being whose overwhelming evidence was so convincing to the family court judge that he never allowed two of my children to see their father again.

The court appointed amicus' false and unprofessional allegiance to my ex-abuser might have cost someone's life if the family court judge had not formed his own opinions of my case in advance of her appointment.

I am blessed beyond measure because my case ended well for my children. My ex-abuser's parental rights were eventually terminated and we have not had any contact with him for several years. But if the family court judge had not been informed on the characteristics of a domestically violent individual and if the amicus had prevailed, I wonder what the outcome of my case and my life and the life of my children might have been.

My children are my doves and I am blessed that they never had to return to the ark.

While I do advocate that when both parents are fit that both parents in a divorce-custody arrangement have the boundless opportunity to love and to raise their children in their separate households, I do not advocate the presumption that blood relations are sufficient to ensure that a child will be safe in the care of either parent.

The heart determines that, not the blood.

Unfortunately, some parental hearts are cold and some officers of the court are uninformed and so the worst can happen if laws are not brought into place that can protect our children.

Our children are our doves. They are in search of a safe place to rest their feet and, if they do not find that place, will be forced to return to the ark.

I write this letter in unwavering support for House Bill 1036 and its cross bill Senate Bill 675.

Your Constituent and Advocate for Women and Children of Abuse:
Faith/Protective Parent