

# HOUSE BILL 1036

D4, D1

1r1152  
CF SB 675

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By: **Delegate Atterbeary**

Introduced and read first time: February 5, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Cases Involving Child Abuse or Domestic Violence – Training**  
3 **for Judges and Child’s Counsel**

4 FOR the purpose of requiring the Maryland Judiciary, in consultation with certain  
5 organizations, to develop a training program for judges presiding over child custody  
6 cases involving child abuse or domestic violence and to review and update the  
7 training program at certain intervals; requiring the training program to include  
8 certain information; requiring the Maryland Judiciary to make information on a  
9 certain training program available on request; requiring the Maryland Judiciary to  
10 adopt procedures to identify child custody cases that may involve child abuse or  
11 domestic violence as soon as possible for a certain purpose; requiring the Maryland  
12 Judiciary to order a certain danger and lethality assessment to be conducted if the  
13 court has reasonable grounds to believe that a child custody or visitation case may  
14 involve child abuse or domestic violence; requiring a judge to receive certain training  
15 or continued training before the judge is authorized to preside over a child custody  
16 case involving child abuse or domestic violence; requiring an individual to receive  
17 certain training or retraining before the individual is authorized to serve as a child’s  
18 counsel in a child custody case involving child abuse or domestic violence; defining a  
19 certain term; providing for a delayed effective date for certain provisions of this Act;  
20 and generally relating to the training of judges and child’s counsel for child custody  
21 cases involving child abuse or domestic violence.

22 BY adding to  
23 Article – Family Law  
24 Section 9–101.3, 9–101.4, and 9–109  
25 Annotated Code of Maryland  
26 (2019 Replacement Volume and 2020 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
28 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Family Law

**9–101.3.**

**(A) THE MARYLAND JUDICIARY, IN CONSULTATION WITH DOMESTIC VIOLENCE AND CHILD ABUSE ORGANIZATIONS, SHALL:**

**(1) DEVELOP A TRAINING PROGRAM FOR JUDGES PRESIDING OVER CHILD CUSTODY CASES INVOLVING CHILD ABUSE OR DOMESTIC VIOLENCE; AND**

**(2) REVIEW AND UPDATE THE TRAINING PROGRAM AT LEAST ONCE EVERY 2 YEARS.**

**(B) THE TRAINING PROGRAM DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE TRAINING ON:**

**(1) THE TYPICAL BRAIN DEVELOPMENT OF INFANTS AND CHILDREN;**

**(2) THE IMPACT OF ADVERSE CHILDHOOD EXPERIENCES, TRAUMA, COMPLEX TRAUMA, AND CHRONIC TOXIC STRESS ON A CHILD’S BRAIN DEVELOPMENT AND THE WAYS THAT A CHILD’S RESPONSE TO TRAUMA VARIES;**

**(3) THE PROCESS FOR INVESTIGATING A REPORT OF SUSPECTED CHILD ABUSE OR CHILD SEXUAL ABUSE, INCLUDING:**

**(I) THE ROLE OF CHILD ADVOCACY CENTERS AND FORENSIC INTERVIEWS;**

**(II) THE LIMITATIONS OF LOCAL DEPARTMENTS OF SOCIAL SERVICES IN INVESTIGATING REPORTS OF SUSPECTED CHILD ABUSE AND CHILD SEXUAL ABUSE; AND**

**(III) THE LIMITATIONS OF THE INVESTIGATION PROCESS, INCLUDING THAT CHILD ABUSE AND CHILD SEXUAL ABUSE MAY HAVE OCCURRED EVEN WITHOUT AN INDICATED FINDING OF ABUSE, ANY PHYSICAL EVIDENCE OF ABUSE, OR A VERBAL DISCLOSURE OF ABUSE BY THE CHILD;**

**(4) THE DYNAMICS AND EFFECTS OF CHILD SEXUAL ABUSE, INCLUDING GROOMING BEHAVIORS AND THE DISCLOSURE OF CHILD SEXUAL ABUSE BASED ON THE DEVELOPMENTAL STAGES OF THE CHILD, INCLUDING DELAYED DISCLOSURE;**

**(5) THE DYNAMICS AND EFFECTS OF PHYSICAL AND EMOTIONAL**