

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

Meeting Summary – August 6, 2019

The Workgroup to Study Child Custody Proceedings Involving Domestic Violence or Child Abuse Allegations held its fourth meeting of the 2019 interim on Tuesday, August 6, 2019, in Room 101 of the House Judiciary Committee Room in Annapolis, Maryland. The following members were present:

Secretary of State John C. Wobensmith, Chair
Senator Mary Beth Carozza
Delegate Jazz Lewis
Ms. Camille Cooper
Ms. Buffy Giddens
Mr. Paul Griffin
Ms. Sonia Hinds
Ms. Anne Hoyer
Ms. Inga James
Ms. Joyce Lombardi
Ms. Ruby Parker
Ms. Claudia Remington
Dr. Jennifer Shaw
Ms. Nenutzka Villamar
The protective parent member was also present.

Welcome and Introductions

The chairman of the workgroup, Secretary of State John C. Wobensmith, welcomed everyone and invited the audience to participate in the workgroup's activities. He asked the members of the workgroup for their introductions. The workgroup adopted the minutes from the June 11, 2019 meeting.

Advocate Testimony

The workgroup heard from Ms. Eileen King, the Executive Director of Child Justice. Ms. King noted the importance of the pioneering efforts of the workgroup and provided a brief overview of her background and the evolution of Child Justice. Using an example from one of her cases, she spoke of the tremendous and lasting effects of trauma that is experienced in childhood has on individuals and emphasized how critical it is to make the public aware of these impacts. In response to a question from Senator Mary Beth Carozza, Ms. King stated the importance of early interference in addressing abusive situations and taking reports of abuse seriously. Ms. Nenutzka Villamar stated that in her experience, the fact that domestic violence is occurring

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in a home is often held against the non abusive parent, as he or she is accused of failing to protect the child. She inquired whether Ms. King thought that legislation to protect a parent who reports domestic violence from allegations of failing to protect the child would be beneficial. Although Ms. King stated that she has not encountered this situation often in her cases, she thought it would be interesting legislation to further explore and discuss. Ms. Joyce Lombardi expressed the importance of strengthening mandatory reporting laws and enhancing training for the professionals who are required to report suspected child abuse and neglect.

Presentation from Dr. Jennifer Shaw

Workgroup member Dr. Jennifer Shaw next addressed the group and presented on the overall effects of childhood trauma. Dr. Shaw explained that when something is traumatic, it has overwhelmed the baseline capacity to cope; for children, this begins to derail development. Although all people experience trauma, not everyone is necessarily traumatized by it. Dr. Shaw said that sexual abuse is *always* traumatic for a child. Type 1 trauma is an acute event that is generally followed by a phase of safety and stability; Type 2 traumas are traumatic and occur repeatedly over time. Type 2 traumas bring a range of responses, including intense feelings of fear and shame and a loss of trust in others. Complex trauma (also called interpersonal trauma or betrayal trauma) is beginning to be acknowledged more; there is a difference when the traumatic experience involves a trusted caregiver, as the impact is more far reaching and treatment takes longer. Brain development is always altered with complex trauma.

Dr. Shaw also reminded the group of the broad range of sexually abusive behaviors, noting that sexual abuse may include touching and nontouching acts. The Adverse Childhood Experiences Study estimates that 25% of females and 16% of males have experienced sexual abuse as children. Most children (75%) are sexually abused by someone they know; children often believe the abuse is their fault (or may not even understand that the actions are abusive). Warning signs of possible sexual abuse, such as younger children mimicking adult-like sexual behaviors and self-injury in adolescents, were also covered. The remainder of Dr. Shaw's presentation was devoted to sharing and explaining projects created by children during play or art therapy sessions.

Presentation from Sonia Hinds

Workgroup member, Ms. Sonia Hinds next spoke with the group on strategies to create a trauma-informed courtroom. She noted that the stress of a courtroom setting may affect the ability of trauma survivors to communicate effectively. Ms. Hinds advised that children who have been abused may worry that they will be removed from the home or that their parents will be taken away from them. She stressed the importance of creating a safe and compassionate environment, where individuals are listening in order to understand the child and not to criticize or traumatize (e.g., asking "what happened to you" and not "what is wrong with you"). Physical modifications of the environment, such as softer lighting and the presence of security officers, may be helpful as

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can having the judge take off his or her robe and come down to the child's level for the testimony (and/or allowing testimony to be given in chambers). Other strategies may include (1) the availability of small fidgets or allowing the child to hold a favorite toy during testimony; (2) therapy dogs; (3) avoiding long waiting periods; and (4) training attorneys to avoid unnecessary cross examinations. She emphasized that various types of therapy are available and should be used when abuse has occurred. She closed by reading "The Girl Who Lost Her Voice," a brief story about a girl who had to testify in court, as an example of a resource that therapists may use in preparing children for court.

Questions and Discussion

In response to a question from Delegate Jazz Lewis, Ms. Hinds answered that many of the recommendations from her presentation can be accommodated by a judge without any necessary statutory changes. She advised that the aggressiveness of opposing attorneys is the main problem. Ms. Villamar acknowledged that her position may not be popular with the group but cautioned that procedural protections for the child must be balanced against a parent's right to test allegations that may impact that parent's constitutional right to raise his or her child. The interests and rights of a parent must be protected and recognized. Dr. Shaw briefly discussed the therapeutic response to situations in which parents who were abused themselves are abusive to children. Ms. Camille Cooper and Ms. Claudia Remington both expressed concerns with the qualifications of some individuals who have been deemed as experts by the courts when allegations of child abuse have been raised. Dr. Shaw noted that a degree in a related field is not enough and stressed the importance of targeted training and experience.

Closing Remarks and Adjournment

Chair Wobensmith made brief closing remarks and the meeting was adjourned.

Note: This summary has been prepared at the request of the chairman; however, please note that [the archived livestream video](#) of the workgroup meeting is also available and constitutes the official minutes of the meeting.