

Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations

December 1, 2019

The Honorable Lawrence J. Hogan, Jr., Governor of Maryland
The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Adrienne A. Jones, Speaker of the House of Delegates

Ladies and Gentlemen:

In accordance with Chapter 52 of 2019, I respectfully submit the following interim report from the Workgroup to Study Child Custody Court Proceedings Involving Domestic Violence or Child Abuse Allegations. As you know, the enabling legislation requires us to (1) study State child custody court processes for when child abuse or domestic violence allegations are made during court proceedings; (2) study available science and best practices pertaining to children in traumatic situations, including trauma-informed decision making; and (3) make recommendations about how State courts could incorporate the latest science regarding the safety and well-being of children and other victims of domestic violence in court proceedings.

As of November 12, 2019, the workgroup has held 10 full workgroup meetings. While 4 of the meetings were working sessions, the other dates were primarily devoted to hearing presentations from various experts and family violence survivors. Topics including custody evaluations, custody outcomes when parental alienation is alleged, childhood trauma and how it impacts the family court process, the evolution of the family court system in Maryland, and the roles of court-appointed lawyers who represent children have all been discussed. The workgroup also heard powerful testimony from a mother who left an abusive relationship and turned to the family court system for protection, only to have her son murdered by his father during an unsupervised visitation. While remaining cognizant of our specific mandates as expressed in statute, the workgroup realizes that our paramount responsibilities are to protect children from the lifelong impacts of trauma caused by child abuse and domestic violence and do all that we can to prevent such a tragedy from happening to another family.

Each workgroup member brings an important perspective to our work, and we are committed to thoroughly studying every aspect of child custody proceedings. Although the workgroup has made exceptional use of its time during the past six months, we have just begun the process of formulating specific findings and recommendations. In addition to the 10 meetings of the full workgroup, three subgroups that were formed in September 2019 have each met numerous times; these subgroups are in the process of developing preliminary recommendations within specifically assigned topics. Because we have learned that the issues that we are studying are so interrelated, we believe it will be beneficial to present one comprehensive set of findings and recommendations, and we will do that when we submit our final report by June 1, 2020. The

December 1, 2019

Page 2

workgroup is ever mindful of the enormity and significance of the charge bestowed upon us. Our work is intended to ensure that victims of abuse are not unnecessarily retraumatized by the court process and that the safety of victims will always be the primary concern. Taking the time to prepare thoughtful recommendations that can initiate meaningful legislation in 2021 is what we owe to children and other victims of family violence in the State.

It is an honor to serve as chairman of this workgroup, and I look forward to our continued work in the months to come.

Sincerely,

A handwritten signature in black ink, reading "John C. Wobensmith". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Secretary of State John C. Wobensmith
Chairman

JCW/JLB/kkh